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Articles and Statements

Predictors of Novelty of Product Ideas: Proposition of Theoretical Model

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Abstract

This study investigates the predictors of novelty of product ideas. Conceptual approach based on the theory has been applied to provide better understanding of the relationship between transformational leadership and two knowledge creation modes (internalization, externalization), as well as the relationship between transformational leadership and novelty of product ideas. We conducted a systematic review of literature regarding the transformational leadership and novelty of product ideas and knowledge creation modes. In the previous literature authors explored the link between transformational leadership and knowledge creation without detailed focus on knowledge creation modes. Therefore, the main contribution of this research is that it is one of the first studies to explore link between transformational leadership and novelty of product ideas, having two important knowledge creation modes as mediators. The main finding of this paper is theoretical model which should be validated by future research in order to be confirmed. Considering nature of the model, it is recommended for future research to conduct validation of the model using structural equation modelling method as the one which will provide reliable conclusions. According to proposed model based on the literature, it is expected that internalization and externalization will be mediators of the relationship between transformational leadership and novelty of product ideas.

Keywords: transformational leadership, knowledge creation modes, novelty of product ideas.

1. Introduction

In this paper we focus on large manufacturing companies in Federation of Bosnia and Herzegovina as sample of exploring this study in the future.

Large companies have relatively greater financial and technological resources for innovation and their resources and capabilities mean that they are better placed for innovation that require large teams, specialised equipment, large scale investment in production facilities, extensive distribution networks or relatively long-time-to-value investments (James et al., 2014).

The reason why we will focus on large manufacturing companies are that some studies confirm that large companies can not innovate (Wessel, 2012; Donnovan, 1994), and some say that transformational leadership help large companies working better and presented as a solution to

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large companies' problems (Laforet, 2008; Sayyadi, 2017). Therefore with our future investigation we would like to help large manufacturing companies in that way.

2. Literature review

In the literature review we provide review of transformational leadership and two knowledge creation modes of novelty of product ideas.

2.1 Transformational leadership

Zwingmann, Wegge, Wolf, Rudolf, Schmidt & Richter (2014) representing the transformational leaders that formulate a vision to followers to focus on higher order intrinsic needs and organizational goals. They inspire followers with an appealing vision, high standards and optimism about future goal attainment. Moreover, transformational leadership encourage creativity and follower's intellectual work. They found relationship between leader and employee which is characterized by trust, recognition and confidence.

Nemaei (2012) & Choudhary, Akhtar & Zaheer (2013) described transformational leaders as individuals who increase confidence, awareness, interest and motivation in the followers by moving the follower's interest from their personal existence to the existence the organizational group. Chen & Chang (2013) believed that transformational leadership can facilitate the introduction of new ideas by providing vision, motivation and intellectual stimulation to follower. Therefore employee are motivated with this style of leadership. This kind of leadership is positively related with organizational innovation. They create teams of innovative people, promoting mutual trust and creating shared vision among followers.

Innovation requires implementation of the ideas, selling ideas within organization to other. In one top telecommunication organization in Pakistan showed that transformational leadership had a significant on organization innovation (Khan et al., 2009).

Transformational leadership motivate follower to accomplish more than the follower planned to accomplish. It can enhance innovation by motivating and encouraging employees to think creatively (Givens, 2008; Chen, Chang, 2013).

Hypia & Parjanen (2013) found that generation of new ideas could be implemented by single or joint efforts (two or more) employees. In other hand transformational leadership promotes group creativity. Phipps, Prieto & Verma (2012) stated that group brainstorming is useful technique for generation of novel and innovative ideas. It can be useful for transformational leadership which may be more effective at creating and sharing knowledge at the individual and group levels (Bryant, 2003). Jaiswal & Dhar (2015) defined when everyone in an organization is creative, it help them become a creative organization.

Zagoršek, Dimovski & Škerlavaj (2009) argue that the transformational leadership encourage communication between team member. They encourage the expression of different views and ideas. Transformational leadership has been shown to impact collective team outcomes, through collective within- team behaviors, include studies that have demonstrate transformational leadership behaviors increase work outcomes via motivation and goal commitment (Hoch, 2013).

2.1.1 Transformational leadership and knowledge creation

Previous work has indicated the relationship between transformational leadership and knowledge creation (Mitchell, Boyle, 2009; Tse, Mitchell, 2010; Bryant, 2003; Hayat et al., 2015; Singh, 2008; Zagoršek et al., 2009). Finding of their studies showed that transformational leadership has positive significant effect on knowledge creation. Considering concepts claimed above the following hypotheses are proposed:

H1: Transformational leadership has significant impact on Internalization.

H2: Transformational leadership has significant impact on externalization.

2.1.2 Transformational leadership and novelty of product ideas with knowledge modes

Biransnar, Albufalasa & Bader (2013) revealed the function of „Transformational leadership“ and „Knowledge management process“ on predicting product and process innovation. The results demonstrate that knowledge transfer and application partially mediated the relationship between transformational leadership and product innovation. Therefore the following hypotheses are presented:

H3: Internalization mediates relationship between transformational leadership and novelty of product ideas.

H4: Externalization mediates relationship between transformational leadership and novelty of product ideas.

2.1.3 Transformational leadership and novelty of product ideas

There are many researchers who elaborated the influence of transformational leadership and innovation (Afsar, Badir and Saeed, 2014; Jaiswal and Dhar, 2005; Mokhber, Ismail & Vakilbashi, 2015; Hyypia & Parjanen, 2013; De Jong and Den Hartog, 2007; Bryant, 2003). Afsar, Badir and Saeed (2014) found that transformational leadership positively influence on the innovative work behavior (IWB) which includes idea generation. Jaiswal and Dhar (2005) investigated the link between innovation and creativity. Some researchers showed positive relationship between transformational leadership and employees (De Jong and Den Hartog, 2007; Bryant, 2003). They defined employees as productive when they have the freedom to create new ideas. After creating their ideas, they share ideas with coworkers and test out their new ideas. The study of Mokhber, Ismail & Vakilbashi (2015) and Hypia & Parjanen (2013) developed that transformational leadership positively related to the organizational innovation. Thus, based on the previous studies, the hypothesis of this study is as follows:

H5: Transformational leadership has significant impact on novelty of product ideas.

2.2 Internalization

Internalization is the process of explicit knowledge created and shared throughout organization and converted into tacit knowledge (Nonaka, Toyama and Konno, 2000). There are many authors who investigated relationship between internalization and novelty of product ideas (Lee and Choi, 2003; Schuzle and Hoegl, 2008). Studies have shown that internalization positively influences on the novelty of product ideas. Hence, this study infers the following assumption:

H6: Internalization has significant impact on the novelty of product ideas

2.3 Externalization

Externalization is the process of converting tacit knowledge into explicit knowledge (Nonaka et al., 2000). Thomas (2003) realized open innovation that is use of external ideas as well as internal ideas. He stress that open innovation includes customer, suppliers, universities and so on. In that way open innovation has idea generation as a key step (Vrgović et al., 2013). There are many authors who investigated link between externalization and novelty of product ideas (Lee, Choi, 2003; Schuzle, Hoegl, 2008; Kanapathy et al., 2014). Lee and Choi found positive relationship, while Schuzle and Hoegl found negative relationship between externalization and novelty of product ideas. Authors such as Kanapathy, Khong and Dekkers (2014) found positive relationship between external source of ideas called supplier involvement practice and new product development. The study proposes the following hypothesis:

H7: Externalization has significant impact on the novelty of product ideas

Proposed theoretical model is presented in Figure 1 below.

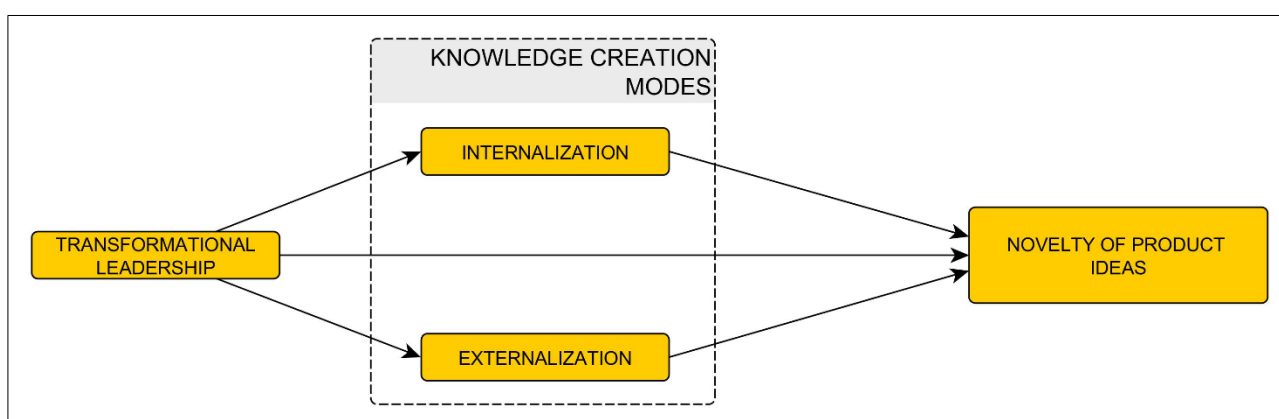


Fig. 1. Proposed theoretical model

3. Methodology

In this study we did not test the model, but we suggest and recommend using Structural Equation Modelling method. According to the literature our expectations are that hypotheses will

be accepted. Relevant suggestion for future researchers and practitioners will be given after processing model and explaining the results.

4. Conclusion

Based on the literature dealing with transformational leadership, knowledge creation modes (internalization, externalization) and generating ideas for new product development, the one can conclude that transformational leadership and two knowledge creation modes may serve as important predictors of the dependent variable. In total, proposed theoretical model suggests seven hypotheses to be tested. Both direct and indirect effects can be expected to occur between Transformational leadership and novelty of product ideas, according to the model. Transformational leadership is expected to motivate followers by encouraging communication between them and facilitating the introduction of new ideas. Internalization and externalization are expected to be mediating the relationship between Transformational leadership and novelty of product ideas. Future studies should give efforts to provide empirical evidence for this model, and hereby all scientific researchers in this area are kindly encouraged to validate this model in different samples.

References

- Afsar et al., 2014 – Afsar, B., Badir, F., Saeed, B. B. (2014). Transformational leadership and innovative work behavior. *Emerald Group Publishing limited* 114 (8), pp. 1270-1300.
- Birasnav et al., 2013 – Birasnav, M., Alnbufalasa, M., Bader, Y. (2013). The roles of transformational leadership and knowledge management processes on predicting product and process innovation: An empirical study developed in Kingdom of Bahrain, 11 (12), pp. 64-75.
- Bryant, 2003 – Bryant, S.E. (2003). The role of transformational and transactional leadership in creating, sharing and exploiting organizational knowledge. *Journal of leadership and organizational studies*, 9 (4).
- Chen, Chnag, 2013 – Chen, Y.S., Chang, C.-H. (2013). The determinants of green product development performance: green dynamic capabilities, green transformational leadership, and green creativity. *Journal of Business Ethics*, 116 (1), pp. 107-119.
- Choudhary et al., 2013 – Choudhary, A. I., Akhtar, S. A., Zaheer, A. (2013). Impact of transformational and servant leadership on organizational performance. A comparative analysis. *Journal of business ethics*. 116 (2), pp. 433-440.
- De Jong, Den Hartog, 2007 – De Jong, J. P. J., Den Hartog, D. N. (2007). How leaders influence employees' innovative behaviour. *European Journal of innovation*, 10 (1), pp. 41-64.
- Donovan, 1994 – Donovan. S.S. (1994). New Product Development in Small and Large Companies. R & D. Vol.3. No. 9.
- Givens, 2008 – Givens, R.J. (2008). Transformational leadership: the impact on organizational and personal outcomes. *Emerging leadership journeys* 1, pp. 4-24. ISSN 1941-4684.
- Hayat et al., 2015 – Hayat, A, Hasanvand, M. M., Nikakhlag, S., Dehghani, M. R. (2015). The role of transformational leadership and its knowledge management processes. *Journal of Health Management & Informatics*, 2 (2).
- Hoch, 2013 – Hoch, J.E. (2013). Shared Leadership and Innovation: The role of vertical leadership and employee integrity. *Journal of Business and Psychology*, 28 (2), pp. 159-174. Springer.
- Hyypia, Parjanen – Hyypia, M., Parjanen, S. (2013). Boosting creativity with transformational leadership in fuzzy front-end innovation process. *Interdisciplinary Journal of Informaitons, Knowledge, and Management* 8.
- Jaiswal, Dhar, 2015 – Jaiswal, N.K., Dhar, R.L. (2015). Transformational leadership, innovation climate, creative self –efficacy and employee creativity: A multilevel study. *International Journal of Hospitality Management* 51, pp- 30-41.
- James et al., 2014 – James, A., Gee, S., Love, J. H., Roper, S., Wills, J. (2014). Small firm-large firm relationships and the implications for small firm innovation: what do we know? Enterprise Research Centre 9.

[Kanapathy et al., 2014](#) – *Kanapathy, K., Khong, K. W., Dekkers, R.* (2014). New product development in an emerging economy: Analysing the role of supplier involvement practices by using bayesian markov chain monte carlo technique. *Journal of Applied Mathematics*, Article ID 542303, pp. 12.

[Khan et al., 2009](#) – *Khan, R., Rehman, U. A., Fatima, A.* (2009). Transformational leadership and organizational innovation: „Moderated by organizational size“. *African Journal of Business Management*, 3 (11), pp. 678-684.

[Laforet, 2008](#) – *Laforet, S.* (2008). Size, Strategic, and market orientation affects on innovation. *Journal of Business Research*, 61, pp. 753-764.

[Lee, Choi, 2003](#) – *Lee, H., Choi, B.* (2003). Knowledge management enablers, processes, and organizational performance: and integrative view and empirical examination. *Journal of Management Information Systems*, 20 (1), pp. 179-228.

[Mitchell, Boyle, 2009](#) – *Mitchell, R.J., Boyle, B.* (2009). A theoretical model of transformational leadership's role in diverse teams. *Leadership & Organization Development Journal*, 30 (5), pp. 455-474.

[Mokhber, 2015](#) – *Mokhber, M., Ismail, W. K. bin W., Vakilbashi, A.* (2015). Effect of transformational leadership and its components on organizational innovation. *Journal of Management Studies*, 8 (2), pp. 221-241.

[Nemaei, 2012](#) – *Nemaei, B.* (2012). The impact of participative leadership on employee's motivation, job satisfaction and innovation. Dissertation. British University. Dubai.

[Nonaka, Konno, 1998](#) – *Nonaka, I., Konno, N.* (1998). The concept of „ba“: Building a foundation for knowledge creation. *California management review*, 40 (3).

[Nonaka et al., 2000](#) – *Nonaka, I., Toyama, R., Konno, N.* (2000). SECI, Ba and leadership: a unified model of dynamic knowledge creation. *Japan* 33, pp. 5-34.

[Phipps, 2012](#) – *Phipps, S. T. A., Prieto, L. C., Verma, S.* (2012). Holding the helm: exploring the influence of transformational leadership on group creativity, and the moderating role of organizational learning culture. *Journal of Organizational Culture, Communication and Conflicts*, 16 (2).

[Sayyadi. 2017](#) – *Sayyadi, M.* (2017). Leading Performance in Large Companies. The CEO Magazine.

[Schuzle, 2008](#) – *Schuzle, A., Hoegl, M.* (2008). Organizational knowledge creation and the generation of new product ideas: A behavioral approach 37, pp. 1742-1750.

[Singh, 2008](#) – *Singh, K.* (2008). Relationship between learning organization and transformational leadership: banking organization in India. Relationship between learning organization and transformational leadership. *Journal of Business and Management Science*. ISSN 1985-692X.

[Thomas, 2013](#) – *Thomas, E.* (2013). Supplier integration in new product development: Computer mediated communication, knowledge exchange and buyer performance. *Industrial Marketing Management* 42, pp. 890-899.

[Tse, 2010](#) – *Tse, H. M., Mitchell, R.* (2010). A theoretical model of transformational leadership and knowledge creation. The role of open-mindedness norms and leader-member exchange. *Journal of Management & Organization*, 16 (1), pp. 83-99.

[Vrgović et al., 2013](#) – *Vrgović, P., Kovačević, J., Vrgovović-Jošanov, I.* (2013). Effects of stimulating communication on customers' idea generation processes. *International Journal of Engineering*. Romania. ISSN 1584-2665.

[Wessel, 2012](#) – *Wessel, M.* (2012). Why Big Companies Can't Innovate. *Product Development*. Hard Business Review.

[Zagoršek et al., 2009](#) – *Zagoršek, H., Dimovski, V., Škerlavaj* (2009). Transactional and transformational leadership impacts on organizational learning. *Journal of East European Management Studies*, 14 (2), pp. 144-165.

[Zwingmann et al., 2014](#) – *Zwingmann, I., Wegge, J., Wolf, S., Rudolf, M., Schmidt, M., Richter, P.* (2014). Is transformational leadership healthy for employees? A multilevel analysis in 16 nations. *Journal of research in human. Health promotion through leadership*, pp. 24-51.

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Human Trafficking: A Sociological Study on Tribal Women of Jharkhand

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Abstract

Trafficking of women and girls is a gross violation of human rights of human rights, which needs to be addressed. Trafficking assaults human dignity, flagrantly violates fundamental human rights, erodes consciences, thus fomenting corruption. It is also called modern-day slavery, whereby the victim him/herself “accepts” his/her situation due to the lack of substantial choices and ways out of poverty. Key social determinants that facilitate selling of the women’s and girls and their exploitation include poverty, female gender, lack of policy and enforcement, age, migration, displacement and ethnicity, culture, ignorance of trafficking methods, and caste status. Therefore the need of the hour is a serious reflection on the social, ethical, and religious implications of this inhuman issue. The State’s responsibilities to these challenges and how to make use of its various resources for combating trafficking is a serious concern of this research. Therefore this paper also investigates the proximate explanatory factors behind modern-day slavery and issue of the region and will serve as a tool in bridging the gap and shaping the future of the women and children of this reign. Since the issue of human trafficking in Jharkhand is a wide phenomenon, the research is exclusively focusing on cause of trafficking of the adivasi (tribal) women and girls of Sahibganj district, Jharkhand. This research is concentrated on two blocks of Sahibganj district of Jharkhand.

Keywords: human trafficking, poverty, patriarchy, migration, tribe.

1. Introduction

Trafficking of women and minor girls continues to be widespread in Jharkhand and has today emerged as a major source area for inter-State trafficking in India. Most of the trafficking from Jharkhand is from tribal communities for domestic labour to metropolitan cities where there is a demand for such work. In cities like Delhi, a number of illegal placement agencies have cropped up. These agencies take advantage of legal loopholes to traffic mostly innocent women and girls in the name of providing employment, but instead are put into either cheap labour or extreme conditions of Bonded Labour and forced labour, where 12-14 hours of work every day is a routine practice for these women and girls. Apart from that there is physical and sexual abuse. Several cases of Sexual slavery have also been reported from the victims rescued in Delhi. Some of the victims are trafficked to Haryana and Punjab for the purpose of Forced marriage. Recent news reports also point to the emergence of trafficking of women from Jharkhand for surrogacy, deliver babies who are then sold off (Christopher, 2008).

Victims of trafficking are identified as being at extremely risk. Therefore in this paper the various effects and consequences faced by the victims of trafficking are discussed. The paper deals

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with the consequences of trafficking like physical and sexual exploitation, health, social stigma, social exclusion and other form of most oppressive exploitation, etc. (Mehta, 1982).

2. Method of research

This paper is an outcome of empirical research which is explanatory in nature. The research involves both qualitative and quantitative methods. It tries to analyze the problems and at the same time find out the factors leading to the trafficking of women and the girls. Empirical study is based on questionnaires with the government officers, victims of trafficking, and village heads, local community. Various books from different libraries, articles, journals, newspaper cutting have been used as secondary sources for data collection.

Sahibganj district is one of the twenty-four districts of Jharkhand state. Set within the lush green region, the district of Sahibganj with a predominantly tribal population, is one of the six districts comprising Santhal Pargana division. It is considered as one of the backward district of India. Sahibganj have a history of being among the least – developed in the whole country. The vast tract of land enclosed between the hills ranges had been assigned these names; Damin-I-Koh is a Persian word and means ‘skirt of the hills”. The district may be divided into three natural divisions. One is the hilly portion, consists of the uplands, undulations long ridges and depressions which is inhabited by the tribal. Second portion, this area has plenty of fertile lands and is richly cultivates and majority inhabited by non-tribals (Banerji, 1986). The third region is a narrow strip of low, fertile, alluvial plain lying between the Ganges and the hills running along the loop line of the Eastern Railway inhabited by majority non-tribal constituencies, Census 2011 figures indicated that the percentage share of scheduled caste population to total population was 6.29 per cent while that of Scheduled tribes was 26.80 per cent. The total number of villages in the district is 1,819. Of these, 1,307 are inhabited and 512 uninhabited. Males constitute 51.33 % of the population and females 48.66 %. Among the tribes the Santhals are in the majority.

3. Discussion

Effects of trafficking on women and girls

Physical effects:

Women and girls are trafficked into gender-specific situations of exploitation such as exploitative forced labour in domestic servitude, and unorganized sector (Mies, 1986). They face eve-teasing, harassment in the work place, more over they are paid low wages for the same amount of work as agricultural labour, plantation worker, mine worker and construction worker. Being non-locals, they could neither raise their voice nor could establish a strong base to protest against the exploitation meted out to them by their employer. Whether a sex worker or sex slave, or domestic servant, the conditions in which these women live are generally equally horrendous (Dayal, 2001). Many individuals lack adequate sleeping conditions, facilities for bathing, washing clothes, and personal hygiene, and if available, is poorly maintained. Additionally, they are routinely denied or unable to acquire proper nutrition and health care.

Sexual assault and forced surrogacy:

The effect of trafficking of woman and girls is reflected in sexual molestation, sexual harassment, rape, forced prostitution, torture, domestic abuse, etc. Sexual assault is nonconsensual sexual contact that is obtained through coercion or the use or threat of force. Sexual assault is a deliberate act of gender-based violence and an expression of power, control and domination over another (Iyer, 1986). Upon arrival, these women and girls are used, abused, threatened and sold in the sex industry and are forced to act as a surrogate mother and deliver children by human traffickers. Often, traffickers keep victims under their control by saying that they’ll be free after they pay their debt. The “debt” is supposedly incurred from the victims 'recruitment, transportation, upkeep or even their crude “sale”. If the victim objects, they are raped, sexually assaulted and abused. It can be observed that tribal women experienced both physical and sexual abuse at work place (Dewan, 2006).

