

# Athens Journal of Humanities & Arts



Quarterly Academic Periodical,  
Volume 11, Issue 4, October 2024  
URL: <https://www.athensjournals.gr/ajha>  
Email: [journals@atiner.gr](mailto:journals@atiner.gr)  
e-ISSN: 2241-7915 DOI: 10.30958/ajha



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# Athens Journal of Humanities & Arts

*Published by the Athens Institute for Education and Research (ATINER)*

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- Dr. Stephen Andrew Arbury, Head, [Arts & Culture Unit](#), ATINER, Professor of Art History & Director of the RU Art Museum, Radford University, USA.

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The Athens Journal of Humanities & Arts  
ISSN NUMBER: 2241-7702 - DOI: 10.30958/ajha  
Volume 11, Issue 4, October 2024  
Download the entire issue ([PDF](#))

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The current issue is the fourth of the eleventh volume of the *Athens Journal of Humanities & Arts (AJHA)*, published by the [Arts, Humanities and Education Division](#) of ATINER.

Gregory T. Papanikos  
President  
ATINER



## Athens Institute for Education and Research

*A World Association of Academics and Researchers*

### 16<sup>th</sup> Annual International Conference on Visual and Performing Arts 9-12 June 2025, Athens, Greece

The [Arts & Culture Unit](#) of ATINER is organizing its 16<sup>th</sup> Annual International Conference on Visual and Performing Arts, 9-12 June 2025, Athens, Greece sponsored by the [Athens Journal of Humanities & Arts](#). The aim of the conference is to bring together academics and researchers of visual and performing arts, and other related disciplines. You may participate as stream leader, presenter of one paper, chair of a session or observer. Please submit a proposal using the form available (<https://www.atiner.gr/2025/FORM-ART.doc>).

#### Academic Members Responsible for the Conference

- Dr. Stephen Andrew Arbury, Head, [Arts & Culture Unit](#), ATINER and Professor of Art History, Radford University, USA.
- 

#### Important Dates

- Abstract Submission: **5 November 2024**
- Acceptance of Abstract: 4 Weeks after Submission
- Submission of Paper: **12 May 2024**

#### Social and Educational Program

The Social Program Emphasizes the Educational Aspect of the Academic Meetings of Atiner.

- Greek Night Entertainment (This is the official dinner of the conference)
- Athens Sightseeing: Old and New-An Educational Urban Walk
- Social Dinner
- Mycenae Visit
- Exploration of the Aegean Islands
- Delphi Visit
- Ancient Corinth and Cape Sounion

#### Conference Fees

Conference fees vary from 400€ to 2000€  
Details can be found at: <https://www.atiner.gr/fees>



## Athens Institute for Education and Research

*A World Association of Academics and Researchers*

### 10<sup>th</sup> Annual International Symposium on Religion & Theology 26-29 May 2025, Athens, Greece

The [Humanities & Education Division](#) of ATINER is organizing its 9<sup>th</sup> Annual International Symposium on Religion & Theology, 26-29 May 2025, Athens, Greece. The aim of the conference is to bring together academics and researchers of Religion, Theology and other related disciplines. You may participate as stream leader, presenter of one paper, chair of a session or observer. Please submit a proposal using the form available (<https://www.atiner.gr/2025/FORM-REL.doc>).

#### Important Dates

- Abstract Submission: **22 October 2024**
- Acceptance of Abstract: 4 Weeks after Submission
- Submission of Paper: **28 April 2025**

#### Academic Member Responsible for the Conference

- **Dr. William O'Meara**, Academic Member, ATINER & Professor, Department of Philosophy and Religion, James Madison University, USA.

#### Social and Educational Program

The Social Program Emphasizes the Educational Aspect of the Academic Meetings of Atiner.

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- Ancient Corinth and Cape Sounion

More information can be found here: <https://www.atiner.gr/social-program>

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## The Arts and Humanities Degree: Value and Benefits

By Steven M. Oberhelman\*

*In this paper, I address the misconception that an Arts and Humanities degree is not applicable to the modern workforce. I will discuss how the degree sets up a graduate for a very large number of jobs that carry good wages and benefits. The Arts and Humanities student acquires skills in critical thinking, creative and innovative problem-solving, proficiency in oral and written communication, multi- and intercultural sensitivity, ethical training, and the ability to work collaboratively. Companies prefer employees with that skill set rather than those with specialized knowledge. The earnings gap between STEM graduates and Arts and Humanities graduates decreases over time, until by the age of 40, it disappears. Arts and Humanities graduates also move into lucrative careers in business, law, and politics and become entrepreneurs.*

For years now, the degree in Arts and Humanities has been the subject of jokes and aspersion. In the United States, politicians, both Republican<sup>1</sup> and Democrat<sup>2</sup>, make fun of the humanities while championing trade schools and majors in STEM (science, technology, engineering, and mathematics).<sup>3</sup> In the United Kingdom, STEM programs are emphasized, with extra government funding allocated to them at the expense of arts and humanities programs, which are deemed ‘less essential’;<sup>4</sup> this has led, in turn, to universities cutting humanities courses due to lack of monetary support and students.<sup>5</sup> The government of China has outlined a strategy to turn 42 universities into top-ranked institutions dedicated to science and technology.<sup>6</sup>

Such politicians and government planners are shortsighted; they should be consulting employers about the people whom they prefer to hire.<sup>7</sup> If they did, they would discover that company CEOs and Human Resource hiring firms give a consistent message: the skill sets that one gains from studying Arts and Humanities are more important than a specialized area of study.<sup>8</sup> Employers (up to 93 percent in some surveys) are frank in their insistence that they seek in

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1. *Inside Higher Ed* 2024.

2. Nazworth 2015.

3. Cf. Perry 2020.

4. Banerjee et al. 2024.

5. Burton 2021.

6. Grove 2017.

7. See the essays in Bilbro 2023.

8. See the excellent materials listed on the website of the National Association of Colleges and Employers 2024 (link in the Works Cited).

graduates and potential employees a particular set of skills: communication skills, critical thinking skills, the ability to work in teams, and intercultural skills. This is exactly what an education in Arts and Humanities can provide.<sup>9</sup> For example, LinkedIn has published its research on the skills that employers most value:<sup>10</sup> creativity, persuasion, collaboration, and people management (a skill made possible with the stress in the Arts and Humanities on empathy and cultural sensitivity).<sup>11</sup> David Deming has demonstrated in a working paper for the National Bureau of Economic Research that companies' "rewards to performing routine tasks have fallen, while the returns to workers' ability to cooperate and adapt to changing circumstances have risen".<sup>12</sup> Adaptability, collaborative work, and creative problem-solving are now more key than specialized training. A recent headline, "Microsoft's President Says Liberal Arts Majors Are Necessary for the Future of Tech",<sup>13</sup> encapsulates the growing view that Arts and Humanities students are a critical force in the workforce, even in Silicon Valley.<sup>14</sup> Brad Smith, the president of Microsoft asserts: "Languages, art, history, economics, ethics, philosophy, psychology and human development courses can teach critical, philosophical and ethics-based skills that will be instrumental" to the future of technology.

George Anders's 2017 book, *You Can Do Anything: The Surprising Power of a "Useless" Liberal Arts Degree*, demonstrates how an Arts and Humanities education can open the door to thousands of cutting-edge jobs. In Chapter 2, Anders analyzed more than 5,000 job advertisements that listed a salary of more than \$100,000. Many of these advertisements called specifically for critical thinking and five key skills:

- A willingness to explore new areas
- Excellent analytic skills, especially in murky areas
- First-rate problem-solving; the ability to find the right answer when it's not obvious
- High emotional intelligence; being able to "read the room"
- Persuasive communication skills, with speaking/listening probably rated even higher than writing

The National Association of Colleges and Employers<sup>15</sup> highlights the importance for graduates being able to demonstrate written communication,

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9. Flaherty 2021.

10. Petrone 2018.

11. See also Lobosco 2017, a very useful survey.

12. Deming 2017.

13. Feloni 2018.

14. See Stross's 2017 book on Liberal Arts; Stross describes how Arts and Humanities graduates succeed and flourish in Silicon Valley.

15. National Association of Colleges and Employers 2024.



critical thinking, problem-solving, and collaboration/teamwork, as well as verbal communication, ethics, empathy, and leadership.<sup>16</sup>

A unique feature of good oral and written communication skills, critical thinking skills, the ability to work in teams, and empathy (intercultural) skills is that they are *transferable*, that is, they allow a person to move from one job to the next, or to react to changes in their existing job. These days, things change very quickly, and so one needs a strong skill set to adapt. If one focuses only on a single specific job preparation, that job may not even exist in the future (see below). Today's college graduates will change jobs an average of four times before age 30, and so to succeed, they need to be flexible with skills that they can take from one employment to the next with little difficulty. The skills that a degree in Arts and Humanities gives are those very skills.<sup>17</sup> They are the kinds of skills that never grow obsolete. Although the world is constantly changing, especially concerning technology, the abilities, attributes, and skills gained in studying Arts and Humanities remain relevant.<sup>18</sup> What are some of these transferable skills?<sup>19</sup>

Employers want people who are comfortable with subjectivity and ambiguity. Often there are multiple solutions or approaches to solving a problem. Many jobs require nuanced thinking, a way of seeking solutions that are not simply black and white but dig beneath the surface.

Also desirable are skills in problem-solving and the ability to approach a problem from multiple perspectives. Employers value workers who of course have mastered a solid content base, but who have also a general breadth of knowledge and put that knowledge to work in solving problems.

Highly sought are excellent verbal communication abilities. Employees must be able to clearly articulate their ideas and to communicate effectively with co-workers, supervisors, and most importantly clients and customers.

Active listening, or the ability to fully hear and understand another's ideas and opinions, is necessary for effective communication. An employee must be able to consider the feelings and thoughts of others, especially when opinions differ<sup>20</sup>.

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16. See the discussion in Ruggeri 2019.

17. See Bouchrika 2024.

18. On a personal note, during my doctoral studies, I was faced with the need to visit European libraries to study the manuscripts relevant to my thesis; now, the manuscripts are digitalized and easily available on the Internet. I had no personal computer, but rather used an IBM Selectric typewriter with removable balls for different languages. Things have changed much since 1980 in terms of technology, but my thesis ultimately depended not on technology, but on critical thinking, analytic reasoning, problem-solving, and good writing.

19. See Castrillon 2023. The subject of transferable skills has been widely discussed, and any Internet search will yield dozens of excellent articles.

20. I refer the reader to the thought-provoking essay by Newman 2024, who argues that students studying humanities and Liberal Arts can educate each other (and us)

Ethical thinking and integrity are central to any organization. Businesses require ethical behavior and personal integrity from their employees in the workplace. Students in Arts and Humanities, through their studies and courses, understand the principles of ethics and morality. Related to this, an Arts and Humanities education prepares students to negotiate an increasingly diverse environment and gives them the intercultural understanding to thrive in a global economy and to work comfortably with an ever-increasing diverse workforce.

Collaboration is a highly desirable skill for any employee. This includes the ability to work with others; to respect, listen to, and acknowledge the feelings, opinions, and ideas of others; to complete assigned group tasks in a timely way; and to support group decisions even when not all members are in total agreement.

Employers seek creativity and innovation, the ability to approach a problem in a novel way. Arts and Humanities students are accustomed to think 'outside the box' and to seek solutions.

Finally, because the world is rapidly changing, employers are interested in hiring workers who are committed to continuous learning. Arts and Humanities graduates often pursue postgraduate degrees (see below); their college education instills a commitment to lifelong learning that prepares them to meet the unknown demands of the future and to anticipate, respond to, and manage change<sup>21</sup>.

The Arts and Humanities degree prepares the graduate for employment by providing these invaluable skills,<sup>22</sup> and because these skills are transferable, the degree prepares one, not necessarily for a single specialized job, but for hundreds of careers. Opportunities are limited only by one's imagination, interests, and willingness to devote time and energy.<sup>23</sup> Where do Arts and Humanities graduates work? The American Academy of Arts & Sciences determined that in 2021, 61 percent of graduates had found jobs in management, professional, and related occupations. More than 17 percent worked as managers. The business sector is the most common destination (21 percent), but 13 percent enter the legal

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"about the perils of simplistic slogans and narrow-minded thinking, and to reinforce the values of critical inquiry and respectful disagreement". Newman even ventures that students in Arts and Humanities can heal the current ideological rift in America.

21. Overall see Detweiler 2021, who offers empirical evidence (interviews with more than 1,000 college graduates aged 25 to 65) for the value of a liberal arts education and its lasting impact on success, leadership, altruism, learning, and fulfillment.

22. And as Olejarz (2018) points out, Arts and Humanities majors are very happy with their education and with the jobs that they receive.

23. See the research by Glassdoor 2019. I would note that most students change their majors two or three times (for reasons see Jaradat 2017). Arts and Humanities students find the transition to a new major easy as much of their coursework can be applied to the new degree plan.

profession and 13 percent go into the creative sector and communication.<sup>24</sup> Stephanie Blochinger, who studied the careers of 1,700 people from 30 countries, concluded with this startling statistic:

The research found that more than half of the leaders studied (55 percent) had either a social sciences (44 percent) or humanities bachelor's degree (11 percent). Those in government jobs were more likely to have studied social sciences, while those in non-profits favoured the humanities. Younger leaders (aged under 45) were more likely to have a social science or humanities background, while those over 45 were more likely to have studied science, technology, engineering or maths (STEM).<sup>25</sup>

In Table 1 at the Appendix, I list examples of CEOs and renowned entrepreneurs who have succeeded without a degree in business; rather, their training was in humanities, Liberal Arts, and arts generally.<sup>26</sup>

Now, an oft-repeated statement is that an Arts and Humanities graduate will not find a job unless it is low-paying and 'dead-end'. But the data from the American Community Survey, which is run by the U.S. Census Bureau, show an unemployment rate of about 4 percent for Arts and Humanities graduates.<sup>27</sup> That is nearly identical to the unemployment rate for holders of an engineering or business degree (3 percent). Of course, the jobs held by Arts and Humanities graduates are many times not in the major; that is, few anthropologists continue to work in the field as anthropologists; instead, they use their skill sets and become advocacy managers, public relations managers, advertising executives, market researchers, social workers, political consultants, and equality and diversity officers because of their expertise in and understanding of human behaviors and cultures.<sup>28</sup>

The benefit of an Arts and Humanities degree is not just its applicability to a very wide range of jobs, but also a good salary and compensation. Obviously, people in highly specialized areas like medicine will see the greatest return on their education, but the Strada Education Foundation has issued an important

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24. *Humanities Indicators* 2022.

25. Blochinger 2015.

26. When I served as associate dean for undergraduate education (2013–2021) at Texas A&M University's College of Liberal Arts, I was struck by businesses like Goldman Sachs interviewing, not accounting majors, but English and history majors. They were looking for mid-level managers who analyze data and communicate to stakeholders, clients, and employees what those data meant, and who handle a diverse set of workers. This is why I always encouraged Liberal Arts students to study data analysis and statistics. The skill sets of an Arts and Humanities degree, coupled with computer skills and mathematical expertise, will lead to lucrative job offers.

27. In 2018, it was 3.6 percent. See *Humanities Indicators* 2024.

28. I took these sample jobs from actual advertisements. See also the various careers for anthropologists in Schanzenbach et al. 2017.

study of the long-term outcomes of a degree in Arts and Humanities (Weise et al. 2023). In this report, the key findings were as follows:

- While Liberal Arts graduates do not earn as much as STEM or healthcare majors, they fare well in the job market: the average graduate earns \$20,000 more than the average high school graduate, and the top 25 percent earn \$90,000 or more per year.
- Two out of five Liberal Arts graduates go on to earn graduate degrees, which further boosts their earnings to \$76,000 annually, on average.
- From their first job to their third job, Liberal Arts graduates commonly transition into high-skill, high-demand careers in marketing, advertising, public relations, management, and human resources.
- Seventy percent of Liberal Arts graduates change careers from their first to their second job, compared to 53 percent for IT majors, 54 percent for allied health majors, and 59 percent for education majors.
- Liberal Arts graduates hit their stride later in their careers, experiencing rapid wage growth in their late 30s and early 40s—the fastest among all majors.

The pay gap between a STEM graduate and an Arts and Humanities graduate narrows, in fact, over time. Several reasons account for this. First, Arts and Humanities graduates are committed to lifelong learning. While in college, many students discover that they have much more room in their degree plan than STEM majors, who often have little to no freedom to explore outside their field. Arts and Humanities majors, on the other hand, often easily can incorporate a second major, a minor, or a professional certificate, without adding to the credit hours required for graduation. Those extra areas of study have the potential to enhance job mobility or promotions at a current job. After graduation, postgraduate work is common for Arts and Humanities graduates. Some universities and non-profit institutions cater specifically to offering a master's degree to established workers. For example, the business school at my university purposely constructed a master's in business administration which is targeted to workers who have had no prior coursework in business. Postgraduate degrees or at least adult education courses can help cut the pay gap with STEM workers.

Second, as Jim Chow points out, some STEM jobs can become obsolete, and quickly.<sup>29</sup> David Deming found that job advertisements for some fields in engineering now call for skills that did not exist a decade earlier and that the jobs of 10 years ago often required skills that are no longer applicable<sup>30</sup>. The Arts and Humanities degree instills skills that stand above technology and cultural and social changes: critical thinking, good communication, analytical problem-

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29. Chow 2023.

30. Deming 2019; Deming and Noray 2005 and 2019.

solving, cultural sensitivity, and collaboration are independent of scientific advancements.

Third, while Arts and Humanities graduates may not fully catch up to STEM graduates in earnings, they still do well in the labor market.<sup>31</sup> According to the data and analysis by Schanzenbach et al. 2017,<sup>32</sup> there is slower growth in earnings for STEM graduates between college graduation and age 40. Both Chow and Deming discuss how, for example, computer science majors and history majors even out eventually in wages. Computer science and engineering majors, by age 40, will reach an average salary of \$124,458. A history major, on the other hand, achieves, by the same age, an average salary of \$131,154, and that average can be even higher as many history majors enjoy excellent lucrative careers by moving into “management, business, and law”.<sup>33</sup>

These, then, are some of the strengths and advantages that a degree in Arts and Humanities provides. Contrary to myth, a student pursuing a degree is not facing a fate of cooking hamburgers or teaching high school; rather, they can look forward to good and important jobs because of their skills in critical thinking, creative problem-solving, oral and written communication, multi- and intercultural sensitivity, as well as the vast knowledge of various topics that they possess.

