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Articles and Statements

Impact of the Taliban Reappearance on Afghanistan's Foreign Policy Toward Pakistan

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Abstract

This paper is focused on the impact of the Taliban's reappearance on the foreign policy of Afghanistan towards Pakistan during Hamid Karzai's period. It tries to answer the questions of 'what impactful factors have determined Afghan foreign policy towards Pakistan' and 'how Islamic fundamentalism is used as a soft power instrument of Pakistan foreign policy towards Afghanistan'. In other words, it explores more the political and historical developments in Afghanistan within the designated periods-from 1947 to 2001 and the latter being 2001 to 2014. This paper consists of three main sections. The first section presents historical background of Afghanistan's foreign policy toward Pakistan in consideration with the international developments such as Cold War and 9/11 events with a brief overview of the relations of the two countries. Furthermore in this section it attempts to explain the Durand Line and Pashtonistan problem as the main factors that have influenced the two nation's relations. However, in the following years, while maintaining the real problem, new problems emerged. Such new problems include the Taliban group, India-Afghan relations, Transit problems and Water sharing problem. The second section presents the impact of Taliban reappearance as the most influential factors on Afghanistan's foreign policy on Pakistan in Hamid Karzai's period, especially in explaining the role of Taliban group as soft power instrument of Pakistan's foreign policy toward Afghanistan. Furthermore, it attempts to explain the impact of what is termed as 'Pakistani double game' on the Afghanistan's peace process. It discusses Pakistan since her establishment has exercised political intervention in the Afghanistan internal affairs, as an approach in overcoming the controversial problems between the two nations. In conclusion, analysis on how the post reappearance of the Taliban served to worsen the two neighboring nations' already weak relations are provided. Pakistan's evil foreign policy following the 9/11 September has further fragmented the weak relations with Afghanistan.

Keywords: Afghanistan, Foreign Policy, Fundamentalism, Pakistan, Soft Power, Taliban.

1. Introduction

Studies on Afghanistan and Pakistan have traditionally been centered on controversial Durand line and usage of the "fundamentalism as a "soft power" on "the Pakistan foreign policy tools" toward Afghanistan, which caused domination of conflicts within Afghanistan and

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challenging Afghanistan and Pakistan relations with many political crisis before and during the time of Hamid Karzai presidency.

The content of this article is vital, because it explains a brief historical background of Afghanistan-Pakistan relations since establishment of Pakistan until end of Hamid Karzai presidency and explains the details about the factors which are caused the Taliban reappearance in Afghanistan.

The content features how international diplomacy, regional policy with commonwealth and local realities act as a medium for Pakistan to emerge and dominate selected factors, thus, dominating the whole scene. The stated effective factors are considered as the causal factors for the reappearance of Taliban inside and outside Afghan national boundaries in relation to Pakistan. As such being a case, Afghan-Pakistan relations are thus experiencing unstable diplomacy and lack sustainable peaceful relations in the face of addressing the challenges and threats that are posed by Taliban insurgency and their support from Pakistan.

2. Discussion

1. The Foreign Policy of Afghanistan towards Pakistan

Afghanistan's Foreign Policy Doctrine

Various forms of neutrality have always been considered as Afghanistan's foreign and national security policy. After the First world war and the nation's declaration for independence in 1919, Afghanistan has always advocated neutrality as the nation's official policy statement. Main reason behind the choice is neutrality being taken as an essential for security and balance of power in the region.

Following the invasion of the USSR, the foreign policy has changed to a form that has reflected the continuation of the Soviet foreign policy. In 1990, for the first time the term 'permanent neutrality' had been featured in Afghanistan's constitution ([Jahesh 1990: 15-38](#)). This had happened following the Afghanistan's Academy of Science in 1989 study of the feasibility of demilitarized permanent neutrality.

Following the fall of the communist regime in 1991, Mujahideen accession to power was followed by conflicts within the factions of Mujahideen where by to a large extent this was imposed by the neighboring powers. It was in this period, where foreign policy was isolated from the international community as the Taliban assumed power in Afghanistan.

However the 9/11 incidence turned the tables in that the historical isolation was reverted to multilateral relations with other nations. The relations that Afghanistan has with other nations was highly based on the September 9 and 11 events. These events were the martyrdom of Ahmad Shah Masood on the 9th of September and the terrorist attacks on the World Trade Center in the US in the September 11, 2001.

Following the fall of the Taliban, the inexperienced and unfocused central government was led to form foreign policies that were in line with the then 'war on terror'. The extensive lack of experience and depth within the government's foreign policies was exhibited by the fluctuations and the lack of formal perspective. In other words there was no strategic policy.

Under President Karzai, the foreign policy of Afghanistan consisted of three rings; the international community, regional countries and Islamic countries ([Obaidi, 2015](#)). Consequently, the nation had to exercise pluralistic foreign policy, strengthening of the regional cooperation and consolidating Afghanistan's connection to Islamic civilization as a foreign policy invariant.

A Glance at the Foreign Policy of Afghanistan towards Pakistan

There has been a controversial relationship between Afghanistan and Pakistan, since the establishment of the Pakistan latter in 1947. The main issues at the controversy are the Durand Line and Pashtunistan ([Karaca, 2011: 3](#)). The two nations relations as observed from 1947 to date, have had influence from factors such as the Durand line, Pashtunistan problem, the issue of Taliban, India, Transit way and the waters. However, Taliban is considered as the critical issue between the two nations relations. However, it is necessary to highlight Pakistan's role in the instability within Afghanistan in an aim to have an upperhand as far as the national integrity and security of Pakistan is concerned.

Pakistan having been established in the beginning of Cold war it adopted a foreign policy in harmony with the western bloc. Meanwhile Afghanistan during 1933-1973 under King Mohammad Zahir adopted a neutral policy. With the left and the influence of Mohammed Daoud Khan in 1973,

Afghanistan began to shift towards the Eastern Bloc, so that by the 1979's Soviet occupation it became a full member. Thus, bipolar world order in relation to the foreign policy responses of the two nations had affected the Cold War era development of the two nations.

From her independence in 1947 unto the tenure of the Afghanistan's pro soviet regime in 1978, the Durand Boundary Line and Pashtunistan has constituted the main tension between the two nations. It was in this period where Afghanistan proposed to establish an independent Pashtun state in the northwestern region of 'present day Pakistan'.

1979 and 1989 when considered as the second phase of the relations between the two nations, there was a surge in Afghan left wing regimes relations with Pakistan. The left wing regimes foreign policy towards Pakistan had to do with their interest on Pashtunistan, Durand Line and the Mujahideen.

The third phase is marked with the soviet withdrawal from Afghanistan. This was the period from 1989-1996 which played major role in Afghanistan-Pakistan relations. It was in this period that Pakistan's influence within the Mujahedeen groups that were in conflict led to Afghanistan's civil war.

The fourth period is marked by the Taliban period. The two nations' relations further changed so that the Durand and Pashtunistan subject became the second topic of the tension. The new issue at the forefront was then the Mujahedeen and the immigrants' problem.

The fifth phase is marked by the regional and international developments in years 2001 to 2014, where the USA carried Operation 'Enduring Freedom' against Taliban. In fact, in this phase Pakistan has been started her dual game playing Afghanistan and International community. Pakistan's political intervention in is the need to reduce India's activity within the Afghanistan. The existence of the rival (India) within Afghanistan is regarded as a potential military threat to Pakistan. For Pakistan, Afghanistan is strategic proxy in the conflict with India.

Impact Factors

A) Durand Line

One of the points halting the efforts to reach the expected stability within Afghanistan is the failure of the International community in addressing the border conflicts between Afghanistan and Pakistan. On the effective factors that guide the foreign policy of Afghanistan towards Pakistan, it is necessary to begin by visiting the Durand Line issue and show how it poses as a determining factor of the Afghan-Pakistan relations. Most importantly, Durand Line is the boundary established in the Hindu Kush following the Durand Line agreement signed in 1893 between Sir Henry Mortimer Durand and Emir Abdul Rahman. The line was expected to solve the Hindu-Afghan frontier problem for the British influence within the region.

Following the death of Ahmad Shah Durani (founder of Afghanistan), the predecessors failed to maintain the territory so that the modern boundaries became defined by the imperial British and the Tsarist Russia. Furthermore, apart from the boundaries being determined by these external powers, there were efforts made by the Imperial British to institute leaders that would act against Russia.

Following the death of Shah Zaman, there were internal power struggles coupled with that of the Great Britain and the Tsarist Russia over the control of Afghanistan's geographical territory. Russia's expansion from the East reached Afghan borders by 1828. England's expansion towards Afghanistan may be explained by the conquest of India between 1757 and 1857. It was during the British invasion when the Afghanistan people developed animosity towards all forms of western-style reforms. This may be explained by the establishment of the Durand Line in 1893 by the British empire in an aim to further her gain and national interests (Fitzgerald, Gould, 2009: 54).

In the mid-20th century, the area became a subject of the movement of Pashtunistan and independence of the Pashtunistan state. The essence of the problem is based on the question of legitimacy, nature of the agreement (as related to the argument of coercion and periodicity) and its implication on the Pashtun societies located at the belt and as such the question of the Durand Line plays a key role in determining the foreign policies of the two nations towards each other.

Afghanistan has always approached the Durand Line agreement as one that is periodical, so that 100 years are determined to its termination. Thus from 1893 to 1993, however there is no document that can substantiate this claim.

Further talks that had led to negotiating a treaty that ended placing the relations between the two nations on the permanent basis (Fraser, 1953: 198). This treaty was titled, 'Treaty between

Great Britain and Afghanistan establishing Friendly and Commercial Relations', signed on 22 November 1921 in Kabul; may be regarded as a peace agreement aimed at regulating the two nations' relations on the permanent basis (Fraser, 1953: 198). Durand Line was established and recognized on the permanent basis between the Afghanistan and the British India. And this was a means that Afghanistan had used to gain her Independence (Gregorian, 1969: 227-231).

By considering the contents of the treaties that were signed between Afghan government and the British: Durand issue became a critical determinant of the Afghan-Pakistan relations. The rejection of the Durand Line's legitimacy has always been the source of the conflict between the two nations. This is the main reason that the Afghan convoy to the United Nations Assembly of 1947 rejected the independence of Pakistan

Afghan ruler such as Mohammed Daoud Khan and others (including Hamid Karzai) had policies that advocated the illegitimacy of the Durand Line agreement, leading to further escalation of concerns among the two sides of the borders. Furthermore, the results of the referendum of the 1947 whereby the locals of the Durand line chose to stay with Pakistan increased the tension of the matter. From the given explanation, Pakistan has been using Islamic fundamentalism as a soft power in influencing Afghanistan's operation on the matter.

A general consensus within the majority of the international peace stakeholders recognizing Durand Line as legitimate. In addition to the fact that the United States and other countries consider the Durand problem solved with the Pakistan interest, it is apparent that it is impossible to realise the peace and stability goals should the status quo be maintained.

Durand Line is also a part of the proxy war of India against Pakistan. This is through India's recognition of Durand as belonging to Afghanistan as reflected by India's support for the nationalist Pashtun military.

Pakistan considers Pashtun tribes' separatist initiatives within the region as a threat. Should the initiatives be successful three results are paramount; the creation of the separate state of 'Pashtuns', or the acquisition of Pashtun's autonomous status in Pakistan, or the establishment of the great Afghanistan upon the Pashtuns integration unto Afghanistan (Andishmand, 2007: 183).

Afghanistan's 'empowerment' translates to the strengthening of the autonomous demands of the Pashtuns and Balochs populations within the borders of Pakistan. Consequently, Pakistan's foreign policy has been unfruitful to the mutual understanding with the neighboring Afghanistan (Ersay, 2013: 23).

Within internal politics of Afghanistan, there has been a failure among majority of political figures in understanding the political implications of the Durand line. This follows the prevalent rhetorical campaigns of the consolidation of the pashtun societies, hence supporting autonomous Durand Line. Consequently, Pakistan has engaged on long-term interference and the implementation of her patriotic strategy in the Afghan soil. Afghanistan's clarification of the border with Pakistan will determine the end of Pakistan's interference. Historical background of the Durand Line leads to an inevitable conclusion that the nature of the agreement and the presence of the tribal societies and the geography and the influence of the colonial powers have led the Durand Line to be an effective factor influencing the Afghanistan and Pakistan relations.

B) Taliban (Appearance and Fall)

Taliban as an effective factor; the roots of Taliban are well observed from the days of the soviet collapse. The collapse of the Soviets was followed by the subsequent shift of focus of the West away from Afghanistan. This had profound impact on the state building phase of Afghanistan and hence civil war and emergence of the Taliban as a social movement to address the power vacuum.

Since the appearance of the Taliban in the 1996, unto the regime's fall, to Hamid Karzai's tenure as a president, unto the present day Afghanistan has Taliban as the immediate and central threat associated with all other factors affecting the peace and stability of Afghanistan.

A summary of Taliban, may also be explained as a network of Afghans and Pakistanis on the border. It was at the border region where a significant number of the Afghan immigrants in the camps received military training by Pakistan military and other Islamic fundamentalist groups. This was aided by the financial support of America and Saudi Arabia (Rubin, 2006).

The aim had been for Pakistan to establish a government in Afghanistan that would be close to Pakistan. This was done by supporting the Islamic Afghan groups and parties such as that of Gulbuddin Hekmatyar and later unto Taliban. This was also done with the aim of solving the border problem and to reach the Central Asian energy and economic resources.

The prominence of Taliban as a social movement that garnered the support of the Afghan people can be explained by the then existed political and social chaos that was left behind following the the Soviet Army's withdrawal. There had been fights among the Islamic party commanders headed by Hekmatyar and supported by the ISI. Also the increased problem of smuggling of drugs and weapons, torturing merchants among other social evils, made Taliban to come out with a positive outlook.

The beginning of the legacy of Taliban began when the international community was brought into direct confrontation with Taliban following the presence of Osama bin Laden (Al-Qaeda) in Afghanistan. This was due to his allegiance to holding responsibility for both 1998 US attacks in Africa and the plane attacks in New York on 11th September 2001. Taliban support of Osama Bin Laden led the US to attack Afghanistan. The attack by US against Taliban and Al-Qaeda led to the fall of Taliban regime and the subsequent flee of both Al-Qaeda and Taliban to Pakistan.

C) India

India as an effective factor; India has a long history of cultural and political connection with Afghanistan. Both India and Pakistan have played a role in shaping the political and social developments within Afghanistan in the aim of furthering their interests in the grounds of economic interests, defense and in ensuring that none of the two rivals gains advantage over the other. India recognizes the social and economic development in Afghanistan as a vital path towards the regional security and stability.

Implications of the Indian-Afghan relations and the efforts of ensuring the stability of the region, implications has always been an effective factor on Afghan-Pakistan relations. Pakistan in return has worked to discourage the ties between Afghanistan and India, as it is perceived as a threat towards Pakistan's national integrity.

India's strategies towards Afghanistan are aimed at establishing a strong influence within the political arena of Afghanistan. Provision of development aid has also been a strategy of seeking economic influence within Afghanistan. India has also regionalized the means to solution as related to Afghan security and stability problems. The military assistance to Afghanistan have also aimed at strengthening the nation's defense and security system so as to curb Taliban and Pakistan's threat. All these strategies are meant to allow projection of power by India within the region.

Price (2013) argued, it was India that expressed the allegation of Taliban having links with ISI long before this became substantial within the major authorities in the West. India has been concerned with the link between Taliban and Pakistan, infact India does consider Taliban as a moderate group watsoever.

With such an influence, Pakistan has also played a dialectic role of against India's influence in Afghanistan. This is due to Pakistan's search for a projection of political and economical power among the region in general. And thus the strategies employed by Pakistan include those of training Taliban and other fundamentalist groups to counter India's influence in Afghanistan. This as a result has led Afghanistan's foreign policy to be shaped against Pakistan's influences and actions.

D) Transit Way

Transit Way as an effective factor; Afghanistan has historically been known as a regional junction in spite of being a landlocked country. Afghanistan is located on the historic track of the Silk Road that served as the junction between the central Asia and south Asia. The economic benefit of such a geographical location cannot be taken advantage due to the prevalent wars within Afghanistan leading to the destruction of the major infrastructures. Furthermore, lack of technical capacity and skilled staff for maintenance of the roads have worsen the situation within the transportation system.

Afghanistan reaches the boundary waters through Pakistan and Iran. There have been great challenges on Afghanistan's maritime transport arising from her neighbors especially Pakistan. With the existing political tensions between Afghanistan and Pakistan since Pakistan's establishment as a nation. Pakistan has always taken advantage of Afghanistan (economically and politically) in allowing her to access the free waters.

The Pakistan has Afghanistan as the second-largest trading partner, while Afghanistan has Pakistan as the largest trading partner. Regardless of such a significant trade partnership evidenced by the trade volume, there are difficult transit requirements posed by Pakistan towards

Afghanistan in the areas such as insurance mechanisms, streamlined payments settlement, the use of bonded carriers, visa issuance, trade financing, tax collection and documentation.

In an aim to consolidate the trade partnership the two nations signed Afghanistan-Pakistan Transit Trade Agreement (APTTA) in 2011 for solving the transit and trade problems, replacing the Afghan-Transit Trade Agreement (ATTA), that was signed in 1965 ([Ministry of Commerce and Industries, 2011](#)).

The resigning of the APTTA does not however guarantee that Pakistan will be bound to observe the elements within the agreement. This follows the customary use of transit issues as a strategy of furthering economic and political goals.

E) Water

Water as an effective factor; Afghanistan is landlocked and mountainous country, bordered by six countries which Afghanistan share water with five of them. For example, Helmand River's waters are shared with Iran, and for Kabul River's waters are shared with Pakistan.

As a result water diplomacy has become an essential topic in order to regulate and ensure that water sharing leads to positive diplomacy between the neighboring countries, hence fulfilling the nation's economic and political objectives. Majority of the wars that will be engaged in the 21st century will be over the "water".

In the case of Afghanistan and Pakistan, there are many rivers that emerge from Afghanistan thus providing a leverage point for Afghanistan in her diplomatic dealings with Pakistan. Among the rivers that originate from Afghanistan include; Amu, Morghab, Harirud, Helmand and Kabul. These rivers have played as a potential leverage points of Afghanistan's influence on neighboring nations due to the fact that most of the waters that originates from Afghan soil form a very important basis of the neighboring countries water consumption.

A number of projects established in Afghanistan results to concern and hence interventionism by Pakistan. Naghlu, Mah-i-par, Sorobi and Darunta projects which were built over Kabul's River, however the exploitation of such projects have resulted to tension between the two nations.

According to the United Nations Water Program, Pakistan is already ranked as the seventh on the list of countries that are facing severe water insufficiency. Apart from the environmental the fast growing population, any more factors to worsen the situation has to be met with serious contingency plans and strategies by Pakistan. Kabul River covers almost 20 % of annual water demand within Pakistan. Between the years 2009 and 2016, there was a decrease in the water per capita from 1500 to 1017 cubic meters. This led to the classification of Pakistan as one among the countries with severe water scarcity from the former watertight country ([Faheem, 2016: 28](#)). According to IMF, Pakistan is the third largest country facing severe water shortage. This places the question of water scarcity as one of the major concerns of Pakistan in relation to her security threat. It is expected that the question of the need for agreements on the waters between the two nations will increase. Afghanistan is expected to have an advantage on the issue of Durand Line and the threat of terrorism and Taliban against Pakistan as she will be using the water diplomacy as a political tool throughout the negotiations. Thus, the water issue has to be considered with all details so that to have a good understanding of the conclusion that will be drawn in all the forthcoming agreements.

The implications of Pakistan's objective of control and determination of Afghanistan's water resource and Afghanistan water diplomacy against Pakistan became an effective factor on both countries relation. In fact, Durand line is a political and technical obstacle in signing a comprehensive water contract between the two nations. Thus, solving the Durand Line issue or technically diversion of water between two countries and having a strategic plan that will guide and moderate both sides' use of the common waters for the benefit of the people within the region and furthering social welfare, peace and stability within the region is the only solution. Furthermore, there is a necessity of signing agreements that are well informed with the current international laws. These agreements should also reflect comprehensible and proved reconciliation models. In so doing the region will avoid making water issues in relation to political aspects as a source of serious conflicts within the region.

2. Impact of the Taliban Reappearance in Afghanistan Foreign Policy on Pakistan In Hamid Karzai Period

For the past 14 years, the reappearance of Taliban may be attributed to the mixture of both Pakistan's dual role-playing and the western's mistakes in addressing fundamentalism in Afghanistan. The reappearance has led to subsequent instability and has weakened the government's potential to exercise its authority effectively.

Prior to the war on Afghanistan, President Bush demanded only that Taliban oust its leader and cut its ties to Al-Qaeda. This position was also supported by Pakistan's President Musharraf was in favor of and hence supported (Kinzer, 2007: 276). The refusal of Taliban to cut ties with Al-Qaeda on the 7th of October, led to the onset of the US operation in Afghanistan. This was apparent as the CIA and Special Activities Division entered Afghanistan. The US also provided the air support to the Northern Alliance forces leading to the defeat against the Taliban. The defeat of Taliban was witnessed by the subsequent flee of the group to Pakistan (Riedel, 2011: 161).

Following the Operation Endure Freedom, Taliban being uprooted they secured safe haven among tribal protectors living between Afghanistan and Pakistan. The intermission was followed with the apparent terrorist attacks that after extending towards the US convoy and Afghan military personnel, they effectively garnered the attention of the West.

Two factors (internal and external) have resulted to the reappearance of Taliban, these are presence of Pakistan's use of Islamic fundamentalism as a soft power instrument of its foreign policy towards Afghanistan. Secondly, Iraqi war and the subsequent shift of attention of the US and NATO from Afghanistan national building phase. With the continuing ineffectiveness of the Afghan government, Taliban reappearance was paramount.

Impact of Pakistani double game on Afghanistan Peace Process

Following the 9/11 September, Pakistan has played dual roles in the campaigns against the terrorist activities-as a member of the global coalitions against terrorism led by the US and as a clandestine support for fundamentalist armed groups such as Taliban and Haqqani network.

Many authorities on the matter, have pointed at Pakistan's support for Taliban for more than a decade, through ISI (Inter-Services Intelligence) supporting the Taliban group who are in war with the central government of Afghanistan. Pakistan's support for Taliban has served to worsen the political situation in relation to Afghanistan. As a result of Pakistan's dual playing game, Karzai's foreign policy towards Pakistan was highly unstable and unbalanced.

US government policy of maintaining ties with Pakistan has effectively halted down the efforts of the Afghan government in fighting against the Taliban. Pakistan's use of militant fundamentalist can only be met with direct confrontation with the Western powers. The support of fundamentalist by Pakistan has a leverage over NATO forces in the region, Pakistan values this strategic asset.

Pakistan's apparent framework of identifying the Taliban as the 'good and bad' has had profound effects on all the policies that were meant to curb the fundamentalist group. For Pakistan 'Bad Taliban' has reflected the Taliban groups that have been associated with terrorism acts within Pakistan. The 'Good Taliban' are those that have fought against Afghan government.

Afghan officials are concerned with the increasing ties between Pakistan's religious schools and Afghan Taliban. This follows Pakistan's over 30,000 fundamentalist religious schools officially active promoting fundamentalism in the region in partnership with the local government (Atlaspress, 2016) Allegation that have been directed towards Pakistan as related to the support of the Taliban have always been received by a somewhat acceptance of the contacts but not controlling influence on the militant group (Azami, 2016).

Pakistan's security service has been known to provide to Taliban insurgents fighting against the NATO forces in Afghanistan. This has to a high extent created tension between the US and Pakistan as a number of middle ranking Taliban commanders have revealed the existing support from Pakistani government agencies. These Taliban commanders revealed these significant insights in the interviews that were conducted by BBC Two documentary series, "Secret Pakistan" (Croft, 2011).

