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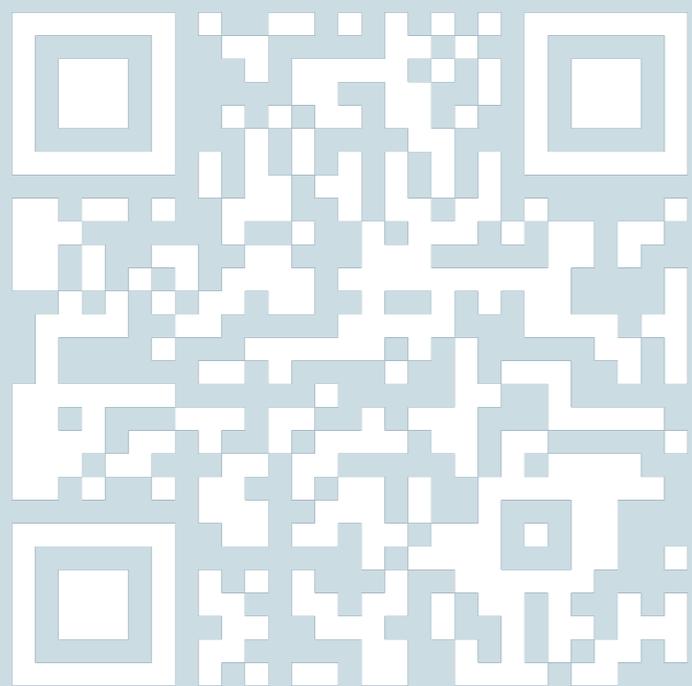
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Analysis of the modern state of electronization of governance activity

Summary

This article considers the modern approaches to get to the essence of the notions «electronic governance» and «electronic government», as well as principles of electronic government functioning. Electronic government is a standing characteristic of the actively developing countries. A major role in the process of rapid development of state – governance activity is to intensify the governance process through ICT. There have been given the examples of modern foreign and domestic experience of electronic governance development. There have been drawn the conclusions regarding main problems that put the brakes on the electronic governance development in Ukraine and there have been offered ways to overcome them.

Key words: electronic government, electronic governance, ICT, electronic service, electronic administrative service, state – governance activity.

1. INTRODUCTION

Nowadays, the electronization is a global tendency of lifestyle development, starting from business sector and ending with state sector.

Electronization of state – governance activity may considerably help to increase the level of state services provision, particularly, administrative services, to improve the transparency of activity and to increase the level of credibility on the part of citizens towards authorities of state government. Electronization of state – governance activity in the state sector is an essential component of national programs and projects directed at efficiency improvement of state governance.

2. LITERATURE REVIEW

The problems to introduce electronic governance in Ukraine and in other countries of the world were considered by the following domestic researchers, as A. Semenchenko, K. Vozniuk, N. Drahomiretska, A. Zahaietskyi, A. Zahvoiska, T. Kaminska, A. Kaminska, V. Kliutsevskiy, K. Linov, I. Lopushynskiy, M. Mykhaleva, Y. Oleinyk, N. Pavliutenko, M. Pasechnyk, A. Semenov, K. Synytskyi, A. Dubas, P. Klimushyn, A. Serenok.

3. RESEARCH QUESTION

The purpose of the article is to define the level of electronization of state – governance activity towards the level of developed countries and to reveal and to justify the reasons of lag and negative development tendency.

4. METHOD

The background to form electronic governance was the USA Strategy, which defines that the latest administrative reform is aimed at necessity to change the operational infrastructure of government, particularly, in the processes of functioning and interaction with citizens to whom it serves. For transformations in the Strategy, there were outlined three fundamental principles on which the state-governance activity should be based: to concentrate on citizens, not on the system of state governance; to focus on the results of own activity; to promote innovations actively» (Implementing the President's Agenda for E-Government. E-Government Strategy. Simplified Delivery of Services to Citizens 2002). This context means electronic government and, within this framework, «government» means all three branches of government, not only the executive one.

Despite the certain unified conventionality of the terms «governance» and «management» with the difference that in the second there are signs of imperative predominance and hierarchy, while the first one contains a focus on horizontal interaction and collaboration (Kolodiy 2009:11), the notions of these terms somewhat differ in the semantic orientation of the content.

Many definitions of the term «electronic government» allow considering it, firstly, as the introduction of ICT for the free transfer of information in order to overcome the physical boundaries of traditional paperwork, and secondly, as the introduction of ICT in order to provide administrative services to the citizens and business sector in electronic form. Here, we can define four approaches for understanding of electronic government essence. They are following:

- focused only on the theoretical approach and possible changes in society as consequences of introduction;
- concentration of the attention on the applied nature of e-government and on the structural elements of the concept;
- consideration of only telecommunication moments – options for creation of information network, the necessary technical and software support;

- orientation to a comprehensive study of problematic and provision of maximum efficiency of state governance.

E-government is based on the principle of «unified office» or principle of «unified window» that means perception of citizens as consumers of administrative services and adoption of approaches to meet the needs of consumers. The main goal of modern civilized countries, which are striving to meet worldwide trends, is to bring government closer to the citizens and business – sector.

The principle of the «unified office» supposes the interaction aimed at provision of administrative services by subjects of provision that do not contact directly with the subjects of appeal, but it is important to carry out a fast and efficient exchange of information among authorities of state governance. As a result, a consumer, who appealed to the «unified office» for obtaining the service, does not need to provide references that certify certain facts, such data should be obtained by a «unified office» independently from the unified registers owned by the government.

The abovementioned principles foresee the optimization of the load, which is the result of repeated visits of the same authority by a subject of appeal or the forced submission of the same information to the same authority for several times. The key purpose of the concepts is to create the environment for the smooth flow of the information within the authorities and among them without participation of subjects of appeal.

Such approach to the government transforms it in a component of more global phenomenon – e-governance. Its policy is aimed at support and simplification of state – governance activity for all parties: state sector, civil and business sectors with the help of ICT, providing them with a wider range of opportunities to participate in the life of society and to express themselves in their interaction.

The structure of electronic governance is oriented to the horizontal coordinated actions, collaboration among three sectors due to the distributed mandate of trust, while the civil and business sectors are directly involved in the formation and adoption of state – governance decisions.

Such process of governance, when civil and business sectors became the partners of power was described by D. Osborn and T. Hebler as a «three – party system» (Osborne, Gaebler 1992:18). Within this framework, e-governance became a «shortened expression that was more preferable during the fixing of form change and governmental role in the industrially – developed countries» (Khan 2015:2).

The Organization for Economic Co-operation and Development defines e-government as a usage of ICT as a tool to achieve level of good governance. At the same time, there has been focus more on governance problems than on technologies. «E-government is more about government than about «e»» (OECD E-Government 2013) – is a unique motto of OECD work in the field of e-government that means that governments should use ICT to ensure the correspondence of state – governance activities to the needs of the information – oriented society as much as possible. Such approach foresees new technologies of discussion and definition of state policy, investment policy, latest technologies for getting an education, the latest technologies for tracking citizens'

opinions and organization of information and services provision from government structures. In other words, e-government means technically and technologically equipped state bodies, where the citizens can use state services, for example, they can obtain copies of land documents, file tax declarations and etc. in electronic form. The technology of e-government implies only the opportunity to apply to the authorities of state governance through ICT in order to obtain the necessary information and state services, particularly, administrative services, in electronic form.

However, the main purpose of the transformation is not to optimize the process of state services provision through their transformation into the electronic form, but to attract and increase the level of citizens' participation in the process of state – governance decisions making, to improve the governance activity of the authorities of state government and state government in general. The modern information – oriented society requires this participation to be absolutely equal and remote.

Such approach implies e-governance as a permanent process of development of state – governance activity through continued involvement of citizens in the state governance under the constant transformation of internal and external processes with the usage of ICT.

At the same time, it is worth mentioning that a goal in itself of the concept of electronic governance is not only to use the ICT possibilities in its activity, for example, the creation of web-sites, portals and etc., but to achieve transparency and flexibility of structures of state governance authorities.

Electronic government means a fundamental restructuring of traditional forms of functioning, characterized by transparency in governance, monitoring and control over the implementation of taken decisions.

The achievements of positive results in this direction requires a structural reform of the system of state governance authorities, formation of the conceptually new approach for organization of control over the system of state services provision, particularly, administrative. Therefore, we should not confine ourselves only with introduction of ICT, it is necessary to involve them in order to expand the possibility of permanent participation of citizens and business in the process of development of governance activity. Thus, the notion «electronic governance» is much wider than just a governance of state.

Electronic governance and electronic control primarily involves electronization (automatization, computerization, etc.) of the «paperwork activity» that will become a basis for introduction of modern technologies of discussion and adoption of strategic decisions, transaction of affairs, collection and analysis of citizens' opinions, as well as a new way of administrative services provision. ICT give an opportunity to form not only the net informational and technological infrastructure of state governance authorities, but the opportunity to interact with subjects of appeal on a distant basis.

The international trends certify that the advanced countries are those countries, where citizens obtain advantages from the automated processes in governance, free access to the information and more open relations with their government. The

provision of electronic services by authorities of state governance points to the fact of interrelations and relations of the government with civil and business sector. For them e-government is primarily:

- support of the economic activity of local entrepreneurs that will effectively allow integrating into the multicultural and worldwide economic space;
- creation of unified regional platform to promote investment and innovative projects;
- considerable reduction of bureaucratization and level of corruption through transformation of state services into the electronic form (registration and repeated registration of the companies, provision of statistical data, presentation of accounts, customs declaration and etc.);
- free access to the reliable information about state – governance activity of the authorities of state governance;
- opportunity to pass a reporting procedures distantly;
- openness of the carrying out procedures of state procurements and competitions; monitoring of the activity of authorities of state governance and officials.

Nowadays, Ukraine witnesses an active policy of europeanization of state governance through introduction of electronic technologies of administrative services provision by authorities of state governance (Pervyy kanal [The first channel] 2011), taking into account the modern international trends in regards to issue of «administrative services», for example:

- creation of comfortable conditions for the provision of services to the citizens and business sector, in particular, the development of idea of integrated offices;
- search for the most preferable subject of services provision, particularly, the creation of «executive agencies», «destatization» of the services/privatization, usage of business sector methods in the authorities of state governance, etc.;
- introduction of ICT for services provision, particularly, the creation of portals devoted to administrative services and electronization of separate services.