My point is that we need the Arts and Humanities major just as we need the STEM major. Yes, the world may be better off, if there were more engineers, scientists, and technologists; but it would be for the worse without the musician, writer, film director, and historian. An Arts and Humanities education enhances one’s knowledge and improves one’s understanding of the world and its people. It can also help us to engage in the controversies of our time—whether about the environment, cultural diversity, social justice, ethnic strife, gender relations, or foreign policy. Real-world problems rarely ever have textbook solutions. More than anything, the purpose of an Arts and Humanities education is to teach students how to think critically and know what questions to ask, and to mold them into well-rounded, well-informed global citizens.

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31. Again consult Weise et al. 2023.

32. Schanzenbach et al.’s data are in the charts found at <https://www.hamiltonproject.org/data/putting-your-major-to-work-career-paths-after-college/> (accessed on 19 January 2024).

33. The National Center for Education Statistics, a part of the U.S. Department of Education that collects, analyzes and makes available data related to education in the U.S. and other nations, shows that history majors enjoy better employment rates than economics majors.

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## Appendix

**Table 1.** *Sample Executives and Entrepreneurs with Degrees in Arts and Humanities*

| <b>Name</b>          | <b>Company</b>                               | <b>Degree</b>                      | <b>University</b>                     |
|----------------------|--|------------------------------------|---------------------------------------|
| Steve Ells           | Chipotle founder                             | Art History                        | UCLA                                  |
| Alexa Hirschfeld     | Paperless Post co-founder                    | Classics                           | Harvard University                    |
| Larry Sanger         | Wikipedia founder                            | Philosophy                         | Reed College                          |
| Andrew Mason         | Groupon founder                              | Music                              | Northwestern University               |
| Peter Hancock        | CEO, AIG                                     | Politics and Philosophy            | Oxford University                     |
| Stewart Butterfield  | Flickr co-founder                            | Philosophy                         | University of Victoria                |
| Carolyn McCall       | CEO, ITV, and former CEO, EasyJet            | History                            | University of Kent                    |
| Chad Hurley          | YouTube founder                              | Fine Art                           | Indiana University                    |
| Brian Moynihan       | CEO, Bank of America                         | History                            | Brown University                      |
| Larry Fink           | CEO, Blackrock                               | Political Science                  | University of California, Los Angeles |
| Sam Palmisano        | Ex-CEO, IBM                                  | History                            | Johns Hopkins University              |
| Andrea Jung          | Ex-CEO, Avon                                 | English literature                 | Princeton University                  |
| A. G. Lafley         | CEO, Proctor and Gamble                      | French and History                 | Hamilton College                      |
| Dan Hesse            | CEO, Sprint                                  | International Studies              | University of California, Berkeley    |
| Stephen Schwarzman   | CEO, Blackstone Group                        | University Studies in Liberal Arts | Yale University                       |
| Judy McGrath         | Ex-CEO, MTV                                  | English                            | Cedar Crest College                   |
| Mario Cuomo          | Former Governor of New York                  | English                            | St. John's University                 |
| Robert Gates         | Ex-Secretary of the Defense                  | History                            | College of William and Mary           |
| Jerry Governor       | Former Governor of California                | Classics                           | University of Southern California     |
| Robert Iger          | Ex-CEO, Disney                               | Communications                     | Ithaca College                        |
| Christopher Connor   | CEO, Sherwin Williams                        | Sociology                          | Indiana University                    |
| Herbert Allison, Jr. | Ex-CEO, Fanny Mae                            | Philosophy                         | Yale University                       |
| Mitt Romney          | Former Senator of Utah; ex-CEO, Bain Capital | English                            | Brigham Young University              |
| Peter Thiel          | Founder of PayPal                            | Philosophy                         | Stanford University                   |
| Carly Fiorina        | Ex-CEO, Hewlett-Packard                      | Medieval History and Philosophy    | Stanford University                   |
| Ken Chenault         | CEO, American Express                        | History                            | Harvard University                    |
| Carl Icahn           | Investor tycoon                              | Philosophy                         | Princeton University                  |
| Michael Eisner       | Ex-CEO, Disney                               | English and Theatre                | Denison University                    |
| Hank Paulson         | Former Secretary of the                      | English                            | Dartmouth College                     |



|                  |                                |                   |                            |
|------------------|--------------------------------|-------------------|----------------------------|
|                  | Treasury                       |                   |                            |
| Lloyd Blankfein  | CEO, Goldman Sachs             | Political Science | Harvard University         |
| Sheila Bair      | FDIC Chair                     | Philosophy        | University of Kansas       |
| Clarence Thomas  | Supreme Court Justice          | English           | College of the Holy Cross  |
| Harold Varmus    | Noble Prize winner in medicine | English           | Harvard University         |
| George Soros     | Hedge Fund Manager             | Philosophy        | London School of Economics |
| Ted Turner       | Founder of CNN, TBS, and TBN   | Classics          | Brown University           |
| Anne Mulcahy     | Ex-CEO, Xerox                  | English           | Marymount College          |
| Richard Anderson | CEO, Delta                     | Political Science | University of Houston      |
| Caterina Fake    | Co-founder, Flickr             | English           | Vassar College             |



## The Relationship of the Urartian Material Culture with the Modern Armenian Artworks

By Esin Berktaş\*

*From the early times of human history, the production of a culture shaped the evolution of human beings and their survival strategies. Culture is characteristic of everyday life shared by people in one place or time. It is also the development and shaping of the mind through all kinds of activities. The production of tools, the process of materials, the creation of artifacts, and the emergence of arts and crafts were the signs of the human mind to cope with nature and death. The creation of these early tools affected the development of culture, lifestyles, environment, and technology. The expression of the earliest tools is marked by their diversity. Throughout history in different societies, cultures and the transmission of cultural findings with written, visual and phonic items determined the paths of human creativity. In this article, an example of this route created in a specific time and space by a specific society i.e. the route from Urartian visual language to modern Armenian visual culture will be investigated.*

### Introduction

From the early times of human history, the production of a culture shaped the evolution of human beings and their survival. Culture is characteristic of everyday life shared by people in one place or time. It is also the development and shaping of the mind through all kinds of activities. The production of tools, the process of materials, the creation of artifacts and the emergence of arts and crafts were the signs of the human mind to cope with nature and death.

One of the oldest tools that were used to survive in the environment was stone tools (Figure 1). Oldowan stone tools can be a good example of the first endeavor of human beings to create tools for their daily needs.<sup>1</sup> The Oldowan

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1. Ed. Erella Hovers & David R. Braun, *Interdisciplinary Approaches to the Oldowan*, (Springer: Netherlands, 2009); John J. Shea, *Stone Tools in the Paleolithic and Neolithic Near East: A Guide*, (Cambridge University Press: US, 2015); Ed. Nick Toth & Kathy Diane Schick, *The Oldowan: Case Studies into the Earliest Stone Age*, (Stone Age Institute Publication Series: US, 2006); *Oldowan stone tools*, (<http://www.bradshawfoundation.com>) *Material culture* is the tools, weapons, utensils, machines, ornaments, art, buildings, monuments, written records, religious images, clothing, and any other everyday objects produced or used by humans. The study of material culture centers upon objects, their properties, and the materials that they are made of, and how these material facets are central to an understanding of culture and social relations. (www.britannica.com; www.oxfordbibliographies.com, 31.07.2019).

industry represents the oldest known manifestation of material culture. The creation of these early tools affected the development of the culture, lifestyles, environment and technology.



**Figure 1.** *Oldowan Stone Tools are the Earliest Example of Tool Usage*

The expression of these earliest tools is marked by their diversity. Throughout history in different societies, culture and the transmission of cultural findings with written, visual and phonic elements determined the paths of human creativity. Culture refers to the cumulative deposit of knowledge, experience, beliefs, values, attitudes, meanings, hierarchies, religion, notions of time, roles, spatial relations, concepts of the universe, and material objects and possessions acquired by a group of people in the course of generations through individual and group striving.<sup>2</sup>

From a Marxist point of view everyday objects are very important for analyzing and interpreting the social structure of society. Karl Marx explained in detail how the economic mode of production i.e. infrastructure, determines the superstructure of a society. This circle of life enabled the culture determined by the economy to be transferred from ancient times to the present day.

Many historians, artists, sociologists or archeologists have worked on the authentic structure of both Urartian culture and Armenian culture. From a Marxist point of view as Stefan Morawski argued in the book "*A Selection of Writings: Marx and Engels on Literature and Art*" that art objects are not isolated phenomena, but are mutually dependent on other cultural activities of predominantly social, political, moral, religious or scientific character."<sup>3</sup>

The aesthetic phenomena embedded in a specific culture are the result of the process of maintaining the lives of people. Each society has its way to solve daily

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2. Culture: "*Some definitions*", <https://people.tamu.edu/~i-choudhury/culture.html>.

3. Ed. by Lee Baxandall & Stefan Morawski, *A Selection of Writings: Marx and Engels on Literature and Art*, (Telos Press: US, 1973).

natural, technological and economic problems. As it is explained and theoretically analyzed by Marx and Engels, all cultural activities and aesthetic understandings are related to an endeavor to survive and to transfer cultural information through the next generations so that future generations can survive too. Modern Armenian culture and aesthetic understanding are good examples of this endeavor.

According to Marx, "the aesthetic experience is synthetic in character: a mingling of the intellectual, emotional and sensual." Therefore we can say that the artist as a living being uses all equipment to form a new artwork. Marx argued that the capitalist market transformed art into a commodity which it had never before been; in fact he talks about the changing structure of artistic understanding concerning economic developments with or without the awareness of the artist.

### The Urartian Culture

The Urartian culture is a very powerful example to understand the connection between daily economic activities and production of artworks in a specific society. The Urartian people have created one of the most important civilizations of Anatolia and they were ancestors of modern Armenian society. Urartu was a civilization developed in the Bronze and Iron Ages of ancient Armenia, eastern Turkey, and northwestern Iran from the 9<sup>th</sup> to 7<sup>th</sup> century BCE. <sup>4</sup> It is the name of the geographical region centered on Lake Van in the historical Armenian mountainous regions. The Kingdom of Urartu was governed by a feudal monarchy. The King ruling from Tushpa is the King of Kings. <sup>5</sup> Urartu was a theocracy and the King represented Khaldi, the supreme god of Biana. He was the native god of the people, visualized as a man standing on a lion or a bull, symbolizing physical courage, power and fecundity. In Urartian society, people believed themselves to be his children. He has sanctuaries in numerous places within the kingdom.

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4. Rafet Çavuşoğlu, *Urartian Belts*, (RHM: İstanbul, 2014); [https://www.ancient.eu/Urartu\\_Civilization/](https://www.ancient.eu/Urartu_Civilization/).

5. M. Chahin, *The Kingdom of Armenia- A History*, (Curzan Press: England, 2001), p.111.



**Figure 2.** *Bronze Armenian Model for the Solar System that was made in 12<sup>th</sup>- 11<sup>th</sup> centuries BC found in Sevan Basin, Armenia. In this model, at the bottom side we can see a small hatchet and two circles around it. The hatchet symbolizes the Earth, the first uncompleted circle symbolizes the sphere of water and the second one symbolizes the sphere of the atmosphere. Both of them surround the Earth. At the top of the model, there is the symbol of the Sun. Between Earth and Sun, we have other planets Mars, Venus, Mercury, Moon, Saturn and Jupiter (from top left to right left).*

*Source: National History Museum of Armenia.*

As in the case of many other religions, the religion of Urartu had a trinity formed by Khaldi, Teisheba and Shivini. Khaldi, the father god was a warrior in whose name the king went to war, prayed to him for victory and gave an account of his conquest. Many Urartian cities were named after native gods or goddesses. In ancient times, the words Urartu, Urashtu, Ararat, Armenia and Harminuia were used as synonyms. Thus, there appears to have been a well- established, important tradition of dedicating precious materials and weapons of war to the gods Khaldi, Teisheba and Shivini to propitiate them. Moreover it was to associate them closely with priest and temple, king and palace as well as with the ordinary people who looked to their priest- king for protection against human enemies and evil spirits. <sup>6</sup> The model for the solar system created by Armenians (Figure 2) in ancient times is a good example of the gifts prepared for gods.

The Urartians have been very successful in processing different materials such as iron, copper, gold, silver in the making of daily objects. The history of

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6. M. Chahin, *The Kingdom of Armenia- A History*, (Curzan Press: England, 2001), p. 138.

Urartu remains fragmentary due to a lack of extended written sources and an overreliance on potentially biased sources from contemporary enemy states such as Assyria. Nevertheless, surviving inscriptions, architecture, and artifacts, together with ongoing archaeological investigations have helped re-create a sufficiently detailed history to indicate the undoubted importance of one of the region's most influential ancient cultures. Controlling territories through military might and the construction of fortresses, the kingdom boasted a lively production in the arts, especially metalwork. Surviving only two centuries, the kingdom mysteriously disappeared in the 6<sup>th</sup> century BCE and was only rediscovered as a distinct and recognizable ancient culture by excavations carried out in the 19<sup>th</sup> century. The historic Armenian kingdom was a continuation of the kingdom of Urartu also known as "The Kingdom of Van" which is apparent from ancient records.<sup>7</sup>

### **The Armenian Religion and Religious Artworks**

Armenia was the first country to adopt Christianity as its official religion in 301 AD, in establishing this church.<sup>8</sup> Medieval Armenians dominated international trading routes that reached Europe to China and India to Russia. As the first people to convert officially to Christianity, they commissioned and produced some of the most extraordinary religious objects of the Middle Ages. These objects—from sumptuously illuminated manuscripts to handsome carvings, liturgical furnishings, gilded reliquaries, ceramics decorated with religious issues, and printed books—show the strong persistence of their own cultural identity, as well as the multicultural influences of Armenia's interactions with Romans, Byzantines, Persians, Muslims, Mongols, Ottomans, and Europeans.<sup>9</sup> Armenian people have been used many different ways to express their beliefs, ideas, philosophies and memoirs within various art and craft branches. Khatkars are very special and elegant examples of Armenian religious artworks created through their historical craftsmanship in stone carving.

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7. *World History Encyclopedia*, Urartu Civilization

8. <http://hygradaran.weebly.com/brief-history-of-armenian-church.html>

9. Ed. by Helen C. Evans, *Armenia: Art, Religion, and Trade in the Middle Ages*, Exhibition Catalogue, (The Metropolitan Museum of Art: NY, 2018)



**Figure 3.** Urartian Bronze Helmets, 8<sup>th</sup>- 7<sup>th</sup> Centuries BCE. These helmets were formed of hammered sheets with a lining, conical in form. The shape of the tapering to a tall point was designed to deflect arrows. In front of the helmets, they had a lightning symbol in relief. At the below side, three horizontal encircling ridges can be seen. Urartian people were very good at in artistically using bronze material.

### Armenian Stone Carving, Khatchkars

One of the most distinct examples of Armenian religious artworks is “*khatchkars*” (cross-stones) which means big gravestones with specially decorated cross images. Khatchkars are outdoor steles carved from stone by craftspeople in Armenia and communities in the Armenian diaspora.<sup>10</sup>

They act as a focal point for worship, as memorial stones and as relics facilitating communication between the secular and divine. As in the above examples *khatchkars* reach 1.5 meters in height, and have an ornamentally carved cross in the middle, resting on the symbol of a sun or wheel of eternity, decorated by vegetative-geometric motifs, carvings of saints and animals (Figure 4). Khatchkars are created by local stone and carved via the chisel, die, sharp pens and hammers. Once finished, the khatchkar is raised during a small religious ceremony. After being blessed and anointed, the khatchkar is believed to possess holy powers and can provide help, protection, victory, long life, remembrance and mediation towards the salvation of the soul. Among more than 50.000 khatchkars in Armenia,

10. <https://ich.unesco.org/en/RL/armenian-cross-stones-art-symbolism-and-craftsman-ship-of-khachkars-00434>.



each has its pattern, and no two are alike.<sup>11</sup> Khatchkar craftsmanship is transmitted through families or from master to apprentice, teaching the traditional methods and patterns, while encouraging regional distinctiveness and individual improvisation.



**Figure 4.** (From left to right khatchkar examples from Armenia)

1. Khatchkar in the wall at Arates Monastery with a wheel of eternity symbol at the bottom side
2. Aseghnagorts Khatchkar (The Needlecarved) with vegetative-geometric ornaments created like a "lace" by Master Poghos in 1291, Goshavank Monastery
3. All Saviour Khatchkar showing the Crucifixion, 1273, Haghpat Monastery

### Medieval Times: Armenian Gospels and *Trchnakir*

In medieval times the writings, ornamentation and decoration of Bibles i.e. Medieval Gospels, were also very important and gospel writing was an important part of Armenian art. Toros Roslin, Momik and Grigor Tatevatsi were important artists specialized in this area. In the decoration of Bibles artworks the usage of soft, vivid colors were very common. The gold pieces were being used for decoration by which the pictures became more shining. The symbolic figures that are used for ornamentation within these books include architectural and geographical images such as rooms, buildings, grid formed patterns, geometrical shapes, mountains, seas, columns, arches, borders, strips, pools; images of daily objects such as books, curtains, vases, stools, writing desks, egg- shape ornaments, swords; images of plants such as life trees, the branch of trees, trees and fruits of pomegranate, leaves, flowers; religious items such as crosses, prophets, truncheons, angels, female and male profiles, medallion shaped ornaments, eternity signs;

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11. *Armenian Cross- Stones Art, Symbolism and Craftsmanship of Khatchkars*, <https://ich.unesco.org/en/RL/armenian-cross-stones-art-symbolism-and-craftsmanship-of-khachkars-00434>.

animal figures such as birds –doves, cocks, peacocks, crows- rabbits, fishes, horses, mystical creatures (figures composed of human head and animal body).<sup>12</sup> As it is summarized by historians, “There is only a single subject for Armenian miniature painting, at least until the late medieval period: The Life of Christ.”<sup>13</sup>



**Figure 5.** On the right-side ornamental figures from 13th century gospel from Cilicia and at the left side a gospel from 1304 with trchnakir letters, Nakhidjevan city (Painter and binder are Simeon, Hraç Arslanyan Collection, Mahrec Arthouse).