The United States Congressional Research Service (CRS) report summarizes that many analysts believe that Pakistan's intelligence services know the whereabouts of ... Afghan Taliban leadership elements and likely even maintain active contacts with them at some level as part of a

hedge strategy in the region. Some reports indicate that elements of Pakistan's major intelligence agency and military forces aid the Taliban (Kronstadt, 2009: 12).

Pakistan's fundamental strategy in dealing with the regional affair seems to have remained the same since 1970 (Riedel, 2008: 40). According to Steve Coll (2010), Pakistan's national interests in Afghanistan as seen from the briefing to the US explicitly reports 'one overriding concern: India.' Indeed, in February 2010, the US Director of National Intelligence confirmed that 'Islamabad's conviction that militant groups are an important part of its strategic arsenal to counter India's military and economic advantages' (Blair, 2010).

According to the report by London School of Economics, the relationship between ISI and Taliban is broader than what had been thought before among the stakeholders of the international community. The author of the report (who is the Harvard Analyst, Matt Waldman) further points to the seriousness of the problem as to the extent that there are undeniable evidences that prove the connections as opposed to mere deductions. Matt Waldman explains further that the extent of support of ISI to Taliban groups is too extensive that it is an official policy of the agency. The support is both operational and strategic (BBC, 2010a). In 2010 Mr. Waldman spoke with nine local Taliban commanders in Afghanistan. Most of the commanders claimed to have contacts with ISI agents who have occasionally attended the Quetta Shura, which is the group's top leadership council (Taliban top leader council).

There are some findings depicting the fact that the Taliban leaders are not independent players. This follows the fact that Taliban's Pakistani patrons, the army and the ISI have always controlled the very lives of the Taliban team in Doha. Amrullah Saleh, former head of Afghan Intelligence points at the frequent flights of the Taliban members from Doha and Karachi in meeting their supervisors or their families (Riedel, 2013).

However, following the death of Mullah Omar in April 2013, there comes a questionable future of Taliban, its leadership, and thus, the fate of the ongoing peace talks in Afghanistan. Upon considering the question of Afghanistan's reconciliation prospects with Taliban (in relation to Omar's death) it is reasonable to consider the interview of Amrullah Saleh with Kumar (2015). In the interview Amrullah states explicitly his disdain over the Pakistan-led peace talks. He also points out that the plausible way would be to establish a round table for peace talks that are Afghanistan-led and Afghanistan-owned. In his view Pakistan does not have a record for being a peace broker in the region, instead Pakistan proactive in conflicts and war within the region.

Evidences show Pakistan manipulating the relations with Afghanistan by creating the impression that Kabul is arranging the negotiations with the Taliban. The motif behind can be explained as a need for Pakistan to create a positive image to both the International community and Afghanistan. This follows after the allegations that have run for decades of Pakistan's role as war broker in Afghanistan.

It was in expectation of Hamid Karzai that following the 9/11th of September events, Pakistan would significant supporter in the fight against terror in the region particularly the one arising from the fundamentalist armed groups. Although Pakistan did not meet Hamid Karzai's expectations, there were still efforts that were made by Kabul in all the 14 years of Karzai's administration to draw Pakistan unto cooperating in the peace process. All these efforts were however met by the unwillingness of the ISI to curb or interrupt Taliban maneuvers. Several times, Karzai expressed the futility that would come as a result of Pakistan's positive role in the peace and stability of the region.

The disinterest in Afghanistan's peace and stability that has been expressed by Pakistan in form of her support has only served to worsen the countries' diplomatic ties. As a result the discord of the two countries approaches in dealing with Taliban has led Taliban not to take serious the talks thus furthering further decay in peace and stability.

Indeed, careful observation of Afghanistan would depict a clear picture that there had not been any head or government that made the strides in trying to establish positive ties with Pakistan as it was done by President Karzai. President Karzai made 21 trips to Pakistan as one of his efforts in getting closer so as to establish mutual beneficial foreign policies between the two neighbors that would further the defeat of fundamentalist threats within the region. It may well be said that, when it comes to the Afghanistan's peace prospects it is US that has always come first then followed by Pakistan (Neda, 2014).

This consequently, led to hindering of the peace building process in Afghanistan. For an effective strategy towards the peace process, four parts are of paramount importance; Afghan central government, Taliban, Pakistan and the US. But of all these four groups it is Pakistan that can coordinate the whole process unto the desired results. Lack of a unified policy and approach resulting to Pakistan's unwillingness to allow peace building process to thrive in Afghanistan has made the goal impossible.

On base of above statements it is clear that Pakistan is the essential obstacle on Afghanistan peace process. Usage of the Taliban as political pressure instrument by Pakistan is preventing economic growth and caused continuation of conflict and chaos in Afghanistan. Permanent peace in Afghanistan can be established under the following conditions; establishing a national consensus in Afghanistan to ensure permanent peace, strengthen the central government and institutionalization. Furthermore, America, NATO, United Nations and Organisation of Islamic Cooperation should bring high political and economic pressures on Pakistan to stop supporting the Taliban and allowing them to set for negotiations and compromise with the Afghan government.

As a conclusion, Pakistan's efforts that have been apparent within the journey of Afghanistan and Taliban peace talks can be understood as somewhat of calculated and strategic nature. This involves a means by which Pakistan will be able to solicit Afghanistan's help (intelligence information) in combating Pakistan Taliban (TPP). It is worth of note, that in view of the apparent contradiction was witnessed in the actions and statements of Taliban, Karzai's administration suspended the negotiations to a higher extent. Afghanistan government has however an obligation to form and focus on an Afghan-led negotiations with the Taliban. Thus, it is such a framework that will form a stable lasting political solution. Thus, under the framework of an Afghan-led talks and peace process, there seems to be a less likelihood that Pakistan shall reinforce the cause of Afghanistan.

When one considers the role interplayed by the external power's interests and the prevalent weakness and the inefficiency of the Afghan government; it thus suffices to reason for the difficulty that Afghanistan has had towards national and peace building. Fundamentalist groups (such as Taliban group) in collusion with immediate neighbors such as Pakistan and Iran have used the inefficiency within the central government of Afghanistan to create an environment of chaos. Even worse is the fact that most terrorist and other non-state actors have acquired an ability to cross borders, acquiring necessary facilities to further their ends through the use of the very powers that are considered the part of the international community. In other words, the fundamentalist groups have often been appearing as agents of regional or global powers in shaping their foreign policy.

3. Conclusion

Pakistan has played the most important role and at the same time is the most influential state in the last half century developments of Afghanistan. Because of the border dispute between Pakistan and Afghanistan, Pakistan has consistently been involved in Afghanistan's internal affairs, unfortunately the manner with which Pakistan has involved herself with Afghanistan has been that of supporting the insurgent groups fighting against the central government of Afghanistan. Pakistan has thus been in a constant and strategic struggle as an attempt to mobilize the political affairs of Afghanistan.

As Pakistan was in the verge of being established in 1947, it was faced by opposition from nationalistic thoughts among Afghan executives who wanted to secure the Pashtun demography beyond the border between Afghanistan and Pakistan-to be. With India as an ally of Afghanistan Pakistan perceives a military threat to her national integrity and security within its borders.

Since its birth, the state of Pakistan has used fundamentalism as an element of military-political mobilizations in Afghanistan. Pakistani army and intelligence has used Islamic fundamentalism as the security and strategic depth with in protecting the territorial integrity of the country. For the next several years, in both India and Afghanistan, the warrior continued this role by supporting fundamentalist groups. Likewise, the Pakistani army has supported the political Islamist parties for their political purposes and used them for the national interest of Pakistan.

Following the Cold War, when the Pakistani army became close to fundamentalist groups and began to use fundamentalism as an outward-looking foreign policy instrument. At such a point Pakistani army emphasized ideological values that had a basis on elements of Islamic fundamentalism, to the then plausible audience (Mujahedeen). Practical steps to radicalize the

society were also employed by Pakistan as the West was also backing the Afghan Mujahedeen to fight against USSR. In 2001, Pakistan had then established good relations with most fundamentalist groups such as Taliban. This gave Pakistan a vantage point to use the fundamentalist groups as soft power instrument of her foreign policy towards Afghanistan.

Afghanistan's stability has always been perceived by Pakistan as threatening particularly on the central government's stern attitude towards Pakistan on matters regarding the Durand Line and Pashtunistan problems. In this context, Pakistan has consistently endeavored to weaken Afghanistan's central governments. Pakistan has built its basic strategy for "Afghanistan" to support groups fighting against the central government of Kabul. After 2001, it seemed that Pakistan tried to weaken the central government in Afghanistan by cooperating with Taliban terrorist group against Karzai administration with a different approach.

Following the September 11 incidents, the Taliban regime was overtaken by the US and Coalition forces. For the first time, the United States and Western states resolved the Bonn conference in Afghanistan and decided on the future of Afghanistan without Pakistan's influence. Pakistan, unhappy with these developments, helped the Al-Qaeda terrorist organization and the Taliban against the Karzai new government. In this period, the relations between the two countries did not improve despite the mutual visits. Pakistan embarked on her policy of hosting and supporting Taliban and other terror groups in Afghanistan, where suicide attacks and bombardment attacks took place, and the insurgence against the Kabul government increased. With such a policy, Pakistan was serving the destabilization of Karzai's government, and thus, aiming to make the international community fail in Afghanistan.

For Pakistan, a strong Afghanistan threatens the territorial integrity of Pakistan. This comes at the time when India poses a military threat to Pakistan. Afghanistan's situation plays a significant role in Pakistan's national security and integrity. Pakistan standing with nuclear arms has thus sought to maintain her national security and integrity at the destruction of Afghanistan.

Pakistan's double standards in struggle against fundamentalism and terrorism in the region played a major role in the Taliban's reappearance. Therefore, the main factors that influenced the foreign policy (during Hamid Karzai's tenure) toward Pakistan was that of resurgence of Taliban. Thus, the Afghanistan's foreign policy toward Pakistan during the Hamid Karzai period was unstable and destabilized.

Taliban has become the greatest threat to both Afghanistan and Pakistan's stability. Historical experience reveals that the two countries are sharing a common destiny for the future. Therefore, the relations of the two countries are of great importance for the security and stability of region. Although the relations between the two countries are the stage for tensions, dialogue gates have been kept open. The two sides sharing the same culture and common values, even though they agreed to form and develop good neighborly and friendly relations, but both sides were brought face to face with the continuous intervention of external forces. The only way to improve cooperation between Afghanistan and Pakistan is based on the consideration by both states on the benefits of normalization and stability in the two nation's relations.

Furthermore, positive relations as depicted by the positive foreign policies of the two nations towards each other will lead towards economic progress and development within the region. This can however happen if Pakistan will forsake her 'double game' in her dealings with Afghanistan.

Mutual initiatives have to be made for Pakistan to close down the madrassa and militant training camps. Afghan authority has to get the support of Pakistan in apprehending the Taliban commanders who have used Pakistan as the safe haven so as justice may take its course. This will lead to an atmosphere of mutual trust hence effective foreign policies to foster stability and peace within the region.

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Hermeneutical Analysis of Feature Films of English-Speaking Countries on the Schools' Theme

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Abstract

The topic of the school is presented, including the nature of the relationship between teachers and students, the formation of the identity of schoolchildren, changes in attitudes and representations of characters et all stages of the evolution of the English-language cinema. Social, political, socio-cultural events of the corresponding era are reflected in feature films Teachers and schoolchildren have typical film image stereotypes: a good/bad guy, a beauty, a villain, an intellectual, a loser, a superhero, etc.

Defenders of socially unprotected students dominate in the film images of teachers of the second half of the twentieth century. Then, more and more often, the screen present discussion image of the teacher, who often does not find a common language with students or their parents, using non-pedagogical means to achieve their professional goals. This is often reflected in his vocabulary, appearance, and manners of communication. The genre specificity of English-language films about school subjects has also substantially expanded. The comedy, melodrama and drama were dominated in the early stages of the development of cinema about school and university, but later the ribbons of this subject occupied the entire genre niche, including musicals, horror films, thrillers, science fiction, etc. The topic of social formation was gradually supplemented with stories about the love affairs of schoolchildren and teachers. Many film about school and university included the episodes of violence, cruelty, crime, racial discrimination, drug use, a realistic depiction of erotic scenes.

Keywords: hermeneutics analysis, media text, media criticism, USA, UK, English-language film, schoolchildren, characters, image, media education.

1. Введение

Наше исследование посвящено герменевтическому анализу (включая: анализ стереотипов, идеологический анализ, идентификационный анализ, иконографический анализ, сюжетный анализ, анализ характеров персонажей, гендерный анализ и др.) игровых фильмов англоязычных стран по школьной тематике.

Кинематограф неизменно остается одним из главных медийных искусств, «эффективным средством влияния (в том числе и политического, идеологического) на аудиторию» (Федоров, 2013: 5). Исследование основных структурных компонентов игровых англоязычных аудиовизуальных медиатекстов представляет собой актуальную проблему исследования, так как выступает важным сегментом генезиса мировых медиаискусств.

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В связи с тем, что «смена парадигмы в кино предполагает изменение модели мышления, которая влечет за собой изменение ценностей, метода и технических средств создания фильма, равно как и преобразование киноэстетики» ([Артюх, 2010](#)).

Данное исследование носит междисциплинарный характер, так как проблематика фильмов школьной тематики выступает предметом изучения медиакритики, искусствоведения, теории и истории культуры, медиаобразования.

2. Материалы и методы

Основным материалом настоящего исследования выступают англоязычные игровые фильмы школьной тематики, а также научные труды отечественных и зарубежных исследователей. Методы исследования: герменевтический анализ медиатекстов, сравнение и классификация, описательно-аналитические и историографические методы. Базовыми векторами герменевтического анализа англоязычных игровых фильмов выступают исследования К. Бэзалгэт ([Bazalgette, 1995](#)), А. Силверблэт ([Silverblatt, 2001](#)), У. Эко ([Эко, 1998; 2005](#)), в которых за основу анализа аудиовизуальных медиатекстов положены такие ключевые понятия медиаобразования как «медийные агентства» (media agencies), «категории медиа/медиатекстов» (media/media text categories), «медийные технологии» (media technologies), «языки медиа» (media languages), «медийные репрезентации» (media representations), «медийные аудитории» (media audiences).

3. Обсуждение

Проблематика англоязычных фильмов о школе представлена в работах отечественных и зарубежных исследователей ([Грибанова, 2017](#); [Жарикова, 2015](#); [Масленникова, 2015](#); [Соловьев, 2012](#); [Джеймс, 2002](#); [Brown 2011, 2015](#); [Trier, 2000; 2001](#) и др.).

В диссертационном исследовании В.В. Жариковой представлен сравнительный анализ тематико-жанровой специфики игровых фильмов, созданных в России и США в историко-искусствоведческом контексте. Так, автором выделяется понятие хронотопа подросткового мира, характерного для американского игрового кинематографа: «Подростковый мир состоит как из определенных переживаний, ситуаций, конфликтов, так и из вполне конкретных пространств: – школа, дом, а также места отдыха и развлечений, несанкционированные взрослыми (заброшенное здание, пустырь и т.д.), места увеселений, специально ориентированные на молодежь (дискотека, клуб, домашняя вечеринка). Именно соединение этих аспектов – определенного мира и самоощущения с положением, как в пространстве, так и в социуме, и в историческом времени – порождают хронотоп молодежного мира, каким он предстает в литературе и кинематографе» ([Жарикова, 2015: 10-11](#)).

В.В. Жариковой выделены несколько этапов, определяющих специфику фильмов о подростковой аудитории, среди которых выделяется период 30-40-х годов XX века, где подростковая трансформация в киноповествовании развивается по двум направлениям. Первое из них заключается в следующем: «пройдя испытание (любовью, дружбой или ответственностью), герой возвращается в свое исходное положение жизнерадостного и зависимого подростка. В рамках этого направления утверждается необходимость существования «этого особенного возраста» для успешного функционирования всего социума, чтобы стать взрослым, нужно побыть веселым, глуповатым и безответственным подростком» ([Жарикова, 2015: 47](#)). Во втором случае жизнь героев школьного возраста кардинально меняется под воздействием процесса перевоспитания, когда «встреча с ответственным, понимающим и сильным духом взрослым предотвращает превращение несовершеннолетних героев в преступников» ([Жарикова, 2015: 47](#)).

Кстати, данная тема игрового кино школьной тематики также была одной из ключевых в советском игровом кино в 30-е – 60-е годы XX века ([Челышева, 2018](#)). Примером тому могут служить советские фильмы «Путёвка в жизнь» (1931), «Педагогическая поэма» (1955), «Флаги на башнях» (1958), «Республика ШКИД» (1966) и др. Нужно сказать, что основополагающую роль в процессе перевоспитания в англоязычных и российских кинолентах на этом этапе играют взрослые: учителя и воспитатели.

Нужно отметить, что фигура учителя/педагога/директора школы продолжает оставаться доминирующей и на более позднем этапе развития англоязычного игрового

кинематографа школьной тематики в 50-е годы XX века. Она представлена в фильмах на тему школы драматического и комедийного жанров: «Школьные дни Тома Брауна» (1951), «Её двенадцать мужчин» (1954), «Школьные джунгли» (1955), «С добрым утором, мисс Дав» (1955), «Наша мисс Брукс» (1957), «Школа: конфиденциально!» (1958) и др. Иными словами, «формула перевоспитания в рамках институции (школы, интерната) в данный период приобретает законченную форму, в центре которой оказывается фигура учителя-реформатора, по сути, являющегося главным героем в рамках данной драматургической модели» (Жарикова, 2015: 54).

60-е годы XX столетия вошли в историю англоязычного кинематографа как период активного формирования и позже – «кризиса молодежной контркультуры» (Жарикова, 2015: 57). Острые проблемы подрастающего поколения, связанные с социальными проблемами, поиском своего места в жизни, первой любви и т.п. находили отражение и в фильмах школьной проблематики. Вместе с тем, в фильмах данного периода затрагивались не только проблемы в жизни учеников, но и учителей: «Детский час» (1961), «Роскошество в траве» (1961), «Сотворившая чудо» (1962), «Вверх по лестнице, ведущей вниз» (1967), «Учителю с любовью» (1967), «Школьные дни Тома Брауна» (1971) и др.

Рассматривая феномен развития американского кинематографа 1960-х, Д. Джеймс указывает на формирование особой картины мира, создаваемой на экранах, отражавшей социальные, культурная, политические перемены и события: поколение битников, «Студенты за демократическое общество», «Гражданские права» и «Власть черным», хиппи и контркультура, война во Вьетнаме, Уэзермены, «Новая мораль» и движение за женское равноправие – вот лишь некоторые из влиятельных течений и социальных феноменов в США, возникших как результат многообразного, постоянно меняющегося, непрерывного процесса политической и культурной активности. Эти социальные контестации заявляли о себе на всех уровнях – от индивидуального сознания до политической структуры как внутри страны, так и за ее пределами» (Джеймс, 2002).

Понятно, что все эти события, так или иначе, находили свое отражение в игровых фильмах школьной тематики. Так, например, темы отношения к политике ярко представлены в фильме «Расцвет мисс Джин Броди» (1969). Темы расовой дискриминации, преступности, насилия и жестокости также отражались в англоязычных игровых фильмах («Школьницы-правонарушители», 1975; «Площадка для игр дьявола, 1976; «Резня в школе», 1976; «Зачем стрелять в учителя?», 1977 и др.)

Школьная проблематика в игровом кинематографе рассматривается и в исследовании О.Н. Масленниковой, рассматривающей образы учителей/преподавателей в отечественном и зарубежном кино. В результате автор приходит к выводу о том, что на разных периодах развития кинематографического искусства «поэтика образа преподавателя/учителя если и претерпела изменения согласно времени и внешней атрибуции, то в сущностном измерении оставила главное: в каком-то смысле воспроизводимые современным поколением кинообразы желаемого учителя/преподавателя оказываются по ту сторону «ума»: они оказываются вне системы, вне рамок, не боятся быть другими, странными, идут «путем не легким, но благородным» (Масленникова, 2015).

В работе Н.Е. Грибановой, посвященной изучению англоязычных фильмов в работе с будущими педагогами отмечается, что для современного американского кинематографа, в отличие от многих отечественных игровых фильмов, образ школьного учителя представлен более оптимистично: «сняты не только сатирические или мрачные, но и оптимистичные картины о данной профессии. Учитель в американских фильмах не всегда показан идеальным, но он способен расти и совершенствоваться» (Грибанова, 2017). В качестве примеров автор приводит снискавших любовь и уважение своих учеников киногероев: строгого учителя истории в престижной Академии – героя фильма «Императорский клуб» (США, 2002); вдумчивой и независимой преподавательницы истории искусств Кэтрин Энн Уотсон из «Улыбки Моны Лизы» (США, 2003). Что касается изображения школьников на игровом киноэкране, то здесь автором отмечается весьма пестрая картина персонажей – «от озлобленных детей из неблагополучных семей и криминальных районов до самоуверенных отпрысков высокопоставленных родителей» (Грибанова, 2017).

Пальма первенства по количеству англоязычных фильмов, снятых по школьной проблематике, принадлежит американскому кинематографу. На современном этапе, как

считает А.И. Соловьев, в американском кино можно увидеть два типа учителей: «строгие пуритане, держащие своих учеником в постоянном страхе, и успешные, веселые красавцы, которых в их работе не отягощает ничто, даже священный долг учить, наставлять, воспитывать» (Соловьев, 2012). Консервативные учителя «применяют устаревшие методы обучения, авторитарны, комичны, старомодны, неустроены, достойны жалости. При этом показаны и молодые педагоги-новаторы, готовые поддержать даже сексуальную революцию. Таким образом, в современном западном кинематографе драматические или даже трагические фильмы на школьную тематику мирно уживаются с более многочисленными комедийными фильмами и сериалами, которые можно разделить на молодежные и взрослые (Соловьев, 2012).

В исследованиях Т. Брауна (Brown, 2011; 2015) представлен развернутый анализ репрезентации социальных ролей учителя на разных этапах развития кино. Автором выделяется несколько основных ролей учителя в фильмах школьной тематики, среди которых: всеми уважаемый и мудрый педагог-интеллектуал, о котором повествуют фильмы школьной тематики 1930-х – 1940-х годов; строгий, но справедливый наставник трудных и не всегда послушных школьников, представленный на экранах 1950-х; героический, самоотверженный учитель-спаситель обездоленных и бедных, отстаивающий свои принципы и взгляды, в фильмах последних десятилетий XX века.

Т. Браун полагает, что практически все XX столетие учитель в фильмах обычно изображается в позитивном свете, и, несмотря на все ошибки, экранный педагог делает все возможное, чтобы помочь своим ученикам в саморазвитии, в стремлении занять достойное место в жизни (Brown, 2015: 4).

Согласно Т. Брауну, в школьных фильмах начала XXI столетия образ учителя существенно трансформируется. Происходит отход от идеализированной модели образа учителя. Одновременно с показом трудностей педагогической профессии зритель встречается с учителем, сталкивающимся с социальными, нравственными и межэтническими проблемами, такой педагог не всегда готов к новым вызовам общества. В начале XXI века учителя всё чаще перестают изображаться на экране как мученики, напротив, нередко образы ленивых и не желающих адаптироваться к новым вызовам общества педагогов. Возникает и еще один образ учителя, работа которого далеко не всегда нацелена на оптимальные модели обучения, напротив, он нередко борется с родителями учащихся, исключая их из процесса принятия решений в отношении образования их детей (Brown, 2015).