The introduction and usage of the ICT in the authorities of state governance, on the one hand, allow developing the outdated structure of connections, on the other hand, – they provoke a development of unemployment, social inequality and social instability, thereby creating a social dynamics. It was described in details by a German economist, a Chairman of the World Economic Forum in Davos, as well as the founder of the «Forum of Young Leaders of Globalization» a community «Global Shapers Community» K. Schwab – a new technological wave «covers the countries as tsunami» (Project Syndicate 2015), simultaneously transforming and converging the authorities of state governance, society and business into the unified system.

The introduction of electronic control over the system of administrative services provision requires from the state policy to perform the following tasks (Zakonodavstvo Ukrainy [Legislation of Ukraine] 2018):

- execution of concerted, purposeful activity by all authorities of public governance with involvement of civil society institutions;
- development of the principles of public governance, structure and functions of the authorities of public governance;

- development of administrative processes in the authorities of public governance through introduction and active usage of technologies of e – governance;
- creation of informational infrastructure of electronic governance;
- training of qualified state officials, who ensure the introduction of components of electronic governance and provision of administrative services;
- training of citizens and business entities to use technologies of electronic governance;
- creation of system for motivation of state officials, citizens and business entities regarding the usage of technologies of electronic governance.

5. RESULTS

One of the standard tools to estimate the level of country's electronization is international indexes that are used by governments, operators, development agencies, researchers and others in order to compare the key indicators characterizing a state of online state services, ICT infrastructure and human capital, as well as for measurement of information – oriented society, digital gap and comparison of the efficiency of the electronization processes within the country and among countries.

Rapid pace of globalization allow balancing the considerable differences in the processes of introduction and usage of ICT among countries. However, the electronization programs in each country are being performed under the special national conditions, where the software environment is represented by a set of specific external and internal factors that restrain or accelerate the country's electronic development. «Digital divergences» of European countries became the object of peculiar attention of EU in the «Action Plan for the Development of e-government for 2016–2020» (Zakonodavstvo Ukrainy [Legislation of Ukraine] 2018). Each country is looking for its own way to increase the efficiency and results of electronization and relevant transformations.

R. Robertson offered to consider the process of globalization with account of its influence on the separate local social systems, instead of considering globalization as a phenomenon with a common denominator. Such approach is currently topical nowadays, as there is an opportunity to study the global communication environment with reference to separate countries or selection of people. In order to interpret these processes, he offered a term «glocalization». The definition «glocalization» appeared in Japanese business – vocabulary in the second half of XX century, during the successful expansion of Japanese corporations on the world markets, the term «dochakuka» – «to do something indigenously» initially originated from the word «dochaku» – «to live alone on the own land» (Donskikh 2012:4-8).

In the marketing studies, a professor K. Khondker, investigating the processes of distribution and promotion of products in the global scale, places the emphasis on the importance to take into account the geographical, social, anthropological and cultural differences among separate regions (Habibul 2004:1). Such approach is being supported by a professor U. Bek, a writer in the field of comprehensive study of modern globalization, stating that the formation of the general universalization

of the life standards is harmful for the dynamics of the market, as the process of unitizing provokes the end of local, end of market and end of income (Bek, Ul'rikh 2001).

In the article "Theory of glocalization and the problem of the essence of local culture," a researcher S. Donskikh interprets "glocalization" as a dualization of the terms "globalization" and "localization". Such approach is often more effective than unification, considering the glocalization as an effort not to unify and to assimilate the local, but to its integration and adaptation to the global space (Donskikh 2012:5).

Thus, in order to carry out the comparative analysis of trends in the dynamics of the development of e-governance in Ukraine and countries of the world, we use some scientific approaches from the field of glocalistics as a component of the phenomenon of globalization that "resists globalization in general, interpreting global through local» (Rulyova 2007:1368) and analytics, namely the UNO studies of the development level of information and communication technologies (ICT Development Index) and development level of E-Government (E-Government Development Index).

Within the framework of system transformation of administrative services provision into the electronic form, the study of ICT capabilities, through which the network structure of system management is being formed, becomes particularly relevant. It is important to note that the ICT indexes are important components in different various ratings: ITU – International Telecommunication Union; WDI – World Development Indicators; IMD – International Management Development; WEF – World Economic Forum; IDC – International Data Corporation, etc. Thus, among the 69 indicators of the summary intellectual portal of the World Bank, 14 are the ICT group.

Pursuant to the calculation methodology, the ICT Development Index (IDI) is an integral indicator based on eleven basic indicators, which in the end constitute a single control value, measured on a scale from 0 to 10. The ICT Development Index (IDI) consists of the sub indexes: «access», «usage» and «practical skills».

In accordance with the data of International Telecommunication Union (ITU 2017), Europe is a region that has the highest average IDI indicator. Following the results of ITU, Europe is the most homogeneous region, where the range of values of indicators and the coefficient of variation continues to decline, which indicates a favorable trend of the regional digital gap reduction.

Ukraine is characterized by an absolutely opposite trend. A special difference is worth noting between the indicators of sub index meaning «usage» – 2,57 and sub index «practical skills» – 8,57 that differ almost fourfold.

In order to determine the real state of development and the possibilities of ICT in the electronic governance by Ukrainian government, particularly, in the system of administrative services provision, we offer to carry out more detailed analysis of sub indexes indicators of the ICT development of Ukraine against indicators of Europe and world.

The sub index «access» to ICT measures the infrastructure and readiness of telecommunication technologies, which is the main requirement for usage and receipt of benefits from ICT. A rather high value for mobile cellular communications

for Ukraine is facilitated by an increase in the International Internet bandwidth and set of the latest fibre-optic submarine cables that provide more capacity. Sub index forms a possibility to connect to ICT and it includes five indicators of infrastructure.

Although, it is worth noting that access to ICT does not always mean the government's willingness to connect. Within the framework of the initiative «We develop e-governments», there has been made an estimation of the government's readiness for e-governance. Taking into account 54 % of the ICT government's equipment and 100 % level of government's access to the Internet, the government's readiness for e-governance varies from 5% to 10% (Pantsyr 2015:19).

The index «usage» of ICT – is an indicator characterizing the intensity of ICT usage and it has much lower indicators. For the citizens of Ukraine, the cost of subscription fees for ICT usage is higher than for their establishment that is the first reason of the low development level of the second sub index usage of ICT.

The position of Ukraine on the indicator that characterizes the intensity of the usage of ICT indicates its significant lag from the positions of the developed countries of Europe. According to the results of a sociological survey (Dnipropetrovskiy derzhavnyi universytet vnutrishnikh sprav [Dnipropetrovsk State University of Internal Affairs] 2014), nowadays, only half of Ukrainians (54.6%) have a computer at home, only half of them among the population of Ukraine (51%) have access to the Internet. Polls of the subjects of appeal showed that one-fifth (20%) of respondents do not have a computer and do not have Internet access. More than 50% of Ukrainian Internet users live in cities with a population of more than 1 million inhabitants, while rural residents are only one-fifth of the Internet audience.

On the other hand, such state of things indicates a rather big potential, in case of proper approach, in the development of ICT for Ukraine.

The sub index «practical skills» reflects the ability of citizens to use ICT. It consists of three indicators and receives less weight during the calculation of ICT in comparison with two other sub indexes.

Despite the fact that in comparison with 2015 r. the calculation methodology of the IDI was improved, through exception of the indicator «adult literacy rate», measured in percents, on the indicator «average duration of sturdy», measured in years that led to incompatibility of the ICT development index to the previous years, the positions of Ukraine in the area of education are in top 20 of countries with high literacy level that represents the potential for the further intellectual growth and contribution to the social and economic development of society.

The results shows that citizens of Ukraine have even more than desirable level of literacy, secondary education and higher education for ICT usage.

The UNO experts determine the level of electronization of control activity in the e-government development index, which is calculated as the average result between the level of development of «ICT infrastructure», «electronic services» and «human capital». According to the latest studies of the United Nations Organization (United Nations 2018), Ukraine occupies 62nd place among 193 countries and for Ukraine it is a peculiar leap for the entire period of the formation and development

of e-government, as in 2014 Ukraine occupied 87th place, and this indicator is 25 positions lower.

Nowadays, we can state with certainty that the electronization processes reach a limit, as the usage of ICT becomes an infrastructural standard, and the level of their coming reaches a limit in the developed countries (pic. 1).

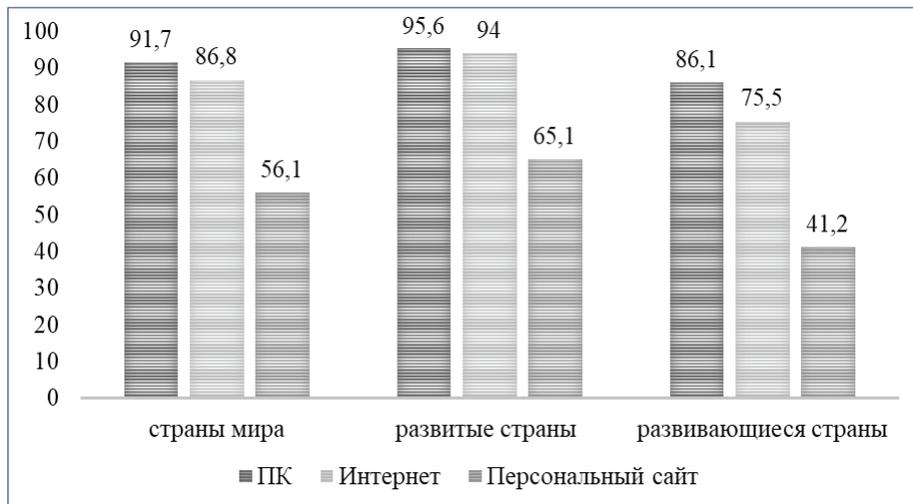


Fig. 1. Infrastructure indicators of the electronization of world countries (%)

Source: author's development pursuant to the data (Karyshev 2011:183–188)

By 2020, the intensive dynamics of ICT development contributes to almost 100% of the world's population access to mobile wideband communication, but only 40% are able to access the Internet, as the cost of Internet connection is much higher than the price of mobile communications and smartphone.

