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THE ENDS WILL JUSTIFY THE MEMES': PHILIPPINE INTERNET MEMES AND THE STATE OF DISCOURSE IN THE AGE OF THE VIRTUAL

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Abstract—This paper attempts to make a general contention on the state of discourse recurring in the text produced, processed and received on a media-saturated culture. Memes, as a postmodernist product of the vast space of internet and social media, make a strong suggestion on new ways of communication and the production and discursive positioning of meaning. With this, the mass recognition of memes and how these get to manifest today's interaction is an important field of speculation and peers over how contexts unfold within Image Macros, or so-called Internet Memes. These issues will be analyzed through the perspective of Stuart Hall's Encoding and Decoding Model of Communication, poring over how parody and mimicry becomes a construction yard of this techno-cultural product (Production), how it reaches its audience in mimicking word-of-mouth transmission (Circulation), how it is received with questions of alienating un-mediated discourses (Consumption), and how ideological, behavioral and emotional consequences germinate from the various audience interpretation and contextual representations of social issues (Hall, 1980). Through collated Philippine Internet Memes, significant communication events such as empowering people to change messages as perceived individually or collectively, will be given an important facet of study.

Keywords— Internet Memes, Contextual Representations, Encoding and Decoding Model of Communication, Discourse Practices

I. Introduction

The first appearance of memes in the digital space as edited images comprising of fan domain materials didn't really occur in Facebook and other social networking sites but in web log journals, of which is the most popular LJ (Live Journal) blogs, called Fandomsecrets. It could be analyzed in the book Sindoni (2013) *Spoken and Written Discourse in Online Interactions*, which presents a discussion of an entry in LJ Blogs described as an integration of image and writing (which was not yet known as 'memes') sent by fans, who reveal a secret about their fandom, published regularly in series. Primarily then, the very purpose of these previously called edited images is for fanfiction. Throughout its whirlwind development though, it didn't just become pervasive in blogging practices but has been associated in media-sharing communities like the social networking sites and websites such as Reddit, 9gag and Knowyourmeme. Internet memes have become the label of this technocultural product redefined by Shiftman (2014) as dispersion of items, such as jokes, videos, images and websites from person-to-person through the Internet. It has become the daily practice of the people as evidently seen in Facebook to share or post memes that reflect various contextual situations of life as in politics, films and television shows, academics, relationship, family, and so on and so forth. The social issues are becoming more and more sensationalized as people keep on creating and disseminating these Image Macros. Meme Generators even provide more opportunities to personalize it and this commensurates how people see things at different vantage points.

Discourse practices manifested in this platform actually divulge new ways of communicating which will be talked about in the discussion part. The present state of discourse in the age of the virtual lets us see the points of disparity between generations i.e., addressing the hasty shift of these virtual media texts and how people get to communicate them. How ideas are met through humor explains well the nature of the process they have undergone, including the one who gets to produce them and the other who gets to receive them. What they depict and do not depict, including the themes they cover is much interesting to speculate as per the means of parody and mimicry in passing them from one person to another. In this paper, collated Philippine memes mostly shared in Facebook are investigated through the lens of Stuart Hall's Encoding and Decoding Model of Communication. When we start to think these image macros as very entertaining and sometimes meaningless do we forget how these are being framed and

needed to be taken seriously since in the first place, they do portray substantial perspectives of people towards everything. But then, the most intriguing part is how people find these meaning representations more striking when encrusted with humor.

II. Discussion

Today's interaction has become very complex from a multimodal perspective ever since the breakthrough of digital media. With this, the mass recognition of memes is apparently indisputable reflected on your newsfeed, flooded with Duterte Memes, the Y U No Guy Memes, Princess Sara Memes and infinitely list of memes generated. In the Philippine context, memes are automatically produced at the heat of issues. People replicate these issues then in their own perspective's mold taken in the same way or else by others, depending on how they get to interpret them. Before technically pinning down the case of discourse in the memetic sphere, it is intuitively significant to look at the purpose of these memes being branched out into power and subversions. Caitlyn Dewey (2015) in her article in the Washington Post, exposed the hidden biases of Internet Memes having a great deal not only about inclusion and diversity in online spaces, but about power and information in them: who the gatekeepers are, who determines what's cool, whose instincts and interests are considered most "fit," Each person in the virtual space is endowed with this kind of empowerment as how one manifests power and bias in these image representations, but could be counterattacked in the same way and through comment boxes. This will further give suggestions on how people get to frame meanings which will be seen in the first process of communication, the production stage.

In the words of Stuart Hall, production constructs the message. Now, throughout the process, we could see the function of material instruments (that serve as its means) as well as its own sets of social (production) relations—the organization and combination of practices with media apparatuses (During, 1993). This premise clearly points to institutional structures. The realm of broadcasting depicts such that if be applied in the milieu of virtual media texts, there are no institutional structures strictly speaking. Technical infrastructures, practices and networks of production, their organized relations comprising the institutional structures of broadcasting are required to materialize a programme. The digital

environment entails a participatory media culture wherein private people can interact with one another and freely discuss various things without the restricting power of dominant groups. The social media platform has become a public sphere as more and more people are empowered to use, for example, Facebook's feature like posting memes, liking them, commenting on them and having them shared with other legions of netizens. The production structures then do not constitute a closed system, but they dig up any kind of topic or issue from any person. Unlike broadcast media, the social media has achieved its fluidity and later on described by Joseph Walther (1996) as space of "hyper personal communication" (computer-mediated communication that flattens hierarchies and encourages self-disclosure).

This would gradually give us a suggestion as per the construction yard of these techno-cultural products—parody and mimicry. Internet memes are mostly created out of humor (of course as an observable phenomenon). But who gets to produce memes? And why are they making them in this absurd way? These questions help in underpinning the production process of a thing based on the circuit of culture also by Stuart Hall. It helps to examine this matter through looking at some of these digital texts.

Figure 1



Source: Princess Sarah Memes (Facebook Page)

The image in Figure 1 shows a collage of two pictures representing both real life (the MRT scene) and fandom-related life (the TV show's scene). These two semiotic resources expose a contrast between everyday life and that of the fragmented reality that the television scene provides. Why would someone create a meme like this? Why in a manner of humor? Both the iconic signs and the coded signs are powerful suggestions of human errors, that is, in the context of governance. The creator of this meme could be just anyone. Since it came from a Facebook page, it's obviously one of the "admins." And even if this person is named, the social media platform hides his anonymity since anyone can create a different persona in this theatrical space. The embedded caption proves that the person who made this meme could be one of the people who gets to have a personal experience in this unfortunate event. Or this person could be just in an outsider's perspective that though he doesn't experience these things, still becomes an agent of political cry.

Figure 2



Source: Harry Potter Memes (Facebook Page)

Figure 2 shows a meme from a mainstream film adaptation, the Harry Potter series. This one social condition among friends is correlated to one of the scenes in the film depicting how a person and those outside of him can identify with this stance. This bears much of tremendous impact of the film as it recognizes that films and society do feed off one another. This limitation, however, is that not everyone can identify with the film, and much more only those who have read and watched can very much relate and would laugh at this. And evidently, the one who thought this up is a Harry

Potter fan. This text creates demarcation between outsiders and insiders, and humor is the narrow gauge to determine that.

Cineros, Begay and Goldberg's (2006) paper on *The Language of Humor* at the University of New Mexico made a premise that humor becomes a voice of the people, spoken or written in many instances under many contexts. It means for us to transmit experience and claim values to one another while also highlighting solidarity and shared identity. As how humor is seen in the two aforementioned texts, there is no other way to convey that shared experience but to use a solemn scene of the film and sprinkling it with a flavor of hilarity. Humor in this discourse is acting as an intersection between expression and being understood, although audience's reception to these texts will be discussed in the succeeding paragraphs. The fixed works configured by parody and mimicry have a reflexivity aspect when the Princess Sara Meme transpires the common drawback of people in public transportation and the Harry Potter meme delving on a much more personal nature. This kind of construction yard for memes reveals much of our virtual curiosities that are exaggerated through social infection. And with this, we attack or spread awareness or attract attention making humor responsible for our expression.

This expressive nature of memes is just one facet of delineating the circulation process of discourse in this age of the virtual. Memes work in a fast-paced environment, that is already given. In her *Influential Studies*, Baron (2000) stated that contemporary writing is increasingly informal: in her view, this informality derives from the tendency to use writing in a way that approximates speech and that digital writing is so easily produced and deleted that it becomes easily associated with speech (Sindoni et al, 2013). The speech-like features give supremacy to the use of informal language, that is, contradictory to that of the formal written text conventions requiring a scrupulous method of planning and revising. In other words, this characteristic of informal language equates a rapid language in virtual interactions. This further establishes the idea that reception is not delayed in digital discourses in comparison with formal written texts. In this kind of environment, discourse is so self-paced that it only triggers minimum time lag making interactions more synchronous.

In addition to these is the “attention span” mark of Internet memes. Just when a person gets to choose between reading a detailed online article or watching a lengthy video and giving a second look at a posted meme, the advantage of acquiring attention goes to the latter. This, however, does not insinuate that memes are superior to video formats and online articles but only lets us apprehend memes’ inside track of distribution in haste.

As per the consumption of these ensembled images and writing, there are many areas of dispute to talk about. First off is the issue whether the people who get to produce the texts are the same people who get to consume them. The anonymity of the creator of memes provides an assertion that anyone can actually produce as how said contention was presented at the beginning of the discussion. Since it is working in a participatory culture, the one who fabricates the virtual text could also be the one who bites on that. This kind of role reversal is a possibility for a vast space of communication event such as the Internet. The transmission capability of memes can be established in a way that individuals engage simultaneously, that is, the sender and the receiver are linked reciprocally in a more complex perspective. Barnlund’s (1970) Transactional Model of Communication explains that premise.



Figure 3

Source: Bida sa Kalokohan Memes (Facebook Page)

Facebook's feature "share" is one manifestation that the one who posted this meme (Figure 3) is reciprocal to the one who's going to share it. The comment boxes also provide the receivers access to respond in the text in exactly the same way.

Figure 4



Source: Bida sa Kalokohan Memes (Facebook Page)

Figure 4 shows a new way of responding to a message decoded. The "comment box" offers access to react through text, emoticons or pictures and memes. In that picture commented also makes way for others to "like" or "reply" on it, building up a synchronous exchange of discourses. Apparently, we see the shared role of the source and the receiver of the text.

A message can only be received at a particular stage if it is recognizable or appropriate, this is still based on Hall's Encoding and Decoding Communication (During, 1993). Even if people often make the decision on spreading memes unconsciously, the responses appropriate them depending on context. There is an initial supposition that if someone gets to share a post or a meme or simply a suggestive picture, that means he understands it and he has a kind of interpretation to that. The self-replicating trait of memes parallels social infection and gradually gives us something to ponder on their recognition to people. This is yet subject to debate since it cannot just make a pronouncement that there is "decodability" in replication. It's

possible for a person to share a Game of Thrones Memes and presume that he knows the story or the film, or the books. It could also be a conformity pressure. "I want my Facebook friends to know that I have Netflix at home and a collection of GoT books so I am going to share this meme," what is dangerous is the unknown. The "share it" feature or "like" or "react" don't always go with recognition and understanding of the text produced. In the same situation, if a person responds to a GoT meme and say "HAHAHA," memes become a narrow gauge of determining that the person is watching GoT and that he understood what the meme is trying to put across. And then again, humor becomes a thin line of determining whether one understands the meme(or the meaning produced in the meme) or not.

The "HAHAHA" replies or "I like that spell" replies to Harry Potter "Obliviate" Meme imply perceiving and understanding by conformity and pronouncement of knowledge with the mediated text. However, the response conceals real understanding in a strict sense that in formal written texts, declaration of understanding would not be enough (at least that's what formal text conventions tell us).

If for example, we treat the original text (that is, the unmediated text) as the subject of understanding, we will not consider the person to have understood the "spell" unless he talks about what the spell actually is or what it does and how it is treated in the entirety of the story. But this new-fangled system of communication in the virtual age articulates that knee-jerk reactions associate understanding that in those noticeable vectors (the carrier of the meaning), people who perceive them get to understand and decode what it transmits even if they do not technically understand the whole story. This was recognized in the study of Anders Sandberg et al. (2005), *The Life Cycle of Memes*, delving on humor properties that make memory encoding and retrieval easier. Since it is a parody of Hermione performing the spell Obliviate (which in point of fact would give a good laugh when compared to a real situation), the decoding process becomes automatic or subconscious. Through the "funniness" not wearing out, it becomes a social infection that people who comment on it infiltrates motivates on others (as seen in the second line of comments), and keeps tagging people to sneak a quick look in this meme.

In various audience interpretation and contextual representations of social issues, we would be able to see how ideological consequences, behavioral consequences and emotional consequences are at work that eventually complete the communication event in the social media platform. Borrowing Stuart Hall's words, the set of decoded meanings which have an effect, influence, entertain, instruct or persuade with very complex perceptual, cognitive, emotional, ideological or behavioral consequences. What has become of people's ideologies, behaviors and emotions would be addressed through Hall's standpoint yet the limitations and lacking that would arise serve as an important call for the continuity of this pursuit of studying the state of discourse in the age of the virtual.

Aside from the conformity pressure that memes have caused, of course by positive feedbacks, the so-called "contra-memes" also unfold how ideological and behavioral consequences take root on the meme posted. Sandberg (2005) defined contra-memes as an act by making their hosts automatically reject memes that do not fit the dominant cognitive structures. The information structures of these images foregrounded by polemical texts can cause switching of views and invite strong emotional responses even if the seriousness concealed in the meme is covered with hilarity.



Figure 5

Source: Princess Sarah Memes (Facebook Page)

Behaviors and ideas copied from person-to-person by imitation and through humor-memes-may have forced human genes to make us what we are today (Blackmore, 2000).

III . Conclusion

This is a work in progress paper just as how memes are progressing in turning out to be impenetrably dense form of writing. However, the discussion herein confers the general contention tat the humor becomes and is the narrow gauge of determining understanding, of perceiving, of encoding and decoding meanings. The meaning-making activity that transpires through prompts or common-sense constructs and taken-for-granted knowledge about certain things. Though there are memes that are technically serious in nature, the hilarity that most memes contain is a much more interesting area of speculation given that it's what the people mostly share in the social media platform and other websites. what is best thought about memes is how they work in this human culture (although of course it is a virtual environment, but still a part of the human culture) , including the shared knowledge and understanding, beliefs and ideas that are subconsciously operated in a virtual, insane way.

The ends will justify the memes.

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The value of community-based environmental education to Chinese students in Macau

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Abstract

Environmental education covers a variety of areas, from ecology to the preservation of nature, and is important in sustaining the future. Many higher education institutions in the world are implementing knowledge about the environment to their students. In the design department of School of Arts at Macau Polytechnic Institute, a 2 credit 30 hours elective course title 'Environmental Science' is offered. Yet, learning takes place in the classroom and the traditional learning approach makes it difficult to transform students to care about the environment or to have them behave in an environmental friendly manner. With a lack of an authentic natural environment in Macau, the author had organized a community-based environmental program in Thailand to 12 design students in 2015. Framed by active learning, constructivist learning, experiential learning and service learning, the qualitative study tends to examine the value of students learning in a rainforest. Findings review 7 themes from enhancing students' interpersonal relationship to the appreciation of simple happiness.

Keywords: Environmental education, transformation, community

Introduction

The design department of School of Arts has the longest history in offering design training to local students in Macau. Only in recent years, the design curriculum offers courses related to the environment. A 2-credit 30 hours elective course title 'Environmental Science' is one of them. The learning outcome of the course tends to give students an overview of what environmental science is and students are required to submit a written report as well as conducting group analysis based on the power-point lecture conducts by the teacher in class. As most of the courses in the design department take place in the classroom, students reviewed a lack of active engagement. In a 2017 student engagement survey, findings reviewed a rating of 11 percent to 26 percent of 'active and collaborative learning' activities that were considered as 'very often' engaged by students (Yung, 2017). The low active engagement rates indicate more active teaching methods should be encouraged in School of Arts.

Environmental education is important as many students in Macau have a lack of awareness in issues related to the environment. Macau is only 30.5 square km with a population of about 650,000 people and is one of the world's most densely populated regions in the world. According to the environmental statistic 2017 report published by Macau SAR Statistics and Census Service, Macau highest temperature had reached 38 degree Celsius, air quality had been rated 'poor' in most of the days, water consumption had increased by 2.7 percent, domestic waste and waste from the business sector has kept increasing. Although the government organizes activities to the public in regards to environmental protection such as the Macao International Environmental Co-operation Forum & Exhibition, many local students are not aware of what they should do in contributing to a better environment. Moreover, their habits of living in small city results in their reliance on a comfortable, easy, convenient and unsustainable lifestyle, supported by a 2015 survey that over a thousand high school students claimed they 'often and carelessly perform behavior that is not environmental' (Associação Geral de Estudantes Chong Wa de Macau, 2015).

Climate change has affected the lives of many people including those in Macau. In 2017, typhoon Hato kills at least 10 which leads to billions of economic lost and is the deadliest disaster Macau had ever encounter in more than 50 years. Climate change is linked to severe disaster and is supported by researches that "greenhouse warming will cause hurricanes in the coming century to be more intense globally..." (Geophysical Fluid Dynamics Laboratory, 2018). When natural disaster occurs more frequently and deadly, it is important for educators to inform students about the danger of climate change and how they can participate in protecting the environment.

Since the first Earth Summit was held in 1992 by United Nations, conferences on environmental protection, strategic plan on fighting climate change, research in environmental education and so on has evolved over the past decades. With different teaching and learning styles, the ultimate goal in educating students in environmental protection is to meet United Nations 2030 goal in which "all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through

education for sustainable development and sustainable lifestyles,...” (UNESCO, 2017).

Environmental education is one area of sustainable development which involves different ways of teaching and learning. Among the numerous teaching styles, Myers & Beringer (2010) found that course that is community-oriented and is constructive and active tends to increase student knowledge in sustainable development (Miller & Gonzalex, 2010). A review of literature in active learning, constructive learning, experiential learning, service learning and transformative learning is essential in order to understand why Chinese students’ participation in this case study is important.

Literature Review

The concept of environmental education occurs in late 19th Century that focuses on out-of-class learning, nature and conservation. In 1970, United Nations Educational, Scientific and Cultural Organization (UNESCO) define environmental education as individual and collective effort and participation in solving current environmental problems and in preventing new ones. Throughout the years, researches and theories on environmental education lead to the published of environmental literacy frameworks based on UNESCO’s 1978 objectives. Recent study by Chawla (1998) shows the implementation of environmental related experiences to youth such as “formal, non-formal, familial, and social experiences” is influential. Other researchers also review that action research, issue-and-action instruction and service-learning in regards to environmental issue contribute to youth development in the area of environmental decision making and problem solving. There are many ways to educate students about sustainable development but the most effective ways according to Seatter & Ceulemans (2017) study is the use of trialogue teaching style that involves active learning and field experiences and “is the only model that supports a pedagogical emphasis on sustainability as discourse”.

Active learning is defined by Bonwell and Eison (1991) as “instructional activities involving students in doing things and thinking about what they are doing”. Learning by doing is valued by Fleischer (2011) in which sustainable behavior can be encouraged through the focuses on the learning process. Kolb’s (2014) experiential learning cycle support Fleischer’s

theory in which “learning is best conceived as a process, not in terms of outcomes”. Kolb’s four stages cycle—concrete experience, reflective observation, abstract conceptualization, and active experimentation requires learner to reflect through observation and to ultimately experiment with new thoughts and ideas. It is similar to constructive learning in which student construct learning on their own through social interaction and participation.

Service learning is one type of active learning that “address human and community needs together with structured opportunities intentionally designed to promote student learning and development” (Jacoby, 1996). There are many benefits of service learning including Astin et al. (2000) research that “shows significant positive effects on all 11 outcome measures”, including critical thinking skills and interpersonal skills. Eyler & Giles (1999) study also review students with an increased level of critical thinking. Service learning can take place in any community but Berry (2007) claim international setting is better as the value students gain is higher, supported by Miller & Gonzalez (2010) study in which participants had reported an enhanced in global awareness, and an understanding in challenges and resources in the community that they are serving.

Serving in an international community and in a natural setting is important. Hook’s (1994) study show transformation takes place in a multicultural community that respects one another and values different voices. Researchers such as Gruenewald (2003) and Orr (1992; 2004) encourage place-based environmental education in which one not merely learn to live with others but also with the natural environment. Ewert, Mitten & Overholt (2014) argues that student should experience the natural environment and care for the natural environment. Moreover, experiencing a natural environment is often transformative and supported by Wilson (1984) and Dirkx (2000) in their study. Barlett (2008) study even shows a positive correlation between participants’ experience of nature and their sustainability-related household habits.

Research Context

The design department of School of Arts does not offer out-of-class learning in environmental education but studies show students are encouraged to think about the environment and their environmental attitudes and behavior when they are learning in the natural environment. Due to the benefit of

learning in a natural environment, a case study was conducted in 2015. The case study required collaboration with a non-profit organization located in a tropical rainforest in PakSong, Chumphon Province in Southern Thailand. The non-profit organization was chosen because of their low participation costs, the natural beauty of the service site and a 7 days program that involves in working with natural material.

Method

This research seeks to find out the value of 12 Chinese students living and learning in a sustainable village in Thailand in 2015. The research took place in a sustainable village surrounds by rainforest in which I was living and working along with the students for 7 days. A phenomenological case study was adopted in order to collect descriptive data to determine interpretations. My onsite field notes and students' reflective journals were collected in 2015 whereas students' in-depth interviews were collected in 2017, supported by Miles & Huberman (1994) that qualitative data is collected over a period of time as people live the experience. The interviews were conducted in Chinese, audio-recorded and transcribed by the author with consent from the students. The transcriptions were emailed to the students for verification and then analyzed by using a 5 steps approach that involved reading the data, looking for significant statements, interpreting statements for themes to emerge, refining the themes and expressing the data in my own words.

Findings

During the analysis of students' 2015 journal and 2017 interview, several themes emerge: (a) enhanced interpersonal relationship, (b) enhanced critical thinking (c) academic enhancement (d) self-belief through harsh work, (e) adaptable and applicable learning contents, (f) simple happiness and (g) reflection after the experience.

Many students expressed their joy at working with their classmates, as they often worked in groups of two or more. As they were always together, during work and after work, their relationship was enhanced during their 7 days experience in the sustainable village and after their return to Macau. Students at times were required to work with other foreign helpers from Germany, France and other countries, but many male students were not good in English and they rarely communicated with them. Many of them

did confess their weakness in English in their journal and it led to their fear of interacting with the foreign helpers. However, with other female classmates doing the translation, those who couldn't speak English were found connecting with the foreign helpers. In particular, two male students had expressed their excitement and joy and how much they had gained through the interaction. Besides, students' critical thinking as well as their academic performance was also enhanced as many of them mentioned their change in thinking and how the experience strengthened their idea to implement respect for nature into their school work.

Students' 7 days work required labor and strength, such as moving stones, digging, nailing bamboo with a hammer and so on. As there were no electric tools in the rainforest to assist them in their work, most of them mentioned how the harsh work wore them out. However, it was the process of working hard with the others that gave them the required perseverance. Respondents were all young, and though their lives in the rainforest were totally different from their comfortable live in Macau, they mentioned how they got used to living there, especially when it came to the last working day.

The days when they were not working were the days when they can relax and enjoy nature. The service site was not big, with only a river, trees, bushes and clay huts. Life was simple, but some students explained that they gained happiness through the simple things they did. During the interview, students used words such as enjoy, fun and happy to describe their days in the rainforest. It was also the simple happiness that changed some of their perceptions and that this type of living could be applied to Macau. Though students were required to submit their journals two weeks after they returned to Macau, what they wrote in their journals was mostly about what they did. Most of the respondents claimed that more reflection occurred at a later stage, when they returned to Macau. This was also the reason why their in-depth interview was conducted in a later stage so that more information about their changes in thinking and behavior could be collected.

Table 1 reviewed students' responses in the value of this community-based environmental learning.

Conclusion

Many students in Macau are disconnected with nature and higher education institutions are not providing opportunities for students to learn in a natural environment. To the students in this case study life is always — school, home, computer games, hanging out with friends, online shopping, eating, sleeping and, for most of them, working part-time. Yet, the experience in the rainforest changed their localized thinking and expanded their world from Macao to the Asian Pacific. They started to value not merely shopping and playing computer games, but interacting with people of other cultures, valuing other people's thoughts and ideas and opening themselves up to new thinking and challenges. The findings with the impact of Western helpers from various cultures were found to have a huge impact on Chinese students' critical self-reflection and on their thinking in the area of environmental protection. Therefore, I highly recommend that similar research be undertaken in a multicultural and sustainable setting, where Chinese students can interact and communicate with people with a mindset of environmental protection.

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**Familial Gratitude and its Relationship with Marital
Satisfaction Among Newly Married Women at Al-Balqa`
Applied University in Jordan
Sami Mihsen Al-Khatatneh**

Mu'tah University

Abstract

The study aimed to identify the relationship between familial gratitude and marital satisfaction among newly married women, the population of the study consisted of all newly married women at Al-Balqa Applied University in Jordan (341 women) of which a sample of (120) women was randomly selected . To achieve the goals of the study, the researcher developed a 25-items Family Gratitude Questionnaire and included five dimensions : (goals' achievement, feeling happy, integration, desire for achievement and expressing success) and a 24-items marital satisfaction scale with three dimensions : (economic satisfaction, psychological and social satisfaction and familial satisfaction) and each dimension included 8 items . The reliability and validity of the two tools were checked before they were applied. Results indicated that familial gratitude among newly married women in Al-Balqa' Applied University was at medium level for all dimensions, marital satisfaction among newly married women in Al-Balqa' Applied University was at medium level for all dimensions , and indicated a correlation at the level ($\alpha \leq 0.05$) between familial gratitude and marital satisfaction.

Keywords : Familial Gratitude, Marital Satisfaction, Al-Balqa' Applied University

Background and Significance

1.1 Introduction

Family is among the most important social institutions that construct the society and through which traditions, customs and cultural heritage are passed to children as well as a very significant institution in raising up

children with a correct way that constructs a good citizen which is the main goal for the all other various institutions of the society.

Marriage is influenced by a group of variables and factors in terms of organization, continuity and performance of its roles including physical, social and psychological ones , and marital gratitude and satisfaction are almost the most significant factors that play a crucial role in marriage organization , continuity and preparing the family and its coherence. Marital satisfaction requires the availability of warm relationships that are characterized by understanding, harmony and cooperation between spouses at the various situations, as well as the mutual respect and appreciation through the continuous communication processes which in turn is reflected positively on making mutual decisions that contribute in maintaining the family persistence and performing the roles for which a family is existed. In addition, marital adaptation requires each party to know the other party's attitudes , interests and health conditions and also requires acceptance so as marital communication and attachment are increased (Mahmoud, 2006).

Familial gratitude offers a climate of happiness, security and stability that exceeds spouses to include the whole family members and its effects becomes apparent in the familial coherence, fulfillment of family members' needs, assisting family members to perform their tasks and increasing the continuous interaction opportunities among them and in contrast, poor marital adaptation may create many problems such as threatening the marital relationships, familial breakdown, a climate of individualism within the family instead of cooperation and empathy which in turn negatively is reflected on raising children up and family breakdown and the poor performance of its societal roles (Bin A'marah, 2006).

1.2 Statement of the Problem and the Study Questions

Gratitude within the marital relationship is an expression of conformity between spouses and it may has an effective impact in the continuity of the marital relationship. The researcher , through a pilot study and through his perceptions for the surrounding environment , noticed that familial gratitude isn't at the acceptable level which in turn reflects on the family and increases its breakdown which in turn may greatly contributes in increasing divorce rates within the Jordanian society. The researcher attempted to identify the levels of familial gratitude and marital satisfaction among a

sample of society and to which extent does familial gratitude affect marital satisfaction . The problem of the study is determined by investigating the relationship between familial gratitude and marital satisfaction among newly married women by answering the following research questions :

- 1- What is the level of familial gratitude among newly married women at Al-Balqa' Applied University in Jordan ?
- 2- What is the level of marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan ?
- 3- Is there a statistical correlation at the significance level ($\alpha \leq 0.05$) between familial gratitude and marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan ?

1.3 Significance of the Study

1st :Theoretical Significance

1- The significance of this study lies in the relationship the variables of the study (familial gratitude and its relationship with marital satisfaction) and the reflections of this on the study sample (newly married women : for five years and less) at AL-Balqa' Applied University in Jordan as these women represent an important proportion of the society and from this point this study came to identify the relationship between familial gratitude and marital satisfaction .

2- The significance of this study lies in that it is the first specialized scientific one that addresses familial gratitude in relation to marital satisfaction at AL-Balqa' Applied University in Jordan.

2nd: Applied Significance

1- The applied significance of this study lies in its contribution in opening the way for decision makers and specialists for the information it includes and for its findings related to psychological counseling as they can contribute in identifying familial gratitude in relation to marital satisfaction as well as its recommendations for drawing the necessary preventive programs for therapy.

2- This study contributes in identifying the relationship between familial gratitude and marital satisfaction through the results that can be activated to open other fields for research and developing programs that can increase the familial gratitude and marital satisfaction levels.

1.4 Goals of the Study

This study aimed to :

- Identify the level of familial gratitude among newly married women at Al-Balqa' Applied University in Jordan.
- Identify the level of marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan.
- Identifying a statistical significant correlation – if exist – between marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan.

1.5 Limitations of the Study

The study was limited to the followings :

- Objective Limitations : the study was limited to the psychometric properties of its tools and the results it revealed.
- Spatial Limitations : Al-Balqa' Applied University in Jordan.
- Time Limitations : the second semester of the academic year 2017\2018.

1.6 Study Variables

- The independent variable in this study is the level of familial gratitude among newly married women at Al-Balqa' Applied University in Jordan.
- The dependent variable is the marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan.

1.7 Conventional and Procedural Definitions of Terms :

* Familial Gratitude : the situation where wife is thankful and ready to exhibit appreciation and kindness toward husband.

Procedurally : it is the responses of the newly married women at Al-Balqa' Applied University in Jordan on the scale developed for the purpose of the study.

* Marital Satisfaction : is defined by Stone and Shackelford (2007, p541) as a mental status the reflects individual's recognition for benefits and costs of marriage of appointed person.

Procedurally : : it is the responses of the newly married women at Al-Balqa' Applied University in Jordan on the scale developed for the purpose of the study.

Theoretical Framework

2.1 Literature Review

Conformity among spouses is the base that allows the opportunity for establishing a happy family and offers children within a family a good climate for a healthy physical and psychological development so as later they can perform their roles perfectly in life and to establish harmonic families and raise happy generations with good mental and physical health in future, so conformity among spouses is a crucial issue for achieving familial integration and establishing intimate marital relationships based on love and understanding (Abdelmajeed, 2002).

Al-Smadi and Makhadmeh (2004) states that conformity includes relative agreement between the two parties of the marital relationship and also includes a group of verbal and nonverbal behaviors to achieve the highest level of needs fulfillment, psychological and social stability and cooperation to face crises , so marital conformity includes selecting the appropriate person for marriage, readiness for marital life , mutual love between spouses, sexual satisfaction, holding marital life responsibilities, the ability to solve problems, marital stability, marital satisfaction and happiness and the two parties' (husband and wife) ability to face all financial, material, social and health problems and the work on achieving mutual harmony and love.

Al-Shiekh (2004) points out that familial gratitude includes marital happiness and marital satisfaction which is represented by the wise selection

for the spouse and readiness for the marital life, mutual love between spouses, sexual satisfaction, and holding responsibilities.

Familial gratitude is a crucial matter among spouses that requires them a readiness, sacrifice, mutual concession and self-esteem as stubbornness from one party or both parties to adhere to what is liked or disliked, and the strong adherence to personal convictions the individual ego spontaneously lead to further dissonance, rivalry and alienation, and thus ending marital life or break it down (Al-Khaldi, 2009).

Fitzpatrick (2002) confirms that familial gratitude occurs with the existence of a group of characteristics responsible for the successful marriage , he arranges them from the most to the less important as follows : time commitment to marriage , loyalty for life partner , respecting life partner as a friend, commitment to the sexual relationship, the desire to be good parents , believing in God and the spiritual and religious commitment.

Ansari (2003) points out some methods that contribute in achieving gratitude among spouses such as the partner puts him\herself at the other partner's position , to identify his\her views and problems, to positively cooperate with the family, to think about all love and positive characteristics of the other partner , to think about the previous happy moments with the partner when there is a conflict, to resort to specialists or friends when there are marital problems, not to compare the spouse with others and initiate dialogs with partner. Among the features of familial gratitude:

- Cooperation among spouses in roles' performance and the feelings of happiness and satisfaction about life and the psychological comfort.
- Apparent support among spouses and families which contributes in problems' resolution with relative ease.
- Successful communication , sexual satisfaction, mutual love and satisfaction about marriage among both parties.
- Children feel psychologically satisfied.
- Success and competency at work and achieving both spouses needs which means behaviors' conformity with expectations as well as harmony and the ability to resolve problems and offer assistance to each others.

As mentioned by Kaplan (1986,) cited in Almaliki,(2005) , familial gratitude is consisted of a group of criteria that include :

- Emotional Maturity : the adaptive spouse is able to organize his\her emotional behavior , confident and able to give , has internal security and isn't easily shocked by emotional stress.

- Dynamic Balance : spouses create the necessary process of balance between the internal and external forces to adjust with the ever changed conditions and environment, and each spouse should exhibit high competency to resist without losing balance as the psychological health is represented by stability and emotional balance and both spouse's ability to psychologically adapt and hence comes the marital adaptation in addition to harmony with the various motives in a manner where these motives that do not conflict with each others.

- Realizing the Actual Self : that is, both spouses should be able to identify see their actual abilities and to coexist with their weaknesses and not to mention them. Some spouses has good insights into themselves and understand their actual selves which leads to avoid much frustration and failure and assists them to achieve and adapt.

- Enjoying Social Relationships : some spouses are more able than others to establish social relationships and to maintain friendships and strong bonds within the groups they interact and communicate with, and these relationships are emotional support and a main component of the psychological components.

- Generally Turning Out to Life : some spouses turn out to life and responsive with it and see it as desire to be lived, in contrast, some others expect evil and harm and afraid while it is not difficult to see live positively with more interest and efficiency .

- Psychological Happiness : healthy personality is one that lives in continuous happiness , free of conflict, able to personal, social and marital adaptation and this is apparent in the individual's enjoyment with his\her life , work, family , friends and feeling with security and happiness.

Marital satisfaction is one of the most important factors that meet the psychological and social needs and work on achieving the dynamic balance

in all aspects for both spouses (Al-Tahir, 2004) , and as indicated by Spainerf and Cole (cited in Shawqi, 2004), there are indicators for marital satisfaction that include :

- Bilateral Agreement : the extent of agreement upon important matters and dividing roles within marital relationship.
- Bilateral Coherence: the extent of cooperation between the two parties within marital relationship.
- Emotional Expression: individual's need for emotions that are obtained from the marital relationship.
- Mutual Satisfaction: happiness of each party within the marital relationship and extent of commitment to this relation.

Marital satisfaction , as indicated by Al-Smadi and Al-Tahat (2005), is consisted of several dimensions that include :

- Emotional Satisfaction : that is, both spouses satisfy their emotional needs and can exhibit and express love and anger toward each other through this relation with an appropriate and a rational proportion that satisfy both of them.
- Family Goals : goals that are planned or determined by both spouses at the beginning of their marital life regarding present and future stuff as this determines the family relationship on the internal level (family members' relations with each others) and the external level (with relatives and friends).
- Children Raising Up : what is meant here is to identify the parent role in children raising up and the relationship between both spouses and how each of them views the other's responsibility regarding children raising up and preparing them for life.
- Family Economics: the comprehensive planning for the family economic resources, spending these resources and who make decisions regarding purchasing processes and who has the authority to demolish decisions and responsible for the consequences of the poor economic management at the family level.

- Dependency and Livelihood : this includes all earning aspects such as a salary, a wage, or any kind of income .

2.2 Early Studies :

Schrann (2002) evaluated marital satisfaction during the first months of marriage among a sample of (232) newly married spouses. Results indicated that most newly married spouses were satisfied with their marital lives while 11% of them admitted the existence of some problems which indicates that the first months of marriage may represent a period that affected by tensions and conflicts for some spouses, results also indicated that most conflicts among participants were related to work , depts. And the low income.