They experience emotionally and physically scarring situations, inhuman treatment, and they are treated like a money minting machine. Very often, all that traffickers want was that they deliver babies as surrogate mother. Well organized groups have been trafficking girls and young women from Jharkhand. According to civil society groups, about 10,000 children are trafficked from Jharkhand from every year to either work as domestic help or sex workers, they are trafficked for

conceiving children, local residents claimed. Some girls were even forced to conceive babies for sale in Jharkhand. The sexual exploitation of migrant tribal women working at construction site by masons, contractors, the place and others is a routine affair (Mitra, 2013).

Forced marriage:

Girls and women are not only trafficked for prostitution but also bought and sold like a commodity in many regions of India like Haryana, Punjab where the female ratio is less as compared to male due to female infanticide. Domestic servitude can also be linked to forced marriage. Forced marriage is a marriage without the consent of one or both parties, and a violation of human rights (Jayaswal, 2001). In case of minors, it's also a case of child enslavement. Forced marriage is a mix of several forms of slavery, including forced labour, sexual enslavement and domestic servitude. The root cause is the poverty, unemployment, and underemployment and Sahibganj is one of the tribal community are trafficked and sold in Haryana, Punjab etc. for forced marriage (Ernni, 2012).

The effects of trafficking on labour:

Domestic servitude:

The demand for domestic workers has been ever growing with globalization and urbanization, and to match this demand with a continuous supply of domestic workers the middlemen or the placement agencies have come to the fore, which is often intrusive, exploitative and profit-oriented. And tribal women and girls are the most easily available labour force, and the autonomous migration of tribal women domestic workers happens through chain migration. The luckier ones end up as domestic helps (Jayeraj, 2008). The others are sold in marriage or to a brothel where they suffer never-ending abuse in all forms. A large section of domestic workforce, particularly in Delhi, comes from the tribal belt of Jharkhand. There is also a high demand for tribal girls as they are considered to be simple, cheap and industrious and most importantly without a support structure. Hundreds of single tribal women and girls are being trafficked from these poverty-stricken areas. The trafficked victims are kept in congested rooms, fed barely enough for survival till they are placed somewhere (Ferdandes, 1987). These victims of trafficking have to go through series of exploitation starting from the source-traffickers, placement agents to employers.

Forced labour:

Forced labour can include forced sexual services. Forced labour is the type of enslavement used across the world to produce any products in our global supply chains, while trafficking for forced labour is recently gaining more recognition on its severity; trafficking for sexual exploitation is still the most common form of human trafficking. The primarily impacts women and children (Fuchs, 1992). Victims trafficked for forced labour are often made to work in hidden locations, such as agricultural fields in rural areas, mining camps, factories and private houses in the case of domestic servitude. As a consequence, the trafficking victims of forced labour are less likely to be identified than the trafficking victims of exploitation. Along with women and girls, both adult men and boys are also the victims of trafficking for forced labour but the trafficking cases of men, women and girls are extremely underreported (Kannongo, 2011).

Bonded labor:

Bonded labour is designed to exploit workers across a variety of industries in order to produce products. The cyclical process begins with a debt, whether acquired or inherited, that cannot be paid immediately. Then, while the worker labors to repay the debt, the employer continues to add on additional expenses (Gupta, 2001).

Tribal Migrant laborers, particularly women and girls, are vulnerable to this form of enslavement. Vulnerability often applies to these tribal populations that are severely deprived socio-economically. Besides being forced to work as domestic laborers or being exploited by the small-scale sector, people are trafficked for agricultural, construction or industrial work. Instead of honoring a genuine term of employment, some recruiters or employers unlawfully exploit the initial debt by adding immigration, housing and other fees that are designed to keep the trafficked victim from ever being capable of repayment (Bhagat, 2011).

Experiences of the victims

Health implications of trafficking:

In 2011, 1,095 STI/RTI episodes were treated in the Sahibganj district. Victims of sex trafficking are likely exposed to adverse conditions that can negatively affect their physical, mental

and emotional health (Kumari, 2001). Physical abuse can result in serious injuries and lasting health problems; trafficking victims may also contract life-threatening diseases, such as HIV/AIDS or tuberculosis. In addition, as a result of trauma, lack of independent income generation prevents the women and girls with HIV/AIDS positive from getting tested, from disclosing their HIV/AIDS status, from accessing services for the prevention and treatment, even though they know they have been infected. Trafficking victims often suffer from serious physical abuse, exhaustion and starvation (Christina, 2008). Typical injuries can include broken bones, concussion, bruising or burns, as well as other injuries consistent with assault. Some of these serious injuries can cause lasting health problems and may require long-term treatment. Because women who have been trafficked have been subjected to multiple abuses over an extensive period of time, they may suffer health consequences similar to those of victims of prolonged torture (Resley, 1987).

Discrimination:

Belonging to an indigenous community means they are poor, less educated sections of society, hence the women suffer from all sorts of discrimination, exploitation, marginalization and human rights violations across India. Unemployment is the major reason followed by poverty (Maharaj, 1982). They regret and expressed their difficulties. Physical abuse and feeling of bondage was reported by the women in the three major cities i.e. Delhi, Mumbai, Kolkata. Innocent women were made to working unusually long hours at their working place. Of all categories of exploitation, the exploitation that is predominant is economic exploitation in the form of lower wages than agreed or being paid only 25 %. There is physical abuse, torture, beating, rape, mental harassment to them by their supervisors, employers in terms of quality of work, working conditions (George, 2014).

Social boycott:

While trafficking most directly affects individual victims, it also has consequences for the entire community. Trafficking contributes to the breakdown of societies by removing individuals from their own social networks and family structures. This prevents the transmission of social and cultural values that are usually passed from generation to generation (Banerji, 1986). Trafficked women engaging in sex work tend to have fewer resources, limited options, and increased vulnerability to violence and abuse than women who are not trafficked. Social stigma and non-acceptability are said to be the greatest obstacles to reintegration. Besides being stigmatized as outcasts and facing moral and legal isolation, trafficked people are vulnerable to HIV/AIDS infection. It was observed that the migrant girls who returned to their villages found it difficult to get married within the tribal communities, since they were suspected of having become HIV positive, resulting in social boycott of the girl and in certain cases, the entire family is subjected to isolation and social exclusion (Khanna, 1998).

3. Conclusions

Trafficking victims of labour and sexual exploitation face threats of violence from many sources, including traffickers, domestic service employers, customers, pimps, brothel owners, and corrupt local law enforcement officials. Victims experience double physical violence from both in the hands of trafficker as well as in the hands of law enforcement during raids. In addition to coping with their past traumatic experiences, former trafficking victims often experience social alienation in the villages. Stigmatization, social exclusion and intolerance often make it difficult for the victims to integrate into their own community. The victims also experience psychological effects that induce threats, fear, and depression, disturbance, extreme stress and emotional violence. Finally, under these pressures, the victims fall into the hopeless mental state of learned helplessness.

References

- Resley, 1987 – Resley A. (1987). We Experience Christ More in Our Struggle than in Biblical Phrases. in *To Set At Liberty Those Who Are Oppressed?* Singapore: Christian Conference Asia.
- Banerji, 1986 – Banerji, S. (1986). Rural Scene. In *Agrarian Struggles in India*, edited by A.R. Desai, Delhi: Oxford University Press.
- Bhagat, 2001 – Bhagat, L.N. (2001). Backwardness and Development of Jharkhand: Some Basic Issues. In *Backwardness of Jharkhand: Causes and Remedial Measures* edited by L.N. Bhagat and U.K. Verma, Chakradharpur: Jawahar Lal Nehru College.

Christina, 2008 – *Christina, D.* (2008). Struggle Against Land Alienation-A Study of Mahasweta Devi's Short Story 'Little Ones.' In Human Rights and Higher Education, edited by Lily Balasingh, Briget Mary, and Jesudasan Jeyaraj. Madurai: Lady Doak College Publication.

Christopher, 2008 – *Christopher, K.* (2008). Christian Perspective of Children's Right. In Human Rights and Higher Education, edited by Lily Balasingh, Briget Mary, and Jesudasan Jeyaraj. Madurai: Lady Doak College Publication.

Dayal, 2001 – *Dayal, H.* (2001). Jharkhand: An Abode of the Poor and Deprived. In Backwardness of Jharkhand: Causes and Remedial Measures edited by L.N. Bhagat and U.K.Verma,1st ed. Chakradharpur: Jawahar Lal Nehru College.

Dewan, 2006 – *Dewan, R.* (2006). The Socio-Economic Status of Tribal Women in Jharkhand. In *Inside Jharkhand*, edited by Sunil Kumar Singh,6th ed., Ranchi:Crown Publications.

Erni, Shimreichon, 2012 – *Erni, Shimreichon L.* (2012). Violence, Customary Law and Indigenous Women's Rights In Asia. In End Violence against Women, Thailand: Asia Indigenous Peoples Pact.

Fernandes, Geeta, 1987 – *Fernandes, W., Geeta M.* (1987). Tribal Women and Forest: Background and Methodology. In Tribal Women and Forest Economy: Deforestation, Exploitation and Status Change, edited by Walter Fernanades, Delhi: Indian Social Institute.

Fuchs, 1992 – *Fuchs, S.* (1992). Messianic Movement among the Tribals of North-Eastern Central India., In Godmen on the Warpath: A Study of Messianic Movement in India, New Delhi: Munshiram Manoharlal Publishers Pvt Ltd.

George, 2014 – *George, A.* (2014). S. Status Of Adivasis/Indigenous Peoples Mining: Jharkhand: An Adivasi Home Land. First. Series-2. Delhi: Aakar Books.

Gupta, 2001 – *Gupta, S.* (2001). Backwardness of Jharkhand: A Study in Historical Perspective. In Backwardness of Jharkhand: Causes and Remedial Measures edited by L.N. Bhagat and U.K. Verma, 1st ed. Chakradharpur: Jawahar Lal Nehru College.

Gopal, Maharaj, 1986 – *Gopal I.K., Maharaj R.N.* (1986). Agrarian Movement in Tribal Bihar (Dhanbad), 1972-80. Edited by A.R. Desai, Delhi: Oxford University Press.

Jayaswal, Bhagat, 2001 – *Jayaswal, M., Bhagat R.N.* (2001). A Study of Attitude about Health Promotion among the Rural Tribal Women of Jharkhand. In Backwardness of Jharkhand: Causes and Remedial Measures edited by L.N. Bhagat and U.K. Verma,1st ed. Chakradharpur: Jawahar Lal Nehru College.

Jeyaraj, 2008 – *Jeyaraj, J.B.* (2008). Biblical Theology Of Creation:A Basis for Human Rights. In Human Rights and Higher Education, edited by Lily Balasingh, Briget Mary, and Jesudason Jeyaraj. Madurai: Lady Doak College Publication.

Kannongo, 2011 – *Kannongo, S.* (2011). Tribal and Human Rights. Delhi: Swastik Publications.

Khanna, 1998 – *Khanna, S.K.* (1998). Women and the Human Rights. 1st Ed. New Delhi: Common Wealth Publisher.

Kumari, 2001 – *Kumari, K.* (2001). Some Lessons from the History of Jharkhand Movement. In Backwardness of Jharkhand: Causes and Remedial Measures edited by L.N. Bhagat and U.K. Verma, Chakradharpur: Jawahar Lal Nehru College.

Maharaj, Iyer, 1982 – *Maharaj, R.N., Iyer K.G.* (1982). Agrarian Movement in Dhandbad. In Fourth World Dynamics: Jharkhand, Delhi: Authors Guild Publications.

Mies, 1986 – *Mies, M.* (1986). Patriarchy and Accumulation on a World Scale. London: Zed Books Ltd, 1986.

Mehta, 1982 – *Mehta, B.K.* (1982). Historical and Cultural Basis of Jharkhandi Nationality. In Fourth World Dynamics: Jharkhand, edited by Nirmal Sengupta, Delhi: Authors Guild Publications.

Mitra, Mishra, 2013 – *Mitra M, Mishra S.K.* (2013). Child Migration, Child Trafficking and Child Labour in India, New Delhi: ILO Publication.

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Nationalism and Ethnic Conflict

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Abstract

This article is about that nationalist ideology and ethnic conflict issue. The modern world system consists of nation states for that reason ethnic and nationalist disputes are quite significant. Moreover, disagreements about it create a threat for human life and the state to unity and its integrity. Today, around the world, billions life suffer from racism, religionist fundamentalism, ethnic and cultural discrimination. In this study will analysis basis of nationalism and trying to give a new vision about ethnic conflict problem. In the paper, presenting a broad framework from the origins of humanity to capitalism, religious and cultural group until the clash of civilizations.

Keywords: nationalism, nation states, ethnic conflict, racism, capitalism, religion, clash of civilizations.

1. Introduction

All around the world, nationalist and ethnic conflicts are getting create much more chaos day by day. Especially, after the Cold War numbers of armed conflicts keep increasing, and most of them related with racism, fundamentalist religion, ethnic and cultural. Moreover, the rhetoric caused of them is increasing the impact on the world politics. Thus, people are forced to accept differences instead of similarities.

Nationalism is constitutive element of modern states system, and the main purpose is a nation building. Weber, who considers himself as a member of bourgeois, defines of history as the stage of struggle among races and nations. As Benedict Anderson states in his work “Imagined Communities”, first nationalists are part of bourgeoisie. This is so because it is the first class to establish solidarity on an imagined basis. The leaders of nationalist movement, which spread out along the 19th century, are those who studied marginalized folk languages. On the other hand, Samuel Huntington, who explains world system by “clash of civilizations”, claims that cultural relativity will determine the alliances in global politics.

In the article, the notions of race and nation are discussed regarding human nature and its origins; also nationalist concepts such as language, territory, and culture, and religion are examined. Furthermore, capitalism as a topic is also involved in this study, and politicization of the ethnic culture, and the consequences of nationalist conflicts between contending parties striving to build their own states, are investigated. The main question of this article is as follows: Is humanity divided on racial basis? Or is nationalism an imaginary ideology? In addition to this, follows up another question: how is a connection among capitalism, religion and culture regard to nationalism; and what are its consequences?

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2. Discussion

Origins of Humankind

First of all, humans are the member of primate family as species. The term primate which derivate from the Latin word “*Primus*” was firstly used by Carl Linnaeus who is known to be the founder of taxonomy. Linnaeus who published his work named *Systema Naturae* in 1735, has defined primates as intelligent creatures under the sub-species of Prosimii (Lemuroideas, Lorisoideas, Tarsioideas) and Anthropoideas (monkeys of the old and new world) within the scope of classification system and has added the humans to this group (Savaş, 2015: 5). Humans are species of the homo species (Roberts, 2013), and all species within the homo specie are human (*homo erectus etc.*); human being is not the only human kind but the last human kind surviving (Bakırcı, 2014: 174).

About the subject, the issue under discussion is that most is the concept of race. The concept of race in biology is used to define groups of beings in species, which do not mix each other genetically, isolated from one another by some ways and look alike in means of genetically and morphologically. If, living beings that separate and evolve befittingly to their environments, diverge enough without losing their fundamental similarities, these two new distinct groups are called “sub-species”. Even so, it must be noted that sub-species are not different species.

As for the modern human that is a *homo sapiens*. Within this kind, there is not only one specie or race. The main drawback here considering the physical difference is not because of difference in evolutionary path but the difference in geographical adaptation. Eventually, evolutionary path of the *homo sapiens* kind has ended without causing a speciation. But the features acquired (black and white skin colour, blonde hair, slant eye, etc.) within this 100,000 years have survived up to this day (Bakırcı 2013: 51).

Furthermore, in means of speciation, the basic concept is evolutionary independence. For example, in a population that reproduces sexually if gene flow is cut because of reproductive isolation with other populations, then, the new diverted issue is defined as a species (Karaytuğ, 2015: 28). Since all living humans are *homo sapiens*, this kind of isolation of reproduction does not exist. If there would be, then people from two different nations would not be able to have a healthy children.

On the other hand, according to racist theses, human communities have different intellectual abilities and moral behaviours due to their genetic inheritances. Thus, an inequality is present among human communities. But, according to the evolutionary theory, the base of cultural inequality is not biological but historical. Some communities advance, some remain stable and some regress. At this point, what is important is to understand and to find out the historic reasons why some communities advance or not (Strauss, 2014: 77). Therefore, no nation is superior to another one biologically. Essentially, all personalities are same around the world and they present the same behaviour all around the world. If we go back enough in history and obtain a universal outlook, we will understand that human self is same in any corner of the world (Oppenheimer, 1997: 71-72).

Such is that, since the nationality would not be chosen, the concept would thrive from skin colour, generation and parents or to the homeland, thus a choice of interest would be considered as not possible, because every natural event involves non-selectivity. Hence, the nation can always demand sacrifice from you. Moreover, the uniqueness of the modern wars is not the number of deaths but the number of people whom have been prepared to die. The belief in fate promotes the people for dying but it was not their choice. Thus, death gains a noble aspiration and magnificent meaning (Anderson, 2011: 162-163).

Nationalism

First of all, nation is a psychological community historically evolved from language, territory, partnership of economical life and culture (Hobsbawm, 2014: 19). If we take nationalism as resistance against the foreigner in cultural and political terms, then we will come across nationalism throughout all history. But nationalism is an ideology and movement, which sees the nation as a *sui generis* category, which is the original element of world system and political power (Smith, 2010: 80). Secondly, within historical process, first, the states were found, and then the nations occurred. Within the hundred years of time, French state has standardized the education by deciding on a certain dialect, and has created a notion of French. Thus, French nation invented by French state. All states are partially artificially constructed (Roskin, 2012: 1).

It is a fact that the independent nation-state model became copy-able after the second decade of the 19th century. The model actually had a complexity that was in the elements of American and French. The first ones to copy this model were the coalitions of who were marginalised and educated in their native language (Anderson, 2011: 98). That is why the link between racism and nationalism became very visible in means of language. As in the example of Aryans and Semites, race and language may be easily confused. In addition to that, there is a regression between the purification and hybridization of the language and the scariness of it for the pure race. What is more, the racial/national term is being used concurrently with generalizing it roughly. For instance, before the English-French entente in 1904, a French author claimed that an agreement between these countries was impossible because there is a hereditary rivalry. It means the linguistic and ethnical nationalism strengthens one another (Hobsbawm, 2014: 133).

But assuming that the nationalism thrived from language, union would not suit with historical facts. For instance, German and Italian languages were the languages of a minor group. Probably the percentage of the people speaking Italian when the unification of Italy was developed was only 2.5 percentages. The rest of the people spoke various languages and generally could not understand one another (Hobsbawm, 2014: 55). Moreover, Greece defined the people in parts of Macedonia, which it annexed, as “Slavic speaking Greeks”. In short, linguistic monopoly hid within non-linguistic nation disguise. It was obvious that nation was a complex structure that could not be grasped only with language (Hobsbawm, 2014: 121).

According to Anthony D. Smith (2010: 32), the definition of national identity can be divided into articles as follow: a historical territory/country or homeland, common myths and historical memory, common duties and legal rights for all individuals, and an economy which can move freely within the whole country.

In addition to these, nationalism in the sense that geographical location and historical belonging to a place is about the land. This is why to define a nation by a geographical location, depends on reading the ethnic history which assumes link with the land which it left historical marks. This does not refer to this nation being antique but only subjectively in many nations there are pre-modern elements (Smith, 2010: 116).

What is more, the most common contemporary myths belong to nationalism. In the centre of this, myth lies the idea of the nation exists since an unknown time and had to be awoken by nationalists in order for them to keep their existence. What keeps the national salvation and resurrection dramas effective are the memories, symbols and the reflection of them in traditions (Smith, 2010: 40).

Therefore, during the construction of the nation, there is the need of two psychological facts. The first is “chosen traumas” and the second is “markers of identity”. A chosen trauma that became the markers of identity becomes significant within the mass group. Furthermore, when history-myth-trauma-mourning are composed, a monument can affect the chosen trauma of the group very well. For example, Slobodan Milosevic tried to revive the Serbian nationalism in 1987 with this method. With the help of the Serbian Church and some Serbian intellectuals, a huge monument was constructed on the battlefield of Kosovo for this purpose. Kosovo Battle was between the Serbians and the Ottomans in 1389. For centuries, the Prince Lazar who died in this battle was the chosen trauma of the Serbians. The aim of the statue built six hundred years after the war was to make the wound bleed and to create an enemy. In this process Bosnians and Albanians replaced Ottomans in the minds of Serbians. The psychological target of the statue was to enflame the vengeance feelings against the enemy (Volkan, 2009: 210-212).

In short, the nation is neither the essential nor the constant element. The concept of nation is a specific and historically recent element. The word nation is a meaningful social unit only if it is related to modern national state. If not so, then it is meaningless to discuss nation or nationality. What is more, in the creation of nations, invention and social engineering are the most important factors. The claim of there is a godly or natural politic fate in the categorization of humans by the nations is no different than an urban legend. Nationalism sometimes converts the existing cultures into nations and sometimes invents nations from blank. In brief, nationalism comes before nation. Meaning, it is not nation what creates the state, it is the state that creates the nation (Hobsbawm, 2014: 24).

Modern nationalism becoming a political power does not predates late nineteenth century even in Western Europe. Therefore, in the World War I, the Turks still cannot be defined as nationalist

patriots (Hobsbawm, 2014: 101). The developments in the West have developed nationalism almost coincidentally but in the East nationalism was created by design (Smith, 2010: 159).

Eventually, according to B. Anderson, nation is an imaginary political society. This society is also a community which has also imagined itself a conscious sovereignty and boundary. Nation is an imaginary concept because the members of the smallest nation will not recognise others. Moreover, most of them will not hear anything about those, but imaginary nation created by the community will continue to survive (Anderson, 2011: 20).

Nationalism and Capitalism

The first imaginary community was the bourgeois class existing only through the copies because the link between the fabricator in Lille and the fabricator in Lyon was limited through a common affection. In truth, they had no reason to know the existence of one another. They neither shared inheritance nor married to other ones' daughter. But because of the publication language of they could imagine the existence of thousands of other audiences. It is impossible to imagine a bourgeois class to lack of literate. Therefore the bourgeois are the very first class that managed to interdependence on an imaginary base. But when the Latin was beaten by the capitalist publisher of the vulgar tongue, the interdependence created by the vulgar tongue had a limit of an area drawn by the comprehensibility of these languages (Anderson, 2011: 93).

On the other hand, within the peace agreements signed after the First World War, taking the nationalism as the primary point of consideration has defeated the socialism that is based on class struggle (Hobsbawm, 2014: 148-149). It has helped the nationalism and capitalism to strengthen in the process. According to Wallerstein, racism is a method to ban the communication among the workforce within the same economic structure. Meaning, racism has nothing to do with "the foreigners". Racism has provided an ideological legislation to the workforce to become hierarchic and to the high unbalance of the sharing the benefits. Furthermore it was claimed that sweated economically or politically and also culturally is "below". If the position changes in the economic hierarchy, the social hierarchy will change as well.