We offer to consider deeper the dynamics of the index and analyze the trend of e-government in Ukraine against other countries of the world since 2003.

At first glance, pursuant to the schedule, we can draw a conclusion that the level of index development of electronic government in Ukraine has a positive dynamics, as since 2003, it has increased from 0,4621 to 0,6076. However, the common desire of all countries is to aspire to leaders and with each year it increases the density of number of countries approaching to 1. Correspondingly, if in 2003 1 country was a leader within a value of 0.9-1, in 2016 the first place was shared by two countries, in 2003 there were 5 countries in the range from 0,8-0,9, and in 2016 the second place was shared by 16 countries.

So, despite the growth of the index value, Ukraine's position on the global stage has a negative trend that is also certified by number of countries that overtook it in 2016 (61 countries), in 2003 the indicator was 8 countries less (53 countries).

Development of ICT is poorly facilitated by the government of Ukraine, as there is no unified coordinated state policy in the field of e-governance. One of the priorities in state policy should be the promotion of technological innovation development for both domestic and foreign markets.

The situation with level of the sub index of «electronic services» for the calculation of which, the departmental websites are being analyzed, is much worse. The low value of the indicator shows that the country does not actually develop electronic services, state information systems and it does not implement the function of provision of electronic state services.

A survey of the subjects of appeal shows that the most well – known and most popular are services (information about the list and description of administrative services) provided online. Pursuant to the results of survey (Natsional'nyy tsentr elektronogo upravleniya [National Center for Electronic Control] 2014), the overwhelming majority of the subjects of appeal (78 %) know about the electronic way to obtain services, and half of them (48,8 %) use it. The second popular service among the subjects of appeal is a possibility to arrange preliminary a visit online for consultation or acceptance of documents (44 %). The least demand for services is the tracking of the process of administrative service provision (26,5 %), the registration procedure on the portal, identification and usage of electronic signatures (21,2 %).

In respect to sub index «human capital», this indicator refers to a high category of human development, however, the rating of Ukraine is much lower than average for the countries of Europe and Central Asia. Despite rather high indicators, due to the relatively high level of literacy of the population and the high percentage of people entering higher education institutions, the meanings should be considered formal, as it does not reflect the effectiveness and especially the quality of obtained education.

Pursuant to V. Onoprienko's opinion, the main groups of social characteristics, according to which there have been formed groups of informational inequality are following: «economic resources; geography (city and rural citizens), age; sex; speech; education, social and cultural principles; special physical needs» (Onoprienko 2011:19). The absence or unequal access of citizens to ICT and availability of relevant knowledge, skills and experience, as a result, lead to the phenomenon of «information inequality», which means «differentiation of society based on the principle of access and usage of the latest ICT».

It is possible to overcome this barrier in Ukraine due to the provision of equal access to telecommunication services, informational resources for all segments of the population (without regard to age, education, place of residence, etc.); increase of diversity and number of electronic services; provision of publicly available electronic information resources; creation of incentive program for introduction and usage of ICT and so on.

The conducted analysis of the state of electronic governance in Ukraine certifies about its significant lag from the European level of ICT sphere development and the spheres of electronic services and human capital that consolidate it. In order to manage the system of administrative services provision, a unified coordinated policy in the area of electronization is a backbone to settle such challenging problems as following:

- the complexity and high bureaucratization of the processes of administrative services provision that make it difficult to transfer them into electronic form;
- a low degree of interdepartmental interaction during the administrative services provision that lead to the establishment of excessive requirements for the list

of documents required for provision of administrative services, duplication of information in the information systems of the subjects of provision and overcoming of additional difficulties in obtaining of necessary data to adopt a decision about the results of provision of administrative services;

- oversaturated of non-systemic legal and regulatory support of the system of administrative services provision that lead to the emergence of conflicting rules that regulate the process of its electronization;
- weakness of the legislative framework for regulation of issues regarding the electronic identification and authentication of subjects of appeal during the provision of administrative services in electronic way;
- absence of well – formed electronic unified register of administrative services and a list of priority administrative services for their transfer into the electronic form;
- the uncertainty of the form of electronic document, in accordance with which a subject of appeal should submit documents required for receipt of administrative services in electronic form;
- absence of a common vision for creation of unified information and technological infrastructure that provides process of electronic services provision on the basis of unified principles and rules;
- a high coefficient of distrust towards the electronic interaction both - from the part of subjects of provision and subjects of appeal;
- low level of electronic readiness of subjects of provision and subjects of appeal for electronic interaction.

6. CONCLUSIONS

A study of the trend of dynamics of electronic governance gave foundations to declare that despite the rapid global tendencies of the government electronization growth, Ukraine has not been able to reach a new level during the last decade.

For a long period of time, the processes of electronization of Ukrainian government have a downtrend, even with consideration of positive changes of last two years. The existing reasons and conditions of low – level development remain without a proper attention of government despite the adoption of many programs, strategies, as well as statutory and regulatory enactments.

Among the main reasons of the lag, we can define as common economic reasons the following: lingering crisis, low level of financial security, considerable difference between level of social and economical development and etc., as well as unreadiness, and most likely, the absence of desire form the part of authorities of state governance to apply technologies of electronic governance and to form efficient relations with citizens and economic entities; absence of the integral information and technological infrastructure and government support for the markets of goods and services, lack of statutory approved preferences for development.

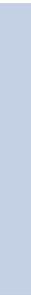
Taking into account the abovementioned, the first task for state policy is to intensify the electronization processes, firstly, in terms of intensifying of the access level and

ICT usage by all segments of population in all regions of the country that will give an opportunity to involve citizens in the processes of state governance development and to express their positions, secondly, to form the information and technological infrastructure for provision of electronic administrative services.

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The sense of freedom as *modus agendi* according to Kant

Summary

Freedom play a central role in Kant's ethics, because the possibility of moral judgment presupposes it. Freedom is a regulator idea of reason that serves an indispensable practical function as *modus agendi* of practical reason. Without the assumption of freedom according to Kant reason cannot act. We cannot help but think of our actions as the result of an uncaused cause if we are to act at all and employ reason to accomplish ends and understand the moral world, that is the *agendi modus* of reason.

Key words: Kant, reason, freedom, *modus agendi*, act, regulator function and *modus essendi*.

INTRODUCTION

The concept of Freedom say Kant constitutes the keystone (*Schlussstein*) of the whole system of pure reason even of the speculative reason.¹ Such a system of concepts of pure reason is what Kant calls transcendental philosophy. Thus for Kant "freedom" constitutes the center of the new philosophy, a place it still continues to hold. The subsequent courses of transcendental idealism far from rejecting this place given by Kant to freedom did but deepen and develop it.²

The constancy of Freedom (*Freiheit*) as central in philosophical thinking from Kant onwards, however differently "freedom" has been understood, is sufficient to

1 Cf. I. KANT, *Kritik der praktischen Vernunft*, Preussische Wissenschaft Akademie, in: *Gesammelte Schriften*, Band V, Berlin, Verlag von G. Reimer, 1911, Vorrede, A 4.

2 Cf. I. KANT, *Kritik der reinen Vernunft*, Akademie Taschentext, Band IV, Berlin, Walter de Gruyter, 1968, B 25, A 12.

characterize philosophy of Kant. The words then of Kant “The concept of Freedom” (*Freiheit*) is the keystone of the whole system of pure reason *reine Vernunft* announce the change to the point of view proper to modern philosophy.

This change however raises a number of far reaching problems, which the study of Kant’s concept of *Freiheit* must face and which show its importance for understanding our world which it heralded. Since the change to *Freiheit* as fundamental in philosophical thinking occurs for the first time in the philosophy of Kant, it is as regards his concept of *Freiheit* that these problems properly arise and to which the study of his concept of *Freiheit* must provide the answer. Besides, being the first for whom *Freiheit* occupies this place in philosophy, his concept of *Freiheit* will have the marks of this transition: its newness will still be in relationship to “freedom” as it was formerly conceived and at the same time it will contain in germ the further developments it was to have in his successors, and which development is largely unintelligible except it is brought back to this source from which it springs. His concept of freedom (*Freiheit*) aims a fruitful field of study, not only to treat the serious problems inseparable from the concept of *Freiheit* as central in transcendental system of Kant as *modus agendi*, but not the *modus essendi*. But the foundation of Freedom as *modus agendi* is the *lex moralis in memet*.

1. By sense of the consciousness of the categorical imperative as fact of “pure reason”, we think ourselves *a priori* as giving ourselves our law, and so our being as autonomous and end in itself and as member of the intelligible world.³

Thus the categorical imperative reveals the reality of man’s freedom, and its nature as “autonomy”, so that autonomy is the law of man’s intelligible being and defines him as *noumenon* or as he is in himself. But there are two reservations concerning Kant’s concept of freedom not yet considered, namely that freedom (*Freiheit*) is a postulate of practical reason, and that freedom is inconceivable.

However, a postulate of practical reason has not this apodictic theoretical certitude, because it postulates not the operation for necessarily given object, but rather the possibility of an object on the basis of apodictic practical laws.

Kant defines a postulate of practical reason as a theoretical, but not provable proposition in so far it is inseparably connected with an *a priori* unconditional practical law.⁴ It is a theoretical proposition and hence object of knowing or of theoretical reason; but which is not provable, which therefore lacks the justification of the objective validity of its concept through the intuition of the senses, and so it is an improvable noumenal concept. Where is probable it would have apodictic speculative certitude, and would not appertain to a postulate. On the other hand, were it disprovable it would have no theoretical value whatsoever, but would be a mere chimera. Hence it is a problematic noumenal concept, which corresponds to a subjective exigency of theoretical reason, the exigency, that is, of knowing systematically. This problematic concept, this nonprovable theoretical proposition is therefore of itself an hypothesis, because its object can be neither affirmed nor denied. But in so far as this problematic concept, this

3 Cf. I. KANT, *Kritik der praktischen Vernunft*, in: *Gesammelte Schriften*, Band V, Berlin, Verlag von G. Reimer, 1911, B 430–431.