Ansari (2003) conducted a study that aimed to identify the personal characteristics and the socioeconomic status as predictors for women marital conformity in Pakistan on a sample of (150) worker married women and a questionnaire was utilized for data collection. Results indicated a positive statistical significant relationship between the variables of husband's stress level (Neurosis) and the level of marital love and conformity there was a negative statistical significant relationship between both spouses neurosis' level and marital conformity and finally results indicated insignificant statistical relationship between both spouses openness and marital conformity.

Al-Talla' and Al-Sharif,s study (2011) aimed to identify the marital satisfaction level among married for the second time women in relation to some variables in Gaza strip governorates. The sample of the study was consisted of (200) women 100 of them were married for the first time and the other 100 were married for the second time. The researchers developed the marital satisfaction scale for their study and among the important results obtained were that the economic satisfaction came the highest , followed by the emotional communication and finally came the sexual satisfaction.

Watad and Hamidah (2015) investigated the extent of the relationship between achieving pre- marriage expectations and post-marriage marital satisfaction on a sample of (922) spouses in the south region of the west bank in Bethlehem . Results indicated a relationship between achieving the pre-marriage expectations and the post-marriage marital satisfaction which indicates that when spouses' behaviors are harmonic with partners' expectations, marital conformity occurs and the result is marital satisfaction.

A'mawi (2016) conducted a study that aimed to identify marital satisfaction among those married of employee women in Tulkarem in Palestine and the sample included (25) husband for employed women. Questionnaire was used for data collection. Results indicated that the general level of marital satisfaction among husbands of employed women was high and the highest levels of satisfaction based on the study dimensions were satisfaction about house tasks and work, satisfaction about social tasks and relations, satisfaction about raising up children and following up their education and finally came the economic satisfaction. Results also indicated significant statistical differences between the means of husbands' responses regarding their marital satisfaction based on the variables of place of residence , marriage years and husband's per-month income.

DaSilva (2007) investigated the impact of gratitude on tolerance on a sample of (152) male and female university students in Porto region in Portugal. Questionnaire was utilized for data collection. Results indicated that gratitude level was high and no statistical differences were indicated in tolerance and gratitude based on gender.

Orathinkal and Alfons (2007) investigated the effect of age, gender ,marriage duration and number of children on marital satisfaction on a sample of (787) married adults in Belgium. Results indicated significant statistical differences in marital satisfaction based on age, marriage duration and number of children and these differences were in favor of aging, marriage duration length and the increased number of children ,results also indicated significant statistical differences between the two genders in favor of females.

Al-Omran's study (2007) which was conducted on a sample of (145) wives from Al-Imam Mohammad Bin Su'od university students in Riyadh within the age range (18-24) years indicated that the financial stresses had no effect on marital satisfaction among participants.

Singh and Jhe (2008) conducted a study to identify the relationship between the concepts of happiness, satisfaction about life and gratitude. The sample included (254) male and female students and a questionnaire was used for data collection. Results indicated a positive correlation between satisfaction and gratitude.

Munoz's study (2011) aimed to identify the relationship between consolation, forgiveness , conflict resolution, marriage duration and marital satisfaction among Americans. The sample of the study was consisted of (93) participants and self-report was used for data collection. The study revealed a positive relationship between the effective conflict resolution and marital satisfaction.

Roland (2009) investigated the effects of gratitude , praise and reduced criticism on marital satisfaction in Atlanta in the USA. The sample included (12) husbands and wives and results indicated an effect for gratitude on marital satisfaction.

Joyce (2009) conducted a study that aimed to identify the effect of gratitude on the continuous dynamic relationship between spouses and the effects of feeling and expressing satisfaction on marital satisfaction among married people in Hong Kong. The sample included (100) spouses and interview was utilized for data collection. Results indicated a positive role for gratitude in marital satisfaction.

Wlaker's study (2011) aimed to identify the extent of using the gratitude mechanism by individuals on maintaining a good-quality personal relationships in Toronto University in Canada on a sample of (197) families each of which included a husband, a wife and one child. A special form was used for data collection and results indicated the role of gratitude's frequency in familial relationships and marital satisfaction.

Feng (2011) conducted a study to investigate the effect of spiritual well-being, gratitude and loneliness on the marital satisfaction among American Korean priests and spouses. The study sample was consisted of (51) volunteer priests and spouses. Findings indicated that spiritual well-being and gratitude were positively correlated , while loneliness was negatively correlated to spiritual well-being and gratitude, however, spiritual well-being , gratitude and loneliness didn't predict marital satisfaction , finally, results indicated no differences based on gender in spiritual well-being, gratitude and loneliness's effect on marital satisfaction.

Williams (2012) investigated the relationship between gratitude and familial satisfaction among university students on a sample of (133) university students using a survey on the internet. Results indicated a highly

positive relationship between gratitude and familial satisfaction among participants.

Muller (2014) conducted a study that aimed to identify how parental behaviors affect gratitude development among children and adolescents. The sample was consisted of (68) couples (one of the parents and a child) in New York city. The self-form was used for data collection. Results indicated the importance of parents' gratitude in their children's development and preparing them for the youth stage.

2.2.1 Comments on Early Studies

After reviewing the early studies mentioned above, the researcher found some agreement and disagreement regarding the variables the current study addressed (Gratitude and marital satisfaction) , and the current study benefited from the results and procedures of these early studies .

The above mentioned early studies, addressed gratitude and marital satisfaction in relation to several variables and varied in their populations, samples, tools and finding. The researcher has benefited much from the theoretical literature and results interpretation and discussion in these studies in addition to the analytical treatments followed in them.

The current study is similar in many of these studies in that it used questionnaire for data collection and differed from them in that it related familial gratitude in marital satisfaction.

Methodology

This study followed the descriptive correlative approach for its appropriateness for the nature of the study goals and questions through applying the study tools (familial gratitude and marital satisfaction scales) to reveal the findings of each scale to identify the relationship between the two variables.

3.1 Population of the Study

The population of the study was all the newly married women at Al-Balqa' Applied University in Jordan whom wer (341) women.

3.2 Sample of the Study

From the population of the study, a random sample of (120) participants was selected (35%). They were selected from various department and administrative positions as shown in table (1) below.

Table (1)

Sample's distribution based on variables

No	Variable	Category	Number	Percentage
1	Marriage years	Less than one year	58	% 48
2		1-3 years	62	% 52
3		Total	120	% 100
1	Educational level	Higher studies	55	% 46
2		Bachelor	65	% 54
3		Total	120	% 100

3.3 Study Tools

Two tools were used to achieve the goals of this study as follows :

3.3.1 First : Familial Gratitude Scale

This scale was developed after reviewing Mohammad's study (2014), A'babneh's study (2015) and Mahmoud's study (2017). Reliability and consistency for the tool were verified . The scale was consisted of 25 items distributed on five dimensions : goals' achievement, feeling happy, integration, desire for achievement and expressing success with 5 items for each dimension on Likert five scale (Strongly agree, Agree, Neutral, Don't agree, Strongly don't agree).

Familial Gratitude Scale's Validity

The scale was subscribed to a jury of ten arbitrators to judge its items' appropriateness for newly married women , language clarity, effectiveness of items' alternatives, items, number and extent of items' representation for familial gratitude they suppose to assess. Their opinions were taken into account and the required modifications were done. In addition, correlations of the scale's items were calculated at the total score as shown in table (2).

Table (2)

Correlations of the familial gratitude scale's items at the total score

Item's No	correlation	Item's No	correlation	Item's No	correlation	Item's No	correlation	Item's No	correlation
1	0.358	6	0.547	11	0.362	16	0.417	21	0.254
2	0.459	7	0.521	12	0.521	17	0.794	22	0.768
3	0.365	8	0.369	13	0.458	18	0.693	23	0.353
4	0.300	9	0.440	14	0.635	19	0.854	24	0.415

5	0.396	10	0.428	15	0.653	20	0.412	25	0.781
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Gratitude Scale's Reliability

Reliability of the scale was checked by the test and retest method as the test was applied again two weeks later on a pilot sample of (40) participants from the study population but outside its original sample then Pearson correlation was calculated among the pilot sample members' estimations in the two times on the scale as whole and the correlation ranged between (0.71 and 0.79) . In addition, reliability coefficient was calculated using the internal consistency method based on Kronbach alpha and it ranged between (0.66-0.92).

3.3.2 Second: Marital Satisfaction Scale

The marital satisfaction scale was developed for the purposes of achieving the study goals by reviewing the related literature and research such as : Watad and Hamidah (2015) and A'mawi (2016). The scale was consisted of 24 items distributed on three dimensions : economic satisfaction, psychological and social satisfaction and familial satisfaction with 8 items for each dimension and the Likert five scale was used (Strongly agree, Agree, Neutral, Don't agree, Strongly don't agree).

Marital Satisfaction Scale's Validity

The scale was subscribed to a jury of ten arbitrators to judge its items' appropriateness for newly married women , language clarity, effectiveness of items' alternatives, items, number and extent of items' representation for familial gratitude they suppose to assess. Their opinions were taken into account and the required modifications were done. In addition, correlations of the scale's items were calculated at the total score as shown in table (3).

Table (3)

Correlations of the marital satisfaction scale's items at the total score

Item's No	correlation	Item's No	correlation	Item's No	correlation	Item's No	correlation
1	0.758	7	0.825	13	0.900	19	0.718
2	0.684	8	0.813	14	0.862	20	0.794
3	0.885	9	0.852	15	0.795	21	0.693
4	0.901	10	0.748	16	0.635	22	0.854
5	0.870	11	0.793	17	0.685	23	0.854
6	0.781	12	0.842	18	0.748	24	0.753

Marital Satisfaction Scale's Reliability

Reliability of the marital satisfaction scale was checked by the test and retest method as the test was applied again two weeks later on a pilot sample of (40) participants from the study population but outside its original sample then Pearson correlation was calculated among the pilot sample members' estimations in the two times on the scale as whole and the correlation ranged between (0.74 and 0.85) . In addition, reliability coefficient was calculated using the internal consistency method based on Kronbach alpha and it ranged between (0.71-0.89).

3.3.3 Scale's Scoring:

In light of the response scale on both scales' items, the likert five scale was used as follows (Strongly agree= 5, Agree=4, Neutral=3, Don't agree=2, Strongly don't agree=1) for all items as shown in table (40 below.

Table (4)

Modified range of the familial gratitude and marital satisfaction scales

No	Criterion	Modified range it follows
1	High level	(3,68 - 5)
2	Medium level	(2,34 - 3,67)
3	Low level	(1 - 2,33)

3.4 Statistical Treatment

The researcher has computed data using the SPSS V.17 software then calculated the means and SDs for participants scores on both scales to find the levels of familial gratitude and marital satisfaction among participants. To check the relationship between the dimensions in the familial gratitude and the level of marital satisfaction, the Pearson correlation was used.

Results and Discussion

This study aimed to identify the level of familial gratitude and its relationship with marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan. Research questions were answered and results were discussed as follows :

4.1 Results and Discussion

4.1.1 Results related to the research's 1st question : What is the level of familial gratitude among newly married women at Al-Balqa' Applied University in Jordan ?

To answer this question, means and SDs for participants' responses on the dimensions and the scale as whole were calculated as shown in table (5).

Table (5)

Means and SDs for participants' responses on the dimensions of the familial gratitude scale and on the scale as whole

No	Dimension	Mean	SD	Rank	level
1	Expressing success	3.37	0.91	1	Medium
2	Desire for achievement	3.35	0.96	2	Medium
3	Goals' achievement	3.34	0.70	3	Medium
4	Integration	3.26	0.69	4	Medium
5	Feeling happy	3.25	0.84	5	Medium
Total score		3.31	0.68		Medium

Table (5) above indicates that the 5th dimension came at medium level (expressing success) and had the highest response with a mean of (3.37) and an SD of (0.91) followed by the 4th dimension as second and at a medium level too (desire for achievement) with a mean of (3.35) and an SD of (0.96), then came the 1st level as third at a medium level with a mean of (3.34) and an SD of (0.70), 4th came the third dimension at a medium level with a mean of (3.26) and an SD of (0.69) and finally came the 2nd dimension at a medium level with a mean of (3.25) and an SD of (0.84). For

participants' scores mean on the scale as whole it came medium with a mean of (3.31) and an SD of (0.680).

Familial gratitude is an evidence for the good familial relationship and a good indicator for the strong marital relationships among spouses. Reviewing table (5) above, familial gratitude level as whole came medium among participants and this may indicate that expressing success among spouses wasn't appropriate as well as the desire for achievement , goals' achievement , integration and feeling happy didn't attract much interest among wives ad this might be attributed to the nature of their work as worker woman suffers from workloads and stresses that limit her ability for mutual good feeling with husband and appreciating him appropriately . The reason might be also attributed to that husbands treat wives nervously and making problems and creating a stressful familial environment which leads wives to hate the marital relationship as whole.

This result isn't in agreement with those of DaSilva (2007), Singh and Jhe (2008), Williams (2012), Feng (2011) , Walker (2011), Joyce (2009) and Muller (2014).

4.1.2 Results related to the 2nd research question : What is the level of marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan ?

To answer this question, means and SDs for participants' responses on the dimensions and the scale as whole were calculated as shown in table (6).

Table (6)

Means and SDs for participants' responses on the dimensions of the marital satisfaction scale and on the scale as whole

No	Dimension	Mean	SD	RANK	LEVEL
1	Familial satisfaction	3.38	0.86	1	Medium
2	Psychological and social satisfaction	3.36	0.87	2	Medium

3	Economic satisfaction	3.32	0.91	3	Medium
Total score		3.35	0.81		Medium

Table (6) indicates that the second dimension (familial satisfaction) had the highest response and came at a medium level with a mean of (3.83) and an SD of (0.86) , followed by the third dimension (psychological and social satisfaction) which came second with a medium level with a mean of (3.36) and an SD of (0.87) and finally came first dimension (economic satisfaction) at medium level with a mean of (3.32) and an SD of (0.91). For the scale as whole, it came at medium level with a mean of (3.35) and an SD of (0.81).

Marital satisfaction occurs when there is an availability of positive relationships among family that are characterized by compassion and love in addition to making available the whole family needs and satisfying its psychological and social needs. Looking to table (6) above, it is noted that the level of marital satisfaction came medium for all dimensions and this means that participants were not completely satisfied about their husbands which in turn reflected on familial, economic , psychological and social satisfaction. Although familial satisfaction came first , it is – like the other dimensions- was at medium level and this might be attributed to the families' living standards do not meet their needs which in turn led to increase wives' dissatisfaction. Familial relationships might be characterized by toughness due to the limited economic resources which leads to a psychological stress for all family members in common and wives in particular.

This result is in agreement with the results of Al-Omran (2007) and Schrann (2002) but isn't in agreement with those of A'mawi (2016), Al-Talla' and Sharif (2011) and Roland (2009).

4.1.3 Results related to the research 3rd question : Is there a statistical correlation at the significance level ($\alpha \leq 0.05$) between familial gratitude

and marital satisfaction among newly married women at Al-Balqa' Applied University in Jordan ?

To answer this question, the relationship among the familial gratitude dimensions and the marital satisfaction dimensions were checked using the Pearson coefficients for linear relationship among variables was used as shown in table (7).

Table (7)

Coefficients for testing the relationship among the familial gratitude dimensions and the marital satisfaction dimensions using Pearson coefficients

Familial gratitude dimensions	Psychological and social satisfaction	Economic satisfaction	Familial satisfaction	Marital satisfaction as whole
Goals' achievement	Coefficient	0.70	0.63	0.60
	Sig	0.00	0.00	0.00
Feeling happiness	Coefficient	0.56	0.53	0.49
	Sig	0.00	0.00	0.00
Integration	Coefficient	0.72	0.59	0.59
	Sig	0.00	0.00	0.00
Desire for achievement	Coefficient	0.80	0.78	0.68
	Sig	0.00	0.00	0.00
Expressing success	Coefficient	0.74	0.71	0.67
	Sig	0.00	0.00	0.00
Total score	Coefficient	0.85	0.79	0.74

	Sig	0.00	0.00	0.00
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* Statistically significant at ($\alpha \leq 0.05$)

Table (7) indicates a statistically significant positive correlation at the level ($\alpha \leq 0.05$) among all the dimensions of familial gratitude as whole and the dimensions of marital satisfaction as whole.

Familial gratitude expresses the strength of the marital relationship and marital satisfaction among spouses so it is expected that the relationship between familial gratitude and marital satisfaction is a positive one, that is, the higher is the level of familial, economic, psychological and social satisfaction, the higher is familial gratitude and the lower satisfaction is the lower familial gratitude is.

This result is similar to those of Singh and Jhe (2008), roland (2009), Joyce (2009), Walker (2001), Feng (2011) and Williams (2012).

4.2 Recommendations

In light of the results revealed by this study, the researcher suggested the following recommendations :

- 1- Offering course for worker married women on familial gratitude and marital satisfaction.
- 2- Encouraging social media communication and other parties such as mosques, TV and radio to offer purposeful programs to encourage familial gratitude and marital satisfaction.
- 3- Encouraging researchers to focus on the topic of familial gratitude and marital satisfaction and addressing them in relation to other variables.

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Analysis of Oriental Carpets in Renaissance Paintings

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Abstract

Renaissance paintings, aside from diverse subjects, include multiple forms and elements, among which the presence of Oriental carpets is a substantial and debatable part in composition of both religious and non-religious paintings of this era. The objective of this article is surveying the position of these carpets in Italian Renaissance paintings and studying their origin and primary sources along with identification and reviewing their other items, such as design and concepts. In this regard, the dates the carpets are woven, their geographic zones, and also the background of their genesis and appearance in paintings are surveyed. Since painters of Renaissance have rarely imaged Oriental carpets in whole and in most cases only a small part of the carpet is sufficed, computer rebuilding of the carpets are also presented so that more familiarity and a better conception of the carpet motifs are attained. Data collection method was based on library sources with the technique of documentary-historical and content analysis. The research results indicate that the interactions between the East and the West after the Middle Ages provided the background for the advent of Oriental carpets in Italian paintings, which continued up to Baroque era.

Key words: Oriental, Carpet, Renaissance, Painting

Introduction

Specialized researches about art works, aside from written documents, need visual examples left from the past. Along with that, due to diverse reasons, such as the sustainability of the material in passing of time, not all the art works maintain visual samples for research. This point applies for many of the industrial and applied arts such as fresco products and handicrafts. Nevertheless, in some cases, it is possible that through surveying other types of art, whose structure had, in a way, documented such art works, details be recognized and the possibility for studying the works in which the visual

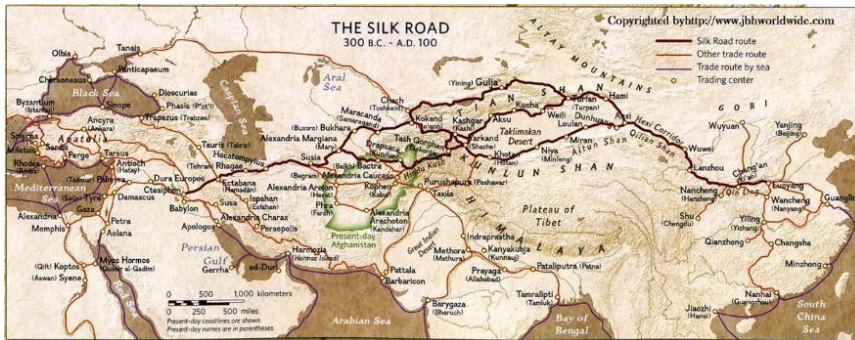
indications are not available, due to any reason, would be provided for the researchers. As many carpets have different and sometimes very short age, the only possible way for cognizance and studying them is in other art works. One of the most significant cases is the study of paintings. The image of carpet in types of paintings, aside from the aesthetical concept of the work, provide the opportunity to review the visual samples of the carpets, which do not have external specimen any longer. The present research, mostly surveys the samples, background, and origin of the advent of carpet in western paintings, and strives to image other cases of Oriental carpet in order to trace the references of the primary sources, to discuss the influential factors in the advent of carpets in paintings; and to indicate classification of the carpets.

The Culture and Trading Relations

From about 300 B.C, when the Roman Empire extended into what is now the Middle East, people in the West had welcomed exotic goods from as far away as China and Japan. These items, such as silks, glassware, paper, or spices such as pepper and cinnamon, were extremely rare, moving from trader to trader as they travelled on foot or by caravan along a network known as the Silk Road. Inventions such as the irrigation waterwheel, invented in the region around Damascus, moved in both directions, being found in the far western reaches of the Islamic civilization and as far east as Cathay (China)*. Persia has always been the focal point for trade between the East and the West for it is located as a link between Europe, Asia, and the Mediterranean† (Fig.1).

* Ph. Levin - P. Redhead (ed.), *Our Worldviews: Explore, Understand, Connect*. Toronto, 2007, chapter I, p. 16- 17.

† R. Savory, *Iran Under the Safavid*, (trans: Kambiz Azizi), Tehran, 2010, p. 90.



1: The Silk Road (<http://www.chinadiscovery.com>)

The spiritual treasures and the cultural heritage of Muslims were transferred to Europe in four ways. The first and probably the most significant channel was Spain; second through the Normans in Sicily, third by the emergence of the Crusades, and finally through the translation of natural sciences and the works of Islamic philosophy from Arabic to Latin which, for Europeans, was the originator of the development of natural sciences[‡].

From the 12th century onwards, different ports of Italy such as Venice, Pisa, Lucca and Genova have witnessed the cultural trade between the East and the West. Venice became the main trade point for the two continents. In time of Crusades and the centuries later, Venice was still considered as a major connector of the East and the West⁴. Trade between Asia and Europe increased steadily during the Crusades (475- 650/1096-1271) as more Europeans discovered the rich culture of the East[§]. The Crusades, which took place between 11th and 13th centuries, incurred much influence of western culture on the East. The Mongol domination of Asia during 1240s and 1360s provided new opportunities for East-West trade^{**}. The Mongols enormous consumption of Luxury textiles boosted production in existing silk-weaving centers and spurred the development of new ones across their

[‡] P. Shad Ghazvini, *The Impact of Orient on the European Painting*. Tehran, 2005, p. 9. ⁴ S. Hunke, *Allah's Sonne ueber demabendland, unsere arabische Eybe*. Frankfurt, 1965, p. 24.

[§] W. Heyd, *Histoire du commerce du levant au Moyen Age*. Leipzig, 1886, vole.1. p. 1318.

^{**} M. Rosamond E, *Bazaar to Piazza, Islamic Trade and Italian Art (1300-1600)*, California, 2002.

vast empire^{††}. The Ilkhanid Mongols (1256- 1349) dominating areas of central and East Asia, paved the way for European travelers to Asia and soon after there were influx of Europeans to Asia^{‡‡} (Fig. 2).



2: Close-up of the Catalan Atlas depicting Marco Polo traveling to the East during the Pax Mongolica
(<http://www.asatours.com.au>)

The united Mongol empire was short lived, but the dream of an Asian empire was not dead: A final dramatic chapter of Central Asian history was written in the 14th century by the Turco-Mongol: Timuride (1370-1506). The dynasty's founder, Timor, was one of the most successful warriors the world has ever known. In a series of military campaigns, Timor conquered all of Eurasia from the Great Wall of China to the Urals^{§§}. He had a great interest in developing his foreign affairs with the Europeans; followed by Safavid dynasty (1501-1736).

Prior to all of these relationships between two alternatives the East and the West, European artists applied the splendid patterns and grandeur of Persian art in their works. The ornamented Eastern rugs with its rich colors influenced the world of patterns and, at the same times, had a major role in the development of color in Italian Renaissance art. European artists used

^{††} A. Thomas T, *Commodity and Exchanger in the Mongol Empire: A Cultural History of Islamic Textiles*, Cambridge, 1997, p. 11-45.

^{‡‡} M. H, Kavoussi, *Documents on Relations between Safavid Government and Italian Governments*, Tehran, 2000, p. 110.

^{§§} Ahmed Hasan Dani & others, *Integral Study of the Silk Roads: Roads of Dialogue*, Unesco Silk Road Project 1990/1993, Edited by John Lawton, p. 7.

these rugs mainly as backgrounds of their paintings or alongside the main subjects of their work.

Surveying origin and source of carpets

The attribution of motifs and designs in carpets to Western paintings, especially during Renaissance, has always been a debatable issue and there is no substantial or provable opinion. Although many researchers, especially western ones, mostly attributed existing carpets in paintings to Anatolian plateau and Ottomans and called them Turkish carpets, series of hints and lateral issues should be taken into consideration. According to the existing definitions, the term “Anatolian” is an adopted word for traditional woven items and textiles belonging to the area, which was called Asia Minor***. On the other side, the term Anatoly by itself include differences and more ancient conflicts and is a part of modern Turkey. This point about the advent of background of knitting in this region and other influential factors relatively expand the amplitude of the discussion wider. Also, some Iranian researchers, by surveying and studying these types of carpets in miniatures; considered the attribution of these works to Turks doubtful and wrote: «We have no doubt that due to proximity of Anatoly to Europe, it is possible that some of these works are the texture of that territory, as they can be the textures of Caucasus and Araan. Except for the property of technique and motif (...), there is no other studies on these carpets in order to assist the recognition of their origin»¹¹. In this respect, even the Europeans have not indicated Oriental carpets (especially those with geometric and animal designs) used in Renaissance paintings merely belonging to any particular region. So, it may be better to follow up the tracing and attribution in more significant areas than indicating political regions or geographical boundaries because the basic issue is that «these works belong to a unique cultural area that, after colonialism endeavors to fragment Western Asia, is presently known as different countries»^{†††}. For further understanding of this issue, considering a sample carpet is noticeable. The carpet is the Dragon and Phoenix in Museum für Islamische Kunst of Berlin, which is known as Turk carpet but the design of this carpet is certainly a design of the Far East. By

*** F. Schachermeyer, *Die Minoische Kultur des alten Kreta*. W.Kohlhammer Stuttgart, 1964, p.19 ¹¹ A. Hosuri. *Carpets in Miniatures*, Tehran,1997 p. 42.

††† Ibid

Radiocarbon testing accomplished on this carpet, the date of texture was estimated to be the fifteenth century^{†††}. (Fig.3)



3: Berlin, Museum für Islamische Kunst, mid- 15th century, Dragon and Phonix Carpet (probably a part of a grand carpet), Turkey 172 × 90 cm.

On the other side, sometimes, Iranian carpets have been used in drawing paintings which are mostly traceable in later centuries (XVI- XVII) in Europe. There is a difference that, regarding the coloring and the types of designs used in these paintings, it can be commented about the date and geographical realm definitely and with certainty. Using Iranian carpets is not limited to paintings in Italy and are also imaged by artists such as Velázquez, Rubens, and Vermeer. §§§§ (Fig.4-6).

^{†††} J. Rageth. *Dating the dragon & phoenix fragments*, in «Hali: Carpet, Textile and Islamic Art». 134 (2004), pp.106– 109.

^{§§§§} In all of the examples of Oriental carpets, there is a flower in the motifs of carpets which is named as *Shah Abbasi* and is presented just in Persian carpets.



4: Diego Velázquez, Prince Balthasar Charles with a Dwarf, 163, Oil on canvas. Boston: Museum of Fine Art.



5: Peter Paul Rubens, Alethea Talbot with attendants and Sir Dudley, c.1620, Oil on canvas. Munich: Alte Pinakotek.



6: Johannes Vermeer, *The Music Lesson*, 1662–1665, Oil on canvas.
London: Royal Collection.

Therefore, the attainment of this area would be the consideration of abundant and extensive non-native influences of various regions on the process of carpet weaving and other textiles of present Turkey and during previous centuries. As a result, the roots of some images in paintings should be searched in other territories and cultures (such as Iran, Egypt and North Africa) and also considerable number should be traced in Anatolia under the sovereignty of Ottomans which is, as mentioned before, the result of mingling and encounter of other factors. Meanwhile, through further researches, it was indicated that Turkish weavers adopted some appurtenances of weaving like motifs from foreign sources. As examples, Islam, the image of altar, calligraphy, and some plant designs, like arabesque, entered into arena.

Image of Carpet in Italian Renaissance Painting

In the composition of Renaissance paintings, different issues and subjects can be observed among which religious themes, rites and ceremonies, happenings and events up to images of an individual would be indicated. These issues and subjects are surveyed and discussed from different aspects

and dimensions. The topic that signifies the notability of Renaissance paintings in Italy is not only the general topic of the art works but also its composition components. An obvious case of these factors is the image of carpet and its positions in the route of painting. Although many of the carpets imaged in these paintings do not exist any longer, surveying the paintings represent the level of being attributable and accuracy of Renaissance painters in imaging the carpets. Whatever is left from art works of artists in the late Middle Ages and early Renaissance imply that the early display and images of carpet in paintings is related to the second half of the thirteenth century and the first advent of carpet in painting should be traced in Giotto's fresco. (Fig. 7)



7: Giotto, Le Visioni di frate Agostino e del vescovo di Assisi è la ventunesima, c.1295-1299, fresco, Assisi: Basilica di Assisi.

Through surveys performed on various painting, an important matter was found that although the displayed carpets in religious paintings are spread out on the floor, they are mostly allocated to the main character of the painting and are situated on the most principal point of the composition. (Fig. 8-9)



8: Andrea Mantegna, San Zeno Altarpiece, 1456-1459, Tempera on panel, Verona: Basilica di San Zeno (detail),



9: Piero della Francesca, The Brera Madonna, 1472, Tempera on panel, Milan: Pinacoteca di Brera (detail).

In addition to the carpets placed in religious paintings, another group of painters imaged their carpets in non-luxurious and non-royal scenes. This group of painters, especially in Northern Europe and eras after Renaissance,

placed their carpets on the table or other furniture. Therefore, along with other carpets mentioned in previous group, small carpets found their own special position in later eras and were considered as prevalent and customary items. (Fig. 10)



10: Lorenzo Lotto, Portrait of Giovanni della Volta with his wife and children, 1547, oil on canvas, London: National Gallery.

Division and classification of Carpets

In studying the history of arrival of Oriental carpets in paintings, researchers confronted numerous plans and designs. Since the date and place of these woven items could not be certainly recognized, they turned to innovative ways for classification and nomenclature****. In this method, the most noticeable and highlighted points are the concentration on size, dimension, type, and attention to the extended motif in the center of the carpet. In this respect and regarding the points mentioned so far, carpets imaged in Renaissance and the eras following it could be classified as:

Holbein Carpets: The name of these carpets, which are derived from the name of Hans Holbein (1497-1543), German painter, is an indication of resuscitation of revising the traditional Seljuk plans in Anatolia. The obvious property of these carpets are unconventional geometric bergamots, which are dividable into two major groups. Holbein large designs displaying large octagonals inserted in squares, Kufic margins, and Holbein small designs with rhombus-shaped or octagonal rows and with interwoven

**** Kurt Erdmann (1909-1964), the head of Berlin Islamic Museum, carpet researcher and scholar, proposed this method of nomenclature for the first time.

margins are observed which are separated from each other by ivy motifs and florets with a main Kufic margin (Fig. 11-12).

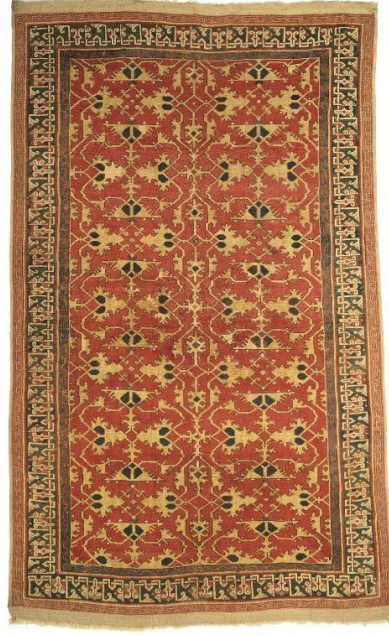


11: Berlin: Museum für Islamische Kunst, A large-pattern Holbein rug with four central squares (no: I.5526). Size: 200×430cm.



12: Milan, Moshen Tabibnia Collection, A small pattern Holbein carpet, from Wher Collection (formerly Barbieri Collection), Switzerland.

Lotto Carpets: Other carpets, which are related to the previous group, are classified under the title of Lotto design. The present designs in Lotto carpets are in relation with primary geometric patterns whose original types are made by mixing red, yellow, white, and black colors. These carpets, also known with their primary name of Ushak Arabesque carpets, have their origin in Anatolia (Fig.13).



13: Lorenzo Lotto, The Alms of St Antoninus, 1542, , Oil on canvas, Venice: Basilica di SS. Giovanni e Paolo and the example of Lotto carpet, early 16th century, Philadelphia Museum of Art.

Memling Carpets: This group of carpets are known as Memling carpets under the influence of the name of Hans Memling, Finnish painter. The obvious characteristic of these carpets is the hook-shaped cross, which can be observed generally in portraits of Holy Mary painted by Memling. Undoubtedly, the major motif of Memling is a special form of cross whose similar patterns can be observed in ancient Iranian architecture. The remarkable point is that the origin of these motifs and designs on the carpets of these paintings should be traced in ages before them and this nomenclature is not a reason for their innovation or presentation by these artists. This means the same opinion of lack of definite attribution of these motifs and carpets to a certain area which researchers paid attention to. (Fig. 14)



14: Hans Memling, Flowers in a Jug, c. 1485, oil on panel, Madrid: Thyssen Bornemisza Museum.

Bellini Carpets: In the paintings of Renaissance in Northern Italy, there are mostly other types of carpets, which are famous as Bellini carpets. Gentile Bellini was busy painting in the court of Sultan Mohammad II in Istanbul from 1471 until 1489. His most famous work, left from this period, is a portrait of Sultan, which can be considered as a symbol of interaction of the East and the West during Renaissance. In this period, he became acquainted with Altar carpets (Prayer rug) which he used in his paintings thenceforth†††† (Fig. 15).

†††† The main design in this group is based on Altar, a place for saying prey special for Imam of congregation. In these designs, Altar is generally decorated and covered by items such as vases or shrubs and sometimes it is shown by a beam in each side on which the ceiling is placed. Usually, inscriptions with Islamic concepts are used in them.



15: Gentile Bellini, Madonna with child, 1470, oil on the table.
London: National Gallery.

Crivelli Carpets: The obvious characteristics of this group are big star bergamots with eight or sixteen wings that each star divided into different sections in which geometric motifs of animals are placed. In analyzing painting Annunciation by Crivelli, in the last plan, we consider this type of carpet (Fig. 16).



16: Carlo Crivelli, The Annunciation, 1486, oil on canvas, London: National Gallery.

Ghirlandaio Carpets: in classification of carpets illustrated in works of painters mentioned, a new case could be added. In the painting Virgin Mary by Domenico Ghirlandaio (Fig.17), a carpet is observed under her feet with two bergamots and two complete lozenges. These two motifs of lozenge shaped alongside each other have found a complicated star-cross structure, maintaining some differences with other carpets, and can be classified as new Ghirlandaio motif. Of course any sample of this carpet has not been found so far and only some analogous samples are seen in private galleries.



17: Domenico Ghirlandaio, Sacra conversazione degli Ingesuati, c.1484-1486, tempera on the table Florence: Galleria degli Uffizi.

Conclusion

Western painting, especially from the early Renaissance era, witnessed much flourishing in innovative background, methods of coloring, utilizing native themes and elements and also illustrating foreign ingredients in works of art among which the presence of carpets from Muslim territories (especially the Middle East) is interesting and noticeable. Carpet and other textiles (due to the type of structure and materials) are fundamentally considered as art productions with low durability. The number of textiles left from Oriental carpets in the works of Renaissance painters are more

than the textile products remaining from that era. In this way, these paintings are considered as worthwhile sources for recognition and surveying the woven products which are defunct. Fortunately, the tendency toward the foundations of realism and naturalism in Western works of art, especially in paintings caused that the plan, motifs, structure, and colors of the displayed carpets be, to a great extent, similar and matching the model carpet. As understood from the method of illustration and placement of Oriental carpets in paintings, these woven products were considered valuable works for Europeans and were indications of glory and dignity. Meanwhile, the following points are the result of surveying about the questions proposed in the introduction of this article: In spite of the opinions of Western researchers about the attribution of carpets images in the paintings to Asia Minor, such attribution could not be proved certainly and definitely. As the same designs and motifs can be sought out, in addition to Turkey, in other territories such as Caucasus and Araan. Also, and in the same way, similar cases in Egypt, North Africa, Spain and even the effects and backing up of Iranian ones should be taken into account. Carpets displayed in paintings have generally geometric and fragmental main motifs but in some cases animal motifs are also employed, which was attempted to be stylized. These type of carpets, in this article, were categorized into six general classes and the name of each group (according to an innovative method) was taken from the name the artist of that design: Holbein, Lotto, Memling, Bellini, Crivelli, Ghirlandaio. It is important to mention that in eras after European Renaissance and Baroque, Orientalism manifested, more than before, in the works of European painters in various methods. This issue is indicative of studying motifs and their origin in carpets in Islamic territories followed by the continuation of the process of Orientalology and acquaintance with remote land and territories which was attractive for Europeans. The paintings in this era, by getting away from ceremonial events, won public interest and came out of contractual and artificial mood.