For that reason, racism has functioned as an ideology that provides legitimacy to the inequality. Moreover, it communalized the economic roles of the groups. This helped the individual to take prejudice and discrimination natural. That is why sexism, just like racism, is an ideology that limits the expectations and causes self-suppression on individuals (Wallerstein, 2012b: 68).

Eventually, capitalism is dependent on extra-economic conditions, political and legal assistance. And no one has before found a more effective method for supporting the political form of capitalism like nation state. A global capital required stability, regularity, and predictability for capital accumulation (Wood, 2002: 179).

Well, is there any correlation among capitalism and civil war? Here, violence inter-groups are categorized as civil war. But official wars between two states or two populaces and also the revolts in the lands under invasion were left out of the case. According to this, it could be called that "civil war" invented by the capitalist world economy. Actually, civil war is the outcome of the complex relation between constructed nation and constructed state (Wallerstein, 2012b: 105).

Religion and Nationalism

Nationalism is fundamentally a secular ideology; however religion is not a foreign concept for nationalism. Not only nationalists refer to the religious feelings of masses, but also define religious societies within ethnic society. But, expected ethno-religious outcry, as self-consciously has been came true in nationalist era. However, ancient Judaism per se was not has a nationalist ideology (Smith, 2010: 84).

Therefore, religion has managed to establish a link of fraternity among people who have no other common ground, as a method of establishing a commune by common practice. Some religions such as Jewish have been designed to be a member of some specific people communities. In means of pre-nationalism, religion was a threat to establishing nationalist link. But for the modern nationalism, religion is paradoxical cement. In time, nationalism was getting similar to religion. This is very observable on the Poland, Ireland, Zionist Israel and Arab nationalisms (Hobsbawm, 2014: 89).

Nevertheless, unlike philosophy, religious and public thinking may not form a consciousness because these may not unify or integrate. It is not possible only for collective conscience but also within individual conscience. To make them unify or integrate can be possible only through use of force. In the past, this was possible within some borders (Gramsci, 2014: 20-21).

Moreover, verses revealed to the Prophet by the God look like they are about specific cases that the followers around the Prophet (Ramazan, 2003: 44). That is why according to Hegel, the major world religions are not correct, but are ideologies that refer to the needs of the followers at the time (Fukuyama, 2011: 97).

In his book “The Failed Hypothesis”, Victor J. Stenger said that there could not be found out any proof of existence of Jesus nor has he met any data of the kingdoms of David or Suleiman have had a Golden Age as it is described in the holy book. It is certain that incidents the experiences of prophets Abraham, Moses and Jesus are myths. In a sense while the archaeologists can find out proofs for primitive human tribes, they cannot find out any context on the scripts of Egypt nor Mesopotamia about the Exodus or the Jewish Kingdom.

About morality, in means of religion, it has been proven that neither in the Quran nor in the Bible there not any original moral principles. The moral principles which could be acknowledged by the modern people were known much before these religions in Greece, Indian, Egyptian, Babylon and Persia as it is presented with examples in the study (Stenger, 2013: 165-184).

Culture and Nationalism

Culture is formed from the accumulation of a specific civilization relation with the world and it forms a certain order. Culture builds houses, cultivates crops, and creates objects (Strauss, 2014: 65). While the culture refers to a national social life, civilization refers to an international social life. A community’s common values of religion, moral, justice, reasoning, aesthetics, language, economy and science form its culture. When these elements create harmony and common values, it will create civilization. For instance, between Europe and America, there is a Western civilization that forges the common values. However, within this civilization, there are English, French, German, etc cultures as well (Gökalp, 2004: 25).

All human groups have developed sui generis identity since the beginning of history. In primitive times, this process was supported with myths about creation. The purpose of this was to support the illusion of being chosen. Imagine that in primitive times, a group of people is wearing the feathers of a red bird on their head, and the neighbour group wearing the feathers of a green bird, thus these two groups acknowledging themselves as different kinds (Volkan, 2009: 262). All communities would like to clarify the differences than others by banning a food group. Milk for the Chinese, pork meat for Jews and Muslims, fish and/or deer meat for some American tribes etc. even, such phenomenon which looks like simple causes of create a lot of differences among peoples (Strauss, 2014: 20).

As Freud (2013: 35-36) noted, big differences create taboos hard to break. Moreover, when considering male-dominated nature of capitalism that provides an environment conducive to aggression, and emerge out that how much widespread of underestimation especially towards minorities and neighbour countries. So what is the way to follow for humans to form one group? According to Freud, to form a group, intolerance must be eliminated. In this process, individual within the group tolerate and equalizes one another member of group.

Cultural Group and Ethnic Nationalism

Ethnic group is a type of cultural collectiveness and the distinctive that are cultural differences such as, myths depending on lineage, historical memories, religion, tradition, language or institutions. For example, the Turks living in Anatolia before 1900s, lived with the dominant Ottoman and Islam identity and knew very little about the Turkish identity. Thus, kinship as in village or region was more important. The features of an ideal ethnic society are as follows: a collective special name, common lineage myth, shared historical memories, one or more component that distinguishes the common culture, link to a specific homeland, feeling solidarity with most of the population.

Perhaps among them the most important one is the myth of lineage. Because the “we came from...” feeling is essential to define who they are. In addition to this, love and feeling of belonging to a piece of territory has a mythological and holy place. That is why even if the ethnic group gets separated from its territory for a long time, it may remain linked with nostalgia and spiritual devotion. Jewish and Armenian Diasporas are communities are models to this (Smith, 2010: 41-45).

On the other hand, biological approach to the ethnic root is baseless, because as a type of social organization, main element of an ethnic group is not biological but cultural. Moreover, other than modern migration, populations of wide territorial nation-states are so heterogeneous that they cannot claim a common ethnic origin. When examining the demographic history of Europe, it

is easier to understand the variety of roots of ethnic groups. For the ethnic root of each group in Southeast Europe, it is a matter of debate to be a mixture of Caucasian, Ottoman Turks or Greek and Slavic (Hobsbawm, 2014: 84).

Even so, ethnic union cannot be explained with the concept of cultural community because the number of cultures is more than the number of race (Strauss, 2013: 22). What is more, according to Anthony D. Smith (2008: 333-336), there is no such thing as culture in practice. There are only emotional associations of historical cultures for those who share a common culture. That being said, for a specific class or interest, it is possible to create or invent culture. But for this to be acknowledged by the community compliance with the native motives and reference to a longer past is necessary. Many nations today are based on ethnic-core by the modern elites. This perspective means to agree on that the modern nations are very much structured. It is already very clear that the population that has no notion about a link of nationality has been injected the feeling of nationalism.

In the process of fabrication of nations the method that is used mostly is the cultural politicization. To achieve this, it is necessary to find a cultural base that would collect the attention of the people and be persuasive among the educated portion of the people. The most important ingredients in this process are, among the ones to become a nation to find followers, create enemies, documenting the ethno-history, helping the native language to be spoken more commonly, to practice native traditions and religions, to name the struggle as resurrection. When all of these are provided, it would be easier to persuade the friend and foe. If the process fails, there can be various methods of rescue. These would be referring to holy lands, lost myths and forgotten heroes. But not even all of these are sufficient. The group must be taught who they are, where they come from and where are they heading to. The aim is to nationalize the ethnic root (Smith, 2008: 333-336).

That is why the concepts of cultural nation and state nation were separated from each other by Friedrich Meinecke (Smith, 2010: 24) in 1908. According to him, while the “*kulturnation*” means passive cultural community the “*staatsnation*” means political nation that sets its own will by itself. For instance, in the ancient Greece, there was a community that was passionately devoted to the city state but in means of politics, there were not any nations.

As a result, even though weak, the things described as national identity points a political society. This kind of political society manifests its existence by providing all its members common institutions, rights and duties, and with a territory that has been described vaguely. This is what the French philosophers were trying to express when saying a nation is a group of people living within the same country and abiding to the same law and institutions (Smith, 2010: 24).

Yet, not all nationalist movement aims to express self-determination. Each nation having its own state is the common perspective but it is not a must for the nationalist doctrine. Most of the Catalan, Scottish and Flemish nationalists showed more interest on autonomy and cultural equality than independence. This is a proof that nationalism is a political ideology that has a cultural doctrine within the essence. Besides, nationalism is an ideological movement that provides a nation to gain and maintain autonomy, unity and identity (Smith, 2010: 122).

But in the world of nations, cultural wars were frequently seen. With this method, societies those wish to document their difference and characteristics have initiated some kind of race for annexing ancient civilizations. That is why the Iraqis for ancient civilizations such as Sumerian and Babylonians ascribe to themselves. Turks refer to ascribe Hittites lived in 2000 B.C. Greeks and the Bulgarians dispute over the national origin of the antique Macedonian King Graves. While the Jews and the Palestinians fight over the Nablus and Samaria regions, the Hungarians and Romanians conflict over the Transylvania land.

In short, problems of cultural competition and identity indicators grow because of culture becoming political. It seems not possible to end the conflict between ethnics and nations while there are countless other ethnic societies which are ready to awake upon discovering their ethno-histories which are inseparable from one another (Smith, 2010: 252-253).

The Clash of Civilizations

In his “Clash of Civilizations”, Samuel P. Huntington (2006: 28) presented the cultural characteristics and differences as the main cause of conflicts and disputes. According to him, cultures which have less ability to change have better chance to generate conflicts than those politically and economically. For example, after the collapse of the Union of Soviet Socialist

Republics (USSR), communists could become democrats, the rich could be poor and the poor may be rich but Russians could not become Estonian or Azerbaijani could not become Armenians. In fact, the fundamental question of class and ideology struggle was "which side are you?" so, people could prefer and change sides. For the clash of civilizations, the key question is "What are you?" and this is a data and could not be changed. From Balkans to the Caucasus and from the Middle East to Africa, answering such question wrong can mean a bullet to the head. Moreover, according to Huntington, religion discriminates people more severely than ethnicity. A person can be half-French and half-Arab, or even be citizens of the two countries. However, the more difficult thing is to be half-Catholic half-Muslim.

In spite of Huntington who addresses the cultural differences for disagreements, Bukharin (2009: 132) points at a much different case. According to Bukharin, societies which have common race, language and culture are the most severe rivals. Germans and the Anglo-Saxons, who are from the very same race, are rivals. They were fighting in both World War I and World War II. Speaking almost the same language and both being member of the Slavic race, Serbs and Bulgarians fought against each other. Ukrainians are hosting both Austrian and Russian partisans. In addition, the alliances between the warring countries bring the most heterogeneous races, nationalities and tribes together. As Bukharin said, allied during the First World War, what racial unity can there be between Turks and Germans? Or how can there be a racial, linguistic or cultural bond between Russia and Syria or Turkey and USA today? It is clear that not the race, language or culture, but some groups of the bourgeoisie supply support to the organizations in the state to declare war. Therefore, it can be found that it is not the cultural unity that determines the alliance in the international system but the capitalist goals in that period of time.

In addition to this, 'Clash of Civilizations' is a concept developed against historical materialist social sciences and a theory with a hidden notion of racism. Here, the main elements of the history are the different and closed societies. This theory, which not describes history through culture but culture through history, presents the problems created by the imperialism as an outcome of the cultural struggle. Thus while the culturalism and imperialism strengthens each other, people are forced to accept differences instead of equality and salvation (Amin, 2006: 412). Huntington's argument proves to be false in realpolitik cases. For example, the Iran-gate incidence has proven that USA can sell weapons even to Iran, and Iran may require arms even from USA which it names as the "The Great Satan" (Oran, 2010: 51).

Nationalist and Ethnic Conflict

The World War I is something new for the world history because it is the first total war in the history. Before this, the wars were limited to political purposes. But now, the meaning of wars has changed and became a nations' matter of life and death. The wars that used to be matters of survival only to the soldier in the frontier, now became disaster for the women, men, the old and even for the children (Sander, 2009: 351-353).

Weber, who considers himself as a member of bourgeois, said "history is the battlefield of the fight of the races and nations to gain wealth and power" (Timur, 2011: 343). That is why after nationalisms' continuous raising, now the idea of single and universal truth is quitted. According to B. Russell, this process began in 1848. Now, there are the facts of English, French, German, Russian or Turkish. If the faith to these facts weakens, there are the facts of war and propaganda (Russell, 2013a: 86). Today many states suffer from identity and ethnic conflicts. This causes problem to the unity of the state. It is important to understand that the Kurds, the Bask or other ethnic groups wish to establish their nation-states because their primary aim is not to exterminate the nation-states but to divide it to units which they can control (Gilpin, 2008: 412-414).

As an example, Kurdish nationalism can be examined in order to understand the conflict between state-nationalism and ethnic-nationalism. The nationalist political movement that has begun with the first Kurdish cultural newspaper in 1908 and the first Kurdish political organization *Kiviya Kurd* (The Kurdish Hope) got interrupted with the end of World War I but with the terrorist movement especially in 1960-70s it revived. The effort of modernizing the Kurdish language and the nationalist-political struggle of the ethnic group that is divided into tribes and engages guerrilla combats against Turkey, Iraq and Iran were *pari passu* (simultaneously) (Smith, 2010: 204). Thus the Turkish nationalism defined by the state and the Kurdish nationalism of the ethnic group have begun fighting.

The developments on communication technologies, especially radio and TV broadcast provide new allies. Most importantly, multi-language radio and TV broadcasting help people, who are not literate and have different native languages in order to create imagined communities (Anderson, 2011: 152). It can be argued that capitalist press created a language of governance which is different than the public languages. Some dialects are more prone to the press language which they have become dominant to the press language. The High German, the English of the King, Central Thai or Istanbul Turkish have formed a new political-cultural structure at this time. This is the reason of the struggle for various sub-nations in Europe inject their status to press and radio at the second half of the 20th century (Anderson, 2011: 60-61).

However, this unnamed struggle of the third world is known as “national independence” or among the Marxists it is considered as “national and social independence”. Essentially, the actual power, colours, clothing and behaviours of the struggle of independence came from the rage against the foreign conqueror, colonizer and to their collaborators. In short, it was anti-imperialist. There were ethnical, religious, and other kinds of pre-national identities among the common people but these were not supporting the national conscious on the contrary, they were the obstacles. This was easily put into motion by the imperialist masters against nationalists. That is why the imperialist powers supporting the tribalism that would divide the people who should form one nation, is the source of the opposite frontier to retaliate the imperialist “divide and rule” policies (Hobsbawm, 2014: 164-165).

On the other hand, Rivero says that (2003: 36-37), in rich economies, a kind of global economic tribalism thrives. For Scots, Catalans, Basques, Lombardians, Walloons, Alsatian, Quebecois or Californians, demand of autonomy is becoming more important every day. Their aim is to directly integrate their region or city with the global economy. Moreover, the number of societies who want to have their own state is getting increased such as the Basques and Kurds or American natives and Australian aborigines. When they reach the state purposes they wanted to have, they do not seem to have a real authority over the society or economy order of their own preference. This is why some independence wars have become very expensive victories (Strange, 2008: 156-159).

Today's status shows that it is certainly not important for the country that the ethnic-nationalists want to establish to live independent. As long as there are nationalist elites whom wish to establish a country, there can be countries as many as desired. The only thing that is needed is the international recognition. While the process was boosted as national ethnic pride, there were not any states which were self-sufficient. This put most countries into a worse position than the time they were colonised. As the demand to the raw material and under-skilled workforce decreased, these countries started to wait for their end. In conclusion, while the tribal nationalism was strengthened with Kalashnikov, underdevelopment and national instability are rising (Rivero, 2003: 20-21).

After the Cold War, armed conflicts in the world have not decreased but increased. There have been 23 domestic conflicts of 50 armed groups during this time. These have been in Algeria, Senegal, Angola, Burundi, Congo, Liberia, Guinea-Bissau, Rwanda, Democratic Republic of Congo, Sierra Leone, Somalia, Sudan, Lebanon, Turkey, Colombia, Mexico, Peru, Afghanistan, India, Sri Lanka, Burma, Cambodia, the Philippines, Indonesia, East Timor, Papua New Guinea, the former Yugoslavia, the Caucasus, Tajikistan and many other countries. Recently Iraq, Syria, Ukraine, Libya and the Central African Republic have also been added among these.

But none of these armed conflicts are about democratic struggles in the world. On the contrary, the main reasons are population explosion, unemployment, ethnic, religious and cultural resentments. All these factors are arising out of these, affect the countries negatively against global economy. In conclusion; the ethnic, religious and cultural fights in the nation-states does not provide neither liberty nor honour but great physical distress, emotional harm and leading to ethnic cleansing campaigns (Rivero, 2003: 114-115).

3. Conclusion

Nationalism, an ideology and movement, became reproducible since the second half of the 19th century. After the First World War, new nations and national borders proliferated. Nationhood became the main principle in defining the borders following the war, and thus socialist ideologies

based on class struggle withdrew. Thus, nationalism and capitalism are reinforced along the process.

So, nationalism is a product of the near past, and nationalist character of the modern states is based on the ideology and movement, which asserts national belonging to be the source of political power and basis of the world system, in a world constituted of sui generis nations. In this regard, unlike the common view, nationalism is not the resistance against the foreigner. Because such a claim would mean that it can be seen nationalism in a historical period. However, in the real historical process, states came first, and then they helped construction of the nations, so that all nations are artificial and constructed in some sense. The nation is an imagined political community.

Furthermore, modern human is the last surviving humanoid specie, and there is not any subspecies or sub-race of modern man (*homo sapiens*). For instance, in a population with sexual reproduction, if the genetic transfer with other populations stops due to the isolation of reproduction, the new differentiated lineage is defined as specie. If an interracial couple from farthest corners of the world can have healthy children, this is because there is no subspecies within *homo sapiens*. Physical differences among human populations are related to geographical adaptations.

All these demonstrate that nations are not homogenous biological groups but rather psychologically assembled communities. Although nationalism is a secular ideology in essence, religion has played the role of a paradoxical cement of society in time. Moreover, the claim that nation predestined by God or nature is an illusion. Biological approaches regarding debates on ethnic origins are invalid because main factor is cultural. Nevertheless, it is possible to invent a culture according to a particular class or ethnic interest, and the ultimate goal is to nationalize the ethnicity. The purpose of ethnic groups is not to destroy nation states but to establish their own. All of these seem to be impossible to end the conflicts between ethnic groups and nations in the modern world system unless humankind united.

References

- Amin, 2006** – *Amin, S.* (2006). “Emperyalizm ve Kültürelcilik Birbirini Tamamlıyor”, Yılmaz, M. (ed.), *Medeniyetler Çatışması*, Ankara: Vadi Yayınları.
- Anderson, 2011** – *Anderson, B.* (2011). *Hayali Cemaatler: Milliyetçiliğin Kökenleri ve Yayılması*. İstanbul: Metis Yayınları.
- Bakırcı, 2013** – *Bakırcı, Ç.M.* (2013). “Türler, Tanımları ve Irklar”, *Bilim ve Ütopya*, no. 228.
- Bakırcı, 2014** – *Bakırcı, Ç. M.* (2014). *Evrım Kuramı ve Mekanizmaları*. İstanbul: Evrensel Basım Yayım.
- Bukharin, 2009** – *Bukharin, N.I.* (2009) [1929]. *Emperyalizm ve Dünya Ekonomisi*. İstanbul: Kalkedon Yayıncılık.
- Freud, 2013** – *Freud, S.* (2013) [1921]. *Grup Psikolojisi ve Ego Analizi*. Ankara: Alter Yayıncılık.
- Fukuyama, 2011** – *Fukuyama, F.* (2011) [1992]. *Tarihin Sonu ve Son İnsan*. İstanbul: Profil Yayıncılık.
- Gilpin, 2008** – *Gilpin, R.* (2008). “Küresel Ekonomide Ulus-Devlet”, in Held D. & McGrew A. (ed.), *Küresel Dönüşümler: Büyük Küreselleşme Tartışması*, Ankara: Phoenix Yayınevi.
- Gökalp, 2004** – *Gökalp, Z.* (2004) [1923]. *Türkçülüğün Esasları*. İstanbul: İnkılap Kitabevi.
- Gramsci, 2014** – *Gramsci, A.* (2014) [1948]. *Hapishane Defterleri*. İstanbul: Belge Yayınları.
- Hobsbawm, 2014** – *Hobsbawm, E.J.* (2014). *Milletler ve Milliyetçilik: Program, Mit, Gerçeklik*. İstanbul: Ayrıntı Yayınları.
- Huntington, 2006** – *Huntington, S.P.* (2006). “Medeniyetler Çatışması mı?”, Yılmaz, M. (ed.), *Medeniyetler Çatışması*, Ankara: Vadi Yayınları.
- Karaytuğ, 2015** – *Karaytuğ, S.* (2015). “Kitlesele Yokoluş, Ekolojik Fırsatlar ve uyumsal Açılım”, *Bilim ve Ütopya*, No. 253, p. 28.
- Oppenheimer, 1997** – *Oppenheimer, F.* (1997) [1908]. *Devlet*. İstanbul: Engin Yayıncılık.
- Oran, 2010** – *Oran, B.* (2010). *Türk Dış Politikası: Kurtuluş Savaşından Bugüne*. İstanbul: İletişim Yayınları.
- Ramazan, 2003** – *Ramazan, T.* (2003). *İslam: Medeniyetlerin Yüzleşmesi*. İstanbul: Anka Yayınları.