4 Cf. *Ibidem*, A 220.

hypothesis is connected inseparably with an *a priori* unconditional law of action, and thus corresponds to an absolute and objective exigency of practical reason, the hypothesis becomes entirely necessary. We have necessarily to accept it, or it becomes a postulate the real object of the problematic concept.

The postulates are theoretical presuppositions of the action commanded unconditionally by the moral law. But this law itself is not a postulate but an absolute law which makes itself known by itself as fact of pure reason determining immediately the Will as Will. Naturally, the Will thus determined demands the postulates as the necessary theoretical conditions of following the command of the moral law. However, the moral law guarantees the real possibility of the object postulated, but only for the practical reason not for its speculative use, i. e., they are objectively real only through the mediacy of moral action, and for moral action, not therefore directly as objects of speculative reason.⁵ Since, the problematic concepts of pure theoretical reason are the only way in which we can think the possibility of moral action, theoretical reason is completed to accept the reality of these concepts without seeing how they are real. It gets therefore, certainty without the insight of its problematic concepts.

The absolute and objective reality of the moral law shows us through the practical reality of freedom (*Freiheit*), that these concepts really have a possible object, have objective reality, but not how these concepts are related to object. And they do not become for us properly objects of knowing or objects of speculative reason,⁶ because an object of knowing is a concept as determining intuition. Therefore, the theoretical element of the postulate is a problematic noumenal concept of pure reason, the theoretical element of the postulate of freedom (*Freiheit*) is the concept of transcendental freedom, i. e., the concept of unconditional causality with an effect in the world of sense, or the concept of the causality of a being in so far as it belongs to be intelligible or noumenal world.⁷ The transcendental freedom is called a *modus essendi* freedom. There is a practical freedom as *modus cognoscendi*. Interpreters have noted a development in Kant's aspects of freedom (*Freiheit*) within the critical period itself.⁸ However, this development is said to parallel the development of Kant's ethical theory. The very important point is the discovery of the principle of autonomy, which is first clearly announced in the – *Grundelegung der Metaphysik der Sitten* (1785), that this principle characterizes the discovery as Kant's second Copernican revolution. Prior to this discovery, and thus in the *Kritik der reinen Vernunft*, both the sense and foundation of Human freedom (practical freedom) are held to be determinable independently of any specifically moral considerations. We become aware of our Freedom through reflection on the spontaneity of our reason (*Vernunft*) in thought and action. After this discovery, from the time of the *Kritik der praktischen Vernunft*–, freedom is claimed by Kant to stand in an essential connection with “morality”. The moral law is now characterized as the *modus cognoscendi* of freedom (*Freiheit*), and the transcendental freedom as the *essendi modus* of the moral law, and, according

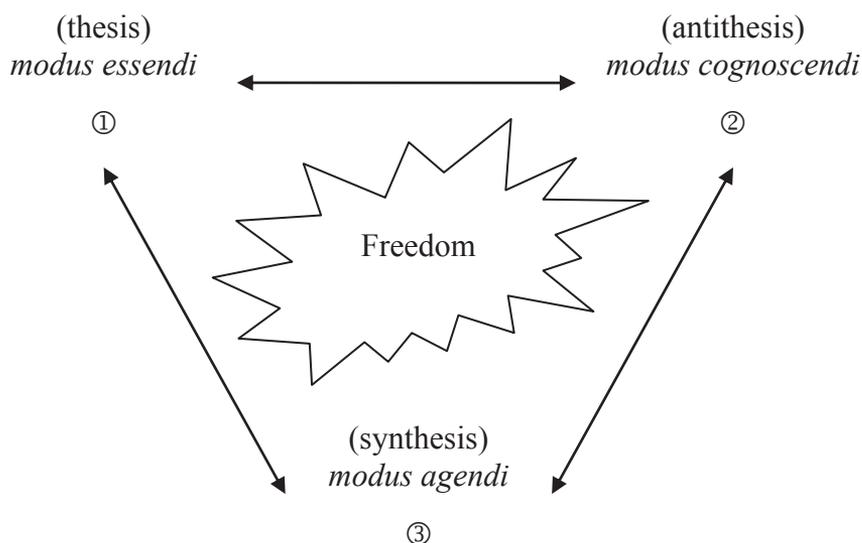
5 Cf. *Ibidem*, A 5–6.

6 Cf. I.KANT, *K. p. V.*, AK, V, A 243; *Idem – K. r. V.*, AK, IV, B 431, 452.

7 Cf. I.KANT, *K. p. V.*, A 238, 239, 240.

8 Cf. B. CARNOIS, *La cohérence de la Doctrine Kantienne de la Liberté*, Paris, Éditions du Seuil, 1973, 10–36.

to our lecture of Kant's freedom concept, the freedom's exercise, as practical practical reason, with the name: Freedom as *agendi modus*. Dialectically, I said the Freedom:



2. The freedom as *modus agendi* is the exercise freedom with the practical practical sense. Not only is freedom thus seen as a necessary presupposition of morality, but its very meaning is determined by the moral law. We are conscious of being free in and through our consciousness of standing under such a law. However, freedom (*Freiheit*) so construed is characterized both as “practical freedom”, the Will’s independence of everything except the moral law, and as “transcendental freedom” the independence from everything empirical and hence from nature.⁹ This is now said to be the genuine sense of Freedom, without which there would be no moral law and no responsibility. Any other conception of Freedom is dismissed as merely comparative or psychological as no better than the Freedom (*Freiheit*) of a turnspit. While there can be little doubt that Kant’s point of view on Freedom did develop at least roughly along the lines just suggested, a serious question remains concerning the way which the situation of freedom in the *Kritik der reinen Vernunft* fits into this general picture. The best known of these is in the *Dialectic*, in connection with the analysis and resolution of the third antinomy; but the other, and frequently ignored account, is in the *Canon*, in connection with the attempt to provide a canon, i. e., set of *a priori* principles, for the practical employment of reason (*Vernunft*). In the former account Kant seems to argue for the inseparability of practical and transcendental Freedom in manner which anticipates the doctrine of the *Kritik der praktischen Vernunft*. In addition he introduces the apparatus of transcendental philosophy from Kant to explain and defend the concept of transcendental freedom. By contrast, he maintains that the reality of practical freedom is established empirically, apart from any concern with the transcendental variety. This has led many of the interpreters

9 Cf. I. KANT, *Kritik der praktischen Vernunft*, in: *Kants Gesammelte Schriften*, Königlich Preussischen Akademie der Wissenschaften, Band V, Berlin, Walter de Gruyter, 1908, A 3, p. 4.

who have concerned themselves with the *Canon* at all to find two distinct and incompatible theories of Freedom at work in the *Kritik der reinen Vernunft*. From this standpoint, the *Canon* account is “pre-critical”, reflecting an early stage in the development of Kant’s moral theory, while the *Dialectic* account is fully critical, and perhaps even contains an anticipation of the doctrine of the – *Kritik der praktischen Vernunft*.¹⁰ Coming close to the interpretation of Allison, it is defended thesis of that the ambiguity of the treatment given for Kant to the notions of transcendental freedom and practical freedom is due to a conception still unsatisfactory of morality of the *Kritik der reinen Vernunft*.¹¹ According to Allison, contrary to the general opinion, the two accounts are compatible with one another, and that it is possible to find a consistent theory of Freedom in the *Kritik der reinen Vernunft*. However, by this philosopher from United States in virtue of the location of the essence of morality in autonomy, Kant came regard his original theory of freedom as inadequate.

In his analysis of the third antinomy Kant quite approaches the problem of Freedom from a cosmological perspective. Freedom, in the cosmological sense, is a expression of causality opposed to causality through nature. Whereas every natural cause is itself defined by antecedent conditions, and is thus as much effect as cause, freedom is determined as the *Vermögen* of beginning a state spontaneously *von selbst*. However, Kant maintains that freedom is a pure transcendental idea, neither derivable from nor referable to any object that can be given in experience. Practical freedom, by contrast according to Allison, is the sense of freedom that is directly relevant to human actions.¹² By the Allison position, the denial of transcendental freedom must, therefore, involve the elimination of all practical freedom.¹³ But dialectically the very important formulation of freedom is the practical practical, that is revealed by the *modus agendi*, as a remainder of the transcendental and practical Freedom, according to my critique of Kant’s reading. In the *Canon*, Kant explains practical freedom in substantially the same terms. As before, he introduces the conception by distinguishing between animal and human will. The former is characterized as one which can be pathologically determined, and the latter is one which can be determined independently of sensuous impulses and therefore through motives which are represented by the *Vernunft*. He further adds that everything which is bound up with this Will, whether as ground or consequence entitled practical. The only apparent difference between the formulations is that the *Canon* makes specific reference to the determining reason with regard to a practically free will. The difference, however, is apparent, for when Kant further develops his account of practical freedom. In *Dialectic*, he gives to reason precisely the same function. It is therefore, safe to concern that there is a single conception of practical freedom at work in both sections of the *Kritik der praktischen Vernunft*.¹⁴

10 Cf. G. VAN RIET, “Liberté et espérance chez Kant”, in: *Revue Philosophique de Louvain*, 78 (Louvain, 1980), pp. 191–195.

11 Cf. A. PAVÃO, “Liberdade Transcendental e Liberdade Prática na Crítica da Razão Pura”, in: *Síntesis*, 29/94 (S. Paulo, 2002) pp. 171–173.

12 Cf. H. ALLISON, *Kant’s Theory of Freedom*, Chicago, At the University Press, 1978, pp. 55–56.

13 Cf. *Ibidem*, pp. 274–275.

14 Cf. O. CARPI, “L’etica della ragione in Kant”, in: *Sapienza*, 6, 1988, pp. 284–285.

3. Although it is not so obvious, the same can be said about Transcendental freedom noted above. Transcendental freedom is described in the *Dialectic* as absolute spontaneity as such it is contrasted with natural causality. In the *Canon*, Kant is concerned with practical rather than transcendental freedom. Nevertheless, in contrasting it with the former conception, he does note that Transcendental freedom demands the independence of this reason in respect of its causality in beginning a series of appearances from all determining causes in the sensible world. However, in addition, he remarks that such Freedom is contrary to the laws of nature, and, therefore, to possible experience. The difference between these formulations is entirely to the fact that Transcendental freedom, which is introduced in the *Dialectic* within a cosmological context, is applied in the *Canon* to the human will and defines the causality through reason. Therefore, the absolute spontaneity and independence from everything sensible, which is the essence of Transcendental freedom, is though very specifically as the spontaneity and independence of reason in determining the Will. What we have, therefore, is an application or specification of the *Dialectic* conceptions of Transcendental freedom, and not an alternative conception.