Dual Training at Budapest Business School

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Dual training was introduced in 2014 at a Hungarian college. Due to the success of this training program, other institutions have included it in their curriculum as well.

Budapest Business School (BBS) launched its first year of dual training in 2015. Our goal was to provide comprehensive academic and practical knowledge in our field: business (international business, trade, marketing and IT). The University provides academic, theoretical knowledge, while practical skills are taught by the company through its own project-based approach. The student can adapt to life-long learning.

A change of approach is needed by institutions entering the program: the academic training has to be adapted to the practical skills needed by businesses. But businesses need to adapt as well: it's important that the HR strategy of the company regards the training of students as an investment into the future.

Budapest Business School is the largest university of applied sciences in Hungary.

BBS offers study programs in three foreign languages and five education areas (business, IT, social sciences, arts and humanities, as well as teacher training). BBS offers thirteen bachelors, eight masters, and eight professional training programs, and is active in the field of continuing education as well. Due to the high-level work of more than 15,000 students and 700 professors, BBS graduates are highly coveted in the Hungarian labor market, many of them becoming leaders in their field.

BBS has won the Higher Education Niveau Prize in 2010. The University has four faculties:

Zalaegerszeg Faculty of Business Administration;

Faculty of Commerce, Hospitality and Tourism;

Faculty of International Management and Business;

Faculty of Finance and Accounting.

Dual training

The idea of dual training was introduced by the Act on the National Higher Education (Act CCIV of 2011). According of Section 108,d Dual

training is a practice oriented BA or MA program accepted by the Dual Training Council.

The aim of dual training is to harmonize the needs of the labor market and higher education through the practice-oriented training of future professionals. To achieve this, the student has to spend almost as much time (80%) doing practical training as in school. This means that during term time, dual students are with their peers at school, but over reading weeks and holidays (for at least 22 weeks per year), they are enrolled in practical training with the partner institutions.

Dual programs at BBS

BBS is a leader in dual training in Hungary. From the academic year 2014/15 onwards, BBS has gradually introduced dual training, starting with five partner institutions and sixteen students. Ever since then, the number of participating partners and students has continued to increase. In September 2017, more than a hundred students have enrolled in dual training with fifty-three partner institutions. There are eight study programs offered by BBS in dual training:

Business IT;

Finance and Accounting (offered by two faculties);

Tourism and Hospitality;

Commerce and Marketing;

International Business;

Business and Management (offered by two faculties).

Dual training: What's in it for the companies?

Dedicated and competent professionals are indispensable for a successful company today. Finding, training, and integrating new employees is an important and risky task for all organizations.

Dual training gives additional responsibilities and tasks to all participants (school, student, partner institution), but it also provides clear advantages. This is proven by the increasing number of partner institutions, which means more and more companies see an opportunity in this type of training.

Advantages and responsibilities of partner institutions:

Advantages

Dedicated student/employee who knows the company well;

Selection of students based on the company's own criteria;

Student remuneration free of social contribution fees, diminished education contribution fees (with certain programs);

Consultation rights for the creation of the academic part of the program;
Close partner relations, common projects;
Steady supply of professionals;
Socially conscious operation.

Responsibilities

Creation of objectives of participating in training;
Creation of common training plan;
Selection of future students;
Mentoring and evaluating student/employee;
Providing excellent work and study conditions;
Paying student remuneration.

Advantages and responsibilities of students:

Advantages

Gaining relevant work experience while studying;
Getting to know the world of labor;
Learning important competences;
Earning money;
Networking;
Transforming academic knowledge into practice;
Gaining significant work experience while studying enables them to start their career after graduation.

Responsibilities

Providing diligent, dedicated work while studying;
Completing all academic requirements;
Completing projects;
Interacting with mentors at both school and partner institution.

Advantages and responsibilities of BBS:

Advantages

Providing practice-oriented programs;
Educating students according to the needs of the labor market;
Close cooperation with partner institutions, valuable feedback from companies.

Responsibilities

Cooperation with partners and the Office of Education, providing data;
Providing a contact person;
Administering all dual students;
Continuous development of dual training system.

All partner institutions pledge to create a training plan for dual students (together with the school), run the selection process, pay them remuneration (at least 15% of minimum wage per week), provide for their professional training and evaluate their progress.

For the duration of the training (and possibly even beyond), dual training provides the companies with dedicated, performance-oriented student-employees, who know the company well. In addition, companies learn about novelties, as well as international and domestic research, through close cooperation with the school.

Companies participating in dual training have the option to lower their education contribution fees.

Joining dual training

Companies interested in joining BBS's dual training for the academic year of 2018/19 have to indicate their interest by October 2017. The first step is looking for a faculty and a program suitable for the company, then getting in touch with the University and the dual training contact person.

All companies are eligible for joining if they fulfill the requirements posted by the Dual Training Council (creation of objectives and training plan, providing the necessary conditions for work and training).

After the initial information gathering the partner organization and the University sign a partnership agreement with the objective of providing practical training for students enrolled in the University's dual training program. The agreement outlines the basics of the training, as well as the objective, methods, and framework of cooperation. If the company wants to participate in dual training in the academic year of 2018/19, the deadline for signing the agreements is October 20, 2017. After the Dual Training Council approves the agreement, the Office of Education registers it and notifies prospective students about the possibility of dual training in the annual Prospectus of Higher Education, published on December 31, 2017 at the latest.

Provided that a prospective student is accepted by both the company and the University, they can enroll for the next academic year at BBS and sign the student employment contract with the company, and start their academic year as the student-employee of the company.

Our partners

BBS introduced dual training in 2014/15, starting with five partner organizations. Ever since then, the number of our partners have been

steadily increasing; our students could choose from over fifty companies in the academic year of 2017/18. By next year, that number will have surpassed eighty.

Our partners include:

Auchan;

Bosch;

Deloitte;

Siemens;

as well as several trading companies, SMEs, and Hungarian and international financial institutions.

A description of dual training programs

Business and Management BA program

We train professionals who know the basics and main contexts of business, as well as the guidelines of managing resources and production factors. They are able to coordinate, direct, organize and operate business processes, as well as create and modify organization structures along with their systems and company culture. With their sound knowledge in economics, social studies and applied economics, our graduates are able to:

Plan and analyze all business processes of companies;

Direct and organize business activities;

Apply problem solving techniques to preparing business decisions;

Build their careers and evaluate their knowledge;

Work independently in various systems of the company;

Fill leadership positions in the company organization.

Commerce and Marketing BA program

The aim of the program is to educate economic experts equipped with economic, business, commercial and marketing knowledge and skills who will be able to procure and market different goods and services in a demand-driven way, to organize and manage commercial activities of small and medium-sized enterprises. Students are enabled to demonstrate considerable knowledge regarding quality management in businesses, as well as knowledge required to continue their studies on a post-graduate degree programme, in the second cycle of education.

International Business BA program

The aim of the program is to enable students to become economic experts who can fluently speak at least two foreign languages. After the completion of the courses they will be able to engage in, manage and organize international entrepreneurial activities in the possession of the

knowledge acquired in the fields of economics, socio-theory, applied economics, methodology, and their specializations. Relative to their specialization they have deep knowledge about types, processes and the legal base of international transactions; logistics, including international transportation and acquisition; international communication and interactions, including working at international NGOs.

Finance and Accounting BA program

The objective of the program is to train professionals with strong theoretical knowledge combined with high level of practical skills in the field of finance and accounting. Our graduates have complex and comprehensive professional knowledge. To meet the demands of the labour market, we emphasize the importance of practical skills and abilities, therefore this is a practice oriented programme.

In this program we train business, economic professionals to ensure that they have strong theoretical and practical knowledge and skills which make them competent to:

- Establish and operate the organizations of economic entities;
- Manage financial and accounting tasks;
- Conduct the preparation and analysis of financial statements;
- Analyze, evaluate and control of business activities of the economic entities;
- Calculate the amounts of different types of taxes prepare tax reports;
- Define the financial and accounting results, effects and consequences of economic transactions and processes.

Tourism and Hospitality BA program

The objective of the program is to provide practice oriented training based on high level theoretical education for professionals able to communicate in several foreign languages. Our top priority is to enable our students to gain a complex approach to the profession, as well as excellent leadership skills that will help them adapt to a constantly evolving professional environment.

Process and timeline of joining BBS's dual training programs starting in 2018/19

- Inquiry, initial talks. The partner institution and the University get in touch, share their ideas and vision. Deadline: September 2017.
- Cooperation agreement. The partners sign a cooperation agreement that sets the framework for cooperation. Deadline: October 20, 2017.
- Listing of partner organization. Based on the decision of the Dual Training Council, the Office of Education registers the available dual programs. Deadline: December 31, 2017.
- Recruiting future students. The partner institution advertises the dual training and publishes information about its selection process. Deadline: June 2018.
- Selection process. The partner institution selects the students through its own procedure and informs the University. Deadline: June 2018.

- Student employment contract. If the student selected by the partner institution is accepted by BBS and enrolls at our University, the partner institution signs a student employment contract. Deadline September 30, 2018.

EFFICACY OF PSYCHOTHERAPY ON QUALITY OF LIFE OF CANCER PATIENTS AND THEIR CAREGIVERS

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Abstract

Cancer as a disease and therapies administered for its treatment indicate that patients undergo major trauma, different from one person to another, and these individuals react differently. The purpose of this study is to assess the impact of the patient's caregivers on a serious surgical illness, on the effectiveness of psychological treatment and the provision of necessary support. The study was conducted in the period 2015-2016 at the Department of Neuro-Oncology of the University Hospital Center "Mother Theresa" in Tirana. Comparative methodology has been used - individual intervention with involvement in the group. Presentation on case, case recording by physician, meeting and receiving information from family members were initial steps of the study. Three preoperative meetings with the patient were conducted and two with family members. 7-15 therapeutic sessions took place after surgery and 2-5 sessions as outpatient and the responsible caregiver. Psychotherapy sessions during the hospitalization were performed depending on the condition of the patient almost every day, 55 minutes - 1 hour, while after leaving the hospital 1-2 once a year as long as it was deemed necessary. The study involved 120 hospitalized patients with cerebrovascular disease divided into two groups. Group I - 60 patients performed individual therapy: Group II - 60 patients performed individual

therapy and counseling sessions were provided for their family members (caregivers) (n = 60). The instruments used in the study are: Questionnaire on the level of, Depression, Anxiety and Stress - the Albanian version, and two questionnaires on the quality of life of a patient with cancer and the caregiver as recommended by the European cancer research and treatment organization. The implementation of such an intervention means the creation of a multi-disciplinary and interdisciplinary approach in order to address the ill person in its entirety and thus to meet his / her needs.

Introduction

The diagnosis and treatment of a brain or spinal cord tumour can have a huge impact on the lives of patients and their families. The treatment and expected outcome depend heavily on the tumour type, molecular markers, tumour grade, and location. Treatment generally consists of surgical intervention, radiotherapy, chemotherapy, or a combination of these treatment methods. In making treatment decisions, any benefit from treatment is weighed against the expected quality of life (QoL) and symptom burden of patients. Depending upon the tumour location and treatment side effects, patients can experience neurological symptoms such as weakness, sensory loss, and motor dysfunction, or visual-perceptual deficits and problems with speech and language (1). Cognitive deficits such as problems with memory and concentration occur in the majority of patients, and epilepsy is also common (2). Moreover, fatigue, depression and changes in personality and behaviour are frequently reported throughout the course of the disease (3). These symptoms can influence the degree to which patients can participate in vocational and social activities and can even prevent independence and affect QoL (4). Patients commonly come to rely on their family caregivers (e.g. spouses, family members, or close friends) for both physical and emotional support. Consequently, many family caregivers experience considerable burden and distress, and consistently report feeling ill-prepared for their caregiving role (5). Therefore interventions to support caregivers are expected to help the caregiver, the patient and family unit. The aim of the study was to assess the efficacy of psychotherapy on QoL of patients with brain tumours and their caregivers.

Material and methods

The study was conducted in the period 2015-2016 at the Department of Neuro-Oncology of the University Hospital Center "Mother Theresa" in Tirana. Comparative methodology has been used - individual intervention with involvement in the group. Presentation on case, case recording by physician, meeting and receiving information from family members were initial steps of the study. Three preoperative meetings with the patient were conducted and two with family members. 7-15 therapeutic sessions took place after surgery and 2-5 sessions as outpatient and the responsible caregiver. Psychotherapy sessions during the hospitalization were performed depending on the condition of the patient almost every day, 55 minutes - 1 hour, while after leaving the hospital 1-2 once a year as long as it was deemed necessary. The study was conducted with 120 hospitalized patients with cerebrovascular disease divided into two group. Group I - 60 patients performed individual therapy: Group II - 60 patients performed individual therapy and counseling sessions were provided for their family members (caregivers) (n = 60). The instruments used in the study are: European Organization for Research and Treatment of Cancer Quality of Life Questionnaire 30 (EORTC QLQ-C30) and the questionnaire on the level of, Depression, Anxiety and Stress - the Albanian version for the patients with cancer. The CareGiver Oncology Quality of Life (CarGOQoL) questionnaire, a 29-item, multidimensional, self-administered questionnaire was used for caregivers. The implementation of such an intervention means the creation of a multi-disciplinary and interdisciplinary approach in order to address the ill person in its entirety and thus to meet his / her needs. We used the EORTC QLQ-C30 version 3.0, which is the most commonly used HRQoL instrument in cancer trials, is a 30- item cancer-specific questionnaire measuring general HRQoL in cancer patients (6,7). The EORTC QLQC30 incorporates five functional scales (physical (PF), role (RF), emotional (EF), cognitive (CF) and social (SF) functioning scales), three symptom scales (fatigue, nausea/vomiting and pain), six single item scales (dyspnea, insomnia, appetite loss, constipation, diarrhea and financial impact), and the overall health/global HRQoL scale. All items are scored on 4-point Likert scales ranging from 1 (not at all) to 4 (very much), except for the two items (items 29 and 30) in the overall health/global HRQoL subscale which were scored on a modified 7-point linear analogue scale. All

the raw functional scales and individual item scores were transformed to a linear scale that ranged from 0 to 100, in which a higher score represented a higher level of functioning or an improved level of symptoms. The items were scaled and scored by using the recommended EORTC procedures (8). EORTC C-30 scores were calculated by a computer-based program. DASS-42 (Depression, Anxiety and Stress) questionnaire was used to assess the level of depression anxiety and stress patients with brain tumours.

Statistical analysis

Statistical analyses were made by SPSS software (version 20.0). Scores of the questionnaires were expressed as mean (\pm standard deviation) and median, where appropriate. The scores were nonnormally distributed and were, therefore, compared by nonparametric methods. A $p < 0.05$ was considered to be statistically significant.

Results

The mean age of patients was 51 years (range: 11–75 years). Forty one (63.8%) were male and 19 patients (31.7%) were female. After the therapy, a significant improvement in the quality of life of patients was found in global score ($p < 0.01$) and functional scales: physical ($p = 0.02$), emotional ($p = 0.03$) and Symptoms scales: fatigue ($p = 0.01$), and constipation ($p < 0.01$). After the therapy, a significant improvement was found regarding the depression ($p < 0.01$), anxiety ($p < 0.01$) and stress levels ($p < 0.01$) of patients. Results of the caregiver;s quality of life before and after therapy are shown in table 1.

Table 1. Caregiver;s quality of life before and after therapy

Dimensions	Before therapy	After therapy	P
	M (SD)	M (SD)	
Psychological well-being	46.6 (23.9)	50.1 (26.1)	0.4
Burden	67.7 (28.6)	80.2 (22.5)	<0.01
Relationship with health care	65.8 (22.4)	61.7 (23.7)	0.03

Administration and finances	71.5 (26.5)	76.9 (22.2)	0.02
Coping	55.3 (26.3)	55.6 (27.4)	0.8
Physical well-being	54.7 (24.4)	60.7 (24.0)	0.04
Self esteem	74.5 (18.9)	72.8 (20.4)	0.6
Leisure time	38.8 (22.7)	48.2 (25.3)	<0.01
Social support	67.8 (23.6)	64.3 (25.9)	0.3
Private life	53.9 (25.4)	58.0 (26.1)	0.04
Index	59.4 (13.0)	72.0 (13.9)	<0.01

Symptoms of anxiety and depression are common in glioma patients, which tend to increase over time. Regarding the caregivers, significant improvement after psychotherapy was noted for dimensions burden ($p<0.01$), relationship with health care ($p=0.03$), administration and finances ($p=0.02$), physical well-being ($p=0.04$), leisure time ($p<0.01$), private life ($p=0.04$) and index ($p<0.01$). Meeting the needs of family caregivers in neuro-oncology, by decreasing their distress and burden and improving their sense of mastery, is imperative in order to maintain their emotional and physical health. Protecting caregivers' QoL can enable them to continue their caregiving activities to maintain the best possible level of patients' well-being (9-12). Information and support for caregivers of patients with brain and spinal cord tumours is becoming more widely available and caregiver programmes are becoming more common in clinical practice in some centres. However, large-scale implementation of caregiver support may be hindered by the lack of high-quality evidence for the effects of caregiver interventions in populations of brain and spinal tumour patients. HRQoL has become an increasingly important endpoint, which is related with survival. The significance of HRQoL scores in predicting survival has been reported in many cancers (13-15). The studies in glioma patients have found an association between HRQoL and survival, but the results are controversial. Maurer et al. (37) reported that baseline scores add relatively little to clinical factors to predict survival in patients with newly diagnosed glioblastoma. Studies showed (16) that baseline HRQoL was related to survival long-term survivors had improved HRQoL, comparable with that of

the healthy subjects, whereas short-term survivors who also had lower baseline HRQoL hardly showed improvement. Researchers (17) reported that HRQoL scores did not predict survival. It was found that impaired cognitive function was associated with significantly poorer survival in recurrent malignant glioma (18). Since different HRQoL measures were employed in these clinical trials, it is difficult to make compare the results. Patients with progressive high-grade gliomas had poor baseline scores, which, however, improved after a substantial period until the time of further progression (19,20). In long-term survivors, tumor recurrence interfered with HRQoL, particularly with physical functioning and feelings of uncertainty, which is consistent with our findings. Patients with progressive disease had lower HRQoL scores than patients with stable disease. We keep in mind that long-term results remain to be established.

Conclusion

With respect to the caregivers, although they are all exposed to health problems, caregivers of adults with primary malignant brain tumours have to deal with both oncological and neurological sequels, which may potentiate their difficulties. Specifically, compared with other caregivers, they report greater strain, fatigue, lower wellbeing and impaired social functioning. In this study the caregivers had a poor quality of life.

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Math Anxiety, Its Development and Elimination

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Abstract

This paper discusses research on relation between teaching methodology and math anxiety. To understand why people have math anxiety, students' thinking processes and their prior learning experiences were observed. This led to compare teaching and learning mathematics in the US with teaching and learning mathematics in Armenia. Through a multistage approach a method of teaching mathematics was devised that eliminates math anxiety.

Keywords

Causes of math anxiety, education, mathematics education, eliminating anxiety, new trends and experiences, student learning assessment, teaching strategies, learning by rote, memorization, learning by understanding.

1. Introduction

To understand why people have math anxiety, I have observed my introductory math students' thinking processes, and I have identified gaps in their knowledge. I have also identified the reasons of those gaps. I have compared teaching and learning mathematics in the US with my experience of teaching and learning mathematics in Armenia. In Armenia in learning mathematics emphasis is on understanding, and almost no memorization. From what I gather from my students they are trained to learn mathematics through rote and memorization. I have tried to adopt the teaching methodologies used in Armenia here in the US successfully. Based on my research and experience I devised a method to eliminate math anxiety.

2. Math Anxiety

The existence of math anxiety among my students made me become interested in exploring its reasons.

In order to address the problem, we need to understand what math anxiety is.

Math anxiety defined by Mark H. Ashcraft is “a feeling of tension, apprehension, or fear that interferes with math performance.”[1] Hembree’s meta-analysis determined that math anxiety is related to poor math performance on math achievement tests and that math anxiety is related to negative attitudes concerning math. Math anxiety is directly connected with math avoidance.[3]

Next, we need to find out what causes math anxiety, how serious the problem is, and what its consequences are.[4, 5] For this purpose, I surveyed my students. Their responses showed that math anxiety is a serious problem. 55% of my students admitted that they unnecessarily suffered from math anxiety, and only 36% do like math.[5]

The seriousness of the problem made many scholars to research the psychological side of math anxiety.[2] It is obvious that the fear to perform poorly in mathematics creates math anxiety. Why are people so afraid of mathematics? What is the reason of performing poorly in math?

3. Research to Address Math Anxiety

My research interest is in exploring the relation between teaching methodology and math anxiety. This research led me to a multistage approach.

For the first stage, I devised strategies to address my students’ math anxiety by providing extra tools to improve student learning, such as refresher workshops, peer-tutoring, and use of computer based tutorial and course management systems, which were an additional help to with memorizing the correct set of steps.[5] My research showed considerable improvement in student learning. However, I discovered that knowledge so gained was not long lasting.

Analysis of results showed that the outcome from a refresher workshops were reviewing of fundamental concepts refreshed students’ knowledge and brought back what was forgotten. Peer tutoring sessions were usually one hour a week, which were helpful to fill up the knowledge gaps students had.

The computer based tutorial and course management systems were an extra help to with memorizing the correct set of steps.

The second stage of my research was devoted to looking into my students' prior learning experiences of the diverse student population, typical for New York City. Despite their differences, I find one common root cause for "fear of math" among students, by and large, to be the improper, confusing explanations they have been given for basic concepts. Because the fundamental concepts are not clear to students, they learn those concepts by rote and memorization, without understanding. Further on, students continue learning mathematics by rote and memorization, not through understanding and reasoning.

In the third stage, I researched the essential causes and processes of development of math anxiety.

The fourth stage is to explore what helps to overcome math anxiety, and to succeed in learning mathematics.[5] Exploring the interrelation between mathematical logic and history of math education,[6, 9] led me to devise a methodology of teaching mathematics, to eliminate math anxiety. This methodology addresses the below mentioned processes of development of math anxiety.

4. What Causes Math Anxiety?

Math anxiety develops as a consequence of learning mathematics by rote and memorization without understanding. Below is described the process of its development.

Repeating the same over and over without understanding (learning by rote) becomes annoying because the process is not enjoyable, and there is no brain stimulation.

It is usually easier to memorize what is familiar. For example, one can learn a poem by heart in a spoken by the person language because she/he understands what the poem is about. That is, the poem makes sense for the person. To memorize poems in a language that the person does not know is hard or impossible. Similarly, it is challenging to memorize if students do not make sense of math topics, and very soon students' brains refuse to memorize mathematics they do not understand.

From #1 and #2, we conclude that the process of learning by rote and memorization is challenging. Learning mathematics becomes more difficult as topics get more advanced.

Math textbooks provide steps for solving particular problems, often without any explanation. Consequently, students do not connect the steps with the problem, and does not try to understand the steps, the logic behind the calculations they perform. Students solve word problems by matching the problem with examples from the textbook, and perform the same operations from the example using the numbers from the problem that should be solved. The only necessary skill would be to define which of the given values to use for each calculation. Students often do that without examining the solution. Because these steps are applicable only for this particular problem, the slightest variation of the problem confuses students. Of course, none of the textbooks contain solutions of all possible word problems. Therefore, matching real-life problems with examples can be difficult or impossible. This makes solving word problems challenging. That is, students do not learn to apply mathematics in solving real-life problems.[7]

From #4, we conclude that students do not apply the topics covered in math class in their lives and business. That is why students do not see any need of learning mathematics.

Mathematics becomes something unnecessary, and students lose interest in mathematics, and do not want to spend time studying mathematics.

Students spend a lot of time on “learning” math which in their opinion is unnecessary, useless, boring and challenging. Plus, after putting a considerable amount of time and effort, students make little to no progress in their math class that is required. Students study math with constant fear of failing the class. The result is that students develop math anxiety.

Let us discuss how to eliminate the above-mentioned causes of math anxiety through teaching mathematics.

4.1. Addressing #1 – Learning by Rote

Generally speaking, people are equipped, naturally, with critical-thinking capabilities and are more likely to accept new information when it is presented logically, in an orderly, precise, and clear manner. I try to present

complex information in a simple manner as opposed to teaching dry and sophisticated theories leaving the students with a bitter taste and with an antipathy toward mathematics. I try to provide students with a clear, logical development of the topic, and I focus on material and activities that provide motivation for learning and scientific discoveries.

Devising strategies that address the negative effects of learning by rote led me to observe student-learning processes in order to compare learning by rote with learning through understanding. My results show that learning by rote may be effective only for short time memorization, that is, until the completion of a test, or, at best, until the completion of the course. Therefore, I concentrated on devising teaching methodologies that would foster understanding, and would minimize learning by rote and memorization. These strategies are well received by students and improved student learning.

4.2. Addressing #2 – Brain Refuses to Memorize Mathematics Students do not Understand

I observe the week loops in student learning, and I address them in my teaching by emphasizing their importance, and discussing the common mistakes students do. My methodology allows students to strengthen their analytical thinking and reasoning skills without making them spend long hours on repetitious practice. In other words, students learn through understanding not by rote and memorization.

By applying newly acquired knowledge to problem solving, students retain this knowledge and expand their set of skills. Examples and analogies make the often-abstract concepts more concrete. While solving exercises, I employ my own devised “n+” method, which is going a bit beyond the current level of their knowledge. This method creates the required challenge and the desired impetus in the students to think and to push their brains one notch further, thus, simultaneously using their acquired knowledge and to trigger thinking.

Because students understand the topic, very little memorization is required in learning mathematics.

4.3. Addressing #3 – Challenges of Learning by Rote and Memorization

Once students discover the strength of their logic, simply put, it makes them feel good about themselves, and they become their own best teacher. Here is where learning by rote and memorization stops and learning by understanding begins. I consistently stimulate thinking.

The process of learning, among other things, is based on bridging and building relationships between brand new information and existing knowledge. I encourage student participation by eliciting their input while presenting the new material and by asking pointed questions that force the students to consider the implications of the material in the context of other issues. I employ in-class exercises in order to give the students the opportunity to apply the acquired knowledge and to reinforce the material through its active use. I believe in activity-centered teaching methods, which focus on students' exploration and discovery first, and abstraction and precision later.

Understanding of the topic eases learning process. Students learn mathematics spending less time, and there is very little to memorize.

4.4. Addressing #4 – Steps Provide in Textbooks for Solving Word Problems

Rather than teaching math via a dry set of rules and steps, or by rote, I encourage thinking and learning through understanding. If something is clearly understood, it will stay forever. 'Steps' have a tendency to be forgotten, or confused. I carefully explain the "why" and "let us think why," and I make sure everyone understands it.

I have also observed various groups solving problems from the textbook using the steps, provided in the textbook. Although they were asked to solve the problem in collaboration, each student would invariably solve the problem alone by just following the steps. Then I devise a special problem for the group. Invariably, the group becomes active. After discussions, and trial and error, the group comes up with the correct solution. Then usually one or two students explain to the group how they solved the problem. This is the moment of discovery.[9]

Employing my "n+" method creates the required challenge and triggers thinking.

Another net effect is better learning experience. From my observation and from students' testimonials, I conclude that they learn more from this method of problem solving where they put to use their own innate, natural capability to use logic and reasoning.

4.5. Addressing #5 – Using Mathematics in Life and Business

My methodology appeared to be successful in helping students to learn mathematics through understanding. The net effect is that students, after fully understanding the topic, successfully apply the gained knowledge in solving decision-making and word problems. Knowledge gained through understanding is long lasting that students can apply in their lives and careers.

4.6. Addressing #6 – Students' Interest in Mathematics

My research showed that teaching through understanding is the only effective way of teaching mathematics. As a math logician, it is obvious for me that teaching mathematics using my methodology develops my students' analytical thinking skills.[8] Plus, I have detected considerable progress in learning mathematics. Another consequence was that after students start understanding mathematics, they start being interested in it, and even enjoy learning mathematics.

4.7. Addressing #7 – Learning Mathematics that is Unnecessary, Useless, Boring and Challenging

"I hated math, but now I love it."

"Math is fun."

"You make it sound so simple."

"I didn't know that there is so much math in music."

"I couldn't ever imagine that I can understand and learn math."

These are just a few comments made by my students. These student testimonials illustrate the effectiveness of my methodology of teaching mathematics. The methodology helps students to overcome their math anxiety. After learning mathematics through understanding, students enjoy

learning it and start liking mathematics. Students learn to apply mathematics in their lives and career. Mathematics stops being unnecessary, useless, boring and challenging.

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Is Social Work a Female-Dominated Profession?

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Abstract

The feminine face of social work is deeply rooted in the social work history. Like in some other professions such nursing, social work has attracted mostly females more than the males. Although the nature of social work does not indicate any signs of gender preference, it is worth investigating this topic to find out why such trend existed in the past for this profession. This article will discuss female-domination in the social work profession and aim to contribute more to the existing literature.

Keywords: Social Work, Femininity, Masculinity, Gender

Introduction

In the history of social work there is a clear hint of femininity. Julia Lathrop (1858 – 1932), Jane Addams (1860 – 1935), Mary Richmond (1861–1928), Sophonisba Breckinridge (1866 – 1948), *Alice Salomon* (1872 – 1948), Eglantyne Jebb, (1876 –1928), Edith Abbott (1876 – 1957), Grace Abbott (1878 – 1939), Bertha Reynolds (1887 – 1978), *Manon Luttichau* (1900 – 1995), Dame Eileen Louise Younghusband (1902 – 1981), Irena Sendler (1910 – 2008), Nnoseng Ellen Kate Kuzwayo (1914 – 2006), Sybil Francis (1914 –), and Sattareh Farman Farmaian (1921 – 2012) are all female social work pioneers and founders.

This paper seeks to critically examine the reasons why there are relatively fewer male social workers as opposed to females. Among the factors to be explored include those dissuading men from entering the profession as well as why the profession is practiced predominantly by females.

An examination of gender balance in the social work profession shows that there are few male workers compared to their female colleagues (Christie, 2001). Various reasons have been postulated in the literature regarding this phenomenon (Christie, 2001). One of the reasons discussed is the historical perspective for few male social workers (MSW Careers, 2017). In addition, the gender imbalance in the social work occupation is linked to gender roles associated with femininity (Poole & Issacs, 1997). On the other hand, males in the profession either are quickly promoted or prefer positions of authority such as managers while women often stay in the service positions consistent with societal perceptions (Lupton, 2006). Further, many women in the field and the public are enabling their predominance in the profession by questioning whether men have the emotional capabilities to work with vulnerable groups. Traditionally, men are expected to suppress their emotions (MSW Careers, 2017). A look at the statistics of male representation in the profession across the globe also indicates that women are over represented in the profession both in academic as well as practice settings (Galley & Parrish, 2014). Additional related factors to a low percentage of male social workers also show that systematic devaluation of the profession contributes to low wages, thus discouraging men and women leaders from seeking employment as social workers (Cohen & Huffman, 2003). Further, the implications of few male social workers include, for instance, men's unwillingness to be helped by female social workers because of a belief that their problems can be better handled by male social workers (Cohen, 1999).

Historical Perspective on Few Male Social Workers

Social work traces its origin to the United States where prominent female leaders started it. On the other hand, men regard themselves as the pioneers of professions seen in the modern career world as intellectually involving such as management, administrative or technical roles. Consequently, there

are more men in such 'knowledge based' professions, while women predominate in social work (MSW Careers, 2017). Historically, social work began as a charitable project where individuals, mostly women, volunteered their efforts to help disadvantaged groups in the society (MSW Careers, 2017). Social work services were offered mostly in times of war or national crisis, where women assumed caring roles on a voluntary basis before the later professionalization of such services. On this note, early attempts to transform social work into a profession included plans to dissociate it with empathy and emotions in order to suit masculine needs unrelated to feminine roles such as caring. After social work was integrated into the mainstream of professionalism, the occupation still attracted more female practitioners compared to males (MSW Careers, 2017).

Conversely, the few men who sought work in the profession appeared to advance a gender-based hierarchy based on their 'natural leadership'. As such, their interest in the field of social work mainly focused on managerial as well as administrative duties, while enabling women to assume subordinate roles (McLean, 2003). As a result, since the genesis of social work as a professionalized field, women have dominated subordinate roles while their male colleagues fill leadership positions. Throughout history, gender has also been viewed in terms of division of roles between men and women respectively. For instance, while women are associated with roles such as caregivers, men, on the other hand, assume the responsibility of breadwinners and head of their respective families (Connell, 1995).

According to Christie (2001), how both genders understand the social world has a significant influence on the meanings they attach, for instance, to practices, events as well as ideologies. Further, Foucault (1977) also observed that certain discourses in the social realm tend to legitimize, institutionalize or normalize various practices that influence individuals understanding of the social world. This explains the reason how throughout the history of humankind, it became 'normal' for women to assume caring roles while men took up the provider-wage earner role. The entrenched notion of gendered roles across societies contributes to gender stereotypes such as those evident in social work and other caring occupations. In most

instances, discourses related to welfare and social work tend to view men as passive recipients and providers of care (Park, 2005).

On the other hand, women are considered in different social settings as active providers as well as receivers of care. Across societies, contradictory views are also evident with regard to the appropriateness of men in caring roles. Typically, men perceive social work as a female occupation. Further, as men grow up, they are encouraged to suppress their emotions and not talk about their feelings and insecurities (Pease, 2011). Characteristically, social work largely involves addressing problem situations mostly encountered by vulnerable groups. As a result, men are more reluctant to seek employment as social workers (Simpson, 2004). Similarly, only a small number of male social workers are persuaded to join the profession before college since the vast majority does not view social work as an option. In essence, they tend to emulate the normalization of gendered roles in occupations. As such, men are more likely to seek work in occupations they associate with knowledge production compared to those seen to involve empathy and emotions (Christie, 1998).

World Statistics Supporting the Perspective of Few Male Social Workers

Internationally as well as nationally, women tend to dominate the social work profession. A study conducted in the UK by Furness (2007) from 2002 to 2005 that examined the factors motivating students to train as social workers, found that an average of 83% of students taking a course in social work were females. Further, as pointed out by Earle (2008), even in professions where men are in the minority, they tend to seek positions of control that include, for example, probation work, managerial and the civil service. According to McPhail (2004), such positions give men the opportunity to scale the career ladder faster compared to women in social work. Mcphail (2004) further associates the trend with the tendency of men to enforce their gender privilege especially when they join occupations that are dominated by women. On the same note, since men tend to occupy leadership positions in social work, McPhail (2004) suggests that social work has been transformed into a predominantly female profession rather than a female dominated profession. Consequently, men's salaries tend to be

relatively high compared to women's in the profession due to gendered roles.

In the social work profession, McPhail (2004) raises concerns that gendered salary inequality is a common feature. Lins`ely (2003) also voices her concerns with regard to the salary discrepancy evident in the social work profession, where she reports a 20% gender salary gap between men and women. In South Africa, the Department of Labour (2008) associated the low salaries paid to social workers with the predominance of female worker, which further reinforces the categorization of social work as a low status profession. Similarly, the low salaries are likely to discourage men who may have interest in working in the profession. On the other end of the spectrum, the statistics provided by the Bureau of Labor Statistics in the U.S shows that 80.3% of employees in the social work profession are females. In addition, the statistics also indicate that male social workers aged below 34 years make up less than 10% of professional social workers. Khare (2017) observes that in the 1980s, 36% of social workers across the country were male. However, the introduction of managed care in the 1990s affected the salaries of care workers thus discouraging men from joining the care profession.