“The ornamentation of Armenian manuscripts appeared at the same time as the Armenian script and its literature. Christianity which initially contended against pagan conceptions and against the cultural heritage connected with them later gradually gave way both in Armenia and in other countries and began to use ancient ornamentations... The ornamental designs used for the framing of dominical miniatures are also fascinating. In all of that the talented Armenian painter has masterfully reproduced the likeness of the objects, even giving them a realistic quality: for example, the marble columns, the Ionic capitals, and the rainbow like arch which is similar to the vaults of the main entrance of monumental buildings. The painting of the birds and vegetation is particularly life-like and convincing. The skill of the artist and his fine sense of taste are displayed especially in the coloration. The rich range of colors and the synthesis of bright and warm shades (dark, red, brown, green and blue), along with the restrained application of gold, create a cheerful mood and, with the dominical illuminations, they give to the entire manuscript solemnness, a festive appearance and magnificence. In those beautiful and invigorated creations the painter has reached a deep level of artistic persuasiveness.”<sup>14</sup>

12. Ed. by A. Sh. Mnatsakanian, *Ornaments of Armenian Manuscripts*, 1978, p. 19.

13. [www.fresnostate.edu](http://www.fresnostate.edu).

14. Ed. by A. Sh. Mnatsakanian, *Ornaments of Armenian Manuscripts*, 1978, p. 18- 2.

Another artistic element which can be seen in these miniatures is a special, original visually oriented alphabet formed by bird- formed letters called *Trchnakir*. Armenian people have created a unique alphabet especially in the inscription of religious writings. In addition to *Trchnakir*, in 450 AD the Armenian alphabet which is an alphabetic writing system used to write Armenian, was created by Meshrop Mastots. With a synthesis of typography, painting, decorating and printing Armenian masters created a special way of telling religious stories effectively. Just like the stone carving, metal works, ceramics and paintings in *Trchnakir* “the idea of ornamentation” becomes prominent and this point is very important in their mastership over accessories, decorations, compositions and arrangements. The Armenian people came to the fore with their ornaments made on daily items, swords, books, objects, costumes, rags, buildings and jewelry.

### The Armenian Ceramics

The drawings of the Urartian people on their ceramics, jewels, arches, inscriptions and monuments were a narrative depicting their public and private lives, memories, wars, weddings, entertainments, celebrations, religious ceremonies, rulers, beliefs, ideas, hopes and dreams (Figures 6-7).



**Figure 6.** Armenian oval ceramic egg with a drawing of Seraphim on it, made in Kütahya, the 1750s. These eggs were used to prevent animals from coming over the lamp oil. Although they were daily objects when they were created they transformed historically into art objects. Source: The Metropolitan Museum of Art.



**Figure 7.** Armenian ceramic plate (at left) with the figure of archangel Mikael with its colophon (at right), Kütahya, 1718.

The Urartians were craftsmen and produced many artworks and objects. These works of art regarded as the origin of the modern Armenian visual culture.<sup>15</sup> Another important example from Armenian visual culture is Armenian ceramics. During Ottoman Empire, Kütahya was an important district where Armenians reproduce ceramics. Mostly decorated according to the needs of religious rituals, these products were special with the production methods, visual styles similar to miniatures, coloured expressions and unique forms. An important historian of Armenian art, Dickran Kouymjian explains these ceramics,

“In the post-medieval period the Armenian ceramics industry flourished at one major center: Kütahya. An Armenian colony is already noted there in the 13<sup>th</sup> century and in the 14<sup>th</sup> and 15<sup>th</sup> centuries there was an active scriptorium too. Armenian manufactured ceramics came to dominate the craft industry of the city. The earliest dated pieces, inscribed on the bottom in Armenia, are from the early 16<sup>th</sup> century. They are decorated in the characteristic blue and white of early Kütahya ware. By the 17<sup>th</sup> century highly polychrome ceramics were manufactured with yellow, green and the famous tomato red or "Armenian bole."<sup>16</sup> The town became renowned as an Armenian ceramic center in the Ottoman Empire, and was the major competitor of

15. Ed. Hrant Dink, *Armenian Painting From Beginning to the Present*, (AGOS Publishing and Printing Services: İstanbul, 2005); M. Chahin, *The Kingdom of Armenia- A History*, (Curzan Press: England, 2001); Mirjo Salvini, *Urartu Tarihi ve Kültürü*, (Arkeoloji ve Sanat Yayınları: İstanbul, 1995); Nora Emma Khatcherian, *Armenian Crafts in the Ottoman Empire: Cultural Exchange and Armenian Identity*, Thesis, University of South Florida, 2015, St. Petersburg; Onnik Jamgoçyan, *Osmanlı İmparatorluğu'nda Sarraflık: Rumlar, Museviler, Frenkler, Ermeniler (1650- 1890)*, (YKY: İstanbul, 2017); Atilla Batmaz, *Urartu Kültürünü Oluşturan Temel Öğeler*, Ege Üniversitesi, 2011, İzmir.

16. *Armenian bole*: A soft clayey bright red earth found chiefly in Armenia and Tuscany and used especially as a coloring material.

Iznik, the famous source of most "Islamic" tiles and vessels. The Kütahya potters also produced square tiles for wall decorations. These were used in several mosques, mostly in Constantinople, as well as churches. The most spectacular display of Kütahya tiles is in the Armenian Cathedral of St. James in Jerusalem... One of the most popular forms originating from the kilns at Kütahya was the egg-shaped ornament hung on the chains from which oil lamps were suspended in churches and mosques. They may have had more than just an ornamental use; some experts considered them as barriers against mice who, attracted by the animal fat used in these lamps, would slide off the slick surface of the egg as they made their way down the chain to the vessel bearing the oil. Kütahya eggs are variously decorated, but the most common type displays seraphim, the famous six-winged guardian angels. Other popular shapes of these ceramics are the demi-tasse cups without handles, saucers, monogrammed plates, rose-water flasks, and lemon squeezers. Armenian inscriptions abound on Kütahya vessels, whether eggs or water jugs, flasks or incense burners. The Armenian ceramic industry in Kütahya flourished until the Armenians were forced to leave the city during the troubles of World War I. Several families settled in Jerusalem, where they continue to produce the polychrome Kütahya style ceramics as souvenirs of the Holy Land."<sup>17</sup>

### The Armenian Metal Works

Armenian people also specialized in metalworking. With a rich land of different materials such as stones, metals and clays they can create various artworks for daily usage, for religious ceremonies, for loyal people and soldiers. The inhabitants of this country created different forms, shapes and designs for these objects and decorated them with special ornaments symbolizing the sun, eternity, life, earth, war, angels, gods etc. What is important here is that, there is continuity between the artworks of ancient civilizations and the artworks of modern countries; they share a common know-how and they are produced with similar aims.

"The Armenian plateau, rich in metal ores, was one of the first regions of the world to practice metallurgy and was in advance of its neighbors in the use of bronze and iron... Gold and silver objects were by definition luxury items destined for royalty, the church, and the rich. The earliest examples are rhytons or drinking vessels in silver found at the Urartian site of Arin Berd-Erebuni; they date, however, from the post-Urartian period. Armenia was one of the first and most important wine producing regions in the world, explaining in part the popularity of such vessels in metal and ceramic... It is only from the 13<sup>th</sup> century on that we have a nearly continuous series of objects in silver, often washed with gold, and a few pure gold items. They are almost exclusively objects related to the cult: bindings of Gospel manuscripts, reliquaries, chalices, patens, and other vessels... In the 18<sup>th</sup> and especially 19<sup>th</sup> centuries large quantities of silver belts, buckles, earrings, purses in

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17. Dickran Kouymjian, *Armenian Art: An Overview*, a paper for a project in Paris in 1995, ([https://www.academia.edu/37170915/Armenian\\_Art\\_An\\_Overview](https://www.academia.edu/37170915/Armenian_Art_An_Overview)).

filigree work, and communion boxes were manufactured in such centers as Van, where the black and silver niello<sup>18</sup> technique was popular, but also Constantinople and other cities... The first major artistic use of baser metals, copper and bronze, was during the Urartian Kingdom (9<sup>th</sup>- 6<sup>th</sup> century B.C.). The excavations of sites such as Toprakkale/Van, Arin Berd (Erebuni-Erevan), and Karmir Blur have yielded a vast quantity of weapons, domestic objects and votive statues. Urartian bronzes were coveted throughout the Mediterranean world, thus explaining their appearance in excavations in many parts of the Middle East and Europe, especially Etruscan Italy. Embossed shields and helmets, large caldrons, and statues are now in the major museum collections from Leningrad and Erevan to London and New York... The great bulk Armenian bronze, copper, and occasionally pewter vessels date from the 17<sup>th</sup> century and after. The cities of Tokat and Caesarea/Kayseri were major centers of this Armenian metalwork."<sup>19</sup>

Although they have a powerful, unique and strong historical and cultural background, Armenian people have suffered from tragic events after the 19<sup>th</sup> century. With the beginning of 20<sup>th</sup> century, the Armenian Genocide was lived through the Ottoman government's systematic extermination. This event caused the loss of one and a half million Armenians with the specifically organized plans of the Committee of Union and Progress within the Ottoman Empire.<sup>20</sup> Although Armenians have lived a brutal and violent practice of genocide and had to change the geographical locations in which they lived for many centuries they were able to keep their artistic, aesthetic and cultural characteristics wherever they live and work in. These artworks became a way to memorize, to remember and to live their identities.

### Armenian Jewelry

As Marx argued specific cultural forms always arise in certain historical situations; they depend on certain socio-economic variables and perform important social functions. If we come to Turkey, as we all know, Istanbul which was an imperial capital, has museums, galleries, antique shops, private collections and so on. It is famous for its historical accumulation. One of the most important

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18. *Niello*: The black metallic alloy of sulfur with silver, copper, or lead that is used to fill designs that have been engraved on the surface of a metal (usually silver) object; *savat*.

19. *Ibid*.

20. Raymond Kevorkian, *The Armenian Genocide: The Complete History*, (Tauris: London, 2011); Taner Akçam, *The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire*, (Princeton University Press: US, 2013); *The Armenian Genocide Museum- Institute Foundation*, (<http://www.genocide-museum>); [www.wikipedia.com](http://www.wikipedia.com); Ayhan Aktar, *Debating the Armenian Massacres In The Last Ottoman Parliament, November-December 1918*, *History Workshop Journal Issue 64*, 2017.

production and consumption places of this cultural heritage is the Grand Bazaar in Sultanahmet.<sup>21</sup>



**Figure 8.** The copper plate from a family collection with the name of the Nerseyan Family and the date in the Armenian language inscribed on it. (Hraç Aslanyan Collection, Mahrec Art House)

With the annihilation of the Armenian people in the 20<sup>th</sup> century, many Armenian artists, their material properties as well as artistic knowledge were being destroyed. During the Armenian genocide art establishments, schools, institutions were also destroyed. According to the historians who argue that “the acts and measures undertaken to destroy any nations’ or ethnic groups’ culture is called, *cultural genocide*”<sup>22</sup> we can try to analyze the tragic dimensions of these violent acts over people. Therefore it can be said that the Armenian genocide exterminated not only people but also culture in general (artifacts, artworks, buildings, objects, etc.)<sup>23</sup>

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21. The foundation of the Grand Bazaar was laid in 1461. The Grand Bazaar, which has an architectural structure resembling a domed inn with large multi-rooms, is as big as a maze; spread over an area of 110.868 m<sup>2</sup>, it has 3600 shops, 2 mosques, 10 wells, 4 fountains and 14 inns on 65 streets. These shops include ceramics, paint, jewelry, textiles, gold, copperware, glassware, embroidery, china, touristic objects, souvenirs, rugs, leather, books, fez, hats, bags, clothing, shoe sellers, herbalists, bookshelves, shops such as barbers and numismatics.

22. The Armenian Genocide Museum- Institute Foundation, (<http://www.genocide-museum>).

23. There is a debate over the concept of “genocide” therefore it is better to define the concept before using it. According to the Armenian Genocide Museum Institute Foundation the extermination of Armenians in the Ottoman Empire and the surrounding regions during 1915- 1923 is called the Armenian Genocide The word genocide coined by Raphael Lemkin, not only refers to the physical extermination of a national or religious group, but also its national, spiritual and cultural destruction. The concept of cultural genocide has not yet been accepted into the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. Many proven facts concomitant with the massacres and deportation are witness to the fact that the Young Turk government premeditated and planned a systematic method aiming to destroy the material testimonies of the Armenian civilization. In 1974 UNESCO stated that after 1923, out of 913

It is very difficult to reverse the history but at least we can protect cultures. The memorial objects, the properties and the cultural knowledge of the Armenian people became very important to understand our society not only in those as well as in contemporary times.<sup>24</sup> This route brought us to a point in which we can easily perceive the importance of protecting the historical properties and archives of daily objects and artworks for a specific culture. The everyday objects are bridges between the history and the future of the Armenian society. It can be said that these objects are a kind of carrier that maintains the Armenian traditional culture; these historical objects protect the existence of what is “old, original, authentic and real” from the modern transformation created by capitalist production and capitalist lifestyle. Here the organization of various artists and craftsmen from various areas is also very important. During the Ottoman Empire, the grouping of people from the same professionalization made them more powerful and effective within their areas. The jewelers in general were an important part of this hierarchical stratification. The “guild”, “corporation” or “ahi order”<sup>25</sup> were the common names of these organizations.

“It is important to say a few words about the general characteristics and functions of Ottoman craft guilds. Like European craft guilds, the Ottoman variety were urban industrial organizations in which manual work or handicraft production was organized by people of the same occupation who provided each other with mutual support and agreed to follow a number of internal rules. As local organizations of industrial producers they were in full control of product quality, set prices for raw materials, helped government authorities with tax collection, and, when required, appear to have supplied goods and services to soldiers on campaign. Ottoman craft guilds had close relations with the government, from which they obtained licenses to

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Armenian historical monuments left in Eastern Turkey, 464 have vanished completely, 252 are in ruins, and 197 require repair.

24. As an important example of a place protecting the cultural heritage of Armenian people living in İstanbul, Mahrec Art House, has a close relationship with the economic and artistic fabric of the Grand Bazaar. Established by Hraç Arslanyan, Mahrec Art House is a private Armenian art school specializing in the education of jewelry design and jewelry making. In this art school, which can be defined as a “big historical workshop”, we can see that there are many different objects: historical craft specific tools such as hand drills, ceramic melting pots, ring size, enamel tools, oil vitriol furnaces; visual materials such as religious writings, miniatures, icons; memorial objects such as family portraits, unique jewelry samples and various ornaments. These materials constitute the “traditional Armenian cultural infrastructure” on which Mahrec Art House’s modern and contemporary understanding of jewelry design is built. These everyday objects also keep the political as well as social identity of an ethnic group alive. The continuation of the special methodology of developing ideas, making designs, drawing and using tools to apply a design is the continuation of a special understanding of Armenian culture.

25. Nalan Turna, *Ottoman apprentices and their experiences*, Middle Eastern Studies, 2019; *Tomb of Ahi Evran*, (<https://whc.unesco.org/en/tentativelists/5902/>).



assert their monopolistic role in the production or sale of certain commodities – characteristics they shared with their European counterparts.”<sup>26</sup>

Based on this information, the production of jewelry and bejeweled within the frame of special guilds collected great power for the producers. They were not only jewelers but also moneychangers, dealers, bankers, money lenders. This economic, political and cultural power made them arbiters in the hierarchical structure of the Ottoman Empire especially until the construction of the Turkish Republic. Even after the construction of Republic through the 20<sup>th</sup> and 21<sup>th</sup> century, they still own this characteristic throughout the world.<sup>27</sup>

“In the urban economy, laborers in trade and manufacturing remained mostly under the umbrella of the guilds until the second half of the 19<sup>th</sup> century. Even though religious themes played an important role in guilds, the evolution of the Ottoman guilds was shaped primarily by economic and political factors. The guilds tried to regulate the labour markets by employing a wide range of restrictions, including wage rates. They often sought the support of local or central government to enforce guild rules, secure raw materials at low prices and obtain tax exemptions. The government, in turn, needed and relied on the guilds for the provisioning of the urban areas and the military. The guilds also offered the government an instrument for the supervision of the urban population. Nonetheless, there existed a considerable amount of tension between the government and guild membership both Muslim and Christian. While the guilds tried to preserve their independence, they were viewed with suspicion for the heterodox religious beliefs of their membership and the janissaries, the permanent army soldiers. Growing numbers of janissaries or traditional soldiers amongst guild members in both capital and the provinces increased the ability of the guilds to resist government pressure and intervention. After the abolition of the janissaries in 1826 and the establishment of a new permanent army, however the ability of the guilds to resist government encroachment was sharply reduced.”<sup>28</sup>

The daily objects, which were produced under the protection schemas of guilds, became important for the transmission of the culture. They are resistant to time through history. Moreover, the existence of these objects means that the owner and the first users of these objects were real persons who have their own life stories. Armenian historian Dickran Kouymjian analyzes these objects and their qualities in his article “*Reflections on Object From the Pre- 20<sup>th</sup> century Diaspora with Armenian Inscriptions*”:

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26. Onur Yıldırım, *Ottoman Guilds in the Early Modern Era*, IRSH 53 (2008), Supplement, pp. 73–93, Internationaal Instituut voor Sociale Geschiedenis.

27. Onnik Jamgoçyan, *Osmanlı İmparatorluğu'nda Sarraflık: Rumlar, Museviler, Frenkler, Ermeniler (1650- 1890)*, (YKY: İstanbul, 2017).

28. Şevket Pamuk, “*Changes in factor markets in the Ottoman Empire, 1500-1800*”, *Continuity and Change* 24 (I), 2009 (1-30).

“Objects, artistic, liturgical or personal, have been inscribed from the earliest times, whether in hieroglyphs, cuneiform, Greek and Latin, Hebrew, Chinese or other languages... Armenians had a strongly developed habit of using their alphabet to record, often precisely, the circumstances relating to the creation of an artistic or literary work. Armenian scribes for instance were perhaps the most consistent of any medieval manuscript tradition in leaving a memorial or colophon with name, date of copying as well as the place and patron. A survey of surviving manuscripts established that 60% were exactly dated...It is extremely rare to find a complete manuscript which lacks a dated scribal colophon, when such is missing, usually it means folios at the end have been dropped or disturbed in successive rebindings.”<sup>29</sup>

To argue that art is genetically transmitted “as a way of experience”<sup>30</sup> means that knowledge about art is being transmitted. Talent, creativity, production, methods of production, methods of using various equipment, qualities of materials and presentation of products are protected and transmitted too. Human beings are capable of producing tools, artifacts and artworks according to special criteria. This capability and style of production change according to socio-historical conditions of each group. As we all know Armenian masters are very talented and powerful in the jewelry production area and the answer to the question of how they have achieved this status can only be explained by a Marxian understanding.