The question of compatibility only arises when we turn to the question of the relationship between these two senses of Freedom. In the *Dialectic*, Kant states that the practical concept of Freedom is based on this transcendental Idea, and that the denial of Transcendental freedom must, therefore, involve the elimination of all practical freedom.¹⁵ Meanwhile, in the *Canon*, Kant just as explicitly divorces these two conceptions. Since he is concerned with Practical freedom, he casually states that he will simply leave aside that other transcendental meaning which cannot be empirically made use of in explanation of appearances, but is itself a problem for reason. Such neglect is possible, he claims, because we are demanding of reason nothing but the rule of conduct. Kant further claims that the fact of Practical freedom can be proved through experience. An again drawing the contrast with Transcendental freedom, he asserts: We thus through experience know Practical freedom to be one of the causes in nature, namely, to be the causality of reason (*Vernunft*) in the determination of the Will.¹⁶

It will be recalled that in the *Dialectic* Kant introduces the apparatus of Transcendental idealism, with the phenomenal – noumenal distinction. The sense of this distinction, together with the close linkage of practical and transcendental freedom seems to result in the location of both kinds of freedom in the noumenal world, but this directly contradicts the *Canon*, which not only makes no reference to the distinction, but also claims that Practical freedom is one of the causes in nature. It therefore becomes quite tempting, if not actually irresistible, to see these two sections of the *Kritik der praktischen Vernunft* as concerning two distinct theories of Freedom, which reflect two stages in Kant's development.¹⁷ Kant develops this account of rational, practically free action in terms of an analysis of the role of an imperative in determining choice. In both the *Canon* and the *Dialectic*, Kant maintains that a practically free action is one that is performed

¹⁵ Cf. I. KANT, *Kritik der praktischen Vernunft*, A 535 ; B 562.

¹⁶ Cf. *Ibidem*, A 803, B 83.

¹⁷ Cf. A. PAVÃO, "Liberdade Transcendental e Liberdade Prática da Crítica da Razão Prática", in: *SINTESE*, revista de filosofia, 29/94 (2002), p. 174.

in virtue of the recognition of an ought, that is a rule or action. According to Kant, the ought expresses a possible action the ground of which cannot be anything but a mere concept; whereas in the case of merely natural action the ground must be an appearance.¹⁸ In the *Canon* Kant distinguishes between moral laws, which refer to our duty, and pragmatic laws, which dictate the means necessary to the ends desired by sensibility, but he claims that both count equally as objective laws of freedom, which tell us what ought to happen although it never does happen, and the fact of practical Freedom can be proven empirically.¹⁹ Reason is here functioning explicitly at the prudential level (practical wisdom) – *phronesis*, providing what Kant later called hypothetical imperatives. Nevertheless, these are the sense of freedom as *modus agendi* –, that describes the *recta ratio agibilium* of practical reason (*praktische Vernunft*). All that is required for such freedom is the capacity attributed to reason to adopt principles of action, and to resist immediately inclination in light of them. Anytime that we do this, we can be said to have acted on the basis of an *ought* or by means of the causality of reason, and thus to be free in the practical sense. It is a fact that we have this capacity and our experience of this fact is our experience of practical Freedom. The Freedom as *modus agendi* plays a very important role to define the evolution of practical reason in exercise or action and defines in exercise the very significant sense of the *recta ratio agibilium*.

4. Although this is a much more controversial matter, it even seems that at the time of the original conception of the *Kritik der reinen Vernunft*, Kant held that the ultimate reducibility of freedom to nature is not incompatible with morality. To be sure, he does distinguish between moral and pragmatic laws, and he does maintain that the former but not the latter are pure and determined completely *a priori*.²⁰ This latter doctrine, which is the keystone of Kant's fully developed ethical theory is incompatible with any reduction of freedom to nature, and thus with the denial of transcendental freedom. But far from maintaining any such doctrine in the *Kritik der reinen Vernunft*, Kant asserts that apart from the postulation of God, and a future life, reason would have to regard moral laws as empty fragments of the brain. Thus without a God and without a world invisible to us now but hoped for the glorious ideas of morality are indeed objects of approval and admiration, but not springs of purpose and action.²¹ Given this ethical position, it is no wonder that Kant was not concerned about the reality of transcendental freedom. However, the connection between this conception of causality and practical freedom is already suggested, but not explained in the observation on the thesis. Kant there indicates that the psychological concept of freedom, which is presumably equivalent to practical freedom, is mainly empirical, but that it also involves a transcendental aspect, and this moment is the source of all the difficulties. Kant's account turns on the connection between a practically free action and an ought. Since such spontaneity is precisely what is thought in the transcendental idea of freedom, Kant contends that the practical concept of freedom is based on this transcendental Idea, and that the denial of transcendental

18 Cf. F. GUIBAL, "Kant y la crítica de la Ética", in: *Revista de Filosofía*, 26 (Madrid,1993), pp. 3–4.

19 Cf. I. KANT, *Kritik der reinen Vernunft*, A 802; B 830.

20 Cf. *Ibidem*, A 800; B 828.

21 Cf. *Ibidem*, A 813; B 841.

freedom must involve the elimination of all practical freedom. Consequently the human will can be said to be free in the practical sense if and only if it can also be truly said to be free in the transcendental aspect. First, it is obvious that on this reading the *Dialectic* is incompatible with the *Canon*, and this is what is usually maintained by those who appeal to the patchwork thesis. Second, on this reading the *Dialectic* itself is internally inconsistent. As Kant points out at the conclusion of his discussion of the third antinomy, it had not been his intention to establish the reality or even the possibility of freedom. Instead, freedom has been treated only as a transcendental Idea, and the goal was only to show that this antimony rests on an illusion, and that causality through freedom is at least not incompatible with nature.²² But since Kant maintains in the *Dialectic*, as in the *Canon*, that practical freedom is manifested in actions performed in virtue of an ought, he certainly does seem to assume the reality of practical freedom. At the very least he assumes its real possibility. If, however, practical freedom is either real or possible, it follows, on the standard interpretation that transcendental freedom must be either real or possible, and this contradicts Kant's own conclusion.

There is, however, a second possible interpretation of Kant's claim. It is equally compatible with the text and has the advantage of avoiding the above mentioned difficulties. On this interpretation, the necessary connection which Kant is affirming in the *Dialectic* is between the concept of practical freedom, and the Idea of transcendental freedom, rather than between the reality of these two types of freedom. So construed, Kant's point is that the conceivability of practical freedom necessarily involves a reference to the transcendental Idea, not that its empirical reality presupposes the reality of transcendental freedom.²³ Two things are necessary in order to make such an interpretation plausible. It must be shown that practical freedom does not in fact presuppose the reality of transcendental freedom and that the *Idea* of transcendental freedom, nevertheless had necessary regulative function with respect to the conception of practical freedom. The first of these should be evident from the previous analysis of Kant's account of practical in the *Canon*. We saw there that it is a clear implication of this account the practical freedom could stand, even if there were no freedom in the transcendental sense. The point, of course, is not that Kant actually denies the reality of transcendental freedom, but merely that such a denial is not incompatible with the reality of practical freedom. Therefore, with regard to the second point, the essential thing is the element spontaneity which, as we have just seen, is a necessary ingredient in our conceptions practical freedom or agency. Conceiving of someone as an agent or as free in the practical sense, necessarily involves conceiving of that person as capable of acting on the basis reason (oughts) and thus independently of any immediate determination by serious inclination. Kant maintains in the *Canon* that experience ourselves as agents in this sense, and thus as practically free. But since as in antithesis of the third antinomy clearly shows this conceptions of agency, which in the point of view of the *Canon* is unproblematic, conflicts with the conceptions of causality established in the *Transcendental Analytic*, its conceivability requires appeal to another model of causality. This is provided by

²² Cf. *Ibidem*, A 556; B 586.

²³ Cf. H. RÖTTGES, "Kantsauflösung der Freiheitsantinomie", in: *Kant-Studien*, 65, 1 1974, pp. 33–38.

the Idea of transcendental freedom, which captures just the notion of spontaneity or self-determination at work, our ordinary understanding of agency. This position of the *Kritik der reinen Vernunft* with regard to the question of transcendental Freedom can thus be characterized as the combination of a critical agnosticism concerning the reality common to both the *Canon* and the *Dialectic* with the affirmation of a necessary regulative function for the *Idea* of such Freedom, contained in the *Dialectic*.²⁴

The first and explicit concern is to demonstrate the compatibility of the transcendental Idea with causality according to the laws of nature. The need to do so stems directly from the problematic of the third antinomy, wherein the conflict between these two conceptions of causality is presented in a cosmological context. Kant's general move here is to argue that transcendental idealism establishes this compatibility by providing a space or transcendental location for the Idea in the noumenal realm and, at the same time, allowing for the possibility of considering one and the same event from two points of view. Although Kant confuses matters by dividing his analysis into what amounts to a preliminary sketch and a more detailed, definitive treatment, the argument actually consists of three steps of these, the first two relate specifically to the first concern, and the third to the second. The first step consists simply in nothing that on the common view, which affirms the absolute reality of appearances, the problem is insoluble. For if appearances are things in themselves, freedom cannot be upheld. Here it is assumed that all appearances, i. e., events are subject to the causality of nature or the universal law of natural necessity, which holds that every event follows from its antecedent conditions in accordance with a rule. Since the common view quite rightly will not allow any exceptions to this principle, and since it also does not allow for the possibility of considering one and the same action/event from two points of view, as subject to two conceptions of causality, it does not provide room for the conception of freedom.²⁵ The next step involves showing how transcendental idealism might allow for such a possibility. For present purposes, transcendental idealism can be characterized as the doctrine that the objects of human experience are merely appearances not things as they are in themselves. As has been often noted, the distinction between appearances and things as they are in themselves refers primarily to two ways in which objects can be considered, not to two kinds of object. But the objects so considered can be characterized as intelligible, non-sensible, or simply as "noumenal".