Additional Factors Related to Fewer Male Social Workers

The systematic devaluation of professions in the human services realm tends to contribute to lower wages earned by workers. In addition, in occupations over-represented by women, salaries are seldom increased (Cohen & Huffman, 2003). The low wages associated with female-dominated occupations are the outcomes of embedded traditions that reinforce male dominance over their female colleagues. For instance, women are not expected to assume greater roles outside the home especially in the developing world (International Labour Organisation, 2016). On the same note, the cultural boundaries between men and women also extend to the professional world where women are castigated for seeking superior positions (ILO, 2016). As a result, the occupational gender stereotypes enabled by gender inequality contribute to the devaluing of certain professions associated with predominantly female workers, such as social

work (MSW Careers, 2017). The lack of gender equity in the social work profession also helps to cause the wage disparity between male and female social workers despite both having similar qualifications, skills and experience. The perception of social work as a female occupation also plays a role in dissuading men from joining the profession. Consequently, women may continue to dominate the social work profession. Similarly, the devaluation of social work in terms of low pay and lack of promotional opportunities may also discourage women leaders seeking better pay as well as opportunities for career growth (MSW Careers, 2017).

The Possible Results of Fewer Male Social Workers

Khare (2017), points out that the minority representation of men in the profession is harmful. For instance, the lack of male social workers may lead to many of their colleagues avoiding social work services because of a preference for their problem situation to be handled by a male colleague (Cohen & Huffman, 2003). This is because the gender of a social worker may have an influence on a client's decision to seek social service assistance. There are problems situations that are better handled with a practitioner from the same gender. The social stigmatization associated with seeking help among men may also discourage them from seeking services and stating their concerns to a female social worker (Khare, 2017).

Male clients may also shy away from seeking the services of female social workers out of concerns that they lack an understanding of the presented problem situation from a male perspective. In this respect, making social work more attractive to men requires addressing systemic biases in gender roles to ensure the profession becomes more diverse by having equal representation of men and women. Similarly, the demand for social services is on the rise due to a growing population of older demographics. Older males seeking a second career may provide fertile ground for increasing the number of males providing services. Subsequently, an incentive to the social work profession would motivate more male students and graduates to seek employment in the field (Khare, 2017). Incentives may include: recognizing the gender bias and providing incentives for males to enter the field such as:

increased pay for the profession, increase education on what social workers do and the skill needed.

Conclusion

Associating social work mainly with women continues to deter most men from joining the profession. Similarly, when males do enter the profession, they often seek administrative positions which take them out of the direct service area. This supports cultural boundaries that enforce gendered roles are influencing the decision by men to mostly seek positions of authority in the social work profession. However, since leadership positions are few compared to subordinate roles, a significant number of men tend to avoid seeking employment in the profession. The low wages in the profession - regardless of qualifications, skills or experience- further discourages men and women leaders from the profession.

Traditionally, men suppress their emotions and insecurities, and as such, they are more likely to avoid occupations such as social work that involves the expression of empathy or emotions. Males may also be concerned about what family and friends might say if they chose a “female dominated profession. Institutions offering training in social work are also reluctant to encourage male students to register for the course thus contributing to female graduates dominating the profession. In essence, the minority representation of men in the social work profession is counterproductive in the provision of social services programmes that target the men. Similarly, the social stigma encountered by men seeking help from social services also places them at a disadvantage in terms of benefiting from such programmes.

Currently, the demand for social services is on the rise especially in the developed world with an increasing population of seniors (Khare, 2017). As result, the field will need more social workers due to its increasing role in the provision of services to the elderly and disadvantaged groups. In this respect, policy makers in the realm of social work need to embrace reforms that would ensure that gender equity is encouraged in the employment of

social workers. In addition, reforms are also necessary to improve wages in the occupation as way to encourage more men and women leaders to seek employment in the social work profession. On the other hand, men also need to reenter the profession. Men's reentry into the profession can be achieved, for instance, through efforts by male social workers and other actors in the social work realm reengaging men to consider training as social workers as well as seek employment in the field.

There are few male social workers because they associate the profession with women. Social work mainly deals with caring roles that require an emphasis on emotions and empathy. However, traditionally expect men to mask their emotions and insecurities. As a result, a significant number of men are unlikely to consider social work as an option. Further, the few men in the profession often focus their interest on managerial as well as administrative roles. The low pay that characterizes the profession also discourages men from seeking employment in the field. Historically, the reinforcement of male privilege also extends to the professional realm thus contributing to occupational gender stereotypes. In this sense, occupations associated with femininity attract low-waged workers compared to perceived masculine occupations. Consequently, men looking for status and better pay are likely to avoid the social work profession. Conversely, since men associate social work with feminine roles such as caring, their avoidance of the profession means women continue to dominate the profession. However, the problem of having only a few male social workers is that a significant number of their male colleagues may also avoid seeking social work services. This is because male clients prefer to receive the services from a male rather than a female social worker. Men's preference to work with male social workers is influenced by the view that men are in a better position to relate to their worldviews on various problem situations. Addressing the problem of few male social workers may require giving attention to improving incentives for workers as well as embracing diversity by advancing gender equity in the profession.

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Using the multimedia and the 3D models to enhance Embryology teaching in Saudi Arabia

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Abstract

Background: Embryology is a difficult subject and depends on a strong understanding of 3D relationships unlike gross Anatomy.

Objectives: The objective of this study was 1.To examine the efficiency of using the multimedia (animation and videos) and the 3D models in understanding Embryology among medical students and 2.To investigate the impact of these methods in teaching, on the learning styles, studying time and academic performance.

Method: Multimedia (animation and videos) and the 3D models were utilized for teaching embryology to medical students (n=78) at Imam Muhammad Ibn Saud Islamic University and Dar ul Uloom University in KSA.

Result: Around 81.6% of the students prefer the 3D Video and Animation over the power point (39%), Traditional Board Lecture (29.70%), and the Web-based Learning (26.3%) and 78.2% of the students agreed that it is the most appropriate method at their level. (81.6%) of the students approved that this method increased their interest in learning embryology and 68.8% of the students think that the 3D Video and Animation maintained their attention.

85.5% of the students improved their understanding and retention of lecture knowledge (80.8%) by the use of the 3D Video and Animation when compared to Traditional Board Lecture (27.6%), and the Web-based Learning (28.6%). Majority of the students (77.9%), think that the 3D Video and Animation should be applied on the other subjects and can be applied

standalone for teaching embryology (70.1%). The 3D Video and Animation have aided the learning style of (78.4%) of the students, reduced their study time (70.7%) enabling greater participation in the class(56%) eventually leading to improvement in their academic performance (83.1%).

Conclusion: The results show that the use of the 3D method of teaching is more efficient way of teaching embryology.

Keywords: Video; animation; medical; students; embryology

Introduction

Exposure to a 3D digital lab may improve knowledge acquisition and understanding by the students, particularly for first time learners.(Brewer, Wilson, Eagleson, & de Ribaupierre, 2012).

Since the 3D models of body surface can be utilized partly, animations have been introduced to explain the early embryonic development such as germ cell differentiation, folding of the embryo and other concepts that are originally difficult to be observed because of the occlusion by other parts. The effect of computer-assisted animation in teaching and learning is beneficial as the students' performance is very positive .(Rao, 2012)

Computer-assisted instruction (CAI) /computer animation allows students to visualize highly complex dynamic processes. The preparation of the animation materials is variable depending on the information. Interactive computerized modules are a useful supplement to help students understand and master traditionally difficult concepts in preclinical medical education.(Thatcher, 2006)

Another strategy is to use the educational videos that have proven positive effect as a support tool for enhancing learning efficacy. The use of the videos as an educational method has helped not only in understanding but has also motivated the students in all disciplines. (Bravo, Amante, Simo, Enache, & Fernandez, 2011)

Integrating video clips in multimedia lecture presentations may increase students' perception of important information and motivation for learning to enable students to captivate key points of a lecture.(Ljubojevic, Vaskovic, Stankovic, & Vaskovic, 2014)

In this sense, we introduced the use of our multimedia (animation and videos) and the 3D models for medical students at Imam Muhammad Bin Saud Islamic University, and Dar-ul-Uloom University at KSA. The study were performed in an attempt to place the student at ease inside the uterus of a pregnant woman, affording to observe, in an active way, the main changes in intrauterine development, with time.

Objectives

1. To examine the efficiency of using the multimedia (animation and videos) and the 3D models in understanding embryology among medical students.
2. To investigate the impact of these methods in teaching on the learning styles, studying time and academic performance.

Method:

Approval of the study was taken from Institutional review board at King Fahad Medical City.(IRB No-16-088).

Participants: Students attending the medical school in Faculty of Medicine (FOM) Imam Muhammad Ibn Saud Islamic University and Dar Al Uloom University who volunteered to participate in this study were included. All the students attending medical school were female graduate students enrolled as stream 1(n=78) who participated voluntarily with verbal consent.

Instrument: Different free public medical videos according to the topic, available on you tube were used for instruction. The videos elucidate the development of structures in 3D, which are very easy to understand. The instructor used the new teaching modules for all sessions in Growth and development module for about 3-4 weeks, followed by assessment using self administered questionnaire which was

developed after reviewing the literature. It included in addition to the general demographic variables, other specific variables covering the difficulties in studying embryology, patterns of study, and the changes after using the multimedia and the 3D models. Rating of these criteria was done on a 3-point Likert scale with rating options: agree=1, neutral =2, and disagree=3..A pilot study was carried out using the prepared questionnaire in line with the study objectives. The questionnaires were also reviewed with senior research consultants for judging the content validity.

Data collection: At first, the study objectives were explained to the participants. Full confidentiality was assured and they were asked to fill out a pre-tested questionnaire comprising of close-ended questions in line with the study objectives. The questionnaires were distributed after few teaching sessions using the new methodology and students were asked to respond in their free time. The responded questionnaires were collected for analysis.

Analysis: Data analysis was done on SPSS version 22 (IBM). At first, Cronbach's alpha was calculated (0.709) that revealed high level of internal consistency. Descriptive statistics were then calculated for each domain and item of each question separately using the Mean, Mode, Median and Standard Deviation.

Result

78 out of 84 female students participated in the study. The response rate was 92%. Males were not included as the instructors taught only in the female section. The students responses are depicted in Table 1.

Around 81.6% of the students prefer the 3D Video and Animation over the power point (39%), Traditional Board Lecture (29.70%), and the Web-based Learning (26.3%) and 78.2% of the students agreed that it is the most appropriate method at their level. (81.6%) of the students approved that this method increased their interest in learning embryology and 68.8% of the students think that the 3D Video and Animation maintained their attention.

85.5% of the students improved their understanding and retention of lecture knowledge (80.8%) by the use of the 3D Video and Animation when compared to Traditional Board Lecture (27.6%), and the Web-based Learning (28.6%). Majority of the students (77.9%) think that the 3D Video and Animation should be applied on the other subjects and also can be applied standalone for teaching embryology (70.1%). The 3D Video and Animation have aided the learning style of (78.4%) of the students, reduced their study time (70.7%) enabling greater participation in the class (56%) eventually leading to improvement in their academic performance (83.1%).

Discussion

Now a day with advanced technology multimedia is commonly utilized in teaching for all subjects. The demand to multimedia educational tools is due to the movement toward the interactive and self-dependent learning where students are actively involved. However, with the advent of new technology the universities and the educational institutions should maintain high quality educational methods.

In the year 2000, Lip et al have used the multimedia to teach anatomy by using videos of laparoscopic anatomy and other multimedia tools. The videos were short with concise comments so that the student would not lose attention. The use of such interactive courses enhance their learning experience according to their individual need and minimizes the pressure on the curriculum and undesirable effects of large classes.(Lip, O'Brien, Tanner, Foley, & Grimson, 2000).

Garcia et al in Brazil, have used an embryology teaching system called EMBRIO, for students to learn embryology based on learning objects. The developmental stages which were hardly understood from 2D figures in the textbooks are easier by using the 3D models especially if written material were generated to deliver the learning objects of the program. The development of such educational methods will improve the outcome of diagnoses and will make the diagnosis of the inborn malformations easier.(Garcia et al., 2012) .

For evaluation of the student understanding of a difficult subject like embryology we compared students understanding by using variable methods of teaching including 3D Video and Animation, Power point, Traditional Board Lecture, and the Web-based Learning. Around 81.6% of the students preferred the 3D Video and Animation over the power point (39%), Traditional Board Lecture (29.70%), and the Web-based Learning (26.3%). 78.2% of the students agreed that the 3D Video and Animation is the most appropriate method at their level.

In our study, 68.8% of the students think that the 3D Video and Animation maintain their attention, while the power point, Traditional Board Lecture, and the Web-based Learning only attract their attention by 36.4%, 32.4%, and 28.9% respectively. By using a novel method of teaching like the 3D Video and Animation (81.6%) of the students agreed that this method increased their interest in learning embryology. While, the student interest in the subject was not at the same extent when other methods were used (power point, Traditional Board Lecture, and the Web-based Learning). For example, the power point lectures increase the student interest in learning embryology by (24.7%), Traditional Board Lecture by (17.6%), and the Web-based Learning by (22.40%).

In Japan at Kyoto university, Mizuta in the year 2002 ,developed 3D model sequences to illustrate the developmental deformation of human embryo, using MRM images, in addition to teaching materials, CG animations and an interactive VRML system, using the 3D model sequences for effective comprehension in embryology.(Mizuta et al., 2002).

In the current study, the understanding of the embryology and better retention of the knowledge were also tested in all the educational methods. 85.5% of the students think that their understanding was improved by the use of the 3D Video and Animation. The understanding by using the power point was (37.7%), Traditional Board Lecture (27.6%), and the Web-based

Learning (28.6%). As for retention of the lecture knowledge the 3D Video and Animation took the lead by (80.8%).

Fredieu et al in the year 2015, tested the efficacy of using the 3D physical anatomical models in medical education over the use of the cadavers. In addition, they examined the production of 3D digital and physical models for implementation in medical curricula. The advantages of the 3D digital models exceeded the digital 2D and the physical models not only in the perception by the students and the cost but also as an effective tool of learning. (Fredieu, Kerbo, Herron, Klatte, & Cooke, 2015.)

Detton et al designed two resources in order to run a comparative evaluating, 3D models of MRI scans of human specimens, and 2D images of the developed models. They described the implementation of a human development video to determine if computer-based resources utilizing interactive 3D models will improve quiz score performance and user satisfaction among student than resources utilizing 2D images. The collected data indicated a higher level of satisfaction from students using the 3D resource in comparison to the 2D resource. The survey was divided into three parts, and in all the three parts the students reported significantly lower response ratings after having used the 2D resource in comparison to students utilizing the 3D resource.(Detton, 2012)

Bryner et al examined the outcomes of a new series of interactive learning modules for preclinical medical education. The study was mainly for subjects with difficulty of concepts, study time, and perceived stress level. A random sample of 102 medical students was volunteered into control and experimental groups. All the participants studied the anatomy and the physiology concepts using existing material (lecture notes, textbooks, etc.), while the experimental groups used the new interactive modules in addition. All participants were tested for their and for subjective experiences in studying with the module. The data suggested that the interactive module is a better educational tool for medical students when supplement traditional instruction methods and they may learn more effectively and feel less intimidated by difficult concepts. (Bryner, Saddawi-Konefka, & Gest, 2008)

Rondon et al showed that students who received the game-based method performed better in the post-test assessment while students that received the

traditional lecture performed better in both post-test and long-term post-test.(Rondon, Sassi, & de Andrade, 2013).In our study the students agreed that the 3D Video and Animation method lead to improvement in their academic performance (83.1%) as well as power point lectures (40.8%) whereas the performance of the student was improved by (31.4%) by using the Traditional Board Lectures and by (34.7%) when Web-based Learning was used. Majority of the students (77.9%) think that the 3D Video and Animation should be applied on the other subjects. The 3D Video and Animation method is useful if applied standalone for teaching embryology in view of the (70.1%), while the other methods cannot be used alone in their view. The power point lectures can be standalone method for embryology teaching only in (35.6%) of the students, while Traditional Board Lecture and the Web-based Learning take the average of (28.8%), and (21.3%) respectively.

In a study carried out in West Virginia School of Osteopathic Medicine (WVSOM) in Lewisburg,the author compared the efficacy of the computer animation with that of traditional textbook material. The experiment was designed to a pre-lesson, a lesson, and a post-lesson test for both groups. The comprehension of the lesson was significantly higher for students who used the computer animation than for students who used the textbook. These results demonstrate that Computer-assisted instruction (CAI) is an effective tool to improve the comprehension and eliciting interest in the lessons.(Thatcher, 2006)

These advanced techniques were extended to other field as well. Bravo et al in the year 2011, created educational videos as a supporting material for teaching and was used by 12 lecturers with 487 students in three different degrees of engineering. The videos as a teaching tool have proven that they are not only effective in explaining the most complex subject in the school of engineering but also it motivates and attracts student attention. They also believed that the use of these educational videos is effective due to low cost, easily handled (does not need special training, reduced face-to-face students

tutoring, improves students' ability to learn independently, and finally encourage discussions and cooperative learning.(Bravo et al., 2011).

In our study, the students were asked about their opinion about the method that is highly beneficial than all the other methods implied in embryology teaching. 71.4% agreed that the 3D Video and Animation is highly preferable method. Only (32%) prefer the power point lectures, (28.2%) prefer the Traditional Board Lecture, and only 29.9% prefer the Web-based Learning. The 3D Video and Animation have aided the learning style of (78.4%) of the students. The power point lectures, Traditional Board Lecture, and the Web-based Learning have aided the learning style of the students by (36.1%), (36.80%), and (27.1%) respectively. The time always matters in medical college due to high load, multiple interconnected subjects, and numerous exams. Around (70.7%) of the students agreed that the 3D Video and Animation method has reduced their studying time for embryology. On the other hand, the power point lectures only assist in saving the time for (32.9%) of the students. In case of the Traditional Board Lecture the time is saved for (29%) of the students, while the Web-based Learning saved the time of the (16.4%) of the students.

Potaliya, et al in 2015 have compared the educational methods that have been used for the undergraduate medical and dentistry students. The performance outcome of blackboard, over-head projector, power point presentations, liquid crystal display panel, video presentation, slide projector, E-resources, computer assisted learning, animations, handouts, 3-d models, simulators, and digital visualizers were compared. The results were variable according to the teaching staff and the quality of the students.

Rao, 2012 has debated the possibility of construction of animation used to elucidate the developmental stages in embryology. The animation was designed easily with a power point program. The use of animation is cost effective and will assist the learning of embryology.

The use of the 3D Video and Animation as an educational method ensure greater student participation in the view of (56%). On the other hand the participation of the student decreased to (31.5%) in power point lecture, to (27.1%) in traditional board lecture, and to (16.7%) in web-based learning.

Conclusion

The results show that the 3D method of teaching is more efficient way of teaching embryology. New and continuing advances in information technology have contributed to the possibility of creating teaching materials in a more accessible, interactive and highly visual style.

Conflict of interest

The authors report that there is no conflict of interest.

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3d Video and Animation					Power Point Lecture					Traditional Board Lecture					Web-based Learning		
e 1	Neut ral=2	Disag ree= 3	M ea n	S.D	Agree= 1	Neutra l=2	Disagr ee=3	Me an	S.D	Agree= 1	Neutra l=2	Disagr ee=3	Me an	S. D	Agree =1	Neut ral=2	Disag ree= 3

The Linguistic Characteristics of Social media and intellectual delinquency (terrorism) in Saudi Arabia from Practitioners' Perspectives

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Abstract

The objective of this paper is to examine the connection between social media and intellectual delinquency (terrorism) in Saudi Arabia from Practitioners' Perspectives 'and explore the extent to how the internet have been abuse extremist groups in deviant thoughts. Additionally, this study attempts to explore the family environment that causes it and governmental internet control, the following questions were addressed: (1)What is the role of social media in the intellectual delinquency (terrorism) in the kingdom of Saudi Arabia? (2)What are the characteristics and features of websites which disseminate intellectual deviation resulting in terrorism in Saudi Arabia? (3)What is the role of those extremist websites in disseminating the intellectual deviation? (4)What is the role of governmental and private organizations and individuals in encountering those websites? (5)What are the suitable methods and ways of encountering those websites and the deviant thoughts they disseminate resulting in terrorism? Mixed method (quantitative, qualitative)was used in the research to examine the connection between social media and terrorism and assess how they influence and interact with one another in the minds of Saudi Arabia's youth. The data collection methods used were interviews and - questionnaires . The study was conducted an investigation of experts from Naif Arab University for Security Sciences and members of the Saudi Prosecution Unit, who will address the sociolinguistic perspectives and discuss the challenges facing KSA. And the data collected will be

interpreted on the basis of the views expressed by the participants. The desired results from this study that an understanding of the causes, consequences and possible solutions to addressing Islamic extremism and radicalisation.

Keywords: Terrorism, Extremism, Radicalism, Intellectual Delinquency, ISIS in the Arabian Peninsula .

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Introduction

The modern age we live in launched the birth of digital era by the creation of personal computers in the twentieth century, and the creation of Facebook and Twitter in the early twenty-first century. These web developments have initiated the creation of many other similar forms of social media; however, they will always be the starting point of the notion of social media and the digital revolution and be the highlights of the new digital age. Facebook and Twitter have dramatically altered and innovated how people interact with each other on a global scale, and they have also affected global trade and industry. These forms of social media have changed people's lives, impacting their daily lives in almost every way. The impact of the changes they have brought has been felt most strongly by Generation Y (1978-1990) and Z (1995-2007), generations which, in contrast to their predecessors, have been initiated into a society replete with social media. There is no doubt that media is a "ubiquitous part of people's lives" and ideas and even language itself is taught and moulded through interaction with the media in its various forms (Kelly-Holmes and Pietikäinen, 2013, p. 3929). As such, these generations have had social media shape their lives and mould their way of understanding the world around them. The dawn of the twenty-first century has also been earmarked for the religious terrorism and extremism which has resulted in shocking events such as 9/11 , the Arab Spring, and

the dawn of violent religious terrorists, such as ISIS (Jenkins, 2011). In fact Saudi Arabia was shocked like any other country in the world, this could be a surprise for many, and contrary to what most of the international Media propagates about Saudi Arabia. When the incident happened, the first to deny it was Saudi Arabia. Through Saudi official reaction was first to deny in local and international newspapers and TV channels, and rejection. Denial not from the point that some Saudi citizens were part of the attackers, but rather rejecting the notion that those young Saudis represent what Saudis stand for and believe. Saudi Arabia was simply itself a victim of terrorist acts long before 9/11 incident, although Saudi Arabia has been and continues fighting terrorism. It has been accused in its religious sects, educational system, charity, and even its cultural heritage. And for the Saudis, the shock was that, those attacks were not only coming from western countries, but also from other Arab countries in the region, and Muslims as well. This situation complicated the matter for Saudi Arabia, Saudi Arabia had to move very fast by putting in place a massive plan, that deals with all the claims. When Saudi Crown Prince Mohammed Bin Salman placed the forefront of Saudi Arabia's 2030 vision to combat terrorism and uproot it from its roots. This research is explain What is the role of social media in the intellectual delinquency (terrorism) in the kingdom of Saudi Arabia?" and to identify the path Saudi government has taken to counter terrorism .

- Literature review:

2. Definitions

This section includes the descriptions of the terminologies that will be addressed; terrorism, extremism, radicalism, and intellectual delinquency.

2.2.1. Terrorism

It is important to define terrorism in international law because this makes it possible to condemn acts of violation against human rights, provides a distinction between private and public violence, offers ways to protect

deliberative politics and the state, and promotes global security and peace. Therefore, there is need to establish a precise and accurate definition of terrorism, (Jenkins, 2014 pg. 47). Providing a description makes it possible to declare the act illegal, to prevent its occurrence and to channel the society's thinking into condemning the act.

The definition of terrorism involves its condemnation and criminalization. Criminalization is the act of expressing repugnance at the action, shaming and stigmatizing people that commit the actions and are associated with terror groups. Criminalization of terrorism might prove valuable in the fight against it as specific values receive condemnation. For agencies to put up a fight against the vice, they need to know the scope of the act and what activities constitute the crime, (McCann and Pimley, 2018 pg.18). Terrorism requires a definition that is acceptable globally since the fight is a global one.

The definition of terrorism encompasses issues such as boundaries and domestic jurisdiction. This affects response rates across borders and problems of terrorists crossing borders illegally without having the relevant legal documentation, (Lombardi et al. 2014 pp. 103). Therefore, a good definition is one that condemns the act and provides prosecution of criminal acts without unnecessary discrimination.

There is no consensus *ad idem* on the definition of terrorism. Different countries and governments use different definitions. Governments and legal systems have found it difficult to come up with a universally binding meaning of the word terrorism (Matusitz, 2013). The main reason it has been difficult is that the word invokes both political and emotive responses. Title 22 Chapter 38 U.S. Code § 2656f defines terrorism as "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents" ("22 U.S. Code § 2656f - Annual country reports on terrorism", 2010). Matusitz states that terrorism includes the use of violence or the threat of violence when pursuing ideological goals (Matusitz, 2013). Additionally, governments, non-state actors, and

undercover personnel can propagate terrorism. Matusitz states that terrorism reaches more than the immediate target victims (Matusitz, 2013). The terror is usually aimed at the society at large. Terrorism includes crimes illegalized by legislation-mala prohibita and crimes deemed morally wrong-mala in se.

The United Nations, in previous years, failed in its attempts to define terrorism(Bartlett & Miller, 2012). Member states had different opinions on the use of violence in the context of national liberation and self-determination (Matusitz, 2013). The divergent opinions have hindered the development of a universal, all-encompassing definition of the word. The present practice by the international community has been the adaptation of various conventions that define and criminalize terrorist activities (Alarid, 2016). The main definition of terrorism by the United Nations is “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons for political purposes are in any case unjustifiable whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them”(Matusitz, 2013).

2.2.2. Causes of Terrorism

Defining terrorism has been a challenging endeavour for the global community (Horgan & Braddock, 2012). The global community has had to make considerations when it comes to defining terrorism. However, terrorism is not an ideology such as communism or capitalism. Terrorism is a strategy that various groups use to achieve a specific goal (Horgan & Braddock, 2012). Most extreme groups use terrorism in asymmetric power struggles. The weaker groups use terror tactics to fight a powerful nation-state. Terrorism stems from terror. The main goal that pushes extremist groups into terror tactics is the fear that such tactics instil fear in the population (Horgan & Braddock, 2012). Additionally, terror attacks provoke the state into using violence to combat the threats. Acts of terrorism followed by acts of force by the state become a cycle. The predictability of

the state's action means that the cycle becomes a difficult scenario to disrupt.

State-sponsored terrorism is also a legitimate terror tactic. Nations use terrorism in other states to safeguard their interests (Collins, 2014). Iran is the foremost state sponsor of terrorists. The country openly supports Hezbollah in Lebanon (Stack, 2017). The Hezbollah extremists fight against the Israel government (Collins, 2014). The United States has also supported the Muslim Brotherhood in Egypt against Gamal Abdel Nasser who headed a communist government (Byman & Kreps, 2010). Terrorists have different goals. However, an underlying factor in their operations is the justification of their actions based on the perceived social and economic or political inequalities. They borrow inspiration from religious and spiritual frameworks (Koomen & Pligt, 2016). Many terrorist conflicts have underlying characteristics, the weak and the disadvantaged in the society fight the strong, such as the political outcasts fighting the political elites. Some conflicts are based on ethnical divisions such as the Irish Republican Army. Additionally, criminal terrorism has also manifested itself in various countries (Levi, 2010) (Randol, 2011). The Medellin Cartel used acts of terror to instil fear in the locals and the government not to interfere with their narcotic trade business (Levi, 2010) (Randol, 2011). Other reasons that groups use terrorism include a belief in a change of the socioeconomic situation in a given country. FARC believes in communism and as such uses terror to fight the existing regime (von Beyme, 2016).

Religious terrorism is perhaps the most identifiable form of terrorism globally. Different extremist groups draw motivation from a divergent interpretation of religious texts (Egiegba Agbibo, 2013). Al-Qaeda and IS use religion to justify their use of violence against non-believers. The two groups seek to establish different forms of governments within the countries that they operate (Egiegba Agbibo, 2013). Any government or groups of people who oppose their goals are the enemies of these groups (Heath-Kelly, 2012). The groups thus use violence in the propagation of what they view to be the right action.

The goals inform the various ways that the terror groups operate. Some terror groups adopt a conservative perspective (von Beyme, 2016). The main aim of the conservative perspective is to stop or resist social, political, and economic changes (Davenport & Moore, 2012) (von Beyme, 2016). Other groups use a revolutionary perspective to provoke change. A good example is the Basque separatist group in Spain (Carey, 2010) (Horgan & Braddock, 2012).

2.2.3. Extremism

The literal definition of the word is the quality of being extreme. Additionally, it involves the advocacy of extreme measures or views (Thompson, 2011). The term has morphed in its adaptation to the political and religious realms (Flores, 2017). Extremism refers to beliefs that are beyond the acceptable mainstream attitudes that a group of people holds. The people, who often use the term, use it in a pejorative manner (Alarid, 2016). It can also be used in a condemning sense. Examples of political agendas considered extreme include; far-left politics, far-right politics, fanaticism, fundamentalism, and radicalism (Flores, 2017).

Researchers into the phenomenon have been able to note that extremism is not an isolated case and that it occurs across a broad spectrum ranging from mild interest, an obsession to fanaticism (Flores, 2017). The researchers have been able to note the similarities between extremist views. Ronald Wintrobe states that in as much as different extremist group hold different ideologies, they do share common identifiable characteristics; they often are against compromise with the opposing side, they advocate and sometimes use violence to meet their goals, they are entirely sure of their position, they are usually nationalistic, they are intolerant to dissent within the group, and they tend to demonize the opposing side (Flores, 2017).

There are different explanations for extremism. Some analysts have associated extremism with lack of self-identity. For someone who engages in extreme behaviours, they first lose respect for themselves, which opens room for self-hatred which is destructive to the individual. Individuals lack

self-worth and become bitter about life, thus harboring the feelings of revenge towards other people and towards life as well. Extremism is, therefore, more of an illness than an ideology or tactic, (Vardanyan and Kuleshov, 2015 pp. 42). Since it bears the characteristics of a psychological disorder, medical specialists believe that it is curable.

Besides, there is another view that extremism is an outlet for emotions by groups that have gone through severe insecurity, oppression, resentment, humiliation, rage, and loss. Exposure to the above factors makes people irritable, leading them to adopt strategies that heal their experiences and situations, (Kaplan, 2017, pp. 103). In this case, victims of oppression use the vice to pass a message to their oppressors and punish them for causing them the agony.

Other researchers view the vice as one of the means of a scramble for power. Extremists are mostly people with views that diverge from those of the authorities and the general population. They thus use excessive force to pull more people into their opinions and show off their power.

2.2.4. Radicalism

Currently, there is no NATO definition of the term radical or any of its derivatives, such as radicalism or radicalization, listed in the 2007 edition of Allied Administrative Publication No 6 (AAP-6) [8], NATO Glossary of Terms and Definitions (English and French). AAP-6 is the NATO reference document of the Military Committee Terminology Standardization Programme (MCTSP) that provides official NATO definitions of terms under NATO Standardization Agreement (ATANAG) 3680. The term radical or any of its derivatives is also not defined in the Department of Defense Dictionary of Military Associated Terms (2008, March 4), the U.S. Department of Defense's (DOD) counterpart to NATO's AAP-6, drafted to ensure the standardization of military and associated terminology under DOD Directive 5025.12 (August 23 1989), Standardization of Military and Associated Terminology. (Pick, Speckhard and Jacuch, 2009).

Radicalism refers to the process by which political movements and individuals wish to alter a particular system or institution drastically. Historically, radicalism has given rise to political liberalism (Thompson, 2011). The term has undergone changes over the centuries to its present state. The term can be used in politics and about ideologies. Political radicals tend to be liberal and demand certain changes within the society (Calhoun, 2012). Ideological radicalism looks at various social and religious systems and finds ways to change the present system (Perkins, 2011). Some of the radical ideologies include radical Islam.

Social, political and economic inequalities drive radicalism (Nawaz & Bromley, 2012). Radicalism stems from a need for change. Most of the radical changes in society have come from the need to make the society equal for all (Perkins, 2011). Radicalism is not violent at its root (Calhoun, 2012). Radicalized individuals however, might start using violence and terror to further their cause (Crook, 2014). When people use violence to propagate their cause, they cross over into extremism. People have gone further to divide radicals into three main categories, passive radicals, active radicals and violent radicals (Perkins, 2011). Violent radicals believe in violence to change a system. Passive radicals protest in various ways such as avoiding voting, protests and lobbying groups (Crook, 2014). Radicalism is not inherently negative; it is how the people who identify as radicals use the means available to them to meet their goals.

Radicalism can stem from several factors depending on the circumstances that individuals or groups have. Firstly, radicalism can be a result of the personal grievance. In this case, individuals resolve to revenge on an outside party or the government because of perceived or real harms, (Davenport, 2017 pp. 387). Due to feelings of offense, individuals are more prone to violence. Secondly, a group of people that feel sidelined or harmed by another or by the government might decide on revenge. This group could be a group that one is part of or one that he/she sympathizes. The attack takes the form of group revenge, (Blakemore, 2016 pp. 55). Groups become violent when they are denied their rights to practice their beliefs, or when

they are invaded and targeted unfairly. Thirdly, individuals may become radicalized as a result of participation in activities that narrow their thinking and social circle, thus making them insensitive to violence. The cause of this is mainly blind adherence to one's social, religious and political beliefs without invoking reason, (Pruyt and Kwakkel, 2014 pp. 28). People begin by volunteering to carry out non-violent activities on behalf of their groups and proceed to commit criminal activities.

2.2.5. Intellectual Delinquency

Delinquency refers to minor crimes, especially when committed by young people (Shoemaker, 2010). Delinquency is a major issue for various states. Research has shown that various factors influence people and their reaction to those stimuli (Shoemaker, 2010). Various environmental factors push the young children into a life of crime (Shoemaker, 2010). Intellectual delinquency amongst children is characterized by the presence of other problems such as drug abuse, mental health issues, and school failure.

Gang membership is a major factor in delinquency (Crook, 2014). Association with other delinquent youth has been used as a predictor of delinquent behaviour. However, research shows that gang members often commit a disproportionate number of both violent and non-violent crimes (Agnew & Brezina, 2012).

Research shows that most adult criminals were involved in criminal behaviours as younger children. Exposure to risk factors identifies children who require preventive measures. Children and adolescents develop a delinquent reaction from the environment they live. Children that live in violent situations that experience wars and unfavorable conditions of life are more likely to develop unruly behaviour compared to those that are not exposed. Besides, the genetic and biological factors of a child affect how he or she can deal with different scenarios and their likelihood of becoming criminals. However, genetic and biological factors cannot lead to delinquent behaviour alone, (Thompson and Morris, 2016 pp. 29). The actions are a result of the interplay of these factors and the environment.

Risk factors differ depending on the stage of life of an individual. Age, problems during delivery and pregnancy, gender, aggressiveness, and impulsivity have a significant effect on the development of delinquent behaviour. Delinquent behaviour has been noted to start at adolescence, approach its peak throughout the adolescence period and start phasing out at the onset of young adulthood. Also, perinatal and prenatal factors affect criminal behaviour, (Conway, 2017 pg. 77). Children that were born under difficult circumstances are more vulnerable to crime due to nervous system problems that lead to vulnerability and abnormal behaviour. Research has shown a relationship in the individual competencies, capabilities, and characteristics and criminal acts. As a result, two social behaviours were identified. An antisocial expression is a cause of delinquency. Antisocial behaviour comprises of opposition and aggressiveness which mostly comes out as arrogance. On the other hand, prosocial behaviours include sharing, helping, and cooperation. People with prosocial behaviours are less vulnerable to crime. Also, delinquents register lower school performance and lower IQs. Aggressive and hyperactive children develop language skills slowly, (Ogata, 2014 pg. 325). Delays in learning language might affect the children, forcing them to engage in violent behaviours as a way of protecting themselves.