Д. Триер (Trier, 2000; 2001) в своих исследованиях представил возможности использования игровых фильмов школьной тематики для развития критического/аналитического мышления. Автором отмечается, что данная категория аудиовизуальных медиатекстов может успешно использоваться в качестве инструмента для применения на занятиях по развитию критического мышления как школьной, так и учительской аудитории. В качестве наиболее продуктивного подхода к осуществлению критического анализа фильмов о школе Дж. Триер (Trier, 2000) предлагает осуществление социального контекста кинолента, изучение научных и популярных критических статей и использование дискуссионных методов, позволяющих обсудить проблемы, затронутые в данных медиатекстах.

4. Результаты

Англоязычные фильмы на тему школы

Место действия, исторический, социокультурный, политический, идеологический, контекст. Особенности исторического периода создания медиатекстов, условия рынка, которые способствовали замыслу, процессу создания медиатекстов, степень влияния событий того времени на медиатексты

Игровые англоязычные фильмы школьной тематики, так или иначе, отражают социальные, политические, экономические и другие проблемы, происходящих в обществе. Можно выделить несколько основных этапов развития данной темы в англоязычном кинематографе, на каждом из которых представляется свой образ школы в целом, определяющий репрезентацию основных исторических событий, персонажей учителя и учеников, проблемы, с которыми они сталкиваются и т.д.

Так, например, период немого англоязычного кинематографа (1910–1920 гг.), представленный в основном короткометражными кинолентами («После школы», 1912; «День в школе», 1916; «Школьные дни Тома Брауна», 1916 и др.), характеризуется незамысловатыми сюжетами о школьной жизни, место действия которых во многих случаях ограничивается школьным классом.

Вместе с тем, в англоязычном кинематографе о школе отразился экономический кризис 1920–1930-х годов и затяжная великая депрессия («Герой средней школы», 1927; «Маленькая красная школа», 1936; «Школа для преступников», 1938 и др.). В этот период место действия фильмов вышло за рамки школы, мы видим не только школьные классы, но и улицы, дворы, домашнюю обстановку, где происходят события.

На американских и британских экранах 1950-х нашлось место так называемой «моральной панике» и эксплуатации образа неблагополучного подростка (Жарикова, 2015). Тематика англоязычных фильмов о школе 1960-х коснулась изменений, происходивших в обществе: появление и развитие молодежной контркультуры, протест против существующих порядков (в то числе – и в школе), увлечение философией рок-н-ролла и джаза, трансформация характера первых романтических отношений под влиянием первых проявлений «сексуальной революции» и т.д. Места действий этих фильмов весьма разнообразны: не только школьные классы, учительские и жилища учащихся/педагогов, но и летние лагеря/школы, заброшенные пустыри и стройки и т.п.

Англоязычные фильмы 1970–1980-х продолжали репрезентацию основных тем предыдущего периода. В этих аудиовизуальных медиатекстах было представлено многообразие обстановки действия, включая места учебы, отдыха, развлечений, иногда и с фантастическим уклоном. Ярким примером последнего может служить фантастическая кинотрилогия «Назад в будущее» (1985, 1989, 1990).

Для англоязычных фильмов о школе более поздних периодов характерно постепенное включение в сюжет объектов виртуальной реальности, характеризующие переход к новому информационному обществу. Теперь школьник – участник уже не только реальных, но и виртуальных событий компьютерных игр, интернет-пространства, которые постепенно начинают оказывать на него все более значимое влияние и порой определяют вполне реальные события в жизни и места событий в фильме.

Социокультурный, идеологический, мировоззренческий, религиозный контекст. Идеология, направления, цели, задачи, концепции авторов данных медиатекстов в социокультурном контексте; культура мира, изображенного в медиатекстах.

Вечная тема непреходящих ценностей, таких как любовь, дружба, честность, взаимовыручка, умение противостоять злу и отстаивать добро выступает одной из основных в англоязычных игровых фильмах о школе и вузе.

Наряду с этими темами мировоззренческая позиция героев медиатекстов нередко связана с преодолением различных препятствий (как внешних, так и внутренних), после чего персонаж имеет возможность стать героем (класса, школы, общества в целом). В этом случае признание личных и социальных заслуг персонажа становятся своеобразной культурой мира, где любому человеку, нередко внешне простоватому, ничем не выдающемуся неудачнику, доступны самые трудные вершины и победы.

Религиозный контекст не является доминирующим в игровых фильмах о школе. Вместе с тем отрицания религиозных верований, положительных аспектов веры в англоязычных медиатекстах на школьную тему практически нет, зачастую, персонажи в особо трудные моменты своей жизни обращаются к вере, посещая храм и вознося молитвы о поиске смысла жизни, воссоединении с семьей, улучшении своей жизни.

Мировоззрение персонажей «школьного мира», изображенного в медиатекстах: главной отправной точкой в англоязычных фильмах на тему школы и вуза выступает мечта о счастливой жизни, возможности, которые открываются перед нынешним школьником/студентом, поиск перспектив и жизненных ценностей. И хотя во многих лентах «пространство подросткового мира замкнуто и ограничено — это дом и школа и пространство между ними... но эта замкнутость потенциальна безграничностью, ощущением полноты сил и возможностей, свойственных подростку (так же, как и связанные с этим ощущением страхи)» (Жарикова, 2015: 12).

Ярким примером здесь может выступать главный герой английского фильма «Школьные дни Тома Брауна» (1951). Том – ученик престижной школы, главной задачей которого становится борьба с насилием и притеснением, с которыми он сталкивается в очень благополучном, на первый взгляд, учебном заведении. Жизненные ценности и взгляды Тома совпадают с позицией директора школы Томаса Арнольда, который вместе со школьником предпринимает попытки прекратить беспорядки и жестокость в стенах школы.

Структура и приемы повествования в данных медиатекстах

- *место и время действия медиатекстов*: школы различных типов: от элитных («Школьные дни Тома Брауна», 1951) до исправительных образовательных учреждений («Школа для преступников», 1938), здания (от жилых помещений до заброшенныхстроек), улицы (как многолюдные, так и пустынные улицы), летние лагеря, лужайки, парки.

- *характерная для данных медиатекстов обстановка, предметы быта*: предметы быта и обстановка персонажей находятся в зависимости от материального благополучия героев. В фильмах школьной тематики ранних периодов преобладает скромная и даже аскетичная обстановка, позже во многих фильмах о школе представлены респектабельные особняки, где живут герои, автомобили, которые имеют не только учителя, но и ученики.

- *жанровые модификации школьно-вузовской тематики*: на первых этапах развития кинематографа преобладающими жанрами в фильмах школьной тематики выступают комедия, мелодрама и драма. Позже жанровая специфика фильмов рассматриваемой тематики дополняется музыкальными фильмами (мюзиклами), пик популярности которых приходится на 1950-е - 1970-е, фильмами ужасами, триллерами, фантастикой.

- *(стереотипные) приемы изображения действительности*: как правило, в фильмах школьной тематики наиболее стереотипными персонажами на всех этапах развития игрового кино выступают: положительный и отрицательный лидеры класса; тихоня (неудачник), который(ая) вполне может стать героем; признанная всеми заносчивая красавица и др. Позже нередко в фильмах можно встретить представителей разных этносов, молодежных субкультур, определенных музыкальных течений, фанатов, интеллектуалов/компьютерных гениев.

Типология персонажей (черты характера, одежда, телосложение, лексика, мимика, жесты персонажей, присутствие или отсутствие стереотипной манеры репрезентации персонажей в данных медиатекстах):

- *возраст персонажей*. Возрастные рамки школьной аудитории соответствуют возрастным нормам, которые в англоязычных фильмах школьной тематики находятся в пределах от 7 до 20 лет. В фильмах 1960–1970-х годов преобладают подростки, в фильмах более поздних периодов – старшеклассники. Большинство учителей достаточно молоды, что придает им энтузиазма и стремления к революционным переменам школьной системы, реформирования существующего порядка в ведении уроков и во взаимоотношениях учителей и учеников. Причем, данные типы учителей встречаются практически на всех этапах развития игрового кинематографа о школе. В качестве примера можно рассматривать учительницу Сильвию Барретт из фильма «Вверх по лестнице, ведущей вниз» (1967); Ричарда Дэдгера – учителя из фильма «Школьные джунгли» (1955) и др.

Возраст родителей, членов семьи персонажей и второстепенных героев может быть любым.

- *уровень образования*: школьники получают образование в стенах школы, учителя далеко не всегда имеют за спиной университет. Нередко в англоязычных фильмах школьной тематики учителя не имеют специального образования, и приходят в школу из других сфер деятельности.

- *социальное положение, профессия*: в англоязычных фильмах на разных этапах развития игрового кинематографа можно увидеть представителей порой диаметрально противоположных социальных групп школьников. Так, например, в период 1950-х одним из ключевых социальных слоев, представленных на экране, были неблагополучные и бедные, правонарушители («Школа: конфиденциально!», 1958) и др. Позже на экранах США и Великобритании можно было встретить представителей разного социального положения. Родители школьников в англоязычных фильмах занимаются разными видами профессионального труда. Если говорить о семье среднего уровня, то мамы персонажей школьного возраста преимущественно – домохозяйки, заняты воспитанием детей.

- *семейное положение персонажа*: чаще всего персонажи школьного возраста показаны в составе большой (нередко многодетной семьи), где есть оба родителя. Что касается учителей, то их семейное положение далеко не всегда бывает устойчивым. Нередко учитель находится не только в творческом поиске профессиональных средств обучения, но и в поиске (далеко не всегда успешном) спутника жизни.

- *внешний вид, одежда, телосложение персонажей, черты их характеров, лексика*: внешний вид учителей и учеников в фильмах о школе первой половины XX столетия – подтянутый, опрятный, строгий. Позже внешний вид учителя и ученика становится более свободным, нередко даже ярким или вызывающим.

Черты характеров учителей и учеников могут быть совершенно разными: от тихого и скромного персонажа 1930–1940-х до раскрепощенного и независимого от мнения общества человека в фильмах более поздних периодов.

Лексика учеников в фильмах далеко не всегда отличается высоким уровнем культуры. Особенно это касается фильмов о малолетних правонарушителях или девиантных подростках. Хотя и в фильмах, которые повествуют о жизни обычных и даже престижных школ, нередко можно услышать фривольные и грубые выражения, даже по отношению к учителям и родителям. В лексике руководящего состава школы нередко прослеживаются бюрократические нотки: требования придерживаться циркуляров, обязанности следить за тем, чтобы занавеси в классе находились на строго отмеренной высоте четырех дюймов, постоянный контроль за ученическими карточками, хранение документации в алфавитном порядке и т.д.

Обычные учителя, предстающие умными и эрудированными людьми, в англоязычных аудиовизуальных медиатекстах постепенно утрачивают строгие каноны разговорной речи, да и поведения. В их лексике нередко можно услышать жаргонные выражения и грубые слова, в том числе – в адрес учеников.

Существенное изменение в жизни персонажей медиатекстов и возникшая проблема (нарушение привычной жизни):

Вариант № 1 (ученический):

- превращение школьника, который, на первый взгляд, кажется наивным недотепой или неудачником, в супергероя;
- изменение внутреннего мира, мировоззрения героя после определенных событий;
- противостояние персонажа-школьника насилию, жестокости, притеснениям.

Вариант № 2 (педагогический): поиск методов, средств и приемов для: наиболее оптимальной модели взаимодействия с учениками; позитивных изменений в личной жизни.

Решение проблемы:

Вариант № 1 (ученический):

Существенное изменение в жизни персонажей происходит под воздействием перевоспитания или в результате пройденных испытаний (порой смертельно опасных). И если в фильмах первой половины XX столетия доминирующим фактором выступает мудрое руководство формированием личности школьников учителем, старшим товарищем или воспитателем (как, например, в фильме «Школа для преступников», 1939), то во второй половине XX столетия роль воспитателя и учителя школьника отдается самой жизни. Под воздействием определенных обстоятельств (иногда весьма фантастических), школьник сам начинает понимать, каким ему следует стать, чтобы быть успешным, умным, самостоятельным, как в известной трилогии «Назад в будущее» (1985, 1989, 1990).

Вариант № 2 (педагогический): педагог находит необходимый подход к ученикам, находит личное счастье; под воздействием событий учитель разочаровывается/становится равнодушным.

5. Заключение

Итак, проведенный герменевтический анализ англоязычных игровых фильмов школьной тематики позволил нам сделать следующие выводы.

На всех этапах эволюции игрового кинематографа представлена тема школы, включая характер взаимоотношения учителей и учеников, становления личности школьников, изменения мировоззренческих установок и представлений персонажей и т.д. В англоязычных фильмах находят отражение социальные, политические, социокультурные

события соответствующей эпохи. Как кинообразы учителей, так и кинообразы школьников имеют стереотипы, характерные для большинства аудиовизуальных медиатекстов массовой культуры: хороший/плохой парень, красавица, злодей, интеллектual, неудачник, супергерой и т.д.

Если провести сравнительную характеристику англоязычных и русскоязычных фильмов школьной тематики (Челышева, 2018), снятых на разных этапах развития кинематографа, то можно выделить целый ряд сходных тенденций репрезентации образа учителей и учеников в экранных произведениях. Так, например, известно, что одним из типичных сюжетов в советских фильмах о школе 1920–1930-х годов выступала тема беспризорников, которые в результате приобщения к новым ценностям (труду, вступлению в пионеры и т.д.), которое осуществляли мудрые и справедливые педагоги, вожатые, становились совершенно новыми людьми – истинными борцами, верящими в светлое будущее. Советские фильмы этого периода на тему школы были «пронизаны нравственным пафосом, идеологическими символами, образами и стереотипами» (Челышева, 2018). Англоязычные фильмы того времени были не столь идеологизированы, однако тема перевоспитания «трудных» учащихся мудрым учителем или иным взрослым персонажем также хорошо заметна. Примером тому может быть американский фильм «Школа для преступников» (1938), где малолетних хулиганов перевоспитывают «герои-мужчины, действующие практически в одиночку. Основными методами перевоспитания становятся труд, товарищество и доверие» (Жарикова, 2015: 14).

Образы учителей приобретают к началу второй половины XX века иную окраску: героя, защитника представителей социально незащищенных учеников. Еще позже мы всё чаще видим на экране далеко не идеальный образ учителя, нередко не находящего общего языка ни с учениками, ни с их родителями, использующего далеко не педагогические средства для достижения своих профессиональных целей. Это нередко отражается и в его лексике, внешнем виде, манерах общаться.

Жанровая специфика англоязычных фильмов школьной тематики также существенно расширилась. Если на первых этапах развития игрового кинематографа фильмы о школьной жизни ограничивались комедийными, мелодраматическими и драматическими и комедийными сюжетами, то позже ленты данной тематики заняли всю жанровую нишу, включая мюзиклы, фильмы ужасов, триллеры, фантастику и т.д. К темам социального становления постепенно добавились сюжеты о любовных отношениях школьников и учителей. В центре многих киносюжетов о школе и вузе становится насилие, жестокость, преступность, расовая дискриминация, употребление наркотиков, реалистическое изображение эротических сцен и др. Это можно проследить как в общей концепции фильмов, так и в репрезентации образов основных и второстепенных линий сюжета.

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Герменевтический анализ игровых фильмов англоязычных стран на тему школы

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Аннотация. На всех этапах эволюции игрового кинематографа представлена тема школы, включая характер взаимоотношения учителей и учеников, становления личности школьников, изменения мировоззренческих установок и представлений персонажей и т.д.

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В англоязычных фильмах находят отражение социальные, политические, социокультурные события соответствующей эпохи. Как кинообразы учителей, так и кинообразы школьников имеют стереотипы, характерные для большинства аудиовизуальных медиатекстов массовой культуры: хороший/плохой парень, красавица, злодей, интеллектual, неудачник, супергерой и т.д.

В образах учителей второй половины XX века доминируют защитники представителей социально незащищенных учеников. Затем всё чаще на экране возникает далеко не идеальный образ учителя, нередко не находящего общего языка ни с учениками, ни с их родителями, использующего далеко не педагогические средства для достижения своих профессиональных целей. Это нередко отражается и в его лексике, внешнем виде, манерах общаться. Жанровая специфика англоязычных фильмов школьной тематики также существенно расширилась. Если на первых этапах развития игрового кинематографа фильмы о школьной жизни ограничивались комедийными, мелодраматическими и драматическими и комедийными сюжетами, то позже ленты данной тематики заняли всю жанровую нишу, включая мюзиклы, фильмы ужасов, триллеры, фантастику и т.д. К темам социального становления постепенно добавились сюжеты о любовных отношениях школьников и учителей. В центре многих киносюжетов о школе и вузе становится насилие, жестокость, преступность, расовая дискриминация, употребление наркотиков, реалистическое изображение эротических сцен и др. Это можно проследить как в общей концепции фильмов, так и в репрезентации образов основных и второстепенных линий сюжета.

Ключевые слова: герменевтический анализ, медиатекст, медиакритика, США, Великобритания, игровой англоязычный фильм, школьники, персонажи, образ.

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Hermeneutical Analysis of Horror Films of English-Speaking Countries on the Topic of Schools and Universities

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Abstract

This article is the first attempt to carry out hermeneutic analysis of horror films of English-speaking countries on the school-university topic. The author draws attention to the fact that the degree of reflection in the storylines of the set of student-school problems is determined by the socio-cultural and political context. Since 1970s–1980s there was a tendency of quantitative growth of horror films on the theme of school and university, specifically designed for teenage and youth audience, where students appeared as characters. The conceptual basis of the horrors of the school-university thematic segment of the English-speaking countries in the period before the 1960s and the following decades was radically different. Since the 1970s, the motives of violence, cruelty, inhumanity, sexuality have become leading. In subsequent years and to the present, these areas do not lose their relevance, but rather are modified, becoming more pronounced.

Most of the horrors 1970s – 1980s contained screen violence is much less than in the 1990s. The school topic's horrors of the 1990s used the current youth jargon and introduced into the plot of modern technology (special computer effects, such as mobile phone and Internet). In the XXI century the horror films of the English-speaking countries on the school-student theme identified several key trends: remakes; ultra violence; cyber terrorism and harassment in the network.

Educational process in the English-language horrors on the topic of school and university is not important, the aspirations of students on the one hand are aimed at rest, fun, dissolute lifestyle, and on the other – at physical and psychological violence, crime, bullying, etc. Such audiovisual media texts do not always give the images of teachers and students in a positive way, however, like the entire educational process as a whole.

Keywords: english-speaking countries, film, horror, school, University, students, teacher, media text, cinema.

1. Введение

Современная эпоха демонстрирует активизацию процессов развития новых технологий, средств массовой коммуникации, увеличения объема информации. Тем не менее, кинематограф, выступая средством массовой коммуникации, не перестает пользоваться широкой популярностью у многомиллионной зрительской аудитории. Кинематографическая продукция – это эффективный рычаг социализации современной молодёжи, оказывающий мощное воздействие на сознание, ценностные ориентации, стиль жизни, выбор цели и

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способы ее реализации. Создаваемые экранной культурой виртуальная реальность достаточно часто проецируются юными зрителями на собственную личность и окружающий мир, что позволяет говорить о возможности манипулятивного воздействия кинематографа. Выявлено, что трансляция по телевидению сцен насилия способствует увеличению уровня агрессивности у зрительской аудитории (Huesmann et al., 1984). Это, с точки зрения ученых, негативно влияет на молодёжь, прежде всего, на тех, кто испытывает проблемы личностного характера или эмоциональной сферы (Huesmann et al., 1984).

На протяжении уже не одного десятилетия фильмы жанра ужаса считаются одними из самых популярных у подростковой и молодежной аудитории, следовательно, проведение герменевтического анализа фильмов ужасов англоязычных стран на школьно-студенческую тему, по нашему мнению, актуально.

2. Материалы и методы

Материал анализа – фильмы ужасов англоязычных стран на тему школы и вуза. Ведущий метод исследования – герменевтический анализ (включая: анализ стереотипов, идеологический анализ, идентификационный анализ, иконографический анализ, сюжетный анализ, анализ характеров, персонажей и др.); мы также анализируем отечественные и зарубежные книги, монографии, статьи, рецензии, в той или иной степени касающиеся исследования фильмов ужасов в англоязычных странах (Артемьева, 2010; Ионов, 2017; Комм, 2012; Кудрявцев, 2009а, Кудрявцев, 2009b; Маркулан, 1978; Annan, 1975; Copper, 1977; Douglas, 1996; Leslie, 1992; Rutstein, 1974; Cillindorf, 1984 и др.).

3. Обсуждение

Тематика аудиовизуальных медиатекстов о школьно-студенческой жизни давно стала объектом притяжения исследовательского интереса представителей научного мира разных стран (Aaronson, 1995; Ayers, 1994; Bass, 1970; Bauer, 1998; Bulman, 2005; Fedorov et al., 2017; Goyette, 1996 и др.), разумеется, не исключением стал и кинематограф англоязычных стран. Активное изучение фильмов, ориентированных на школьников и студентов как предмета исследования, в большей мере характерно для американских исследователей (Acland, 1995; Burbach, Figgins, 1993; Dalton, 2004; Edelman, 1983; Keroes, 1999; Olicker, 1993; Schwartz, 1963; Trier, 2001; Reynolds, 2007; Umphlett, 1984; Wasylkiw, Currie, 2012 и др.), прежде всего, это связано с наибольшим количеством снятых фильмов на тему школы и вуза разной жанровой модификации в США по сравнению с другими англоязычными странами (такими как Великобритания, Канада и др.).

Существует значительное число научных исследований фильмов-ужасов. В сфере зарубежной исследовательской литературы на тему специфики фильма ужасов научные работы исчисляются сотнями (Bansak, 2003; Cowan, 2008; Dixon, 2010; Egan, 2012; Johnson, 2006; Kerner, 2015; McDonagh, 2010; Meehan, 2010; Muir, 2004; Skal, 1998 и др.). Во-первых, это исследования, где авторы акцентируют внимание на персонажах (Annan, 1975; Copper, 1977). Во-вторых, исследования, в большей степени сфокусированные на культурно-исторических аспектах возникновения фильмов-ужасов (Leslie, 1992; Douglas, 1996). В-третьих, исследования, посвященные изучению особенностей влияния сцен насилия на детей, подростков и молодежь (Rutstein, 1974; Cillindorf, 1984). В некоторых работах раскрывается тема взаимосвязи жанра ужасов в американском кино с американской культурой (Belton, 2005: 480; Sklar, 1994: 432; Walker, 1987: 248).

В российском киноведении нам удалось лишь обнаружить несколько полновесных исследований, объектом которых выступали киноистории в жанре ужасов. Из исследований советских времен можно отметить монографию Я.К. Маркулан «Киномелодрама. Фильм ужасов» (Маркулан, 1978), где идет речь о возникновении и эволюции жанра ужаса и воздействии на массовое сознание. В постсоветские годы вышел в свет уникальный труд Д.Е. Комма – «Формулы страха. Введение в историю и теорию фильма ужасов» (Комм, 2012), касающийся традиций и специфических черт фильма ужасов, многообразия направлений на разных континентах и в различных социокультурных условиях. Еще одно российское научное исследование – «Эволюция эстетической модели жанра "хоррор" в американском кино» (Артемьева, 2010), там подробно освещается история американского

фильма ужасов до начала XXI века. В 2017 году, появился еще один научный труд – «Жанровые особенности американского фильма ужасов 1990-2000-х гг.» (Ионов, 2017).

Однако мы можем констатировать, что при достаточно высокой степени изученности фильмов ужасов как зарубежные, так и отечественные исследователи в своих работах не делают акцент на анализе аудиовизуальных медиатекстов в жанре ужаса на тему школы и вуза.

Разумеется, содержание аудиовизуальных медиатекстов на тему школы и вуза до 1950-х годов в англоязычных странах было четко подчинено существующим в те годы цензурным ограничениям. Появление первых фильмов ужасов на школьно-студенческую тему приходится на конец 1950-х гг. В ленте «Я был подростком-оборотнем» (*I Was a Teenage Werewolf*, 1957) рассказывалось (без особых натуралистических подробностей) о вспыльчивом, полном энергии американском подростке, превратившемся в оборотня. Но уже 1960-е годы возник новый этап в развитии жанра фильмов-ужасов: после отмены кодекса Хейса в США и снятия цензурных барьеров в западных странах наступил бум хоррор-кинематографа.