Kant makes this point by claiming that an object so considered is merely a transcendental object or a "noumenon" in the negative sense, that is, a thing in so far as it is not an object of our sensible intuition.²⁶ The key move in Kant's resolution of the antinomy is the application of the distinction to the causality of a being. Like objects, causes also can be considered from two points of view, or taken under two descriptions. But although in principle this can be said of every cause, Kant suggests that this distinction becomes relevant when the

24 Cf. A. M. ROVIELLO, *L'Institution Kantienne de la Liberté*, Bruxelles, Éditions Gusia, 1984, pp. 104–106.

25 Cf. J. MUGUERZ (ed.), *Kant después de Kant*, Madrid, Tecnos, 1986, pp. 24–26.

26 Cf. A. W. WOOD, *Kant's Ethical Thought*, Cambridge, At the University Press, 1999, pp. 26–30.

conceivability of a given cause requires the reference to type of causality that cannot itself be characterized in empirical terms.²⁷

5. Obviously, the faculty that Kant has in mind is the human will; but instead of proceeding directly to the will and its peculiar mode of causality, Kant introduces the distinction between an empirical and an intelligible character. An adequate account of Kant's conception of character, and of the way in which he construes this distinction in various texts would itself require a lengthy analysis. Here we must content ourselves with no thing that in the *Kritik der reinen Vernunft* the distinction functions roughly as the causality or agency version of the phenomenal – noumenal distinction. According to the official account, character refers to a universal property of efficient causes namely a law of its causality, without which it would not be a cause. The contrast is thus between two distinct laws of the causality of an agent, in effect, means two distinct ways in which its causal activity can be considered or two descriptions under which it can be taken. Kant also applies this distinction to the causal agent – the subject of causality –, but here again or subject is not elaborated in psychological terms.²⁸

Kant suggests that we proceed here just as we do when we are constrained to think a transcendental object as underlying appearances, though we know nothing of what it is in itself. Given in Kantian account of the conception of the transcendental object, this means that we form our conception of the putative intelligible character of a subject by stripping away all of those features which pertain to its empirical character. So construed, or, if one prefers, taken under its intellectual description, the subject would not stand under any conditions of time.

These claims about an intelligible character and a subject possessed thereof are merely analytic. They tell us such a character must be conceived by contrasting it with the concept of an empirical character. Naturally, at this stage of the analysis we know neither whether there really is a subject with the appropriate faculty, nor what the law of its causality would be like. But even if the assumption of the existence of a subject with such a faculty be a mere fiction, a possibility with Kant explicitly acknowledges, the introduction of the notion of an intelligible character suffices to resolve the antinomy. It does so because it allows for the logical possibility of attributing intelligible causality, and hence spontaneity to some empirically given subject without contravening the transcendental conditions of the possibility of experience. It does not, however, suffice to show that the Idea of transcendental Freedom, thus given a home in the intelligible character of some putative subject, has any relation to experience, and is anything more than an *ens rationis*. According to Kant's critical doctrine, through the I think that is, through reflection on the self merely *qua* thinking being, we become aware the power of thought as it is made manifest in the activities of conceptualization do judgment. This power or activity is intelligible just in the sense that it cannot be regarded as sensibly determined. A sequence of representation which was so determined

27 Cf. V. DELBOS, *La Philosophie Pratique de Kant*, Paris, Presses Universitaire de France, 1969, pp. 157-200.

28 Cf. F. GUIBAL, "Kant y la critica de la ética", in: *Revista de Filosofia*, 24/74, 1992, pp. 160-163.

would be at best a mere association, yielding a subjective unity of consciousness. What we thus gain through apperception an awareness of this activity – judgment – and in this sense of spontaneity.

Kant goes on to add that this spontaneity is even more evident to the activity of reason, with its use of Idea, than in understanding; but this in no way conflicts with Kant's standard doctrine. The fact remains that in order for this though consciousness or knowledge of spontaneity to yield knowledge of an individual object, that is of ourselves as transcendently free, noumenal beings, it is necessary that we be given to ourselves in intuition. In short, we need some access to particular I of which the activity of thinking is to be predicated. Since, the I of apperception is not given in intuition, it remains merely the thought of an I in general or transcendental subject, that is a merely intelligible or logical subject of thought.²⁹ Although Kant tends to give ethical examples, e. g., the malicious lie the analysis of the causality of reason offered in the *Kritik der reinen Vernunft* is equally applicable to actions that are attributed to moral and to prudential grounds. In a word, it is not merely the moral law but any rule or law of reason which reveals to us that we ought to do and therefore could have alone otherwise.

Although Kant does claim the former in the *Kritik der praktischen Vernunft*, in the *Kritik der reinen Vernunft* he is concerned only to establish the latter claim, which is the only one that is justified by what I have called the metaphysics of the resolution of the third antinomy. Kant's intentions can be gleaned from his account of the malicious lie, which he offers as an empirical illustration of the regulative principle of reason. The operating assumption is that the empirical character of the action can be adequately explained in terms of conditions such as defective education, bad company the viciousness of a natural disposition as well as other occasional causes that may have intervened.³⁰ This account of human freedom might seem to have a good deal to recommend. For one thing, it captures much of what is included in our ordinary conception of agency, for another, it is perfectly compatible with the agnostic thrust of Kant's transcendental idealism, and the general outlines of the resolution of the third antinomy. Nevertheless, the fact remains that in the *Kritik der praktischen Vernunft* and in this subsequent writings on ethics Kant completely rejected this theory, even though this rejection is at least partially masked by his continued reliance upon similar terminology, e. g., the distinctions between transcendental and practical freedom and intelligible and empirical character.

Moreover, the reason for this rejection is not hard to find. It lies essentially in the recognition that the ultimate presupposition of morality is the autonomy of the Will. The conception of freedom (*Freiheit*) contained in the – *Kritik der reinen Vernunft* – is simply not adequate to explain the possibility of such autonomy. Obviously, if a moral agent is to conceive of himself in this manner, Kant must also conceive of his Will as free. The question then concerns the sense of freedom (*Freiheit*) that is presupposed by this conception. In considering this, we must keep in mind that *autonomy* requires not merely that we have the capacity to act on the basis of general rules or principles, but also that we have the capacity to act out of pure respect for

29 Cf. A. M. MACBEATH, "Kant Moral Feeling", in: *Kant-Studien*, 64/3, 1973, pp. 284–296.

30 Cf. I. KANT, *Kritik der reinen Vernunft*, A 554; B 582.

a law which we impose upon ourselves. This, in effect, means that we must be capable of determining ourselves to act on the basis of purely rational considerations, in virtue of the mere recognition that something is right, and thus completely independently of, and even contrary to, any interest, incentive or desire. Kant puts the matter succinctly in the *Kritik der praktischen Vernunft*, when he points out that what is required is not merely that reason be practical, but that pure reason be practical, i. e., that it can be sufficient of itself to determine the Will.³¹

Now such a capacity is clearly not a part of the conception of practical freedom (*Freiheit*) contained in the *Kritik der reinen Vernunft*. As we have seen, this conception assumes only the capacity to act on the basis of general rules. It makes no distinction in this regard between moral and pragmatic rules. Moreover, as we have also seen, such freedom is compatible with the possibility that reason (*Vernunft*), in prescribing laws to the Will, may itself be determined by other influences, so that what we call freedom as may in relation to higher and more remote operating causes be nature again. All of this, however, is explicitly excluded by the conception of autonomy, which presupposes a total independence of nature. Indeed, it should be easy to see that what this conception requires is precisely transcendental freedom as described in the *Canon* of the *Kritik der reinen Vernunft*. Prior to the development of the conception of autonomy, the question on of the reality of transcendental freedom could be viewed as a purely speculative matter, of no direct practical concern. Subsequent to the development³² of this conception, it became the practical concern; for on it hangs the very possibility of morality. Kant, however, could no longer rest content with the mere Idea of transcendental freedom; for his moral theory requires the assumption of its reality. The very important formulation from freedom calls the *modus agendi* because she describes according to Kant the sense of practical practical reason to the freedom in exercises.

How does practical reason attain the systematic unity which reason of itself demands, and which its speculative use is incapable of reading? Through and only through the reality of “freedom”. It is solely the reality of freedom resealed through the moral law, which mediates the objective reality of the idea of God, and that of the immortality of the soul, since these ideas are conditions not of the moral law, but of the necessary object of the Will determined by the moral law, i. e., of freedom in exercise.

Further, freedom is the only concept of the suprasensible, which by causality in the world demonstrates its reality in nature, and thereby renders possible the connection of the idea of God, and immortality with nature, and the connection of freedom itself, God and immortality with one another to form the religion of pure reason. For morality tends inevitably to Religion, to the idea of an Almighty moral Lawgiver, in whose will the final end of creation, which is the final end of man, lies, and hence to the systematic unity of a community of the people of God founded on the law of freedom.³³

31 Cf. H. PATON, *The Categorical Imperative: a study in Kant's Moral Philosophy*, New York, Hutghinson's University Library, 1965, pp. 52–56.

32 Cf. J. GOMES CAFFARENA, *El Teísmo Moral de Kant*, Madrid, Ediciones Cristiandad, 1984, pp. 163–164.

33 Cf. I. KANT, *Die Religions innerhalb der Grenzen der blossen Vernunft*, AK, Band VI, B 110 sq.

Thus for Kant man's Freedom, revealed by the moral law, is the only possibility of transcending the phenomenal order, of mediating the systematization of the phenomenal with the noumenal. Man's freedom is the only possibility of an opening on the intelligible world, the world of the noumenon. Freedom, therefore, is essential to the "noumenon" as "noumenon" to reality as it is in itself. This implies that freedom is the reality of the real in itself or the being of being or that the selfness of reality is freedom. For the supra-sensible or noumenon is known only as a being which exists according to the law of autonomy.³⁴ With Kant's concept of freedom as the autonomous noumenal subject freedom and hence the absolute "right of the subject", and subjectivity has become the center of philosophy. Freedom is for Kant the only absolute, but with three modalities: *modus essendi*, *modus cognoscendi*, and *modus agendi*. The Freedom as *modus agendi* from reason is the new lecture about the keystone of the system of pure reason *a priori*. Certainly, the freedom is for Kant the first, and the last concept of the transcendental idealisms, and she plays the very important role to the reason (*Vernunft*).