3. ISIS in the Arabian Peninsula

Even though the Islamic State's ideology is explicitly at odds with the West, the group is making a relentless effort to recruit Westerners into its ranks, eager to exploit them for their outsize propaganda value (Geiger, 2015). Through January this year, at least 100 Americans were thought to have travelled to join jihadists in Syria and Iraq, among nearly 4,000 Westerners who had done so. The observations made on Twitter end up in other platforms such as Facebook or YouTube. Mainstream media is more and more using Twitter as a source for the news, which really shows the value of the platform (Brown, 2012). To support the correct usage of Twitter, ISIS disseminators have published a propaganda manual. The document titled "Oh Media Correspondent, You Are the Mujahid" has been published in

both English and Arabic and is available also as a 16-minute long video (Shiloach, 2016). The guide gives guidelines on how to correctly publish on Twitter, which is by using trending hashtags and not only the caliphate ones. The link to another platform or website should also be published in the body of the tweet and fill the rest of the 140 marks with hashtags (Shiloach, 2016).

The English-language online magazine Dabiq is also one of the products of Al-Hayat (The Guardian, 2018). The second level is built of regional accounts posting, for example, live reports from the battlefield and doing localized messaging. The third level is content produced by individual fighters that post about their own experiences from accounts that at least seem like they are their personal ones (ISIS Social Media, 2015). The posts are personal and targeted to be emotional. This level is especially important when appealing to the target audience. The fourth level consists of the content re-posted or translated by the disseminators – key people (Melchior, 2014).

ISIS messaging at this level has also been very efficient, for example, when ISIS managed to take over Mosul in June 2014, it had a calculated social media plan putting out 40,000 tweets in a single day (Time, 2018). This means that any search result near Baghdad on Twitter would show an image of the ISIS flag among the first results (Melchior, 2014). At that time, the app “The Dawn” was still available for download and it can be concluded that most of the tweets were sent centrally from Al-Hayat using the Twitter accounts registered through the app (The New York Times, 2015). ISIS is offering dreams, pure religion, adventure and opportunities for those who want to take it (Geiger, 2015). As ISIS had made itself seem very powerful

and about the religion, the recruits believe that they are really helping Islam and Muslims all around the world by joining the group. The two-way narrative has guaranteed the attention of the potential recruits as well as visibility in the Western news outlets, which has helped spread its word widely and is one of its main success factors (The Guardian, 2018).

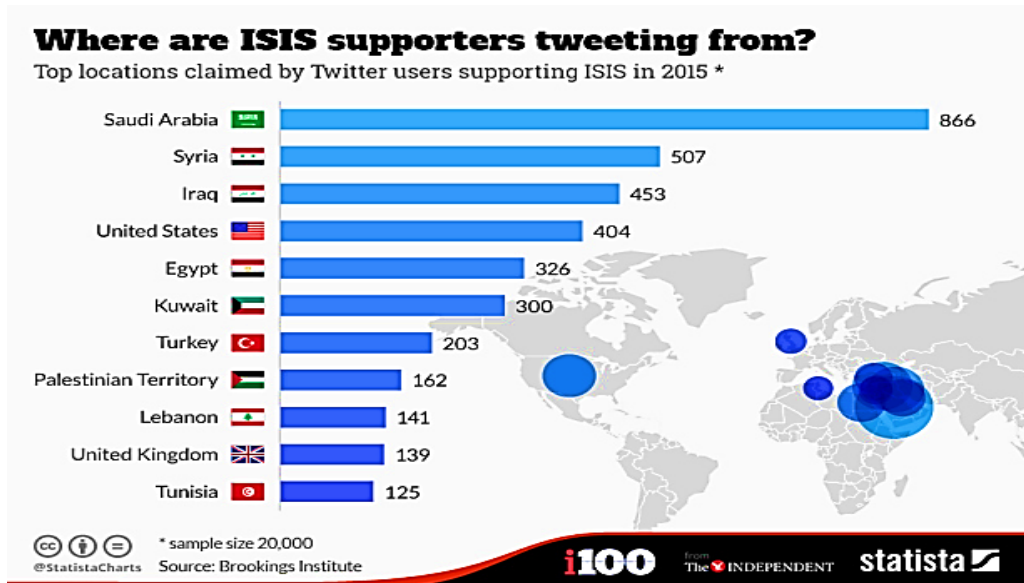


Figure 2 – Where are ISIS supporters tweeting from – (MarketWatch, 2015)

The communication within the organization takes place mainly through messenger apps like (Steadman, 2014). These apps are available worldwide and like mentioned earlier, WhatsApp and Telegram offer very efficient group chat possibilities. In addition, now that ISIS has coded its own

messenger app Alrawi, it is most likely to use that especially when sharing crucial information (The Guardian, 2014). In addition to these specific messenger apps, communication is executed through Twitter by using specific hashtags. In the microblogging platform (Firth, 2015).

4. ISIS attacks against Saudi Arabia

Year	Date	Incident
2014	January 5	Four militants and three security forces including a Saudi general killed at the 'Judayat Aran' border post near Iraq.
	August 25	Saudi security forces arrested eight Islamic State commanders.
	November 3	Seven people were injured during a shooting at a mosque in al-Qatif in the Eastern Province
	November 22	A Danish citizen was killed in Riyadh.
2015	March 29	Some militants attacked a security patrol in Western Riyadh in which two were killed.
	April 8	Some militants attacked a security patrol in Eastern Riyadh in which two were killed.
	May 8	Some militants attacked a security patrol south of Riyadh killing two.
	May 22	A suicide bomber attacked Ali bin Abi Talib mosque in al-Qatif village, Qatif governorate, killing 21 people and injuring more than 100.
	July 4	Saudi security forces raid in Taif resulted in the killing of an innocent civilian and a militant, and the arrest of three militants.
	July 14	Saudi security forces raid near Abha resulted in the killing of a militant and his father, injuring two other individuals.
	September 23	Two militants killed a relative in the security forces, two civilians and a police officer.

	September 26	Saudi security forces killed two militants. 2016 January 1 militants were arrested by Saudi security forces. Among the were nine Americans and three Yemenis.
2016	January 28	33 militants were arrested by Saudi security forces. Among the were nine Americans and three Yemenis.
	February 15	Some militants killed a retired Saudi security official in Province. April Some militants killed a senior Saudi security officer in al-Dawami district.
	April	militants killed a senior Saudi security officer in al-Dawami district.

Table 1. Islamic State Shooting Attacks in Saudi Arabia (2013–2016)

As the figures in Table 1 show, 2015 witnessed the largest number of shooting attacks by the Islamic State on Saudi targets, while 2014 and 2016 show fewer attacks and no cases reported in 2013. In 2014, the Saudi government jailed 800 people affiliated with the Islamic State 182 (Firth, 2015). Similarly, in 2015, the Saudi security forces arrested more than 1,300 Saudi nationals and over “300 foreigners on suspicion of connection to the Daesh/ISIL organization.”¹⁸³ Saudi security forces’ firm response to domestic security threats is very typical and aligns with the first hypothesized strategy of counterterrorism, which is enacting strict criminal law and enforcing that law by arresting terrorists and preventing them from carrying out attacks on Saudi targets (The Washington Institute, 2018).

On such grounds, the study includes the first hypothesis of Saudi Arabia’s implementation of strict criminal law enforcement that includes safeguarding the homeland, surveillance of borders and residential territories to prevent terrorists’ attack (MarketWatch, 2015).

5. Conclusion

The above discussion has begun with a definition of terrorism and its causes, extremism, radicalism and intellectual delinquency. Next the focus shifted to ISIS in the Arabian Peninsula and how they did making a relentless effort to recruit Westerners and Arab youth into its ranks. Therefore, this research attempts to explore ISIS attacks against Saudi Arabia. It is important to trace the and how the state has later changed its approach to dealing with extremist violence. Governments should especially take advantage of those who have turned their backs to ISIS since they will have the most influence on those who are thinking of joining the group. Content monitoring is also crucial. If social media platforms increase their filtering and monitoring, ISIS is forced to go underground where it will not reach the same visibility as in mainstream social media. The desired results from this study that an understanding of the causes, consequences and possible solutions to addressing terrorism and deviant thoughts.

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“Avante Camaradas” (Forward Comrades) Project: education and citizenship

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Abstract

Family and school play a crucial role on children's and teenagers' education. But there are many factors responsible for their social exclusion, leaving them vulnerable to urban violence. The Sao Benedito do Rio Preto Children and Friends Association (SBCFA), in Maranhao, Brasil, along with the Association of Young People of Alto Rio Preto (AYARP), develop since 2009 the Forward Comrades Project (FCP), which aims to promote transformation of both people and their environment through social education. This research examined the importance of this project as well as if its goals have been achieved. In order to do so, many surveys were conducted with the graduates, their teachers/principals and parents. To 63,13% of graduates, 66,67% of teachers/principals and 70% of the parents, the project significantly improved the relationship student-school. About the seven project goals pointed, 100% of the graduates and teachers/principals agree that 6 out of 7 goals were achieved, while for all parents, all the goals were achieved. 97,74% of the students and 100% of teachers/principals and parents would recommend the project to a friend or family member. The Forward Comrades Project has been relevant to the city children's and teenagers' education through moral, social, spiritual and civic development, giving them a suitable preparation to better face life challenges.

Keywords: social education, environmental education, citizenship, Sao Benedito do Rio Preto – MA (Brazil)

1. Introduction

1.1 Initial Words

Definition of both adolescence and youth are of great complexity. Trancoso and Oliveira (2016), after analysing thesis, dissertations and articles written between 2007 and 2011, indicated that the concept of youth is polysemic, interdisciplinary and constricted to the socio-historic-cultural reality of human experience, widespread in Biology, Psychology and Sociology.

There is no conceptual consensus for youth and adolescence. Some authors use both terms, such as Batista (2008); some use sometimes youth and other times adolescence, such as Mattos (2008), Castro and Mattos (2009) and Debert (2010); and yet some who don't use the terms adolescent/adolescence, but only young/youth, such as Canetti and Maheirie (2010).

From the legal point of view, the Brazilian Youth Statute, (Brazil, 2013) considers as young people between 15 and 29 years old and as adolescents those between 15 and 18 years old. On the other hand, the Brazilian Child and Adolescent Statute (Brazil, 1990), considers as adolescents people from 12 to 18 years old, though anticipation of young life to earlier than 15 years old is common among the most impoverished portion of Brazilian population, according to Sposati (1996).

Even though associated with age group, Bock (2014) emphasizes that culture must also be taken in consideration to the sociohistorical construction of youth. Oenning (2016) stresses adolescence is not a homogeneous phase and its age group varies culturally from nation to nation, from one culture to another.

Collaborating to this discussion, Fonseca, Silva and Sales (2016), affirm that, as life stages, both adolescence and youth are preparation stages for an adult life.

In order to ease comprehension, the terms young/youth/juvenile will be used in this text to refer to people within this age group between child and adult.

Family plays a crucial role to a young's good development, helping this one to comprehend phenomena related to antisocial behavior, which are specially observed during the adolescence. There are studies showing that family ties, by monitoring and supervision of children, not only function as

a protective factor, but also minimize misconduct risks in childhood and youth (ALMEIDA; PINHO, 2008).

School is, without question, the public apparatus closest to the community, being it to the young ones a place where they can feel free to exercise their experiences and coexistence. At this place, dialogue between teacher and student contributes significantly to the young's critical thinking development. But it is known that even in schools where this dialogue is a reality, failure and dropout rates are high among student in Basic Education.

Before lack of proper school education, low wages, unemployment and infrastructure precariousness where they live, in addition to the adversities in creating their own path, a young person may feel distressed by the coexistence in a society where great social exclusion prevails, as Sposati (1996) alerts.

According to Gadea *et al.* (2007), young population exposition to urban violence is a result of a combination of determinants associated to primary (related to the family) and secondary socialization problems – lack of material, education, labour market inclusion and other decisive factors, such as sports and leisure.

Since the young are an important population portion, there is need of actions that reinforce or help develop youth public policies, comprehending them as subjects of rights and actors in their development process.

Aware of this reality, the Sao Benedito do Rio Preto Children and Friends Association (SBCFA) and the Association of Young People of Alto Rio Preto (AYARP) in Maranhao execute the Forward Comrades Project, which is the object of this study, in order to collaborate in improving the lifestyle of the young people in this region.

This project is focused on transformative social education, as explained by Timoteo and Bertao (2012), considering that it proposes transformation of both subject, including practices and visions of reality, and its surroundings.

1.2 City of Sao Benedito do Rio Preto in Maranhao, Brazil

The city of Sao Benedito do Rio Preto is located to the east of the state of Maranhao, Brazil (03°20'02" S and 43°31'40" O), with a total area of 931.592 km², population of 17.799 people and Human Development Index (HDI) of 0.541 (Teles and Rocha, 2017; IBGE, 2010 and PNUD,

2012). The city is bordered by the Black River, one of the main affluents of the Munim River Basin.

Since 2007, the Forward Comrades Project has been developed in Sao Benedito do Rio Preto, a social program of educational character exclusively aimed at the young community, aspiring to help them in their moral, social, spiritual and civic formation, forming good citizens, conditioning them to a proper level of education so they can know how to better face the difficulties of life (Rocha, 2007).

1.3 Forward Comrades Project

The Forward Comrades Project is sponsored by two public nonprofit organizations: the Sao Benedito do Rio Preto Children and Friends Association (SBCFA) and the Association of Young People of Alto Rio Preto (AYARP). It has been developed by voluntary teachers and all the incoming resources are results of spontaneous donations from people of this community.

The project is a basic citizenship and humanization course, in which the young receive notions of Sociology, Anthropology, Health, Moral, Human Relations, Human Values, Citizenship/Politics, Environmental Education, Civics, Philosophy and Arts (Music, Theater, Dance and Visual). It has been observed that after completing this course, young people are more prepared to coexist, feeling valued and valuing others as well, as a good citizen aware of his rights and duties.

The main goal of this project is to assist in young's' moral, social, spiritual and civic education, in order to form citizens capable to face the difficulties peculiar to this age group. It also aspires to form a Youth Integration Center.

The project is composed of four educational departments: Art Department - where artistic activities are developed (paintings, theater, music, dance and cinema); Technical Department - where vocational-technical courses are offered; Sports Department - where sports activities are developed (soccer, futsal, volleyball, athletics, martial arts, among others); and the Citizen Training Department - where training courses are offered (Basic Course on Citizenship and Humanization and Alpha's Advanced Course).

The Basic Course of Citizenship and Humanization, Table 1, has been taught twice a week, with a total course workload of 100 hours, including 8 hours of internship, required for completion of the course.

Basic Course of Citizenship and Humanization	Citizen Formation	Human Values Education; Environmental Education, Moral Education, Spiritual Education, Arts, Traffic Education, Sexual Education, STDs, Sociology, Psychology, Philosophy, Ethics, Citizenship and Civics, Human Relations and Oratory.
	First Aid Notions	Cardiopulmonary Arrest, Drowning, Ophidism, Fractures, Burns, Hemorrhages, Survival and Guidance.

After conclusion of the Basic Course of Citizenship and Humanization, the young graduate is able to attend the Alfa's Advanced Course, on which he'll be instructed during 45-60 days to assist in coordination, development and voluntary work, becoming part of the Central Nucleus, formed by 3 commissions: Environment, Social Education and Human Solidarity. Those who integrate this Nucleus are prepared for social work in the community.

2. Methodology

This paper presents both a qualitative and quantitative approach, since the Forward Comrades Project archives were used to identify the number of students and classes through the years and then both graduates and their parents and teachers were surveyed

The surveys were conducted with 20 Forward Comrades Project's graduates as well as with 19 parents and 15 teachers from schools were registered while attending the project's classes.

Once was the information was gathered, spreadsheets and graphics were built in order to facilitate analysis of all collected data.

3. Results and Discussion

The vast majority (84.21%) of the Forward Comrades Project graduates who had been interviewed was of school age when joined the project. Only 15.78% were not studying while participating of it.

Investigation of relationship between these young people and the school, before and after their time in the Forward Comrades Project, verified a significant progress in this relationship, as shown in Figure 1.

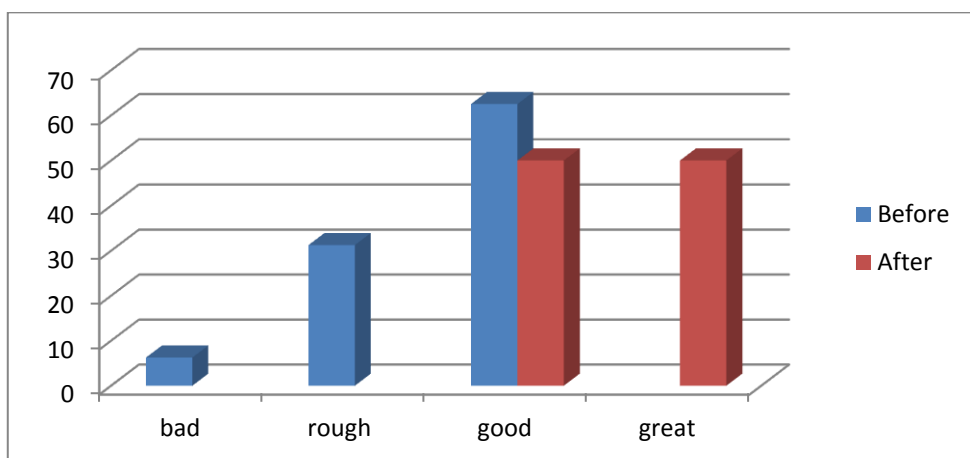


Figure 1. Relationship student-school before and after joining the Forward Comrades Project

These data confirm previous studies, such as that of Paula (2015), who verified significant behavior changes in students involved in projects.

In order to investigate the Forward Comrades Project's effectiveness, its main specific goals concerning were presented to the graduates as eight items, requesting that they respond if these objectives were totally or partially achieved, or not at all. The result of this query is shown in Table 1:

Table 1. Project's goals achievement – Graduates' point of view

GOALS	YES	PARTIALLY	NO
1. Promote mutual, ethics and citizenship	89.47	10.53	-

2. Encourage commitment with the community	89.47	10.53	-
3. Promote understanding, dignity, decision-making; moral, spiritual and social formation	100.00	-	-
4. Solidarity, humility, team spirit and respect for others	100.00	-	-
5. Fight against social inequality and prejudice (racial, gender, ideological and social)	94.74	-	5.26
6. Promote respect and environment preservation	89.47	10.53	-
7. Promote sport and cultural activities, and leisure	78.95	21.05	-
8. Promote social education that values respect, good character and dignity	100.00		

From the results, it can be noticed that the project has achieved, completely or partially, all goals, except for social inequality and prejudices.

It is a fact that there have been difficulties in dealing with themes such as gender issues in schools, perhaps due to the fear of exposing students or divergent opinions, as highlighted by Leal *et al.* (2017). It is not easy to understand how young people experience prejudices in school, and there is a need to study diversity and prejudice more deeply in the school environment, as Cordeiro and Buendgens (2012) point out in their studies.

Regarding the impossibility of achieving the goals set out concerning promotion of sports, cultural and leisure activities, the project's members team recognize that there were many difficulties in some classes.

Teachers and parents were also asked to verify these goals' achievement. The results are shown in table 2.

Table 2 Project's goals achievement – Teachers' and parents' point of

view

GOALS	TEACHERS			PARENTS		
	YES	PARTIALLY	NO	YES	PARTIALLY	NO
Promote mutual, ethics and citizenship	86.67	13.33	-	100.00	-	-
Encourage commitment with the community	100.00	-	-	100.00	-	-
Promote understanding, dignity, decision-making; moral, spiritual and social formation	93.33	6.67	-	95.00	5.00	-
Fight against social inequality and prejudice (gender, ideological and social)	66.67	26.67	6.67	95.00	5.00	-
Promote respect and environment	100.00	-	-	100.00	-	-

ation						
note sport and cultural activities, and	93.33	6.67	-	80.00	20.00	-
note social education that values good character and dignity	100.00	-	-	100.00	-	-

From the results presented, it is possible to verify the effectiveness of the Forward Comrades Project, once all the families stated that the Project achieved all its goals, while for the teachers only one project goal has not been fully or partially achieved.

Just as for the students, in the parents' and teachers' point of view the instructions of the Project did not fully achieve the goal of promoting fight against social inequality and prejudices. As already discussed, there are great difficulties for education professionals dealing with issues related to those subjects, even though the struggle for the right to different has always been present in social movements' agenda, which seeks to break the standards imposed by society regarding politics, religion, art, culture, and society (Gomes, 2003; Mioranza & Röesch, 2010).

Besides, there is no denying that in school itself differentiation and social selection are a reality, which can contribute to the trivialization of prejudice experienced in Brazilian society, as registered by Scopel and Gomez, 2006.

Students, teachers, and parents were also asked what the "Forward Comrades" Project meant in their lives, as well as whether they would recommend the Project to a friend or family member. All graduates, teachers and parents answered that they would indicate the project and some statements about the meaning of the FCP in the lives of the interviewed actors are summarized and simplified in table 3.

Table 3 Some testimonies from students, parents and teachers

Students	<ul style="list-style-type: none"> • Aprendi a ser um cidadão, uma pessoa humilde; • I've learned to be a citizen, a humble person; • It made me stronger and opened my mind to many things; • It provided me a better development, with dignity and solidarity, and it also helped with my formation within society; • It taught me many good things. For example, I've lost my fear to speak in public; • It meant a lot in my life and it taught me many things like environment preservation and respect for others; • It meant a change of attitude, like respect for others and for nature; • Lifelong learning in various areas, such as religion, moral, social and environmental education;
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	<ul style="list-style-type: none"> • I've learned to be better, to live together as a group and to build up character; • I've learned to be tolerant and to love my neighbor; • I've learned to face the world as a citizen, with respect, commitment and tolerance; • A learning for life.
Teachers	<ul style="list-style-type: none"> • Positive change in the majority's behavior is clear; • Helped students discover values; • Contributed for social, moral and ethical formation of the students; • Improved student performance in the classroom; • Respect, dignified and more humane behavior; • Excellent project, because citizenship and mutual respect, both to each other and the country the country are worked very hard, besides imposing limits to the young people; • A true school of citizenship;
Parents	<ul style="list-style-type: none"> • They taught things I had never heard of, only good things; • They gained confidence and conquered leadership spirit, fearless to fight for their rights; • It leads young people to improve their ethical and moral aspects and to engage in improving country; • It promoted ideological growth; • Project of great importance, not only for the young ones, but for the whole community; • Young people learned to respect others and contribute for a better country; • Great encouragement for young people to become good citizens and not yield to temptation.

The testimonies of the young people who joined the " Forward Comrades" Project, their families and their school teachers, make it clear that the project's goals were achieved. It also reinforces the importance of Social Education for formation of citizens, which collaborates with school and family formation of young people.

These observations also find support in the literature, such as Bertao (2012), who states that for an educational action, Social Education needs to promote training for individuals, groups and communities in order to establish a conscious social integration, and Petrus (1998), according to whom this training implies change not only in individuals, but also in the environments in which they live and transit, such as family, school, institutions, among others, to make provoke changes of attitude possible, seeking the promotion and development of people.

4. Final Considerations

In Sao Benedito do Rio Preto, in Maranhao, Brazil, as well as in many places where poverty prevails, there are lots of communities suffering the consequences of social exclusion and injustice, being young people the most disadvantaged. In order to revert or at least minimize this exclusion's effects, civil nonprofit organizations AYARP and AFASB develop the

Forward Comrades Project, whose main goal is to provide citizen formation e improve self-esteem of the community youth.

This social work committed to education has been a crucial instrument to help neutralize social inequality, assisting many young ones to overcome social adversities, seeking to make them capable of pursuing autonomy and protagonism to face future life challenges.

Before all that was exposed and by the level of satisfaction and preparation of those who completed the Project, as well as their relatives and teachers, the Project's effectiveness is out of question.

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Roger Pouivet's “*Applied Ontology*” hypothesis in Study of Contemporary Art

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Abstract:

What do we mean by a good art audience? What kind of art makes a person an art audience? What type of audience makes something an artwork? And how does art engage the audience? Today, such questions are subject to controversy. Indeed, we know that the *art audience* is not an absolute term.

According to R. POUIVET's “*Applied Ontology*” every artwork must be kept in mind as it is, without any kind of ontology of art or artwork. This was suggested by *Enlightenment* philosophy, Aesthetics, and institutional theories of art.

Thus a scheme is dedicated to the *Contemporary Art*, as the role of the artist ends after the exposition of the artwork. Since universal art has no limits anymore, the artist has no idea by whom or where their work will be visited in the future. The Pre-Modern art scheme, which was an integrated effort between the artwork (representation), the audience and the artist, has changed to a direct relationship between the artwork and the audience, focusing on the elevation of the human's soul— from Modernism onwards.

From now on, the constitution of an artwork seems to be entirely up to the second pole i.e. reception.

Art therefore, may not exist unless constituted by the mind (audience) which receives it, only when the artwork acquires its particular characters in the process of reception.

This article refers to E.Gombrich and N.GOODMan's viewpoint concerning pictorial representation based on conceptualizing the image reception, followed by conventions internalized and established by the individuals, according to their own lifestyle and the global culture after

the 60's.

Methodology: This reflection is written by Comparative and Analytical Research

Key words: Art audience, Contemporary Art, Applied Ontology, R. POUIVET, Ontology of Art

Introduction:

At this stage, it seems necessary to talk about the paradigm change in the artistic field of the visual arts, which results from the appearance of the visual arts such as performance, which is no longer the poor ancestor of the art of the spectacle, the video, installation, video-installation etc. in the 60s and 70s. To fully understand this paradigm change, we must ask what was going on in Contemporary Art schools of the 1960s. The Minimalists and the Conceptual artists were vigorous and active. The Contemporary Art of the day attracted the attention of many artists. Indeed, when one reads the texts of the very first videographers, notices that many of them were seduced by these new means of "creating art". This is the era of critics like Lucy Lippard, who introduced terms such as *dematerialization*; « [...] art no longer focuses on the object (painting or sculpture), but on the idea.¹ » Thus, during this crucial period, artists try to express themselves through new technologies, i.e. photography, film, video, slides, performance etc. Artistic research has evolved in the process of *dematerialization*; moreover it should be emphasized that the thought has remained dominant until today.

It is necessary on the other hand, to consider the concept of consciousness of time which leads us into deep thinking among artists who take advantage of the interdisciplinary nature of the artistic fields of photography, performance and dance in Contemporary Art. In reality, the concept of consciousness of time makes the observer aware of what is necessary to see regarding the subject, and it becomes impossible to see the concept of the consciousness of the moment independently of the consciousness of the Man. In other words, we understand well that the concept of time constitutes of a totally relative notion, dependent on the consciousness of the Man. Thus, artists active in these contemporary currents have questioned once again, this very concept of time, constituted by Man. And this came true with the aim of promoting their new thoughts on this subject. It can be said that artists used it as a fundamental medium, especially in the form of video.

We know well that the questioning on the notion of audience i.e. who is a good audience? And how an audience stands in front of a *Major Artwork*, emerged from the *Renaissance era*. However, in the aftermath, these questions gained significance during the *Enlightenment period*, when the legitimation of the audience's posture was put at the center of controversy on this subject.

Where to stand in front of an artwork? Is this question still alive today? The answer is yes. Then whom should this question be asked from? The artist? The art critic? The gallery owner? Or does every spectator, professional or not, have to ask it from himself? We believe that everyone has to ask the question.

At the end of the process, it is him indeed (the audience) who interprets freely. Yes, there is no point in watching outside the artwork for its meaning and connotations. Even to consider the reflection until deciding what is art, and if it is possible to consider the mentioned object as an artwork or not. And at the time of Contemporary Art, even in the epoch of Modern Art, you need nothing but the artwork in any case. Now, we can say that we are looking for a particular ontology on the work of art that Roger Pouivet, contemporary French philosopher, calls "*Applied Ontology*". In this ontology, the work of art is took into consideration without worrying about the fundamental categories that art and the work of art possess.

Research methodology of this paper is based on Comparative and Analytical Research

I. The question of "*Innocent Eye*" in artistic reception:

By meeting the "*Innocent Eye*" hypothesis, first put forward by John Ruskin and developed by Clement Greenberg, we find ourselves confronted with the fundamental question of whether it is possible to look at an artwork using "*Innocent Eye*". And in order to properly develop this basic question, let us address this topic from the phase where we speak of the "*Innocent Eye*" hypothesis, so, we intend to talk about the phase of perception of art. In other words: it is thought that the artistic reception of an artwork is due to the relative elements used by the artist. But it is not only that. Of course, the elements that each artist puts forward in his work play a key role in the interpretation of the latter by the audience. But this interpretation or reading of each artwork is also due to the action of its audience. Thus, we must not ignore or minimize his role in the process of determining the meaning of an artwork.

Indeed, contrary to Greenberg's hypothesis, we think that this role of the audience is active, it is even as important as that of the artist. This key role is taken into account in the work of the contemporary artist, who counted on him even in the creation of his work. It must be considered that the role of the artist, as the author, ends after the presentation of the work.

The artist creates a work of art that is individual or even unique, after which it is the audience to freely interpret this work from his own point of view__ which roots in his way of living, and his life experiences, both personal and collective. From the moment of exhibiting an artwork, each audience will temporarily become the work's author; thus, there are as many interpretations as the number of the visitors. And these audiences already differ from one another from a social, cultural, economic and even linguistic point of view, all over the world.

So from this point of view, we do not agree with Greenberg at all in terms of putting forward the "*Innocent Eye*" hypothesis. We note that the audience must know that nothing is due to chance in art, and that all elements are thought by the artist. The latter has already considered all configurations, and each one symbolizes something and serves to translate a concept, and this enriches the communication process. All configurations, and whatever they are include the means used, the material, the scale, the position, the color, the environment around the work itself, the place of the exhibition, the distance with the audience etc. The audience must know why the artist chose this artistic style rather than another. And he must know a little about the materials used and become familiar with them, in order to be able to follow the symbolic and formal interferences established by the artist.

Here, we highlight the point of view of Christian Ruby, the author of the book *Spectator and Politics*, devoted to the question of who is the audience today. We found ourselves completely in agreement with his point of view, and like him, we affirm that culture is not a natural thing, and that at any moment we can change cultural relations. Indeed, the natural audience did not exist, and we became audience by dint of education in history. Nobody is a master impromptu.

In every epoch the audience is different from those of another epoch, because of the different educations; for example, during the epoch of Classical Art, we met the audience of Classical art, then the audience of Modern art, today the audience of Contemporary Art, and then, the

audience of art of tomorrow. And this is exactly the “culture of time”, a term we find ourselves quite appropriate to the idea for what we intend to develop here.

Ruby adds that it is the artwork that educates its audience: « [...] what work makes me an audience and what audience does something of the work?ⁱⁱ » We agree that we, as members of the art world, or individuals with an interest in art, must seek, find and establish this process of education.

«It does not seem to me necessary either to examine first the Kantian and post-Kantian critique of metaphysics. It will suffice here that we speak of works of art [...] by referring to them, we identify them.ⁱⁱⁱ » says R. Pouivet.

It seems to us that this presupposition is very close to R. POUIVET's assumption of “*Applied Ontology*”. « Applied Ontology is an ontological interrogation about particular entities as diverse as a quark, an embryo, a border, or a work of art.^{iv} »

In this discourse, there are two schemas as to the relationship between the artist, the artwork and the audience, which are relevant to quote here. First the pattern of this relationship triangle in the epoch of Classical art.

We see in this diagram that there is a triangular relationship between these three essential elements in the world of Classical art: the artwork is at the head of the triangle, through which the artist and the audience are in contact. Basically, the academy decides who the artist is and who the audience is. Artists also know the genre of their audience and vice versa. Everything was well defined and everyone knew the criteria.

While in the second scheme, dedicated to Modern and Contemporary Art, where we see that after the exhibition of the work, the role of the artist comes to an end. And besides, the artist who already knew his target audience at the time of Classical Art, has no idea about who will visit his works tomorrow, and where. Because today, art is becoming more and more universal and limitless.

In any case, considering the diversity of the artistic fields in front of the audience, it seems to us that a non-professional audience who would be curious to understand the artwork, and to appropriate the language of the artists should absolutely read catalogs of the expositions.

That is why we subscribe entirely to the point of view of Ernest Gombrich and Nelson Goodman concerning a pictorial representation which would move towards the establishment of a conception on the

perception of images. This conception follows conventions internalized by the person who perceives them. Conventions that differ from each other, and each one of us establishes them according to our own way of life.

So we can link this exercise of Segall, Campbell and Herskowitz with the Gombrich and Goodman's hypothesis concerning the conventional codes governing the perception of images.

With the objective of giving you to see what is intentioned on this subject, the example of the Persian miniature is put forward. In the different principles of the many traditional schools of Iranian painting, we always find the essential principle of “simultaneity”, to know: the painter always integrates into his creation different interior and exterior spaces, and even different times of the day to that time. The viewer can contemplate different parts of buildings, or day and night within a single scene. (See fig. 1)

Fig. 1. Kamaledin Behzād, *Yusuf*

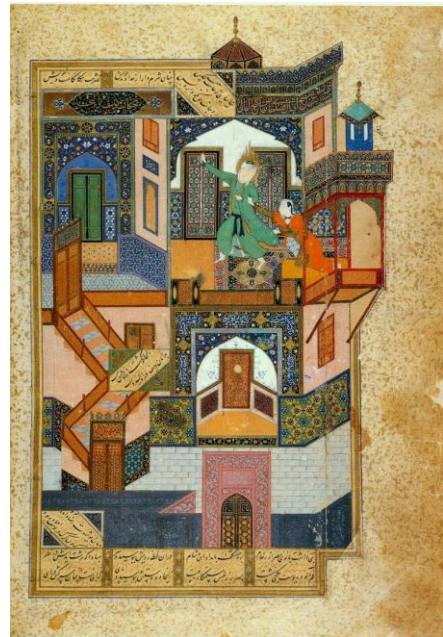
and Zulaikha (Joseph chased

by Potiphar's wife), Harāt School,

1488.

These pictorial representation codes are known to Iranian and even oriental audience. Because these conventional codes are still in force in their traditions of pictorial perception. It is quite different for westerners who are not familiar with these codes, and who have no idea how they should receive and interpret these enigmatic scenes.

Note that when Ruskin, then Greenberg, speak of the “Innocent Eye”, they assume a neutral ideal audience. They viewed the audience as a child



who would ignore any of the conventional codes of pictorial perception, that is, someone who would have no idea or prejudice about the artwork he or she sees.

Indeed, Ruskin has a dogmatic conception of art, and believes that the artist must remain neutral, and his work must be free from all the signs and all the probable meanings that call into question the meaning of an artwork: neutral and realistic art, even a natural photograph.

However, Ruskin and Greenberg are wrong, because it is impossible not to consider the internalized ability to react at the moment of the reception of images, even when it is about real objects. This difference in perception of objects is due to gender, ethnic root, age, geographical location, etc., between human beings. And that in the perception of images is due to the various factors that we have already mentioned.

As Danto says about Ruskin:

« [...] his mistake is to have assumed that the relationship between some ideal paints and the world is so narrow that the world - conceived in a reductionist and realistic way - consists of an assemblage of colored spots and that is how the innocent eye sees it. But the miracle of painting is that we see objects and scenes and not just the spots of color that make up [...] The idea of the innocent eye has recently been criticized from a philosophical point of view and it is fashionable today to argue that such a thing does not exist.^v »

That is, we quite agree with Danto's point of view, where he challenges, after having meticulously analyzed the hypothesis of the "*Innocent Eye*" put forward by Ruskin and Greenberg. To put it short, as we have carefully analyzed throughs this section we can entirely reject this hypothesis of Ruskin and Greenberg.

II. Ontology of Art in Contemporary Art:

To deepen the subject here, it is important to look back a little. Early philosophical studies of art intended to distinguish what was art from what was not, and this line of thought continues to the present day. From Plato until today they have tried to answer this essential question of *what art is* and *what is called a piece of art*? And all reasonable conceptions and theories have been used to establish the philosophical theories containing the answer to this essential question.