- Rivero, 2003** – *Rivero, O.* (2003). *Kalkınma Efsanesi: 21. Yüzyılın Bağımsız Yaşayamayan Ekonomileri*. İstanbul: Çitlenbik Yayınları.
- Roberts, 2013** – *Roberts, A.* (2013). *Origins of Us*, DVD, BBC Media, Tiglon.
- Roskin, 2012** – *Roskin, M.G.* (2012). *Çağdaş Devlet Sistemleri: Siyaset, Coğrafya, Kültür*. Ankara: Adres Yayınları
- Russell, 2013** – *Russell, B.* (2013). *Aylaklığa Övgü*. İstanbul: Cem Yayınevi.
- Sander, 2009** – *Sander, O.* (2009). *Siyasi Tarih: İlkçağlardan 1918'e*. Ankara: İmge Kitabevi.
- Savaş, 2015** – *Savaş, E.* (2015). “İnsanın Yaşayan Akraları”, *Bilim ve Ütopya*, No. 250.
- Smith, 2010** – *Smith, A.D.* (2010). *Milli Kimlik*. İstanbul: İletişim Yayınları.
- Smith, 2008** – *Smith, A.D.* (2008). “Küresel Bir Kültüre Doğru mu?”, in Held D. & McGrew A. (ed.), *Küresel Dönüşümler: Büyük Küreselleşme Tartışması*, Ankara: Phoenix Yayınevi.
- Stenger, 2013** – *Stenger, V.J.* (2013). *Başarısız Hipotez Tanrı*. İstanbul: Aylak Kitap.
- Strange, 2008** – *Strange, S.* (2008). “Devletlerin Azalan Otoritesi”, in Held D. & A. McGrew (ed.), *Küresel Dönüşümler: Büyük Küreselleşme Tartışması*, Ankara: Phoenix Yayınevi.
- Strauss, 2013** – *Strauss, C.L.* (2013). *İrk, Tarih ve Kültür*. İstanbul: Metis Yayınları.
- Strauss, 2014** – *Strauss, C.L.* (2014). *Modern Dünyanın Sorunları Karşısında Antropoloji*. İstanbul: Metis Yayınları.
- Timur, 2011** – *Timur, T.* (2011). *Felsefe Toplum Bilimleri ve Tarihçi*. İstanbul; Yordam Kitap.
- Volkan, 2009** – *Volkan, V.* (2009). *Kimlik Adına Öldürmek: Kanlı Çatışmalar Üzerine Bir İnceleme*. İstanbul: Everest Yayınları.
- Wallerstein, 2012** – *Wallerstein, I.* (2012). *Tarihsel Kapitalizm ve Kapitalist Uygarlık*. İstanbul: Metis Yayınları.
- Wood, 2002** – *Wood, E.M.* (2002). *The Origin of Capitalism: A Longer View*. London: Verso.

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Curricular Transformation from the Perspective of the Trends in the Education of Pupils who are Deaf or Hard of Hearing in Czech Republic

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Abstract

The study deals with curricular transformation from the perspective of the trends in the education of pupils who are deaf or hard of hearing in Czech Republic after 1993. It compares educational approaches in primary education with an emphasis on regular and special education of pupils who are deaf or hard of hearing. After the adoption of the Education Act in 2004, the number of pupils in schools for the deaf or hard of hearing started to gradually decline and there have been demographic changes as to how and where pupils who are deaf or hard of hearing receive their education. Effective from September 2016, the amendment to the Education Act brought new education opportunities for pupils who are deaf or hard of hearing, which respect their language and cultural differences. However, all these changes – including support measures – may not affect the successful integration of a pupil who is deaf or hard of hearing. The degree of disability of the pupil being integrated and the system of measures to support the individual's special needs in more challenging conditions also play an important role. The on-going curricular reform provides teachers with an opportunity to modify and expand the curriculum to support the development of pupils who are deaf or hard of hearing together with their peers and to form a solid foundation for their future lives.

Keywords: communication; special and mainstream education; legislation; statistical yearbook of education.

1. Introduction

The population of European Union countries is a diverse macrocosm. It consists of individuals from different ethnic, cultural and socio-economic backgrounds, yet most of them have one thing in common: they all can hear. These people represent the hearing world – they value their ability to hear and speak and the ease with which they can communicate with others. For most people, the idea of losing their hearing and not being able to enjoy music, films or live broadcasts is unimaginable. For the majority population, it is quite difficult to appreciate how people who are deaf or hard of hearing feel, or to imagine what life without auditory perception is like.

Living among this hearing majority population, there is the cultural and linguistic minority group comprising the deaf. It consists of people with varying degrees of hearing loss, including deafness, with different professions, ethnic backgrounds and socio-economic status. These people

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see the Czech sign language as their language and share many cultural views that are valued and appreciated by all members of this group. Unlike the majority population, they do not perceive their hearing loss as a handicap, but rather as part of their unique identity.

2. Objective

The present study aims to describe the curricular transformation from the perspective of the trends in the education of pupils who are deaf or hard of hearing in the Czech Republic in a historical context in the period that followed the breakup of Czechoslovakia and during which the Czech and Slovak Republics emerged as independent states, i.e. since 1 January 1993.

3. Methods

We chose the content analysis of documents (Onwuegbuzie, Teddlie, 2003) as the main method of data acquisition. This is a qualitative method with the accent on an objective and systematic description of the content of documents focusing on curricular transformation from the perspective of the trends in the education of pupils who are deaf or hard of hearing. We used a multitude of available scientific, research and technical papers and data that are published on the Internet, including search databases (e.g. laws). Based on the data that were acquired through the content analysis of texts relating to curricular transformation from the perspective of the trends in the education of pupils who are deaf or hard of hearing, we subsequently applied comparative methods, abstraction, generalisation and other logic methods to generate new findings (Hendl, Remr, 2017).

4. Results and Discussion

Historical context of the trends in education in Czechoslovakia

The earliest references to the integrated education of people who are deaf or hard of hearing dates back to as early as 1881, when the Austrian Ministry of Education issued a decree on creating the conditions for teaching persons who are deaf or hard of hearing at regular schools due to the insufficient capacity of the then existing institutes for the deaf and dumb (Hrubý, 1999: 152). Founded in 1786, the Prague Institute for the Deaf and Dumb was the first institute of its kind. Teaching made use of the finger alphabet, signs and articulation and later also the sign language and the bilingual method. At the 1880 Milano Congress, a resolution on preference for the oral method was adopted which concerned the education of pupils who are deaf or hard of hearing in schools in Europe. At Czech schools, the then existing institutes for the deaf and dumb, this resolution started to be more widely applied in the period 1922–1924. As a result of strict oral education, the ‘pure’ sign language declined. These limitations in the education of people who are deaf or hard of hearing also affected education quality and opportunities. Even in the subsequent years, changes in school-related legislation had no practical impact on the education process for pupils who are deaf or hard of hearing, and – with few exceptions – the education was provided in special schools, i.e. in a segregated setting (Act No 29/1984 Sb.; Decree No 291/1991 Zb.).

Legislative regulation of education of pupils who are deaf or hard of hearing in the Czech Republic

Addressing social inequalities greatly improves health and well-being (Haegele, Sutherland, 2015; Kuenburg et al., 2016). The causes of inequality are complex, they are rooted in the very beginning of the life cycle and have an effect over its entire duration (Nielsen, Krasnik, 2010; Robertson et al., 2017; Smith et al., 2012; Ubido et al., 2002). People’s disadvantages and vulnerabilities tend to deepen during their life and correlate with behaviours that have an important impact on health, such as high-risk and harmful alcohol abuse and smoking, poor eating habits, lack of physical activity and mental health problems. The above behaviours are largely the result of stress and other life difficulties (Ministry of Health of the Czech Republic, 2015).

According to Article 33 of the Charter of Fundamental Rights and Freedoms, education is a fundamental right of every person (Resolution No 2/1993 Sb., as amended by Act No 162/1998 Sb.). School attendance is obligatory for a period specified by law. In the course of education, an individual acquires key competences for their life as well as basic knowledge and information that can then be actively developed and used. However, this process – including encouraging children

to embrace physically active lifestyles – also needs to be promoted in families from an early age, because it plays a crucial role in developing positive, health-oriented lifelong habits (Badura et al., 2017; Ellis et al., 2014; Sigmund, Sigmundová, 2014).

In the Czech Republic, the education of people who are deaf or hard of hearing is currently legally regulated by Act No 561/2004 Sb. on preschool, primary, secondary, tertiary vocational and other education (the Education Act), as amended. In addition to addressing the general principles and objectives of education and describing education programmes and the education system, etc., Section 16 deals with support for the education of children, pupils and students with special educational needs, which also includes pupils who are deaf or hard of hearing. Under this Act, a pupil who is deaf or hard of hearing means *“a person who, in order to fulfil their educational potential or exercise their rights on an equitable basis with others, requires the provision of support measures. Support measures mean the necessary adaptations of education and school services as appropriate to the health condition, the cultural environment or other living conditions of the child, pupil or student.”* According to Barvíková (2015, p. 11), a pupil who is deaf or hard of hearing *“has been diagnosed by a specialist doctor with a conduction, perception or mixed-type impairment of a long-term, progressive or permanent nature”*.

In the education process, communication and its effectiveness are a key issue. Education is based on mutual communication and understanding. Section 16(7) of Act No 561/2004 Sb., (as amended) grants *“deaf and deaf-blind children, pupils and students the right to free education by means of or through communication systems for deaf and deaf-blind people”*. It follows from the above that there are certain specific aspects in the education of pupils who are deaf or hard of hearing.

Effective from September 2016, the amendment to the Education Act brought new education opportunities for pupils who are deaf or hard of hearing, which respect their language and cultural differences. Pupils who cannot perceive speech through hearing and who use a communication system other than spoken language receive education in a communication system for the deaf that meets the needs of the pupil. Pupils who receive education in the Czech sign language also receive education in the written Czech language, which they learn through the methods used in teaching Czech as a foreign language.

If the pupil prefers to communicate in the Czech sign language and is educated in a class where this method of communication is not the means of communication shared by all participants in the education process, the school will provide education to the pupil using a Czech sign language interpreter or a speech-to-text-reporter for the deaf. A sign language interpreter must provide proof of education, or practical experience and education through which they acquired knowledge of the Czech sign language at native-speaker level, and demonstrate interpreting skills at a level that makes it possible to provide full education to an individual who is deaf or hard of hearing (Act No 561/2004 Sb.). The interpreter performs the precise translation of the content communicated between the participants in the communication system chosen by the pupil. It is used throughout the duration of the education and during events that are organised by the school. The interpreter’s services may be used concurrently by multiple pupils. If the pupil prefers the spoken form of the Czech language supported by written text and receives education in a class where this approach is not the communication system that is shared by everyone, the school will provide education to the pupil using a speech-to-text-reporter for the deaf. The speech-to-text-reporter converts spoken language into written form in real time (Decree No 27/2016 Sb.; Act No 155/1998 Sb.).

Regular versus special education

In 2004, the Czech Republic became a member of the European Union and its education system started to change in order to ensure compliance with the requirements of European legislation. These changes were formulated in the National Programme for the Development of Education in the Czech Republic (2001) and legislatively enshrined in Act No 561/2004 Sb. on preschool, primary, secondary, tertiary vocational and other education, which came into force as of 1 January 2005 (the Education Act). In this period, new curriculum documents were created concerning the education of children, pupils and students aged 3 to 19 years. The on-going school reform – which is being implemented in primary education through the Framework Education Programme for Primary Education, including its current changes (FEP PE, 2017) – defines the specific objectives, forms, duration and compulsory content of education, including safety and

health conditions. These are mandatory for the development of school education programmes and the evaluation of the learning outcomes of all pupils who are deaf or hard of hearing and who are integrated in ordinary schools. The education programme is adapted so that it focuses on the given individual and takes into account his or her abilities.

In the Czech Republic, educational care for pupils who are deaf or hard of hearing is provided by a system of schools and school facilities that are established separately for these pupils. Another option is education through (individual or group) integration in regular schools. Scheid (1995, p. 16) defines integration as *“the social inclusion of the disabled in society with other individuals”*, in a manner that is adequate to their needs. Even though the term inclusive education is currently being used in connection with the integration of children and pupils into mainstream education, in practice the difference between the terms integration and inclusion is fuzzy and both terms may be perceived as synonyms (Průcha, 2002). In the Czech environment, the term inclusion is not very well established, both legislatively and professionally. Dinold and Válková (2003, p. 52) define inclusion as: *“a process that is shaped by everyday life integration, education ... Inclusion is not a goal, but rather a way of socialisation, independent living, and is characterised by a number of options ranging from the most restrictive to the least restrictive environments.”* In line with the above definition, we perceive inclusion as the culmination of the integration process during which such conditions (in the broadest sense of the word) are created so as to make it possible to integrate an individual who is deaf or hard of hearing, including their participation in the different activities. Therefore, in the present text we use the term integrated education as it reflects more accurately the actual situation in the Czech education system.

The choice of the education form is up to the pupil's parents and it will affect the pupil's entire life. A boarding school for pupils who are deaf or hard of hearing may be perceived as a confirmation of differentness, and, on the contrary, a regular school may be a demonstration of normality. However, the main problem that is associated with hearing loss still lies in the subsequent disruption of the development of communication abilities, which is also linked with limited possibilities of socialisation (Bartlett et al., 2008; Kuenburg et al., 2016; McKee et al., 2011). It is therefore necessary to take into account that – for pupils who are deaf or hard of hearing – it is also important to be in contact with pupils with the same disability in order to share the same life situation.

Under current legislation, the education of pupils who are deaf or hard of hearing takes place primarily in regular schools in the form of integration. The success of school integration is influenced by the following factors:

- Degree of hearing loss.
- Level of communication skills (especially competence in the Czech language, i.e. both its spoken and written form).
- Ability to use available technical aids.
- Level of mental abilities.
- Level of the pupil's social skills and experience.
- Personality traits.
- Family.

For a child who is deaf or hard of hearing, the decision on integration is made by the legal guardians in cooperation with a special-education centre and school management. Integration can take the form of individual integration or the establishment of special classes within regular schools. In the case of children with severe hearing loss or a combined disability, integration is difficult because they lack a crucial prerequisite for coping with standard teaching and socialisation – sufficiently developed oral speech. These pupils not only understand little, but also the content of their communication is difficult to understand for others, because their speech lacks substance and grammar. In this case, sign language competence does not make it easier to communicate in a regular environment and even the presence of an interpreter may not guarantee successful integration (Potměšilová, Potměšil, 2014). The integration of pupils who are hard of hearing is usually easier because their vocabulary is richer, their writing is better and they are better able to communicate and, by extension, to socialise (Scheetz, 2012; Vágnerová, 2014). Both pupils who prefer oral communication and pupils who communicate in the sign language can use an assistant teacher, a Czech sign language interpreter or a speech-to-text-reporter for the deaf.

In each case, an education counselling centre will assess whether the number of hours of the recommended support measure matches the pupil's needs (Decree No 416/2017 Sb., amending Decree No 27/2016 Sb., on the education of pupils with special educational needs and gifted pupils, as amended by Decree No 270/2017 Sb.).

Examples of integrating information on the deaf community into the curriculum in mainstream education

First stage (years 1 to 5) of primary schools

- An introduction to issues relating to people who are deaf or hard of hearing, teachers of pupils who are deaf or hard of hearing, teachers who are deaf or hard of hearing, interpreters, historical developments and trends, important people who were/are deaf or hard of hearing.
- Communication systems – the sign language, visualiser, transliterator of spoken Czech, audiology, rehabilitation, speech therapy.
- Communication technology, compensation aids, accessibility.
- Introducing jobs and professions that are available to them, using good practice examples.
- Leisure activities, interest-based organisations, sports activities.

Second stage (years 6 to 9) of primary schools

- An introduction to issues relating to people who are deaf or hard of hearing.
- Services for these groups (a person who is deaf, hard of hearing, deafened, deaf-blind, with residual hearing, with a cochlear implant), how they can make a phone call, what interpretation looks like.
- Differences between them, such as a person who is deaf, blind, deaf-blind.
- Technology, websites, interesting projects.
- History, prominent figures, successful athletes, deaflympics, cultural events for the deaf.

If an education counselling centre finds the support measures to be inadequate, the pupil can be enrolled in a school for pupils who are deaf or hard of hearing. In justified cases, pupils with a different disadvantage may also be educated in schools that are established based on the type of disadvantage. Enrolment requires a written request by the pupil's legal guardian and a recommendation (including justification) by an education counselling centre. No fewer than 6 and no more than 14 pupils may receive education within a class, taking into account their age and special educational needs. If the number of pupils makes it difficult to fulfil their educational potential, no fewer than 4 and no more than 6 pupils receive education in the class (Decree No 27/2016 Sb.).

Education in primary schools is spread over nine years and is divided into the first stage (years 1 to 5) and the second stage (years 6 to 9). All primary schools for the deaf or hard of hearing take advantage of Section 46(3) of the Education Act, which makes it possible to extend school attendance to ten years, upon approval from the ministry. In such a case, the first stage comprises years 1 to 6 and the second stage comprises years 7 to 10. At present, pupils are educated in thirteen primary schools for the deaf or hard of hearing, of which seven are in Bohemia (České Budějovice, Hradec Králové, Liberec, Plzeň and three in Prague) and six in Moravia (Brno, Ivančice, Kyjov, Olomouc, Ostrava and Valašské Meziříčí).

The advantage of these schools is a good didactic quality of teaching, which is adequate to the pupils' abilities. Another advantage may also be the very good organisation of free time in these facilities, with an accent on the specific aspects of communication within this minority population (Kurková, Scheetz, 2016; Kurková et al., 2010). The disadvantage of this type of education may be the boarding-school nature of education, which removes the child from the natural family environment from an early age, severs ties to the family, minimizes opportunities to gain common experience, and education is isolated from real life (Komorná, 2008; Scheetz, 2012; Vágnerová, 2014).

An analysis of available data shows that the number of pupils with disabilities in primary schools has declined over the past five years. The majority pupils with disabilities are boys. However, for pupils who are deaf or hard of hearing, there have been no major changes in recent years and their numbers remain almost constant, i.e. around 1.2 thousand (1.6 % of the total number of pupils with disabilities in primary schools) and the majority are boys (Watier, 2016). In terms of integrated and special education, the performance indicators that were reported for the

school year 2011/2012 in the Statistical Yearbook of Education showed – for the first time – a decrease in the number of pupils who are deaf or hard of hearing in primary education in special classes (559) and an increase in the number of individually integrated pupils (582), Table 1. In the school year 2016/2017, as many as 704 pupils were enrolled in individual integration, of which 271 with severe hearing loss, and 522 pupils were enrolled in special classes, of which 310 with severe hearing loss (MEYS, 2017). This growing trend demonstrates the efforts of interested professionals to promote the individual integration of pupils who are deaf or hard of hearing to the maximum extent possible.

Table 1. An overview of pupils who are deaf or hard of hearing in integrated and special education

School year	Pupils in special classes	Individually integrated pupils	Total
2016/2017	522 (310)	704 (271)	1226 (581)
2015/2016	553 (324)	705 (263)	1258 (587)
2014/2015	538 (304)	645 (222)	1183 (526)
2013/2014	523 (314)	597 (215)	1120 (529)
2012/2013	539 (308)	574 (200)	1113 (508)
2011/2012	559 (308)	582 (206)	1141 (514)
2010/2011	635 (331)	581 (177)	1216 (508)
2009/2010	680 (408)	575 (131)	1255 (539)
2008/2009	694 (407)	570 (101)	1264 (508)
2007/2008	708 (395)	563 (29)	1271 (424)
2006/2007	739 (428)	537 (27)	1276 (455)

Note. Statistical Yearbooks of Education – performance indicators. Retrieved from <http://toiler.uiv.cz/rocenka/rocenka.asp>

Approaches to communication in the education of pupils who are deaf or hard of hearing

For a deeper understanding of the issues presented, we provide an overview of possible communication systems from the perspective of the education process for pupils who are deaf or hard of hearing. In practice, the following approaches are the most common: oral, simultaneous, total and bilingual. All systems agree on the need for a mutually acceptable information code. The objective of oral, simultaneous and total communication is to create speech as a means of education and socialisation. The bilingual approach aims to achieve the development of language and thinking independently of the quality of speech (Krahulcová, 2014; Scheetz, 2012). However, when choosing an education system, it is necessary to consider all aspects of the actual systems and their benefits for the specific pupil.

System of oral communication

Oral (the oral method, oralism) and auditory-oral approaches are considered to be the oldest education methods – they were also dominant in the Czech lands where the oral method was recognised as the only way of teaching in institutions educating the deaf. Oral and auditory-oral approaches represent “a wide range of forms and methods of didactic communication aimed at acquiring spoken, phonic speech and the didactic content of the education programme” (Krahulcová, 2014: 39). It consists in giving priority to (residual) hearing and sight and, in extreme cases, completely excluding visual-motor means of communication. In current practice, the following types may be encountered (Krahulcová, 2014; Scheetz, 2012; Strnadová, 2001):

- Pure oral monolingual systems focusing on mastering the reception (auditory and visual) and expression of spoken language that do not use the visualisation of spoken language.
- Oral systems supplemented by visual-motor markers of the underlying words (e.g. fingerspelling, auxiliary articulation signs, the written form of the language, Cued Speech, etc.).
- Oral systems supplemented by non-word visual-motor markers (also the bimodal system) that use various gestures, signs and mimics to improve the accuracy of a statement made in spoken language.

Prioritising the oral method should make it possible to actively master the relevant spoken language and improve the potential for the socialisation of people who are deaf or hard of hearing. Key components of the oral method include acquiring competence in spoken language, training in lip-reading, and developing the functional capabilities of residual hearing (Potměšil, 2015). In all cases, the construction of the language system is mainly based on visual perception (i.e. lip-reading), auditory training and continuous speech therapy. Some oral approaches use other supporting measures, where the written form of language is mastered using the method of global reading, fingerspelling and natural gestures (Strnadová, 2001).

Oral and auditory-oral approaches are supported by the results that have been achieved in a part of the population of people who are deaf or hard of hearing. However, the blanket implementation of the oral approach to the education of pupils who are deaf or hard of hearing cannot be recommended, because it does not respect the individual needs and abilities of individual pupils. An oral system without the use of manual means of communication then significantly reduces the options for receiving information, as it only allows the auditory method paired with lip-reading. The oral approach can benefit pupils who are hard of hearing and whose residual hearing can be effectively used. This concept is currently also supported by the advancement of digital prosthetic devices and neural prostheses, which improve auditory feedback in a portion of persons who are deaf or hard of hearing (Krahulcová, 2014).

System of simultaneous communication

Simultaneous communication (a bimodal model of education) is “*such a system of information transmission in which spoken (oral, auditory, majority) language is dominant (main, leading) and is simultaneously supported by auxiliary means of communication that are aimed at visualising and grammatically refining the statement.*” (Krahulcová, 2014: 42). Forms of simultaneous communication may be the Czech sign language, fingerspelling, auxiliary articulation signs, the written form of the language, gestures, mimics, pantomime. The suitability of these systems has been demonstrated in children with severe hearing loss in families in which communication does not take place in the majority language, and in children whose parents try to learn the sign language. For education in schools, this method is only partially suitable, because simultaneous communication in spoken language and sign language is linguistically inconsistent. Moreover, the long-term production of two different communication codes leads to cognitive overload (Hrubý, 1999; Krahulcová, 2014; Scheetz, 2012).

System of total communication

Total (global, holistic) communication represents the philosophy of a certain way of thinking or communicating, rather than a communication or teaching method. It is about recognising the fact that not all communication methods are suitable for a given individual in all situations. That is why it is necessary to choose those means that are best suited to the individual in the given circumstances. It is officially defined as “*a philosophy that brings together appropriate aural, manual and oral modes of communication in order to insure effective communication with and among the deaf and hard of hearing*” (Evans, 2001: 13).