CONCLUSION

The change in the permanent concern of philosophy to which Kant's concept of Freedom should correspond is that which characterizes the modern cultural world presaged by happenings like the Renaissance and the Reformation. We noticed how this change to what is proper to the modern world meant the inseparability of truth from its known certitude and thus the need to find an unshakeable foundation for truth, which need articulated itself into the *cogito ergo sum* of Descartes. The self-conscious subject has become the foundation of truth's certainly. Meanwhile, the search for the certainty of truth and the finding it in the self-thinking subject implies the search for the certainty of the good and the finding it in the self-willing subject. Since, therefore, the self-certainty of the subject is not complete merely as self-consciousness without self-willing, the self-certainty of the subject is conscious self-willing. It is the subject as taking from itself alone the determination of its willing, or it is the subject as free and freedom (*Freiheit*) as autonomous. Thus the self-certainty of the subject in function of which the real is real for the modern world is "freedom" as autonomy, or man as "autonomous". It is Kant that has rendered conscious Freedom as autonomy and this is the enduring value of his concept of Freedom (*Freiheit*) corresponding to and justified by the exigencies of the modern world and modern man. But the way he was led to understand and hence to interpret "autonomy" is in conflict with these exigencies, and constitutes the invalidity of his concept of freedom (*Freiheit*). Kant's way of understanding freedom (*Freiheit*) as autonomy follows inevitably from the deficiencies of the critique of pure reason. As a result of the Critique of Pure Reason the real is in function of the self-thinking subject only through the synthetic judgment *a priori*. As a consequence of this, the real in relation to the self-thinking subject is the phenomenal :it is not the real as it is in itself, but only as it appears to the senses.³⁵

The pure determination of the Will's autonomy, the form of the moral law must prescind from love just as it prescinds from all object of desire. Hence the oft noted

34 Cf. I. KANT, *Kritik der praktischen Vernunft*, AK, V, A 74.

35 Cf. A. LAMBERTINO, *Il rigorismo ético in Kant*, Parma, Maccari, 1970, pp. 16–48.

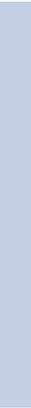
cold rigorism of Kant's ethics, where duty is purely for duty's sake. By reason of the determination of the Will's autonomy being the categorical imperative in abstraction from all content, the good itself can be interpreted by Kant only as the perpetual ought to be or the good itself can be only as an ought to be and in this sense is not. Thus the union between being, and good falls apart. Hence autonomy for Kant is necessarily abstract and without content, as abstracted from knowing it is blind and inexplicable or inconceivable, and can provide only postulates for knowing. This autonomy is nothing else than the self-certainty of willing in abstraction from truth: it separates certainty from truth. This abstract autonomy is freedom as it is practiced by Illuminism. Hence abstract autonomy corresponds to the spirit of Kant's time. But it does not correspond to the modern world as it is in its truth.³⁶ But this position is untenable, not only because it destroys the unity of reason which Kant himself affirms so strongly but also and more radically because it is excluded by the very exigency of the modern world it seeks to meet. If for the modern world the real is real in function of the conscious self-willing subject, the real can be real in relationship to the self-willing subject only in so far as and because it is in relations with to the self-thinking subject, only in so far therefore as the real in relation to self-thinking is the real in relation to self-real in relation to self-thinking is the real in relation to self-willing, only in so far as there is no hiatus between the self-conscious and the self-willing subject. Kant's argument for the moral law is complex and difficult to interpret. The argument he presents in the *Groundwork* was obviously unsatisfying to him by the time he wrote the *Kritik der praktischen Vernunft* three years later. Insofar as it involves speculative issues about transcendental freedom, this argument also lies outside the intended scope of this book. It makes no pretense of being a close reading of any single text but tries instead to call attention to the elements of Kant's argument in the *Groundwork*, that seem most characteristic of his thinking throughout the critical period and also have the greatest lasting interest for moral philosophy. I will focus attention chiefly on what Allison has called the preparatory argument of Section three of *Groundwork*. In this respect, the argument as I present it will be closer to the procedure of the *Grundlegung*, since it will attempt to ground the moral law on $F \rightarrow M$, and on F as an indispensable presupposition of all rational judgment. I purpose a new philosophical formulation to the sense of freedom as *modus agendi*, that she defines a very important reality to the moral situation as a complementary: $F \equiv M$. If and so the freedom, than I have the morality as *modus agendi*.³⁷ Kant distinguishes several senses of freedom. But, transcendental freedom is the capacity of a cause to produce a state spontaneously or from itself (*von selbst*). A transcendently free cause is a first cause, one that can be effective independently of any prior cause. This is distinguished from "practical freedom", which we attribute to ourselves as agents. Kant's metaphysical contention is that the will can be practically free only if it is transcendently free, and transcendental freedom could exist only in a noumenal world, not in the empirical world. Here, we will be mainly concerned with practical freedom, which even Kant himself sometimes thinks can be treated independently of speculative issues about transcendental freedom.

36 Cf. H. RÖTTGES, "Kants Auflösung der Freiheitsantinomie", in: *Kant-Studien*, 65/1, 1974, pp. 33–39.

37 Cf. A. W. WOOD, *Kant's Ethical Thought*, Cambridge, At the University Press, 1999, pp. 172–173.

In the negative sense, a Will is practically free if it acts independently of external causes determining how it act; in the positive sense, it is practically free if it has the power to determine itself in accordance with its own law.³⁸ Since a Will acts not only according to laws, but according to their representation, the law of a free cause must be one it represents to itself. But this does not mean merely that a free will is aware of the laws it follows. The law is one under which it considers its actions from a practical standpoint. In the case of an imperfectly rational will, which does not always act as reason directs, the law is represented as a principle according to which it ought to act. We could describe such a law, in contrast to a natural law, as an imperative, or a normative law. According our critique, the Freedom as normative law is the truth face of the human being. The notion of a cause acting according to the normative laws may strike us so odd, but it is not. We often explain human actions by reference to norms the agent recognizes. Explanations of actions according to the agent's intentions are normative law explanations. Intentions are constituted by the normative principles the agent adopts in forming the intention. It is only because intentions are norms that people can bungle intended actions or fail to carry through their intentions. We even use normative laws as part of explanations of action that contravenes them, by describing the actions as failed attempts to comply with the norm. We might think that normative law explanations could make no sense because, depending on what ought to happen rather than what does happen, they would be divorced entirely from the actual occurrences we are trying to explain. Normative law explanations are highly appropriate to voluntary rational actions because rational actions are by their very concept freely chosen and norm-guided.

38 Cf. I. KANT, *Kritik der reinen Vernunft*, A 534;B 562.





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Understanding and development of sustainability investing in the recent history

SUMMARY

Starting from a time when sustainable investment was almost exclusively driven by investors, the political arena has become increasingly dedicated to this issue in recent years. The Sustainable Finance Disclosure Regulation, which is to be implemented by financial market participants by March 2021, will represent a major step forward in terms of transparency on the sustainability of investments for investors. In order to be able to determine this information in a comparable and consistent manner, the Taxonomy Regulation will come into play in the next step. Their impact also extends further into the real economy, which has to report underlying data on its handling of ESG issues. The purpose is to provide investors with the tools to actively manage their investments and to give preference to such investments that meet the specified sustainability goals.

Key words: ESG Investing, Sustainability, SFDR, ESG-Investment Funds.

1. FUNDAMENTAL IDEAS OF SOCIAL RESPONSIBILITY INVESTMENTS

Social Responsibility Investment (SRI) refers to an investment approach that takes ethical, social, environmental and corporate governance aspects into account in the investment process at least on a par with purely financial aspects of financial assets (Ransome & Sampford, 2010, p. 10). The investment universe is

accordingly limited to those investment instruments that meet the so-called ESG criteria (Staub-Bisang, 2011, p. 22; Delmas et al., 2013, p. 255; Viviers & Eccles, 2012, p. 11). Non-financial information is thus elevated to the essential basis for the investment decision (Bassen & Kovács 2008, p. 184). Therefore, SRI can also be called ESG investing.

Two main application of ESG criteria in the fund industry can be distinguished (Staub-Bisang, 2012, pp. 16–20):

- In the case of negative screening companies, funds, or even countries are excluded from the investment universe that do not meet certain social, environmental or governance criteria or violate international standards (Staub-Bisang, 2012, p. 15 f.).
- In contrast, the positive selection process selects all companies or asset classes, which meet specific requirements: Companies are selected that meet the highest standards in ESG terms in their industry or sector (Staub-Bisang, 2012, pp. 18–20). The best-in-class / best-in-sector approach is a typical example for positive selection.

‘Positive’ industries and sectors are thus often clustered in theme funds, e. g. renewable energy and energy efficiency funds, clean tech funds, carbon reduction funds, or others (Staub-Bisang, 2012, pp. 26–27). Other funds use ESG criteria as additional factors in the investment process. To summarize, in the SRI industry following three main product categories are offered to the retail customer (GSIA, 2013, p. 4; Eurosif, 2018, p. 12):

1. SI screening funds select their investment instruments based on negative or positive ESG screening of sectors, funds and companies.
2. ESG integration funds select their investment instruments by also integrating of ESG factors in the traditional financial analysis and investment.
3. Sustainability funds select their investment instruments particularly due their evident contribution to sustainability of the global development such as, for example, green technology companies, sustainable agriculture companies, or clean energy companies.

Beside these three main fund categories other categories are existing in the field of SRI such as microfinance funds, carbon funds, or social impact funds.