As A. Danto states, « There is no such instrument to confirm or refute the claim that a thing is a work of art at a time when it is historically

possible for it to be a work of art.^{vi} » We can take the position of asserting that there is no definitive answer to this question. And based on Hegel's point of view, father of historical study or history in humanistic reflection, it is also possible to say that putting a definitive definition of what is art, and what can be art is impossible in the contemporary time. With the aim of clarifying what we have to demonstrate, we go back a bit, to evoke the relationship of the normal viewer out of the world of art. The consideration of the audience's exclusive role in the interpretation of a work of art makes us aware of the question of how the audience learns, as a person who completes the process of artistic creation. At a minimum, the audience must be introduced to the alphabet of Modern and Postmodern Art. Of course, we cannot expect a fair interpretation from an audience without any prior knowledge of art. Picasso reminds us of this important and wise notion: « art is like Chinese that can be learned.^{vii} » And Élisabeth Couturier debated this issue:

« Indeed, without a minimum of learning, a work remains undecipherable. Even those that seem easy to access are only fully available if we take the time for analysis and information. Then you have to look elsewhere, in your own environment, or in the books, for the keys to a language that we do not yet know. [...] each work is presented as an open book. It is up to us to identify the grammar, to note the syntax, to study the rules, to find the codes.^{viii} » Referring to Couturier's speeches, we highlight the role of the audience in artistic creation. As will be indicated, negative or positive discourses about an object will be enough for this to be recognized as an artwork. But let us not forget that these discourses must take place in the world of art; the world that is not united.

« In 1965 Jerrold Morris, an art dealer in Toronto, attempted to organize the exhibition of "Famous Sculptures," but Canadian customs argued that Warhol's so-called sculpture was a commodity and was therefore taxable, contrary to what which, according to Canadian law, is the case for an "original sculpture". At the time, Dr. Charles Comfort, directed the National Gallery of Canada. He sided with the customs inspectors. After examining photographs of the disputed objects, he said: "I could see that it is not about sculpture.^{ix} »

The work that is now considered the starting point of the contemporary period of art, was not recognized as sculpture by the director of the National Gallery of Canada. However it was imported to Canada for the

exhibition of the *Famous Sculptures in Toronto*, and J. Moris, the art dealer, saw in it a great sculpture. Thus, there is a quarrel between two prominent members of the art world, unable to agree to determine whether an object is art or not.

So when George Dickie talks about the art world, it includes all the art professionals in every art culture, and especially in the dominant cultures. He also speaks of the affirmation of an object, as an artwork, with this world of the art and culture, and it would be closed to the non-cognitive theory of “*Applied Ontology*” by R. Pouivet.

Now, what gives a real object the status of painting, sculpture, installation, or virtual object such as video, holography, and slides etc., (or in other words the status of artwork) is precisely the lively debates which divide the members of the art world. And this is not a definitive statement of this world about what art is and whether an object is a work of art.

« Is it essential or not that the representatives of the art world have reasons for what they do, if what they do must be successful? [...] If so, these reasons will prove to be all we need to know. They will provide us with all the necessary elements to understand what it means to have a painting as a work of art... What, then, would be the use of the representatives of the art world?^x»

This is an opposition that can be share with Richard Wollheim. In addition, it can not be forgotten the role of time, which helps to make a real work of art. It is obvious that to consider a urinal as an artwork (*the Fountain* of MARCEL Duchamp) is out of the field of thought of the nineteenth century.

In fact, despite the shock it inflicted on the art world in the early twentieth century, this object is already ready to be recognized as a work of art thanks to the sharp controversies that it raised.

Today, the question of whether an object is art or not is already obsolete. Of course, if in the art world, we are talking about a particular object, or if an object is exhibited in a place dedicated to the exhibition of works of art, then we can say that this object has already become an artwork. Or at least it is considered as such. Our times are agitated by lively debates about art criticism. Yes, today we live in a time when the art world is made up of three parts, namely creation, criticism and formation in the different artistic fields.

« The explanation of a work could be based on the affirmation of an

affinity, but it would then be an essentially trans-historical explanation, that is, it would presuppose that there is a factor explanatory both common and specific to all members of a class of affinities. Usually, these occupy the same place in relation to the explanatory factor as a series of exemplifications in relation to a Platonic form. In other words, the history of art based on affinities comes from an essentially Platonic spirit. But I would only say that until we are given a legitimate explanation, the reaction to the assertion of such affinities can only be: "So what?"^{xi} » Wrote A. Danto.

Here, it is necessary to mention a difference between the professional audience and the one who is a common audience, by making the artist and the professional audience meet. It happens that professional exchanges take place, without one trying to convince the other, and to rally them to their point of view. It does not matter. What matters is the purpose, the exchange between them. Therefore, the term "unfair criticism" seems improper. Indeed, in this reflection the term "inappropriate criticism" is preferable, which is more adapted to the situation.

And to demonstrate the importance of the transference concerning the dualism of the content and the form that is considered in the nature of a work of art, whether classical or not, we speak of the meaning of the theory which always considers it as a symbol improvisation. This happens on the foundation of *Analytic Theory*, and "*Applied Ontology*". And we will highlight what is seized with these aesthetic theories, and put it in touch with the role of the ego in the process of artistic creation: the symbols of works of Contemporary Art.

In short, when we look at works of art created throughout the history of art, whether in the East or in the West, there is always a common essence between them. Indeed, they always include symbolic conventional codes. These codes differ according to whether they come from one culture or another. Thus, these conventions seem initiated in the eyes of certain audiences, and enigmatic to others.

Each piece of art highlights the worldview of the culture from which it has emerged.

Indeed, in historical studies, artworks could be used as objects of study to better understanding of the worldview, the social changes and the paradigm shift of each historical period of a given civilization.

So, the remark has already been made that social science experts look at artworks regardless of their aesthetic value, and that they are interested

only in the key role they play in the proofing evidence of the epistemology of the corresponding era. Now, is it possible today to consider a work or a set of works of art arranged under the same artistic banner as being emblematic of the worldview of the contemporary epoch? The answer is yes and no! To shed light on what needs to be demonstrated, we will again evoke this reflection by which the institutional theories that include the theories and polemics of ontology are rejected. We also refer to Pouivet's theory of "*Applied Ontology*", "*scriptable reading*" of Danto, and non-cognitive speech. Thus, in our opinion, the artwork must be taken as such, and it is not useful to look outside the work. If the artwork has connotations that send us to the outside, why not? But it is out of the question to try to import a theory of ontology of what is art or what is the artwork into a work of art. And here we present another phase of this reflection on the artwork.

III. Create an Artwork as a Symbol:

Here the idea that artworks have connotations familiar or not in the eyes of their audience is always taken into account and remains well internalized by the artist. So the audience needs to decode them. It can be said that artworks are symbolic, either having collective symbols, or having the individual symbols. However, what distinguishes modern and contemporary artworks from those that preceded them is the individual and collective symbols present in contemporary works of art from the origins of the given culture. Thus, as in *Humanism*, where the individuality of each person has taken an increasingly fundamental place, we can note this process of paradigm shift in artistic procedures. From the twentieth century and the Modern Art era, individualized symbols increasingly tend to replace collective symbols in artworks. Whether they are global or they belong to a particular culture.

In this respect, here the theory of Jean-Paul Sartre (1905-1980) is mentioned. To understand his point of view on art, especially Modern Art, one must study the texts he wrote about Calder, Hare, Giacometti, Masson, Lapoujade, Wols and Rebeyrolle between 1946 and 1970. Looking at the list of the artists, we come to ask what the common point between them is. At first, there is no point of unity, neither in the art school, nor in the movement, nor even in the tendency to which they belong.

However, we must be careful, because the sensitive point of Sartre's aesthetics lies in the process of artistic creation, that is, in the process of

crating a work of art. The common point of all these artistic practices is that in the face of the freedom that characterizes Modern Art, all these artists, in themselves, are innovators who go beyond the limits, and who widen the boundaries of the world of art (the avant-gardes). And as Dominique Berthet says in the article entitled *Sartre, the Visual Arts and Engagement*: « His approach to the work is neither scientific nor historical, but sensitive, intimate.^{xii} » Reading Sartre's texts, we notice that he was interested in the question of individuality, and consequently, the commitment of each of these artists.

« The individual," he says, "seems to me to have chosen the most important in art and, when one wants to take care of an artist, the return to his work, the only possible method is [...] the progressive-regressive method who goes to the table, the writing, the analysis of the individual who produced; so, we go to the individual who wrote or painted from a progressive analysis of the object of the product.^{xiii}»

Thus, among the critics of literature and art, Sartre is still concerned about the privacy, perspectives and commitment of each artist. All related to his lifestyle and his daily life, and which form this individual reflection in the art of each artist.

Thus, here a distinction is made between symbols drawn from artworks from classical, modern and contemporary era, i.e. on the basis of highlighting symbols already so well known to all, and the fact of resorting to symbolizing internally and individually. In order to deepen this debate on the symbolization of artworks in Contemporary Art, we discuss the concepts of “Manifestation” and “expression”, referring to the point of view of Danto, which enlighten us as we go along and progress in this reflection. « All these « expressions » are actually Manifestations, in the sense that I mean this term, since they are the outward sign of an inner state.^{xiv} » As far as we are concerned, we can consider that all events (artworks included) belong to one or the other. And that according to the moment and the way they happen, in no case could they come from both concepts at once. In order to establish this distinction, we must consider the reason (in other words the motive) of each act. If the reason for an act is a way consciously chosen by the actor, in order to be able to communicate in his personal way, then this fact is an act of “expression”. In this conceptual diagram, four fundamental elements are to be considered:

1. Actor
2. Mobile of the act (the reason) = to make the communication
3. Personal act = act of communication
4. Presence of spectators

This is exactly the scheme that is found in the process of doing an artist's or an author's work. This process is the same, whether it is a work of art or literature. And of course, it is necessary to take into account the place where this work is presented. The actor, artist, poet, author ... presents his act where his target audience is.

Thus, if we remove the motive of the act, which consists in reaching to communicate with an imagined spectator, we reduce this act to that of "Manifestation". So that the imaginary actor simply puts forward his own habit and the characteristics that are related to it; having a personal way without having any intention to communicate with someone. So, these two acts are revealing of the actors' world view. So, the second schema is as follows:

1. Actor
2. Mobile of the act = habit and character of the actor
3. Personal act = no act of communication
4. The place of the act does not matter

An example to clarify the distinction of well-defined fields of these schemes, as well as the relationship they maintain between them is given here.



The artist, born in 1967
My mother, born in 1942

Fig. 2. Katayun Karami, *I and my mother*, photographs, 40 X 30 cm, Stamp series, 2005.

As you can see, Karami presents two ordinary ID card photos in Iran. The first shows the artist, born in 1967, and the second showing her mother, born in 1942. Each of these photos simply shows the characteristics of the time when these photos were taken. The first shows typical ID card photos after the Islamic Revolution of 1979, when wearing the veil became mandatory in Iran. And the second is emblematic of the epoch of the Royal regime, where this act was left to the free discretion of each. So, the act of putting them forward is only an act of “Manifestation”. However, what changes the scheme of this act is to intentionally place them side by side under the title *I and my mother*, citing the respective birth years of the two protagonists. These two facts transform a banal act of “Manifestation” into an act of “expression”: artistic, very strong, even contentious by encouraging viewers to look

closely at what happened in Iranian society after the Islamique Revolution (1979), and to measure how much the image of this society has changed by the new regime. All these expressions are obvious from the single act of putting these identity photos side by side by specifying the name and the years of birth of the two women.

Thus, in this mode of expression which is symbolized internally, people translate their vision of the real world. And normally the actors (artist, poet, author, etc.) use their specific modes of expression to express themselves openly against the real world where they live, or rather, as Danto says, where « they are condemned to live^{xv}. » So, they try to put forward their views on this worldview (i.e. to criticize the world today), or their alternatives to change this world, which seems unacceptable to them in its current state. Thus, all acts of “expression” are symbols that cause viewers to review their own interaction with the real world and to change their view of the world. All this to lead to a world where there is more justice, more equality, more peace ...

Here, it is essential to mention the fourth element of the “expression” concept scheme, namely the determining role of the spectator in the artistic reception, and the determination of the “expression” act, which is well noted from time to time as and when this reflection.

Now, what feeds the symbols of the act of “expression” of the actor? We can simply answer that it is culture. But we need to be careful. Because this culture can become global in the context of “globalization” that is ours. Here we are talking about the actor who is an artist and uses internalized symbols, which are themselves influenced by his own culture of origin, and by those who are global. But before going deeper into this questioning of individual and global symbols and their use, we must first distinguish the respective meanings of the concepts of symbol and index. Indeed, the slightest confusion between these two notions will have the effect of making any discussion impossible. In our view, the indexes are the effect of something, while symbols stand for specific meanings. Generally, the meaning of an index is unambiguous. But as far as symbols are concerned, one cannot be 100 percent sure of completely understanding the transformed expressions. For example, when we find a trace of a dog step, then we can deduce with certainty that a dog has passed by. So, the footprint is an index, the consequence of something, no doubt.

But concerning symbols, the answer is not so simple. Each culture has

its own process of symbolization, which differs in each individual from this culture, depending on the differences of personalities and epochs. Thus, while white is always the color of joy, especially the color of bridal dresses in Western culture, it is that of the clothes of people in mourning in Indian culture, where red is the color of joy and the white of sadness. Although today, because of “globalization”, this tradition has changed, and we can now see brides in white dress all over the world, even in India.

In what artistic context, does an artist create an interiorized symbolization? First, it should be noted that when we talk about a context, we talk about all the circumstances in which a fact is inserted. This, of course, relates to historical circumstances, and as Hegel says, we are children of our time and of the previous ones. Thus, throughout this reflection, we mean by context, historical context that includes socio-political, economic, cultural and artistic circumstances, etc. In truth, the various phases of lifestyle in each society have become closer in the epoch of “globalization”, where the boundaries between notions, societies and their respective cultures have almost disappeared. When we speak of this historical context, we have of course intended to consider the context of artistic creation and reception.

All in all, you can consider that in this reflection, it is considered that in contemporary times, no matter where, an artwork is appreciable and alive when it affects the spirit of Man today. Otherwise it may be considered that the work in question has had its day or is out of date.

IV. Conclusion:

We live at the beginning of the twenty-first century, where displacement and mobility between different countries and cultures has become a habit for the majority of people, where every person born of a culture ends up borrowing from others. Thus, we were very sensitive to the questioning of “globalization” that is underway. And of course, it is a dominant feature of our time. In any case, we agree that what differentiates artworks is the individuality of each artist and its trigger to make an artwork. And as you have seen in the course of this reflection, there was no intention to approach the defining theories of the ontology of art, and to establish what the art or work of art is. Now, in contemporary times, we no longer wonder about the ontology of art or the artwork; and the artists' preoccupation today is no longer here. We can say that we are looking for an ontology, very particular on the work of art, that Roger Pouivet calls

“Applied Ontology”. It is a question of considering the work without worrying about the fundamental categories founded by Western aesthetics from the 18th century, which called “the fundamental values of art” in the artistic creation, where it was necessary that the artist in his creation is a work of art and is committed to implementing them. Today, we agree that these values are relative and not definitive.

Basically, we can summarize our perception of the concept of the contemporary artist in the context of “globalization” in this way: the figure of each artist is constituted by the time he lives in, and it depends of course on his personal and collective experiences, including daily life. Of course, the contemporary epoch in which the artist lives is identifiable in the context of “globalization”.

According to the *“Applied Ontology”*, which is a kind of contemporary aesthetics, we are convinced that we must look at the artwork as such and that it is not useful to look outside the work (elsewhere). If it sends us out, no problem. But it is out of the question that we import values from the outside into the work. Then, another phase of the artwork must be considered as a symbol, either individual or collective; that is to say, to speak of symbols already so well known to all, and to resort to a well internalized and individualized symbolization by the contemporary artist.

In addition we noted that we should not minimize the phase of artistic reception in controversies about art. Of course, when we talk about the receptive phase of art, we also subconsciously think about the relational aesthetics staged by the artist at the same time: we always think that the artistic reception of a work of art is due to the relational aesthetics used by the artist. However, the elements that each artist used during his work play a key role in the spectator's interpretation of the work. But it is the one where the reading of each work ends with the action of its spectator. Thus, it is naïve if one ignores the key role of the viewer in the process of determining the meaning of a work of art; this role of the spectator is active, it is even as important as that of the creator.

ⁱ Michael Rush, *L'art vidéo* (London: Thames & Hudson, 2003), 61. [Translated from French in English by the authors]

ⁱⁱ Christian Ruby, "SPECTATOR AND POLITICS" (Séminaire Inter-art, The Faculty of Visual Arts at the University of Strasbourg, Strasbourg, December 20, 2015). [Translated from French in English by the authors]

ⁱⁱⁱ Roger Pouivet, *l'œuvre d'art à l'âge de sa mondialisation : un essai d'ontologie de l'art de masse* (Belgique: La lettre volée, 2003), 17. [Translated from French in English by the authors]

^{iv} Ibid., 18.

^v Arthur Danto, *Après la fin de l'art*, trans. Claude Hary-Schaeffer (Paris: SEUIL, 1996), 35. [Translated from French in English by the authors]

^{vi} Ibid.

^{vii} Pablo Picasso, Des Citations D'artistes Ou De Penseurs Sur L'art, accessed December 14, 2017, <https://www.galerietheartist.com>. [Translated from French in English by the authors]

^{viii} Elisabeth COUTURIER, *L'art contemporain mode d'emploi* (Turin: Filipacchi, 2004), 46. [Translated from French in English by the authors]

^{ix} DANTO. *Après la fin de l'art*, 57-8.

^x Richard Wollheim, *Painting as an art* (Princeton: Princeton Richard University Press, 1987), 14.

^{xi} Danto. *Après la fin de l'art*, 76.

^{xii} Dominique Berthet, "Sartre, Les Arts Plastiques Et L'engagement," in *Changer L'art Transformer La Société : Art Et Politique 2*, dir. Jean-Marc Lachaud (Paris: L'Harmattan, 2009), 16. [Translated from French in English by the authors]

^{xiii} Michel Sicard, "« Penser l'art », entretien avec Sartre, Sartre et les arts", *Obliques*, n°. 24-25 (1981): 67. [Translated from French in English by the authors]

^{xiv} DANTO. *Après la fin de l'art*, 86.

^{xv} Ibid., 88.

"ممارسة النشاط الاقتصادي وفقا للقانون الاماراتي، بين ضرورة التنظيم وتحقيق التنمية المستدامة".
مقال بحثي من اعداد:
الدكتورة كريمة كريم، أستاذ القانون التجاري المساعد -جامعة الشارقة -
مسؤولة مشروع بحث للمستجدين عنوانه: النظام القانوني للمشروع وتحقيق التنمية المستدامة.

المخلص:

لم يكن المشرع الاماراتي ببعيد عن التحولات الاقتصادية التي عرفها العالم ، بل يسعى دائما من خلال تدخلاته التشريعية المتعددة لمسايرة تلك التغيرات والعمل على جذب أكبر عدد من المستثمرين لممارسة الأنشطة الاقتصادية مهما كان نوعها- تجارية ، صناعية، خدماتية..- داخل الامارات العربية المتحدة، وذلك بتنظيم طريق ممارسة تلك الأنشطة بطريقة تضمن التنمية الاقتصادية وتجعل المشروع مسؤول اجتماعيا وملزم بحماية البيئة والحفاظ عليها، كل ذلك للوصول الى التنمية المستدامة. عن طريق فرض اجراءات والتزامات شكلية على المشروع الاقتصادي اما قبل أو أثناء ممارسة النشاط تجعل الادارة او الجهات المختصة تراقب سير عمل تلك المشاريع، وتسعى لتحفيزهم بمنحهم امتيازات نتيجة تحملها لمسؤولياتهم.
الكلمات المفتاحية: النشاط الاقتصادي، المشروع الفردي، الشركة، المسؤولية البيئية، المسؤولية الاجتماعية.

Abstract :

The UAE legislator was not far from the economic changes that the world has known. He has always sought through his various legislative interventions to keep pace with these changes and to attract the largest number of investors to engage in economic activities of any kind - commercial, industrial, service. Within the United Arab Emirates, by organizing the way in which these activities are carried out in such a way as to ensure economic development and make the project socially responsible and binding for the protection and preservation of the environment, all in order to achieve sustainable development. By imposing formal actions and obligations on the project Through the imposition of formal procedures and obligations on the economic project either before or during the exercise of activity make the management or the competent authorities to monitor the progress of those projects, and seeks to motivate them by granting privileges as a result of their responsibilities.

Keywords: Economic activity, Individual project, Company, Environmental responsibility, Social responsibility.

المقدمة:

عرف الاقتصاد الاماراتي تحديات متعددة تتعلق بالجانب الاقتصادي والتنموي، ويعتبر من الاقتصاديات التي اثبتت وجودها واستمرارها نتيجة عدة أسباب أهمها الموقع الجغرافي والاستقرار الأمني والرؤية البعيدة لقياداتها الرشيدة التي تعمل للمضي قدماً لترتيب المراتب الأولى في جميع المجالات ولجعل الامارات من افضل الدول لممارسة الاعمال. وعلى الرغم من المتغيرات التي عرفها الاقتصاد العالمي^{xv}، ومرت بها الدول الأخرى والتي تسببت في تقلبات أسعار الدولار وتذبذب أسعار النفط والمضاربة على المعادن الرئيسية وما نتج عنه من ظروف اقتصادية صعبة في الدول الأوروبية ورفع أسعار الفائدة وعدم استقرار مستويات التجارة الدولية بسبب النزاعات التجارية بين الكتل التجارية الرئيسية: الصين والولايات المتحدة الأمريكية وروسيا والاتحاد الأوروبي...؛ رغم كل ذلك فإن الامارات العربية المتحدة حافظت على معدلات نمو عالية^{xv} لتكون من افضل الوجهات للاستثمار والإقامة والعمل إضافة للسياحة.

و ما يؤكد ذلك تزايد عدد طلبات تراخيص ممارسة الأنشطة الاقتصادية من سنة لأخرى والبرامج التي تم اطلاقها ذات ابعاد زمنية بالانتقال من الارتكاز الكبير على الزراعة في الواحات والصيد وتجارة التمور واللؤلؤ الى الأنشطة المرتكزة على النفط والغاز، والتوجه نحو تجارة الجملة والتجزئة والتصنيع والتشييد والعقارات وما يرتبط بها من خدمات الصيانة والتصليح والانشاء والبناء، وأيضا سعيها نحو تحقيق تنمية وتنافسية الاقتصاد الوطني وتهيئة بيئة لممارسة الاعمال الاقتصادية، عبر سن وتحديث التشريعات الاقتصادية وسياسة التجارة الخارجية وتنمية الصناعات والصادرات الوطنية، مع تنمية السياحة عبر تطوير منتجاتها وتشجيع الاستثمار وتنظيم قطاع المشاريع الصغيرة والمتوسطة وتنويع الأنشطة الاقتصادية والتوجه نحو اقتصاديات المعرفة^{xv}.

وقد أكد الدستور الاماراتي ذلك الاتجاه، بان جعل الدولة تسعى الى اعتبار الاقتصاد الوطني يقوم على أساس العدالة الاجتماعية وهدفه تحقيق التنمية الاقتصادية وزيادة الإنتاج ورفع المستوى المعيشي^{xv}، مع الحفاظ على الثروات الطبيعية على ان يكون استغلالها بشكل حسن ولصالح الاقتصاد الوطني^{xv}، كما أنها تقوم بربط الاعتبارات البيئية بسياسة التخطيط والتنمية بما يحقق احتياجات وتطلعات الحاضر دون إخلال بالقدرة على تحقيق احتياجات وتطلعات المستقبل باعتبارها ملزمة بحماية البيئة وتنميتها^{xv}. هذا من جهة .

ومن جهة ثانية، فقد جعل المشرع الاتحادي تحقيق التنمية المستدامة من الأهداف التي تسعى عدة قوانين لتحقيقها، منها: القانون الاتحادي رقم 2 لسنة 2015 خاصة المادة الثانية، وقانون المنافسة رقم 4 لسنة 2012 خاصة المادة 2 التي تنص على أنه: "يهدف هذا القانون إلى حماية وتعزيز المنافسة ومكافحة للممارسات الاحتكارية، وذلك من خلال ما يأتي: 1- توفير بيئة محفزة للمنشآت من أجل تعزيز الفاعلية والتنافسية ومصلحة المستهلك وتحقيق تنمية مستدامة في الدولة"،... ومن جهة ثالثة، فإن الامارات العربية المتحدة، وامارة الشارقة كمثال تعمل على تحقيق التنمية الاقتصادية وتطبيق النظم والإجراءات المرتبطة بممارسة النشاط الاقتصادي وإيجاد بيئة

اقتصادية مثالية لمزاولة الاعمال ورفع معدل النمو الاقتصادي وتشجيع الاستثمارات بموجب المادة 2 من قرار المجلس التنفيذي رقم 21 لسنة 2017 المتعلق بالنشاط الاقتصادي^{xv}.

والتنمية المستدامة ، كمفهوم تتكون من مفردتين: **التنمية** التي تعتبر من حقوق الانسان التي تم الاعتراف بها منذ 1986 بموجب قرار الجمعية العامة للأمم المتحدة^{xv}، فالفقرة الأولى من مادته الأولى تنص على أن: "1. الحق في التنمية حق من حقوق الإنسان غير قابل للتصرف وبموجبه يحل لكل إنسان ولجميع الشعوب المشاركة والإسهام في **تحقيق تنمية اقتصادية واجتماعية وثقافية وسياسية** والتمتع بهذه التنمية التي يمكن فيها أعمال جميع حقوق الإنسان والحريات الأساسية إعمالاً تاماً. " وأيضاً **المستدامة**: وهو مصطلح ظهر استعماله مرتبطاً بالبيئة وبحمايتها فقد كانت من اهم المبادئ الأساسية لمؤتمر الأمم المتحدة حول البيئة والتنمية المنعقد في ريو دي جانيرو بالبرازيل سنة 1992^{xv} والمسمى بـ "قمة الأرض"، والذي قام بالتوفيق بين مسألتين مختلفتين البيئة والتنمية الاقتصادية ، وذلك بافتراض أن الفقر يؤدي الى فساد البيئة والعكس صحيح ففساد البيئة يترتب عنه ارتفاع نسبة الفقر^{xv}. فيمكن اعتبار **التنمية المستدامة**: الحق في الاستدامة والانصاف بين الأجيال من الجيل الثالث لحقوق الانسان المتمثلة (الحقوق البيئية والتنمية^{xv}) تسمى بحقوق التضامن^{xv} وهي حقوق ترتبط ظهورها بالمتغيرات الدولية واتساع آثار التطورات التي عرفتها التكنولوجيا خاصة المرتبطة بالاتصالات، فالعصر الذي ظهرت فيه ارتبط بظهور العولمة القائمة على سيطرة فكرة المقاوله القائمة على منطق الربح والخسارة، والتي تمارس أنشطة اقتصادية تضر لا محالة بالبيئة وتسبب في كوارث صحية تمس جميع الدول وليس فقط الدولة التي يمارس فيها النشاط.

فنتيجة لاهتمام دولة الامارات العربية المتحدة بالتنمية المستدامة وربطها بالمجال الاقتصادي فهل يجسد بالفعل القانون الاماراتي المنظم لممارسة النشاط الاقتصادي تلك الرؤية المستقبلية القائمة على التنمية المستدامة؟؟؟ وبمعنى آخر، هل الأحكام التي وضعها المشرع الاماراتي لممارسة النشاط الاقتصادي توفر التنظيم القانوني للمنشآت الاقتصادية بشكل مستدام؟ الإجابة على التساؤل ستكون بدراسة نقطتان مهمتان، بالاعتماد على مجموعة متعددة من التشريعات الاماراتي التي اهتمت او نظمت المنشآت التي تمارس نشاطها في الامارات، باعتماد المنهج الوصفي، وذلك بدراسة: التنظيم القانوني لممارسة النشاط الاقتصادي وفقاً للقانون الاماراتي-مبحث اول-؛ ممارسة النشاط الاقتصادي لا تتعارض مع التنمية المستدامة-مبحث ثاني-.

المبحث الأول: التنظيم القانوني لممارسة النشاط الاقتصادي وفقاً للقانون الاماراتي.

يقصد المشرع الاماراتي من النشاط الاقتصادي: النشاط التجاري أو الصناعي أو المهني أو أي نشاط آخر يرخص له من دائرة التنمية الاقتصادية، وذلك اعتماداً على قرار المجلس التنفيذي رقم 21 لسنة 2017 بشأن الأنشطة الاقتصادية في اماره الشارقة^{xv} وقانون اماره دبي رقم 13 لسنة 2011 بشأن تنظيم مزاولة الأنشطة الاقتصادية^{xv}؛ وبالنسبة لتصنيف الترخيص يكون اعتماداً على النشاط الممارس: رخصة زراعية وثروة سمكية وحيوانية، رخصة صناعية، رخصة تجارية ، رخصة مهنية، رخصة حرفية^{xv}، ومزاولة النشاط أو حتى فرع لنشاط اقتصادي لا يكون قبل الحصول على ترخيص باستثناء الشركات والمؤسسات التي يصدر بشأنها تشريع خاص^{xv}، ومثل

تلك الرخصة مرتبطة بالمشروع وممارسة النشاط فلا يمكن تأجيرها لكن يجوز بيعها ضمن التنازل وبيع المحل التجاري^{xv}.

وقد يتخذ المشروع او المنشأة التي تمارس النشاط الاقتصادي عدة اشكال، وذلك بموجب عدة تشريعات. فلقد تدخل المشرع المحلي سواء في اماره دبي أو في اماره الشارقة لتحديد الشكل القانوني الذي يمكن أن تتخذه المنشأة أو المشروع، فألزم أن يتكون مزاوله النشاط الاقتصادي في الإمارة من خلال منشأة على أن تأخذ بصفة الزامية احدى الأشكال القانونية المحددة قانونا وذلك بموجب قانون اماره دبي رقم 13 لسنة 2011 بشأن تنظيم مزاوله الأنشطة الاقتصادية^{xv}؛ وقرار المجلس التنفيذي للشارقة رقم 21 لسنة 2017 بشأن تنظيم الأنشطة الاقتصادية في اماره الشارقة^{xv}، والاختلاف بين هذين التشريعين ، يتمثل في ترتيب الشكل القانوني الذي يمكن اختياره، وفي الجزاء المترتب لمخاله الاختيار من تلك الاشكال. ويعتبر التشريع في الشارقة -مقارنة بنظيره في دبي- آخر تشريع ينظم طريقة ممارسة الأنشطة الاقتصادية في الشارقة (2017) بعد صدور قانون الشركات التجارية رقم 2 لسنة 2015.

و الاشكال التي يمكن الاختيار منها هي : أ-شركة تجارية طبقا لأحكام قانون الشركات التجارية؛ ب- فرع شركة وطنية أو خليجية أو فرع شركة عاملة في المنطقة الحرة؛ ج- شركة أعمال مدنية؛ د- مؤسسة فردية^{xv}. لذلك، يمكن التمييز في التنظيم القانوني للمنشأة الاقتصادية بين المشروع الفردي والمشروع متعدد الشركاء.

المطلب الأول: المشروع الفردي كتنظيم قانوني لممارسة النشاط الاقتصادي.

يقصد بالمشروع الفردي، ذلك المشروع او المنشأة التي تمارس النشاط الاقتصادي من طرف شخص واحد غالبا ما يكون شخصا طبيعيا اذا تعلق الامر بالمؤسسة الفردية التي لا تتمتع بالشخصية القانونية، أو قد يكون شخص طبيعي أو معنوي متى تعلق الامر بشركة الشخص الواحد المتمتعة بالشخصية القانونية.

الفرع الاول: المشروع الفردي الذي لا يتمتع بالشخصية القانونية.

كل شخص طبيعي، يرغب في ممارسة نشاط اقتصادي لوحده مع عدم تكوين شخص معنوي مستقل عن شخصيته ، فانه سيجد نفسه ملزما بتحمل مسؤولية غير محدودة عما يترتب عن ممارسته لذلك النشاط بصورة منفردة، لان المشروع الذي سيقوم بتكوينه لا يتمتع بالشخصية القانونية المستقلة، بل سيلحق بشخصه ويعتبر جزءا من ذمته المالية. وغالبا ما يتم اعتماد هذه الطريقة في بداية ممارسة الأنشطة الاقتصادية: مهن حرة، نشاط تجاري، نشاط خدماتي.... وقد تدخل المشرع الاماراتي لتسميتها بالمؤسسة ، والتي عرفها على أنها" .. هي ملكية فردية لشخص طبيعي واحد فقط ويصدر ترخيصها لمواطني دولة الامارات العربية المتحدة وفقا لشروط الترخيص المقررة ..."^{xv}

لكن ما يميز هذا النوع من المشاريع او المؤسسات:

- أنها تصنف اعتمادا على النشاط الذي يمارسه الشخص:
- قد يكون مدني لا يسعى الى تحقيق الربح وقد يكون نشاط مهني يرتبط المشروع فيه بالعمل الذي يعتمد فيه الشخص على قدراته الذهنية وملكاته الفكرية ودراساته ومواهبه العلمية كالاستشاري والمحامي...، او قد يكون مشروع حرفي يمارس فيه الشخص حرفة يعود مردودها إليه بالاعتماد على مجهوده البدني أو يمكنه الاستعانة ببعض الأدوات والمعدات بمفرده أو مع عدد من العمال لا يزيد عن خمسة^{xv}.
- كما قد يكون تجاري تطبق عليه أحكام المحل التجاري التي يتضمنها القانون التجاري، وذلك باعتبار صاحبه يحترف ممارسة عمل تجاري يكسبه صفة التاجر، والامر يتعلق بالاعمال التي اعترها القانون الاماراتي تجاربه اعتمادا على معيار الاحتراف بموجب المادة 06 من قانون المعاملات التجارية ومثل هذا المشروع التجاري، يخضع لأحكام المحل التجاري هي التي ستطبق عليه، فيكون صاحب المشروع التجاري هو صاحب المحل التجاري يتكون من عناصر مادية ومعنوية تعتبر الأساسية في تكوينه.
- ومن ناحية ثانية، مثل هذه المشاريع محصورة كاصل عام للمواطنين ولمواطني دول مجلس التعاون الا استثناء. فلا يمكن ممارسة نشاط التجارة العامة الا من المواطنين سواء اشخاص طبيعيين او شركات ملوكة للمواطنين بنسبة 100%^{xv}. لكن يجوز الترخيص لغير المواطنين لممارسة النشاط المهني والحرفي البسيط ولكن بشروط معينة أهمها ان يكون له وكيل خدمات اماراتي وشروط أخرى محددة قانونا^{xv}. وفي جميع الحالات لا يمكن التنازل عن مؤسسة تجارية او صناعية لشخص اجنبي الا بعد تغيير المؤسسة الى مهنية باسم الشريك المواطن .

الفرع الثاني: المشروع الفردي المتمتع بالشخصية القانونية- شركة الشخص الواحد-

يعتبر القانون الاماراتي ، من التشريعات التي تسمح بمنح المشروع الفردي أن يكون له وجود قانوني بأن يتمتع بالشخصية القانونية، وذلك منذ صدور قانون الشركات رقم 2 لسنة 2015^{xv} خاصة المادة 3/8 منه، والتي تعتبر إمكانية التأسيس أو التملك لشخص واحد استثناء عن القاعدة العامة المتمثلة في التعدد، وذلك متى توافرت شروط معينة مع إمكانية الاعتماد على احدى طرق التأسيس اما المباشرة او غير المباشرة.

1- الشروط الواجب توافرها لتكوين مشروع فردي متمتع بالشخصية القانونية

باعتبار تأسيس الشركة بشخص واحد هو الاستثناء عن قاعدة تعدد الشركاء لتكوين عقد الشركة، لذلك فقد تدخل المشرع الاماراتي وحدد مجموعة من القيود او الشروط ، والتي يمكن حصرها فيما يلي:

-قيود شخصية وارادة على الشركة ذات الشخص الواحد: فقد اشترط القانون الاماراتي ان يكون الشريك الوحيد فيها من جنسية إماراتية، وبطبيعة الحال يمكن ان يكون من مواطني مجلس التعاون،

لذلك يمنع عن الأجانب تأسيس مثل هذه الشركات. بمعنى لا بد أن يكون الشريك إما شخص طبيعي متمتع بالجنسية الإماراتية أو جنسية دول مجلس التعاون، أما الشخص المعنوي فلا بد أن يكون قد تم تكوينه من طرف مواطنين بنسبة 100% وذلك لأنه على الرغم من أن كل شركة تؤسس في دولة الإمارات تحمل جنسيتها، لكن ذلك لا يستتبع بالضرورة تمتعها بالحقوق المقصورة على المواطنين^{xv}. ومثل هذا القيد اعتبره الفقه^{xv} قد يعيق الاستثمار وتكوين المشاريع نتيجة لمنع الأجانب أن يؤسسوا الشركة بشخص واحد ويقترح عدم حصر تأسيس هذا النوع من الشركات في المواطنين فقط، بل لا بد من إتاحة الفرصة للأجانب وذلك لاستقطاب وتشجيع الاستثمارات الأجنبية مع وضع المشرع للضوابط والقيود المناسبة. أما بالنسبة لشركة المساهمة الخاصة فلا يمكن أن يكون الشريك الوحيد فيها شخص طبيعي بل حصره المشرع الإماراتي في الشخص الاعتباري .