Следует отметить, что специфической чертой англоязычных фильмов ужасов 1960–1970-х была смесь насилия и садизма с перверсивным сексом, некрофилией и т.п. аттрактивными элементами. В 1970-х на экраны вышло несколько фильмов на школьную тему («Школа ужасов» / *Horror High*, 1974; «Кэрри» / *Carrie*, 1976; «Немой крик» / *The Silent Scream*, 1979), где сцены насилия были рассчитаны на максимальный шоковый эффект.

В «Школе ужасов» ученик был объектом систематических насмешек и издевательств со стороны учителей и одноклассников, что спровоцировало желание кроваждно и беспощадно мстить всем своим обидчикам, а в «Кэрри» фабула сводилась к тому, что застенчивая ученица, наделенная множеством комплексов и воспитанная матерью в пуританском духе, становилась жертвой злой шутки одноклассников, и в ответ устраивала для них в порыве неудержимого гнева настоящий ад. Рецензируя «Кэрри», С.В. Кудрявцев резонно отметил, что «этот фильм – самая первая и одна из лучших экранизаций произведений популярного автора Стивена Кинга, которого слишком часто, но всё-таки реже удачно переводят на язык кино. Де Пальма ещё прежде прославился не одним лишь умением изобретательно пугать зрителей, добиваясь порой шокового эффекта. Подчас настойчиво называемый «наследником Хичкока», он на самом деле смог перенять главное у классика жанров триллера и саспенса – вкус к чисто кинематографическому воплощению состояний страха, наваждения, ярости» (Кудрявцев, 2009а; Кудрявцев, 2009б).

Фильмы ужасов на школьную тему 1970-х годов отличались по стилистике и художественным предпочтениям авторов, но их объединяла одна особенность – концентрация на мотиве страха, подчеркнутая сюжетными поворотами, образами, событиями, сценами кровавого насилия.

В 1980-х гг. содержание фильмов-ужасов на школьно-вузовскую тему в целом следовало все тем же рецептам («Выпускной» / *Prom Night*, 1980; «Последний экзамен» / *Final Exam*, 1981; «Адская ночь» / *Hell Night*, 1981; «Тела студентов» / *Student Bodies*, 1981; «Резня в школе» / *Slaughter High*, 1986; «Привет Мэри Лу: Выпускной 2» / *Hello Mary Lou: Prom Night II*, 1987; «Адская школа» / *Hell High*, 1989 и др.).

В 1980-е годы вышел на экраны канадский фильм «Выпускной» (*Prom Night*, 1980), в ходе сюжета которого школьники, играя в игру «Убийцы», одну из девочек запугали так, что она выпала из окна и разбилась насмерть (мотив, подхваченный в 2015 году российским сериалом «Спарта»). Одноклассники поклялись друг другу хранить эту тайну, чтобы ни случилось, а когда пришло время школьного бала, началась череда событий и смертей, превративших школу в кровавую бойню. Спустя семь лет был снят фильм «Привет Мэри Лу: Выпускной 2» (*Hello Mary Lou: Prom Night II*, 1987), рассказывающий о высокомерной старшекласснице – хулиганке, которая погибает во время школьного бала 1950-х. Через несколько лет дух погибшей школьницы вырывается на свободу и овладевает телом ученицы. Мстительное существо начинает расправляться с окружающими...

Еще одним фильмом ужасов школьно-студенческой тематики была «Адская ночь» (*Hell Night*, 1981), сюжет которой сводится к тому, что четверо парней хотят вступить в студенческое братство, однако чтобы туда попасть, нужно пройти обряд посвящения, то есть провести одну ночь в заброшенном особняке. А там опять возникал кровавый маньяк...

В похожем ключе был поставлен американский фильм «Последний экзамен» (*Final Exam*, 1981), рассказывающий о маньяке-убийце. С. Кудрявцев отмечает сходство «Последнего экзамена» с лентой «Пятница, 13-е» (1980), полагая, что «все эти картины поневоле перепутываются в голове, поскольку неразлично похожи» (Кудрявцев, 2009а; Кудрявцев, 2009б).

В 1980-е годы у многих создателей фильмов ужасов появилась острая необходимость в использовании дополнительных приманок для аудитории: возникла ориентация на подростков из провинции, стало больше специфического пубертатного юмора, а также нравоучительных интонаций» (Комм, 2012).

Возможно, самым ярким и жестоким фильмом жанра ужаса англоязычных стран 1980-х годов о школьно-студенческой жизни была «Резня в школе» (*Slaughter High*, 1986) – история о том, как над недотепой и «ботаником» систематически издевались одноклассники, а тот им потом жестоко отомстил... Пожалуй, «Резня в школе» содержит все, что значимо для кинокартин жанра ужаса: «расчлененка», саспенс, «обнаженка», резкая злобная музыка...

В 1990-х прослеживается тенденция создавать сиквелы фильмов-ужасов о школе: «Выпускной 3: последний поцелуй» (*Prom Night III: The Last Kiss*, 1990), «Выпускной 4: избавь нас от зла» (*Prom Night IV: Deliver Us from Evil*, 1992), «Гоблины 3: Гоблины отправляются в колледж» (*Ghoulies III: Ghoulies Go to College*, 1990), «Класс 1999: учитель на замену» (*Class of 1999 II: The Substitute*, 1994), «Кэрри 2: Ярость» (*The Rage: Carrie 2*, 1999) и др.

Фильм ужасов все чаще сочетался с жанром фантастики. Так авторы «Класса 1999» (*Class of 1999*, 1990) предположили, что к концу 1990-х США захлестнет волна насилия, «некоторые городские районы превратятся в «зоны открытого огня», в которые не сунутся полицейские, школьное образование потерпит крах, а балом станут править вооруженные молодежные банды. С целью прекращения разгула подростковой преступности и восстановления деятельности учебных заведений, Департамент Обороны Образования заключит контракт с компанией «Мегатек», которая, в качестве эксперимента, поставит во вновь открывшуюся школу учителей-андроидов. Но в итоге окажется, что эти учителя, которые должны были повысить успеваемость и навести дисциплину в школе, – перепрограммированные боевые киборги, выполняющие свою задачу «перевоспитания молодежи» вплоть до физического устранения нерадивых учеников» (Ман, 2013). Правда, по мнению И. Нефедова, это «зрелище выглядит блекло, особенно в части технических возможностей трёх киборгов-убийц в облачении интеллигентных школьных преподавателей» (Нефедов, 2015). С ним согласен и С. Кудрявцев, посчитавший, что «Класс 1999» можно назвать синтезом «Класса 1984» и «Терминатора», и, «изрядно поскучав в течение целого часа повествования о совершенно распоясавшихся школьниках из соперничающих банд “чёрных сердец” и “бритоголовых”, поневоле возрадуешься битве объединившихся преступных группировок с абсолютно жестокими и бесчеловечными роботами, которые были посланы в школу в качестве преподавателей с тайной программой уничтожения всех непокорных. В конфликте плохих подростков с вовсе злыми андроидами, разумеется, встаёшь на сторону бедненьких учеников, которые должны сами постараться выжить в невыносимой ситуации физического террора» (Кудрявцев, 2007).

Ужасы продолжают оставаться одним из популярных жанров кинематографа англоязычных стран и в XXI веке. Как и раньше, подавляющее большинство кинолент о школе и вузе в жанре ужасов выстроено так, что учебно-воспитательный процесс находится на втором/третьем плане, зато в связи с развитием Интернета и социальных сетей набирают популярность фильмы ужасов о кибертерроризме и преследовании в сети. Большая часть экранного времени отводится кровавым преступлениям, убийствам, мести, физическому и психологическому насилию, школьно-студенческому хулиганству и бандитизму («Школьный убийца»/*School Killer*, 2001, «Валемонт»/*Valemont*, 2009; «Школа в лесу» (*The School in the Woods*, 2010), «Школьницы-убийцы из космоса»/*Killer School Girls from Outer Space* (2011), «Наказание»/*Detention*, 2011; «Призрак в школе» / *Haunted High*, 2012; «Кэрри»/*Carrie*, 2013; «Одержимость в школе»/*High School Possession*, 2014); «Резня после школы»/*After School Massacre*, 2014; «Отшколенные»/*Getting Schooled*, 2017; «Территория Дьявола»/*Devil's Domain*, 2017; «Полароид»/*Polaroid*, 2017 и др.).

Таким образом, мы можем констатировать, что в фильмах англоязычных стран на тему школы и вуза, сделанных в жанре ужасов, демонстрируются далекие от положительных образы педагогов и школьников/студентов, учебных заведений. В основной массе такого рода медиатекстов педагоги – агрессивные, грубые, безжалостные, мстительные, раздражительные, ненавидящие школьников/студентов, нередко совершающие жестокие преступления, убийства («Класс 1999: учитель на замену»/Class of 1999 II: The Substitute, 1994; «Резня после школы»/After School Massacre, 2014; «Отшколенные»/Getting Schooled, 2017 и др.).

4. Результаты

Фильмы ужасов англоязычных стран на тему школы и вуза

Место действия, исторический, социокультурный, политический, идеологический, контекст.

Аудиовизуальные медиатексты англоязычных стран, сделанные в жанре ужасов, в некоторой степени отображали экономическую и социально-культурную, образовательную ситуации, доминирующие в разные исторические эпохи. Впрочем, такого рода фильмы акцентированы вовсе не на образовательных вопросах, а в большей мере – на демонстрации физических и психологических расправ, насилия, травли, кровавых сцен, убийств, преступлений и событий подобного негативного характера. После отмены Кодекса Хейса и снятия цензурных барьеров демонстрация сцен жестоких убийств, преступлений, извращений, садизма, во многом определяли сюжеты аудиовизуальных медиатекстов о школе и вузе англоязычных стран.

Мировоззрение персонажей «школьно-вузовского мира», изображенного в англоязычных медиатекстах

Персонажи школьно-вузовского мира фильмов ужасов англоязычных стран, во многих случаях сосредоточены на насилии, агрессии и жестокости, частично проявляя стремление к развлечениям и любовным приключениям.

Ценностные ориентации персонажей медиатекстов школьников/студентов /педагогов, можно представить следующим образом: распитие спиртных напитков, наркомания, курение; алчность, враждебность, месть; силовое давление, безжалостность, хамство, хулиганство, бандитизм, девиантность, преступность; неуважение к находящимся вокруг людям, дерзость; ханжество, безнравственность, распушенность.

Структура и приемы повествования фильмов ужасов англоязычных стран

Исторический период, место действия: любой временной отрезок исторической эпохи англоязычных стран; преобладает преимущественно городская местность; основное место действия – школа, университет и относящееся к ним школьно-вузовское пространство (классы, коридоры, спортивные площадки, залы, общежития, школьные дворы), частные дома, особняки, коттеджи.

Обстановка, предметы быта: чаще всего учебные заведения, отличающиеся обычной обстановкой; комфортабельные жилища, дома и предметы быта обеспеченных слоев общества; скромные и простые жилища; студенческие общежития.

Приемы изображения действительности:

- персонажи практически не показаны в идеализированном варианте, а, как правило, подаются неоднозначно;

- отрицательные герои показаны с яркими отрицательными моральными качествами и неблагоприятным поведением (например, организация жестоких кровавых драк, убийств, пыток и т.д.).

Персонажи, их черты характера, одежда, телосложение, лексика, мимика, жесты

В аудиовизуальных медиатекстах англоязычных стран положительным персонажам – педагогам часто уделяется мало экранного времени. Впрочем, положительные образы педагогов иногда возникают – это интеллигентные, мужественные, добродушные, трудолюбивые личности (нередко, эти педагоги становятся жертвами маньяков-убийц – преподавателей или учеников-бандитов); отрицательные персонажи-педагоги – агрессивные, хладнокровные, мстительные, коварные злоумышленники, жестокие: убийцы, преступники.

Говоря о персонажах – школьниках/студентах, то весьма внушительную группу составляют отрицательные герои – наглые, безжалостные, злопамятные, меркантильные хулиганы, бандиты, нередко среди них есть и опасные личности, отличающиеся высоким уровнем интеллектуального развития. Менее значительную группу образуют положительные персонажи – креативные школьники/студенты, ведущие здоровый образ жизни и стремящиеся хорошо учиться.

Внешний вид персонажей – школьников/студентов не ограничен определенными строгими рамками. С каждым десятилетием внешний вид учащихся и педагогов в англоязычных фильмах ужасов на школьно-вузовскую тематику становился более ярким, вольным, временами даже вызывающим (татуировки, броский макияж, одежда ярких тонов). Начиная с 1980-х годов, в фильмах такого рода все чаще акцентируется активная мимика, жестикуляция, жесткая арготическая и матерная лексика. Некоторые персонажи-школьники/студенты/учителя выпивают, курят, употребляют наркотики. Характерно, то, что тенденция показа отрицательного образа представителей школьно-вузовского мира с каждым десятилетием усиливается. Положительным персонажам – учащимся/педагогам свойственна богатая и образная лексика.

Существенное изменение в жизни персонажей медиатекстов:

1. Положительные персонажи – школьники/студенты – вступают в конфликт, связанный с неприятием их взглядов и идей со стороны родителей и/или педагогического коллектива, одноклассников/однокурсников; противодействуют жестокому, агрессивному и/или сексуально направленному поведению учащихся/педагогов; мстят в ответ на издевательства, физическое и психологическое насилие со стороны учащихся, педагогов, друзей.

2. Отрицательные персонажи – школьники/студенты стремятся подчинить себе одноклассников/однокурсников, руководствуясь при этом безжалостными способами и методами; реализовывают собственные антигуманные схемы (безнравственное поведение, беззаконие, травля, угрозы, физические расправы, нападение на учителя и/или положительных персонажей, убийства и т.д.).

3. Положительные персонажи – педагоги сталкиваются с брутальным, дерзким, грубым и/или сексуально ориентированным поведением школьников/студентов/педагогов с физическим и психологическим насилием и пытаются трансформировать ситуацию.

4. Отрицательные персонажи-педагоги реализовывают аморальные цели противоречащие гуманистической направленности, их поведение проявляется в кровожадности, садизме, беспощадности, высоком уровне жестокости, безжалостности, бесчеловечности, пытках, мучениях, истязательствах, кровавых убийствах и пр.

Возникшая проблема: здоровье и жизнь персонажей находится в опасности.

Поиски решения проблемы: противостояние положительных персонажей с отрицательными.

Решение проблемы: разоблачение, арест, устранение отрицательных персонажей, победа положительных персонажей.

5. Заключение

Герменевтический анализ фильмов ужасов англоязычных стран на тему школы и вузы позволяет констатировать, что степень отражения в сюжетных линиях совокупности школьно-студенческих проблем определена социально-культурным и политическим контекстом. На протяжении истории развития англоязычных стран жанр фильмов ужасов учитывал перманентные исторические, и социокультурные трансформации.

Наше исследование показало, что начиная с 1970-х - 1980-х годов стал наблюдаться количественный рост фильмов ужасов на тему школы и вуза, специально рассчитанных на подростковую и молодежную аудиторию, где школьники и студенты появлялись в качестве ключевых персонажей. Концептуальная база фильмов ужасов школьно-вузовского тематического сегмента англоязычных стран существенно различалась. С 1970-х годов мотивы насилия, жестокости, бесчеловечности, секса становятся ведущими. В последующие годы и по настоящее время данные направления модифицируются, приобретая все более ярко выраженный характер.

Основная особенность фильмов ужасов школьно-студенческой тематики на протяжении всей истории развития кинематографа англоязычных стран – стремление к максимально поданному экранному насилию. То, что раньше нередко оставалось за кадром, теперь демонстрируется крупным планом.

К 1990-м годом фильмы ужасов на школьно-студенческую тему стали активно использовать молодежный жаргон, внедрять современные технологии (например, компьютерные спецэффекты).

Сегодня в рамках фильмов ужасов на тему школьно-студенческой жизни можно выделить синтез с триллером, комедией и боевиком, а также такие поджанры как слэшер, фильмы об оборотнях, зомби, о сверхъестественном. Ведущий мотив фильмов ужасов – страх, реализуемый с помощью физических и психологических испытаний персонажей; в сюжетной линии броско подаются сцены насилия и убийств, крови, причинения мучений. Стремления учащихся, с одной стороны, направлены на физическое и психологическое насилие, преступления, издевательства и т.д.; а с другой – на отдых, веселье, секс; учебно-воспитательному процессу в ужасах отводится минимальное время. Во многих фильмах ужасов показаны негативные образы представителей педагогической профессии.

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Герменевтический анализ фильмов ужасов англоязычных стран на тему школы и вуза

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Аннотация. В данной статье впервые предпринята попытка осуществить герменевтический анализ фильмов ужасов англоязычных стран на школьно-вузовскую тему. Автор статьи обращает внимание на то, что степень отражения в сюжетных линиях совокупности школьно-студенческих проблем определена социально-культурным и политическим контекстом. Начиная с 1970-х – 1980-х годов стала наблюдаться тенденция количественного роста фильмов ужасов на тему школы и вуза, специально рассчитанных на подростковую и молодежную аудиторию, где школьники и студенты появлялись в качестве ключевых персонажей. Концептуальная база ужасов школьно-вузовского тематического сегмента англоязычных стран в период до 1960-х и последующие десятилетия кардинально различалась. С 1970-х годов мотивы жестокости, бесчеловечности, сексуального влечения становятся ведущими. В последующие годы и по настоящее время данные направления не теряют своей актуальности, а напротив, модифицируются, приобретая все более ярко выраженный характер.

Основная особенность фильмов ужасов школьно-студенческой тематики на протяжении всей истории развития кинематографа англоязычных стран – стремление к максимально эксплицитному экранному насилию. Ведь, большая часть такого рода лент 1970-х – начала 1980-х содержала гораздо меньше сцен насилия, чем в 1990-е.

Фильмы ужасов на школьно-студенческую тему 1990-х и начала XXI века не только в полной мере использовали словечки молодежного жаргона, но и опирались на современные технические возможности (компьютерные спецэффекты, интернет, мобильная телефония и пр.). В XXI веке в фильмах ужасах англоязычных стран на школьно-студенческую тему обозначилось несколько ключевых тенденций: ремейкизация киноисторий; стремление к ультранасилию; фабулы, связанные с кибертерроризмом и интернет-шантажом.

Учебно-воспитательному процессу в англоязычных фильмах ужасов на тему школы и вуза отводится незначительное количество экранного времени. Стремления учащихся с одной стороны направлены на отдых, веселье, распутный образ жизни, а с другой – на физическое и психологическое насилие, преступления, издевательства и т.д. Такого рода аудиовизуальные медиатексты далеко не всегда подают образы педагогов и учащихся в положительном ключе, впрочем, как и весь образовательный процесс в целом.

Ключевые слова: англоязычные страны, фильм, ужасы, школа, вуз, школьники, студенты, педагог, медиатекст, кинематограф.

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Land Rights as Social Rights: A Micro-Level Study

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Abstract

Displacement constitutes a major human problem in India. It dislocates People from their home, land & environment & has traumatic consequences for their lives. Displacement can be caused by natural calamities such as flood, cyclone, tsunami, earthquake & manmade factors such as political conflict, wars & social strife. Development process, also man-made, has been added to the third source. While the first two causes have been a recurring phenomenon in the evolution of civilization, the third cause has emerged from the efforts of governments to modernize traditional societies. Of the three, the first two categories of displacement are unplanned & usually unanticipated. The third category of displacement, however, is the result of prior & conscious planning & therefore anticipated. Of the two categories of unplanned displacement, the one that is due to natural calamities is usually of a shorter duration while the rather arising out of war, political conflict, & social strife may have a little longer duration &, in some situations, even of a permanent nature if the issues giving rise to it do not set satisfactorily resolved. But displacement from development projects such as open cast coal mining is invariably permanent. This is because contemporary development is associated with big projects requiring huge areas of land, such as dams, airports, extraction of minerals, industrial plants, provisions of social service, housing etc. Present study finds the multifaceted problems of land acquisition for expansion of existing coal mines as well as establishment of new mining establishment in West Burdwan district of West Bengal, India.

Keywords: coal mining, displacement, land acquisition, discrimination, environment.

1. Introduction

Economic liberalization continues to create desire for space to meet the demands of industrialization, infrastructure building, urban expansion etc. Balancing these conflicting objectives is one of the utmost challenges that our policymakers are facing. Land acquisition has become a most distressing problem for policymakers as well as for politicians in India. The prominent role of governments across the developing world in acquiring agricultural land on behalf of industrial entrepreneurs has gained a lot of attention recently.