“...Labor is the source of all wealth... (it) is the prime basic condition for all human existence, and this to such an extent that, in a sense, we have to say that *labor created man himself* <sup>31</sup>... Before the first flint was fashioned into a knife by human hands, a period of time may have elapsed in comparison with which the historical period

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29. Dickran Kouymjian, “*Reflections on Object from the Pre- 20th century Diaspora with Armenian Inscriptions*”, Paris (Series Byzantina IX, pp. 00-00).

If we turn back to the modern Armenian art school called Mahrec Art House, we can see that jewelers testify these objects and present their knowledge to the new candidates for apprenticeship. These everyday objects make people to feel the passing of time over the country. In fact according to jewelry master Hraç Aslanyan who argues that jewelry making is a special way of production: “*This is not only a profession but an art. Art is genetically transmitted. There is something special changing according to the nations. I think the tendency of our Armenian people toward jewelry is also genetic. I think it’s in our genetics not to put into mass production, because we love this art. We have many successful friends who produce in a factory-assembled system but they are not the majority. Both in Istanbul or abroad, Armenians are in the art side of this production process.*” (Hraç Aslanyan, *Murassa Sanatı*, 17.05.2013, Sultanahmet from the book by Rita Ender, “*Kolay Gelsin*” *Meslekler ve Mekanlar*, (İletişim Yayınları: İstanbul, 2017), pp. 289- 293.)

30. The emphasis belongs to me.

31. This argument can be explained simply: by time, energy, money and value, any person from various craftsmanship can create, develop or use his/her talent. Here we can think about the traditional conflict whether a genetically transmitted talent or the effect of artistic education is important for the production of the artworks.

known to us appears insignificant, but the decisive step was taken; the hand had become free and could henceforth attain ever greater dexterity and skill, and the greater flexibility thus acquired was inherited and increased from generation to generation."<sup>32</sup>

## Conclusion

Urartian people created one of the most important civilizations of Eastern Anatolia with their developed socio-historical structure. They have rich metal supplies and they developed the ability to process them. This is how ancient Urartian society made such important, beautifully ornamented, original daily objects and artworks. As one of the ancient societies of Eastern Anatolia, the Urartian kingdom was one of the ancestors of Medieval and modern Armenia. People living in those areas are still producing metalwork, jewelry and daily objects. This continuation is related to the richness of raw materials, the power of the mode of production, the beauty of the products, the culture of living people and the transmission of the *techne* (know-how).<sup>33</sup> As a damaged culture by the politics of wars, forced migration, the genocide of Ottoman Empire, Armenian art and craft production are very important for Turkey because these ancient methods have very unique dimensions which complete the missing parts of the culture of our geographical region. For the people living in this geography, to notice, to care and to support various cultures is the only way to experience ourselves in full term.

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32. Engels, from "The Part Played by Labor in the Transition From Ape to Man, 1876; From the book Baxandall & Morawski, *Marx and Engels on Literature*, p. 54.

33. Mahrec Art House in Istanbul or other similar private minority art schools have managed to play a role in this transmission of *techne* by which these ancient art methods are surviving.

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## **An Analysis of South Africa's Constitutional and UNCRC-imposed Obligations to Achieve Children's Socio-economic Rights: A Critique**

By Tshilidzi Knowles Khangala\*

*Children require specific protection due to their heightened vulnerability to human rights violations, which can be attributed to several factors such as economic adversity, racial tensions, and armed conflicts. The current situation in South Africa is characterised by a pressing and significant prevalence of severe poverty. The enduring effects of apartheid have contributed to a broad range of socioeconomic challenges inside our deeply divided country. Children are particularly impacted by these issues and experience immediate suffering as a result. In the Republic of South Africa, a significant proportion of the youth population experiences the distressing circumstance of living in poverty. It has been reported that a significant proportion, ranging from 60 to 75 percent, of the youth population in South Africa is experiencing impoverished living conditions. The prevalence of HIV infection and the consequential mortality rates due to AIDS among caretakers have a detrimental effect on the well-being of children. The United Nations Convention on the Rights of the Child (UNCRC) encompasses social, economic, and cultural rights under its provisions. Following the ratification of the UNCRC in June 1995, South Africa is legally obligated to implement the articles pertaining to the rights of children. The formulation and structuring of socio-economic rights and corresponding duties towards children under the South African Constitution were significantly influenced by the UNCRC. The interests of children in South Africa are effectively safeguarded through the provisions enshrined in the Constitution and the duties outlined in the UNCRC. This study assesses the extent to which South Africa has adhered to its constitutional and UNCRC-mandated responsibilities and commitments in order to achieve the socioeconomic rights of children.*

### **Introduction**

The Constitution of the Republic of South Africa, enacted in 1996, serves as the fundamental framework for the nation's newly founded democratic society, embodying concepts of democracy and social equity. The objective was to reconcile the division resulting from historical events. The specific inclusion of provisions in the South African Constitution that mandate the safeguarding and upholding of constitutional rights by the court is a fortuitous circumstance. The South African Constitution is among the constitutions that provide protection for socio-economic rights<sup>1</sup>.

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1. Dube (2020).

Indeed, the South African Constitution is notable for its inclusion of socioeconomic rights pertaining to children within its final draught. This demonstrates that children are granted certain safeguards under the most prominent legislation in South Africa. As a consequence, it has attained a level of equivalence with global human rights accords such as the United Nations Convention on the Rights of the Child (UNCRC). Legal scholarship, both inside South Africa and internationally, widely recognises that children constitute a vulnerable population within society and hence warrant the utmost care.<sup>2</sup> The primary aim of this study is to analyse the socio-economic rights of children, as articulated in the South African Constitution, in relation to the UNCRC.

The Constitutional Court ruled in the case of *S v. Makwanyane & another*<sup>3</sup> that both binding and non-binding international law may be considered in interpreting the Bill of Rights. According to Chaskalson CJ, Chapter 3 of the interim constitution, which encompasses the Bill of Rights, can be comprehensively examined and interpreted within the framework of international human rights law. In addition, it is worth noting that practical measures implemented by pertinent international human rights organisations can provide valuable insights into the appropriate interpretation of specific provisions.

In the case of *Government of the Republic of South Africa & others v Grootboom & others*<sup>4</sup>, Jacob J. asserted that international law can serve as a valuable tool for interpretation. However, he emphasised that the significance attributed to individual international concepts or norms should be subject to variation. Nevertheless, this approach could be promptly implemented in situations when South Africa is bound by the pertinent international legal norm.

While the UNCRC does provide some rights to state parties, it is crucial to acknowledge that these rights are accompanied by corresponding obligations and responsibilities. This study aims to examine the extent to which South Africa is meeting its commitments as outlined in the UNCRC, and to explore the mechanisms by which this is being achieved, if applicable. Insufficient attention has been devoted to the socio-economic rights of impoverished children in South Africa and the potential impact of the UNCRC on these rights, as well as its role in assisting South Africa in meeting its commitments under the UNCRC. The objective of this study is to address this disparity.

## Literature Review

It is imperative to acknowledge that within the context of South Africa, there exists a multitude of literary works pertaining to socio-economic rights. However,

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2. Wright & Potter (2012).

3. 1995 (3) SA 391 (CC).

4. 2001 (1) SA 46 (CC).



it is noteworthy that a significant proportion of these works just offer a broad and general perspective on the subject matter. Firstly, their discussion lacks emphasis on the socio-economic rights of children. Furthermore, there is a notable lack of consideration of the potential impact of international human rights law, including the UNCRC, on the socio-economic rights of children in South Africa.

Erika de Wet identified and discussed the socioeconomic rights of children.<sup>5</sup> The author analysed international organizations like WHO, FAO, and UNICEF to understand their impact on children's socio-economic rights. However, their analysis was limited in examining the UNCRC's impact on South Africa's constitutional rights. The analysis focused on the horizontal and vertical application of these rights, lacking a comprehensive examination of the UNCRC's impact on South Africa's constitutional rights.

Much of the above criticism applies with equal force to a similar study by Karrisha Pillay<sup>6</sup>. The author classified socio-economic rights into several categories such as social welfare, food, and healthcare, providing a comprehensive analysis of their respective entitlements, implementation strategies, and protective measures. The authors of the study also conducted an analysis of the United Nations Convention on the Rights of the Child (UNCRC) and other international organisations pertaining to child rights. However, they encountered difficulties in elucidating the possible influence of these entities on the socio-economic rights of children in South Africa.

Devenish explored children socio-economic rights in South African Constitution<sup>7</sup>. The author proceeded to illustrate the heightened vulnerability of children to infringements upon their human rights, thereby necessitating the provision of distinct attention and safeguarding measures. The author continued to provide evidence of South Africa's ratification of the UNCRC in a manner that deviated from the norm. However, the author failed to address the potential consequences and ramifications associated with South Africa's membership in this international treaty.

In a resource book on socio-economic rights in South Africa, Khoza came very close to addressing this issue<sup>8</sup>. While the impact of the UNCRC was duly acknowledged and the discourse encompassed socio-economic rights in South Africa, it is noteworthy that children did not constitute the primary focal point of the discussion.

Alston expounds on the socio-economic rights of children, but two flaws in the study's design seem to limit its applicability<sup>9</sup>. First of all, this study was limited to the concept of the "best interest of the child." Second, South Asian

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5. De Wet (1998).

6. Liebenberg & Pillay (2000).

7. Devenish (1998).

8. Khoza (2007).

9. Alston (1994).

nations, Zimbabwe, Burkina Faso, and France were the main subjects of the study. Alston was in no way interested in South Africa.

Rautenbasch<sup>10</sup> gave a lot of consideration to a Bill of Rights clause that was included in the interim constitution at the expense of children's socioeconomic rights that were included in the final constitution. Another work which dealt with children socio-economic rights, including the UNCRC is of Alston, Parker and Seymour<sup>11</sup>. Like Alston, Parker despite the fact that this work was completed before the South African constitution was established, South Africa was overlooked.

## Methodology

This study employs desktop research, a qualitative research approach, to assess the UNCRC, the obligations imposed on convention members, and South Africa's adherence to these obligations through legislative measures and legal precedents. This is achieved, among other methods, by the examination of legal texts, legal periodicals, scholarly literature, online resources, significant statutes, appellate court decisions, and Constitutional Court rulings. The International Covenant on Civil and Political Rights will also serve as a source for this study. The Constitution of the Republic of South Africa, 1996, which serves as the supreme law of the land, will also be a significant primary source for this study.

## Universal and Forward-looking Principles of the UNCRC

The UNCRC holds equal importance for individuals across the globe. The agreement delineates universally applicable criteria while simultaneously considering the distinct cultural, social, economic, and political contexts of individual States, thereby granting each State the autonomy to determine its own mechanisms for upholding these rights collectively. The convention outlines four fundamental principles. These provisions are intended to facilitate the understanding and analysis of the agreement in its whole, thereby guiding the development and execution of national implementation initiatives. The four principles can be identified as follows<sup>12</sup>:

### Non-discrimination<sup>13</sup>

According to the precise language of the text, it is envisaged that states parties will ensure that all children under their jurisdiction have access to this

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10. Rautenbach (1995).

11. Alston, Parker & Seymour (1992).

12. Articles 2, 3, 6 & 12 of UNCRC. See also De Wet (1998).

13. Article 2 of UNCRC.

protection and that no child is exposed to any form of discrimination. This principle is applicable to all children, regardless of their race, colour, sex, language, religion, political opinion, national origin, ethnic origin, socioeconomic status, property, disability, birth, or any other status pertaining to the child or the child's parents or legal guardians.

Equal opportunity is widely seen as a key component. It is imperative that both girls and boys are afforded equitable access to opportunities. Irrespective of their ethnic background, country, or association with a minority group, it is imperative that all children are afforded equal rights comparable to their peers. It is imperative that all children, irrespective of their disability, are afforded the opportunity to lead a life of comfort and well-being.

### **Best Interest of the Child<sup>14</sup>**

When a State's administration makes decisions that have an impact on children, it is imperative that the best interests of the children are prioritised. This guideline must be adhered to by courts of law, legislative bodies, administrative agencies, and both public and private social welfare institutions when making decisions. Implementing this concept in real-world scenarios poses significant challenges, albeit being the central theme of the Convention.

### **The Right to Life, Survival and Development<sup>15</sup>**

The article on the right to life also encompasses the rights to development and survival, which are to be ensured to the utmost extent feasible. In the present environment, it is imperative to adopt a comprehensive definition of "development" that encompasses several dimensions and incorporates a qualitative aspect. This is because development extends beyond physical well-being and encompasses mental, emotional, cognitive, social, and cultural aspects.

### **The Views of the Child<sup>16</sup>**

Children should be afforded the opportunity to use their freedom of expression in all topics that pertain to them. The perspectives of individuals should be assigned the appropriate significance that aligns with their worth, taking into consideration the child's age and level of development. The fundamental tenet posits that children possess an inherent entitlement to be afforded a platform for expression and to have their perspectives accorded due regard, particularly

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14. Article 3 of UNCRC.

15. Article 6 of UNCRC.

16. Article 12 of UNCRC.

within the context of legal or bureaucratic proceedings that may exert an influence upon them.

### **Obligations of States Parties to the UNCRC**

The fulfilment of socio-economic rights of children constitutes a significant set of requirements that must be met by signatories to the UNCRC. These obligations can be outlined as follows:

1. States Parties are obligated to uphold and safeguard the rights of every child, irrespective of their race, colour, gender, language, religion, political beliefs, national or ethnic background, socioeconomic status, property ownership, handicap, birth status, or any other characteristic of the child or their parents or legal guardians.<sup>17</sup>
2. States parties have a binding duty to ensure the well-being and optimal growth of the child. States parties have an obligation to use maximum effort in ensuring that the right of every child to obtain medical treatment is not infringed upon. The parties involved recognise the entitlement of children to the highest achievable standard of health.<sup>18</sup>
3. The agreement stipulates that States which have ratified it are obligated to decrease rates of newborn and child mortality, as well as ensure universal access to healthcare for all children. States Parties have a binding obligation to implement all feasible measures to prohibit age-inappropriate customs. According to states parties, it is asserted that every child is entitled to a level of life that is suitable for their physical, mental, spiritual, moral, and social growth. States parties are obligated to implement suitable measures to support parents and individuals with parental responsibilities in the exercise of their rights. When deemed required, states parties should provide tangible assistance and support, specifically addressing food, clothing, and housing requirements.<sup>19</sup>
4. The parties recognise and accept the fundamental right of children to receive an education.<sup>20</sup> The States Parties acknowledge the entitlement of children to protection against economic exploitation, including their engagement in labour that poses potential hazards or disrupts their educational pursuits. Furthermore, children should be safeguarded from work that may jeopardise their health or impede their physical, mental, spiritual, moral, or social growth. Furthermore, it is agreed by States

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17. Article 2 of UNCRC.

18. Article 6 of UNCRC.

19. Articles 24 & 27 of UNCRC.

20. Article 28 of UNCRC.

Parties that it is imperative to protect the child from any form of sexual exploitation and abuse.<sup>21</sup>

## **Steps and Measures taken by South Africa to meet the UNCRC obligations**

### **Incorporating Children's Rights in the Constitution<sup>22</sup>**

Section 28 of the Constitution of the Republic of South Africa, 1996, entitled "children's rights", provides that:

1. Every child has the right to-
  - a) A name and nationality from birth;
  - b) Family care or parental care, or to appropriate alternative care when removed from the family environment;
  - c) Basic nutrition, shelter, basic health care services and social services;
  - d) Be protected from maltreatment, neglect, abuse or degradation;
  - e) Be protected from exploitative labour practices;
  - f) Not be required or permitted to perform work or provide services that-
    - i. Are inappropriate for a person of that child's age; or
    - ii. Place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
  - g) Not be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be-
    - i. Kept separately from detained persons over the age of 18 years; and
    - ii. Is treated in a manner, and kept in conditions, that take account of child's age;
  - h) Have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result;
  - i) Not be used directly in armed conflict, and to be protected in times of armed conflict.
2. A child's best interests are of paramount importance in every matter concerning the child.
3. In this section 'child' means a person under the age of 18 years.

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21. Article 32 & 34 of UNCRC.

22. The Constitution of the Republic of South Africa, 1996.s

Based on the stipulation provided, it can be inferred that minors possess entitlements to a designation, legal membership within a nation-state, and a prescribed level of nurturing. It is imperative that children are provided with essential provisions such as food and shelter, alongside ensuring their protection from abusive, neglectful, and degrading treatment. If an individual of a young age does not meet the minimum age requirement for employment, it is advisable that they refrain from engaging in any tasks or responsibilities that may impede their educational progress or hinder their personal growth and maturation. The subsequent part elucidates the imperative nature of prioritising the best interests of the child in every decision pertaining to them.

In the case of *Government of RSA & others v. Grootboom & others*<sup>23</sup>, the court conducted an examination to determine the extent to which citizens have the ability to legally force government action in order to safeguard their social and economic rights. The constitutional requirements outlined in sections 26 and 28(1)(c) of the Constitution of the Republic of South Africa, 1996, pertaining to the guarantee of adequate housing for all individuals and the provision of shelter for children, had come under scrutiny. The initial petitioner, Irene Grootboom, was among a group of 510 children and 390 adults who were compelled to reside in highly unsatisfactory conditions within the Wallacedene informal settlement. The High Court determined that the children, along with their parents acting as their representatives, possessed a legally recognised entitlement to seek shelter as stipulated by section 28(1)(c).

In a majority ruling, Justice Yacoob of the Constitutional Court underscored the constitutional obligation of the State to adopt proactive steps in order to assist persons residing in deplorable conditions. The need was to ensure the provision of housing, healthcare, sufficient sustenance and hydration, social security, and other essential requisites for individuals who lacked the means to independently sustain themselves and their dependents. Given the recognition by the Constitution of the inherent challenges involved, it did not impose an expectation on the State to fully utilise all available resources or expeditiously actualize these rights. Nonetheless, it was incumbent upon the State to gradually implement these rights and provide the requisite legal and social structures. The aforementioned programme in the region failed to fulfil this obligation. The court issued directives to the State to provide assistance to individuals who are in need and have not yet received any form of aid.