- قيود موضوعية: بمنعها من ممارسة بعض الأنشطة، فشركة الشخص الواحد ذات المسؤولية المحدودة يمكنها ممارسة كافة الأنشطة الاقتصادية باستثناء تلك التي حظرها القانون الإماراتي عليها بموجب المادة 4/11 من قانون الشركات التجارية: كمزاولة أعمال المصارف وأعمال التأمين والتي لا يمكن أن تكون الا شركة مساهمة عامة، واستثمار الاموال لحساب الغير وذلك بسبب ان تلك الأنشطة تتطلب استثمار اموال ضخمة تقدم ضمانا للغير المتعامل معها. وفي المقابل يمكن ان تكون من المنشآت المالية المرخصة باستثناء البنك، بمعنى تكون مؤسسة مالية او منشأة الصرافة والوساطة النقدية^{xv}.

- قيود شكلية: تتمثل في حصر الاختيار بين شكلين فقط من الشركات التجارية المنظمة بموجب قانون الشركات رقم 2 لسنة 2015، من دون امكانية أن يتم تأسيس باقي الشركات بشخص واحد مثل شركة التضامن، التوصية البسيطة التي يشترط فيها دائما تعدد الشركات، وحتى المساهمة العامة لا يمكن تأسيسها من طرف شخص واحد الا اذا تعلق الامر بالشركات العامة التي يتم تأسيسها من طرف الحكومة الاتحادية او الحكومات المحلية بأن تنفرد الدولة بتأسيسها لوحدها دون تواجد شريك اخر^{xv} وذلك لمقتضيات المصلحة العامة ما دامت الدولة تبقى المسيطرة على راسمال مثل هذه الشركات والتي غالبا ما ترتبط بقطاعات اقتصادية محددة^{xv} والتي غالبا ما تنظمها الدولة بتشريعات خاصة والتي ادرجها القانون الاماراتي ضمن القائمة السلبية الممنوعة على الاستثمار الاجنبي المباشر^{xv}. فالاختيار يكون بين شكلين قانونيين إما : شكل الشركة ذات المسؤولية المحدودة بموجب المادة 2/71 "يجوز لشخص واحد مواطن طبيعي أو اعتباري تأسيس وتملك شركة ذات مسؤولية محدودة ولا يسأل مالك رأس مال الشركة عن التزاماتها إلا بمقدار رأس المال الوارد بعقد تأسيسها ، وتسري عليه أحكام الشركة ذات المسؤولية المحدودة الواردة في هذا القانون فيما لا يتعارض مع طبيعتها..."، أو شكل شركة المساهمة الخاصة اعتمادا على المادة 3/255: "استثناء من الحد الأدنى لعدد المساهمين المقرر بالبند (1) من هذه المادة، يجوز لشخص واحد اعتباري تأسيس وتملك شركة مساهمة خاصة ولا يسأل مالك رأس مال الشركة عن التزاماتها الا بمقدار رأس المال الوارد بعقد تأسيسها ويجب أن يتبع اسم الشركة عبارة " شركة الشخص الواحد مساهمة خاصة"، وتسري عليه أحكام شركة المساهمة الخاصة الواردة في هذا القانون فيما لا يتعارض مع طبيعتها".

2- طريقة تكوين المشروع الفردي المتمتع بالشخصية القانونية

اعتمادا على المستجدات التي نظمها القانون الاتحادي رقم 2 لسنة 2015 بشأن الشركات التجارية، فإن عملية تأسيس الشركة التجارية قد تتخذ طريقين اما عن طريق وجود شريكين فاكثر وهي الطريقة العادية عن طريق عقد الشركة ، أو يتم التأسيس المباشر أو غير المباشر من طرف شخص واحد بمعنى عن طريق الارادة المنفردة متى كانت الشركة مؤسسة بشخص واحد وذلك تطبيقا للمادة 1/8 من قانون الشركات التجارية . وهو ما أدى الى اعادة النظر في الطبيعة القانونية للشركة، فلم تبق من طبيعة عقدية او من طبيعة نظامية ولا حتى من طبيعة مختلطة تجمع بين العقد والنظام، بل اصبحت تنظيميا قانونيا للمشروع المستغل وهي تمنحه الوجود القانوني رغم عدم توافر ركن التعدد . بمعنى وجود الشركة مرتبط بالمشروع^{xv}، لكن بعض الفقه يرى بان المشرع من خلال تعريفه للشركة يؤكد أن الطبيعة القانونية للشركة تجمع بين الصبغة العقدية والصبغة النظامية، فلا يمكن تغليب مفهوم على آخر، بل لا بد من النظر الى الشركة على أنها كيان تتعايش بداخله القواعد العقدية جنباً الى جنب مع القواعد التنظيمية بدرجات متفاوتة وفقا لشكل الشركة^{xv}.

فيمكن للشخص أن يكون شريكا وحيدا في شركة تجارية وفقا للقانون الاماراتي، وذلك بطريقتين اما يؤسسها مباشرة بارادته المنفردة بان يقوم بجميع الاجراءات لتكوين شخص معنوي جديد، أو أن تجتمع جميع حصص الشركة بيده إذا تعلق الأمر بشركة ذات مسؤولية محدودة أو تجتمع جميع الاسهم في يده إذا كانت الشركة مساهمة خاصة ، ولا يهم سبب ذلك التجميع اما بسبب التنازل أو بسبب الوفاة أو لتوافر الموانع القانونية لدى باقي الشركاء، أو نتيجة تحويل شركة متعددة الشركاء تجمعت الحصص في يد شريك واحد تحولها الى شركة الشخص الواحد مع اتباع الاجراءات القانونية^{xv}. وما يمكن ملاحظته أن المشرع الاماراتي لم يضع حدا معينا لعدد الشركات ذات الشخص الواحد والتي يمكن للشخص تأسيسها بمفرده عكس التشريعات المقارنة. والفقه يعتبر سكوت المشرع الاماراتي عن تحديد عدد الشركان التي يمكن تأسيسها يجعل الامر متروكا للاجتهاد بعد تطبيق القانون على الواقع^{xv}. على ان يبقى الشريك الوحيد ملزم دائما باحترام جميع الاجراءات والشروط التي حددها القانون لكتابة النظام الاساسي للشركة والشهر والقيّد في السجل التجاري بعد الحصول على الرخصة المطلوبة^{xv}.

المطلب الثاني : الشركة أو المشروع الجماعي كتنظيم قانوني لممارسة النشاط الاقتصادي.

المشروع الجماعي الذي يمكنه ممارسة النشاط الاقتصادي ، والذي تدخل القانون الاماراتي لتنظيمه هي الشركات، والتي نظمها قانون المعاملات المدنية وأيضاً قانون المعاملات التجارية. فهي قد تكون مدنية أو تجارية ، ويمكنها اتخاذ عدة اشكال حددها القانون.

الفرع الاول: مفهوم الشركة باعتبارها تنظيم قانوني لممارسة النشاط الاقتصادي

الشركة التجارية كشكل قانوني للمشروع، تدخلت عدة تشريعات لتعريفها:

- تعرف الشركة اعتمادا على المادة 654 من قانون المعاملات المدنية، على أنها: "... عقد يلتزم بمقتضاه شخصان أو أكثر بأن يسهم كل منهم في مشروع مالي بتقديم حصة من مال أو من عمل لاستثمار ذلك المشروع واقتسام ما قد ينشأ عنه من ربح أو خسارة"،
- وعرفها قانون المعاملات التجارية الإماراتي -أما الملغى^{xv} أو ساري المفعول^{xv}- على أنها : " 1- الشركة عقد يلتزم بمقتضاه شخصان أو أكثر بأن يشارك كل منهم في مشروع اقتصادي يستهدف تحقيق الربح، وذلك بتقديم حصة من مال أو عمل، واقتسام ما ينشأ عن هذا المشروع من ربح أو خسارة."

والفرق بين التعريفين في القانونين، ان الشركة المدنية تخضع للقانون المدني كاصل عام أما التجارية فتخضع للقانون التجاري باعتبارها تاجر، يوجد معيارين للتمييز بين الشركة المدنية او التجارية، فيمكن الاعتماد على المعيار الموضوعي بمعنى ضرورة النظر والاهتمام بطبيعة النشاط إذا كان مدني فهي شركة مدنية تخضع لأحكام القانون المدني ولأحكام النشاط الذي تمارسه، أو يكون نشاط تجاري بمعنى ممارسة الأعمال التجارية بحسب ماهيتها التي نظمها قانون المعاملات التجارية في المواد 5،6 والتي تتمثل في الصناعة والخدمات والتجارة وحتى النشاط الزراعي بتوافر شروط معينة/ وهي نفسها الأنشطة التي اعتبرها قانون الشركات تدرج ضمن المشروع الاقتصادي والمتمثلة في النشاط التجاري أو المالي أو الصناعي أو الزراعي أو العقاري^{xv}. أو يتم الاعتماد على المعيار الشكلي، بمعنى لا يهتم النشاط الممارس بل الشكل الذي تختاره ، فإذا اختارت لتنظيمها إحدى اشكال الشركات التجارية الخمسة^{xv} المحددة في قانون الشركات التجارية لسنة 2015^{xv} فهي تعتبر تجارية دائما بعد قيدها في السجل التجاري

فالقانون الشركات التجارية، ربطت تعريف الشركة بوجود مشروع اقتصادي يساهم فيه الشركاء بالحصص المقدمة، وفقا للمادة 1/8 المحددة سابقا، وقد جعلته الفقرة الثانية من المادة نفسها يشمل : "كل نشاط تجاري أو مالي أو صناعي أو زراعي أو عقاري، أو غير ذلك من أوجه النشاط الاقتصادي". وهي نفس الأنشطة التي حددتها التشريعات المنظمة للأنشطة الاقتصادية^{xv}. وقد اعتبر البعض^{xv}، ان المشرع حاول إزالة الغموض الذي قد ينشأ عن تفسير المقصود من المشروع الاقتصادي ، بأن عدد على سبيل المثال بعض الأنشطة التي من الممكن للشركات مزاولتها ومنها الأنشطة التجارية والصناعية والزراعية.. قد حاول الفقه القانوني تعريف المشروع باعتباره وحدة اقتصادية وقانونية تجتمع فيها العناصر البشرية والمادية للنشاط الاقتصادي^{xv}. وهو وحدة انتاج اقتصادية تتميز بالتنظيم بين عناصره المادية والبشرية غرضها الانتاج والتمويل وتجارة الأموال والخدمات^{xv}..

فالشركة اذن بعيدا عن اعتبارها شخص معنوي هي مشروع أو منشأة يسعى المشاركون فيها الى تحقيق تنمية اقتصادية بالسعي نحو تحقيق الربح وتشغيل العمال ورفع مستوى المعيشة في المنطقة التي تنشأ فيها الشركة. فهي منشأة صغيرة او متوسطة^{xv} متى مارست نشاطا اقتصاديا صغيرا او متناهي الصغر او متوسط^{xv}، وتوافرت على المعايير المعتمدة لتصنيف المشروع الصغير والمتوسط والمحددة قانونا^{xv}؛ كما تعتبر، منشأة تخضع لقانون المنافسة^{xv}، وهي منشأة اقتصادية بمفهوم القانون المحلي المنظم لممارسة الأنشطة الاقتصادية^{xv}.

الفرع الثاني: الشكل القانوني للشركة باعتبارها تنظيم قانوني للممارسة النشاط الاقتصادي

بعد صدور قانون الشركات التجارية لسنة 2015، فغن المشرع الاماراتي اصبح ينظم خمسة اشكال قانونية للشركة التجارية بدلا من سبعة اشكال^{xv} وفقا للقانون الملغى^{xv} رقم 8 لسنة 1984. فكل من يريد ممارسة نشاط اقتصادي في شكل شركة، فهو ملزم بالاختيار بين الاشكال الخمسة المحددة في المادة 9/ 2، 1 منه وذلك تحت طائلة البطلان، والتي تنص: "1- يجب أن تتخذ الشركة أحد الأشكال الآتية: أ- شركة التضامن. ب- شركة التوصية البسيطة. ج- الشركة ذات المسؤولية المحدودة. د- شركة المساهمة العامة. هـ شركة المساهمة الخاصة. 2- كل شركة لا تتخذ أحد الأشكال المشار إليها في البند السابق تعتبر باطلة ويكون الأشخاص الذين تعاقدوا باسمها مسؤولين شخصيا وبالتضامن عن الالتزامات الناشئة عن هذا التعاقد."

و بالاعتماد على الاحصائيات المقدمة من طرف دائرة التنمية الاقتصادية لإمارة الشارقة ، المتعلقة بالرخص الممنوحة لممارسة نشاط اقتصادي معين عن طريق منشأة اقتصادية ، فانه يمكن ترتيب الشكل القانوني للمشروع او المنشأة والتي اختارت شكل شركة تجارية بالاعتماد على الاحصائيات الخاصة بالمركز الرئيسي لامارة الشارقة^{xv}، ترتيبا تنازليا من اكثر الاشكال اختيارا بين الاشخاص الى الاقل اختيارا، على النحو التالي:

- 1- الشركة ذات المسؤولية المحدودة : هي تلك الشركة التي تتخذ مكانا وسطا بين شركات الاموال وشركات الاشخاص، فهي ذات طابع هجين مختلط، تجمع بين المسؤولية المحدودة للشركاء وهي ميزة في شركات الاموال وبين وضع حد اقصى لعدد الشركاء حفاظا للاعتبار الشخصي مع ترك تحديد راسمال الشركة لارادة الشركاء، عرفها القانون الاماراتي بموجب المادة 71 من قانون الشركات التجارية، وجعلها نوعان:
 - شركة ذات مسؤولية محدودة متعددة الشركاء: هي الشركة التي لا يقل عدد الشركاء فيها عن اثنين ولا يزيد على (50) خمسين شريكا، ولا يسأل كل منهم إلا بقدر حصته في رأس المال. يشترط فيها احترام ملكية المواطنين لاغلبيه راسمال الشركة، فيمكن للأجانب ان يكونوا شركاء، كما يمكن لمواطني مجلس التعاون الخليجي تأسيسها لوحدهم. وذلك لممارسة جميع الأنشطة تجارية، صناعية، مهنية، سياحية باستثناء تلك المخصصة لشركات الأموال، وأيضا يمكن ان يكون الشخص المعنوي شريكا فيها^{xv}.
 - شركة الشخص الواحد ذات المسؤولية المحدودة: هي تلك الشركة التي يتم تأسيسها اما بطريقة مباشرة او غير مباشرة-تجمع الحصص في يد واحدة- من طرف شخص واحد مواطن طبيعي أو اعتباري، ولا يسأل مالك رأس مال الشركة عن التزاماتها الا بمقدار رأس المال الوارد بعقد تأسيسها، وهي تبقى خاضعة لاحكام شركة ذات المسؤولية المحدودة متعددة الشركاء^{xv}.

- 2- شركة المساهمة العامة، هي: الشركة التي يقسم رأسمالها إلى أسهم متساوية القيمة وتكون قابلة للتداول ويكتتب المؤسسون بجزء من هذه الأسهم لا تقل نسبة المساهمة عن 30% و لا تزيد على 70% من رأسمال الشركة المصدر وذلك قبل الاكتتاب العام في باقي الأسهم^{xv} ، على أن يطرح باقي الأسهم على الجمهور للاكتتاب العام، ولا يسأل المساهم فيها إلا بقدر حصته في رأس المال^{xv}. ويمكنها ممارسة الأنشطة التجارية والصناعية بما لا يتعارض وقوانين الدائرة حسب الجنسيات، مع احترام دائما نسبة الملكية الوطنية للأسهم والتي لا تقل عن 51%، كما انه يمكن للشخص الاعتباري أن يكون مساهما فيها، على اعتبار أن هذه الشركة تقوم على الاعتبار المالي وتبتعد عن الاعتبار الشخصي^{xv}. بشرط أن لا يقل الحد الأدنى عن للمؤسسين عن خمسة مساهمين مواطنين يمتلكون ما بين 30% و 70% من أسهم الشركة التي لا تعرض للاكتتاب. وتلجأ هذه الشركة للاكتتاب العام من أجل التأسيس نتيجة لقيمة الحد الأدنى لرأسمال الشركة في هذه الحالة والذي لا يقل عن ثلاثين مليون درهم-30000000^{xv}.
- 3- شركة التوصية البسيطة: هي شركة تميل الى شركات الاشخاص على الرغم من أنها تضم نوعين من الشركاء بنوع مسؤولية مختلف. فالشريك المتضامن مسؤوليته غير محدودة عن ديون الشركة على خلاف الشريك الموصي الذي تكون مسؤوليته محدودة. وقد عرفها القانون الاماراتي في المادة 62 من قانون الشركات التجارية : الشركة التي تتكون من شريك متضامن أو أكثر يكونون مسؤولين شخصيا وبالتضامن عن التزامات الشركة ويكتسبون صفة التاجر يشترط أن يكونوا شخص طبيعى ومتمتع بالجنسية الإماراتية، ومن شريك موص أو أكثر اما مواطنين أو أجانب شخص طبيعى او معنوي^{xv}، لا يكونون مسؤولين عن التزامات الشركة إلا بمقدار حصتهم في رأس المال ولا يكتسبون صفة التاجر. وهي تعتبر من شركات الأشخاص ، لذلك فهي تخضع لأحكام شركة التضامن مالم تتعارض مع خاصية الشريك الموصي يمكنها ممارسة الأنشطة التجارية والصناعية فقط، باعتبارها التي تتناسب مع حجم وخصائص هذا الشكل من الشركات التجارية^{xv}.
- 4- شركة التضامن ، هي تلك الشركة التي تتكون من شريكين أو أكثر من الأشخاص الطبيعيين يكونون مسؤولين شخصيا وبالتضامن في جميع أموالهم عن التزامات الشركة^{xv}، يكتسب فيها الشريك صفة التاجر ويعتبره القانون يزاول التجارة بنفسه باسم الشركة، ويترتب على اشتهار افلاس الشركة اشتهار افلاس الشركاء بقوة القانون^{xv}. وهي من شركات الاشخاص تقوم على الاعتبار الشخصي لذلك فان المشرع لم يتدخل لتحديد الحد الأدنى لرأس المال مادامت الزمة المالية للشريك هي ضمانة للوفاء بديون الشركة، وهي محصورة على المواطنين اشخاص طبيعيين، فلا يمكن للاجنبي ان يكون شريكا متضامنا أو أن يملكها مواطنوا دول مجلس التعاون. يمكنها ممارسة الأنشطة التجارية والصناعية فقط، وذلك باستبعاد باقي الأنشطة المعتمدة على استثمار مبالغ مرتفعة^{xv}.
- 5- شركة المساهمة الخاصة: والتي عرفتها المادة 1/255 من قانون الشركات التجارية رقم 2 لسنة 2015، على أنها: "...هي الشركة التي لا يقل عدد المساهمين فيها عن اثنين ولا يزيد على مائتي مساهم ويقسم إلى أسهم متساوية القيمة الاسمية تدفع قيمتها بالكامل دون طرح أي منها في اكتتاب عام، وذلك عن طريق التوقيع على

عقد تأسيس والالتزام بأحكام هذا القانون فيما يتعلق بالتسجيل والتأسيس، و لا يسأل المساهم في الشركة إلا في حدود ما يملكه من أسهم فيها."

ما يميز هذه الشركة^{xv}، انها تخضع لاحكام شركة المساهمة العامة فهي من شركات الاموال التي تقوم على الاعتبار المالي، تدخل المشرع لتحديد الحد الأدنى لرأسمالها بخمسة ملايين درهم-5000000- يدفع كاملاً^{xv}، فلا يمكن ان يتم تأسيسها عن طريق الاكتتاب العام عكس شركة المساهمة العامة. كما أنه يمكن ان تكون مملوكة او مكونة كلية من طرف شخص اعتباري واحد لتسمى " شركة الشخص الواحد مساهمة خاصة"^{xv} كما يمكن ان تكون متعددة الشركاء تتكون من مساهمين اثنين كحد ادنى على ان لا يتجاوز عدد الشركاء مائتي مساهم، وفي حال اختلاف جنسية المساهمين فلا بد دائما من احترام نسبة 51 % من راس المال تكون ملكية وطنية مقابل 49%. لكن اذا كانت الجنسية تابعة لدول مجلس التعاون فما يسري على المواطن يسري عليهم، فيمكنهم تكوين هذه الشركة دون اشتراط اشتراطهم مع امارتين. ومثل هذه الشركة يمكنها ممارسة جميع الأنشطة الاقتصادية: نشاط تجاري، صناعي، الا أن الأنشطة المهنية لا يسمح بها القانون تحت هذا الشكل. مع ضرورة الحصول على موافقة من وزارة الاقتصاد

المبحث الثاني: ممارسة النشاط الاقتصادي لا تتعارض مع تحقيق التنمية المستدامة.

على الرغم من أن ممارسة النشاط الاقتصادي تتم بحرية تطبيقاً لحرية التجارة و الصناعة^{xv}، لكن المشرع يتدخل في اغلب الأحيان لاشتراط على المشروع أن يتحصل على ترخيص أو موافقة من الجهة المختصة قبل ممارسته و أو عند اجراء أي تعديل عليه، سواء لخصوصية النشاط - كالمشروع الصناعي^{xv} ، او حماية للبيئة بالزام جميع المشاريع قبل مباشرة نشاطها بضرورة الحصول على الترخيص الذي يتضمن تقييم التأثير البيئي^{xv}، كما يجب على الشركة أن تتحصل على كافة الموافقات و التراخيص التي يتطلبها النشاط الذي تمارسه في الدولة قبل البدء في ممارسة نشاطها^{xv}.

و بصفة عامة لا يجوز لأي شخص مهما كان شخص طبيعي او شخص معنوي -الشركات التجارية-مزاولة الأنشطة الاقتصادية الا من خلال منشأة يتم ترخيصها أو التصريح لها من قبل دائرة التنمية الاقتصادية وفقاً للاحكام التشريعية^{xv}، لان المنشأة أفردية او شركة- تبقى دائماً مقيدة باحترام التشريعات المعمول بها لا سيما المتعلقة بحماية البيئة و بالنشاطات و المهن الاقتصادية المقننة أو المنظمة قانوناً^{xv} . فالمنشأة الاقتصادية تعتبر مؤسسة مصنفة لحماية البيئة لا يمكنها مباشرة نشاطها والقيد في السجل التجاري الا بعد الحصول على التراخيص و الاعتمادات الإدارية الضرورية، كما انها في الوقت نفسه مسؤولة اجتماعية عن نشاطها .

المطلب الأول: المنشأة الاقتصادية ملزمة باحترام البيئة باعتبارها مؤسسة مصنفة لحماية البيئة.

وفقا للقانون الاماراتي، يقصد بالمؤسسات المصنفة لحماية البيئة تلك المنشأة المخاطبة بقانون حماية البيئة، بمعنى المنشآت الصناعية والسياحية ومنشآت انتاج وتوليد الكهرباء والمنشآت العاملة في مجال الكشف عن الزيت واستخراجه ونقله واستخدامه، وجميع مشروعات البنية الأساسية و أية منشأة أخرى^{xv}. كما أنه حدد مجموعة الأنشطة التي تخضع لضرورة تقديم دراسة تقييم الأثر البيئي للمنشآت^{xv}، و التي يمكن تصنيفها الى مشاريع الموارد الطبيعية ذات الاصل الاحفوري كالتنقيب على البترول و الغاز و جميع الأنشطة المرتبطة بهما، و مشاريع الموارد الطبيعية ذات الاصل غير الاحفوري، مشاريع صناعية، مشاريع الغذاء و الثروة الحيوانية و الزراعية، مشاريع توليد الطاقة و تحلية المياه، مشاريع النقل البري و البحري و الجوي، مشاريع لها علاقة بالمخلفات، مشاريع لها علاقة بالاسكان و الصناعة، مشاريع ذات طبيعة خاصة مرتبطة اساسا بالمناطق السياحية او الاثرية. و دراسة تقييم الاثر البيئي تتضمن مجموعة من البيانات^{xv} كما ان اللجنة المختصة تقوم بتقييم تلك الدراسة مع الاستعانة باهل الاختصاص^{xv}

فالمشروع الفردي والشركة التجارية تعتبر مؤسسة مصنفة متى كان النشاط المستغل يسبب اعتداءات على البيئة تفرض على الإدارة التدخل لفرض رقابتها على ذلك النشاط الاقتصادي، فالمعيار المعتمد لاعتبارها مؤسسة مصنفة لحماية البيئة هو خطورة النشاط و مساهمته بالمصالح المحمية قانونا: الصحة العمومية، البيئة، الجوار، الفلاحة، الآثار السياحية، الطبيعة و النظافة^{xv}. فتكون ملزمة باحترام شكايات وإجراءات معينة. من تلك الإجراءات الشكلية السابقة لممارسة النشاط الاقتصادي والتي تؤكد سعي القانون الاماراتي لحماية البيئة، ضرورة:

-الحصول على الترخيص المطلوب، وهو ذلك المستند الذي يمكن المنشأة من مزاولة النشاط الاقتصادي^{xv}، يصدر من دائرة التنمية الاقتصادية والجهات المختصة يحدد الأنشطة المصرح للمنشأة مزاولة^{xv}، يسمح للجهات المختصة مراقبة مدى احترام المنشأة للشروط المحددة قانونا لمزاولة تلك الأنشطة بما لا يلحق اضرارا للبيئة. كما أنه، لا يجوز لأي شخص طبيعي أو معنوي مزاولة نشاط اقتصادي قبل الحصول على الترخيص وذلك تحت طائلة عقوبة جزائية تتمثل في الحبس مدة لا تقل عن ثلاثة اشهر ولا تزيد عن سنة وبغرامة لا تقل عن 20000 درهم ولا تزيد على 50000 درهم او بإحدى العقوبتين^{xv}. ومثل هذا الترخيص لا يجوز التنازل عنه وبيعه عند التنازل او بيع المحل التجاري لكنه يحل الورثة محل مورثهم^{xv}. ونوع الرخصة تختلف باختلاف النشاط الممارس^{xv}. فقد تكون رخصة زراعية تصدر لمزارع الإنتاج النباتي والحيواني والبحري وتقوم باعمال صناعة تحويلية لمنتجاتها لبيعها بقصد الربح، او صناعية تصدر للمصانع بصفة عامة سواء كانت إنتاجية او تحويلية، او رخصة تجارية تصدر للشركات والمؤسسات والتي تزاوّل الاعمال التجارية، او مهنية تصدر لاصحاب المهن الذين يعتمدون في عملهم على قدراتهم الذهنية وملكاتهم الفكرية ودراساتهم ومواهبهم العلمية كالاستشاري والطبيب والمحامي، او حرفية تصدر للحرفي الذي يمارس حرفة مستقلا يعود مردودها اليه معتمدا على مجهوده البدني او مستعينا ببعض الأدوات والمعدات بمفرده او مع عدد من العمال لا يزيد على خمسة^{xv}

- تقديم دراسة التقييم البيئي، فكل من يرغب في اقامة أو تعديل مشروع أو نشاط أو اعمال بالدولة الحصول على تصريح بيئي من الهيئة المختصة باصداره و الرقابة و التفتيش عبر كل امانة من

الامارات، سواء كان شخص طبيعي او معنوي^{xv}، وذلك بعد الحصول على استمارة الافادة البيئية^{xv} من الجهة المرخصة، مع ضرورة تقديمها الى الإدارة المختصة مع باقي المستندات التي يتطلبها القانون لإستصدار التصريح البيئي^{xv}. على ان تتولى تلك الهيئة اتخاذ القرار المناسب، اما ايجابيا بالموافقة على منح التصريح لعدم وجود آثار بيئية او اصداره بعد قيام صاحب المشروع بمجموعة من الاجراءات لضمان احترام البيئة او رفض منحه، مع ضرورة اعلام طالب التصريح بذلك في كل الحالات^{xv}.

المطلب الثاني: المنشأة الاقتصادية مسؤولية اجتماعية .

تعد المسؤولية الاجتماعية او التنمية الاجتماعية هي البعد الاجتماعي للتنمية المستدامة هدفها العدالة الاجتماعية، مكافحة الفقر، توفير الخدمات الاجتماعية، الاهتمام بحقوق الانسان ودمجها في النشاطات التجارية. فهي تترجم من الناحية القانونية بإدماج الأخلاق في سلوكيات المشروع ، بأن يأخذ المشروع او الشركة التجارية بعين الاعتبار التأثيرات الخارجية الناتجة عن قيامه بنشاطه بطريقة تظهر فيها مسؤوليته اتجاه عماله و المساهمين فيه و أيضا اتجاه المجتمع ككل^{xv}.

على الرغم من اعتبار المسؤولية المجتمعية ، مفهوم جديد بالنسبة للدول العربية وتشريعاتها، لكن لها جذور ضمن التشريع الإسلامي، تندرج ضمن الامر بالمعروف والنهي عن المنكر والذي يؤكده القرآن الكريم : "و تعاونوا على البر و التقوى"^{xv}، "فمن تطوع خيرا فهو خير له"^{xv}، وعدة احاديث من السنة النبوية الشريفة: قوله صلى الله عليه افضل صلاة وسلام" لا ضرر ولا ضرار"^{xv}، " كلكم راع وكلكم مسؤول عن رعيته..."^{xv}، " خير الناس انفعهم للناس"^{xv}. أما المفهوم الذي ظهرت بوادره منذ القرن 18 وتاكّد بشكل رسمي مع نهاية القرن العشرين، فقد كان لمعالجة فشل الرأسمالية في تحقيق العدالة الاجتماعية بعد ظهور النقابات العمالية التي تسعى لتحسين ظروف العمل ولحماية حقوق العمال، في الوقت الذي كان فيه الهدف الوحيد للمشروع او المؤسسة هو تحقيق الربح. فاصبحت نتيجة لذلك، أهداف الشركة متعددة لا تنحصر في تعظيم الربح بل تعتمد أيضا أهدافا داخلية وأخرى خارجية تجعل من المشروع الذي يتم استغلاله يسعى لتحقيق مصالح أخرى ترتبط بالجانب الاجتماعي والبيئي .

ويعتبر القانون الاماراتي من التشريعات السابقة للاخذ بهذه المسؤولية باعتبارها البعد الاجتماعي للتنمية المستدامة، وخصص لها مكانا ضمن القانون الاتحادي للشركات التجارية رقم 02 لسنة 2015 لكنه ربطها فقط بالشركات التجارية مستبعدا الشركات التي لا تخضع لقانون الشركات .، بان اعتبرها: كل عمل تطوعي تقوم به الشركة بشكل جوازي بعد انقضاء سنتين ماليتين من تاريخ تأسيسها وتحقيقها أرباحا، على أن لا تزيد قيمة تلك المساهمات عن 2% من متوسط الأرباح الصافية للشركة خلال السنتين الماليتين السابقتين للسنة التي تقدم فيها تلك المساهمة الطوعية والغرض من تلك المساهمات هي خدمة المجتمع مع تحديد ا

لجهة المستفيدة في تقرير مدقق الحسابات وميزانية الشركة.^{xv}

لكنه تدخل مؤخرا بموجب قرار مجلس الوزراء رقم 02 لسنة 2018^{xv}، ليقوم بتوسيع مجال المسؤولية المجتمعية ليشمل جميع المنشآت والشركات المتواجدة في الدولة بكافة اشكالها القانونية، عمومية كانت او خاصة، كما أنه حدد الممارسات المجتمعية المرتبطة بها في: المساهمة في تطوير المجتمع في المجالات الاقتصادية والاجتماعية والبيئية وغيرها من خلال تقديم المساهمات النقدية والعينية لتمويل البرامج والمشاريع التنموية في الدولة التي تنطبق عليها الشروط والضوابط والمعايير المعتمدة، مع ضرورة تبني سياسات صديقة للبيئة في الإنتاج والعمل وتعزيز روح الابتكار والبحث العلمي، والمساهمة في تقديم حلول للمشكلات او التحديات التي تواجه المجتمع، وإرساء ثقافة المسؤولية المجتمعية في الشركات والمنشآت من خلال وضع استراتيجيات مستدامة للمسؤولية المجتمعية، وتوفير الفرص لتطوير حملات ومبادرات إنسانية ومجتمعية والانخراط في البرامج التطوعية^{xv}.

ويؤكد هذا التشريع الأخير الطابع الاختياري والتطوعي للمسؤولية المجتمعية عند تعريفه لها بأنها: "المساهمة الاختيارية للشركة أو المنشأة في التنمية المجتمعية من خلال تقديم مساهمات نقدية و/أو عينية لتنفيذ المشاريع و البرامج التنموية ومنها الاقتصادية والاجتماعية والبيئية في الدولة بالإضافة إلى ممارسات المسؤولية المجتمعية"^{xv}، فهي تقوم على اسس اختيارية تعكس رغبة تلك المشاريع في العطاء المؤسسي والمساهمة في تنمية المجتمع، باعتبارها شريك أساسي في التنمية المستدامة في الدولة^{xv} كما نظم هذا القرار آليات أخرى تساعد في تجسيد تلك المسؤولية كالصندوق الوطني للمسؤولية المجتمعية الذي يتابع تنفيذ المشاريع لمسؤوليتهم المجتمعية مع ربط تجديد رخصة المشروع او الشركة بعملية الافصاح في المنصة المخصصة عن مساهمته المجتمعية، هذا بالإضافة الى التقرير المحاسبي للشركة الذي لا بد ان يتضمن كل البيانات المرتبطة بتلك المساهمات..

فعلى الرغم من اعتبار هذه المسؤولية تعتمد على العمل التطوعي الذي يرتبط بالاخلاق اكثر من الالتزام القانوني، الا ان المشروع او الشركة ملتزم دائما اراديا اتجاه المجتمع بارادته المنفردة أو تطبيقا لنصوص قانونية اخرى تؤثر على سلوكيات المقاولين و اصحاب المشاريع، لتصبح بذلك تلك السلوكيات الاخلاقية ذات مصدر قانوني اما دولي او وطني. كما ان القانون الاماراتي ربط القيام بتلك الممارسات الاجتماعية المرتبطة بالمسؤولية المجتمعية بمنح امتيازات معينة يتولى رئيس مجلس أمناء الصندوق اعتمادها لصالح الشركات والمنشآت المدرجة في المنصة^{xv} منها الحصول على علامة المسؤولية المجتمعية او على جواز المسؤولية المجتمعية وذلك بالزام الشركات بدفع مبالغ معينة للصندوق المخصص لذلك تختلف القيمة باختلاف الامتيازات وذلك اعتمادا على المادة 22 / أ،ب،ج من قرار مجلس الوزراء رقم 2 لسنة 2018^{xv}. كما اهتم القرار بتنظيم العمل التطوعي الذي تقوم به تلك المشاريع في اطار المسؤولية المجتمعية بإنشاء الصندوق الوطني للمسؤولية المجتمعية كشخص معنوي مستقل وجهاز اداري اتحادي يلحق بالوزير، يتابع تنفيذ مشاريع وبرامج المسؤولية المجتمعية واعداد التقرير السنوي الخاص بها^{xv}

الخاتمة:

نتيجة لما سبق، فمن يرغب في ممارسة نشاط اقتصادي في دولة الامارات العربية المتحدة فله الاختيار بين المشروع الفردي أو الشركة باعتبارهما التنظيم القانوني للمنشأة الاقتصادية، ويكون الاختيار اعتمادا على نوع النشاط وجنسية القائم بالنشاط ومدى تواجده لوحده ام بمشاركة غيره. والمشرع الاماراتي تدخل بموجب عدة تشريعات لتنظيم تلك المشاريع سواء في قانون المعاملات التجارية وقانون الشركات التجارية، والتشريعات المنظمة لممارسة النشاط الاقتصادي والمشاريع الصغيرة والمتوسطة سواء قوانين او تشريعات فرعية. كما يعتبر التشريع الاماراتي من التشريعات السبقة في جعل المنشآت الاقتصادية مسؤولة اجتماعية مهما كان حجمها وشكلها القانوني وذلك حماية للمشروع وللإقتصاد الوطني، كما يعتبر اشتراط الحصول على الرخصة لممارسة النشاط وتجديدها كل سنة ميزة تحسب للقانون الاماراتي لان اشتراط ذلك المستند سيجعل السلطات المختصة تراقب باستمرار مدى تطبيق المنشآت الاقتصادية للأحكام القانونية المتعلقة بحماية البيئة وبالشكل القانوني لممارسة النشاط.