Total communication is based on the right of the deaf to optimal and unrestricted development in their native language. Optimal communication also prevents specific deviations in mental development. A child who does not hear should not be forced to adapt to the hearing world, but rather their differentness should be respected and, in its presence, all available methods and auxiliary means of communication should be used. Total communication includes all aural, manual and oral means of communication that can be used to achieve effective communication with persons who are deaf or hard of hearing (Horáková, 2012). The basis includes spoken language, spelling, signing and written language. Some components may be used separately (spoken language, signed Czech language, sign language), others are used mainly as auxiliary means (fingerspelling, mimics, pantomime, etc.). For the deaf, the most important means of communication is the sign language, but they use lip-reading when interacting with hearing people. When a hearing person communicates with a deaf person, clear articulation will be the most important, along with some of the auxiliary means (e.g. mimics, pantomime). If the hearing person knows signs, they can use them to supplement spoken language (the signed Czech language).

System of bilingual communication

Bilingual communication is “*the transmission of information in two language codes, in the sign language of the deaf and through speaking (the oral, majority, national language) among the deaf and between deaf people and hearing people*” (Krahulcová, 2014: 50). These codes are not used simultaneously. This involves the full use of the native language of people with profound hearing loss (the Czech sign language) and the language of the majority society (the Czech language). A deaf teacher plays a key role in developing language and thinking. The teaching content is delivered to pupils by the deaf teacher in the sign language, and the information is then transformed by a hearing teacher into the written Czech language (Krahulcová, 2014). When teaching in the national sign language, it is not possible to simultaneously speak (Hrubý, 1999). Each of the two languages (spoken language and sign language) is taught separately. Pupils should be able to translate from spoken language to sign language and vice versa. The sign language is the first language to be acquired by children who are deaf or hard of hearing.

Regardless of whether pupils who are deaf or hard of hearing are enrolled in regular schools or whether they attend a school for the deaf and hard of hearing, complex communication is a necessary prerequisite for successfully fulfilling their academic requirements and for their full integration into the class of their peers. Targeted support for communication and mutual collaboration within a class or a school may alleviate or completely eliminate any potential feelings of social exclusion that people who are deaf or hard of hearing may have. However, communication deficiencies may cause pupils with varying degrees of hearing loss to inadequately develop their verbal or sign language vocabulary. As a result, these pupils do not have enough opportunities to engage in social interaction with their peers during the day.

5. Conclusion

After the adoption of the Education Act in 2004, the number of pupils in schools for the deaf and hard of hearing started to gradually decline and there have been demographic changes as to how and where pupils who are deaf or hard of hearing receive their education. Effective from September 2016, the amendment to the Education Act brought new education opportunities for pupils who are deaf or hard of hearing, which respect their language and cultural differences. Pupils who cannot perceive speech through hearing and who use a communication system other than spoken language receive education in a communication system for the deaf that meets the needs of the pupil. Pupils who receive education in the Czech sign language also receive education in the written Czech language, which they learn through the methods used in teaching Czech as a foreign language.

However, all these changes – including support measures – may not affect the successful integration of a pupil who is deaf or hard of hearing. The degree of disability of the pupil being integrated and the system of measures to support the individual’s special needs in more challenging conditions also play an important role.

The on-going curricular reform provides teachers with an opportunity to modify and expand the curriculum to support the development of pupils who are deaf or hard of hearing together with their peers and to form a solid foundation for their future lives.

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References

Badura et al., 2017 – Badura, P., Madarasova Geckova, A., Sigmundova, D., Sigmund, E., van Dijk, J. P., Reijneveld, S. A. (2017). Do family environment factors play a role in adolescents’ involvement in organized activities? *Journal of Adolescence*, 59, 59–66. doi:10.1016/j.adolescence.2017.05.017.

Bartlett et al., 2008 – Bartlett, G., Blais, R., Tamblyn, R., Clermont, R. J., & MacGibbon, B. (2008). Impact of patient communication problems on the risk of preventable adverse events in acute care settings. *Canadian Medical Association Journal*, 178, 1555–1562. doi:10.1503/cmaj.070690

Barvíková, 2015 – *Barvíková, J.* (2015). Katalog podpůrných opatření pro žáky s potřebou podpory ve vzdělávání z důvodu sluchového postižení nebo oslabení sluchového vnímání [Catalogue of support measures for pupils who require support in education due to hearing impairment]. Olomouc, Czech Republic: Palacký University Olomouc.

Czech National Council, 1993 – Czech National Council (1993). Charter of Fundamental Rights and Freedoms of 16 December 1992, No 2/1993 Sb. Retrieved from: <http://portal.gov.cz/app/zakony/zakonPar.jsp?page=0&idBiblio=40453&nr=2~2F1993&rpp=50#local-content>

Dinold, Válková, 2003 - *Dinold, M., Válková, H.* (2003). Inclusion in physical education in schools. In H. van Coppenolle, J. C. De Potter, A. Van Peteghem, S. Djobova, & K. Wijns, K. (Eds.), *Inclusion and integration through Adapted Physical Activity* (pp. 51–76). Leuven, Belgium: THENAPA.

Ellis et al., 2014 – *Ellis, M. K., Lieberman, L. J., Dummer, G. M.* (2014). Parent influences on physical activity participation and physical fitness of deaf children. *Journal of Deaf Studies and Deaf Education*, 19(2), 270–81. doi: 10.1093/deafed/ent033

Evans, 2001 – *Evans, L.* (2001). Totální komunikace, struktura a strategie [Total communication, structure and strategy]. Hradec Králové, Czech Republic: Pedagogické centrum.

Haegle, Sutherland, 2015 – *Haegle, J. A., Sutherland, S.* (2015). Perspectives of students with disabilities toward physical education: A qualitative inquiry review. *Quest*, 67(3), 255–273. doi: 10.1080/00336297.2015.1050118

Hendl, Remr, 2017 – *Hendl, J., Remr, J.* (2017). Metody výzkumu a evaluace [Methods of research and evaluation]. Prague, Czech Republic: Portál.

Horáková, 2012 – *Horáková, R.* (2012). Sluchové postižení: úvod do surdopedie [Hearing impairment: an introduction to surdopedy]. Prague, Czech Republic: Portál.

Hrubý, 1999 – *Hrubý, J.* (1999). Velký ilustrovaný průvodce neslyšících a nedoslýchavých po jejich vlastním osudu [Great illustrated guidebook for deaf and hard-of-hearing people after their own fate] (Vol. 2, 2nd ed.). Prague, Czech Republic: Septima & FRPSP.

Komorná, 2008 – *Komorná, M.* (2008). Systém vzdělávání osob se sluchovým postižením v ČR a specifika vzdělávacích metod při výuce [The system for educating people who are deaf or hard of hearing in the Czech Republic and the specifics of educational methods in teaching] (2nd rev. ed.). Prague, Czech Republic: Czech Chamber of Sign Language Interpreters.

Krahulcová, 2014 – *Krahulcová, B.* (2014). Komunikační systémy sluchově postižených [Communication systems for the deaf and hard of hearing]. Prague, Czech Republic: Beakra.

Kuenburg, 2016 – *Kuenburg, A., Fellingner, P., Fellingner, J.* (2016). Health care access among deaf people. *Journal of Deaf Studies and Deaf Education*, 21(1), 1–10. doi: 10.1093/deafed/env042

Kurková, Scheetz, 2016 – *Kurková, P., Scheetz, N.A.* (2016). Communication Strategies Used by Physical Education Teachers and Coaches in Residential Schools for the Deaf in the U.S. *Acta Facultatis Educationis Physicae Universitatis Comenianae*, 56(1), 1–16. doi: 10.1515/afepuc-2016-0001

Kurková et al., 2010 – *Kurková, P., Scheetz, N. A., Stelzer, J.* (2010). Health and physical education as an important part of school curricula: A comparison of schools for the deaf in the Czech Republic and the United States. *American Annals of the Deaf*, 155(1), 78–95.

McKee, 2011 – *McKee, M.M., Barnett, S.L., Block, R.C., Pearson, T.A.* (2011). Impact of communication on preventive services among deaf American Sign Language users. *American Journal of Preventive Medicine*, 41, 75–79. doi:10.1016/j.amepre.2011.03.004

Ministry of Health... – Ministry of Health of the Czech Republic. (2015). Health 2020 – National Strategy for Health Protection and Promotion and Disease Prevention. Action plan 1: Promotion of physical activity for the period 2015–2020. Retrieved from: http://www.mzcr.cz/Admin/_upload/files/5/akční%20plány%20-%20přílohy/AP%2001%20podpora%20pohybové%20aktivity.pdf

National Programme... – National Programme for the Development of Education in the Czech Republic (2001). Retrieved from Ministry of Education, Youth, and Sports [Czech Republic] website: <http://www.msmt.cz/dokumenty/bila-kniha-narodni-program-rozvoje-vzdelavani-v-ceske-republice-formuje-vladni-strategii-v-oblasti-vzdelavani-strategie-odrazi-celospolecenske-zajmy-a-dava-konkretni-podnety-k-praci-skol>

Nielsen, Krasnik, 2010 – Nielsen, S. S., Krasnik, A. (2010). Poorer self-perceived health among migrants and ethnic minorities versus the majority population in Europe: A systematic review. *International Journal of Public Health*, 55, 357–371. doi:10.1007/s00038-010-0145-4

Onwuegbuzie, Teddlie, 2003 – Onwuegbuzie, A. J., Teddlie, C. (2003). A framework for analyzing data in mixed methods research. In A. Tashakkori & C. Teddlie (Eds.), *Handbook of mixed methods in social and behavioral research* (pp. 351–383). Thousand Oaks, Ca: Sage Publications.

Potměšil, 2015 – Potměšil, M. (2015). Osobnost dítěte v kontextu vady sluchu. [A child's personality in the context of hearing impairment] Olomouc, Czech Republic: Palacký University Olomouc.

Potměšilová, Potměšil, 2014 – Potměšilová, P., Potměšil, M. (2014). Pedagogický pracovník v integrovaném vzdělávání a integrované výchově [A teacher in integrated education and care]. *Sociální pedagogika*, 2(2), 88–101. doi: 10.7441/soced.2014.02.02.06

Průcha, 2002 – Průcha, J. (2002) Moderní pedagogika [Modern pedagogy]. Prague, Czech Republic: Portál.

Framework Education... – Framework Education Programme for Primary Education. (2017). Prague, Czech Republic: Ministry of Education, Youth and Sports.

Robertson et al., 2017 – Robertson, P.M., McFarland, L.A., Sciuchetti, M.B., García, S.B. (2017). Connecting the dots: An exploration of how pre-service special education teachers make sense of disability and diversity. *Teaching and Teacher Education*, 65, 34–47. doi: 10.1016/j.tate.2017.02.020

Scheetz, 2012 – Scheetz, N.A. (2012). Deaf education in the 21st century: Topics and trends. Boston, MA: Pearson.

Scheid, 1995 – Scheid, V. (1995). Chancen der Integration durch Sport: Behinderten machen Sport (Vol 2). Aachen, Germany: Meyer & Meyer.

Sigmund, Sigmundova, 2014 – Sigmund, E., Sigmundova, D. (2014). School-related physical activity, lifestyle and obesity in children. Olomouc, Czech Republic: Palacký University Olomouc.

Smith et al., 2012 – Smith, C.E., Massey-Stokes, M., Lieberth, A. (2012). Health information needs of d/Deaf adolescent females: A call to action. *American Annals of the Deaf*, 157, 41–47. doi:10.1353/aad.2012.1608

Strnadová, 2001 – Strnadová, V. (2001). Hádej, co říkám, aneb odezírání je nejisté umění [Guess what I am saying or lip-reading is an uncertain discipline] (2nd rev. ed.). Prague, Czech Republic: ASNEP.

Ubido et al., 2002 – Ubido, J., Huntington, J., Warburton, D. (2002). Inequalities in access to healthcare faced by women who are deaf. *Health & Social Care in the Community*, 10, 247–253. doi:10.1046/j.1365-2524.2002.00365.

Constitutional Act... - Constitutional Act amending the Charter of Fundamental Rights and Freedoms of 12 June 1998, No 162/1998 Sb.

Vágenerová, 2014 – Vágenerová, M. (2014). Současná psychopatologie pro pomáhající profese [Contemporary psychopathology for assisting professions]. Prague, Czech Republic: Portál.

Decree No 27/2016 Sb. – Decree No 27/2016 Sb., on the education of pupils with special educational needs and gifted pupils.

Decree No 291/1991 Zb. – Decree No 291/1991 Zb., Decree of the Ministry of Education, Youth and Sports of the Czech Republic on Primary Schools

Decree No 416/2017 Sb. – Decree No 416/2017 Sb., amending Decree No 27/2016 Sb., on the education of pupils with special educational needs and gifted pupils, as amended by Decree No 270/2017 Sb.

Watier, 2016 – Watier, L. (2016). Ubylo žáků se zdravotním postižením [There are fewer pupils with disabilities]. *Statistika & my*, 6(5), 28–29.

Act No 29/1984 Sb. – Act No 29/1984 Sb., on the system of primary and secondary schools (the Education Act)

Act No 155/1998 Sb. – Act No 155/1998 Sb., on communication systems for deaf and deaf-blind persons, as amended.

Act No 561/2004 Sb. – Act No 561/2004 Sb., on preschool, primary, secondary, tertiary vocational and other education (the Education Act).

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Gender Analysis of Development of Subjects of School and University in the Soviet and Russian Documentary and Television Audiovisual Media Texts

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Abstract

The article presents the results of gender analysis of development of subjects of school and university in the Soviet and Russian documentary and television audiovisual media texts of Men-heroes of the Soviet and Russian documentary and television audiovisual media texts on school and university topic have pronounced masculine characteristics: self-confidence, the desire for independence of their own attitudes, beliefs, actions, persistence, self-sufficiency. Depending on the topic of media text to meet the characters from the dominant male type to emphasized femininity. In the typology of female images N. Yakovleva highlights: hypersexual masculine, masculine, feminine, hypersexual feminine types. We found that hypersexual masculine and feminine hypersexual types do not reflect in Soviet and Russian documentary and television audiovisual media texts. The masculine type is found in the documentary films designed to promote, for example, in physical training and sports. The androgynous type widely represented in the Soviet and Russian documentary and television audiovisual media texts. in documentaries there are virtually no characters that meet the characteristics of a feminine type; the Russian television is reflected in the media texts, which are implemented at the local channels often owned by the universities.

Keywords: gender analysis, masculine, feminine signs, documentary film, TV shows.

1. Введение

Масс-медиа – один из основных факторов, влияющих на становление личности человека, понимание сущности многих явлений жизни. Так, М.Н. Володина (*Язык..., 2008*) утверждает, что картина мира современного человека представляет собой следующую пропорцию: 10 % знаний опираются на собственный опыт личности и 90 % всего, что мы знаем, приходится на медийные источники (телевидение, Интернет, кинематограф – игровой и документальный, радио, фотографии и пр.).

Позиционирование гендерных образов в медиатекстах напрямую взаимосвязано с формированием системы ценностей – как социума, так и личностных смыслов отдельного индивидуума, трансформации эталонных качеств, присущих женщине или мужчине. «Процесс становления личностной идентичности всегда взаимосвязан со становлением идентичности гендерной» (*Курилович, 2010: 57*), поэтому актуальность приобретает интеграция факторов, способов, механизмов, обеспечивающих деятельность гендерных технологий.

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Гендерные стереотипы формируются и усваиваются человеком в процессе влияния (опосредованного или непосредственного) на него разных агентов, институтов социализации. Уточняя роль каждого из данных понятий, обратимся к исследованиям С.А. Беличевой, в которых она подчеркивает, что «если социально-психологическое воздействие общества на личность происходит через средства массовой коммуникации, печать, радио, телевидение, искусство, литературу, то мы говорим об агентах социализации. Если же воздействие происходит на уровне непосредственного ближайшего окружения индивида, то мы говорим об институтах социализации» (Беличева, 1999: 74). Таким образом, очевидно, что масс-медиа относятся к агентам социализации. Последние воздействуют на личность при помощи гендерных технологий, создающих образы «гендерных стереотипов, и через показ, научение, повторение, контроль добиваются их усвоения в процессе социализации личности» (Курилович, 2010: 57).

2. Материалы и методы исследования

Основными материалами исследования стали: теоретические труды российских и зарубежных ученых (С.А. Беличевой, М. Киммела, Н.В. Курилович, Н.Б. Малаховой, О.С. Осинской, Н. И. Яковлевой, Е.Р. Ярской-Смирновой и др.), посвященные механизмам формирования гендерных стереотипов у аудитории в процессе взаимодействия с различными институтами и агентами социализации; советские и российские документальные и телевизионные аудиовизуальные медиатексты.

К методам исследования, позволившим провести гендерный анализ, мы отнесли: теоретический, стереотипный, идентификационный, анализ характеров персонажей, а также методы синтеза, классификации, обобщения.

3. Обсуждение

Понимание значения словосочетаний «быть женщиной» или «быть мужчиной» не было статичным в разные исторические периоды, имело различное семантическое значение у рас, этносов, социальных групп. Таким образом, «если проследить развитие представлений философских школ о женственности, мужественности от античности до современных дней, то мы увидим, что философы античности и средневековья рассматривали женщину как отклонение от мужчины, от природы, а философы XIX–XX веков уже пытаются научно осмыслить, на основании чего можно делать такие выводы (З. Фрейд); провозглашается необходимость женского равноправия (Дж. Стюарт Милль, К. Маркс, Ф. Энгельс); появляется идея гармоничного взаимодополнения мужского и женского начала (русские философы Серебряного века)» (Малахова, 2013: 66).

В России после 1917 века произошло межгендерное сближение, что отразилось в образах мужчин и женщин в медиатекстах. Сокращение гендерного разрыва проявилось в активном освоении обоими полами определенных профессий, которые ранее были приоритетом только мужчин или женщин, трансформации ролей в семье (распределение семейных обязанностей), взглядов и ожиданий по отношению к образованию и работе.

Сегодня всё чаще звучит мысль о «гендерном равенстве, о том, что человек – это единое, телесно-духовное и социальное существо и, несмотря на биологические различия в структуре и химических устройствах мозга, разной физиологии, разных познавательных возможностях (память, внимание), между мужчинами и женщинами гораздо больше сходства, чем различий. И для того, чтобы люди могли жить счастливо, согласно своим желаниям, им необходимо проявлять такие качества, как любовь, нежность, забота, сострадание, компетентность, честолюбие, привязанность, самоуверенность независимо от того, мужчина это или женщина» (Киммел, 2006: 464).

Не подвергается сомнению, что масс-медиа (во всем их разнообразии) сегодня формируют культурные и социально-психологические стандарты социума, оказывают влияние на все сферы общественного менталитета, выступают в роли основного фактора приобщения личности к окружающему миру. При этом, медиатексты, включая документальные фильмы и телепередачи, выступают для своей аудитории в качестве основного транслятора гендерных стереотипов. Н.Б. Малахова отмечает различные приемы, с помощью которых происходит это воздействие: «навязывание устаревших представлений о женском и мужском предназначении; трансляция искаженного образа современных

женщин и мужчин. Но гендерные стереотипы как социально, и культурно обусловленные мнения и оценки меняются со временем. Во многих странах, где идеи гендерного равенства получают общественную и государственную поддержку, СМИ разрабатывают новые нормы подачи информации о мужчинах и женщинах» (Малахова, 2013: 67).

Представление о реальности складывается как на уровне индивида, так и на уровне социума, коллектива. Масс-медиа сегодня стали основными производителями и трансляторами символов коллективных представлений о чем-либо, «считывание» которых обеспечивает эффективную коммуникацию личности в социуме. При этом, символ используется в медиатекстах как основной инструмент познания и отражения. Так, Э. Кассирер утверждает, что именно символ выступает «инструментом познания и конструирования действительности» (Кассирер, 1988: 29). То есть особая роль символа обусловлена спецификой процесса познания, способностью человека к абстрактному мышлению.

Н.Б. Малахова отдельное значение отводит моде, обладающей большим количеством знаков и символов, как важному компоненту гендерной технологии. С помощью моды зритель отождествляет героев с определенной социальной группой, считывает ее образцы поведения. Также мода – помогает определить половую принадлежность персонажей, «через изменения в моде можно попытаться проследить, что происходит в межполовых отношениях, с какими противоречиями сталкивается здесь общество и каков доминирующий вектор социогендерного развития. Например, в моде известен такой стиль «унисекс». Этот стиль появился в результате изменения мужской и женской роли в обществе. Главная черта этого стиля – это полное отсутствие признаков, указывающих на половую принадлежность их владельца» (Малахова, 2013: 69).

Документальные фильмы и телевизионные передачи на протяжении всех лет своего существования активно используют символы и знаки для усиления эмоционального воздействия на зрителя, увеличения смысловой нагрузки медиатекста. Это позволяет им создавать новые мифы и реальность, в которой прослеживается и идеологическая цель. Например, в документальных фильмах «Советская семья и школа (1927–1928)», в кинолентах «Советская школа (1960 – 1969)», «Рассказывает Саша Дмитриев» (1956) с помощью символов, закадрового текста, музыки авторы демонстрировали достижения советской власти, формировали в сознании аудитории новую социалистическую реальность. При этом в советских документальных фильмах большое значение придавалось изменению статуса женщин, освоению ими новых социальных ролей, выходящих за рамки ведения домашнего хозяйства.

4. Результаты исследования

Результаты анализа мужских персонажей в отечественных документальных фильмах свидетельствуют, что их гендерная репрезентация имеет общую направленность: герои советских и российских документальных / телевизионных аудиовизуальных медиатекстов на школьную и студенческую тему в основном относятся к мужскому полу. Среди характерных качеств экранных персонажей-мужчин мы отмечаем уверенность в себе, стремление к независимости собственных взглядов, убеждений (но с обязательной аргументацией своей позиции), действий, упорство, способность к риску, самодостаточность и т.д.

Основные ценности персонажей-мужчин в документальных фильмах – ценности, опирающиеся на профессиональный опыт и личную самореализацию. В качестве примера можно привести ряд документальных лент разных лет о педагогах-новаторах: «Хозяин. Школа Сергея Чёрного» (1992), «Вальдорфская школа» (1992), «Интервью директора школы «Класс-центр» С.З. Казарновского» (1991), «Школа на Брянской» (1994), «Ищу учителя» (2014) и др.

Экранная репрезентация педагогов-мужчин включает в себя демонстрацию их творческого понимания целей и содержания педагогического процесса, предприимчивости, организаторских способностей, умения повести за собой как коллектив единомышленников-учителей, родителей, так и детей школьного возраста. Стиль одежды этих педагогов зачастую выходит за рамки «офисного» шаблона. Так, директор школы С.З. Казарновский, одетый в свитер и джинсы, во время интервью сидит на диване в своем кабинете в свободной

позе. Рассказ о собственном педагогическом опыте С.Г. Черный ведет на природе, он сидит на траве в одежде вольного стиля. Его монолог представляет собой четкую структуру, состоящую из трех основных компонентов: прошлое, настоящее и будущее. Набор перечисленных нами и многих других кодов и знаков направлен на создание у зрителя образа героя как мужчины, профессионала, обладателя лучших маскулинных качеств.