In another interesting case of *Mahlaule & others v. Minister of Social Development*<sup>24</sup>, in this case, constitutional arguments were raised against sections 4(b)(ii) and 4B(b)(ii) of the Social Assistance Act 59 of 1992. The provision of grants for care-dependency and child support was limited to those who had South African citizenship, as specified under the relevant categories outlined in this section. Due

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23. 2001 (1) SA 46 (CC).

24. 2004 (6) SA 505 (CC).

to their violations of the rights to social security and social assistance in section 27 and the rights of children in section 28 of the Constitution, the Constitutional Court ruled that those sections were unconstitutional.

Almost similar position was held in the case of *Minister for Welfare and Population Development v. Fitzpatrick & others*<sup>25</sup>, The Cape High Court found section 18(4)(f) of the Child Care Act 74 of 1983, which imposed a prohibition on foreigners adopting South African children, as unlawful. During the confirmation process for the Constitutional Court, Justice Goldstone determined that the prohibition was in contradiction with section 28(2) of the constitution. This clause stipulates that the best interests of children must be prioritised in all situations involving them. The court acknowledged that under specific circumstances, it may be in the best interests of a South African child to be adopted by a family that is not of South African origin. The confirmation of the order was determined to be invalid.

### Legislative Reform

The UNCRC has exerted a substantial impact on the legal transformation within South Africa subsequent to its ratification in 1995. While the explicit reference to the UNCRC is limited to two statutes, the analysis of the legislation reveals that the priorities outlined in the UNCRC have been duly considered. Legislation that provides specific protections for children includes:

- i. The Child Care Act 74 of 1983, a legislation that criminalises the act of neglecting to provide a child under one's care with essential provisions such as sustenance, housing, apparel, and medical care.
- ii. The Basic Conditions of Employment Act 75 of 1997, which makes it illegal to employ a child under the age of 18 years.
- iii. The Domestic Violence Act 116 of 1998, which outlines various types of domestic abuse and details how a child can obtain a protection order against the abuser.
- iv. The Films and Publications Act 65 of 1996, which protects children from exploitation in child pornography.
- v. The Natural Fathers of Children Born out of Wedlock Act 86 of 1997. This legislation provides legal entitlements to unmarried fathers, allowing them to petition the court for visitation rights, custody, or guardianship of their children. This includes cases where the father's marriage is not officially recognised by the State, such as in Muslim and Hindu marriages. In the determination of child custody or visitation rights, paramount consideration is given to the best interests of the children involved.

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25. 2000 (3) SA 422 (CC).

Other relevant statutes are:

1. The Adoption Matters Amendment Act 56 of 1998;
2. The Recognition of Customary Marriages Act 120 of 1998; and
3. The South African Schools Act 84 of 1996.

The Children's Act 38 of 2005, which superseded the Child Care Act 74 of 1983, makes reference to the UNCRC as a source of advice. The endeavour is aimed at facilitating a comprehensive comprehension of the entirety of children's rights.

In the case of *Fraser v. Children's court, Pretoria North & others*<sup>26</sup>, Laurie Fraser, who was not married, fathered a child that his ex-partner gave up for adoption. The children's court granted the child's request for adoption, but Fraser asked that it be reversed so that he may adopt the youngster himself. A father's consent was not required for the adoption of his children who were born out of wedlock under section 18(4)(d) of the Child Care Act 74 of 1983, but a children's court had to get both parents' consent before issuing an order for the adoption of a legitimate child. The court ruled that this violated the equality right. It was discriminatory towards fathers in weddings conducted in accordance with the traditions of religions like Islam and Hinduism, which were not recognised by the law as marriages. The court, however, decided that further consideration was needed before the clause could be changed, and it gave parliament two years to correct the issue.

### Interpreting Domestic Legislation

In the process of interpreting domestic or national legislation, it is imperative to give due consideration to Section 233 of the Constitution of the Republic of South Africa, 1996. According to Section 233, it is mandated that courts should prioritise reasonable interpretations of laws that align with international law, over interpretations that are inconsistent with international law. International law plays a prominent role in the process of statutory interpretation by providing a distinct and unambiguous framework for interpretation. The aforementioned statement aligns with the final two sentences of General Comment 9 to the International Treaty on Economic, Social and Cultural Rights (ICESCR), which assert that "this interpretive presumption is mandated by international human rights law and by the legal provisions of the covenant."<sup>27</sup>

Six minors in *S v. Williams & others*<sup>28</sup>, were subjected to the penalty of "moderate correction" as stipulated in section 294 of the Criminal Procedure Act

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26. 1997 (2) SA 261 (CC). See also Articles 32 & 34 of UNCRC

27. Heyns & Viljoen (2001).

28. 1995 (3) SA 632 (CC).



51 of 1977, which entailed the administration of a series of light cane blows. The Constitutional Court possessed the jurisdiction to determine the legality of the juvenile whipping penalty. The Court has determined that physical punishment violates the right to be treated or punished in a manner that is free from cruel, inhumane, or degrading treatment, and also undermines an individual's feeling of dignity. It was determined that administering corporal punishment to young individuals was deemed to be a violation of the dignity of both the recipients and those responsible for carrying out the punishment.

### Interpreting the Bill of Rights

According to Section 39 of the Constitution of the Republic of South Africa, 1996, any court, tribunal, or forum tasked with interpreting the Bill of Rights is obligated to advance the principles that form the foundation of an open and democratic society, which include human dignity, equality, and freedom. Furthermore, these entities are required to take into account international law and have the discretion to consider foreign law as well.

In the case of *S v. Makwanyane*<sup>29</sup>, the Constitutional Court held that, when interpreting the Bill of Rights, it is permissible to use both binding and non-binding international law. Chaskalson CJ, in his capacity at the time, further stated that the field of international human rights law provides a structure through which chapter 3 (Bill of Rights of the interim constitution) can be evaluated and comprehended. Moreover, he noted that the actions taken by relevant international human rights organisations can serve as a source of direction in interpreting specific provisions. Nevertheless, it has been found that among all treaties, the ICCPR has been extensively relied upon as the primary basis for South African court rulings and has been frequently referenced during the process of legal interpretation, specifically in relation to the Bill of Rights. This conclusion was drawn from a comprehensive analysis of the decisions made by the High Courts and the Constitutional Court since 1995.<sup>30</sup>

In the case of *Government of Republic of South Africa v Grootboom and others*<sup>31</sup>, the court placed significant emphasis on the role of international law, which was given greater weight compared to the case of *S v. Makwanyane*. In the aforementioned case, Jacob J expressed that while international law can serve as a guiding tool for interpretation, the significance attributed to specific principles or rules of international law may differ. However, in cases where South Africa is bound by the relevant principle of international law, it may be directly applicable.

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29. 1995 (3) SA 391 (CC).

30. Heyns & Viljoen (2001).

31. 2001 (1) SA 46 (CC).

In the case of *Minister of Health & others v. Treatment Action Campaign & others*<sup>32</sup>, the government's stance on the prevention of mother-to-child HIV transmission, specifically the restricted implementation of Nevirapine to certain trial sites, was challenged by the Treatment Action Campaign and two other parties. The manufacturers of nevirapine agreed to supply the medication to the South African government without charge for a duration of two years. The court's decision established that the pursuit of research does not provide sufficient grounds for justifying the postponement of a comprehensive scheme. Due to the inability to reach the designated research locations, a significant proportion of women and children who tested positive for HIV experienced detrimental consequences as a result of the policy, as they were effectively deprived of the opportunity to obtain a possibly life-saving medical intervention. The court ruled that the administration of a singular dosage of nevirapine to youngsters was deemed indispensable. Due to the pressing nature of children's requirements, the state was obligated to guarantee the provision of protection as outlined in section 28 of the Constitution of the Republic of South Africa. The government was mandated to abolish the restrictions on nevirapine, authorise and facilitate its utilisation when deemed medically appropriate, and adhere to the court's determination that the policy was illegal.

### Conclusion and Recommendations

The UNCRC has exerted a substantial influence on children's rights in South Africa, particularly in the realm of socio-economic rights. This has resulted in considerable modifications to the legal framework in order to align with the established criteria set forth by the UNCRC. The manifestation of this phenomenon is most conspicuous in the safeguards for children enshrined in the Constitution, along with the legislative enactments and judicial decisions pertaining to this matter. The rights of children are addressed in a distinct portion of the Constitution known as the Bill of Rights. However, it is important to note that this designation does not suggest that the rights outlined in other portions of the Constitution are not applicable to children as well. The paragraphs on equality, human dignity, religion, education, and health, among other topics, are particularly relevant and applicable to children.

The majority of the civil, political, and socio-economic rights for children that are delineated in the UNCRC have been integrated into the Constitution of South Africa. Additionally, the South African Constitution specifies that in the process of interpreting the bill of rights, a court, tribunal, or forum is required to consider international law and may also consider foreign law. This suggests that while the consideration of foreign law is discretionary, the consideration of international

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32. 2005 (5) SA 721 (CC).

law is obligatory. Furthermore, South Africa has enacted several legislative measures to defend and protect the socio-economic rights of children.

However, it is noteworthy that South African courts have demonstrated a tendency to either overlook or infrequently invoke the UNCRC when dealing with cases concerning individuals under the age of 18. This is in spite of the assurance provided by sections 39(b) and (c) of the Constitution of the Republic of South Africa, 1996. The aforementioned cases serve as illustrative examples in support of this assertion.

- It is interesting that the UNCRC is not mentioned in *Minister of Health & others v. Treatment Action Campaign & others*<sup>33</sup>, a case that particularly addresses the rights of children and mothers to healthcare.
- In the case of *Government of the Republic of South Africa & others v. Grootboom & others*<sup>34</sup>, The court or the legal representatives had the option to reference the relevant sections of the UNCRC, such as Article 6(2) which guarantees the right to life and the utmost feasible survival and development for children, as well as Article 24 which ensures the right to health and healthcare services for children.
- The court, counsel, and amici curiae in *Bhe & others v. Khayelitsha Magistrate & others*<sup>35</sup> might have potentially used many articles from the UNCRC to bolster their assertions. These articles include Non-discrimination (Article 2), which emphasises the importance of treating all children equally; the child's entitlement to life and development (Article 6(2)); the child's entitlement to a suitable standard of living (Article 27); and the principle of acting in the child's best interests (Article 3(2)).
- In *Khosa & others v. Minister of social development & others*<sup>36</sup>, Justice Mokgoro did not make any reference to principles or norms of international law in the case. The court or the counsel could have made reference to the pertinent rights outlined in the UNCRC. Specifically, these rights include the child's entitlement to receive social security benefits as stated in Article 26, the child's right to survival and development as articulated in Article 6(2), and the child's right to enjoy an appropriate quality of life as outlined in Article 27.

South Africa's commitment to fully complying with the terms of the UNCRC and safeguarding children's socioeconomic rights could benefit from further enhancements. The South African government has implemented several measures in order to address these issues, such as improvements in the provision

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33. 2000 (5) SA 721 (CC).

34. 2001 (1) SA 46 (CC).

35. 2005 (1) SA 580 (CC).

36. 2004 (6) SA 505 (CC).

of education, efforts to decrease the incidence of foetal alcohol syndrome, and a campaign aimed at combating child maltreatment. However, the nation remains steadfast in its dedication to preserving and safeguarding the rights of children as delineated in the UNCRC. The Covid-19 pandemic has exacerbated the circumstances, nevertheless, there remains a significant disparity between the demand and supply of these services.

As per the provisions outlined in Section 27(2) of the Constitution, it is incumbent upon the state to undertake appropriate legislative and other measures, within the constraints of its financial capabilities, in order to progressively actualize the entitlement to social security. This section highlights the necessity of implementing additional measures in several domains such as administration, business, economy, social policy, justice, finance, and education, in addition to legislative interventions. According to Cassiem and Streak<sup>37</sup>, the government bears the responsibility of distributing resources in a manner that expedites rather than incrementally achieves the socio-economic rights of children. It is imperative to allocate a greater proportion of the limited resources to children hailing from disadvantaged households in comparison to other underprivileged groups.

The support provided by the UNCRC to the government's obligation in assisting parents and other legal guardians is deserving of attention. The statement acknowledges that while parents and legal guardians bear the ultimate responsibility for raising their children, states parties are nevertheless obliged to provide them with the necessary assistance, as stated in Article 18. There exists an argument positing that this particular weakness is inherent in nature, hence rendering it inadequate in fully adhering to the principles outlined in the UNCRC. This flaw implies that the state is not obligated to promptly extend aid to economically disadvantaged children who possess parental guardians, nor is it obliged to prioritise the allocation of resources towards impoverished children. It is argued that this represents a limitation in itself and does not fully align with the principles outlined in the UNCRC. This is because it suggests that the government is not obligated to promptly provide for children from low-income families, and furthermore, there is no requirement to prioritise the allocation of resources to impoverished children over other individuals in need.

It is recommended that in order to strengthen the UNCRC's effectiveness in South African courts for the protection of children's socio-economic rights:

- That Presiding officers get ongoing judicial training about the UNCRC and its jurisprudence.
- The Legal Practise Council (LPC) should promote and empower legal representatives to incorporate the pertinent legislation of the UNCRC and

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37. Cassiem & Streak (2001).

its corresponding case law into their submissions presented before the courts.

- The proposed 5-year LLB programme, which the Council on Higher Education (CHE) is advocating for and urging Institutions of Higher Learning to implement, should incorporate a module on the United Nations Convention on the Rights of the Child (UNCRC) within its curriculum.

The fact that South Africa has made significant efforts to ensure that it complies with the commitments owed to all members of the UNCRC is undeniable. Based on the suggestions put forth by the United Nations in 1990, it can be deduced that the detrimental consequences of poverty can be substantially alleviated by the attainment of goals pertaining to the well-being of children, encompassing areas such as healthcare, nourishment, education, and other pertinent spheres. This conclusion appears to be reasonable based on the findings of the study. However, it is imperative to exert additional efforts to construct a robust economic foundation in order to effectively attain and sustain the objectives of long-term child survival, protection, and development. The South African judiciary has the potential to make a constructive contribution to this undertaking by carefully analysing and consistently applying the provisions of the UNCRC when appropriate and applicable.

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## Abuse of Criticism: T.S. Eliot and Northrop Frye's Academic Ramp-up to "Fake News"

By Richard Goranowski\*

Percy Bysshe Shelley's "Defence of Poetry" originates T.S. Eliot's 1932 Harvard Norton Lecture on "taste" maligning "a marked swing in his feelings toward Shelley's verse from fervid imitation to contemptuous disdain." Lowe, P.J., 2002. Eliot's acolyte, Northrop Frye, in 1957 follows similar tautology to exclude Shelley's straw-man agonist, Thomas Love Peacock, from *Anatomy of Criticism* commentary over Sir Philip Sidney's "Apology for Poesy," Shelley's obvious rhetorical target. Here we treat Eliot and Frye's methodologies as a Prigozhin troll factory authoritarian oligarchic academic coup that, "like the Internet Research Agency, engage in ... 'coordinated inauthentic activity, ranging from the use of false names and the creation of false audiences to the publication of false stories and the creation of divisive narratives.'"<sup>1</sup>

### Introduction

We are the hollow men/...the stuffed men/Leaning together/Headpiece filled with straw.<sup>2</sup>

Modern paradigms per "Forensics of a Straw Man *Pharmakos* in Northrop Frye's 'theory of modes.'"<sup>3</sup> seek "forensics" as the operant word in portrayal of Northrop Frye because the forensic juxtaposes a Princeton University student's civil case, *Napolitano v. Princeton University Trustees*,<sup>4</sup> in New Jersey's appellate court arguing collateral plagiaristic challenge to Northrop Frye paralleling Princeton Press' warhorse canon, *Anatomy of Criticism*.<sup>5</sup> Napolitano failed to use quotation marks in her Gabriel Garcia Marquez essay; Northrop Frye knowledgeably failed to mention the name of the originator lifting "theory of modes" from Thomas Love Peacock's "Four Ages of Poetry"<sup>6</sup> As far as Frye on Peacock:

This is not a new question: it was raised a hundred and fifty years ago by Thomas Love Peacock, who was a poet and novelist himself, and a very brilliant one. He wrote an essay called *Four Ages of Poetry*, ... 'A poet in our times,' said Peacock, 'is a semi-barbarian in a civilized community. ... The march of his intellect is like that of a crab,

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1. Applebaum, A.

2. Eliot, T.S., "The Hollow Men," 1925.

3. Goranowski, *Int'l J. Knowledge, Culture and Change Mgt.*, Vol.10, Issue 32011, p.133 2011.

4. 453 A.2d (1983) 263.

5. Frye, N.H. Princeton University Press 1957.

6. *Literary Miscellany* 1820.

backwards.' Peacock's essay annoyed his friend Shelley, who wrote another essay called *A Defence of Poetry* to refute it. Shelley's essay is ... not likely to convince anyone who needs convincing.<sup>7</sup>

### The Barbaric Bard

Scholarly objection to Frye's plagiaristic palimpsest observes that Percy Bysshe Shelley is indeed convincingly responsive to Peacock. Sidney usefully alludes proto-linguistic "semi-barbaric"<sup>8</sup> deep structure to rhyme<sup>9</sup> that codes the recall of the pre-literate bard chanting oratory around tribal camp fires evoking lost legends of Stonehenge to rapt audiences---as a straw man---the Bard,<sup>10</sup> apparently obeys proto-Plato in moving like Bob Dylan down the road from performance to performance. Rhythmic hortatory is thus historic in English-speaking peoples peaking with the poetic command of Winston Churchill who, yet disdained after WWII, remains the modern "unacknowledged legislator of the world" *Fn.8*. The modernity of Shelley's *Defence* ascends to a quantum state: In it Shelley's cat, whose "I dare not" of principled uncertainty rivals "I would," superpositions Ervin Schrodinger's "cat in the adage" *Fn.8* simultaneously as living as dead. Nobility in the Shelley is ignored by the cookie-cutter "modes" theory of Frye's unprincipled certainty cannibalizing Peacock's essay. Frye *supra* tactically ignores Shelley's sincere rebuke *infra* of his abiding contemporary colleague---Frye invokes only the mechanistic odometer-turning cultural repetition in Vico whereas Percy Shelley's fugal subject discerns even in the famed digression wherein Shelley argues Peacock "omits the observation of conditions still more important, and more is lost than gained by the substitution of the rigidly defined

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7. Frye, N. *The Educated Imagination* 1964 p. 27.