فيظهر بأن الاحكام التشريعية الإماراتية تجسد فعليا اهتمام وحرص الدولة على تحقيق متطلبات التنمية المستدامة : بالزام المشاريع والمنشآت الاقتصادية بتحمل المسؤولية الاجتماعية والمسؤولية البيئية عند ممارستها لمختلف الأنشطة الاقتصادية، من دون تجاهل التنمية الاقتصادية ووصولاً لتحقيق مكانة مرموقة للإقتصاد الوطني محليا ودوليا. لكن، رغم ذلك يظهر من الضروري ومسيرة للتوجه التشريعي الحالي القائم على التبسيط والتسهيل فانه من المستحب القيام بما يلي وصولاً لتلك النتيجة ولتقريب المعلومة القانونية من المتعاملين، وذلك بتعديل بعض الاحكام المتعلقة بحماية البيئة وذلك قصد الوصول الى وضع تنظيم قانوني خاص بالمؤسسات المصنفة لحماية البيئة؛

كما أنه بحسب على الحكومة الإماراتية اعتمادها في تعاملاتها على الحكومة الذكية، والتيسير على المتعاملين التعرف على الاحكام التشريعية بالتطبيق الالكتروني الخاص بالتشريعات الاماراتية، لكن يظهر من المفيد تنظيم ملتقيات ودورات تدريبية لتشجيع انشاء المشاريع خاصة بالنسبة للمواطنين وحتى الاجانب ، وذلك بشرح الاشكال القانونية الممكن الاختيار بينها وشروط كل واحد منها مع مميزات كل شكل قانوني. خاصة وان التوجه المستقبلي لاقتصاد دولة الامارات هو التركيز على استعمال المجال المعرفي والذكاء الاصطناعي^{xv}، والذي سيسعمل حتى في ممارسة النشاط الاقتصادي بجعل البرامج المعلوماتية هي التي تتعامل مع المستهلكين، وهو ما سي طرح التساؤل حول طبيعته القانونية وهل يمكن اخضاعه لنفس الاحكام السابقة التنظيم والمتعلقة بالمشاريع الفردية او حتى الشركات أم يستدعي ضرورة وضع أحكام خاصة به باعتباره شخص قانوني له وجود مستقل عن وجود من وضعه ويستعمله ولكن له طبيعة الكترونية بمعنى شخص الكتروني؟؟

المسؤولية القانونية لمشيدي البناء (المهندس المعماري - المقاول)

الدكتورة/ فاطمة حمدان راشد الظنحاني

أستاذ مساعد في جامعة الشارقة-كلية المجتمع

2019

موضوع البحث:

لعملية البناء تتضمن جوانب مختلفة يثير بغض منها مشاكل قانونية منها ما يتعلق بالاجراءات الإدارية التي يلزم اتمامها قبل مباشرة عملية البناء، كما هو الحال في استلزام الحصول على الرخص الإدارية قبل البدء في التنفيذ أو إجراء تعديلات أو اضافات . كذلك قد يؤدي اخلال كل من المهندس المعماري والمقاول بشروط العقد إلى مسؤوليتهم العقدية، أو يؤدي مخالفتهم للأصول المهنية إلى المسؤولية التقصيرية ، هذا بالإضافة إلى المسؤولية الجنائية التي قد تترتب إذا تم الاضرار بأحد الأشخاص.

مشكلة البحث:

عدم مراعاة الاصول الفنية في البناء تعد من أخطر المشكلات المثارة ، حيث أصبح القانون الجنائي في مواجهة هذه الظاهرة التي يجب التصدي لها بصورة جدية وحاسمة.

حيث أن ذلك يؤدي إلى تحقق المسؤولية المدنية والجنائية على كل من المقاول والمهندس المعماري.

أهداف البحث :

- تحديد المسؤولية المدنية و الجنائية على كل من المقاول والمهندس.
- بيان القواعد الفنية والهندسية المتعارف عليها في مهنة الهندسة المعمارية.
- بالتالي فموضوعنا يجمع بين الشق القانوني والفني والجمع بينهما للوصول إلى الحلول ، وتحديد متى يعتبر المهندس قد خالف الأصول الفنية ، وما مدى مسؤولية المقاول أيضاً.

المبحث الأول

دور مشيدي البناء

المطلب الأول: دور المهندسين المعماريين .

أولاً: المهندس المعماري الاستشاري المكلف بالتصميم.

المهندس المعماري هو كل من اتخذ لنفسه هذه الصفة وأدى دور المهندس في عملية البناء من الناحية الفنية^{xv}.

هناك قاعدة عامة تنص على أن المستشار مؤتمن ، ويندرج تحت هذه القاعدة أهل الاختصاص، بمعنى أن المستشار في مجال معين هو المتخصص في ذلك المجال ، والذي له الدراية والخبرة والتجربة مما يؤهله لتكوين الرأي واستنباط الحل في شتى مجالات الحياة، ومنهم بالطبع المهندس الاستشاري والذي تظهر أهميته بخصوص إجراء الرسومات والتصاميم الخاصة بالتصميم الذي يرغب به المالك وفقاً لامكانيات هذا المالك^{xv}.

وفي الحقيقة فإن دور المهندس الاستشاري هو تقديم المشورة وفقاً لخبرته الفنية لصاحب العمل ، ويكون مرجعه في ذلك عقد الاستشارات الهندسية المبرم مع صاحب العمل، حيث يقوم المهندس هنا بأعداد البحوث والدراسات الأولية للمشروع وفحص العروض المقدمة ومراجعة التصميمات، وإبداء الملاحظات عليها. xv

ثانياً: المهندس المعماري الانشائي .
مهمة المهندس الانشائي هي الاشراف على تنفيذ الأعمال المرخصة، ويكون مسؤولاً مسؤولية كاملة عن ذلك، حيث أن على مالك البناء تحت التشييد أن يعهد إلي المهندس الانشائي المؤهل الإشراف على التنفيذ و انجاز المشروع، وجوهر مهمة الاشراف هي الإدارة و ارقابة في نفس الوقت، فالإدارة تعني مباشرة سير الأعمال وفقاً للأصول الفنية، وتضمن معنى الخبرة والعلم، أما الرقابة هي متابعة أشغال وأعمال انجاز المشروع والإشراف عليه؛ لتفادي الوقوع في خطأ أو اغفال أو اهمال ، والسرعة في تصحيح أي خطأ واقع أثناء التنفيذ. xv
المطلب الثاني : دور المقاول .

عرفت المادة (872) من قانون المعاملات المدنية عقد المقابلة بنصها على أن "المقابلة عقد يتعهد أحد طرفيه بمقتضاه بأن يصنع شيئاً أو يؤدي عملاً لقاء بدل يتعهد به الطرف الآخر"

أما عن خصائص عقد المقابلة، فيتضح من التعريف السابق أن عقد المقابلة عقد رضائي، يكفي لانعقاده وجود إيجاب وقبول، كما أنه عقد ملزم للجانبين المقاول الذي يلتزم باتمام العمل و بتسليمه ويقع عليه الضمان، وصاحب العمل والذي يلتزم بعد تمام العمل بدفع قيمة الأعمال، كذلك عقد المقابلة عقد معاوضة يأخذ فيه كل طرف مقابل ما أعطى فالمقاول يأخذ قيمة الأعمال بعد أداء لهذه الأعمال المطلوبه منه، وصاحب العمل يحصل على انجاز العقد المطلوب xv.

المبحث الثاني

المسؤولية المدنية والجنائية لمشيدي البناء

المطلب الأول : المسؤولية المدنية للمقاول والمهندس المعماري

أولاً: مسؤولية عقدية أساسها العقد.

ذهب الرأي الغالب في الفقه الفرنسي إلى أن مسؤولية المقاول والمهندس مسؤولية عقدية، إذا كانت ناجمة عن عدم تنفيذهما لإلتزاماتهما العقدية ، وهذا ما ذهبت إليه محكمة النقض الفرنسية معلنة بصفة مستقرة أن دعوى الضمان الخاص تقوم على المسؤولية العقدية؛ لأنها تنشأ نتيجة الإخلال بالتزامات مترتبة على عقد المقابلة، فالمقاول يكون مسؤولاً عن جودة العمل، فيكون مسؤولاً عن كل عيب في الصنعة، وهذه المسؤولية هي لا شك مسؤولية عقدية، لأنها تقوم على التزام عقدي أنشأه عقد المقابلة، وهذا يصدق أيضاً على المقاولات المتعلقة بالمنشآت الثابتة في الأرض، فهي كسائر المقاولات تنشئ التزاماً في ذمة المقاول أن تكون المنشآت خالية من العيب، فإذا انهدم البناء أو ظهر فيه عيب فقد تحققت المسؤولية العقدية للمقاول والمهندس. xv

ويعتبر المقاول هو الجهاز التنفيذي لمشروع البناء، لذا يتعين عليه أن يبذل كل الإمكانيات الفنية التي يملكها لإبراز تصاميم المهندس المعماري إلى حيز الوجود، وهو يتقيد في ذلك بمجموعة من ، من ذلك على الضوابط والمعطيات التقنية والقانونية التي تحكم عقود المقاولات بصورة عامة الخصوص احترام بنود الصفقة التي أبرمها مع رب العمل وأن يتقيد بالمواعيد والأجال التي يتعين . xv عليه إنجاز الأشغال خلالها، وكل تأخير في ذلك يعرضه لتحمل المسؤولية العقدية كما أنه يظل مسؤولاً تجاه رب العمل حتى من أخطاء مقاوليه من الباطن والذين يمكن أن يتستعين بهم.

نظم المشرع الإماراتي عقد المقاولة ضمن عقود العمل وهي جزء من العقود المسماة في قانون المعاملات المدنية، حيث خصص لعقد المقاولة أربع وعشرون مادة من المادة 872 وحتى المادة 896، ونظم التزامات المقاول في المواد 875-883 والتزامات صاحب العمل في المواد (884-889) ثم تطرق إلى أحكام المقاولة من الباطن في المادتين (890-891) وختم أحكام عقد المقاولة بتنظيم الأسباب التي ينقضي فيها عقد المقاولة في المواد 892-896. وأول التزامات المقاول تتمثل في إنجاز العمل إذ يعتبر إنجاز المقاول للعمل محل العقد المتفق عليه، هو الالتزام الرئيسي الذي يجب على المقاول القيام به، وهذا يفرض على المقاول مجموعة من الالتزامات الفرعية التي تؤدي إلى تحقيق ذلك، فهناك واجبات لإنجاز العمل ويكون ذلك بعد تعاقب المقاول مع رب العمل، فعلى كل طرف الالتزام بتنفيذ ما التزم به، وعليه فعلى المقاول أن يقوم بتنفيذ وإنجاز العمل بالطريقة المتعارف عليها في أعمال البناء، وعلى أن يبذل في العمل العناية اللازمة متمماً عمله في المدة المتفق عليها، ومن ثم يسأل المقاول عن خطئه وخطأ تابعيه في طريقة إنجاز العمل .

وتنص المادة 877 من قانون المعاملات المدنية "يجب على المقاول إنجاز العمل وفقاً لشروط العقد" بالتالي فالمقاول ملزم بالطريقة المتفق عليها بعقد المقاولة . وهذا يعني أنه يجب على المقاول العمل بالطريقة المتفق عليها في عقد المقاولة، وطبقاً للشروط الواردة فيه، إلا أن عدم الاتفاق على طريقة معينة لإنجاز العمل لا يعني أن للمقاول أن ينجز العمل كيفما يشاء، بل عليه أن يتبع عرف المهنة وبخاصة أصول الصناعة والفن في العمل الذي يقوم به حيث إن لكل عمل تقاليد وأصولاً فإن خالفها كان مسؤولاً تجاه صاحب العمل مسؤولية عقدية

وأعطى المشرع صاحب العمل إذا وجد أن المقاول يقوم بما تعهد به على وجه معيب أو مخالف للشروط المتفق عليها الحق في أن يتدخل حالاً وقد ميز بين حالتين الحالة الأولى: إذا كان العيب يمكن إصلاحه، ففي هذه الحالة لصاحب العمل أن يطلب من المقاول الالتزام بشروط العقد وإصلاح عيوب العمل، خلال مدة معقولة، فإذا انتهت هذه المدة دون أن ينصاع المقاول إلى طلب صاحب العمل فإنه يحق للأخير، إما طلب فسخ العقد أو أن يطلب ترخيصاً من المحكمة في أن يعهد بالعمل إلى مقاول آخر، ويتحمل المقاول الأول النفقات اللازمة لإنجاز العمل من قبل المقاول الآخر. ومما لا شك فيه أن اللجوء إلى الفسخ سيكون هو الخيار الأرجح إذا كانت شخصية المقاول محل اعتبار

الحالة الثانية: إذا كان العيب جسيماً لا يمكن إصلاحه، ففي هذه الحالة منح القانون صاحب العمل الحق في طلب الفسخ في الحال، والأمر في الحالتين متروك لتقدير قاضي الموضوع. xv وفي ذلك قضت المحكمة الاتحادية العليا في الطعن رقم 469 لسنة 26 قضائية على أنه

" من المقرر - في قضاء هذه المحكمة - أن لمحكمة الموضوع السلطة التامة في فهم الواقع في الدعوى وتقدير الأدلة فيها والترجيح بينها والأخذ بما تراه راجحاً منها ، إذ أنها لا تقضي إلا على أساس ما تظمن إليه وتتق به ، وحسبها أن تبين الحقيقة التي اقتنعت بها وأن تقيم قضاءها على أسباب سائغة تكفي لحمله وليس عليها من بعد أن تنتبج الخصوم في مختلف أقوالهم وحججهم وطلباتهم وأن ترد استقلالاً على كل قول أو طلب أثاروه ما دام قيام الحقيقة التي اقتنعت بها وأوردت دليلها فيه الرد الضمني المسقط لتلك الأقوال والحجج والطلبات وأنه إذا اشترط صاحب العمل أن يقدم المقاول مادة العمل كان مسئولاً عن جودتها طبقاً لشروط العقد إذا وجدت وإلا فطبقاً للعرف الجاري عملاً بالمادة 1/875 من قانون المعاملات المدنية وأن يضمن المقاول ما تولد عن فعله وصنعه من ضرر أو خسارة سواء بتعديه أو بتقصيره عملاً بالمادة 878 من ذات القانون . لما كان ذلك وكان الحكم المطعون فيه تناول الرد على هذا النعي بما أورده بأسبابه من أن المطعون ضدها - الشركة العالمية للميكانيك والكهرباء (أميكو) - أكدت في دعواها وهي المقاول الأول اتفاقها مع الطاعنة - شركة منيتو أوفر سيز - على أن تقوم هذه الأخيرة وهي المقاول الثاني بتصنيع وتصميم وتوريد والتسليم إلى الموقع والإشراف والتركيب والتشغيل التجريبي وتسليم محطة معالجة المياه في مصفاة أم النار وذلك وفقاً لتعليمات شركة تكرير نفط أبوظبي صاحبة العمل التي وافقت عليها الشركة الطاعنة (المقاول الثاني) في كتابها رقم 97 - 003 - 13 بتاريخ 2/3 / 1998م وبذلك تكون ملزمة وبمقتضى عقد المقاولة المبرم بينها وبين الشركة المطعون ضدها (المقاول الأول) بإنجاز العمل المسند إليها وفق الكيفية الواردة في تلك التعليمات ومسئولة عن إنجاز هذا العمل وفق هذه الكيفية التي وافقت عليها حسب المستفاد من كتابها المذكور وذلك تنفيذاً لمقتضى المادة 875 من قانون المعاملات المدنية الاتحادي ومعه يكون الدفع المعتمد فيه على نسبية العقد المبرم بين الشركة المقاول الأول والشركة صاحب العمل لا ينهض حجة للشركة المقاول الثاني بعد المستفاد من كون عقد المقاولة من الباطن قد أبرم بعد الاطلاع على العقد المبرم بين الشركة صاحبة العمل والشركة المقاول الأول مما يتعين معه رفض هذا الدفع ، وحيث يستفاد من عقد المقاولة المبرم بين الطرفين أن الطاعنة - شركة منيتو أوفر سيز - وهي المقاول الثاني قد التزمت بتقديم مادة العمل كلها وبذلك تكون مسئولة عن جودتها وعليها ضماناتها لكون العقد مزيجاً من بيع مادة العمل ومقاولة على العمل وبصفتها بائعة يكون عليها ضمان العيوب الخفية من وقت إتمام العمل وكسب الشيء المتفق على إنجاز مقوماته الذاتية وضامنة لكل ما يتولد عن فعلها وصنعه من ضرر أو خسارة تنفيذاً لمقتضى المادة 878 من قانون المعاملات المدنية ، وحيث لم تنكر الشركة المقاول الثاني - الطاعنة - على الشركة المقاول الأول - المطعون ضدها - ما ادعت هذه الأخيرة من كونها وجهت إليها عدة مراسلات للقيام باستبدال المضخات والبطانات المطاطية خصوصاً لخطوط حامض الأسيد بالإضافة إلى التحذيرات المتعددة وحددت لها قائمة بالأعمال المطلوبة من طرف الشركة صاحبة العمل كما حددت لها مهلة 48 ساعة لمباشرة الإجراءات الضرورية وأنه في حالة عدم الاستجابة ستباشر شركة أميكو (المطعون ضدها) ذلك على مسئوليتها وعلى حسابها ومع ذلك رفضت القيام بتلك الأعمال كما هو مضمن في رسالتها بتاريخ 2/10 / 2002م وأكد المهندس المنتدب خبيراً في الدعوى واعتماداً منه على ما قام به من عمليات أن شركة المقاول الأول - المطعون ضدها - وبسبب رداءة المواد المصنعة منها الملفات والبطانة المطاطية قد تحملت تكاليف لإصلاح وتعديل الأجزاء المعيبة وانتهت المحكمة بما لها من سلطة تقديرية إلى أن الطاعنة مسئولة عن تغيير هذه المواد المبيعة منها للمطعون ضدها وإحلال مواد أخرى مطابقة للمواصفات بدلاً منها وعلى نفقة

الطاعة - وهذه أسباب سائغة لحمل قضاء الحكم وفيها الرد الضمني المسقط لكل ما أثارته الطاعة

بالنسبة للمهندس المعماري إذا اقتصر دوره على وضع التصميم أي أن يكون مهندساً استشارياً فقط ، دون أن يكلف بالرقابة على التنفيذ لا يكون مسؤولاً إلا عن عيوب التصميم، والمقصود بعيوب التصميم هي تلك العيوب الناجمة عن الأخطاء التي ترتكب في إعداد الوثائق الصادرة عن المهندس المعماري مثل الخرائط والرسومات. xv أي أنه لا يسأل عن العيوب التي ترجع إلى طريقة التنفيذ ، كذلك قد يسأل عن العيوب التي تكتشف في الأرض المقام عليها البناء إذا كان من الممكن كشف هذا العيب قبل البناء، أما إذا تبين استحالة كشف هذا العيب قبل البناء فقنا تنتفي مسؤوليته عن عيوب الأرض أيضاً. xv.

ويتضمن الخطأ العقدي عدة مظاهر يمكن من خلالها إنعقاد المسؤولية العقدية للمهندس المعماري في إطار العلاقة العقدية بينه وبين رب العمل، فإذا توافرت أياً من هذه الأخطاء تتعقد المسؤولية العقدية بشرط أن تتوافر قبل تسليم البناء إلى رب العمل، حتى تسري القواعد العامة للمسؤولية العقدية، وعلى رب العمل إثبات وجود خطأ في البناء صادر من المهندس المعماري فمسؤوليته العقدية ليست مفترضة، أما إذا ترتب على الخطأ الذي وقع فيه المهندس المعماري أضرار لحقت بالبناء بعد تسليمه لرب العمل فإنها تدخل في مجال قواعد وأحكام الضمان العشري ، وهنا تكون مسؤولية المهندس مفترضة بحيث لا يلزم رب العمل بإثبات خطأ المهندس بعكس المسؤولية العقدية للمهندس والتي يكون فيها عبء إثبات الخطأ العقدي للمهندس على رب العمل. xv

وقد قضت محكمة تمييز دبي بأن " مؤدى نص المادة (877) من قانون المعاملات المدنية أنه إذا تبين أن المقاول قام بما تعهد به على وجه معيب أو مناف لشروط العقد جاز لصاحب العمل أن يطلب فسخ العقد في الحال إذا كان العمل غير ممكن أما إذا كان الإصلاح ممكناً فيجوز لصاحب العمل أن يطلب من المقاول أن يلتزم بشروط العقد ويصحح العمل خلال أجل معقول، فإذا انقضى الأجل دون اتمام التصحيح جاز لصاحب العمل أن يطلب من القاضي فسخ العقد أو الترخيص له بأن يعهد إلى مقاول آخر باتمام العمل على نفقة المقاول الأول الأمر الذي يدل على أن المشرع قد قيد حق صاحب العمل في الاستعانة بمقاول آخر باتمام العمل على نفقة المقاول الأول بالحصول على ترخيص بذلك من القاضي المختص إلا إذا كانت ثمة حالة ضرورة تستدعي لقيام بالعمل دون الحصول على ترخيص ويكون أمر تقدير هذه الحالة متروكاً للقاضي الموضوع بشرط أن تقيم قضاءها على أسباب سائغة" xv

ثانياً: مسؤولية تقصيرية أساسها الخطأ.

يشترط في المسؤولية التقصيرية أن يكون هناك خطأ من جانب كل من المقاول والمهندس يتمثل في تقصيرهما أو إهمالهما في أعمال البناء أدى إلى حصول التهدم أو ظهور العيب فيه، أما مسؤولية المقاول والمهندس وفقاً للقواعد الخاصة تقوم على خطأ مفترض وهو مخالفة القانون، ولا يمكن نفي هذه المسؤولية إلا بإثبات السبب الأجنبي وهذا على خلاف ما توجبه القواعد العامة التي تقضي بأن الضمان لا يتحقق إلا إذا كان العيب موجوداً قبل التسليم. xv

ومن الثابت في قضاء المحكمة الاتحادية العليا في دولة الامارات العربية المتحدة أنه في حالة ثبوت أن الطاعة هي التي اختارت الاستشاري فانها تتحمل نتيجة خطئه لأنه منسوب لها، ولا يجوز لها بالتالي التنصل مما ترتب على اختيارها له من نتائج. xv

المطلب الثاني: المسؤولية الجنائية للمقاول والمهندس المعماري.
إن المسؤولية الجنائية من أهم الموضوعات التي تمس وبشكل مباشر فلسفة القانون، والفقه الجنائي، فهي تعتبر بوجه عام المحور الأساسي الذي تدور حوله الفلسفة الجنائية، ومن ثم كانت النهضة العلمية والفكرية التي لحقت بالقانون الجنائي الحديث والتي كانت وليدة الاتجاهات الفلسفية المختلفة حول نظرية المسؤولية الجنائية، ولهذا نشأت المدارس الفقهية في القانون الجنائي. xv
أولاً: جريمة البناء بدون ترخيص.

تم تعريف جريمة مخالفة البناء بدون ترخيص، بأنها الجريمة التي يقوم فيها الجاني بإنشاء مبان أو إقامة أعمال مثل الأسوار والسيارات وما شابهها أو توسيعها أو تعديلها أو تدعيمها أو هدمها قبل الحصول على ترخيص في ذلك من الجهة المختصة.
وقد قضت محكمة النقض المصرية بأنه "لما كان المقصود بالبناء في جريمة البناء دون ترخيص هو كل كيان متماسك من فعل الإنسان متصل بالأرض اتصال قرار وسواء كان اتصالاً مباشرة بالبناء على سطح الأرض أو بإقامة أساسات فيها غير مباشر كالبناء فوق سطح بناء قائم وأياً ما كان نوع البناء ومهما كان شكله وكيفما كانت مادته، وكان قوام الركن المادي في هذه الجريمة هو إنشاء البناء أو إجراء عمل ما نصت عليه المادة الرابعة من القانون رقم 106 لسنة 1976 في شأن توجيه وتنظيم أعمال البناء وهي أعمال البناء اللاحقة على الإنشاء وأعمال توسيع المباني وتعديلها وتدعيمها أو إجراء أية تشطيبات خارجية مما حددته اللائحة التنفيذية - إضافة إلى أعمال هدم المباني - ومن ثم يجب على الحكم بالإدانة في هذه الجريمة أن يعنى بداءة بيان ماهية أعمال البناء التي تمت بالمخالفة للقانون وكيفية إجرائها مع إسنادها إلى مقارنها مدلولاً عليها بما يثبت الاتهام في حقه" xv

ومن ثم فإنه يحظر إنشاء مبان أو منشآت أو إقامة أعمال أو توسعتها أو تعديلها بدون تصريح xv وقد قضت محكمة النقض المصرية بأن "جريمة البناء بدون ترخيص من الجرائم المتتابعة الأفعال متى كانت أعمال البناء متعاقبة متوالية إذ هي حينئذ تقوم على نشاط وإن اقترفت في أزمنة متوالية إلا أنه يقع تنفيذاً لمشروع إجرامي واحد، والاعتداء فيه مسلط على حق واحد وإن تكررت هذه الأفعال مع تقارب أزمنتها وتعاقبها دون أن يقطع بينها فارق زمني يوحى بانفصام هذا الاتصال، الذي يجعل منها وحدة إجرامية في نظر القانون، وإم مدة سقوط الدعوى الإجرامية في هذه الجريمة تبدأ من تاريخ آخر هذه الأفعال المتتابعة" xv

ثانياً: جرائم القتل والإصابة الخطأ
تعني المسؤولية الجزائية الالتزام بتحمل العقوبة المقررة للجريمة إذا توافرت أركانها، فالمبدأ الأساسي للمسؤولية الجزائية أنها شخصية، بمعنى أن الإنسان لا يسأل إلا عن عمله الشخصي، فلا يجوز أن يسأل شخص عن عمل غيره .

وقد ذهب القانون المصري والفرنسي بأن جعلاً المقاول والمهندس ضامنين متضامنين على الخلل الذي يلحق بالبناء في مدة عشر سنوات، ولو كان ناشئاً عن عيب في الأرض أو عن اذن المالك في إنشاء أبنية معينة بشرط ألا يكون البناء في هذه الحالة الأخيرة معداً في قصد المتعاقدين لأن يمكن أقل من عشر سنوات. xv

وقد يتسبب هذا الخلل في البناء أو الإهمال أو الرعونة أو عدم الاحتراز أو عدم مراعاة القوانين والقرارات واللوائح من قبل المقاول والمهندس إلى وقوع عدة جرائم تؤدي بالأرواح أو تسبب إصابات بالأجساد ومن ذلك مثلاً جريمة القتل الخطأ، والإصابة الخطأ.

وتقوم المسؤولية الجزائية في جريمة القتل والإصابة الخطأ عندما تتجه إرادة الجاني إلى سلوك إجرامي معين دون أن تتوافر لديه إرادة النتائج غير المشروعة التي وقعت، فالجاني هنا يريد نتيجة مشروعة ولكن تقع نتيجة أخرى غير مشروعة على غير إرادة منه، كالمقاول أو المهندس المعماري الذي يقوم بتشييد مبنى وهذه (نتيجة مشروعة)، غير أن العقار يسقط (نتيجة غير مشروعة) سواء بسبب الغش في مواد البناء أم بسبب عدم مراعاة الأصول الفنية في التصميم. ومن ثم يثار التساؤل عن مدى مسؤولية كل من المقاول والمهندس المعماري في حالة انهيار المبنى وموت عدد من XV الأشخاص أو إصابتهم في أجسادهم.

ففي القانون الإماراتي تنص المادة 343 من قانون العقوبات الاتحادي لدولة الإمارات على أنه: يعاقب بالحبس مدة لا تزيد على سنة وبالغرامة التي لا تتجاوز عشرة آلاف درهم أو بإحدى " هاتين العقوبتين ، من تسبب بخطئه في المساس بسلامة جسم غيره ، وتكون العقوبة الحبس مدة لا تزيد على سنتين والغرامة أو بإحدى هاتين العقوبتين إذا نشأ عن الجريمة عاهة مستديمة أو إذا وقعت الجريمة نتيجة إخلال الجاني بما تفرضه عليه أصول وظيفته أو مهنته أو حرفته أو كان الجاني تحت تأثير سكر أو تخدير عند وقوع الحادث أو امتنع عن مساعدة المجني عليه أو عن طلب المساعدة له وتكون العقوبة الحبس والغرامة إذا نشأ عن الجريمة المساس بسلامة أكثر من . مع استطاعته ذلك ثلاثة أشخاص فإذا توافر ظرف آخر من الظروف الواردة في الفقرة السابقة تكون العقوبة الحبس مدة هذا بالإضافة لعقوبة الغرامة التي تطبق " . لا تقل عن ستة أشهر ولا تزيد على خمس سنين والغرامة على الشركة ذاتها كشخص معنوي طبقاً لنص المادة 65 من ذات القانون والتي تنص على " الأشخاص الاعتبارية فيما عدا مصالح الحكومة ودوائرها الرسمية والهيئات والمؤسسات العامة، ولا .مسؤولة جنائياً عن الجرائم التي يرتكبها ممثلوها أو مديروها أو وكلاؤها لحسابها أو باسمها يجوز الحكم عليها بغرامة والمصادرة والتدابير الجنائية المقررة للجريمة قانوناً فإذا كان القانون يقرر للجريمة عقوبة أصلية غير الغرامة اقتضت العقوبة على الغرامة التي لا يزيد حدّها الأقصى على خمسين ألف درهم ولا يمنع ذلك من معاقبة مرتكب الجريمة شخصياً بالعقوبات المقررة لها في " القانون.

وفي القانون المصري: تنص المادة 238 من قانون العقوبات على أن كل "من تسبب خطأ في موت شخص آخر بأن كان ذلك ناشئاً عن إهماله أو رعونته أو عدم احترازه أو عدم مراعاته للقوانين والقرارات واللوائح والأنظمة، يعاقب بالحبس مدة لا تقل عن ستة أشهر وبغرامة لا تتجاوز مائتي جنيه أو بإحدى هاتين العقوبتين. وتكون العقوبة الحبس مدة لا تقل عن سنة ولا تزيد على خمس سنين وغرامة لا تقل عن مائة جنيه ولا تتجاوز خمسمائة جنيه أو بإحدى هاتين العقوبتين إذا وقعت الجريمة نتيجة إخلال الجاني إخلالاً جسيماً بما تفرضه عليه أصول وظيفته أو مهنته أو حرفته أو كان متعاطياً مسكراً أو مخدرات عند ارتكابه الخطأ الذي نجم عنه الحادث أو نكل وقت الحادث عن مساعدة من وقعت عليه الجريمة أو عن طلب المساعدة له مع تمكنه من ذلك. وتكون العقوبة الحبس مدة لا تقل عن سنة ولا تزيد على سبع سنين إذا نشأ عن الفعل وفاة أكثر من ثلاثة أشخاص، فإذا توافر ظرف آخر من الظروف الواردة في الفقرة السابقة كانت العقوبة الحبس مدة لا تقل عن سنة ولا تزيد على عشر سنين ".

وتنص المادة 244 من قانون العقوبات على أن "من تسبب خطأ في جرح شخص أو إيذائه بأن كان ذلك ناشئاً عن إهماله أو رعونته أو عدم احترازه أو عدم مراعاته للقوانين والقرارات واللوائح والأنظمة، يعاقب بالحبس مدة لا تزيد على سنة وبغرامة لا تجاوز مائتي جنيه أو بإحدى هاتين العقوبتين. وتكون العقوبة الحبس مدة لا تزيد على سنتين وغرامة لا تجاوز ثلاثمائة جنيه أو إحدى هاتين العقوبتين، إذا نشأ عن الإصابة عاهة مستديمة أو إذا وقعت الجريمة نتيجة إخلال الجاني إخلالاً جسيماً بما تفرضه عليه أصول وظيفته أو مهنته أو حرفته أو كان متعاطياً مسكراً أو مخدراً عند ارتكابه الخطأ الذي نجم عنه الحادث أو نكل وقت الحادث عن مساعدة من وقعت عليه الجريمة أو عن طلب المساعدة له مع تمكنه من ذلك. وتكون العقوبة الحبس إذا نشأ عن الجريمة إصابة أكثر من ثلاثة أشخاص، فإذا توافر ظرف آخر من الظروف الواردة في الفقرة السابقة تكون العقوبة الحبس مدة لا تقل عن سنة ولا تزيد على خمس سنين".

وبالطبع فإن تقدير توافر السببية بين الخطأ والإصابة، أو عدم توافرها، هو من المسائل الموضوعية التي تفصل فيها محكمة الموضوع و بغير معقب عليها، ما دام تقديرها سائغاً، مستنداً xv. إلى أدلة مقبولة ولها أصلها في الأوراق

وقد قضت محكمة النقض المصرية بأن "مسؤولية صاحب البناء عن تعويض الضرر الذي يصيب الغير بسبب هدم بنائه أساسها إفتراض الخطأ من جانبه لأن هذا النوع من المسؤولية لا يقوم إلا على أساس وقوع خطأ بالفعل ... وإذا كان هذا هو المقرر في المسؤولية المدنية فإنه يجب من باب أولى في المسؤولية الجنائية تحقق وقوع الخطأ من جانب المتهم فإذا كانت الواقعة ثابتة بالحكم هي أن مهندس التنظيم عاين منزل الطاعنة فوجده بحالة تنذر بالسقوط العاجل لوجود شروخ فيه لا يمكن إدراكها إلا بعين ذي الفن، وأنه طلب إلى ساكنيه أن يخلو ظرف أربع وعشرين ساعة، ولكن قبل إنتهاء المدة سقط فأصيب من ذلك شخص كان سائراً في الطريق، فهذا ليس فيها ما يدل على وقوع خطأ أو إهمال من صاحبة المنزل حتى تمكن مساءلتها جنائياً عن الحادثة. xv

الخاتمة

إن العقد هو شريعة المتعاقدين وهو تلاقي إرادتين أو أكثر على ترتيب آثار قانونية سواء كانت هذه الآثار هي إنشاء الإلتزام أو نقله أو تعديله أو إنهائه. ومن هذه العقود عقد المقاولة الذي عرفته المادة 872 من قانون المعاملات المدنية عقد المقاولة على أنه عقد يتعهد أحد طرفيه بمقتضاه أن يصنع شيئاً أو يؤدي عملاً لقاء بدل يتعهد به للطرف الآخر.

ومن خلال بحثي هذا توصلت إلي عدة نتائج أهمها:

- 1- عقد المقاولة عقد رضائي، يكفي لانعقاده وجود إيجاب وقبول، كما أنه عقد ملزم للجانبين المفاوض الذي يلتزم باتمام العمل و بتسليمه ويقع عليه الضمان.
- 2- دور المهندس الاستشاري هو تقديم المشورة وفقاً لخبرته الفنية لصاحب العمل، ويكون مرجعه في ذلك عقد الاستشارات الهندسية المبرم مع صاحب العمل.
- 3- مسؤولية المفاوض والمهندس مسؤولية عقدية، إذا كانت ناجمة عن عدم تنفيذهما للإلتزاماتهما العقدية.

- 4- مسؤولية التقصيرية في حال أن يكون هناك خطأ من جانب كل من المقاول والمهندس يتمثل في تقصيرهما أو إهمالهما في أعمال البناء أدى إلي حصول التهدم أو ظهور العيب فيه.
- 5- يحظر إنشاء مبان أو منشآت أو إقامة أعمال أو توسعتها أو تعليتها بدون تصريح، وإلا ترتب عليه مسؤولية جنائية على المكلف باستخراج التصريح.
- 6- قد يتسبب الخلل في البناء أو الإهمال أو الرعاية أو عدم مراعاة القوانين والقرارات واللوائح من قبل المقاول والمهندس إلي وقوع عدة جرائم تؤدي بالأرواح أو تسبب إصابات بالأجساد ومن ذلك مثلاً جريمة القتل الخطأ، والإصابة الخطأ.

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