При анализе мы опирались на понятие «фейсизм» (Ш. Берн). Мы можем утверждать, что согласно ему, в советских и российских документальных и телевизионных аудиовизуальных медиатекстах зачастую женские и мужские образы педагогов представлены непропорционально реальному положению дел. Во-первых, в реальной жизни учителей-женщин намного больше, чем мужчин, а на экранные имиджи документального кино отдаются в значительной степени именно мужчинам. Во-вторых, в документальном кино учителя-мужчины презентуются как интеллектуалы, камера фиксирует их лицо, мимику, в то время как у учителей-женщин на первый план в визуальном ряде чаще выходит фигура.

Учащиеся школьного возраста нередко предстают в документальных и телевизионных медиатекстах в едином дресс-коде: пионерской форме, гимназической форме и пр. Например, конкурсные условия, поведение ведущего по отношению к участникам в телепередаче «Умники и умницы» подчеркивает равенство полов; соревнующиеся одеты очень строго, отсутствуют любые акценты сексуальности (это проявляется, в частности, в том, что не допускаются распущенные волосы или эффектные укладки у девушек). Участницы конкурса учебных знаний в области гуманитарных наук представлены как сильные личности, ничем не уступающие «сильному» полу, которые готовы вести с ним равную борьбу.

Основополагающие ценности для анализируемых персонажей – общественное признание и активная, результативная профессиональная деятельность. Часто в таких медиатекстах мы встречаемся с построением основной сюжетной линии на преодолении трудностей, которые возникли перед персонажем. В качестве таковых выступают реформирование образования, введение новых стандартов, новые экономические условия (в перестроечный или «ельцинский» период), гуманистическая парадигма развития педагогики и пр.

Женские гендерные образы представлены в документальных фильмах на тему школы и вуза более вариативно. В зависимости от тематики медиатекста можно встретить персонажей от преобладающего мужского типа до подчеркнутой женственности. В своей работе мы хотим обратиться к типологии женских образов, представленной в работе Н.И. Яковлевой. В ней выделяются: маскулинный гиперсексуальный тип, маскулинный тип, феминный тип, андрогинный тип, феминный гиперсексуальный тип.

Рассмотрим характеристики и отражение каждого из заявленных типов в советских и российских документальных и телевизионных аудиовизуальных медиатекстах на тему школы и вуза.

Маскулинный гиперсексуальный тип. Н.И. Яковлева дает следующую характеристику представителям данного типа в медиатекстах: «героини обладают маскулинными чертами, наравне с мужчинами выполняют социально значимые роли. Сексуальность, выраженная в первую очередь с помощью атрибутивной поддержки, выступает одним из немногих феминных признаков, который, однако, стереотипизирует женщину» (Яковлева, 2009: 485). Согласно результатам нашего анализа советских и российских документальных и телевизионных аудиовизуальных медиатекстов на школьную и студенческую тематику, данный тип не находит в них отражения.

Маскулинный тип: «Героини обладают маскулинными чертами, а также наравне с мужчинами выполняют социально значимые роли. Акцент не делается на сексуальной атрибутике. Женщины представлены, как сильные личности, выполняющие важное предназначение, однако в локальной сфере» (Яковлева, 2009: 485). Наш анализ советских и российских аудиовизуальных медиатекстов школьно-студенческой тематики показал, что данный тип встречается в отечественных документальных фильмах. Например, маскулинный тип девочки, девушки, женщины, встречается в документальных картинах, призванных популяризировать занятия физкультурой, стимулировать занятия спортом:

«Знакомьтесь: народная гребля. Этот необычный обычный урок. Современные Икары» (1982), «Подари себе радость» (1990) и др.

Другим видом документальных фильмов, где находит отражение в персонажах маскулинный тип женщины, можно считать некоторые медиатексты профориентологической направленности: «Я б в строители пошел...» (1980); «Серебряные крылья» (1973) и пр. В этом контексте нельзя обойти вниманием и документальные фильмы, где раскрывались и пропагандировались различные виды вовлечения студентов в трудовую деятельность (стройотряды, трудовые семестры, поездки на целину, комсомольские стройки): «Студенческие строительные» (1973), «Третий трудовой» (1978) и др.

Андрогинный тип: «Женщины обладают качествами, традиционно отождествляемые с мужчинами, наравне с мужчинами выполняют социально значимые роли. Однако, для них также характерны и феминные качества, связанные в первую очередь со способностью выслушать, поддержать, при необходимости утешить. В данном случае мы не говорим о навязанной сексуальности, так как выражена она довольно слабо, и намеренно не выставляется напоказ» (Яковлева, 2009: 485). Данный тип широко представлен в советских и российских документальных и телевизионных аудиовизуальных медиатекстах. Например, в документалистике андрогинный тип часто встречается в героинях – учителях, директорах, ведущих инновационную деятельность, организовавших свою работу на принципах гуманизма.

В представленной нами типологии документальных фильмов (Мурюкина, 2017) такие персонажи встречаются в медиатекстах:

- освещающих проблемы детей в школе (появилась в середине 1980-х годов, когда стало возможным говорить не только о достижениях, но и сложностях, возникающих в образовании школьников: «Самые младшие школьники» (1985), «Школа: прогноз на завтра» (1989), «Идём по кругу? Не останавливаемся?» (1990) и др.;

- раскрывающих инновационную деятельность, авторские разработки педагогов: «Активизация обучения (из опыта работы школ Татарии)» (1975), «Дважды два» (1987), «Школа. Взгляд с надеждой» (1989) и др.

Героини (как взрослые, так и школьницы, студентки) в документальных медиатекстах выполняют социально значимую роль. Одежда героинь опрятная, но не вычурная, поскольку необходимый акцент должен приходиться на ее деятельность, профессиональные качества, квалификацию, а не на восприятие (в первую очередь) как женщины. В фильмах подчеркивается ее гендерная принадлежность через «женские» качества – способность выслушать, найти слова поддержки. В данном случае мы не говорим о навязанной сексуальности, так как выражена она довольно слабо и намеренно не выставляется напоказ.

Андрогинный тип находит отражение и в телепередачах советского и российского производства на школьную и студенческую тему. Например, у персонажей телепередачи «АБВГДейка» гендерная принадлежность выражается в одежде, диалогах, чертах характера, которыми обладают герои: Макаронка – добрая, отзывчивая, эмпатийная; учительница Татьяна Кирилловна или (в настоящее время) Кристина Алексеевна – рассудительная, справедливая, терпеливая; Санёк и Печкин – иногда самоуверенные, бескомпромиссные, задиристые. Одежда и поведение персонажей «АБВГДейки» транслируют целевой аудитории основные гендерные признаки, характеристики, способствуя формированию их собственной гендерной принадлежности.

Современное телевидение представлено новыми видами телепередач (ток-шоу, журналистские расследования и пр.) школьной и студенческой тематики, где поднимаются проблемы образования в школе и вузе в России. Героини – представители науки, образования, министерские работники и др. демонстрируют на экране профессионализм в обсуждаемой теме, собственное мнение о проблеме, умение его аргументировать, вступать в диалог с представителями противоположного пола. Но для них характерна и демонстрация феминных качеств, что проявляется в одежде (прежде всего, это подчеркивает классический стиль), такте по отношению к собеседникам, способность слушать и пр.

Феминный тип: «Женщины, обладающие преимущественно феминными качествами. Акцент не делается на выполнении социально значимых ролей. Чаще всего представлены, как творческие личности, желающие реализации в определённой локальной сфере, не требующей широкого общественного признания» (Яковлева, 2009: 485-486).

Изучение и анализ советских и российских документальных и телевизионных аудиовизуальных медиатекстов с точки зрения героев, обладающих феминным типом, позволил нам прийти к следующим выводам:

- в отечественных документальных фильмах мы практически не встречаем персонажей, по своим характеристикам отвечающих феминному типу. Это обусловлено установкой коммунистической партии, согласно которой деятельность каждого человека должна быть социально значима и полезна обществу. Так, в документальном фильме «Сюжеты. Советская семья и школа» (1927 - 1928) авторы как бы проживают один день из жизни девочки – ученицы младших классов. Мы видим кадры ее учебы в школе; встречи с отцом после окончания смены на заводе; совместного прихода домой, где их встречает мать героини. Затем дочь уводит отца в комнату, дает ему листок бумаги с текстом, который он начинает читать. В это же время мать девочки идет на кухню, ставит чайник на плиту. То есть в документальном фильме мы встречаем представителя феминного типа в лице мамы ученицы: она не выполняет социально значимой роли и, занимаясь ведением домашнего хозяйства, не стремится выйти за ее рамки. Но авторами подчеркивается с помощью монтажа, что девочка предпочитает помощи маме общение с папой, поскольку он умеет читать, может помочь ей подготовить уроки и т.д. То есть феминный тип персонажей противоречил складывающейся идеологии, согласно которой все граждане СССР должны быть социально активны;

- в российских телепередачах на студенческую тему можно встретить представителей феминного типа. К примеру, на локальных, местных каналах (в районе города, области), чаще всего, университетских, ведущими телепередач часто становятся девушки-студентки, которые обладают указанными характеристиками. Они демонстрируют ярко выраженные феминные качества, что позволяет привлечь внимание аудитории к информации, сделать ее аттрактивной. Ведущие презентуют зрителям свои креативные способности, что находит отражение, в том числе, в умении одеваться, делать макияж, прическу. Для университетского телевидения это важный аспект, поскольку, в съемочной группе нет визажистов, стилистов и пр.

Для феминного типа героинь большое значение имеет внешний вид, трендовая одежда, поскольку она несет в себе большое количество знаков и символов: демонстрирует принадлежность к социальному слою; усиливает привлекательность и пр. Наш анализ показал, что героини феминного типа в телепередачах на студенческую тему не используют в одежде такой стиль как «унисекс», напротив, их одежда подчеркивает женственность, формы обладательницы.

Феминный гиперсексуальный тип: «Женщины, обладающие преимущественно феминными качествами, которые также подчеркиваются ярко выраженной сексуальностью. Им не приписываются социально значимые роли во внешней сфере. Таким героиням чаще всего не отводятся главные роли в сюжете. Они зачастую появляются рядом с мужчиной, которого «дополняют» тем, или иным образом» (Яковлева, 2009: 486). Этот тип в анализируемых нами советских и российских документальных и телевизионных аудиовизуальных медиатекстах на школьную и студенческую тему не находит отражения, хотя в игровом кинематографе российского периода, он напротив, часто акцентируется («Физика или химия», «Барвиха», «Филфак» и пр.)

5. Выводы

Итак, мужские персонажи советских и российских документальных и телевизионных аудиовизуальных медиатекстов на школьную и студенческую тему имеют ярко выраженные маскулинные признаки: уверенность в себе, стремление к независимости собственных взглядов, убеждений, действий, упорство, самодостаточность. В зависимости от тематики медиатекста можно встретить персонажей от преобладающего мужского типа до подчеркнутой женственности.

Маскулинный гиперсексуальный и феминный гиперсексуальный типы в советских и российских документальных и телевизионных аудиовизуальных медиатекстах практически не находят отражения. Маскулинный тип встречается в документальных фильмах, например, призванных популяризировать занятия физкультурой и спортом. Андрогиный тип широко представлен в советских и российских документальных и телевизионных

аудиовизуальных медиатекстах. В документалистике он часто встречается у героинь – учителей, директоров, осуществляющих инновационную деятельность, опирающуюся на принципы гуманизма. В отечественных документальных фильмах о школе и вузе почти нет персонажей, отвечающих характеристикам феминного типа; в российских телепередачах этот тип находит отражение в медиатекстах, реализующихся на локальных, местных каналах, часто принадлежащих университетам.

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Литература

Беличева, 1994 – *Беличева С.А.* Основы превентивной психологии. М.: Соц. здоровье России, 1994. 199 с.

Кассирер, 1988 – *Кассирер Э.* Опыт о человеке: Введение в философию человеческой культуры. Проблема человека в западной философии. М.: Прогресс, 1988. 552 с.

Киммел, 2006 – *Киммел М.* Гендерное общество. М.: Российская политическая энциклопедия, 2006. 464 с.

Курилович, 2010 – *Курилович, Н.В.* Гендерный анализ средств массовой информации: методологический аспект. Минск: Право и экономика, 2010. 169 с.

Малахова, 2013 – *Малахова Н.Б.* Гендерные технологии как средство формирования гендерной идентичности в современных условиях // *Известия МГТУ «МАМИ»*, № 1 (15). 2013, т. 6. С. 66-70.

Мурюкина, 2017 – *Мурюкина Е.В.* Герменевтический анализ советских документальных фильмов и телепередач на школьную и студенческую тему // *Медиаобразование*. 2017. № 3. С. 118–133.

Язык, 2008 – *Язык средств массовой информации / Под ред. М.Н. Володиной.* М.: Академический Проект; Альма Матер, 2008. 760 с.

Яковлева, 2009 – *Яковлева Н.И.* Роль кино в формировании гендерных репрезентаций. 2009. URL: <http://elib.bsu.by/bitstream/123456789/150841/1/484-487.pdf>. Дата доступа 1.10.2017.

Ярская-Смирнова, 2001 – *Ярская-Смирнова Е.Р.* Гендер, власть и кинематограф: основные направления феминистской кинокритики // *Журнал социологии и социальной антропологии*. 2001. Т. IV. № 2. С. 100–118.

References

Belicheva, 1994 – *Belicheva S.A.* (1994). *Osnovy preventivnoi psikhologii* [Fundamentals of preventive psychology]. M.: Sots. zdorov'e Rossii, 199 p.

Cassirer, 1988 – *Kassirer E.* (1988). *Opyt o cheloveke: Vvedenie v filosofiyu chelovecheskoi kul'tury* [An essay on man: an Introduction to philosophy of human culture]. Problema cheloveka v zapadnoi filosofii. M.: Progress, 552 p.

Kimmel, 2006 – *Kimmel M.* (2006). *Gendernoe obshchestvo* [Gender relations]. M.: Rossiiskaya politicheskaya entsiklopediya, 464 p.

Kurilovich, 2010 – *Kurilovich, N.I.* (2010). *Gendernyi analiz sredstv massovoi informatsii: metodologicheskii aspekt* [Gender analysis of the media: methodological aspect]. Minsk: Pravo i ekonomika, 169 p.

Malakhova, 2013 – *Malakhova, N.B.* (2013). *Gendernye tekhnologii kak sredstvo formirovaniya gendernoi identichnosti v sovremennykh usloviyakh* [Gender technologies as means of formation of gender identity in modern terms]. *Izvestiya MGTU «МАМИ»*, № 1 (15). t. 6. pp. 66-70.

Murjukina, 2017 – *Murjukina, E.V.* (2017). *Germenevticheskii analiz sovetskikh dokumental'nykh fil'mov i teleperedach na shkol'nuyu i studencheskuyu temu* [Hermeneutic analysis of Soviet documentary films and television programs on school and student theme]. *Mediaobrazovanie*. № 3. pp. 118–133.

Yazyk, 2008 – Yazyk sredstv massovoi informatsii [The language of the media]. Pod red. M.N. Volodinoi. M.: Akademicheskii Proekt; Al'ma Mater, 2008. 760 p.

Yakovleva, 2009 – Yakovleva, N.A. (2009). Rol' kino v formirovanii gendernykh reprezentatsii [The role of cinema in shaping gender representations]. URL: <http://elib.bsu.by/bitstream/123456789/150841/1/484-487.pdf>. Data dostupa 1.10.2017.

Yarskaya-Smirnova, 2001 – Yarskaya-Smirnova, E.R. (2001). Gender, vlast' i kinematograf: osnovnye napravleniya feministskoi kinokritiki [Gender, power and cinema: the main directions of feminist film critics]. *Zhurnal sotsiologii i sotsial'noi antropologii*. T. IV. № 2. pp. 100–118.

Гендерный анализ развития тематики школы и вуза в советских и российских документальных и телевизионных аудиовизуальных медиатекстах

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Аннотация. В статье представлены результаты гендерного анализа развития тематики школы и вуза в советских и российских документальных и телевизионных аудиовизуальных медиатекстах Мужчины-герои советских и российских документальных и телевизионных аудиовизуальных медиатекстов на школьную и студенческую тему имеют ярко выраженные маскулинные признаки: уверенность в себе, стремление к независимости собственных взглядов, убеждений, действий, упорство, самодостаточность. В зависимости от тематики медиатекста можно встретить персонажей от преобладающего мужского типа до подчеркнутой женственности. В типологии женских образов Н.И. Яковлева выделяет: маскулинный гиперсексуальный, маскулинный, феминный, феминный гиперсексуальный типы. Мы выявили, что маскулинный гиперсексуальный и феминный гиперсексуальный типы в советских и российских документальных и телевизионных аудиовизуальных медиатекстах не находят отражения. Маскулинный тип встречается в документальных фильмах: призванных популяризировать занятия физкультурой и спортом; профориентологической и пропагандистской направленности. Андрогиный тип широко представлен в советских и российских документальных и телевизионных аудиовизуальных медиатекстах. В документалистике он часто встречается у героинь – учителей, директоров, осуществляющих инновационную деятельность, опирающуюся на принципы гуманизма. Изучение и анализ советских и российских документальных и телевизионных аудиовизуальных медиатекстов с точки зрения героев, обладающих феминным типом, позволил говорить о следующем: в документальных фильмах практически не встречаются персонажи, отвечающие характеристикам феминного типа; в российских телепередачах находит отражение в медиатекстах, реализующихся на локальных, местных каналах, часто принадлежащих университетам.

Ключевые слова: гендерный анализ, маскулинные, феминные признаки, документальные фильмы, телепередачи, студенты, школьники.

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Social Adaptability of Elementary School Gifted Students

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Abstract

In this paper, we have tried to reach an understanding on social adaptability of gifted students in the educational context which has not been adapted to the specific needs of a gifted child. The sample consisted of 43 gifted fourth grade students and their peers (in total: 469 students). The first research question examined the differences in the level of social skills development of sampled gifted students measured by the seven scaled Social Skills Self-Assessment Tool. The results showed that the best scores were achieved on the scales of Social and Emotional Sensitivity and Expressiveness. Gifted students underscored the scale of Social Manipulation. The second research question examined the differences in the sociometric position of gifted students. By analyzing the data of the sociogram, we have realised that only 10 (23.25 %) of the 43 gifted students belong to a group of popular children or "stars". Obtained results proved significant differences in the sociometric position of fourth grade gifted students in the classroom. Measurement of social adaptability in a group of gifted students did not reveal that gifted people demonstrate high levels of social competence. Consequently, results presented that only 8 (18.6 %) of the 43 gifted students belong to a group of individuals that are socially adapted: high level of social skills combined with high sociometric position.

Keywords: giftedness, socialization, social adaptability, social skills, sociometric position.

1. Introduction

Although scientific approaches to understanding giftedness have made a significant shift from the original understanding of giftedness as a predetermined personality trait with numerous mystical properties, this phenomenon has not been fully clarified. The reason may be in the inability to contextualize giftedness in determined and final theoretical discourses, as well as, evident complexity of this phenomenon.

Social aspect, which we sought to investigate in this paper, refers to the possibility of social adaptability of gifted students in the real environment, school. Previous studies carried out in this area indicate that the answers to this question are different and very often contradictory in nature. The first approach is close to understanding that gifted people, due to their cognitive capacities, are able to better understand themselves and others, and thus better manage stressful and conflicting social interactions which enables them better social adaptability (Betts, Neihart, 1988). The second stand represents the idea that gifted individuals, given their pronounced emotional and moral sensitivity, have a greater chance to face the challenges in the process of social adaptation (Neihart,

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1999). When we look more closely at the personality characteristics of gifted individuals, we can not resist the view that both positions are profound (Akbarov, Osmanović, 2014).

The quality of the overall relations in the class will create a specific classroom climate that will be either stimulating or depressing to the development of personality traits of gifted individuals. That is the valuable process of the formation of student's identity in accordance with the dominant socio-cultural context. The child meets with the authority of the teacher in the school, with the group demands and needs (which may be in disagreement with the child's own needs), with the request to control certain behaviors that have not been imposed in other circumstances. All social processes mentioned above contribute to the understanding that certain interventions are needed in a child's behavior to be accepted by society.

The aim of this research is to measure social adaptability of gifted students. For the purpose of this study, the concept of social adaptability has been operationalized as a high level of social skills combined with high sociometric position.

2. Review of Literature

Considering that our work explores the concept of social adaptability, which is exclusively a social component and derives from the process of socialization, it is inevitable to consider the theoretical aspect of the notion of socialization. One of the simplest definitions of socialization is that it is "social learning realized by inaction with other people" (Rot, 1977: 117).

Social intelligence is yet one more important concept closely linked to the process of socialization. According to Riggio and Reichard (2008: 171), the fundamental concept of social intelligence are social skills. They define social skills as „the ability to express oneself in social interactions, the ability to “read” and understand different social situations, knowledge of social roles, norms, and scripts, interpersonal problem-solving skills, and social role-playing skills“. Most authors imply that social skills are a developmental concept in nature and that they evolve via social interactions. Marlowe defines social skills as "the ability to understand the feelings, thoughts, and behaviors of persons including oneself, in interpersonal situations and to act appropriately upon that understanding (Marlowe, 1986: 52)

Hence, only behavior that respects feelings, thoughts, and behaviors of other people can be considered as a socially skilled behavior. Appropriate social development requires knowledge and understanding of the norms, rules and values of the community and culture in which an individual lives or deals, as well as mastering the skills necessary for effective interaction within that community. The child who has succeeded this, has developed the skills of social competence.

By reviewing the literature that is closely concerned with this topic, it has been found that the general framework of social skills states: sensitivity, expression and control as the three primary skills that occur in the emotional-non-verbal and social-verbal domain (Riggio, Reichard, 2008). In the emotional-non-verbal domain, there is emotional expression, emotional sensitivity and emotional control, and within the social-verbal domain there is social expressiveness, social sensitivity and social control. For someone, we say that he/she is adapted when there is a harmony between his/her notions of self, others, the world, and objective reality. The state of social adaptability is, therefore, the agreement between the reference frame on the one hand and the world on the other, that is, between theory and practice (Milivojević, 2008).

Bloom's studies (1982, as cited by Čudina-Obradović, 1991) points out that gifted children have a greater need for self-worthiness and competence. Realization of self-confidence with their own activity is a much greater reward for them than for other individuals. Because they have great abilities, their activities often lead to high quality results, which directly affects the development of a sense of competence. These findings are based on the presence of the persistence of these individuals in different areas of their talents. Unlike Bloom, Feldman (1987 as cited by Čudina-Obradović, 1991) points out that wider social factors, from the broadest historical cultural events to the immediate environment, are as important in the development of the inherited potential of an individual. These factors are the readiness of society (technical and general developmental level that enables society to recognize and appreciate a certain type or combination of abilities), readiness of the immediate environment to recognize and invest efforts in developing this ability, and opportunities for quality education and mentoring.