8. Shelley, P.B. "Defence of Poetry" London. 1821-1841.

9. Sidney superposes Shelley: "[F]ault-finders, who will correct the verb before they understand the noun, and confute others' knowledge before they confirm their own, I would have them only remember that scoffing cometh not of wisdom; *An Apology for Poesy*, 1579 para.53 But that which giveth greatest scope to their scorning humor is riming and versing.... carrying even in themselves a harmony, — .para.54 Now that verse far exceedeth prose in the knitting up of the memory, ... being so set, as one cannot be lost but the whole work fails; which, accusing itself, calleth the remembrance back to itself, and so most strongly confirmeth it.", id.

10. "The Provençal Trouveurs, or inventors, preceded Petrarch, whose verses are as spells, which unseal the inmost enchanted fountains of the delight [para..]" Shelley, P.B. 1821. Near contemporaneous in 1831, "Wherever poetry has arisen, whether in classic Greece, whether among the Skandanavian scalds, or the Welsh bards, whether in the Northern Trouveur or Southern Troubador, it seems simultaneously ... to have expressed the empassioned feelings of the people in a lyric shape ... the popular traditions or narratives." A.E. Miller, "French Novels," *The Southern Review*, Vol.VII, No.xiv Charleston, SC p. 322.



and ever-repeated idealisms of a distorted superstition for the living impersonations of the truth of human passion" Shelley, *Fn.8*

At point, Frye acolyte Robert Dunham participates in more Frye borrowing: "*Platonic synthesis vs. Aristotelian analysis*, ... and hundreds of other oppositions. *In the first essay of Anatomy of Criticism alone*"<sup>11</sup> Frye shoplifts Shelley's *Defence opening paragraph*: "The one is *the το ποιειν, or the principle of synthesis, . . . ; the other is the το λογικειν, or principle of analysis*,"<sup>12</sup> Note how Shelley cites not directly to Plato/Aristotle (whom all of Cambridge have dutifully committed to memory!) but instead merely to the Greek; whereas neither Denham nor Frye deign cite to Shelley!

Shelley's hortatory debunking of Peacock's sly diction and casuist argument devises not as foisted Vico but discerns as Shelley's own anthropomorphic rhetorical structure, difficult to follow but discernable. Nonetheless Peacock still provokes "theory of modes" (Nohrnberg in Goranowski, 2011 p.133) in Frye's pedantry: Peacock' ellipsis of Vico in "Four Ages" stands as guilty of pilferage as Napolitano's ellipsis of quotation marks. Yet the foregoing "Forensic Straw-man" (*id.*) makes clear that literary cannibalism has evolved to its present-day Maryanne Conway "alternative fact" status via a shell game Renaissance reversal touting not only Vico but Machiavelli. We herein discern the specter of plagiarism in 21st century academic publishing as a checkerboard precedent that fails as a chess defense in the Napolitano case. Nonetheless academic collegial cabalism yet evades the fact-check stakes for 21st Century pedagogic literacy that instructs electoral governance as platform politics. The earlier monograph by this author outlined the inveterate controversy of Eliot serving as the strategic font for Northrop Frye's tactical deployment of Thomas Love Peacock's "Four Ages of Poetry thinly disguised as Vico in "theory of modes" as "coordinated inauthentic activity" (Prigozhin in Appelbaum, *id.*) providing Peacock's cavalier exclusion from the now-canonic *Anatomy of Criticism* Anglican Index.

We reiterate James C. Nohrnberg from my "Forensic Straw-man" Frye eponym:

The Vico-ized progressions of Frye's theory of fictional modes (from mythical to ironic) ... reworked Peacock's "Four Ages of Poetry" and the three elevations of style for modern criticism.<sup>13</sup>

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11. Dunham, R., "Northrop Frye and Giordano Bruno" para.3.

12. Shelley, 1821 para.1 *emphases intended*.

13. Nohrnberg, J. "The Master of the Myth of Literature: An Interpenetrative Ogdoad for Northrop Frye," 2001.

## The Merely Barbaric

In 1911 T.S. Eliot celebrated his Harvard graduation with a tour of Paris memoriously interloping "Eliot later recalled, around the figures of Émile Durkheim, Paul Janet, Rémy de Gourmont, Pablo Picasso.<sup>14</sup> It adheres therefore that the classicist element in Eliot, *infra* quantified as anti-Semitic, racist and monarchist emerged as a synthesis of academic and life experience resolved in Eliot's artistic and critical faculty: T.S. Eliot's grasp of Plato's *Republic* Book X (380.B.C.) is implicit given his graduate pursuit of philosophy between 1911 and 1914 during its "golden age" at Harvard amidst Santayana, William James and visiting Bertrand Russell [Bush, id.] --- explicit in realization that his first wife, Vivienne, cuckolded him in torrid Roaring 20's fashion with said Bertie. Mendolsohn, T., *NY Review of Books* 2/11/16.

Rejection being bittersweet, Eliot the *philosophe* is discerned as effecting Plato's wining, dining then expelling poets from his *Republic*. Book X. We serve to penetrate the veil of camouflaged modernity, of *avant-garde* adulation cast upon Eliot by his many admirers, chief of whom, Christopher Ricks, a sucker for dubious Nobel recipients as indeed Eliot in 1948 and Bob Dylan in 2016. Ricks and James McCue throw a wide net in the roaring 2016 Volume 1 and 2 of Eliot (Ricks & McCue, *Eliot Annotations* 2016) *ad nauseam* yet fail to catch the fishy political ethos devised by Eliot capitalized by Canadian cohort, Northrop Frye,<sup>15</sup> plotting to send, rascally radical leftist artistes on down the road. 'Bootheel' Bob Dylan himself, barely acknowledging his Nobel never responded to Ricks' 2005 *Vision of Sin*, a preposterously influential critical encomium to Dylan, who allegedly plagiarized his Nobel acceptance letter.<sup>16</sup> serves small beer: "I try to harmonize with songs the lonesome sparrow sings,"<sup>17</sup> downloads "A poet is a nightingale who sits in darkness and sings to cheer its own solitude with sweet sounds" *Fn8*.

Consider the contemporary Nobel canonization of Bob Dylan as barbaric bard: Shelley's "the child is to the man what the savage is to the ages," is candid in Friedrich Schiller's 1795 presage "just as to human nature in its children, in the morals of country folk"<sup>18</sup> Yet Dylan's untoward reticence and unmannered indifference to the Swedish Academy argues bardic lucidity. Dylan eschewed 'critics' from the beginning excoriating a *Time* Magazine correspondent in Pennebacker's 1965 film,<sup>19</sup> "I won't be able to talk to you afterwards, I got nothing to say about these things I write. I just write them. I don't have anything to say about them, I

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14. (Bush, R., in Garrity and Cames, ed., 1999 para.5).

15. See generally, Frye, N. *T.S. Eliot, an Introduction* 1996

16. Sisario B., "Accusations about Bob Dylan's Nobel Prize Letter Kindle an old Debate" *NYTimes* 2017

17. Dylan, B. 1965 "Gates of Eden"

18. In "Naïve and Sentimental Poetry."

19. *Don't Look Back*, 1965

*don't write them for any reason. There's no great message. If you want to tell other people that, go ahead and tell them. But I'm not gonna have to answer to it."*<sup>20</sup>

Bob Dylan, a Big 10 university drop-out, stylized a critical controversy in the '70s abruptly transitioning from his collegiate Folk acoustic fan base to electric amplification, expanding his repertoire into working-class Rock and Roll. Indifferent to potential catastrophe, Dylan, *nee* Zimmerman, had just enough exposure to Big 10 literati to change his stage name to echo that of Welsh poet Dylan Thomas; confident in his own talent, invention and mood swings to pull off a major coup with Cinna's Roman "mob." Yet ultimately entered Oxonian Christopher Ricks who cleaned up the Dylan imago more than anyone else, especially where *Rolling Stone* and *New Yorker* critics extolled Minnesotan Dylan material as Shakespearean — sufficient to interest the Swedish Academy. Ricks, to his tasteful Shelley credit, seized Dylan's barbaric similitude thus to engage the sophisticated sedentary Nobel Committee celebrating Bob Dylan's itineracy.

So far as Facebook knows, Bob Dylan has still to correspond or communicate his regret to Ricks, who could just yet slip in and be Nobel'd for just his Dylanic observations superseding all that boring Eliot. Ricks could elevate Bob Dylan over Shakespearean as a superior rhymester, who Bob Dylan clearly is (not to mention Dylan forgoing heavy-footed pentameter favoring foot-tapping ballade).

### Palimpsest

Eliot on how the poet makes something new from what he appropriates strikes me as apposite for understanding Frye's conversion of indebtedness into new cohesions. I don't know that what Frye does constitutes allusion, so much as amalgamation." Nohrnberg, J.C.<sup>21</sup>

For consistency, whereof these times are a-reverting to futuristic fascism in the academic ramp-up to "fake news,"<sup>22</sup> this writer's earlier Frye eponym evolves discussion of Dr. Nohrnberg's kind communication patronizing Frye's palimpsestry by probing Pablo Picasso's attribution to "The great artist steals." Pablo copied stolen figurines from Iberian artifacts as provenance for *Les Femmes d'Alger* knowingly accepting the statuary as stolen property ironically from the Louvre. Picasso was implicated by Guillaume Apollinaire, whose secretary did the theft. It is indisputable Eliot was aware from the French press over the Mona Lisa heist qua Picasso arrest: Eliot as a post-grad at the Sorbonne in 1911 moreover memoriously interloping with Picasso as above; Oxford Press never implies Eliot never knew Picasso; just recalling Picasso allegedly said, "God is really another painter, like me," really begging the question whether Jesus Christ was a proto-

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20. Id.

21. Nohrnberg, J.C. email to rhgorano@uncc.edu 2009.

22. Caldolann Conway.

communist given that Picasso was a real communist, as were his contemporaries Marcel Duchamp and most of that Dada crowd. Not Liked. It is also well-represented that Picasso was nearly deported on the hustings of the 1911 *Giaconda* Louvre robbery.<sup>23</sup>

By 1924 Eliot ensconced as the *nouveau Infanta* of 20th Century verse boasted as personal friends his editor, Ezra Pound, Gertrude Stein and Wyndham Lewis,<sup>24</sup> all undisputed political fascists; Stein was a Vichy collaborationist who lip-served Petain much as friend Ezra Pound did Mussolini.<sup>25</sup> Later in the pre-war Depression Eliot espoused French fascist author Charles Maurras contemporaneously lecturing at the University of Virginia imposing 'After Strange Gods'<sup>26</sup> glorifying the "unity of religious backgrounds."<sup>27</sup>

Eliot eloquently refused to publish his 1933 pronunciamento but earlier cemented his critical reputation as the new Mathew Arnold with *The Sacred Wood* in 1920. Also in 1933, the year of Hitler's "grosse luge" takeover:

"The ideas of Shelley seem to me always to be ideas of adolescence [...] for most of us, Shelley has marked an intense period before maturity, but for how many does Shelley remain the companion of age? [...] I find his ideas repellent [. ] Shelley's abuse of poetry does me more violence."<sup>28</sup>

Thus, episodic intellectual shoplifting, this time Eliot from Shelley's *Defence*, abjures taste itself:

The theory of taste outlined in the Norton lecture breaks down if we apply it to Eliot's response to Shelley. If the mature Eliot has attained 'Taste', why is there such a marked swing in his feelings toward Shelley's verse from fervid imitation to contemptuous disdain?<sup>29</sup>

*Ergo*, "there is a certain order or rhythm belonging to each of these classes of mimetic representation, from which the hearer and the spectator receive an intenser and a purer pleasure ... an approximation to this order has been called taste,<sup>30</sup> Shelley, "Defence," Thus Shelley originates Eliot's Norton Lecture topic of

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23. Goranowski, 2010 p. 143.

24. Jameson, F., 1979 *Fables of Aggression, the Modernist as Fascist*].

25. Will, B. 'The Strange Politics of Gertrude Stein,' *Humanities* vol.33 no.2 'Studies in the Literary Imagination.' 2012.

26. Eliot, T.S. 1934.

27. *Id.*

28. Eliot, T.S. *The Use of Poetry and the Use of Criticism* from Norton Harvard lecture 'Shelley and Keats' 17 February 1933].

29. Lowe, P.J., "Christian Romanticism: T.S. Eliot's Response to Percy Bysshe Shelley" 2002 e-theses Online at 21.

30. *Id.*, Fn8.

“taste: baldly restated “by modern writers,” namely Eliot and Frye, whence mimetic representation recurs in Frye’s highbrow-lowbrow treatment of Renaissance-to-Romantic mimesis of classic Greece-to-Rome without a word of attribution. **Eliot’s methodology was a Prigozhin troll factory authoritarian oligarchic academic coup:**

Here’s the real challenge faced by all the major platforms: ... organizations that, like the Internet Research Agency, engage in what one tech executive calls “coordinated inauthentic activity,” ranging from the use of false names and the creation of false audiences to the publication of false stories and the creation of divisive narratives.<sup>31</sup>

### Swerving or Trolling?

Eliot’s 1924 “sure test”<sup>32</sup> catalyzing what “Immature poets imitate; mature poets steal; bad poets deface what they take”<sup>33</sup> streams within his essay in *Sacred Wood* on “Philip Massinger,”<sup>34</sup> an Elizabethan Shakespeare contemporary well-known to Wikipedia but less so to Eliot’s “unprepared reader”<sup>35</sup> Gallant enough, Eliot “swerves,” as in Harold Bloom, *infra*, well past the Pygmalions and Earnests etherized among his own collegiality retreating instead from the 20<sup>th</sup> Century *avant-garde* to English Restoration distilled from the English Renaissance pestered by the Puritans past the Glorious Revolution. Eliot’s points however gratuitous of Milton therefore are political tweets. Eliot’s *Sacred Wood* is literary furniture accessorizing coffee tables like art books.

Nonetheless, observable art follows scientific discovery, discernable via Newtonian optics leading to Renaissance perspective and the camera obscura presaging photographic realism inciting revolt by Cubist geometries derived arguably as Lobachewski’s negation of Euclid’s parallel postulate. Critically illustrious, “Tears” Eliot abjures abstract expressionism, Dada, not to mention pointilliste impressionism, arrogantly arguing within a preceding *Sacred Wood* chapter in “The Perfect Critic,”<sup>36</sup> commingling e.e. cummings with Jackson Pollock: “Mere strings of words flung like dabs of paint across a blank canvas, may awaken surprise ... but have no significance whatever in the history of literature.”<sup>37</sup> Elsewhere,

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31. Applebaum, A., “It’s Not Just Russia,,,,” *NYTimes* April 6, 2018.

32. *Infra*, Fn37.

33. *Infra*, Fn37.

34. Eliot, 1920 Ch.15.

35. *Id.*

36. Eliot, T.S. Athenaeum, in two parts, 9 and 23 July 1920.

37. Eliot, *id.* 1920 Ch.1.

Imitation has long had a bad rap, especially among spokesmen for modern art. "Immature poets imitate; mature poets steal": T. S. Eliot's often-cited dictum on the subject doesn't pretend that poets get nothing from their predecessors, but it certainly implies that owning up to the debt is a sign of inferiority. The aggression implicit in the theft is presumably justified by the results—the mature poet takes what he likes and makes it his, by which point its origins matter less than what he has done with it. ... Eliot stops short of saying, [w]hy risk being classified as a mere imitator?<sup>38</sup>

Yeazell's above review of Elizabeth Prettejohn<sup>39</sup> virtuously ignores stealing "art" Picasso-style in "*Les Demoiselles d'Avignon*" versus "verse" via Harold Bloom's *Anxiety of Influence*:<sup>40</sup> "strong poets...wrestle with their strong precursors, even to the death," and one of their principal strategies is "misprision" —Bloom's term for the process by which the later poet misreads." Prettejohn, per Yeazell, "openly acknowledge[ing] Bloom's influence, nonetheless *swerves*." <sup>41</sup> We emphasize "swerves" here as an unacknowledged Bloom cite extending from the essay, "Clinamen or Poetic Misprision."<sup>42</sup>

### Just Misreading?

Eliot's bloodless coup in *Sacred Wood* pamphleteering superposes as Frye's *Ogdoad* attempt 'not judging but recognizing' ellipsis of Thomas Love Peacock in *Anatomy of Criticism* as propaganda for the NATO post-Warsaw Pact 'new world order' euro by Frye's demise in 1991. James Nohrnberg argues:

Frye's answer [is] a prescient defense of the well-wrought urn of literature against appropriation by cultural-materialist ideologues of New Historicism. The urn may be a literary canon of great works, an aesthetic object with no practical purpose except as a tool for imaginative play or reflection, a museum or library free from censorship, or an educational system not devoted to serving up propaganda or flattering the customers. Yet, if the urn declares the taste, breeding, purchasing power, proprietary rights, ancestors, or inheritance of its owner, it favors a political interest by renewing the display, hoard, or temple of which it is always part. *Should criticism detach an object of study from such contexts, or expose its pretensions to objectivity as fraudulent in the first place?*<sup>43</sup>

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38. Yeazell, R.B., "The Highest Form of Flattery" *NYBooks Daily* 8/7/17.

39. *Modern Painters, Old Masters: The Art of Imitation from the Pre-Raphaelites to the First World War*, 2017.

40. Bloom, H. (1997). *The Anxiety of Influence* (2nd ed.). New York: Oxford University Press. ISBN 978-0195112214 1973.

41. *Id.*, Yeazell, 2017.

42. *Id.*, Bloom, H. 1973.

43. *Id.*, Nohrnberg, 2001; *emphasis added*.

The poet-expulsion mandate in Plato's *Republic* Chapter X was for Eliot and Frye a peevisish postgrad political necessity. Yet Platonic irony anomalously respected the itinerant nature of barbaric bardic tradition well enunciated by Homer led about in his blindness to iterate his historic oratory in Greek literacy's emergence. Plato at least did not advocate imprisoning poets, himself schooled in Homeric tradition and culturally taught to please both his sedentary academic crowd basking in the adoration of each other versus common "mob" adulation of salaciously entertaining still-proliferating wandering bards. Yet by Plato's time advancement of writing all but obviated the wandering Homeric bard whose musings became glyphic, concretized sufficient to said sedentary academics. Changes in theme, ideation, plot, setting, scansion, *et cetera* coalesced in manuscript covertly revised by the itinerant poet in his invention and mood swings<sup>44</sup> produced chaos in the Republic—so disruptive that even the organized chaos of the dialectic corrupted formal logic resulting in (a) Socrates' hemlock cocktail; (b) oligarchy; (c) Aristotle. The static postulates of Plato, however forgivably accurate, and his student Aristotle's obvious yet untested inaccuracies, ruled for eons in European civilization, surviving Roman barbarism later enforced by Christian inquisition.