The rapid population expansion of West Bengal also has not been accompanied by considerable economic growth. Local politicians, in many situations, gained power by promising agricultural land to landless farmers. But given West Bengal's population density & fragmented nature of land-holdings, yields are insufficient to sustain poor families. Shift from agriculture to industrial jobs provides an opportunity for earning higher income. One of the main points that

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have been emphasized in favour of industrialization is that it is the obvious next step to the government's intervention in agriculture, building on the benefits of land reforms. From this stand point it (land acquisition) can be viewed merely as a continuation of the earlier land policy of the state rather than a major change in course. Though in several cases there has been stiff resistance to these state-sponsored acquisitions by peasants and agricultural labourers whose livelihood is threatened by the conversion of agricultural land for industry, infrastructure or real estate. Due to unprecedented media and public concern names like Singur, Nandigram, Kalinganagar are now well known to all. The findings of this project are to present the problems of land acquisition for new industrial establishment, mining-induced displacement and resettlement occurring in different regions of India, as a highly diverse national socioeconomic issue. It is a source of challenges to public law and institutions providing humanitarian assistance as well as a matter of deep concern for human rights. This study will focus on various dimensions of bulk land acquisition cases in Southern Bengal and problems associated with it. It will also try to probe into the deep of land acquisition policy of state government and people's reaction on land acquisition for establishment of new industry as well as extension of existing industry. Displacement constitutes a major human problem in India. It dislocates People from their home, land & environment & has traumatic consequences for their lives. Displacement can be caused by natural calamities such as flood, cyclone, tsunami, earthquake & manmade factors such as political conflict, wars & social strife. Development process, also man-made, has been added to the third source. While the first two causes have been a recurring phenomenon in the evolution of civilization, the third cause has emerged from the efforts of governments to modernize traditional societies. Of the three, the first two categories of displacement are unplanned & usually unanticipated. The third category of displacement, however, is the result of prior & conscious planning & therefore anticipated. Of the two categories of unplanned displacement, the one that is due to natural calamities is usually of a shorter duration while the rather arising out of war, political conflict, & social strife may have a little longer duration &, in some situations, even of a permanent nature if the issues giving rise to it do not set satisfactorily resolved. But displacement from development projects is invariably permanent. This is because modern development is associated with big projects requiring huge areas of land, such as dams, airports, extraction of minerals, industrial plants, housing, provision of social service, etc. Since huge chunks of vacant land at a particular location are available in rural areas only, though already under productive use by and large, it is the people in rural areas subsisting on these lands who bear the brunt of acquisition for them. As a result of this acquisition, the persons affected by it are shifted to alternative location. The acquisition of land is carried out in a specified manner under a law which empowers the state to do so even without the consent of affected persons in public interest though a limited opportunity is given to them to raise any objection and the acquisition authority is required to compensate the land losers for this loss. Altogether, this exercise is heavily tilted in favour of the state which has overriding powers to take over the desired land, if necessary, by using force. Thus, the land acquisition is gradually more becoming a coercive operation lacking in sensitivity to human consequences involved in trail if devastation and trauma it leaves behind. There are several laws, central and state, under which land is acquired. While most other laws confine the acquisition for a specified sector of 'public purpose' such as coal mines, atomic energy, post and telegraph, highways, town planning, bulk of the acquisition takes place under the Land Acquisition Act, 1894 which applies to acquisition for any 'public purpose' and also provides the general structural framework for it. The law was enacted by the colonial government along with the Indian Forest Act, 1865 to have control over natural resources of the country for their commercial exploitation. The acquisition law has continued to be used by the government after Independence for diverse development activities. This has led to the displacement of a large number of persons from their land, habitat and livelihood. The changes made in the Act in 1984 extended its use to acquisition of land for companies, public and private including registered societies and cooperatives, as well which added to the scope of acquisition. The shift to a neo-liberal economy and its integration with the global economic order has widened the scale of acquisition of land and accelerated its pace. The enactment of Special Economic Zone (SEZ) Act, 2005 has brought a new dimension to the demand for acquisition of land in terms of area, location, size and geographical spread. The resistance to such acquisition has been spontaneous and widespread the government has responded with use of force to suppress this opposition. In the discourse on the political

economy of land acquisition, the existing Act has come in for a very sharp attack on grounds of its conflict with democratic ethos and considerations of equity and social justice. The economic rationality, environmental compatibility and moral propriety of large scale acquisition of land have also been questioned. There has been a long pending demand for drastic changes in the law and even for its abrogation and several suggestions have been made on the nature of changes required to be incorporated in the formulation of new proposals. The public discourse on land acquisition has thrown up a rich material on how the architecture of the existing Act and its contents hurt the affected people (Polanyi, 1944). Several issues have been raised in this discourse ranging from conceptual to operational, structural and those relating to governance. The subject brings centre stage an old issue of political theory – state's relationship with its citizens. The existing law is built on the construction of this relationship as viewed from the interests of a colonial government whose only concern was to have total control over natural resources of a colony which were hitherto under use of the communities as per their customary practices to facilitate their exploitation for serving the interests of the mother country. Being an undemocratic state, it did not bother how the law it enacted would impact the people affected by it. With this sole objective, it enacted two major legal instruments. The one appropriated the forest converting it into state property and extinguishing/curtailing customary entitlements of the local communities to access its resources. It also took over its management depriving local communities of any say in the matter. The second brought on the statute book a law to take over privately occupied land thereby depriving its users of livelihood, displacing them from their habitat, environment and social networks, limiting their choices in life and forcing them to accepting consequences that were highly detrimental to their dignified existence. The only conditionality that the law imposed in the exercise of this power was that a larger public good should guide this action and land losers should receive financial compensation. This change was achieved by decimating community and its control and management of resources, radically altering the contours of individual entitlements and tilting the balance of relationship overwhelmingly in favour of the state. The new relationship that crafted was by the law and continued, rather reinforced, by the postcolonial state is not only antithetical to democracy but also the negation of humanism and social justice. The expanded ambit of land acquisition law and the enormity of its application in independent India further tilted the relationship against citizens, without being checkmated by constitutional provisions, participatory institutions, vibrant judiciary and the prescriptions contained in international conventions and instruments (Upadhyay, 2009).

2. Objectives of the Study

1. To study the socio – economic impact of the land acquisition on rural people. For this purpose we include those whose primary occupation is agricultural and non- agricultural work, in order to gauge the effect of the acquisition on these groups as well.
2. To examine the changes in employment status of the affected people in pre & post acquisition scenario.
3. To focus on the types of compensation offered by the state government to the owners of land.
4. To see how the compensation is being used (where it is already done).
5. To assess the impact of displacement in living standard of the people involved.
7. To make recommendations on the basis of the findings of the study. Those recommendations are expected to be very helpful in Government's policy making.

3. Methodology of the study

For the proposed work the area of the study is South Bengal which includes 1 district namely west Burdwan which has the highest concentration of several industries in West Bengal, India. Both descriptive and analytical approach is proposed for the study. As a tool an interview schedule is prepared to collect primary information from the people. Other districts like Birbhum and Bankura have been visited for study.

The study mainly depends on direct intensive observation and interviews with individuals affected by land acquisition. The demographic and economic surveys are conducted among all the households with the help of structured and open-ended questionnaire schedules. The qualitative information regarding the feeling and attitude of the acquisition of the affected persons are

collected through repeated conversations with those persons over long period of time. The stories of hardship and economic crisis are addressed from individual family members by the case study method. Apart from the above mentioned field study, the earlier published and unpublished field materials collected from different sources are used in this study.

a. Quantitative Methods

- Land Acquisition Survey (persons with titles, those without titles and others including tenants, sharecroppers should all be counted)
- Census Survey
- Socioeconomic Survey (This should involve only a percentage of total population selected on a random basis)
- Other administrative records (such as NSS)

b. Qualitative Methods

- Key Informant Interviews
- Focus Group Discussions (FGDs)

4. Findings and observations

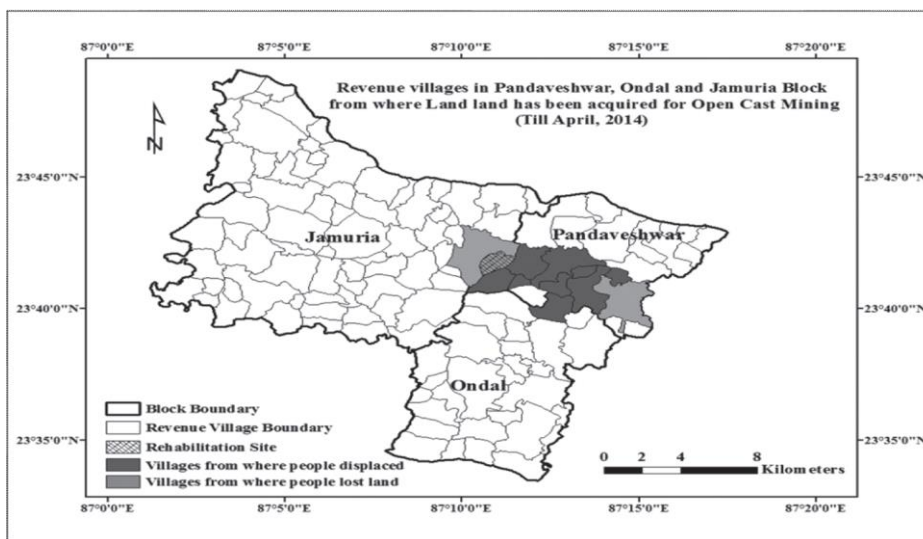


Fig. 1. Revenue villages in Pandaveshwar, Ondal and Jamuria blocks from where land has been acquired for open cast mining (Till April, 2017)
Source: CMPDIL, 2017 (Village Boundary Map).

Table 1. Rehabilitation & Resettlement in Sonpur Bazari

Sl. No	Village	Total Population	No. of Houses		Govt. Establishment & Private Property
			Kucha	Pucca	
1	ITAPARA	1724	134	121	Mandir-7, School-4, Panchayet Office-1
2	BILA	676	118	44	Mandir-6, School-1, Health Centre-1
3	AMDIHA(PART)	240	10	53	Mandir-1, School-1, PHE Tank- 1+Water Filter Plant
4	AMLALA(PART)	162	12	20	Mandir-2
5	KHOIRABAD	900	100	60	Mandir-1 ,School-1

6	NANDAI+TALKANALI	448	77	14	Mandir-2, School-1
7	PAKURIA	88	20	2	
8	KENJIA	350	45	25	Mandir-1, School-1, Health Centre-1
9	BARDANG	1749	178	143	Mandir-7, School-1
10	DANGALPARA(KESARDI)	142	25	10	Mandir-1, School-1
11	MAJHI BASTEE-2	200	42	3	
	TOTAL	6679	761	495	

Source: Author's analysis, based on field survey carried out in 2018

As per the table 1 more than 1000 hectares of land has been lost over a span of 20 years in only two blocks in *Asansol* subdivision and *Burdwan* district. The effect of land loss on agricultural activities may however be more objectively estimated through the statistics of number of persons employed in agriculture and their migration if any. The decrease of cultivable land is clearly visible in Raniganj coalfield is estimated 17.40 %. The matter has been discussed in subsequent paragraphs.

It is a difficult task to estimate the number of farmers and agricultural workers displaced or affected due to land loss and land degradation. From the relevant data it is revealed that in *Satgram* area alone the number of cultivators decreased from 4103 in 2000 to 1753 in 2017, which means a decrease in cultivators of 2350 in a span of 10 years. It may be noted that in *Asansol*, *Salanpur* and *Katras* development blocks (all located in coalmining area) there have been a decrease in number of persons employed in agriculture by approximately 3300, 3500 and 2600 respectively over a period of ten years, there has been increase in agricultural employment in non mining areas. In actual terms, it is not that a particular group of agricultural labours become completely redundant, but the partial loss of occupation pervades in the agricultural labour class. The effect of such partial loss of occupation becomes more intense because in the Raniganj and Jharia coal belt the people are subsisting on agriculture have no means of augmenting their income by keeping cattle or by fish culture as these occupation have now become rare in the coal belt (Randeira, 2003).

The tendency of indigenous population to shift from agricultural activities is being accentuated due to the presence of migrant labours employed in coal mines and having steady income. The unemployed men flock of these families tends to take up the job of 'share cropping' replacing the traditional share cropper or agricultural worker in the process. If this trend continues and become dominant the profile of agricultural community in the coalfield will undergo a havoc change.

Displacement due to Mining Activities in South Bengal

Out of total villages, due to coal mining hazards, local administration has been proposed to Re-settle fifteen villages as rehabilitation in the adjacent area. This development will increase Socio-economic benefits to the local inhabitants by way of direct and indirect employment, improvement in infrastructure and escalation in ancillary facilities in those villages. Before displacement 25 % labors were farmers, but after displacement it is reduced to 12 % because due to coal – mining activities, agricultural lands are lost. For loss of 2 acres of agricultural land, 1 (one) employment was provided in ECL as compensation. Thus farmers have now turned into employees of Coal industry. 78 % of villagers responded that they support coal mining industry in this area but remaining 22 % responded in negative. 92 % of villagers lived in this village since birth. So, they are strongly bonded with their village. Villagers agreed for displacement as coal mining is associated with Industrial development of our country but on personal ground no one wants to leave their parental home and birth place. All villagers had very strong bondage with their neighbor as they lived together since birth. The growth of mining activities in the region has acted as the most powerful stimulant in the emergence of new industries and in the growth of new urban centers.

These in turn have caused further social alienation of indigenous people's territory and their displacement (Singh, 2011).

Degradation of Land due to Mining Activities in West Burdwan district

In India, major coal fields are located in state of West Bengal, Bihar and Orissa. Raniganj coal field is having a large number of coal mines in terms of quality of coal and extraction of. There are more or less 800 coal mines in India. India occupies third position in the world in the field of coal excavation. Raniganj coal belt is a significant coalfield situated in Damodar river valley. State of West Bengal has 2512.4 billion ton total coal reserve. Total coal reserve up to six hundred meter depth is 35 billion tones, about 23 billion tones in West Bengal alone. The total extractable reserve of coal has been accessed as 8 billion tonnes; this includes 6 billion tones in West Bengal & 2 billion in Jharkhand. Before coal was discovered in Raniganj coalfield in the late 18th century, this area was a forested district popularly known as Jangal Mahal. Land subsidence & Land degradation rose due to coal mining activities. It impacts the capacity of soil which results the failure of crops. In Asansol 8.75 % and in Raniganj coalfield 26 % people suffered due to land subsidence. Their farming lands are now converted in to fallow land/barren lands. The villages like Phatehpur, Barachak, Egara & Narsamuda villages are severely affected by land subsidence. Rice, wheat & Pigeon pea are major crops grown in this area. Rise in coal mining excavation activities in the area converted farming land in to fallow/barren & degraded lands. Area under land subsidence is increasing and becoming vulnerable due to underground coal mining. As a result of this water holding capacity of farming & other land is reducing (Walker, 2011).

Absolute Power to take over Private Land

The laws of acquisition of land empower the state to compulsorily acquire private property. The authority is rooted in the juristic notion of 'eminent domain' which justifies sovereign prerogative to exercise control over natural resources in its territory. The rights and interests of individuals or groups exist only with its authority. This implies that the citizen holds property subject always to the right of the state to take it for a socially desirable purpose. As a consequence, the right of a person or a community to resist state action for compulsory acquisition of land is obliterated. This legal rationality of 'eminent domain' makes state immune to any challenge to its action in the courts. This skewed balance between state power and individual/community rights is considered untenable in a democracy as its consequences are patently unjust and, therefore, unacceptable to citizens. There has therefore been a strong demand to abandon 'eminent domain' and to acquire land only with the consent of its holder (Walker, 2011).

Arbitrariness in Defining 'Public Purpose'

The moral imperative in acquisition of land for a 'public purpose' implies that the acquisition is justified only when the prospective use of land serves the interest of larger society and not of an individual or a group or an entity. As the law itself does not spell out the definition of 'public purpose' it has been left to the executive to decide which activity would justify this label for exercise of this power. The courts have upheld the judgement of the government in this regard. This flexibility has permitted the government to enlarge the scope of acquisition without facing any judicial scrutiny and has enormously increased the quantum of an acquisition of land, life-supporting assets of people with no consideration for its deleterious consequences on their dignified survival. A drastic limit to the use of 'public purpose' through a tighter and precise definition has been sought along with the right of the affected persons to challenge the propriety in the court of law (World Bank, 2007).

Rehabilitation of Displaced Persons

The most glaring tilt in favour of the state lies in the law failing to cast any responsibility on it to provide a satisfactory rehabilitation of those displaced by it as its integral feature. The moral responsibility of the state towards these persons is not discharged by mere payment of compensation since acquisition of land causes their impoverishment and inhumanization. The state practice and judicial oversight have also failed to respond to this imperative thereby making law as an instrument of destitution. This has highlighted the need for a legal entitlement to a strong and comprehensive rehabilitation and resettlement of displaced persons as a precondition to acquisition of land (Levien, 2011).

Multiplicity of Laws

There is a virtual jungle of laws with as many as 16 central laws and equal number of state laws dealing with land acquisition. These laws are not uniform in processes and entitlements they

provide. These laws cater to different sectoral activities for which land is acquired. As a result, different laws may operate in the same area affecting the same people depending on the situation. This diversity of laws completely disempowers people and emasculates their ability to respond to their processes. Their operation only serves to extinguish any possible right of the affected people to raise objections to the acquisition of land and put up their claims of compensation, and smoothen the process of acquisition using force where they resist them. Government has not even tried to harmonize them so as make the beneficial provisions applicable to all, not even by an executive order. The result is virtual expropriation of people's land. A single law to accommodate all purposes and contingencies is considered adequate (Sharan, 2009).

Centrality of Bureaucracy

The entire procedural frame of land acquisition gives a pivotal role to the bureaucracy. Two levels of bureaucracy are involved in it – the collector in the district and the land revenue department in the secretariat. It is the satisfaction of the state exercised through its agent in the district, i.e., the collector, which triggers the process leading to unhindered acquisition of land and thereafter the resettlement of displaced persons, the process as collector centric at every stage of acquisition process. The second level is the state secretariat which sanctions the proposal for land acquisition, and approves the compensation award formulated by the collector. The government at this level also decides the contours of the resettlement policy.

Given this centrality of bureaucracy, the orientation of officials involved in decision-making is important. This orientation is tilted in favor of the project backed by government and disregards the views and interest of those adversely affected by it. It provides no space for participation in this decision-making to make the outcome less traumatic and painful. This explains the demand for a participatory mode of acquisition to democratize the process of acquisition and humanizes its outcome (Sharma, 2003).

Privileging Land Acquisition Law over other Laws

The law of land acquisition is only one of the laws impinging on the transfer of land. The Constitution of India contains special provisions for protection of tribal communities, one of which relates to restrictions on transfer of land from tribal land holders to non-tribal persons. The 'Samatha judgement' of the Supreme Court has laid down a framework of restrictions from transferring tribal land to industry or mining or for any other alternative use in Scheduled Areas. The Central Government has also enacted the Panchayats (Extension to Scheduled Areas) Act, 1996 which mandates consultation of the concerned Gram Sabha on the proposal relating to acquisition and transfer of land in schedule V area. Similar provision exists in respect of Schedule VI area. Recently, the government has enacted Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006. These laws are ignored while processing land acquisition proposals (Sharan, 2009). The government thus becomes instrumental in violation of these laws by privileging land acquisition law over them thereby contributing to the disintegration and destitution of the tribal communities. The need for eliminating this conflict by making land acquisition law consistent with protective laws relating to the tribes has been asserted (Morris, 2009).

Market Fundamentalism of Compensation Assessment?

In the matter of award of compensation, the law is centred on 'market assessment' as the fair and adequate parameter of the value of land. But the market is a thoroughly inadequate instrument of determination of value of land. It is not neutral to the parties involved in transaction and is manipulated by powerful economic entities and social pressures. The purchase and sale transactions are also distorted by undervaluation of land to avoid tax liability or to conceal unearned income. In the case of tribal land, the legal restrictions on its transfer results in absence of market transactions and/or, where transactions exist, highly undervalued amount in them. The market also cannot assess the 'value' of land for individuals and social groups with unequal socio-economic status and vastly different and even conflicting cultural values. Also, land being an asset used for livelihood has a different value than other commodities exchanged in the market. Besides, vesting power of valuation in the government which is an interested party in the acquisition process makes the outcome unfair to the affected persons. A more acceptable formulation which accommodates different strands of thought and does justice to the different interests of those affected has been sought (Polanyi, 1944).

Undemocratic Practice

Besides the provisions of law, the undemocratic practice in enforcement of the law compounds the misery of the affected persons.

Some of the features of this practice are discussed below:

Control over Information: The Land Acquisition Act, 1894 does provide for mandatory consultation of affected persons in the acquisition proceedings at two stages. The first stage is when a preliminary notification is issued about intention to acquire land. The second stage is when affected persons are asked to file compensation claims. The first consultation is undertaken by issue of notice in two newspapers circulating in the locally, its publication in the official gazette and placing the substance of it in convenient places. But the information contained in the preliminary notification is too meager and sketchy to permit interested persons to have a clear knowledge about the project, its present and future, its rationale for selecting the site, the magnitude of displacement it would cause and specific area in villages which would be affected. There is an undercurrent of information squeeze and control, and urgency to rush through the process of acquisition. There has therefore been insistence on acquisition of land only with informed consent of the affected persons (Goswami, 2013).

Environmental and Social Impact Assessment

A radical change of land use after acquisition has serious environmental implications which are never taken into account while taking a decision on the project, resulting in environmental degradation, and loss of biodiversity. Similarly, projects entail large scale displacement of people leading to social destabilization, impoverishment and emotionally disturbed conditions.

Neither the government nor the acquisition authority direct the project agency to get environmental and social impact assessment carried out so as to realistically assess negatives of the project in the absence of an express provision to this effect in the law. This underlines the demand for such an assessment by an independent agency as a pre-condition to initiation of land acquisition proceedings so that information based on it could form the basis for a decision on whether the project should be cleared the scale and contours of and rehabilitation of people and restoration of environment, that would be needed if the project is cleared (Levien, 2011).

Multiple Displacements:

The law does not take into account the phenomenon of multiple displacements and therefore provides no relief for it. The callousness in effecting multiple displacements of the same persons is caused by failure to anticipate further development of the area and undertake permanent resettlement of the displaced persons at a safe site after the first displacement. The alternatives to avoid it are also not seriously explored (Lahiri-Dutt, 2007).

Property-Centric View of Compensation

The connotation of compensation in the law has a limited meaning. It is equated with the value such land would fetch in terms of money when sold or the notional value of land in the market. Additionally, an amount of thirty per cent of that compensation as solatium is paid to reduce injustice caused by the vagaries of the market. The compensation amount so paid does not make up for the whole range of losses, social, cultural and economic, resulting from forced eviction. Social and cultural losses relate to, among others, social disruption loss of community networks and emotional trauma suffered by the affected people. No value is attached to these losses in the computation of compensation. Economic loss resulting from acquisition of land is conceived in terms of income derived from its cultivation and does not include in it the loss of access to common property resources the benefits of which cover a sizeable part of the income of the poor (Thakur, 2008).

Outdated Land Records

The acquisition process proceeds on the basis of land records which contain the details of land and persons who have interests in land. The land acquisition proceedings can suffer from serious errors and can cause grave injustice if land records are not up to date. The land records across the country are outdated. They do not reflect the transfer of land, changes in land use and those emerging from court cases, mutual settlements, encroachments, alienation of land and tenancies. These results in deprivation of entitlements to those who in the absence of updated land records on this account fail to get compensation or other benefits. The mandatory updating of land records has therefore been advocated before initiating land acquisition proceedings (Deininger, 2011).

Change of 'Public Purpose'

Land is acquired for a 'public purpose'. The nature of 'public purpose' is usually declared in the preliminary notification issued for acquisition. But after the land has been acquired, quite often, the project/government utilize the land for some other 'public purpose' which is a violation of the law. But the courts have not found fault with this change of use. There is no provision in the law that such a change would require reprocessing the case of acquisition and declaration of a fresh award. This deficiency shows that the declaration of 'public purpose' was arbitrary and deprives the affected persons of the opportunity to raise objections and seek a fresh award on the basis of prevailing 'market value' of the land. The insertion of a provision for reprocessing the proposal of acquisition and declaration of a fresh award would put a check on indiscriminate use of 'public purpose' for acquisition of land (Guha, 2006).

Shoddy Relocation

The acquisition authority takes a great deal of interest in acquiring land for the project most expeditiously but the same interest is not shown in developing the resettlement colony to which the displaced persons are hurriedly shifted. The result is a shoddy relocation which compounds the misery of people who have already lost livelihood and are going through a traumatic transition. The relocation sites lack even elementary amenities forcing people either to spend their meagre compensation amount on improving their living conditions or to migrate. They also face hostility of the host communities in accessing resources if they are shifted to an existing village. This explains insistence on benchmarking the minimum conditions of infrastructure and facilities in the resettlement colony before displaced persons are shifted to it (Corbridge, 2004).

Displacement as a Problem

The problem of displacement is not merely economic; it is also a socio-cultural problem because it disturbs a network of social relationships supporting an ethos and a way of life. It affects the entire gamut of traditional activity and an established social order. It forces people to adopt new ways of occupational activities and an unknown environment. As such, the process is akin to 'replacement' in a new location. The displaced people are forced to change their social patterns, without getting any compensation for social costs and, thus, they are under pressure, causing a situation of socio-cultural stress (Goswami, 2013).

Absence of Participation

The only safeguard provided in the law against arbitrary action acquisition of land is the frame of rule of law and the quasi-judicial nature of its proceedings. The acquisition process provides a modicum of participation to persons likely to be affected. The participation is, however, limited to raising objections/contesting the proposal of acquisition and, later, to submission of views on the quantum of compensation sought. This participation carries no value as the acquisition authority is tilted in favor of the project and is guided by the views of the government. It brushes aside affected people's opposition to acquisition. Courts have also declined to undertake a judicial review of this issue (Sharma, 2003). There is also absence of participation in defining and establishing rights and determining the design of compensation (Stuligross, 2010). The provisions of participation are also outdated as the panchayats are not involved in dissemination of information and seeking views of the people affected out. Thus, the majority of those affected by acquisition have neither access to information required nor have the capacity and resources to 'participate' in the proceedings. Besides, formal records of acquisition proceedings contain very limited information on decisions taken and factors influencing the process of making these decisions. There is minimal effort to ensure reach of information to the affected persons and create an enabling environment for them to express their views much less to have a re-look at the proposal for acquisition in the light of concerns expressed by them. Effective and institutionalized participation affected persons with adequate information at all stages of land acquisition and rehabilitation has therefore been sought (Upadhyay, 2009).