If we know that the results of one's own achievements are necessary in order for a gifted individual to build a positive image of himself, then it is clear that talented people must have the

opportunity to show their potential, and to provide them with the chance to achieve the goals and tasks they are striving for and for which they are predisposed. Studying in an environment in which gifted students are marked as "different" will significantly degrade self-perception.

3. Method

The aim of this study is to explore social adaptability of gifted students. To achieve our aim, we measured the level of social skills and the sociometric position of gifted students according to the following questions:

1. Is there a statistically significant difference in results on the Social Skills Inventory?
2. Is there a significant difference in the sociometric position within the classroom?
3. Is there a statistically significant correlation between the results of the Social Skills Inventory and the sociogram results?

The following hypotheses have been tested:

H01 – There is no statistically significant correlation difference in results on Social Skills Inventory.

H02 – There is no statistically significant correlation in the sociometric position of fourth grade gifted students in the classroom.

H03 – There is no statistically significant correlation between the results of the Social Skills Inventory and sociogram results.

3.1. Participants

The sample of this research is intentional and consists of fourth grade students from nine elementary schools from the Novi Grad municipality in Bosnia and Herzegovina. In this study, 43 gifted students and 426 peer students participated. Gifted students have been identified within the "Specially Targeted Project" supported by UNDP and academic staff from Department of Pedagogy (Faculty of Philosophy, University of Sarajevo). The identification process was conducted by a set of standardised instruments.

3.2. Instruments and procedure

3.2.1. Social Skills Self-Assessment Tool

This research applied the Social Skills Self-Assessment Tool developed by the researcher with the help of a supervisor. The test is an adapted and translated version of the Social Skills Inventory Ronald Riggio (Riggio, 1986: 649-660). The questionnaire includes four dimensions of social skills: sensitivity, expressiveness, control and manipulation. The inventory consists of 28 items, which content and terminology is adapted to the lower grades elementary school students.

3.2.2. Sociometric questionnaire / sociogram

In this research, a sociogram questionnaire consisting of eight questions was designed. In order to avoid choices favoring the criteria that are not relevant for this research (eg. socio-economic status, students' success in school), general claims have been avoided (for example: I would prefer to sit with _____). Therefore, the questions are closely aligned to claims related to social skills.

We have selected the following sociometric categories:

- Popular children – "stars" – those children who have five or more positive votes, and none is negative.

- Unpopular children – "discarded" or "isolated" – are children with four or more negative votes, and none positive.

- Medium-rated – the third category consists of children with more than five positive and less than four negative votes. Such children have a lot of positive votes, however as they are chosen for a negative criterion, they can not be classified into the "stars" group. Also, as they have less than four negative votes, they do not belong to the group of "isolated", unpopular children.

The term "sociometric position" refers to the number of positive or negative choices by the members of the group to which the individual belongs. The basic distinction between popular children ("stars") and those who are not there is in the absence of negative votes.

3.3. Data analysis

For the purpose of statistical data analysis Statistical Package for Social Sciences (SPSS) was used. Descriptive statistics (means, standard deviations, and medians) were conducted, as well as chi-square coefficient was obtained.

4. Results

4.1. The differences in results on Social Skills Inventory between fourth grade gifted students.

The first research question examined the level of social skills development of sampled gifted students. Based on the obtained answers from Social Skills Self-Assessment Tool and the descriptive statistics data, we clustered respondents into two groups (above and below the average results). After the division, a statistically significant difference in the number of respondents was not located between those who achieved above (22 students or 51.16 %) and below (21 students or 48.84 %) the average results. The statistically significant difference was found in three out of seven individual sub-scales of SSI questionnaire. Those are the Emotional Sensitivity, the Emotional Expressiveness and the Social Sensitivity subscales (Table 1).

Table 1. Descriptive statistics for Social Skills Self-Assessment Tool

	Emotional Expressiveness	Emotional Sensitivity	Emotional Control	Social Expressiveness	Social Control	Social Sensitivity	Social Manipulation
Mean	20,88	23,93	14,65	24,67	17,86	23,48	12,06
Mode	17	24	13	24	16	26	12
Median	21	24	15	25	17	24	12

Table 1 shows the calculated values of the mean, the mode and the median for the Social Skills Self-Assessment Tool results of gifted children from the sample, in each of the seven subscales (Emotional Expressiveness, Emotional Sensitivity, Emotional Control, Social Expressiveness, Social Control, Social Sensitivity and Social Manipulation). The descriptive results show that the best scores were achieved on the scales of Social and Emotional Sensitivity and Expressiveness. Gifted students received very low results of the scale of Social Manipulation.

4.2. The differences in the sociometric positions of fourth grade gifted students in the classroom

By analyzing the data of the sociogram, we have realised that only 10 (23.25 %) of 43 gifted students belong to a group of popular children or "stars". In the "medium-rated" and "Unpopular" groups, similarly, 16 gifted students (37.21 %) were categorized.

Although some gifted students from the sample had a large number of positive votes, the negative votes they received from their peers were eliminative for their classification in the 'star' category. The Ho2 hypothesis was rejected. The obtained results provided a significant difference in the sociometric position of fourth grade gifted students in the classroom.

4.3. The correlation between the results of the Social Skills Self-Assessment Tool and sociogram results.

The third research question was to examine the relationship between the results of Social Skills Self-Assessment Tool and the results of the sociogram of gifted students. A chi-square was calculated to determine whether there is a statistically significant relation between the level of social skills and the sociogrammatic position of gifted students. The chi-square is an appropriate statistical tool if the indicators are quantitative or qualitative in nature as qualitative indicators are expressed in absolute frequencies and converted into quantitative indicators. Also, we can test one or more dependent or independent samples by multiple features or by the same feature with multiple modalities.

Table 2. Calculate the Chi-square between social skills and the sociometric position of gifted students

f_o	f_t	$f_o - f_t$	$(f_o - f_t)^2$	$(f_o - f_t)^2 / f_t$
6	8,18	-2,18	4,75	0,58
10	7,81	2,19	4,79	0,61
8	5,11	2,89	8,35	1,63
2	4,88	-2,88	8,29	1,69
8	8,69	-0,69	0,47	0,054
9	8,30	0,70	0,49	0,059
				$\chi^2=4,623$

The number of degrees of freedom is $(2-1) \times (3-1) = 2$. The table shows that the limit value of the χ^2 with 2 degrees of freedom, and at a significance level of 1 %, is 9.21. The calculated Chi-square is less than the limit value χ^2 at the significance level of 1 % (9.21) and is 4.623, so we reject the hypothesis (there is no statistically significant correlation between the results of the Social Skills Inventory and sociogram results), and we conclude that these two variables are related.

Table 3. Number of socially skilled gifted students and gifted students with the lack of social skills by sociometric categories

	Gifted students with the lack of social skills	Socially skilled gifted students	Total
Isolated	10	6	16
Medium-rated	9	8	17
'Stars'	2	8	10
Total	21	22	43

As we can see from the [Table 2](#), eight socially skilled gifted students are class "stars", and only two "stars" of departments have a lack of social skills. It is indicative that eight out of a total of ten popular children have developed social skills. This would mean that social skills were realized in a social context (in the classroom), and gifted students are therefore recognized as superior to other peers in the classroom within the framework of social competences that were set out in a sociometric questionnaire.

5. Discussion and conclusion

Measurement of social adaptability in a group of gifted students did not prove that gifted people demonstrate high levels of social competence. Our hypothesis was rejected as only 8 (18.6 %) of 43 gifted students belong to a group of individuals that are socially adapted: high level of social skills combined with high sociometric position. The reasons for the poor social adaptability of the sampled gifted students can be found in the specific characteristics of gifted (asynchrony of development, emotional sensitivity, neurotic perfectionism, desire to work in their own way, feeling that they are different from chronological peers, nonconformism), but also in the socio-cultural factors (educational institution that is not able to satisfy the academic needs of the talented, established sociological criterions that mark anyone who deviates from the norm).

As this study showed, the cognitive development of gifted students is considerably superior to the socio-emotional development. Thus, the disharmony of development influences reactions and behaviors that are not appropriate to the chronological age of gifted individuals, which can cause negative consequences for the processes of social adaptability in the real environment. Not all

participants in the interaction with gifted individuals are willing to tolerate behaviors that are unusual and sometimes frustrating, and which are, in fact, one of the basic characteristics of gifted and their development.

The advantage, and at the same time the defect of gifted students, is a "polarized set of traits". Gifted individuals have certain advantages for the social skills development (high motivation and outstanding cognitive capacities), but at the same time, they have an emphasized emotional and moral sensitivity and expressiveness which makes social learning more difficult.

Although some gifted students from the sample have achieved excellent results on the Social Skills Self-Assessment Tool, they were not recognized as socially skilled within the positive categories of the sociometric questionnaire (the most entertaining/Has the most friends in the class/Understands everyone). Therefore, they do not fulfill the criterion of social adaptability (as it has been operationalized in our research: high level of social skills and a high sociometric position).

The results obtained in this study indicated that gifted students in the fourth grade of elementary school have different degrees of development of social skills. While some have achieved the maximum number of points in some subscales of the Social Skills Self-Assessment Tool, some have very low achievements. Therefore, it is impossible to make a general statement about the degree of development of social skills in gifted children. As presented in the results, there is no significant difference in the number of respondents who are in the group of above-developed social skills in relation to the group of respondents with below-developed social skills. In the Emotional and Social Sensitivity Scales, and the Emotional and Social Expression Scales respondents achieved the best results. Among the mentioned scales, the best result was achieved on the social expression scale. This social skill implies the ability of verbal expression and the ability to involve others in social interaction as well as leadership behaviors. On the scale of social expressiveness, the mean was 24.67, and 44.18 % of the respondents have below-average results, while 55.81 % has above-average results. Therefore, there is a significant difference between the number of subjects within these two groups. For these results, we can say that they were expected as the first indications about who could take the role of leader, both in class and in other life situations, are beginning to take place. Leadership technique implies a series of learning, and lasts throughout the course of education. Statistically significant difference was also found on the Emotional Sensitivity and the social Sensitivity sub-scales.

As the data showed, the lowest scores were achieved on the Social Manipulation Scale ($M=12.06$). Such results were realistic to expect. Social manipulation involves the ability to recognizing and detect fraud. As we see, a good mastering of social manipulation involves highly developed analytical abilities (analyzing, evaluating, comparing, opposing) in concrete social relations and interactions. It is unjustifiable to expect ten-year old children to master this area of social skills.

The second step in reaching the goal of the research was to measure the sociometric position of gifted students in the classroom. The results of sociometric questionnaires represent a measure of the degree to which a student (in this particular case, a student with an identified giftedness) is engaged in activities highly valued by his school fellows or in accordance with the requirements of the group. The results showed that only 10 (23.25 %) out of 43 gifted students from the survey sample are "stars" of the class, and 16 students are positioned in the remaining two categories. The majority examined studies on this topic, regardless of differences in methodology, suggest that gifted students enjoy the same, and in some cases, greater popularity among peers (Austin, Draper, 1981; Luftig, Nichols, 1991; Norman et al., 2000, as cited by Altaras, 2006). However, as we see in the presented results, gifted students from our sample do not have a favorable sociometric position, which could have been influenced by a number of factors.

The gifted students from our sample attend the regular study program of the fourth grade of elementary schools (reformed education system). The sampled classrooms comprise 16 and more (up to 28) students of different general abilities. Such a program is adapted for an average student so that it can not meet the academic needs of gifted children for enriched and challenging educational content. Disappointment of academic needs is closely related to the occurrence of undesirable forms of behavior. The school is an important context for analyzing the behavioral characteristics of a child in a peer group, because establishing relationships with others allows meeting basic needs. We can talk about the innate need for belonging and adopting to a group that

is spoken by most authors, mostly sociologists. If a good social climate is created in the classroom, the environment for the development of positive social relations will be created.

One of the variables not foreseen by this research, identified during the study, is the attitude of the teacher towards the gifted student as an important determinant of the quality of established relationships among peers. Namely, it was noticed that the teacher significantly determines the relation of other peers towards a gifted student by his attitude towards the gifted student. One possible consequence is the non-tactical emphasis on the superior characteristics of gifted students, which creates elite positions for these students. The results of the research show that only some gifted people are favored, while others fall into the category of being rejected because of underestimation of their peers, constant testing and attracting attention, due to selfishness, ignorance, incompatibility (Čudina-Obradović, 1991). Gifted pupils are often overly overestimated as students who enjoy greater popularity in the group they belong to, while withdrawn and shy learners are often unjustifiably not included among "gifted" even when they really belong to it (Cvetković Lay, Sekulić Majurec, 2008). Another possibility is that the teacher tries to establish a balance between students of different qualities by often hindering a gifted student to act in the department in accordance with his specificities (higher intrinsic motivation – the need for greater activity and influence, the desire to prove and competition with others, the desire to do things to exhaustion, the need for additional explanations, different dynamics of work) by insisting on equality. Gifted students, by continuous teacher intervention in their behavior, become marked by a negative criterion, which can define his/her status in the group and further relate to peers in the department. None of the two extremes of teachers' attitude toward gifted students is desirable.

As a third step in reaching the goal of the research, we tried to verify that there is a connection between social skills and a sociometric status. The calculated chi-square proved that there is a statistically significant correlation between the level of social skills and the sociogram position of the gifted student.

The question is: is social cognition 'literally translated' into social behavior and whether in the real social context the same 'assessment criteria' are applied as in the psychological test (Altaras, 2006: 107). Social competence does not always mean social acceptance from a peer group. The reason for this can be a number of factors, and this is evidenced by socially skilled students from this research (14 of them) who, despite excellent results in the Social Skills Self-Assessment Tool, have been socially rejected by their peers in the department. However, the computed chi-square has shown that there is a statistically significant connection between social competence and the sociometric situation of students. We conclude that the students who are socially competent and multiply positively chosen, have mastered a certain component of social skills that helped them to be accepted by most of their peers.

We can also talk about some of the disadvantages of this research, which primarily relates to the instrument used. Since the Social Skills Self-Assessment Tool is a self-assessment questionnaire, it is possible that some of the respondents gave socially desirable answers.

The obtained data on the low sociometric position of gifted individuals symptomatically indicate the need for an adequate plan and program for this group of students and for the necessary individual approach, so that they do not suffer the psycho-emotional consequences of this kind of "treatment" of the group. Because of the non-stimulating program, gifted children are often bored in school. One of the negative outcomes is the possibility that gifted students would hide their talents in order not to assimilate in the group, which may sometimes mean permanent loss of the priceless treasure that every gifted individual represents.

References

- Akbarov, Osmanović, 2016 – Akbarov, A., Osmanović, A. (2016). Sociogramski položaj nadarenih učenika četvrtog razreda osnovne škole, *Didaktički putokazi*, 74, 44-48.
- Altaras, 2006 – Altaras, A. (2006). *Nadarenost i podbacivanje*, Pančevo: Mali Nemo.
- Betts, Neihart, 1988 – Betts, G.T., Neihart, M. (1988). Profiles of the gifted and talented. *Gifted Child Quarterly*, 32(2), 248-253. Retrieved from <http://journals.sagepub.com/doi/pdf/10.1177/001698620404800102>.
- Cvetković-Lay, Sekulić Majurec, 2008 – Cvetković-Lay, J., Sekulić Majurec, A. (2008). *Nadareno je, što ću s njim?*, Zagreb: Alinea.

- Čudina-Obradović, 1991 – Čudina-Obradović, M. (1991). Nadarenost; razumjevanje, prepoznavanje, razvijanje, Zagreb.
- Marlowe, 1986 – Marlowe, H.A. (1986). *Journal of Educational Psychology*, Vol 78(1), 52-58.
- Milivojević, 2008 – Milivojević, Z. (2008). Emocije, Novi Sad: Psihopolis institut.
- Neihart, 2006 – Neihart, M. (2006). Affiliation/achievement conflicts in gifted adolescents, Bloomfield Hill: Roeper Review.
- Riggio, 1986 – Riggio, R.E. (1986). Assessment of Basic Social Skills, Fullerton, *Journal of Personality and Social Psychology*, 51.
- Riggio et al., 1989 – Riggio, R. E., Tucker, J., Coffaro, D. (1989). Social Skills and Empathy, Fullerton: Personality and Individual Differences, 10.
- Riggio, Reichard, 2008 – Riggio, R.E., Reichard, R.J. (2008). The emotional and social intelligences of effective leadership: An emotional and social skill approach. *Journal of Managerial Psychology*, 23(2), 169-185. Retrieved from: <http://www.emeraldinsight.com/doi/pdfplus/10.1108/02683940810850808>
- Rot, 1977 – Rot, N. (1977). Osnovi socijalne psihologije : socijalizacija, Beograd: Zavod za udžbenike i nastavna sredstva
- Winner, 2005 – Winner, E. (2005). Nadarena djeca-mitovi i stvarnosti, Zagreb, Ostvarenje.

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Criminal Responsibility in the Cryptosphere

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Abstract

In accordance with the official forecasts of the development of the domestic economy (development Concept and security Strategy), the imbalance in world trade and capital movements will continue and may increase in the coming years, which will contribute to changes in the exchange rates of world currencies. The Russian Federation has set the goal of transforming the national currency into a leading regional reserve unit. Today, however, the full implementation of such plans is impeded by uncertainty in matters of currency and legal responsibility, including in the actively developing cryptosphere. Today, the draft Federal law "On amendments to the Federal law "On the development of small and medium-sized businesses in the Russian Federation" and the draft Federal law "On amendments to the Federal law "On digital financial assets" provide for the formation of special platforms (crypto exchange, operators, etc.), however, do not regulate the liability of professional participants of the emerging new crypto market.

Keywords: cryptocurrency, cryptosphere, responsibility, crypto currency exchange market, foreign monetary system, cryptomarket, cryptorisks, insurance, fiat money, currency.

1. Введение

Базисом финансовой системы той или иной страны являются денежные средства. На протяжении многих лет этот тезис был незыблемым для построения системы национальной финансовой безопасности. Однако общество постоянно развивается, примером чего может служить эволюция интернет-технологий и методов торговли. Вкупе с финансовым кризисом 2008-2009 годов, общим разочарованием в действующих финансовых конструкциях и нарастающим недоверием к государственным банкам возникла ситуация, при которой крупные и частные инвесторы стали искать новые способы вложения капитала и получения прибыли (Соколов, 2018).

В настоящее время и профессиональные, и непрофессиональные участники все активнее обсуждают различные моменты использования криптовалют в том или ином государстве (Попшер, 2016: 11-12). С каждым днем растет количество новостей, связанных с технологией блокчейна и виртуальными деньгами. Появляются проекты законов о регулировании в криптосфере, организуются лекционные курсы, проводятся конференции. Между тем в погоне за «новым счастьем» мы забыли об оборотной стороне медали. Нужно ясно понимать, кто именно будет нести ответственность за противоправные действия в рассматриваемой сфере?

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2. Материалы и методы

Основой настоящего исследования служат правовые акты, касающиеся концепции развития Российской Федерации и Стратегии национальной безопасности Российской Федерации (Указ Президента РФ от 31.12.2015 № 683), а также проекты федеральных законов о регулировании оборота криптовалют на территории Российской Федерации, которые анализируются через призму практического преломления их положений. В статье также анализируются зарубежный опыт адаптирования системы денежного оборота к новым условиям и судебная практика. Применены формально-логический, юридико-технический методы, метод системного анализа, сравнительно-правовой метод.

3. Обсуждение

Вопрос об ответственности в сфере валютно-денежных отношений особенно чувствителен для российской экономики. Так, важнейшие факторы обеспечения экономической безопасности страны определены в п. 58, 62 ч. IV Стратегии национальной безопасности Российской Федерации. Среди них: повышение эффективности государственного регулирования экономики в целях достижения устойчивого экономического роста; повышение производительности труда; освоение новых ресурсных источников; **стабильность функционирования и развития финансовой системы, повышение ее защищенности; валютное регулирование и контроль, их оптимизация;** накопление финансовых резервов; сохранение финансовой стабильности, сбалансированности бюджетной системы; совершенствование межбюджетных отношений; **преодоление оттока капитала** и квалифицированных специалистов; увеличение объема внутренних сбережений и их трансформация в инвестиции; снижение инфляции; **обеспечение суверенитета финансовой системы, устойчивости валютного курса рубля.**

Однако, постоянное увеличение количества арбитражных производств, в том числе по делам о несостоятельности (банкротстве), фактов мошенничества, а также неурегулированность статуса криптовалют, отсутствие единообразной мировой практики ([Электронная валюта...: 360-369](#)) и судебной защиты по анализируемому вопросу, нестабильность ценообразования в криптосфере, и проч. – все это суть факты, которые сегодня «формируют угрозу национальной безопасности, обозначенную в Стратегии как совокупность условий и факторов, создающих прямую или косвенную возможность нанесения ущерба объективно значимым потребностям личности, общества и государства в обеспечении их защищенности и устойчивого развития» ([Электронная валюта...: 27](#)).

Для ознакомления с судебной практикой по обозначенному вопросу можно обратиться к текстам следующих актов: Решению Рязского районного суда г. Рязани от 26.04.2017 г. по делу № 2-160/2017; Решению Октябрьского районного суда г. Санкт-Петербурга от 16.05.2017 г. по делу № 2-1993/2017; Постановлению Шестого арбитражного апелляционного суда от 01.04.2016 № 06АП-552/2016 по делу № А73-7423/2015. По сути, данные решения обозначили тренд, согласно которому в Российской Федерации до момента должного правового урегулирования всех ключевых вопросов в криптосфере ни граждане, ни юридические лица не смогут найти защиту в лице органов государственной власти. Однако, в сознании общества еще жив пример с валютной ипотекой, когда как приговор прозвучала первая реакция на сложившуюся ситуацию – виноваты сами граждане, поскольку это был риск. И хотя Российская Федерация оказала помощь гражданам с решением данного вопроса, тем не менее, по многим причинам государство сегодня не в состоянии оказывать финансовую помощь всюду.

В таких условиях нельзя возлагать всю ответственность за совершение тех или иных действий в криптосфере на пользователя – обыкновенного гражданина, который при нынешней мировой и экономической ситуациях видит в виртуальной валюте реальную и единственную возможность заработать без использования лишних документов, договорных конструкций, без уплаты неподъемных процентов по кредитам и проч.