Frye's further sin of omission ignoring both Peacock and Shelley's furtherance of Sir Philip Sidney's riposte of Plato in Frye's above-indented prattle highlights the cavalier poet's antithesis to Plato's oligarchy banishing poets. Frye purposively ignores the import of Peacock's essay in its crucially historic context copping to Frye's commission of literary piracy. Otherwise Shelley's eponym on Philip Sidney's "Apology for Poesy" are "cooperating thoughts" pursuing Peacock as vigilantly as Sidney had Gosson. Shelley's defenses *vers* poetic expulsion in the Sidney-Platonic concatenation is difficult to dismiss.

### For Conclusion

"I say the philosopher teacheth, but he teacheth obscurely, so as the learned only can understand him; that is to say, he teacheth them that are already taught."<sup>45</sup>

The question 'whether Frye had Lauder in mind?' quantifies Frye "gaming" of his naïve readers. He slyly prescribed a "naïve" (again as in Schiller) student audience for his colleagues' sententious amusement while baiting considerable literary "sentiment" before attempting him, "teaching obscurely so that only the learned could understand him" – had Frye evoking Fielding's right to allusion to self-justify as Ricks' 'dependence on the reader's recognition' of Peacock? Or was Frye "guilty of the use of paraphrase and the re-employment of ideas or facts that

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44. See *id.*, Dylan 1965: "I don't write them for any reason. There's no great message."

45. Sidney, Sir Philip. *Defence of Poesy*. London 15.

cannot be considered generally known,<sup>46</sup> as had Princeton's under-specific Napolitano in the exemplary view of academic justice? How do we teach Schillerian sentiment to the naïve? How do we teach law and justice to women? The ultimate irony arises as Bench *dicta* in the Napolitano decision seems gender-berating, given the writing judge, per "recognition of a source," [Wallace, p.25] appears to have read Shelley's *Defence* for form if not content:

Perhaps plaintiff's self-concern blinds her to the fact that the penalty imposed on her, as a leader of the University community, has to have some educative effect on other student members of the community. In addition, *to paraphrase the poet, "the child is mother to the woman,"* we believe that the lesson to be learned here should be learned \*576 by Gabrielle Napolitano and borne by her for the rest of her life.<sup>47</sup>

The misguided application of Shelley by the judge ruling for Princeton is the ultimate offensive irony. The thrust of this paper risibly highlighted the double standard between what is acceptable on a canon facultative level and what can be tolerated as imitation in a suborned supervised pedagogic cannon fodder population. The faculty supervisor group supposedly living under a 'publish or perish' axiom, depends on peer review to decide what is tolerable as canon whereas the aspirants subsist on the individual shibboleth opinion of paternalistic parasitic overlords. What guards the Guardians? 'Taste?'

The Chronicle of Higher Education published a special report that delved into this debate<sup>48</sup> described what was happening at the flagship campus of the University of Illinois and at Assumption College in Worcester, Mass., casting these developments as different harbingers for higher education. Illinois is pairing certain majors in the liberal arts — for example, anthropology and linguistics — with computer science. Assumption is doing away with a host of traditional majors in favor of new ones geared to practical skills. Goodbye, art history, geography and, yes, classics.<sup>49</sup>

"The masters make the rules for the wise men and the fools."<sup>50</sup> Such is college; such is middle management, the dreary desideratum of graduation. Those "happy few" allowed to progress to advanced study, especially in today's 'failed' humanities, are absolutely expected to keep mouths shut, ears open and not touch certain areas of the syllabus, such as Shelley's and Peacock's criticism; and commit to memory the Christian orthodoxies of Northrop Frye and T.S. Eliot, however Confucian or Islamic the maternal upbringing. Graduate theses and dissertations gratuitously chock full of references as well as titular eponyms exalt these hierophants. Rousting the university research industry of Frye and Eliot is

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46. Goldgar 2001, id.

47. 453 A.2d (1982) 263; emphasis supplied.

48. Quilantan, B, "Should Colleges Let Ailing Majors Die or Revamp Them?" 5/20/18.

49. Bruni, F., "Aristotle's Wrongful Death," NYTimes 5/25/2018.

50. Dylan, B. "It's Alright, Ma (I'm only bleeding)," Columbia Records, 1965.



impossible where “alternative facts” survive as civil liberties. A bright light however must militate on humanist canonizations when such celebration is put in place for strict oligarchic political purposes left uninvestigated by those empowered to (who privately do) know better than proselytizing alternated, adulterated and propagandized Fake News.

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## The Dynamic Nature of European Identity

By Sanja Ivic\*

*EU citizenship requires a multilayered and dynamic concept of European identity. The idea of European identity embodied in the Declaration on European Identity and within A Charter on European Identity needs to be rethought. These documents should not contain essentialist assumptions based on the difference between "Europe" and "Other" that excludes and marginalizes a number of citizens. European identity should not create new forms of nationalism. That is why the concept of European identity should be flexible and dynamic. The concepts of identity, values, and Europe need to be rebuilt and reinterpreted in a multifaceted, adaptable, and dynamic manner. We can only discuss the dynamic nature of the European Union and the European identity in this sense. The concept of European identity should be developed less in terms of a predetermined past and more in terms of shared projects, long-term goals and connections resulting from a long-term, deliberate process.*

### Introduction

This paper examines the nature of European identity, which is defined by the *Declaration on European Identity* as well as its various interpretations. This paper primarily investigates whether the notion of European identity represents a postmodern category (which overcomes binary oppositions, such as: we/they, European/ non-European, old EU Member States/new EU Member states, core/ periphery, and so on) or whether it represents a modernist category based on a homogeneous notion of identity that excludes a number of individuals. It will be argued that the dynamic nature of the concept of European identity requires a postmodern theoretical framework.

European identity and EU citizenship should embrace the idea of a fluid identity, as a dynamic, hybrid and changing category, which includes and respects diversity. An idea of citizenship based on a fixed identity constructs a public sphere that does not include diversity. According to Williams, "identity has been used as a focus for gathering people together under the banner of some unifying notion or characteristic (...) The development of collective identities in this way has always been fundamentally concerned with acts of power."<sup>1</sup>

In many documents defining the concept of European identity, there is a disagreement between identity and difference,<sup>2</sup> that is, between unity and

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1. Andrew Williams, *EU Human Rights Policies: A Study in Irony* (Oxford: Oxford University Press, 2005), 84.

2. Seyla Benhabib, "Democracy and Difference: Reflections on the Metapolitics of Lyotard and Derrida," *Journal of Political Philosophy* 2, no. 1 (1994): 1-23.

diversity. With these documents, on the one hand, national and regional diversity is promoted, and on the other hand, common cultural heritage comes to the fore. Therefore, these documents simultaneously promote a policy based on a homogeneous, fixed identity and a policy that affirms heterogeneous, multiple identities. Consequently, European and regional identities are not clearly defined within these legal documents.

European identity should certainly represent some kind of postmodern identity, since the European Union is a supranational community, which includes supranational, national and subnational levels. European identity should not be based on a set of homogenous values, which exclude the *Other*, since identity thus becomes a passive instrument of discord.<sup>3</sup>

The various types of crises that the European Union has faced since 2008 have shown that the lack of a strong concept of European identity reflected the lack of solidarity in the European Union during the search for solutions to solve the economic, political, migration and pandemic crisis.<sup>4</sup> The concept of European identity is significant for building European solidarity.

The method on which this work is based includes the hermeneutic analysis of the concept of identity and the analysis of different interpretations of this concept within the history of philosophy, such as modernist, postmodernist and poststructuralist interpretations, and then the application of the results of this hermeneutic analysis to the concept of European identity. The method used in this paper relies on both hermeneutics and postmodern approaches.

Methodologically, one cannot persist in the postmodern model of identity, bearing in mind some binary oppositions that are difficult to overcome, namely: European/non-European, supranational/national, heterogeneous/homogeneous, etc. When we talk about postmodernism applied to European studies and the field of practical political possibilities, we mean, first of all, the idea of polyphonic and fluid identities, in order to solve the problem of "internal exclusion" in the territory of the EU. Therefore, the postmodern idea of identity applied to EU citizenship implies decentralization, as well as the recognition and rejection of essentialist elements (these are the contents that lead to the homogenization of *European identity*, *European values* and *European heritage* – by denying and ignoring the contributions of other cultures in the process of their constitution).

The method that reexamines the notion of European identity from the perspective of postmodernism tries to avoid the static and one-dimensional nature of many legal studies. Postmodernism rethinks the basic concepts represented in the history of philosophy and calls into question the entire

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3. Jacques Derrida, *The Other Heading: Reflections on Today's Europe* (Bloomington: Indiana University Press, 1992).

4. Sanja Ivic, *The Concept of European Identity: Creating a New Narrative for Europe* (Lanham, MD: Rowman & Littlefield; Lexington Books, 2023).

ontological and epistemological regime, which is in the subtext of the legal system.

### European Identity and the Legacy of Enlightenment

The emergence of European identity narratives, which influenced European conceptions of justice, community and truth, is significant for understanding the concepts of European identity and European values. A number of scholars argue that "at the heart of the sense of European identity is the contrasting legacy of ideas and beliefs that emerged from the 18th century Enlightenment."<sup>5</sup> Although there are many differences when it comes to evaluating the Enlightenment legacy, both proponents and critics of the Enlightenment agree that it had a decisive influence on the shaping of modern Western view of the world.<sup>6</sup> Contemporary civilization (not only Western), is largely the legacy of the European eighteenth century.<sup>7</sup>

Since the Enlightenment was a complex phenomenon with numerous facets, there are many possible interpretations. For instance, John Gray links the writings of Bacon, Hobbes, Descartes, Locke, Kant, and Gibbon to the Enlightenment.<sup>8</sup> However, some philosophers and historians do not see Bacon, Hobbes, and Descartes as Enlightenment representatives.<sup>9</sup> Some scholars link rationalism and the Enlightenment "(but David Hume criticized reason and explored the sentiments); for some it meant optimism about human nature (but Voltaire was wickedly sceptical about many human qualities); for others it meant science (but Rousseau was hardly a friend of science)."<sup>10</sup>

According to Goldmann, "the accepted meaning of 'the Enlightenment' includes the various rationalist and empirical currents of thought of eighteenth century Europe, especially France and England. In the perspective of intellectual history, these currents have their origins in earlier centuries, while their development has continued into our own time."<sup>11</sup> Although there are different conceptions of subjectivity within the Enlightenment, they all emphasize the autonomy of the individual.

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5. Alain Vuillemin, "The Makings of European Identity: 'The Spirit of the Enlightenment'," *Hermès, La Revue* 51, no. 2, (2008): 29.

6. Mile Savic, "Prosvetiteljstvo: Kriza i preobrazaj pojma," *Filozofija i društvo*, no. 2 (2006): 10.

7. Ibid.

8. James Schmidt, "What Enlightenment Project?," *Political Theory* 28, no. 6 (2000): 738.

9. Ibid.

10. James Q. Wilson, *The Moral Sense* (New York: Free Press, 1993), 196.

11. Lucien Goldmann, *The Philosophy of the Enlightenment: The Christian Burgess and the Enlightenment* (London: Routledge & Kegan Paul, 1973), 16.

One of the characteristics of the Enlightenment was a philosophical preoccupation with the developing market economy.<sup>12</sup> "It seems self-evident that there is a close relation between the development of the market economy, in which every individual appears as the autonomous source of his decisions and actions, and the evolution of these different philosophical visions of the world, all of which treat the individual's consciousness as the absolute origin of his knowledge and action."<sup>13</sup>

The modern concept of identity was established on the logic of homogeneity, which emphasizes the totality and universality. The individual is seen as a stable, conscious, rational, autonomous, coherent and ahistorical category that is endowed with reason and will.<sup>14</sup> The modernist definition of identity is built on a realist paradigm that assigns rationality, consciousness and stability to the subject. Modernist idea of subjectivity is founded on an abstract and simplified individual, divorced from diversity and change, and as a result, it is incapable of meeting the needs of multicultural and multilayered society.

In the second part of the twentieth century, the Enlightenment idea of the authoritative, rational subject as the bearer of rights faced a crisis. The grounds for the Enlightenment's failure should be found in the Enlightenment's rejection of the concept of pluralism, which indicates irreducibility of values whose potential conflict cannot be addressed by any metatheoretical principle or by any kind of authority.<sup>15</sup>

Modern political thought is based on numerous binary oppositions such as: identity/difference, citizen/foreigner, West/East, reason/emotion, nature/culture and so on. Since it is seen as grounded in reason, which is considered universal, the first term in these binary oppositions is considered dominant. On the other hand, the second term in these binary oppositions is often ignored or marginalized, because it is perceived as based on the concept of 'good', which is considered contingent. "Modernist liberals offered theoretical discourses designed to show that liberal democratic norms are founded upon or derived from universal principles and objective truths."<sup>16</sup>

Representatives of poststructuralist and postmodernist thought aim to destabilize and deconstruct the homogeneity and coherence of the modernist idea of identity. Poststructuralist and postmodern thinkers reinterpret the traditional

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12. Daniel Carey (ed.), *Money and Political Economy in the Enlightenment* (Oxford, UK: Voltaire Foundation, 2014).

13. Goldmann, *The Philosophy of the Enlightenment: The Christian Burgess and the Enlightenment*, 20.

14. Judith Butler, "Contingent Foundations: Feminism and the Question of Postmodernism," in: *Feminists Theorize the Political*, edited by Judith Butler and Joan W. Scott (New York: Routledge, 1992).

15. Sanja Ivic, "European Philosophical Identity Narratives," *Cultura. International Journal of Philosophy of Culture and Axiology* 15, no. 1 (2018): 125-145.

16. Thomas Bridges, *The Culture of Citizenship: Inventing Postmodern Civic Culture* (Albany: State University of New York Press, 1994), 18.

concept of identity. Both modern and postmodern philosophy are complex and include different, often contradictory theories. As a result, examining the basic ideas of the Enlightenment through the lenses of poststructuralism and postmodernism should not result in the formation of binary oppositions such as: self/other, modernism/postmodernism, Enlightenment/poststructuralism and so forth, in which either of these two concepts is considered dominant.

Proponents of poststructuralism and postmodernism<sup>17</sup> reject key concepts from Western metaphysics such as *identity, subject, reality, truth*, and so on. They argue that these concepts should not be seen as fixed, but should be reinterpreted and deconstructed.

"The concept of postmodernism is ambiguous and is not yet widely understood. It has probably emerged as a specific reaction against the established forms of high modernism. For some thinkers postmodernism is a periodizing concept whose function is to correlate the emergence of new features in culture. The concept seems to be connected with the appearance, between 1950s and the 1960s, of a new social and economic order. (...) There are so many similarities between poststructuralist theories and postmodernist practices that it is difficult to make a clear distinction between them."<sup>18</sup>

Poststructuralist and postmodernist authors argue that identity is a hybrid, dynamic, and changing category, rather than an essentialist concept. They emphasize that universalist ideals are oppressive because they ignore diverse, discursively constructed views.<sup>19</sup>The poststructuralist approach encourages diversity and particularity.

Representatives of poststructuralism and postmodernism claim that modernist ideals of a fixed and stable identity should be deconstructed, and that the essentialist ideas of identity should be rejected. They advocate particularistic, contingent conceptions of the good. Jacques Derrida argues that the politics of (fixed) identity, which prioritizes unity, reflects a dangerous ethics and politics.<sup>20</sup> According to Derrida, identity based on unity and totality is an illusion. Derrida emphasizes that "the concepts by which people define who they are – in which they articulate

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17. "According to a number of authors, these two approaches are interchangeable, and authors such as Derrida, Lyotard and Foucault can be considered as both poststructuralist and postmodernist. This perspective was criticized by Judith Butler who argues that Lacanian psychoanalysis in France rejects poststructuralism, that Kristeva denounces postmodernist, that Foucault's and Derrida's theories are diverse, and so forth" (Sanja Ivic, "European Udine Declaration: Poststructuralist Reading," *Review of European Studies* 1, no. 2 (2009): 115).

18. Madan Sarup, *An Introductory Guide to Post-Structuralism and Postmodernism* (London: Harvester Wheatsheaf, 1988), 131.

19. Bridges, *The Culture of Citizenship: Inventing Postmodern Civic Culture*, 1994.

20. John D. Caputo, *Deconstruction in a Nutshell: A Conversation with Jacques Derrida* (New York: Fordham University Press, 1997), 13.

their sense of identity – are all of them concepts without sharp borders, and hence cannot provide a basis for sharp demarcations such as political boundaries between states."<sup>21</sup>

Postmodernism is based on the premise that reason is historical and contextual, not transhistorical and universal. Postmodernists point out that all concepts, which the representatives of modernism defined as stable and universal, like reason, are in fact socially and historically constructed. "Poststructuralist notion of identity embraces a conception of culture which is an infinite source of identities and meanings. It reflects new forms of global migration and new hybridity of cultures."<sup>22</sup> The concepts of membership and *Other* are redefined by this idea of culture.<sup>23</sup>

"Rejection of the modernist notion of the unified subject includes more fluid idea of boundaries. Foucault criticizes the idea of space as undialectical and fixed. He emphasizes that space and borders are constructed. Thus, 'belonging to a common space' can be perceived as a mental construct, which is determined by feeling and belief."<sup>24</sup>

Poststructuralists emphasize that the subject is produced by discourse.

"Lacan believes that discourse within which the subject finds its identity is always the discourse of the Other – of a symbolic order which transcends the subject. (...) In other words, subjectivity is not an essence but a set of relationships. It can only be induced by the activation of a signifying system which exists before the individual and which determines his or her identity. Discourse, then, is the agency whereby the subject is produced and the existing order sustained."<sup>25</sup>

Thus, identity is fluid, fragmented and multiple. It is always in the process of reinterpretation and reconstruction.<sup>26</sup> This view emphasizes that meaning is always deferred and represents the interplay of two opposites. As a result, concepts such as *identity, equality, difference* and so on are always open to different interpretations.