Bias against people

The operation of law as reflected in the practice of officials handling acquisition and relocation arrangements carries an unmistakable bias against the affected persons resisting acquisition of their land. They are clearly committed to expedition's acquisition of land and any opposition to it is perceived as anti-development activity which warrants no empathy. Some instances of this bias can be observed from this following (Goswami, 2013).

Lack of concern for rehabilitation of displaced persons

In the absence of an obligation in law for the state to rehabilitate and resettle affected person, the concerned governments have resorted to most minimum amenities required for shifting the displaced persons after evicting them from the land acquired. Even the limited adhoc assurances given to the displaced about rehabilitation to neutralize their opposition to the project have been diluted or reversed in the course of implementation. Government feels that payment of compensation, a provision of a small house and a minimum of infrastructure at the resettlement site is sufficient to discharge its obligation. This has left behind a trail of devastation. The affected persons are left to face an uncertain and bleak future. This deficiency is responsible for increasing hostility of the affected persons to acquisition proposals. A legally enforceable commitment to provide comprehensive rehabilitation and resettlement to all the displaced persons who should include, besides financial assistance for subsistence during the transition period, alternative land, employment, residential house, skill development, infrastructure facilities and social amenities has been sought to prevent this catastrophic consequence ([Choudhary, 2009](#)).

Resettlement and Rehabilitation

Resettlement of the displaced people is one-time relocation at a new site with payment of compensation for the land acquired and without other support such as jobs, training and welfare inputs to resettle in a new society and economic situation. Rehabilitation focuses on social and cultural factors and attempts to rebind the dispossessed livelihoods of the displaced and project-affected people. It is not limited to economic compensation but, goes beyond to include welfare approach.

Rehabilitation is more often understood as an economic rather than a psycho-sociological phenomenon resulting from displacement. It is normally perceived as a 'planned change effort'. In a strict sense, it implies that, the overall objective of the change is to restore the situation to its original condition ([Franks, 1991](#)). The nature of rehabilitation is quite different from other developmental processes. All developmental efforts imply planned change to improve existing conditions, whereas rehabilitation is designed to restore the status quo. This makes it imperative to understand the term rehabilitation in a much wider perspective, and its components, which make it different from other developmental processes ([Sinha, 2006](#)). However, rehabilitation should go beyond maintaining of the status quo and adopt welfare approach to improve the standard of living of the displaced population ([Harvey, 2003](#)).

Coercion to force people to agree to acquisition

Officials are, as a rule, hostile to any expression of resistance against proposals of acquisition. They try to suppress this opposition in various ways. They connive at the manipulative tactics used by the requiring agencies to coerce resisting villagers into agreeing to the land acquisition proposal. Mine owners, for example, obtain mining lease on the government land adjacent to the private land of people who are unwilling to its acquisition and then frighten them by continuous blasting operations on it. Project agencies dealing with the construction of dams use the threat of submergence to hasten their eviction ([Jewitt, 2008](#)). There have been cases when officials of industrial projects have polluted drinking water sources on which people of the village depended to break their resistance to acquisition. At times they use divisive tactics by favoring a few displaced persons with extra benefits to weaken the united opposition to the project. The project officials are known to employ intermediaries and muscle men to threaten, assault leaders/local participants and involve them in criminal cases to intimidate opponents of project. The district officials are known to keep opponents of the project out of public hearing so as to present a manufactured consent in its favor. The victims get no help from the government agencies in these situations. Adequate safeguards are needed to check such practices ([ACHR, 2007](#)).

5. Conclusion

The mining activities induces the growth should be a holistic notion that encompasses the progressive development in the quality of individual's life in terms of food, clothing and shelter and the environment for a healthy living with rising longevity of life and happiness. In West Bengal the development process reveals the indications and effects of widening inequalities between the "haves" and "have-nots" and the growing deprivation of the vulnerable and marginalized sectors of the population. There are very small trickle down effects of the economic development associated

with this model of growth. But when it is necessary to undertake development projects that engage the displacement of communities, it is indispensable that these projects obtain the legal permission and support of the people who are affected and that in return for giving up their land and homes they receive priority if not exclusive rights to the benefits emanating from these projects (Singh, 2003).

The impact of coal mining on the local public of eastern coal mining region (ECL) of West Burdwan district exemplifies accumulations by dispossession occurring as a result of the new mining policy made by the government in the age of globalization. The indispensable characteristic of growth by dispossession is the replacement of long standing conventional forms of production by new market-based forms of productions and consumptions. In the Sonapur Bazari, Ukhra mining area, accumulations by dispossession is enacted through the process of displacement and force integration of the tribal as well as farmer population using indirect force and conversion of different forms of property rights by the weaknesses of existing laws and also by the R and R policies (Singh, 2010). It also creates a propensity towards polarisation. The *adivasi* (Tribe) communities of ECL of West Bengal have emerged in their current state of dispossession through stages. The present stage of physical dispossessions can be understood as the final stage with fundamental changes of traditional ways of subsistence level cultivation to non-agricultural informal sector. This is one of the main characteristics of industrial development.

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The Impact of Ethno-Politics in Iraq

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Abstract

This paper is focused on an overview of the main impact of ethno-politics in Iraq, recalling the fact that politics was rebuilt with respect to religious and ethnic lines and political alliances were reshaped over these set lines. Withdrawal of American troops and internal differences of Iraqi parties triggered political balances, which are not limited into just sectarian and ethnic bases. The political and strategic effort of Arab Spring and internal power struggle among Iraqi political groups entered into a new phase in politics. The rising challenges of ethno-politically inspired conflicts in IR discipline are neither new nor unexpected. Different scholars of ethno-political studies in IR discipline have suggested different approaches to addressing ethnic inspired conflicts, which sometimes arises as a result of quest for self-determination especially when there is a growing consciousness of nationhood. These approaches include confederation, federation and political autonomy. However, most of these theories have failed to explain whether the aspiring ethno nation's involved feels accommodated with the institutional arrangements of each approach.

Keywords: Iraq, ethno-politics, federalism, democracy.

1. Introduction

Developing interest in researching about ethnic politics in international relations especially in ethnically polarized Iraq is a process in showing the degree of differences that exist between the various entities in political bargaining. Iraq dissects as a state, through the fronts of regionalism and its effect on a national government. Many Iraqis may have come to agree with the ethnic politics in Iraq, and the way its negative consequences influences the political opinion of the country, which practically is divided into regional construct.

This paper also provides insight into the conditions surrounding ethno-politics in international relations and how it shapes states' behavior especially in ethnically polarized Iraq and its lopsided political system. It lay more stress on the state of Iraq; the politics of Iraq before, during and after the era of Saddam Hussein; a look on the transition process and political reconciliation. Finally, it outlines the security challenges and responses, elaborates on the ethno-politics and political structure in Iraq with more focus on the ethnic and religious structure of Iraq, political structure, and Kurds in the midst of US policy after Saddam Hussein.

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2. Discussion

Ethno-Political Theory

The theoretical background through, which ethno-political theories in International Relations discipline IR was built, was constructed from varieties of theoretical frameworks offered in other sister disciplines such as sociology, anthropology and as well as classical philosophical studies. Thus, ethno-political studies selected these frameworks in general terms and alongside two focal questions: What is the nature of ethnicity and ethnic consciousness? Are there any possibilities of multiethnic society? Hence, the analyses of multiethnic societies are distinguished in line with incompatibility. Scholars in these sense of reasoning includes John Stuart Mill, Woodrow Wilson, and consociationalism, which is characterized by plural society theory proposed by J. S. Furnivall and Anthony Smith. In a similar perspective, both Mill (Mill, 2009: 344) and (Ryan, 1990: 4-5), argued that “there is no possibility for free institutions in a country that is made up of different ethnic nationalities. Within a society without a common fraternity, especially if they read and speak different languages, the united public opinion necessary to the working of representative government cannot exist.” Contrary to this argument, it is claimed that human beings in the multi ethnic society can peaceful coexist except in the market place, which he argues that it will be necessary to impose laws.

Notably, the breakthrough of the theories of ethno-politics started from the study of ethnic conflicts, which emerged between 1960's and then 1990's hence ascribing the study of ethno-politics to be dominated with ethnic conflicts. The dominance is associated with the conventional inference that ethnicity is by definition conflictual and studies of ethno-politics is the study of conflicts, in which ethnic groups is involved. However ethnic conflicts are considered as the most evidently and relevant issue in the studies of ethno-politics, but it has turned out that the studies of ethno-politics are not limited only to conflicts, and even not necessarily conflictual by its nature. In the light of this, Hale (Hale, 2008: 18) directly argues that “next to almost every ethnic hotspot lies multiple zones of ethnic peace”. Put away the reductionist view of conceiving ethno-political studies through the lens of conflict, the studies of ethno politics has stood out as an enduring phenomenon of the post-Cold War international politics. Therefore, describing the studies of ethno-politics as the studies of ethnic conflict is completely uncalled for and does not necessarily define the phenomenon.

Hale (2008), in his book, started his theory by problematizing the inadequacies found among the current theories of ethno-political studies and offered what he considered as an alternative rational for theoretical basis. He therefore argues that theories of ethno-political studies are divided in two broad categories, namely “ethnicity-as-conflictual theories” and “ethnicity-as-epiphenomenal theories”. He further discredited both theories on the reason that ethno-political theories must have more solid and firmer basis Hale (Hale, 2008: 31). Hale's new approach was based on his relational and micro foundational theory, which its emphasis is rooted in psychology of human behavior. Meanwhile, his view comprises of two main arguments; ethno-politics and the nature of ethnicity. On the foundational theories of ethno-politics, which are primordialism and constructivism, Hale argued that they are not relational, since ethnicity is best described as instrument, through which human beings simplify, categorize and understand the complex world. Thus, equating ethnicity as an instrument of uncertainty reduction, therefore in his view ethnicity is not natural but a human creation, which he uses to understand the uncertainty of reality. His argument is closely related with Barth's description of ethnicity, which he explains as:

“Ethnic groups are categories of ascription and identification by the actors themselves, and thus have the characteristic of organizing interaction between people. We attempt to relate other characteristics of ethnic groups to this primary feature” (Barth, 1969: 10).

Hale's second argument was based on the premise that what one considers as ethno-politics is mainly a way through which human beings in the society seek to realize their self-interest. Thus, his conceptualization of ethno-politics involves the process of realizing human intrinsic behavior or individuals' desire in pursuing various interests Hale (Hale, 2008: 55). Human interest within this scope involves both material and emotional factors; therefore, it corresponds with the argument of Moynihan (Moynihan, 1993: 56) that the importance of ethnicity is because it combines effective ties with interest. So far, Hale's argument stands out as a solid framework for ethno-political theories; however, it still lacks a general conceptualization on how the theory should be analyzed.

Realist theories of IR, particularly Structural Realism and Classical Realism analyzed states as unitary actors in the international political system, hence, the nature of politics are indifferent to the domestic environments and by definition to ethno politics (Lobell, Mauceri, 2004: 1). Ethno-politics is seen as a “change in unit level”; thereby, it would not matter for the international system (Waltz, 2000: 5). Consequently, it can be argued that the neglect of ethno-political studies in IR theory is primarily caused by the dominance of Realism, given that the Realist tradition has dominated IR theory and together with Liberal theories has constituted “mainstream IR”.

Federalism

According to Burgess and Gagnon (Burgess and Gagnon, 1993: 15), they regard federalism “as a political device for establishing viable institutions and flexible relationships capable of facilitating inner-state relation and inter-community co-operation”. They further stated that it is “an expression of practices which encourages autonomy within regions” (Burgess and Gagnon, 1993: 16). Unlike other political phenomenon, federalism has so far gained a consensus agreement among scholars by consenting federalism as a political system having about two levels of government. Responsibilities of the government, jurisdiction and powers are drawn, ingrained and divided within the constitution. However, power depends on how it is distributed within the federated political system and what degree of autonomy should be granted to the regional/states. Lalande (1978) proposes four approaches to understanding federalism as a political system and they are as follows: (1) Constitutional or Institutional (2) Functional or Sociological (3) Federalism as a Process of Developmental (4) Federalism as a bargain or Political.

Institutional or constitutional approach: This method deals with government operating system of governance. It focuses on the institutional correspondence of a country; power devolution between regional/state level and Central Government. It is also focused on the constitutional provision that makes the two and three tiers of the state politically independent as recommended by the law.

Sociological or functional approach: this approach focuses on the social cohesion of a country and the level of ethnic diversities that inhabits it (Lalande, 1978). Federalism in this context is seen as an appropriate political system for handling ethnically polarized country with the freedom of self-expression and political autonomy of its constituent's parts. In same sense, Stein (1971) argued that, the concept of federation is not only focused on the formal division of power between sub-state (provinces, regions or cantons) and centers, but equally a social phenomenon as well. Federal society has a chance “where a society is constituted of territorially based communities which are clearly differentiated by language and ethnicity” (Stein, 1971: 34). Hence, there is a strong tendency for a federal society to be organized in respect to societal differences such as ethnicity, even if there are territorially inclined. Additionally, federalism can be organized in form of ethnic relations so as to maintain, preserve and promote viable and accommodated identities that can be coexisted in a peaceful and neighborly association.

Federalism as a developmental approach: According to Lalande (1978), this approach critically outlines the transactions and communication that exist between two/three tiers of government in order to solve issues. Here, the problems are well understood so long as there is tension produced by the diversity of the society. Therefore, federalism is considered to be “much more than a system of government. It is also a process of: ongoing negotiations, an art of resolving conflicts, an approach based on compromise and cooperation” (Auclair, 2005: 5). Within the corridors of federal structured state, solutions to problems are negotiated among constituent's parts other than a direct imposition by the central authority.

Federalism as a bargain approach: Lalande (1978), argues that this method focuses mainly on legalistic and political approach, so as to have a clue on federalism. Unlike institutional approach, federalism concentrates on the division of power between two tiers of government. Each of the levels of government safeguards the autonomy within its jurisdiction. The end product of political bargain however takes place during the manifestation in the division of powers, which is often considered to be in written constitution.

Constitutionalism

Constitutionalism as its name implies is often viewed as a synonym for a limited government and it seeks to prevent any arbitrary government. Arbitrary in this sense consist the abilities of rulers who govern with their free will, so as to serve their own interest and not the interest of the ruled. In order to avoid the dangers of this type of governance, there are mechanisms designed by

constitutionalism to determine the person who can rule, how he can rule and for what purposes he can rule. There are two traditions, which are often within majority of democracies and most likely to be in line with most constitutions. The very first tradition is focused more on the design and functioning of democratic processes, with electoral system selection and choices that operates between the parliamentary and presidential forms of government and of federal or unitary arrangements. Looking at the case of Iraq, Shakir (Shakir, 2014: 163) argues that the Iraqi Constitution reflects the will of most Iraqis to build a government that is fully based on the rule of democracy and law. Backer (Backer, 2009: 676) denotes that there is no Iraq's history of constitutionalism that can serve as a means of evaluating substances, forms, and the legitimacy of the state's constitution. However, this implies that constitutions must be used to show the main principles and values that are of constitutionalism standards, which can be easy to assess the legitimacy of a government.

In Iraq, things that contribute in building a constitutional culture are the emphasis on the rule of law, power-sharing, the effective representation of the Iraq people within the government, and protection of freedom and human rights. Irrespective of the numerous number of instability within the country, new political rules have been established through the constitution so as to avoid any illegitimate activity. An example of this is the case of Sunni, where its position within the constitution and political process was shifted from the state of rejection and refusal of federal state legitimacy to a general acceptance and participation. Shakir (Shakir, 2014: 164), expresses that people have come to realization that the constitutional context and political process are mere games in town, used to obtain benefits and achieve goals. Another constitutionalism example is the campaign against the Iraqi Minister for Women's Affairs, which was initially initiated by December 2011, by some Iraqis as a result of the Minister's decision of issuing regulations which were not in liberal context of the constitution.

It is theoretically believed that Iraq is a Federal Democratic country. This believes is not true practically, because federalization and democratization are still in the process with the help to amend the constitution (Shakir, 2014: 164). In order to put an end to the state of instability and political crisis that happens in Iraq, there is a need to introduce more economic and political structures.

Iraqi Politics before Saddam Hussein

So far, there has not been a generally acceptable literature or documentary on the exact political history of Iraq before its formal definition as a modern state in 1920. However, the predominant political history of Iraq became more popular from the outbreak of the military coup that was led by General Abd al-karim Qasim, on July 14 1958, which overthrow an unpopular monarchy with the aim of institutionalizing a republic. General Abd al-Karim Qasim after the coup urgently marginalized his rivals by forming an autocratic government. Irrespective of the fact that General Qasim's revolutionary led government acted as an arbiter of hope on behalf of Iraq's long-exploited poor population, yet nothing was done to advance a stable government or strong national institutions in a country that is long split within the boundaries of ethno-sectarian lines. Later on 1963 a group of army officers who identified themselves as members of Ba'ath Party comprising people who oppose Western ideology, and people who are rooted in Arab unity with the influence of socialism carried out a coup overthrowing General Abd al-Karim Qasim led government. Subsequently, the political atmosphere in Iraq was characterized by history of coup until July 17, 1968, when a Ba'ath party chieftain Ahmed Hassan al-Bakr consolidated a one party system in Iraq. Similarly, Ahmed Hassan al-Bakr led government was later sacked by another coup organized by members of his party.

Iraqi politics during/after Saddam Hussein era

Saddam Hussein has always been a key politician in Iraq's politics and was at the center of Iraq's politics for about a quarter century. He ruled as the country's head of state for over eleven years until 2003 when he was ousted. His rise to power was so remarkable and he made himself an undisputed leader. Karsh and Rautsi (1991), points out that his leadership was characterized by skillful manipulations, tenacious perseverance and merciless elimination of his rivals. Saddam's long term in office is considered to be as a result of his hard work, unprincipled manipulation of allies and his enemies alike, and the genuine support from his colleagues. Saddam Hussein was born on April 28, 1937, in al-Ouja (near the town of Tikrit). He had a fatherless childhood.

Saddam Hussein waged a ceaseless campaign to improve himself, even though there were a lot of difficulties and challenges along the line. This can be seen during his very first years of schooling, which were achieved with the family's objections. The distance from his home to school was another great barrier for his academic career. His decision to go settle in Baghdad in 1955, landed to being a great icon in Iraq. In 1968, after being imprisoned when the Ba'ath Party lose control of Iraq, The Ba'ath regained its powers and made al-Bakr as new president. Al-Bakr was a relative to Saddam, and he entrusted Saddam by awarding him one of the highest post in the party, just to make sure the party was in control for a long time. By July 16, 1979, Saddam Hussein became president of the republic of Iraq after the retirement of president al-Bakr. When Saddam became president, he reshuffled the cabinet and merged several cabinet ministries, created a new post of First Deputy Premier and five other posts of deputy of Premiers, and replaced eight ministers. He filled his family into the cabinet, and this became a huge problem after his era.

According to Henderson ([Henderson, 1991: 85](#)), Saddam oldest son, Udai, was responsible for the of Saddam's most trusted bodyguard. Another critical situation that affected Saddam's leadership was the mysterious death of the minister of defense, Adnan Khairallah, in a helicopter crash in 1991. Before this incident, Henderson argues that Khairallah had taken the side of his sister, Sajida, when new erupted that Saddam had beaten her in his furry over Udai. The Khairallah branch was significantly short and Saddam could not rely on them for any state activities. This however brought rivalries among them. This situation became inevitable after Hussein Kamel al-Majid, who was the head of the presidential bodyguard, got married to Saddam's oldest daughter, Raghda. The Ibrahim's didn't approve such actions thus it became their fall from grace. The political situation from this period was not so stable.

Henderson ([Henderson, 1991: 86](#)), also points out that continues increased in greediness part the way to the fall of Saddam's administration, especially that of Barzan. Despite the strict laws that prohibits bribery especially from officials; Saddam tolerated a large measure of corruption from his closest collaborators so as to maintain their loyalty. Saddam Hussein led government in Iraq was saddled with autocratic rule and undeniable abuse of power, which he centered on himself, and members of his family. However, irrespective of his abuse of power and hegemonic rule, Saddam was able to tight the grip of ethnic divide in Iraq and concentrated more powers at the center of the government in Bagdad.

Iraqi politics Saddam Hussein era

The fall of Saddam Hussein led-regime in Iraq was a beginning to a completely new political landscape in Iraq. There have so far been different views on such a new beginning however the most widely perceived view is that it was a beginning of political quagmire in Iraqi politics. Having previously agreed on this research that Iraqi politics is divided within different sectarian rivalry, the fall of Saddam Hussein regime further deepened the distrust and sectarian conflicts among the political players in the country. Kenneth Katzman ([Katzman, 2009: 9](#)) in his book titled "Iraq: Post Saddam Governance and Security", identified four major factors that categorized post Saddam Hussein Political history in Iraq and they are as follows: Transition process, political reconciliation, economic reconstruction and American assistance, security challenges and responses.

Transition process

The transitional process is a period of gradual shift of political sovereignty to the indigenous constructed political elites in Iraq. Katzman ([Katzman, 2009: 9](#)) argued that the transition period followed different political stages before its realization and he pointed out this period as Occupational period.

After the capture of Saddam Hussein, the United States of America (USA) led-coalition-force set up a government which they believe will restore a political order in Iraq since set up immediate sovereignty government could favor anti- Saddam Hussein group thereby trampling on democracy. "The Administration initially tasked Lt. Gen. Jay Garner (ret.) to direct reconstruction with a staff of USA government personnel to administer Iraq's ministries; they deployed in April 2003. He headed the Office of Reconstruction and Humanitarian Assistance (ORHA), under the Department of Defense (DOD), created by a January 20, 2003, Executive Order" ([Katzman, 2009: 9](#)). It was revealed that the administration largely ignored the initial plan of the state department on the future of Iraq after the fall of Saddam Hussein. Instead, Garner and his collaborators started an arrangement to come up with a representative successor regime by arranging a meeting on April 15th, 2003 Nassiriyah consisting about 100 Iraqi citizens from different ethnic nationalities.

Subsequently, a similar meeting of same nature with even a greater number of about 250 Iraqis was held on April 26th 2003 and generally agreed to hold another meeting a month later to announce a coalition interim government. However, on May 2003, Bush, President of the United States announced the dissolution of Garner administration and announced Ambassador L. Paul Bremer as the new administrator leading the Coalition Provisional Authority (CPA) in a bid to hold a stronger political role in Iraq. On assumption of duty, Ambassador Bremer quickly discontinued Garner transitional arrangement and appointed an Iraqi advisory body who was non-sovereign, consisting of 25 members of the Iraqi Governing Council (IGC). Consequently, by September 2003, the IGC appointed up to 25 cabinet members to assume ministerial responsibilities with much similarities as the factional and ethnic balance of the IGC, with a slight majority of the Shiite Muslims. Moreover, irrespective of the fact that there were some Sunni figures within the CPA-led administration, many Sunnis still resented the new power structure as overturning their prior dominance (Katzman, 2009: 9). However, there was a huge resentment among the Iraqis on this appointment, which led to the Kurds and the Shiites to question the prospects of democracy in Iraq.

There was another period known as the transitional administrative Law. Before announcing occupational government, the American government had earlier on announced that the American occupational contingent can only end if there is a completion of a new Iraqi constitution, and holding of a general election for a new government. This task was set to be completed by 2005. Nonetheless, Katzman (Katzman, 2009: 10), argues that Sistani agitated for quick Iraqi sovereignty by contributing to the November 2003, US announcement which stated that the sovereign state of Iraq would returned to Iraq by June 30, 2004. National elections were to follow suit prior to this, by the end of 2005. The decision was widely accepted and was included in the new constitution of the state. Katzman goes further to argue that the Transitional Administrative Law (TAL) was drafted by the main organs and equally signed on March 8, 2004. The TAL came up with a roadmap for the political transition, which includes: (1) need for elections by January 31, 2005 (for a 275 seat transitional national assembly); (2) drafting of permanent constitution by 15, 2005. There could possibly be a veto of the constitution from any of the three provinces, by a two-third majority. This could however trigger a redrafting and the revote by October 15, 2006.