И хотя криптовалюта в сравнении с фиатными деньгами используется в преступных целях не столь часто ([Francis, 2015](#)), тем не менее по данным Positive Technologies ([URL: https://www.kommersant.ru/doc/3566894](https://www.kommersant.ru/doc/3566894)) мошенники в 2017 году похитили 300 млн. долларов США через ICO. И речь идет не о том, что преступники выходили с проектами на

ICO, а потом исчезали с горизонта. В подавляющем большинстве случаев злоумышленники стремятся получить контроль над самой платформой, чтобы подменить адрес криптокошелька организаторов на свой, потребовать выкуп (Сидоренко, 2016) и проч. Другим примером является разработка злоумышленниками программы майнера (Dowd, 2014: 52), которая намеренно блокирует работу других установленных на этом компьютере программ-майнеров, монополизировав, по сути, весь ресурс пользователя (т.е., тем самым нарушая право на распоряжение своим имуществом по собственному усмотрению) (Cimpranu, 2018). Пожалуй указанные преступления сегодня в большей степени следует отнести к категории *mala prohibita*.

Однако в криптосфере совершаются и более «классические» (*mala in se*) преступления (Trautman, 2014). Так, очень распространенной в последнее время является схема, когда продавец криптовалюты встречается с покупателем в ресторане в целях обмена цифровых денег на фиатные. Покупатель показывает продавцу деньги и тот переводит ему криптовалюту. Но в этот момент появляются крепкие люди, которые заявляют, что никаких денег продавец не получит, поскольку покупатель должен сначала рассчитаться с ними. Проблема сегодня состоит в том, что завести уголовное дело по данному факту практически невозможно, ведь в законодательстве биткоин никак не отражен, а значит и ущерба никакого нет (Петров, 2017). Грабители также отслеживают тех, у кого есть криптовалюта и нападают на них в целях принудительного перевода криптовалюты на свой кошелек. Так, преступники удерживали пару из России в заложниках во время отдыха в Таиланде и под угрозой введения наркотической инъекции заставили их перевести на свой счет всю имеющуюся у них криптовалюту (URL: <https://tech.onliner.by/2018/01/18/bitcoin-55>).

Так или иначе, но те участники рынка, которые выходят на ICO (получатели финансирования) стремятся привлечь денежные средства через специальные интернет-сайты, интернет-площадки или криптобиржи. Представляется, что установление ответственности такой площадки (биржи) за предоставляемую участникам информацию позволит многократно снизить количество возможных мошеннических действий в указанной сфере и обеспечит ее большую стабильность на национальном уровне. Такая площадка, как минимум, должна проводить анализ деятельности юридического лица, которое намерено использовать ресурс криптобиржи для привлечения денежных средств. Такой анализ должен быть общедоступным и может содержать информацию, например, об активности деятельности юридического лица, об арбитражных и гражданских производствах с его участием, о прибыли за предыдущий год и прочее.

По нашему мнению у получателя финансирования должен быть свой отдельный счет в банке, данные о расходах с которого он предоставляет в режиме закрытого доступа (логин, пароль) участникам финансирования и соглашается с тем, что банк имеет право в любой момент заморозить средства на этом счете до выяснения обстоятельств в том случае, если средства с такого счета расходуются не в соответствии с заявленными юридическим лицом целями при привлечении денежных средств с помощью ICO, с одновременным уведомлением интернет-площадки (криптобиржи), которая размещает такую информацию на своей платформе.

Вариант: такую деятельность осуществляет сама интернет-площадка (криптобиржа). Иными словами получатель финансирования «живых денег» не получает, они все находятся на открытом в криптобирже цифровом счете. При этом сведения о расходовании денежных средств предоставляются интернет-площадкой (криптобиржей) участникам финансирования в режиме закрытого доступа (логин, пароль).

Тогда указанная система действительно сможет предоставлять участникам финансирования гарантии, что повысит привлекательность российского подхода и позволит привлечь новых инвесторов, в том числе из-за рубежа. Возможные возражения относительно предложенного подхода в известной мере понятны. Ни компании, ни криптобиржи, ни банки сегодня не желают вести свою деятельность под таким «жестким» регулированием. Однако, говоря объективно, связано это, пожалуй, не с тем, что реализация такой модели невозможна или нецелесообразна, но все же в большей степени с желанием быстро заработать «легкие» деньги. Между тем, если получатель финансирования ведет себя добросовестно и его целью является результат (честная реализация проекта), то чего ему бояться?

Встроить новую систему в существующие правовые рамки вполне возможно, о чем свидетельствует опыт некоторых стран и, в частности, Республики Беларусь. Иностранские компании могут образовывать дочерние филиалы в Hi-Tech Park Республики Беларусь, в рамках которого уже функционируют оператор ICO (принимают заявки на ICO, проверяют соблюдение требований и выдают разрешение на краудфандинг), криптобиржа (занимается покупкой и продажей криптовалюты), а также майнеры (которые поддерживают функционирование всей системы). Сам порядок оборота криптовалюты в Hi-Tech Park Республики Беларусь выглядит следующим образом (Алейников, 2018):

1. Создание дочерней компании в Республике Беларусь;
2. Заявка на проведение ICO, направленная оператору ICO;
3. Одобрение заявки оператором ICO в Hi-Tech Park Республики Беларусь и проведение ICO (выход на рынок);
4. Краудфандинг;
5. Получение дочерней компанией криптовалюты от реализации ICO через оператора ICO;
6. Продажа криптовалюты криптобирже, которая занимается тейдинговой деятельностью (продает и покупает криптовалюту на других биржах);
7. Получение фиатных денежных средств через криптобиржу.

По заявлению В. Цюрхера в рамках организованного Внешэкономбанком Первого международного юридического форума «Криптосреда» (г. Москва, 1-2 марта 2018 г.) главная проблема криптовалюты состоит в том, что в подавляющем большинстве случаев никто не может пойти с вырученными от продажи криптовалюты по повышенному курсу (в сравнении с курсом при приобретении криптовалюты) деньгами в банк, поскольку банковская деятельность связана с законодательством о противодействии легализации (отмыванию) денежных средств (стандарты AML), а также опосредована принятыми международным сообществом правилами идентификации клиентов и истории происхождения денежных средств (стандарты KYC и др.).

По нашему мнению выходом из этой ситуации (задаваясь также целью сохранения действующей финансовой системы и порядка денежного обращения) будет организация обмена криптовалют на фиатные деньги посредством обращения к аккредитованному государством и функционирующим при крупных банках криптобиржам, деятельность которой будет подлежать обязательному страхованию.

Представляется, что денежные средства можно будет перевести виртуальную валюту и обратно только посредством обращения к ресурсам криптобиржи (в том числе в сети Интернет). Иными словами криптобиржи будут выступать своего рода фильтром в этой новой для государств сфере, что позволит минимизировать риски при построении нового алгоритма оборота финансов, который должен обеспечить консенсус всех участников рынка.

Описанная система, на наш взгляд, позволит минимизировать случаи придания правомерного вида владению, пользованию и распоряжению денежными средствами или иным имуществом, приобретенными лицом в результате совершения им преступления, в том числе посредством совершения сделок или финансовых операций с такими денежными средствами или иным имуществом. В этом плане, вполне возможно скорректировать диспозиции статей 174 и 174.1 УК РФ, поскольку в современных условиях указанные деяния могут быть совершены не только посредством совершения сделок или финансовых операций, но также и любым другим способом. В частности, мошенники зачастую крадут криптовалюту и затем через некоторое время пытаются реализовать ее далеко за пределами территории совершения преступления (как правило, на другой бирже, предоставляющей соответствующие услуги) (Esoimeme, 2017). Другим примером может послужить опыт Швейцарии, которая намерена регулировать криптовалютные операции посредством действующего законодательства. В частности, предусматривается, что все токены будут классифицироваться на платежные, утилитарные (открывающие доступ к ресурсам специальной криптоплощадки) и токены-активы. Предполагается при этом, что утилитарные токены не должны подпадать под правила противодействия легализации (отмывания) денежных средств в силу того, что такие токены лишь предоставляют доступ к соответствующему ресурсу (URL: <https://crypto.whenspeak.ru/rooms/3840/>). Однако такой подход, по нашему мнению, нельзя признать удачным, поскольку утилитарные токены

можно фактически передать другому человеку, поменять на другие токены, в том числе платежные, обменять на валюту и проч. Поэтому риск использования токенов в швейцарской юрисдикции в целях легализации (отмывания) денежных средств нельзя считать преодоленным даже несмотря на всю развитость правовых механизмов этой страны.

Примечательно, что идея создания национальной криптобиржи уже прозвучала в Китае. Ванг Пенгки (Wang Pengjie) высказал предположение, что Центральный банк Китая (the People's Bank of China) во взаимодействии с Регуляторной Комиссией Китая по безопасности (the China Securities Regulatory Commission) могут создать собственную платформу на аутентичной технологии блокчейна с особой системой верификации и национальную криптобиржу. «Мы можем предоставить компаниям легальную возможность сбора денежных средств, а индивидуальным инвесторам доступ к росту их капитала» (URL: <http://bitcom.blog/member-chinas-main-political-advisory-proposes-national-crypto-trading-platform/?i=3>).

Представить криптобиржу более наглядным образом достаточно легко, если мы обратимся к официальным приложениям для современных смартфонов, позволяющих скачивать и устанавливать программы и игры на ваш телефон (AppStore и Google PlayMarket). Да, вы можете скачать на свой телефон программу из сети Интернет (особенно легко это можно сделать на телефоне с платформой Android), однако в таком случае вы не будете застрахованы от мошенников и киберпреступников, которые встраивают в «бесплатные» программы, размещенные в сети Интернет специальные скрипты, позволяющие им скачивать информацию с вашего телефона, посылать СМС-сообщения, выявлять уровень ваших банковских накоплений, красть денежные средства, подстраивать телефон под постоянную работу и скрытую добычу криптовалюты Monero и прочее (Вовнякова, 2018). Аналогичным образом сегодня при самостоятельной покупке криптовалюты никто не застрахован от фишинговых сайтов, сайтов мошенников, зеркальных сайтов официальных зарубежных бирж и т.п. Представляется, что именно аккредитованная криптобиржа позволит минимизировать риски, существующие в новой криптосфере уже сегодня.

Такой подход позволит выстроить систему, при которой в государстве наряду с «классическим» бюджетом параллельно можно будет формировать криптобюджет (либо от обложения транзакционным криптоналогом криптобирж, либо от введения налога на вывод криптовалюты в фиат). В науке, например, предлагают ввести элективный налог на анонимность с транзакции, в которой известна, по крайней мере, одна сторона (Omri, 2014). В Бразилии налог на прирост капитала в размере 15 % подлежит уплате государству в момент продажи криптовалюты, а держатель криптовалюты на сумму более 1000 реалов должен отображать такие сведения в декларации (Облачинский, 2014).

Ведь финансовые ресурсы страны – это разные потоки (муниципальные, государственные финансы, финансы домашних хозяйств), которые не отделены друг от друга непроницаемой стеной, но взаимосвязаны (Джумов, 2007). В данном случае государство по тем или иным прогнозам сможет также переводить накопленную криптовалюту в фиат и пополнять «классический» бюджет, а уровень бюджета страны всегда будет выше 100%. Кроме того, посредством обращения к криптобирже суды смогут обращать взыскание на криптовалюту граждан и юридических фирм и т.п.

4. Результаты

Настоящее исследование показывает, каким образом возможно интегрировать новейшие достижения в области финансов (криптовалюты и технологии, обеспечивающие их обращение) в правовую сферу валютно-денежного оборота Российской Федерации, наглядно демонстрирует возможную схему нивелирования существующих противоречий в целях обеспечения гибкости национальной валютно-денежной системы и ее устойчивости в современных реалиях.

Следует согласиться, что «при таких обстоятельствах, учитывая большое количество пользователей, вовлеченных в процесс криптообмена, вопрос о применении мер ответственности (особенно уголовной), безусловно, требует более детальной проработки. Установление тотального запрета на технологию может послужить негативным фактором

для участников делового оборота, которые могут лишиться определенного конкурентного преимущества по сравнению со своими иностранными партнерами» (Никитин, 2017).

Вместе с тем представляется, что в условиях нестабильной экономической ситуации в стране, западных санкций, а также низкого уровня жизни в целом по стране, когда гражданин реально ограничен в способах накопления денежных средств, необходимо установить специальную (*mala prohibita*) уголовную ответственность за совершение преступлений в криптосфере.

5. Заключение

Для обеспечения стабильности экономического развития страны гражданин Российской Федерации не должен опасаться, что перечисление средств интернет-площадке (и *de jure*, и *de facto*) приравнивается к их безусловной потере. «Управление рисками – трудоемкий и сложный процесс, между тем, финансовой сфере особенно присущи инновации и стремительное появление новых продуктов» (Кучеров и др., 2017: 122). Для цельного регулирования криптосферы необходимо приложить все усилия для того, чтобы право выполнило по отношению к любому риску следующие функции: «легальное признание и допущение рисков, установление средств предупреждения и минимизации риска, определение меры ответственности, а также функции компенсаторных средств» (Тихомиров, Шахрай, 2012: 10).

Обозначенная в статье проблематика актуализирует ценность профессиональных компетенций на стыке специальностей, отображая будущее правовой науки (Лаптев, 2017).

Финансовая безопасность должна соответствовать реальному развитию валютно-денежных отношений и быть адаптирована под современные условия, а денежно-кредитная система государства должна быть гибкой по отношению к новым вызовам и угрозам.

Литература

- Алейников, 2018 – Алейников, Д. Регулирование блокчейн-экономики: опыт Республики Беларусь, 2018 [Электронный ресурс]. URL: <https://admin.whenspeak.ru/files/lkfiles/1006/5a981e5aab308.pdf> (дата обращения: 16.03.18).
- Вовнякова, 2018 – Вовнякова, А. Осторожно: Android-вирус атаковал тысячи банковских карт, 2018 [Электронный ресурс]. URL: <https://hi-tech.mail.ru/news/virus-obokral-tusyachy-kart/> (дата обращения: 16.03.18).
- Джумов, 2007 – Джумов, А. Налоговые доходы бюджета как главный системный интегратор финансовых ресурсов. *Налоги*, 2007, 6: 18-20.
- Кучеров и др., 2017 – Кучеров, И., Поветкина Н., Акопян, О. и др. Институты финансовой безопасности: монография, 2017, Москва.
- Лаптев, 2017 – Лаптев, В. Ответственность "будущего": правовое существо и вопрос оценки доказательств. *Гражданское право*, 2017, 3: 32-35.
- Никитин, 2017 – Никитин, К. Правовой статус криптовалют в России. *ЭЖ-Юрист*, 2017, 45: 6.
- Облачинский, 2014 – Облачинский, И. Биткоин: зарубежный опыт. *ЭЖ-Юрист*, 23: 8, 2014.
- Петров, 2017 – Петров, И. Криминальный биткоин, 2017 [Электронный ресурс]. URL: <https://iz.ru/684876/ivan-petrov/kriminalnyi-bitkoin> (дата обращения: 16.03.18).
- Поппер, 2016 – Поппер, Н. Цифровое золото: невероятная история Биткойна. Москва 2016.
- Сидоренко, 2016 – Сидоренко, Э. Криминальное использование криптовалюты: международные оценки. *Международное уголовное право и международная юстиция*, 2016, 6: 8-10.
- Соколов, 2018 – Соколов, В. Биткоин – первый глобальный инвестирующий проект в истории. *Новая газета*, 2018, 15.01.2018: 16.
- Тихомиров, Шахрай, 2012 – Тихомиров, Ю., Шахрай, С. Риск и право: научное издание. Москва, 2012.
- Электронная валюта... – Электронная валюта в свете современных правовых и экономических вызовов: сб. материалов Международной научн.-практ. конференции [под ред. А.С. Генкина, Э.Л. Сидоренко, О.И. Семькина]. Москва, 2016.

Cimpanu, 2018 – *Cimpanu, C.* Coinminer Comes with a Process "Kill List" to Keep Competitors at Bay, 2018 [Electronic resource]. URL: <https://www.bleepingcomputer.com/news/security/coinminer-comes-with-a-process-kill-list-to-keep-competitors-at-bay/> (Accessed: 16.03.18).

Dowd, 2014 – *Dowd, K.* New Private Monies: A Bit-Part Player? London, 2014.

Esoimeme, 2017 – *Esoimeme, E.* The Money Laundering Risks and Vulnerabilities Associated with MMM Nigeria. *Journal of Money Laundering Control*, 2017, Vol. 21, Issue 1: 112-119.

Francis, 2015 – *Francis, E.* Bitcoin: Not So Scary, 2015. URL: <https://ssrn.com/abstract=2600344>.

Omri, 2014 – *Omri, M.A.* Conceptual Framework for the Regulation of Cryptocurrencies. *82 University of Chicago Law Review*, Dialogue, 2014, 53: 53-68.

Trautman, 2014 – *Trautman, L.* Virtual Currencies; Bitcoin & What Now after Liberty Reserve, Silk Road, and Mt. Gox? *Richmond Journal of Law and Technology*, 2014, Vol. 20, 4.

References

Alejniov, 2018 – *Alejniov, D.* (2018). Regulirovanie blokchejn-ehkonomiki: opyt Respubliki Belarus' [Blockchain economy regulation: experience of the Republic of Belarus] [Electronic resource]. URL: <https://admin.whenspeak.ru/files/lkfiles/1006/5a981e5aab308.pdf> (Accessed: 16.03.18).

Vovnyakova, 2018 – *Vovnyakova, A.* (2018). Ostorozhno: Android-virus atakoval tysyachi bankovskih kart [Caution: the Android virus has attacked thousands of bank cards]. [Electronic resource]. URL: <https://hi-tech.mail.ru/news/virus-obokral-tysyachy-kart/> (Accessed: 16.03.18).

Dzhumov, 2007 – *Dzhumov, A.* (2007). Nalogovye dohody byudzheta kak glavnyj sistemnyj integrator finansovyh resursov [Tax revenues of the budget as the main system integrator of financial resources]. *Nalogi*, 6: 18-20.

Kucherov i dr., 2017 – *Kucherov I., Povetkina N., Akopyan O etc.* (2017). Instituty finansovoj bezopasnosti [Financial security institutes]: monografiya. Moscow.

LapteV, 2017 – *LapteV V.* (2017). Otvetstvennost' "budushchego" [The responsibility of the "future"]: the legal substance and the question of the evaluation of evidence]: pravovoe sushchestvo i vopros ocenki dokazatel'stv. *Grazhdanskoe pravo*, 3: 32-35.

Nikitin, 2017 – *Nikitin, K.* (2017). Pravovoj status kriptovalyut v Rossii [The legal status of cryptocurrencies in Russia]. *EZH-Zh-Yurist*, 45: 6.

Oblachinskij, 2014 – *Oblachinskij, I.* (2014). Bitkoin: zarubezhnyj opyt [Bitcoin: foreign experience]. *EZH-Zh-Yurist*, 23: 8.

Petrov, 2017 – *Petrov, I.* (2017). Kriminal'nyj bitkoin [Criminal bitcoin]. [Electronic resource]. URL: <https://iz.ru/684876/ivan-petrov/kriminalnyi-bitkoin> (Accessed: 16.03.18).

Popper, 2016 – *Popper, N.* (2016). Cifrovoe zoloto: neveroyatnaya istoriya Bitkojna [Digital gold: the incredible story of Bitcoin], Moscow.

Sidorenko, 2016 – *Sidorenko, E.* (2016). Kriminal'noe ispol'zovanie kriptovalyuty: mezhdunarodnye otsenki [Criminal use of cryptocurrency: international assessments]. *Mezhdunarodnoe ugovnoe pravo i mezhdunarodnaya yusticiya*, 2016, 6: 8-10.

Sokolov, 2018 – *Sokolov, V.* (2018). Bitcoin – pervyj global'nyj investproekt v istorii [Bitcoin is the first global investment project in history]. *Novaya gazeta*, 15.01.2018: 16.

Tihomirov, Shahraj, 2012 – *Tihomirov, Yu., Shahraj, S.* (2012). Risk i pravo [Risk and right]: nauchnoe izdanie. Moscow.

Ehlektronnaya valyuta... – Ehlektronnaya valyuta v svete sovremennyh pravovyh i ehkonomicheskikh vyzovov [Electronic currency in the light of modern legal and economic challenges]: sb. materialov Mezhdunarodnoj nauchn.-prakt. konferencii (2016). [pod red. A.S. Genkina, E.L. Sidorenko, O.I. Semykina], Moscow.

Cimpanu, 2018 – *Cimpanu, C.* (2018). Coinminer Comes with a Process "Kill List" to Keep Competitors at Bay [Electronic resource]. URL: <https://www.bleepingcomputer.com/news/security/coinminer-comes-with-a-process-kill-list-to-keep-competitors-at-bay/> (Accessed: 16.03.18).

Dowd, 2014 – *Dowd, K.* (2014). New Private Monies: A Bit-Part Player? London.

Esoimeme, 2017 – *Esoimeme, E.* (2017). The Money Laundering Risks and Vulnerabilities Associated with MMM Nigeria. *Journal of Money Laundering Control*, Vol. 21, Issue 1: 112-119.

Francis, 2015 – Francis, E. (2015). Bitcoin: Not So Scary [Electronic resource]. URL: <https://ssrn.com/abstract=2600344> (Accessed: 16.03.18).

Omri, 2014 – Omri, M. (2014). A Conceptual Framework for the Regulation of Cryptocurrencies. *82 University of Chicago Law Review*, Dialogue 53: 53-68.

Trautman, 2014 – Trautman, L. (2014). Virtual Currencies; Bitcoin & What Now after Liberty Reserve, Silk Road, and Mt. Gox? *Richmond Journal of Law and Technology*, 2014, Vol. 20, 4.

Уголовная ответственность в криптосфере

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Аннотация. В соответствии с официальными прогнозами развития отечественной экономики (Концепции развития и Стратегии безопасности) в ближайшие годы сохранится и, возможно, усилится дисбаланс в области мировой торговли, движении капиталов, что будет способствовать изменению курсов мировых валют. Перед Российской Федерацией поставлена цель преобразования отечественной валюты в ведущую региональную резервную единицу. Однако сегодня полноценной реализации таких планов препятствует неопределенность в вопросах валютно-правовой ответственности, в том числе в активно развивающейся криптосфере. Сегодня и проект федерального закона «О внесении изменений в Федеральный закон «О развитии малого и среднего предпринимательства в Российской Федерации», и проект федерального закона «О внесении изменений в Федеральный закон «О цифровых финансовых активах», предусматривают образование специальных площадок (криптовбирж, операторов и проч.), однако не регулируют вопросы ответственности профессиональных участников формирующегося нового крипторынка.

Ключевые слова: криптовалюта, криптосфера, ответственность, криптобиржа, валютно-денежная система, крипторынок, крипториски, страхование, фиатные деньги, валюта.

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