Some critics of poststructuralist philosophy point out that poststructuralist theory is itself essentialist and universalist. According to Sarup, "this sort of Nietzschean pluralism or perspectivism is fundamentally inconsistent because, in

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21. Ibid.

22. Sanja Ivic, "European Udine Declaration: Poststructuralist Reading," *Review of European Studies* 1, no. 2 (2009): 112.

23. Ibid.

24. Sanja Ivic, *European Identity and Citizenship: Between Modernity and Postmodernity* (London: Palgrave Macmillan, 2016), 95.

25. Sarup, *An Introductory Guide to Post-Structuralism and Postmodernism*, 29.

26. David L. Collinson, "Rethinking Followership: A Post-Structuralist Analysis of Follower Identities," *The Leadership Quarterly* 17, no. 2 (2006): 182.



fact, the right to difference can only be held by universal principles."<sup>27</sup> However, poststructuralism can be seen as a universalizing theory that unifies various theories into a single point of view. Judith Butler highlights this problem, posing the question:

"Do all these theories have the same structure (a comforting notion to the critic who would dispense with them and all at once?) Is the effort to colonize and domesticate these theories under the sign of the same, to group them synthetically and masterfully under a single rubric, a simple refusal to grant the specificity of these positions, an excuse not to read, and not to read, and not to read closely?."<sup>28</sup>

Nevertheless, poststructuralist and postmodernist thought helped to reconstruct the modernist exclusivist idea of identity.

### **The Idea of European Identity within the European Legal Discourse**

According to postmodernist thinkers, Europe can be seen as a contingent, cultural construct rather than a homogeneous historical entity. The European Union, according to Derrida, embodies Enlightenment ideals based on homogeneous values, which result in binary oppositions such as universal/particular, European/non-European, West/East, self/other, essential/contingent and so on.<sup>29</sup> Derrida emphasizes that European identity should be more inclusive of diversity. Consequently, it needs to be redefined.

European identity is established by the Heads of State or Government of the nine Member States<sup>30</sup> of the enlarged European Community at the Copenhagen European Summit on 14 and 15 December 1973. The notion of European identity was created as a means of strengthening Europe's position in the world order. *The Declaration on European Identity* emphasizes the distinctive character of European identity, the unity of the European Community and its responsibility for the rest of the world, which includes: 1. responsibility towards other European countries; 2. responsibility towards the Mediterranean and African countries; 3. developing close relations between the United States and Europe of the Nine based on common values and the "spirit of friendship"<sup>31</sup>; 4. developing cooperation and "a constructive dialogue with the other industrialized countries, such as Japan and

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27. Sarup, *An Introductory Guide to Post-Structuralism and Postmodernism*, 166.

28. Butler, "Contingent Foundations: Feminism and the Question of Postmodernism," 5.

29. Derrida, *The Other Heading: Reflections on Today's Europe*.

30. These are: Germany, France, Italy, Netherlands, Belgium, Luxembourg, Denmark, Ireland and United Kingdom.

31. European Communities, "The Declaration on European Identity," *Bulletin of the European Communities*, no. 12 (1973): 118-122.

Canada"<sup>32</sup>; 5. developing cooperation with the Soviet East European countries; 6. intensifying relations with the Chinese Government and promoting contacts between China's and Europe's leaders; 7. developing relations with other Asian countries and Latin American countries.<sup>33</sup>

*The Declaration on European Identity* also states:

"The Nine intend to play an active role in world affairs and thus to contribute, in accordance with the purposes and principles of the United Nations Charter, to ensuring that international relations have a more just basis; that the independence and equality of States are better preserved; that prosperity is more equitably shared; and that the security of each country is more effectively guaranteed."<sup>34</sup>

The concept of European identity is created as a means of strengthening Europe's position in the world. In the *Declaration on European Identity* it is emphasized that: "the Nine member countries of the European Communities have decided that the time has come to draw up a document on the European Identity. This will enable them to achieve a better definition of their relations with other countries and of their responsibilities and the place which they occupy in world affairs."<sup>35</sup> This approach, which makes a sharp distinction between the *European* and *non-European*, and identifies a European identity with a homogeneous set of principles (such as democracy, the rule of law, social justice and respect for human rights), as well as values (such as European cultural heritage) is based on binary oppositions facing outwards (for example, Europe/the rest of the world; West/East and so on). Therefore, the constitutive factors of European identity were external, geographically and culturally established *Other*, such as Russia and Turkey.<sup>36</sup>

*The Declaration on European Identity* emphasizes the common heritage and values of European peoples.<sup>37</sup> This declaration states:

"The Nine wish to ensure that the cherished values of their legal, political and moral order are respected, and to preserve the rich variety of their national cultures. Sharing as they do the same attitudes to life, based on a determination to build a society which measures up to the needs of the individual, they are determined to defend the principles of representative democracy, of the rule of law, of social justice

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32. Ibid, 121.

33. Ibid.

34. Ibid, 120.

35. Ibid, 118.

36. Beyza Ç. Tekin, "Re-Negotiating European Identity at Times of Crisis," The Second Euroacademia Global Conference: Europe Inside-Out: Europe and Europeanness Exposed to Plural Observers, April 27, 2012. [http://euroacademia.eu/wordpress/wpcontent/uploads/2012/04/Beyza\\_Tekin\\_Re\\_Negotiating\\_European\\_Identity\\_In\\_Times\\_of\\_Crisis1.pdf](http://euroacademia.eu/wordpress/wpcontent/uploads/2012/04/Beyza_Tekin_Re_Negotiating_European_Identity_In_Times_of_Crisis1.pdf).

37. European Communities, "The Declaration on European Identity."

– which is the ultimate goal of economic progress – and of respect for human rights. All of these are fundamental elements of the European Identity."<sup>38</sup>

The common heritage and values of European peoples are also highlighted in the preamble of the *Draft Treaty Establishing a Constitution for Europe* that emphasizes "the cultural, religious and humanist inheritance of Europe, the values of which, still present in its heritage, have embedded within the life of society the central role of the human person and his or her inviolable and inalienable rights, and respect for law."<sup>39</sup>

The preamble of the *Charter of Fundamental Rights of the European Union* emphasizes the idea of a European Union built on common values.<sup>40</sup> It states: "Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice."<sup>41</sup>

*The Treaty on European Union* emphasizes the importance of European identity for common defense policy. *The Treaty on European Union* emphasizes "a common defense policy, which might lead to a common defense in accordance with the provisions of Article 42, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world."<sup>42</sup>

*The Declaration on European Identity* states that representative democracy, the rule of law, social fairness, and human rights are the fundamental characteristics of European identity.<sup>43</sup> Although this document acknowledges the diversity of cultures, it does so within the framework of shared values and ideals. *The Declaration on European Identity* highlights the importance of "common European civilization", "the attachment to common values and principles" and "the increasing convergence of attitudes to life."<sup>44</sup> As a result, European identity tends to be homogenized and essentialized. This declaration considers European identity

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38. Ibid, 119.

39. European Union, *Draft Treaty Establishing a Constitution for Europe*, Official Journal C 169, July 18, 2003. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52003XX0718%2801%29>.

40. European Union, *Charter of Fundamental Rights of the European Union*, Official Journal of the European Communities C 364/1, December 18, 2000. [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf).

41. Ibid.

42. European Union, *Consolidated Version on the Treaty on European Union*, Official Journal of the European Union C 326/13, October 26, 2012. [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF).

43. European Communities, "The Declaration on European Identity."

44. Ibid, 119.

and values as static concepts. Despite the fact that pluralism is mentioned, it promotes univocal paradigms.<sup>45</sup> The same can be said for the *Solemn Declaration on European Union*, which advocates "consciousness of a common cultural heritage as an element of European identity."<sup>46</sup>

On the other hand, various European legal documents equate Europe and the European Union, which is also problematic. These two ideas are not interchangeable. Unlike the borders of the European Union, the borders of Europe are not clearly defined. For example, some scholars claim that the term "Europe" includes all countries west of the Ural Mountains, while, on the other hand, there are those who under the name "Europe" mean frameworks that are narrower or wider than this. The complexity and vagueness of this term is reflected in the case of some European countries that include some overseas territories in their national definition.<sup>47</sup> Europe is a vague term that some authors compare to a mental construct.<sup>48</sup> References to a "common destiny" in the EU treaties imply that European identity is synonymous with EU identity.

European identity is considered an instrumental good in the EU treaties. It is seen as a means to an end rather than an intrinsic good desirable in itself.<sup>49</sup> A similar approach to European identity can be seen in the *Declaration on European Identity*. As already mentioned, the main goal of this declaration is to improve the definition of relations with non-European countries. *The Declaration on European Identity* embodies a modernist, homogeneous conception of European identity. This declaration states:

"On the basis of the Treaties of Paris and Rome setting up the European Communities and of subsequent decisions, they have created a common market, based on a customs union, and have established institutions, common policies and machinery for co-operation. All these are an essential part of the European Identity."<sup>50</sup>

The *Declaration on European Identity* also states that common heritage is one of the foundations of European identity. Some parts of this declaration, on the other hand, allude to dynamic and postmodern conceptions of identity that embrace pluralism and diversity. The declaration emphasizes "the dynamic nature of

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45. Sanja Ivic and Dragan Lakicevic, "European Identity: Between Modernity and Postmodernity," *Innovation: The European Journal of Social Science Research* 24, no. 4 (2011): 395.

46. European Communities. *Solemn Declaration on European Union*, Stuttgart, June 19, 1983. [https://www.cvce.eu/en/obj/solemn\\_declaration\\_on\\_european\\_union\\_stuttgart\\_19\\_june\\_1983-en-a2e74239-a12b-4efc-b4ce-cd3dee9cf71d.html](https://www.cvce.eu/en/obj/solemn_declaration_on_european_union_stuttgart_19_june_1983-en-a2e74239-a12b-4efc-b4ce-cd3dee9cf71d.html).

47. For example, the Caribbean island of Saint Martin divided into two entities - "Sint Maarten" belonging to the Netherlands and "Saint Martin" belonging to France.

48. Julian Chapple (ed), *Boundaries: Dichotomies of Keeping in and Keeping out* (Oxford: Interdisciplinary Press, 2010).

49. Ivic and Lakicevic, "European Identity: Between Modernity and Postmodernity," 397.

50. European Communities, "The Declaration on European Identity," 119.

European unification."<sup>51</sup>The third section of the declaration, entitled "The Dynamic Nature of the Construction of a United Europe" states: "The European identity will evolve as a function of the dynamic construction of a unified Europe."<sup>52</sup> This sentence, on the other hand, contradicts the main premises of the declaration expressed in the first section of the declaration entitled "The Unity of the Nine Member Countries of the Community" and the second section entitled "The European Identity in Relation to the World", which emphasize the homogeneous nature of European identity that should serve as a building block of Europe as a global actor.<sup>53</sup>

The ideas of *identity*, *values* and *Europe*, as stated by postmodern and poststructuralist authors, must be reconstructed and reinterpreted in a multidimensional, flexible and dynamic way. Only in this sense can we talk about the dynamic nature of the European Union and the European identity.

*A Charter of European Identity* is also based on the idea of a modernist, homogeneous and fixed idea of identity.

"In a speech to the European Parliament on 8 March 1994, the poet Václav Havel, President of the Czech Republic, indicated the need for a Charter of European Identity. The idea was taken up by Europa-Union Deutschland which, at its 40th Congress held in Bremen on 5 November 1994, decided to undertake the work of producing such a Charter."<sup>54</sup>

*A Charter of European Identity* defines Europe "as a community of values."<sup>55</sup> It states that the basic European values are humanity, fraternity and tolerance, and that these characteristics determine the European identity. It underlines that these values are rooted in European history and culture, including classical antiquity, Christianity, the Renaissance, Humanism, the Enlightenment, which led to the development of the rule of law, democracy and fundamental human rights. The same ideas are expressed by the Preamble to the *Treaty of European Union*, which states that "the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law" are developed from "the cultural, religious and humanist inheritance of Europe."<sup>56</sup>

*A Charter of European Identity* emphasizes "a sense of common purpose and an awareness of a shared identity."<sup>57</sup> Despite allowing for diversity, the Charter

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51. Ibid.

52. Ibid, 122.

53. Ibid, 120.

54. Europa-Union Deutschland, *A Charter of European Identity*, approved by the 41<sup>st</sup> Ordinary Congress in Lübeck, October 28, 1995. <http://www.eurit.it/Eurplace/diba/citta/cartaci.html>.

55. Ibid.

56. European Union, *Consolidated Version on the Treaty on European Union*.

57. Europa-Union Deutschland, *A Charter of European Identity*.

emphasizes the homogeneous nature of European identity. According to the Charter, the European Union and its member states need a cultural and educational strategy that fosters European identity. On the other hand, emphasizing the common roots and values of European peoples, as well as European diversity, the goal of developing European identity is to nurture the spirit of tolerance towards different people and cultures, to unite the citizens of Europe and to enable citizens to participate in the process of European unification.

Nevertheless, the Charter establishes a clear separation between the European and non-European spheres by tying the European identity to the European historical heritage. As a result, anything labeled as "non-European" is marginalized and discriminated against. Defining European identity as a fixed concept based on European values inherited from European culture and European history "makes invisible the (...) contributors of non-European origin to the economic, cultural and social life of Europe."<sup>58</sup> Furthermore, it is not in accordance with the postnational conception of the *demos*. The postnational concept of the *demos* points "towards the community of those who are affected, the 'stakeholders,' which is potentially more democratic than the community of the authors or members."<sup>59</sup>

All these European charters, declarations and treaties define the concept of European identity as fixed, that is, based on a homogeneous system of values, and often give it only an instrumental value. *The Declaration on European Identity* emphasizes: "Although in the past the European countries were individually able to play a major role on the international scene, present international problems are difficult for any of the Nine to solve alone. International developments and the growing concentration of power and responsibility in the hands of a very small number of great powers mean that Europe must unite and speak increasingly with one voice if it wants to make itself heard and play its proper role in the world."<sup>60</sup> However, different definitions of European identity, which determine it as a homogeneous and fixed category, lead to numerous divisions and inequalities based on binary oppositions: European/non-European, West/east, EU center/EU periphery, old EU Member States/new EU Member States, citizen/foreigner and so forth.

Williams emphasizes that "identity has been used as a focus for gathering people together under the banner of some unifying notion or characteristic ... The development of collective identities in this way has always been fundamentally concerned with acts of power."<sup>61</sup> European identity and values should not be viewed as homogeneous and fixed categories, because this implies essentialization

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58. Eleonore Kofman and Rosemary Sales, "Towards Fortress Europe," *Women's Studies International Forum* 15, no. 1 (1992): 29.

59. Daniel Innerarity, "Does Europe Need a Demos to Be Truly Democratic?," *LEQS Paper* 77 (2014): 6.

60. European Communities, "The Declaration on European Identity," 120.

61. Williams, *EU Human Rights Policies: A Study in Irony*, 184.

and does not reflect a step towards greater freedom, pluralism and inclusiveness – which are all characteristics of the European Union as a supranational political community.

According to Innerarity, "European identity is not stable and definitive, fixed by pre-political categories; instead, it can be shaped by public discourse and political practices. Europe is nothing but an emergent polity, the result of a dynamic interaction between external challenges, internal responses, and citizens practices, in the midst of a process that combines decisions, omissions, projects, crises, and un-desired effects."<sup>62</sup> The ideas of *identity*, *values* and *Europe*, as stated by postmodern and poststructuralist authors, must be reconstructed and reinterpreted in a multidimensional, flexible and dynamic way. Only in this sense can we talk about the dynamic nature of the European Union and the European identity.

In European public political discourse, poststructuralist and postmodernist approaches are still not sufficiently applied.

## Conclusion

The notion of European identity presented by *A Charter of European Identity* and the *Declaration on European Identity*, which relies on a modernist, homogeneous and fixed conception of identity, is in contrast to the idea of European citizenship as based on a multi-layered, complex concept of identity, and as a postnational model of citizenship. Elizabeth Meehan argues that:

"A new kind of citizenship is emerging that is neither national nor cosmopolitan but that is multiple in the sense that identities, rights and obligations associated with citizenship are expressed through an increasingly complex configuration of common Community institutions, states, national and transnational voluntary associations, regions and alliances of regions."<sup>63</sup>

European citizenship requires a multi-layered concept of European identity. Accordingly, *identity* is not a stable, unitary category, but is constantly being transformed and reconfigured. The idea of European identity embodied in the *Declaration on European Identity* and within *A Charter on European Identity* needs to be rethought. These documents should not contain essentialist assumptions based on the difference between "Europe" and "Other" that excludes and marginalizes a number of citizens. European identity should not create new forms of nationalism. That is why the concept of European identity should be flexible and dynamic.

Innerarity emphasizes that future political developments are more important than cultural assumptions in determining European identity and establishing a

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62. Innerarity, "Does Europe Need a Demos to Be Truly Democratic?," 15.

63. Elizabeth Meehan, *Citizenship and the European Community* (London: Sage, 1993), 1.

process of self-identification at the European level.<sup>64</sup> The concept of European identity should be developed less in terms of a predetermined past and more in terms of shared projects, long-term goals and connections resulting from a long-term, deliberate process.<sup>65</sup> "There is no demos as a given, but as something shared that stems from the performative nature of politics, that recognizes that which is common and activates the procedures to configure, integrate, and renew it. We would understand the nature of the EU better if we moved forward with the conception of the object of political action as something changeable, contingent, incalculable, and multi-dimensional."<sup>66</sup>

The European Union as a distinct political category necessitates the concept of a heterogeneous and fluid identity as "the developments in the European Union have brought forth the possibility of membership in various overlapping and strategically interacting political communities on supranational, national and subnational levels and have unleashed the potential of rethinking citizenship, community and identity."<sup>67</sup> Breaking with sameness and homogeneity is necessary for the development of the values of political pluralism and cultural diversity.

### Acknowledgments

This research was supported by the Science Fund of the Republic of Serbia, project no. 7747152, Cultural Transfer Europe-Serbia from the 19th to the 21st century – CTES.

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64. Innerarity, "Does Europe Need a Demos to Be Truly Democratic?," 16.

65. Ibid.

66. Ibid.

67. Theodora Kostakopoulou, "Towards a Theory of Constructive Citizenship in Europe," *Journal of Political Philosophy* 4, no. 4 (1996): 338.



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