Interim Government

The transitional national constitution could not set up a broad framework for forming the national interim/sovereign government joined with the pressure from opposition led Ayatolla on American government. This made American government to select the National Assembly members through the means of national caucuses, thus forcing them to appoint a United Nations (UN) envoy by name Lakhdar Brahimi, to select an interim government. The interim government started work on the 1st of June, 2004, and the handover ceremony took place on the 28th June, 2004. The ruling faction mainly dominated the interim government with a Sunni leading as the president. President Ghazi al-Yawar and Prime Minister Iyad al-Allawi headed a cabinet of 26 ministers, of which 6 of them were women. The forming of the new interim government leads to an end to occupational regime and resulted in establishing a new American embassy in since January 1991 with Ambassador Christopher Hill as the new ambassador with about 1,100 staffs.

2005 Election

After political sovereignty of Iraq was gained the main focus was on how to establish a credible political structure in Iraq that will promote a long lasting unity government. The objective of the 2005 election was to create a political structure in Iraq; an ambition which was achieved but only lasted until the removal of Prime Minister Nur al-Maliki in 2014 which plus other security challenges is yet to organize a fresh election in Iraq.

- On January 30th 2005 election took place on a transitional national Assembly, on a four years' term by 18 provincial councils. According to Katzman, (2009, p. 11), the Sunni Arabs who are still resentful of the US invasion boycotted the elections. No major Sunni Slates were offered, thus enabling the Shiite United Iraqi Alliance (UIA) to win as the majority (140 of the 275 seats). "Sunni slates" were offered, enabling the Shiite United Iraqi Alliance (UIA) to win a slim majority (140 of the 275 seats).

- After the election a constitution-drafted committee was appointed and their findings approved by October 2015. However, the Sunni opponents had a two-third 'no vote' within the two provinces, but not among the three required provinces to veto the constitution. The main

grievances of the Sunnis were the weakness act of the federal character giving more autonomy to the provinces in the constitution. This autonomy granted regional governments on the right to own their internal security forces, and to have full control of the internal energy resources.

- By December 15, 2005 elections (for a full four-year term government), some Sunnis who were seeking for ways to strengthen their position so as to amend the constitution, fielded electoral slates. UIA alone was not enough to secure enough seats based on the fact that two-third majority was needed to unilaterally form a government. In April 22, 2006, the Sunnis, Sadr faction, secular grouping, and Kurds wanted Jafari to be replaced as Prime Minister and Nuri al-maliki to take over his position as new Prime Minister. Maliki, however, won the approval of a cabinet on May 20, 2006 (Katzman, 2009: 11).

Political reconciliation

One of the major challenges of Iraq after a successful enthronement of national government was how to achieve a national unity owing to the deep resentment that has so far divided the Iraqi state. Although many political scholars believe that the withdrawal of American troops was an indication of reconciliation and a stable Iraqi national government. However, between the periods of 2008-2012 there was a great deal of legislative and political achievement especially the adoption of De-Ba'athification reform law. A clear stipulation of law was made on the power of provincial councils, amnesty law for detainees, passage of 2008, 2009, 2010, 2011 national budget and peaceful conduction of January 2009 provincial election. The onset of al-Maliki government was a promise of unity government not until 2012 when he started his policy of political polarization built under the axis of corruption. Irrespective of the fact that the Iraqi constitution allowed the regional governments some elements of political autonomy however the decision made at the federal level still influences political actions in Iraq.

The provincial election of January 2009 boosted the political reconciliation of Sunnis and the Shiites and at the same time strains the relations between the Kurdish regional government and the national government. Based on 2008 constitution, the regional governments have the political rights of electing their regional governors and provincial regional administrators in their regions giving them more powerful political control over their state affairs. The election had been slated for October 2008 however due to dispute of integrating the Kirkuk and other territories into the Kurdish control areas thus caused the Talabani veto of the elections that took place in June 2008. Subsequently the major political blocks accepted to put the Kirkuk dispute aside and proceed for the election. The road to achieving a broad range of political reconciliation in Iraq in the current post Saddam era is still a far journey to attain. However, the presence of al-Abadi is still guarantying hope yet the security turmoil is worsening the chances.

Security challenges and responses

As far back as the fall of Saddam Hussein led-regime, the security challenges in Iraq has so far became increasingly more threatening. No doubt why some scholars attributed the cause of Iraqi security turmoil to the invasion of United States Army and its coalition forces in 2003. However, it cannot be denied that the USA on its own part has so far employed different security techniques to curtail the situation. Nonetheless, it keeps growing in dimension from sectarian conflicts to what is widely perceived as terrorist challenges. Because the content of this research is limited to impact of ethno politics in Iraqi politics, the study will not go in detail in analyzing whether the security challenges in Iraq is born out of terrorism or not. Rather the research will attempt to look inward into the nature, role and influence of ethno-politics in the security challenges in Iraq. The truth of the matter is that no amount of foreign backed intervention can restore security in Iraq. In that case it requires Iraqi citizens themselves to come to terms with the situation and foster a comprehensive and a long lasting security approach that will keep Iraq safe.

Most empirical literatures on ethno political studies reviewed in this research so far suggested that multiethnic societies are more prone to conflict, thus, posing a high risk of security threat, see Moynihan 1993; Ryan 1990; Carment 1993; Joseph Rothschild 1981; Chandra 2001. In the case of Iraq, where such premise seems to be true, however, it is not correct going back to trace the origin of the State of Iraq. The problem of Iraqi security failure started when Sunni Arab led insurgency together with an Al-Qaeda affiliate started growing discontent over the trend of Iraqi leadership, which sees the Shiites, and Kurds grow to power. Some Sunni insurgents aimed at restoring the lost Sunni political dominance and hence shift power back to Ba'ath Party. According

to record, the Ba'ath Party senior political elites refused political negotiation with the USA on returning power to central government.

Interestingly, Iraqi security challenges is always associated or motivated by political events in the central government of Iraq. Between the periods of 2009 and 2013, security situation in Iraq was relatively calm owing to the fact of the existing government in Bagdad. But between 2013 till date, Iraq security conditions have seen its eclipse owing to the rise of the so-called Islamic State of Iraq, and the Syria-ISIS. The state of Iraq today has become a battleground where the West and its allies come to test their weapon of warfare in the name of combating terrorist groups. The security problems in Iraq are born out of political polarization rooted in ethnic resentment and corruption by few political elites who are desperate of political positions.

3. Conclusion

Decolonization movement reviewed that the concept of nation-state was not “inscribed into the nature of things” and that ethno-politics plays a significant role in shaping international politics. Ethno-political studies gained momentum in International Relations during the post decolonization movements between the 1960's and 1970's. A lot of ethnic groups with huge political roots are seen in Iraq dated from its historical periods. Many scholars point out that Iraq was created by the British during the former Ottoman Provinces of Mosul, Basra and Baghdad. The British went further to divide the three Ottoman provinces into fourteen. This was so for administrative purposes, and four additional provinces were created. However, Iraq is shaped by a good number of ethnic, cultural and religious forces. Due to inaccuracies in census data coupled with official manipulations, it is difficult to provide a precise statistical breakdown of the population.

Federalism remains a viable political alternative in promoting socio-political cohesion in Iraq. For federalism to function properly in Iraq, certain conditions must be met, and these conditions are discussed as follows: First, cooperation; both the Arabs and the Kurds must agree to cooperate with each other especially on some vital and sensitive issues of political interest. Without a close cooperation among all the Iraqi's, adequate functioning of federalism is unrealizable. Secondly, consensus; there must be a high level of consensus among the Kurds and the Arabs for federalism to work in Iraq. The existence and survival of the state of Iraq should be seen and conceived as paramount by all Iraqi citizens, instead of seeking for individual or ethnic oriented interest. The political elites should be composed of people with the interest of the state at heart and not separationist leaders. Third, compromise; both the Arabs and the Kurds must learn to compromise on certain issues of common and national interest. Since without compromise, most of the outstanding issues between the Arabs and the Kurds cannot be resolved. Fourth, concession; a high degree of concession must be played in Iraqi politics. Since without concession, the interest of the Kurds and Arabs is difficult to be accommodated within the federal level. Significantly, there should an amendment in the constitutional framework on power devolution.

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Possibilities of Development of Balance Abilities in Ski Jumping by Gymnastics

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Abstract

In the present paper, the author is publishing the partial results of possibilities of development of balance movement abilities in ski jumping. The main aim of the study was to do research in the changes to the level of balance abilities of the respondents after having attended 12-week long preparation. The main research method consisted of a two-group pedagogical experiment with the experimental agent represented by the proposed movement programme including the elementary and conditioning gymnastics. The current level of the movement abilities in question was diagnosed by an entry and exit examination with standardized motorics tests. Based upon the processed and statistically verified results we can confirm that the experimental agent has caused positive changes to balance abilities and therefore the movement programme we created may be regarded as effective.

Keywords: balance abilities, movement programme, gymnastics, the youngsters.

1. Introduction

Coordination abilities as one of the main components of movement precondition of an individual play a key role in sportsmen's performance in various types of sports. By Měkota (2005) they can be referred to as generally functioning performance prerequisite, which are not, however, considered as the only one factor of sports performance. Our paper deals with development of movement abilities while Měkota (2005) defines them as an ability to maintain the line of gravity of our body or to reestablish such balance even in changeable conditions of the external environment. It is a so-called limiting precondition for ski jumpers, which is not only the level of the static balance ability to maintain the body in an unsteady position, but also the dynamic ability during the flying period when it is important to maintain or reestablish the balance during a non-support movement phase.

Lednický & Doležalová (2002) define balance abilities as the ability to maintain the line of gravity of a body in course of as well as after extensive repositioning of a body, which depends upon the surface of support, the position of the centre of gravity of a body, the influence of analyzers and external factors.

They claim a lot can be changed through a systematic and planned training and emphasize merging of movement activities into one sequence. As stated by Strešková (2005), balance abilities can be improved by isometric strengthening of postural muscles, trainability of a vestibular analyzer and complete exercise for development of balance – balancing.

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Neuman (2003) assumes that both static and dynamic balance play an essential role when maintaining the upright body position in relation to gravity and force affecting the standing position in static balance or the movement in dynamic balance. In addition hereto, Strešková (2010) also deals with the issue of statistic significance and interdependence of statistic balance of a vestibular analyzer. She is trying to clarify how the value of static balance and the level of a vestibular analyzer change in case of preschool children and younger pupils after two-year long gymnastic preparative classes.

The research describes the improvement in the two areas. The similar research was documented by Tonkovicová (2010) who confirms that gymnastics preparation had a positive impact on trainability of a vestibular analyzer yet in comparison with another control group not having focused on gymnastics preparation, was not statistically important whatsoever. On the basis of the applied research, Rupčík (2010), however, claims that gymnastics preparation consisting of the elements of elementary and conditioning gymnastics had a significant impact on the acquired level of static balance and the level of a vestibular analyzer. Böhmerová (2006) deals with the development of balance abilities from the physiological point of view. Simultaneously Böhmerová (2007) points out that the level of static balance of gymnasts aged 8 to 10 depends upon their gymnastics performance as well as their age. It is obvious that the differences in performance were much more distinctive once the intensity increased. On the other hand, the author confirms that the standard attitude does not necessarily depend on the level of gymnastics performance. The paper by Plešivčáková (2013) demonstrates that a provable impact of gymnastics practice on the entire development of a sportsman's body contributes to the overall development of coordinative and conditioning abilities, mainly the strength, speed, movability or specific performance as well as perfectness of muscles, spatial orientation and balance abilities. It applies the elements of gymnastics practice along with rotations around a body axis and body positions with the head down, thus, among other things, improving the functions of a vestibular apparatus. Proprioceptive system brings the qualification required for the person's accordance with environment and providing adaptation. It is the sense that assures understanding the position of the joints when one closes his eyes. By virtue of this information, people busy with sports need to improve the proprioception sense in order to reduce their mistakes, prevent injuries and increase their success ([Liberum Montessori Akademia, 2017](#)). Other authors have focused on the development and diagnostics of balance abilities, e.g. Potop, Grigore da Gavojdea (2015), for gymnastics girls, or Havel, Hnízdil et al. (2010), following development of movement abilities in various sports areas as well as Laczo et al. (2013), Perečinska (2006), Belej, Junger et al. (2006), Moravec, Kampmiller, Sedláček (2002), Kasa (2002), Paugschová, Daubnerová, Ondrášek (2010), Mandzák, Slováková, Krull (2018), Mandzák, Mandzáková (2002), etc. Finally it is important to emphasize that general principles have to be respected when improving balance abilities. As stated by Perič (2004) it mainly relates to: respecting sensitive periods of development, using more complex coordination practice, a gradual increase in complexity of practice, variability of exercises and use of a large set of training instruments, applying practices in the initial period of training right after the warm-up, preferring more practice with a lower number of repetitions and series, a relatively low volume, a higher frequency of impulses within a micro-cycle period, a sufficient relaxation interval and transfer from stable to variable conditions.

Aim. The main aim of the paper was to verify the effectivity of the movement gymnastics programme we have created for the level of development of balance abilities in ski jumping. In our research we assumed that the experimental agent would have an impact on the statistically considerable improvement of balance abilities within an experimental group.

2. Materials and methods

The research group consisted of ski jumpers (n=12) with the average age of 7.16 from the sports clubs KPSL and ŠKL Banská Bystrica. The sample was divided into an experimental and a control group. The experimental group was made of 6 probands, the members of the ŠKL Club Banská Bystrica with the average height of 128.16cm (cca 4.2 ft) and average weight of 23.35kg (cca 51.4 lb). The control group consisted of the same number of probands, i.e. 6 members of the KPSL Club Banská Bystrica with the average height of 127.16cm (cca 4.1 ft) and average weight of 22.85kg (cca 50.3 lb). In order to achieve the given goal we carried out a twelve-week long and two-group pedagogical experiment from March 2017 to May 2017. The experimental agent applied into the

training practice of the experimental group included a movement programme with the elements of basic and conditioning gymnastics with the control group taking up the training practice in unchanged conditions. In order to find out about the current level of balance abilities of the overall research group, we carried out the initial entry and final exist testing. Please find only the partial results of the following tests: Test 1 – The flamingo on the right and left lower limb and Test 2 – Modified flamingo on the right and left lower limb.

Test 1 – Flamingo The test of stability in the standing position on either a right or a left lower limb. An individual stands unbooted on the full sole of the foot with a free lower limb bended in the knee and hip joints and the sole of the foot attached to the inward side of the knee of the standing foot, arms akimbo and telling a timekeeper to start the stopwatch. The point is to maintain the body in a balanced position as long as possible, max. 60 seconds. The test is completed once the position has been interrupted, the individual has moved from the place or touched the ground with any part of the body, has moved the arms away from the hips, etc. The test is repeated two times with better results to be documented in seconds (Moravec et al., 2002).

Test 2 – Modified flamingo The test of ability in the standing position either on a right or a left lower limb without visual control. An individual stands unbooted on the full sole of the foot with a free lower limb bended in the knee and hip joints and the sole of the foot attached to the inward side of the knee of the standing foot, arms akimbo, closes the eyes and telling a timekeeper to start the stopwatch. The point is to maintain the body in a balanced position as long as possible, max. 60 seconds. The test is completed once the position has been interrupted, the individual has moved from the place or touched the ground with any part of the body, has moved the arms away from the hips, etc. The test is repeated two times with better results to be documented in seconds (Perečinská, 2006).

In order to determine statistical significance of the differences in measurements within the experimental and the control group, we applied Wilcoxon test while the MannWitney U-test was used to compare and contrast the changes to the level of balance abilities between the experimental and the control group by way of the identical parameters.

3. Results and discussion

The values we obtained in course of the entry and exit testing were evaluated and compared in order to determine their statistical significance. The level of static balance abilities was tested by a so-called flamingo exercise. Firstly we diagnosed balance abilities by the flamingo test on the right lower limb. After a twelve-week long practice the two groups reported an increase in the studied balance ability. Table 1 shows the statistical evaluation of the data.

Table 1. Statistical evaluation of the differences in the flamingo test on the right lower limb

Flamingo on the right lower limb					
	Statistical characteristics	Input (s)	Wilcoxon test	Output (s)	Mann W U-test
Experimental group	Me	42	$p \leq 0.05$	50.72	$p \leq 0.05$
	X	44.86		51.42	
	Vr	25.55		20.14	
Control group	Me	40.67	$p \leq 0.05$	42.51	
	X	43.98		45.9	
	Vr	32.2		26.4	

Legend: Me- median, X- average value, Vr- variability range, Wilcox. Test-Wilcoxon test, Mann W. U-test – MannWitney U – test, s – seconds, p –statistical significance

The key role of the probands in the flamingo testing was to form a balance upright position on one foot for the longest time possible, min. 60s. In the entry testing, the experimental group reported the average value of 44.86s. The implementation of the movement programme into the training practice resulted in a change as the exist testing reported the average value of 51.42s,

which accounts for average improvement of 6.56s. In the entry testing, the control group reported the average value of balance position of 43.89s with 45.9s in the exit testing, which represents an increase by 2.01s. In order to define changes to the level of static balance we did a flamingo testing on the lower right limb and based upon the Wilcoxon test we reported five-percent statistical significance ($p \leq 0.05$) in the overall research group. The comparison of the differences of the studied movement abilities by the Mann Whitney U-test confirmed statistical significance of $p \leq 0.05$ for the benefit of the experimental group. Entry and exit measurements of the flamingo test on the left lower limb confirmed positive changes to the level of balance abilities (see the [Table 2](#)).

Table 2. Statistical evaluation of the differences in the flamingo test on the left lower limb

Flamingo on the left lower limb					
	Statistical characteristic	Input (s)	Wilcoxon test	Output (s)	Mann W U-test
Experimental group	Me	43.64	$p \leq 0.05$	49.5	$p \leq 0.05$
	X	44.54		50.66	
	Vr	29.52		21.55	
Control group	Me	41.94	$p \leq 0.05$	45.71	
	X	42.18		43.80	
	Vr	33.89		36.14	

Legend: Me – median, X – average value, Vr – variability range, Wilcox. Test-Wilcoxon test, Mann W. U-test – MannWhitney U – test, s – seconds, p –statistical significance

Before the experiment, the experimental group reported an average value of 44.54s with the average of 50.66s in the exit testing after applying the movement programme, which is an average increase of 6.12s after the experiment. In the initial testing, the probands of the control group reported average performance of 42.18s in the balance position with the average increase of 1.62s in the exit testing, which is much lower in comparison with the experimental group – 43.80s. In the flamingo test on the left lower limb we diagnosed the changes to the level of balance abilities with five-percent statistical significance between the entry and exit values by way of the Wilcoxon test in both the experimental and the control group ($p \leq 0.05$). In case of the experimental agent, i.e. the movement programme with gymnastics elements, the Mann Whitney U-test reported a significant difference on the level of statistical significance of $p \leq 0.05$ for the benefit of the experimental group, which proves the effectivity of the implemented programme.

For objective evaluation of the current level of balance abilities in ski jumping, we carried out the test „*modified flamingo*“ on the right and left lower limbs. [Table 3](#) shows the changes to balance abilities diagnosed on the right lower limb.

Table 3. Statistical evaluation of differences in the test of modified flamingo on the right lower limb

Modified flamingo on the right lower limb					
	Statistical characteristics	Input (s)	Wilcoxon test	Output (s)	Mann W U-test
Experimental group	Me	31.70	$p \leq 0.05$	39.8	$p \leq 0.05$
	X	31.74		40.96	
	Vr	37.78		36.71	
Control group	Me	31.62	$p \leq 0.05$	32.79	
	X	36.24		38.91	
	Vr	41.51		20.14	

Legend: Me – median, X – average value, Vr – variability range, Wilcox. Test-Wilcoxon test, Mann W. U-test – MannWhitney U – test, s – seconds, p –statistical significance

As for the modified flamingo test without visual control we measured stability in the static balanced position for max. 60s. In the entry testing, the experimental group reported an average value of 31.74s with the improved movement abilities after the implementation of the movement programme with the elements of basic and conditioning gymnastics and the average value of 40.96s. At the beginning of the modified flamingo test on the right lower limb, the control group reported the average value of 36.24s with an increase of 2.66s at the end. The results show that the probands were able to maintain the static balance for the average time of 38.91s. Based upon the statistical processing we may report significant improvement of the level of static balance abilities of the overall research group on a five-percent range. By comparing the differences, however, we may confirm a significant discrepancy for the benefit of the experimental group ($p \leq 0,05$), which proves the effectivity of the implemented programme.

The modified flamingo testing without visual control was performed on the left lower limb. In the entry testing, we reported the average value of static balanced position of 32.51s and after the experiment and implementation of the movement programme into the training practice we reported an increase by 9.48s to 41.99s. In the entry testing, the control group reported the average value of 34.96s with the exit value of 38.84s, which accounts for an increase of only 3.87s in comparison with the experimental group. As for the Wilcoxon test, we found out that the changes to the level of static balance as diagnosed by the modified flamingo test on the left lower limb are statistically significant for the overall research group on a five-percent range of statistical significance ($p \leq 0,05$). We also studied the development of the level of abilities in both the experimental and the control group after completion of the experiment. By comparing the results we found out that the level of static balance of the probands from the experimental group differs considerably or the obtained values are statistically significant ($p \leq 0,05$). The above mentioned facts prove the effectivity of the implemented gymnastics movement programme for the ski jumping training practice when developing static balance abilities.

Table 4. Statistical evaluation of differences in the test of modified flamingo on the left lower limb

Modified flamingo on the left lower limb					
	Statistical features	Entry (s)	Wilcoxon test	Exit (s)	Mann W U-test
Experimental group	Me	32.80	$p \leq 0.05$	40.35	$p \leq 0.05$
	X	32.51		41.98	
	Vr	33.89		32	
Control group	Me	30.45	$p \leq 0.05$	33.01	
	X	34.96		38.84	
	Vr	43.58		37.81	

Key: Me – median, X – average value, Vr – variability range, Wilcox. Test-Wilcoxon test, Mann W. U-test – MannWitney U – test, s – seconds, p –statistical significance

4. Conclusion

In the present paper we conducted the study focusing on the development of balance abilities in course of a twelve-week long preparatory period. Even though the literature says that sensitive periods for development of balance abilities start at the age of 9, we could have presumed that through right direction and under the properly implemented gymnastics practice, such abilities may be influenced at much younger age. The main aim of our paper was to prove effectivity of the implemented gymnastics programme for balance abilities of ski jumpers at younger school age. After evaluation and comparison of the results of the research we may draw the conclusion that the probands having been under the influence of the experimental agent had reported considerable positive changes. We may assume that the proper application of the training programme consisting of conditioning and basic gymnastics may have a positive impact on balance abilities of sportsmen. The arithmetic index (\bar{x}) was used for comparing the improvements and drawing unambiguous conclusions from our research. The so-called flamingo tests were applied to determine the changes to static balance. The test on the right lower limb in the probands under the influence of the experimental agent reported the average difference of 6.56s between the entry and exit tests with

the statistical significance of $p \leq 0,05$. The flamingo test on the left lower limb reported the average increase of 2.01s, which also confirms the five-percent statistical significance. The modified flamingo test on the right lower limb reported significant improvement by 9.22s and that on the left lower limb by 9.48s. In both cases the progress within statistical significance ranged around $p \leq 0,05$. The given results demonstrate that our presumption about the increase in the level of balance abilities under the influence of the experimental agent has been confirmed. Consequently our movement programme including the elements of basic and conditioning gymnastics could be certainly implemented into our training practice.

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Law on Enterprises at Using Agricultural Land in Vietnam Nowadays: Reality and Petition for Some Scopes to be changed

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Abstract

This research focuses on analyzing scopes of Land Law 2013 about enterprises in using Vietnamese agricultural land nowadays with following contents: land using forms; incentives and support of The State for enterprises in assessing and using agricultural land. Besides, it also researches and clarifies the limitations raised from the reality of implementing these scopes and then recommends to complete Land Law 2013 in the way which will make the more advantageous condition for enterprises in accessing, using agricultural land with a view to boosting the great development of Vietnamese agriculture in these days.

Keywords: enterprise, agricultural land, preference, support, Land Law.

1. Introduction

Since the execution of “Doi Moi” (12/1986) which introduced reforms intended to facilitate the transition from a centrally planned economy to form of market socialism officially termed “Socialist-oriented market economy”, enterprises have been able to be established and be active in Vietnamese economy. During that time until now, the number and scale of enterprises are more and more developing in a speedy way and they have a remarkable contribution to the impressive development of the Vietnamese economy. However, a happening reality that is the cooperation of enterprise into the agricultural field is very limited in both number and scale of activity, this has made Vietnamese agriculture which already has much potential but has not yet achieved an overall and strong development in a modern way. Being aware of the importance of enterprises towards the development of agriculture, Vietnamese lawmakers had built the incentive and supportive policy aiming to attract enterprises to invest in this economic field. The most noticeable things are the stipulations about incentives and supports in accessing and using agricultural land – an indispensable input factor to agricultural production. Nevertheless, through the reality of execution, the scopes of Land Law 2013 have revealed the weakness that needs of modification. These issues will be fully expounded in this article.

2. Document and study method

2.1. This research is executed basing on currently stipulation of Vietnamese law for enterprises in using agricultural land and some previous stipulations. Simultaneously, it is also executed by referring published researches such as: “*Report on review of agriculture and food of OECD: Agricultural policy in Vietnam*” (OECD, 2015), “*Provision of agricultural land law in*

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Vietnam – reality and petition for changes” (Luan Nguyen Thanh, 2018a), “*Law in recovery of agricultural land to develop socio-economic for national and public interest of Vietnam nowadays: reality and petition for changes*” (Luan Nguyen Thanh, 2018b) ...

2.2. It's completed by simultaneously using different research techniques such as analysis, general, dialectical materialism, interpretation, comparison, history, ... to dissect and comment on those problems relating to enterprises in using agricultural land in Vietnam. □

3. Discussion

According to the stipulation in Article 3.27 Land Law 2013, enterprise means an economic organization, a cooperative or another economic organization as prescribed by the civil law. According to the stipulation in Article 4.7 Law on Enterprises 2014, enterprise means an organization that has its own name, assets, office and is registered in accordance with law to do business. Enterprises include of these types: (i) Limited liability companies include single-member limited liability companies and multi-member limited liability companies, (ii) joint stock company, (iii) partnership, (vi) private company.

In general, the role of enterprise in the development of Vietnamese economy during this time is extremely huge, which is shown as: “Currently, enterprises contribute most to the development scale of economy, accounts for 60% GDP of overall economy...” (General Statistics Office, 2018).

With superior advantage for capital, labor, management experience, enthusiasm and sensitivity for the movement of the market economy as well as the ability to apply science and technology into production, the numerous participation of enterprises in agricultural production is the premise to develop agriculture in a comprehensive and modern way. Hence, an enterprise is encouraged to join in agricultural production with many preferences, capital support, market, science, and technology, human resources... Agricultural land, in particular, enterprises have a preference, support in accessing and using agricultural land. These preference and support are not only stipulated in Land Law but are also stipulated directly in one personal Decree of The State about encouraging enterprises to invest in agriculture, specifically in Decree No. 61/2010/ND-CP at first, next to Decree No. 210/2013/ND-CP and now is Decree No. 57/2018/ND-CP.

Primarily, according to stipulation in Article 133.1 and Article 169 Land Law 2013, to become an agricultural land user (subject of agricultural land use right), economic organization must have agricultural land use rights by these forms: the State leasing agricultural land, acquiring agricultural land use rights through receipt of transfer of agricultural land use rights, receipt of donation of land use rights, receipt of contribution of land use rights as capital (except the case prescribed in Article 191.2 of Land Law 2013 which is economic organizations may not acquire the rights to use paddy land, protection forest land or special-use forest land from households or individuals, except the case of change in land use purpose in accordance with the land use master plan and plans approved by competent state agencies). Compared to household and individual in becoming subject of agricultural land use rights, enterprise has fewer opportunities because apart from the types which have agricultural land use rights like enterprise, household and individual still have land leasing from the State and their agricultural land use rights are recognized with the agricultural land in use which is still stable and have no conflict.

To give enterprises a better advantage in accessing agricultural land, the stipulation in Article 110.1 a Land Law 2013 and Article 16.1 Decree No 118/2015/ND-CP about guiding Law on Investment 2014 wrote that enterprises using the land for agricultural production means that the State lease the land for them without through auctions of land use rights. Besides, enterprises in using agricultural land have these following incentives and support:

Firstly, in exemption or reduction of land using fee.

According to stipulation in Article 5 Decree No. 57/2018/ND-CP, enterprises which have agricultural projects (especially investment incentives, investment incentives and encouragement on investment) with the land is allocated by the State or by change of land use purpose to make house for workers as stipulated in Article 55 Land Law 2013 about allocating land with land use levy, will be exempted from the transfer of land use purpose fee for the land area that will be converted to housing construction for workers working in the project; will be exempted from land use fees for that land area after being converted.

Secondly, exemption or reduction of fee in land rent or water surface rent.

According to the provisions of Article 6 of Decree No. 57/2018/ND-CP and regulations on the list of sectors under preferential career and field which are stipulated in Appendix II, regulations on geographical areas which are eligible for investment incentives in Appendix II, issued together with Decree No. 118/2015/ND-CP, enterprises with agricultural projects are entitled to exemption or reduction of land rent and water surface rent of the State if they belong to the following cases:

Firstly, agricultural projects, especially investment incentives, are projects in the list of specially investment incentives sectors such as: planting, tending, nurturing, protecting and developing forests; cultivating, processing and preserving agricultural, forestry and aquatic products; production, multiplication and hybridization of plant varieties, animal breeds, forest tree seeds and aquatic breeds; salt production, salt exploitation and refining ..., which are implemented in areas with particularly difficult socio-economic conditions such as: Bac Kan, Cao Bang, Ha Giang, Lai Chau, Dak Nong, Kon Tum... , then the projects will be exempted from land and water surface rent since the day the State leases land and water surface.

Secondly, agricultural projects with investment incentives, are projects on the list of investment incentives industries for raising, planting, harvesting and processing pharmaceutical materials; protection and preservation of genetic resources and rare and endemic medicinal species; producing and refining food for cattle, poultry and aquatic products; techniques for cultivation, husbandry, aquaculture, crop and livestock protection; building and developing concentrated material areas in service of processing industries ...; which are in areas with difficult socio-economic conditions such as Kim Boi, Ky Son, Luong Son, Lac Thuy and Tan Lac districts , Cao Phong, Lac Son, Yen Thuy in Hoa Binh province; Phong Dien, Quang Dien, Phu Loc, Phu Vang districts and Huong Tra town of Thua Thien Hue province; The districts of Dong Phu, Chon Thanh, Hon Quan, Binh Long and Phuoc Long towns of Binh Phuoc province ... shall enjoy land rental and/or water surface rental as calculated according to preferential land prices announced by the Provincial-level People's Committee and fixed for at least 05 years. At the same time, the enterprise which has an investment incentives project in agriculture will be exempted from land and water surface rent for the first 15 years since the State leased land, water surface and has 50 % off of land rent and water surface rent for the next 7 years.

Thirdly, agricultural projects to encourage investment are projects on the list of especially investment incentives sectors, investment incentives, implemented in areas which are not in the difficult socio-economic conditions and the extremely difficult socio-economic conditions, are entitled to the land rental and/or water surface rental as calculated according to preferential land prices announced by the Provincial-level People's Committee and fixed for at least 05 years. At the same time, the enterprise will be exempted from land and water surface rent for the first 11 years since the State leased land, water surface and has 50 % off of land rent and water surface rent for the next 5 years.

Besides, enterprises with these agricultural projects also have leased land by the State to build houses for workers of the project, non-agricultural production land (land for construction of factories, warehouses, land-use yards, roads, and trees); even with the land permitted to be converted into land categories prescribed in this Clause to serve such projects, shall be exempt from land rent.

Especially with small and medium-sized enterprises which have just been established, they will be exempted from land and water surface rent from the State for the first 5 years since the project will be completed and run into operation and have 50% off of land rent and water surface rent in the next 10 years. Small and medium enterprises in the agricultural sector as stipulated in Article 6 of Decree No. 39/2018/ND-CP include:

Firstly, a microenterprise has an annual average of 10 employers or fewer who have made contributions to social insurance and total annual revenue is not more than VND 3 billion or total capital is not more than VND 3 billion. □

Secondly, a small enterprise has an annual average of 100 employers or fewer who have made contributions to social insurance and total annual revenue is not more than VND 50 billion or total capital is not more than VND 20 billion. □

Thirdly, a medium-sized enterprise has an annual average of 200 employers or fewer who have made contributions to social insurance and total annual revenue is not more than VND 200 billion or total capital is not more than VND 100 billion.

In addition, subsidies for land consolidation: According to Article 7 stipulated in Article 7 Decree number 57/2018/ND-CP, enterprises which execute agricultural projects will be supported with subsidies for land consolidation as follows:

An enterprise that has an agriculture project eligible for special investment incentives and leases or sub-leases land and/or water surface from households or individuals for implementing such project may receive a subsidy from the Government, equivalent to 20 % of the land rental and/or water surface rental for the first five years from the date on which the project officially starts its operation. The land rental and/or water surface rental shall be calculated according to preferential land prices announced by the Provincial-level People's Committee and fixed for at least 05 years.

An enterprise that has an agriculture project (which is eligible for either special investment incentives or investment incentives, or is an encouraged agriculture project) and receives land contributed as capital by a household or individual for establishment of a material zone shall be eligible to receive a subsidy which is VND 50 million/ha but shall not exceed VND 10 billion/project from the Government, and is not required to convert the form of use of such land area into leased land.

If an enterprise that consolidates land under both forms specified in Clause 1 and Clause 2 of this Article, it shall receive all of the subsidies granted according to these clauses from the Government.

During the lease period of an enterprise investing in agriculture and rural development sector, the Government shall not adjust the land use plan so as to avoid adverse influence on the project, except the case where the Government must appropriate the land for national defense or security purpose, socio-economic development in the national or public interest and special case where the land use plan must be adjusted as follows: There are adjustments to the strategies for socio-economic development, national defense, and security or master plan for development of socio-economic regions and such adjustments result in change of land use structure; natural disasters or wars result in changes in the land use purposes, structure, locations, and area; there are adjustments in the land use master plan of the immediate superior level which affect the land use master plan of the concerned level; there are adjustments to local administrative boundaries; adjustments to a land use plan are only conducted when there are adjustments in the land use master plan or there are changes in the ability to implement the land use plan.

Despite this preference and support, the participation of enterprises in agricultural production in Vietnam is still very limited in reality, which means the subject of agricultural land use rights - enterprise has the limit in number, specifically: "Until 01/01/2017, in total of 518,000 enterprises which are working and being collected data through total investigation,... The sector of agriculture, forestry and aquaculture has the fewest number of enterprises with 4,942, increased 27 % compared to the year 2012. In this sector, the number of on-going enterprises is 4,447 in the year 2017, increased 34,5 % compared to 2012, averagely in gradation 2012-2017, this region only increased 6,1 % each year" (General Statistics Office, 2017).

For the foreign-invested enterprise, it is still an enterprise in nature. However, this subject does not belong to the sector of economic organization as stipulated in Article 3.27 Land Law 2013 but it is stipulated particularly. According to scope in Article 5.7 Land Law 2013, foreign-invested enterprises include of 100 % foreign-invested enterprises, joint-venture enterprises, Vietnamese enterprises in which foreign investors purchase shares, merge or acquire in accordance with investment law. To become the subjects of agricultural land use rights as stipulated in Article 133.1 and Article 169.1.h.e Land Law 2013 as well as enterprises becomes the subjects of agricultural land use rights, they must acquire land use rights through land lease by the State and especially joint ventures must acquire land use rights through receipt of contribution of land use rights as capital.

Foreign-invested enterprise also gets preference and support in accessing and using agricultural land to execute investment project for agriculture as a domestic enterprise. However, in fact, the investment participation of foreign-invested enterprises in agricultural production is very limited, specifically: "According to the Foreign Investment Department (Ministry of Planning and Investment), as of February 2018, total foreign direct investment (FDI) in agriculture was 3.5 million USD with 514 projects. In comparison with the total accumulated investment in the agricultural sector, this capital only accounts for about 1 %" (Tam Thanh, 2018). At the same time, the area of agricultural land used by this subject is very small with 23,965 hectares (0.08 %) out of

a total of 27,284,906 hectares of agricultural land nationwide ([Ministry of Natural Resources and Environment, 2017](#)).

Hence, from the above analysis, it can be affirmed that although enterprises are regulated by the law for incentives and supports to develop, enterprises have not taken advantage of these opportunities to develop in both quantity and quality in agriculture.

The main reason of this situation is that agriculture in Vietnam is still an economic sector that has not attracted investment enterprises because it contains many risks with many uncertainties and losses for agricultural producers caused by many reasons such as weather, natural disasters, epidemics, prices, breeds ... ([Nghị Nguyễn Quốc, 2014](#)). In addition, the profitability ratio of the agricultural sector in comparison with other industries such as construction and services in Vietnam is low so it does not create an attraction for enterprises to invest, specifically: industry and construction generate profits that dominate the entire business sector ... while the agriculture, forestry and fishery sector in 2017 only generates VND 4.96 trillion of profit, accounts for 0, 6 %, increases 2.9 %”([General Statistics Office, 2018](#)).

Subsequently, the provisions of the Land Law 2013 as well as incentives and supports still hinder economic organizations, which have not yet attracted the investment economic organizations into agricultural production from accessing and using agricultural land. This is reflected in the following contents:

Firstly, Land Law 2013 makes it difficult for enterprises to access agricultural land and accumulate agricultural land.

In addition to being leased agricultural land by the State, point b, Clause 1 of Land Law allows economic organizations to acquire agricultural land use rights of households and individuals (except for rice land paddy land, protection forest land or special-use forest land as stipulated in Article 191.2 Land Law 2013) and Article 169.1.e of Land Law 2013 allows economic organizations to acquire land use rights through receipt of contribution of land use rights as capital to create land fund production. However, there are a series of provisions in the 2013 Land Law that hinder the transfer and receipt of capital contribution by agricultural land use rights, specifically: in Article 133.1 of Land Law 2013 stipulates that if economic organization have a demand for agricultural, forestry, aquaculture or salt production, the State shall consider and lease land to implement investment projects; Article 60.3 of Land Law 2013 specifies that economic organizations belonging to the case of land lease under the provisions of Land Law 2013 which have received legal land use right transfers before the effective date of Land Law 2013, may continue using the land for the remaining land use duration without having to change to lease land; Article 60.4 of Land Law 2013 stipulates that an economic organization belonging to a land lease case of Land Law 2013 that has received transfer of land use right from households and individuals allocated by the State without collection of land use fees in order to implement an investment project on agricultural production before the effective date of the Land Law 2013, may continue to use the land for the remainder of the project without changing to renting land; Article 77.2 Decree No. 57/2018/ND-CP stipulates that enterprises with special agricultural projects are entitled to special investment incentives, investment incentives and encouragement on investment incentives, when receiving capital contributions by land use rights of household and individuals to form material areas, they will not have to switch to renting land for the areas of land which received capital contributions through land use rights.

Hence, with these regulations, even though the enterprise has acquired agricultural land use rights or received agricultural land use rights as contributed capital, the enterprise must continue to be considered by the State to lease land to that land. It is clear that this is a difficult task which causes additional costs for enterprises in accessing agricultural land and concentrating agricultural land with large areas for production.

Practically, in order to overcome this shortcoming, in recent years, in some localities of Vietnam, the government has rented land from the people and released agricultural land to the economic organizations or mobilized the people to authorize local governments to sign land lease contracts with enterprises, specifically:

In Ha Nam province, in order to attract investment in agricultural production, Ha Nam boldly hired land from the people (20 years) and then the province signed a contract for releasing land for enterprises with exactly the time renting and renting fee from people while the certificate of land use rights still be kept by farmer ... Ha Nam also piloted from the provincial budget to pay

land rent to households during the land lease period of 20 years, after that the enterprise paid the land rent for the first 10 years immediately after signing the contract then paid the remaining land rent in the rest 10 years. After a pilot period, Ha Nam has accumulated 375.5 hectares; 02 high-tech agricultural zones in Ly Nhan district that went into operation with an area of 202.3 hectares ... (Hung The, 2018);

In Thai Binh province, "land accumulation in Thai Binh is carried out in the form of mobilizing people to authorize local governments to sign contracts with land leasing enterprises to invest in agricultural production for the duration of 20 years or more. By this mechanism, by the end of 2016, Thai Binh has concentrated and accumulated 9,914 hectares; in which, the area of land lease and transfer of land use rights is 3,292 hectares and concentrated linkage is 6,442 hectares. At present, there are 36 organizations and 343 individuals participating in concentrated implementation, land accumulation in two forms: land lease and transfer of land use rights" (Trung Thanh, 2017).

It can be considered as a creation to avoid the provisions of Land Law 2013 of localities in order to facilitate enterprises with agricultural land to implement investment projects. However, basically, this is a short-term solution, which complicates the relationship between people with agricultural land, enterprises in need of agricultural land and the State agencies. Simultaneously, this solution is only effective for some places with high consensus between the people and local authorities.

Secondly, the agricultural land use term is not suitable for the characteristics of agricultural production.

Although Land Law 2013 has increased the agricultural land use term by 50 years, this period is still relatively short for agricultural production. In order to recover the invested capital and make the profit for agricultural production, it takes longer than other kinds of production and business. Meanwhile, Article 126.2 of Land Law 2013 stipulates that the agricultural land use term is equal to land use term for service, commercial purposes, and non-agricultural production facilities (50 years), which is not suitable to the characteristics of agricultural production. In addition, according to Article 128.1 of Land Law 2013, agricultural land use term through the acquisition of land use rights and contribution of land use rights is even shorter because the agricultural land use term is the remaining term of the land use term before receiving the acquisition of land use rights. With a short term of agricultural land use, enterprises do not boldly invest large capital into agricultural production because of potential risks when they cannot continue to lease land from the State.

Thirdly, enterprises cannot capitalize on their own agricultural land to invest in agricultural production.

Although Article 174.2.d of Land Law 2013 allows enterprises to mortgage agricultural land use rights at credit institutions, in reality, enterprises cannot mortgage existing agricultural land use rights. Because credit institutions in Vietnam nowadays do not seem to accept mortgages on agricultural land but mainly take mortgages on residential land or land used for service, commercial purposes, and non-agricultural production facilities. The underlying cause of this situation is that agricultural land is being undervalued in the land price list issued by the State, specifically: "01 hectare of rice in the Mekong Delta region has the real value from 1-2 billion (Vietnam Dong). However, when determining the credit, farmers can only mortgage 200-300 million (Vietnam Dong) because the price of agricultural land is regulated by the Provincial-level People's Committee, only equals to 1/10 of the actual value" (Thinh Le Duc, 2017).

Fourthly, about incentives and supports for foreign-invested economic organizations and enterprises.

In general, the preferential and support policies for agricultural production development in Vietnam are considered to be relatively low compared to many countries in the world, namely: "Developing agricultural policies can be assessed by the change in level of support calculated in % PSE (Estimated support for producers as a part of the total revenue of farmers) and % TSE (Estimate the total level of support as a part of GDP). In the period 2000-13, the support level is quite fluctuating without any clear long-term orientation. However, % PSE remained positive for most of this period, indicating that producers generally received modest support. The level of support to producers is calculated according to the average % PSE, reaches 7 % in the years 2011-

13; less than half of China and Indonesia, and significantly lower than the average of OECD at 18 %” (OECD, 2015).

Incentives and supports in accessing and using agricultural land that regulated by law for economic organizations are not out of this fact. Basically, incentives and supports that economic organizations and foreign-invested enterprises enjoy in accessing and using agricultural land are mainly exemption and reduction of agricultural land and water surface rent of the State. Previously, Decree No. 210/2013/ND-CP stipulated that enterprises which have agricultural projects with investment incentives were exempted from land and water surface rent for the first 15 years since the day the project was completed and went into operation; enterprises which have agricultural projects with encouraging investment were exempted from land and water surface rent for the first 11 years since the day the project is completed and went into operation. Currently, Decree No. 57/2018/ND-CP provides additional incentives and support for these cases in terms of reducing land and water surface rent, which are: 50 % reduction of land and water surface rent in the next 7 years for enterprises which have agricultural projects with investment incentives; 50 % reduction of land and water surface rent in the next 5 years for enterprises which have agricultural projects with encouraging investment. It is clear that these incentives are short-term and low. At the same time, in the practice of implementing policies to encourage enterprises to invest in agriculture under the provisions of Decree No. 210/2013/ND-CP, the biggest difficulty to support such enterprises is capital, which is still small, mainly depends on the capital from the central budget and has not get interested and implementation from the locality, thus it has not achieved high efficiency, specifically: "The localities which proposed support from central budget are mostly difficult localities, leading to the lack of reciprocal capital from the local budget, the 2016 plan for many localities without capital for the Program of agricultural reconstruction to implement policies to encourage enterprises. In 2017, the total central budget assigned to the localities is not separated into sectors and areas, thus the amount of capital allocated to implement Decree No. 210/2013/ND-CP is very little. The capital is transferred to localities but there is no support for enterprises in production under Decree 210; simultaneously, the local capital has not been allocated as stipulated in Article 17 Decree No. 210/2013/ND-CP which is from 2-5 % for implementation” (Ministry of Planning and Investment, 2017).

From the above-analyzed contents, in order to create more advantageous conditions for enterprises to invest in agricultural production in Vietnam in the current period, Land Law 2013 needs to be modified at some issues:

Firstly, removing difficulties in accessing and concentrating agricultural land, in which Land Law 2013 needs to delete regulations that enterprises must re-lease agricultural land from the State after the acquisition of land use rights and contribution as a capital of land use rights. □

Secondly, it's necessary to extend the term of agricultural land use or remove the land use term in Land Law 2013.

Thirdly, it is necessary to amend the provisions of Land Law 2013 on land prices, whereby the land price must be the actual land price in the market.

At the same time, the incentives and support of the State for enterprises with agricultural production need to be increased with more kind of incentives and support levels to create an attraction for enterprises to invest in agriculture. It is also necessary to supply regulations to enhance the responsibility of localities to implement incentives and support provided by law for enterprises, in which directly emphasizing the responsibility of the Chairman of People's Committee at all levels.

4. Research result

This study has clarified the content of the current legal regulations for enterprises using agricultural land as well as the reality of implementation of these regulations in Vietnam today. In particular, the provisions of Land Law 2013 are hindering enterprises to invest in agricultural production, which has been pointed out and proposed to be revised in this study.

5. Conclusion

The current Vietnamese law is to create favorable conditions with incentives and support for enterprises in accessing and using agricultural land so that they can invest in the agricultural sector. However, the participation of enterprises in the agricultural sector is very limited which makes the

goal of comprehensive agricultural development towards modernization is difficult to accomplish in the future. This shows that the provisions of Land Law 2013 are not suitable for reality, making it difficult for enterprises to access and use agricultural land in a long-term and effective way. It is required to have new changes in order to attract enterprises to invest in agriculture.

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