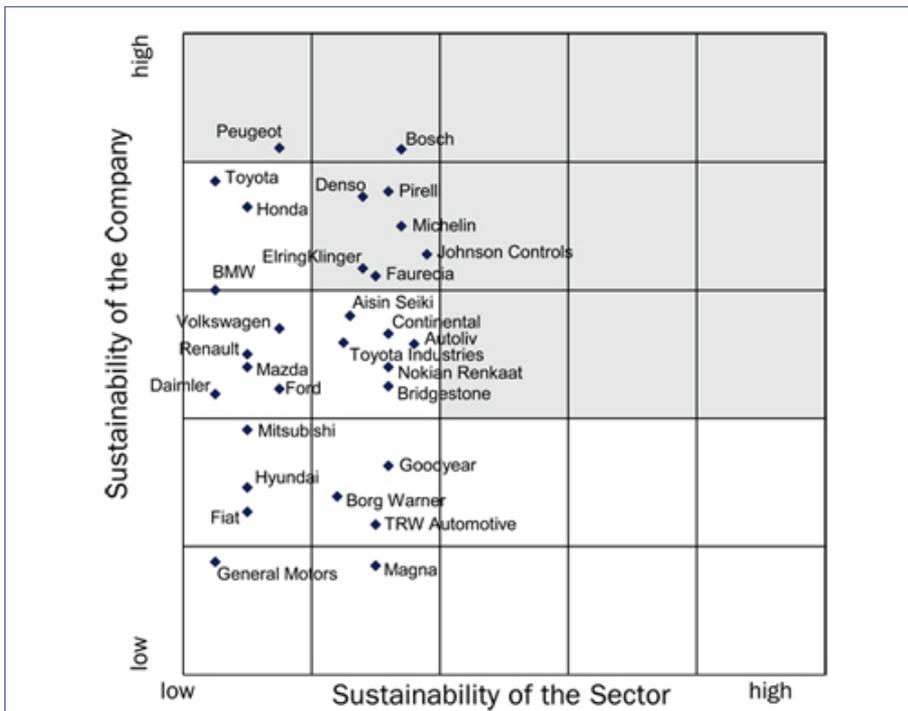
This basic logic of the investment process of institutional investors within an ESG framework is based in general on strict catalogue of criteria whereby investment managers are monitored by an advisory boards or external ‘certification’ institutions as there are sustainability index issuers. ESG overlays provides a guidance for investing decisions of fund managers. Thus, for example, the main British state pension fund, the Environmental Agency Active Pension Fund (EAPF), applies the so-called “Environmental Overlay Strategy” providing guidance to the Active Pension Fund’s investment management team. The Strategy requires the fund managers to research financially environmental risks and opportunities

- take steps to minimize the fund’s exposure to financially material environmental risks

when considering a new investment, fund managers must analyze and rate how the company manages environmental, social and corporate governance (ESG) risks as well as evaluating actual environmental performance

To decide for an investment in a particular company a manager has to use the Sarasin Sustainability Matrix, which is based on a comparative assessment of the industry (industry rating) and then a comparative assessment in the peer-group (company rating). The Sarasin Matrix indicates the sustainability of a company in relation to its peer group as follows:

Figure 1. Sarasin sustainability ratings of companies in the automotive industry



Source: Sarasin, 2012.

Furthermore, the “Active Pension Fund” pursues an active voting policy on environmental issues in the company’s annual stockholders meeting in form of submitting on responsibility resolutions or voting for resolutions of others.

It is difficult to determine whether the transparency and the obligation for funds to report on the sustainability of their investments is driving the market. At least, it is also the fact that the retail investor demand is rising strongly according to the following two surveys:

- According to a Eurosif 2010 survey in a number of European countries – notably Germany and France – the demand from retail investors increase in particular in the group of the so-called high net worth individuals (HNWIs) in the average of 11% in the last years. (Eurosif, 2010)

- A survey of the World Economic Forum from 2011 stated a growing awareness within the investment community of sustainability topics as well as a growing momentum of legislative initiatives to increase the interest of investors on ESG factors.

In some countries national law, EU law and regulations accelerate the shift from conventional investment strategies to strategies with an sustainability approach as it is the case in the UK. The UK Environment Agency, a British governmental organization (the environmental regulator for England and Wales) launched a Pension Fund in 2003, the Active Pension Fund as one of the first in the world (Environment Agency, 2012, p. 89). The so-called “Environmental Overlay Strategy” provides guidance to the Active Pension Fund’s investment management team. The Strategy requires the fund managers to research financially environmental risks and opportunities.

- take steps to minimize the fund’s exposure to financially material environmental risks
- when considering a new investment, fund managers must analyze and rate how the company manages environmental, social and corporate governance (ESG) risks as well as evaluating actual environmental performance. (Environment Agency, 2012, p. 89)
- Sustainable and ecological investments act as a driver of innovation in the financial markets, if they are made as a result of mainstreaming of the actors (investors and providers) and conventional investment sector. As a gateway for such innovations in the SRI area especially mutual funds haven proven (Werner, 2009, p. 33-35). Moreover, in the area of retail investors, the investment in climate protection is now considered as the most significant driving force for SRI industry. Typical investment vehicles are carbon funds for climate protection technologies and projects, clean tech companies etc.

RECENT REGULATORY DEVELOPMENTS AND CURRENT STATUS

In the recent past, ESG investing has also received political backing. For example, in addition to the Paris Agreement of 2015, the EU Commission is aiming to reduce greenhouse gas emissions to net zero by 2050 (European Commission, 2018). For this purpose, the UN has presented the Sustainable Development Goals (SDGs), which are intended to contribute to more sustainable development:

The 17 global goals for sustainable development of the 2030 Agenda, the “Sustainable Development Goals” (SDGs), are addressed to everyone: governments worldwide, but also civil society, the private sector and science. (United Nations, 2015)

At the EU level, the “Action Plan on Financing Sustainable Growth” will require attention from various financial market participants. Based on this plan, sustainable investing is to be boosted in all EU member states and the climate goals of the Paris Agreement as well as the European “green deal” are to be targeted. For this purpose, numerous laws and regulations needed to be established, such as the Sustainable Finance Disclosure Regulation (SFDR) in the Financial Services Sector and also the Taxonomy Regulation.

Figure 2. Sustainable Development Goals

Source: General Assembly of the United Nations (2015)

The EU's overall action plan focuses on three main objectives:

- redirect capital flows towards sustainable investments and away from sectors that contribute to global warming, such as the fossil fuel sector.
- manage financial risks arising from climate change, resource use and environmental damage.
- enhancing transparency as well as establishing a more long-term orientation of financial and economic activities.

The SFDR and their implications for the investment fund industry

Under the Sustainable Finance Disclosure Regulation (SFDR), the sustainability characteristics of funds are to be made more comparable and understandable for individual investors by means of predefined metrics for environmental, social and governance (ESG) factors used in the investment process. As the name suggests, the regulation places significantly greater emphasis on disclosure, including provisions that harmful effects caused by the companies in which investments are made must be disclosed.

A clearly visible and effective element of the new regulation for investors is the classification of funds and mandates into three categories, as described in Articles 6, 8 and 9 of the SFDR (Regulation (EU) 2019/2088, 2019):

Article 6 compliant funds do not integrate sustainability into their investment process in any way and could hold shares in companies currently excluded from ESG funds, such as tobacco or coal power station operators. Such funds may continue to be marketed in the EU, but they must be clearly labelled as non-sustainable. Therefore, they could be difficult to promote when compared to more sustainable funds.

Article 8 applies “... Where a financial product promotes, among other characteristics, environmental or social characteristics, or a combination of those characteristics, provided that the companies in which the investments are made follow good governance practices...”

Article 9 covers products that are designed specifically in order to achieve sustainable investments and applies “...Where a financial product has sustainable investment as its objective and an index has been designated as a reference Benchmark...”

Wider impact on the economy through the Taxonomy Regulation

Another powerful element of the Action Plan will be the proposed EU taxonomy (Regulation (EU) 2020/852, 2019), which aims to establish a common understanding of what exactly qualifies as “green activities”. The EU has set minimum criteria to be fulfilled by economic activities in order to be considered environmentally sustainable. These should be activities that contribute significantly to one or more of the six environmental objectives: climate change mitigation, climate change adaptation, protection of water and marine resources, transition to a circular economy, pollution prevention and conservation or restoration of biodiversity and ecosystems.

Currently, the only defined activities are those that contribute to the first two environmental objectives, which are climate change mitigation and climate change adaptation. Initial disclosures on these goals will have to be made by January 2022. Activities contributing to the remaining four objectives are expected to be clearly defined during 2021, with disclosure required from 2023 onwards. With regard to the taxonomy, asset managers will have to disclose the percentage of the assets managed by their funds that are allocated to taxonomy-compliant activities.

Effects on companies in the real economy

This ultimately means that the taxonomy is of relevance for non-financial reporting for many companies that, for example, have to enhance their management report by adding a non-financial statement according to the Non-financial reporting Directive (NFRD). They will also have to include information on how and to what extent the company is involved in economic activities that are to be classified as environmentally sustainable according to Article 3 and Article 9 of the Taxonomy Regulation in their non-financial reporting. In particular, non-financial companies must indicate the following:

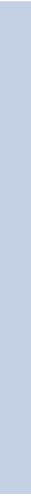
1. the proportion of its turnover generated from products or services related to economic activities that qualify as environmentally sustainable in accordance with Article 3 and Article 9 of the Taxonomy Regulation; and
2. the proportion of its capital expenditure and, where applicable, the proportion of operating expenditure related to assets or processes associated with economic activities that qualify as environmentally sustainable in accordance with Articles 3 and 9 of the Taxonomy Regulation.

SUMMARY

Starting from a time when sustainable investment was almost exclusively driven by investors, the political arena has become increasingly dedicated to this issue in recent years. The Sustainable Finance Disclosure Regulation, which is to be implemented by financial market participants by March 2021, will represent a major step forward in terms of transparency on the sustainability of investments for investors. In order to be able to determine this information in a comparable and consistent manner, the Taxonomy Regulation will come into play in the next step. Their impact also extends further into the real economy, which has to report underlying data on its handling of ESG issues. The purpose is to provide investors with the tools to actively manage their investments and to give preference to such investments that meet the specified sustainability goals.

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La théorie de la mémoire de Bergson et la physiologie du cerveau (du dualisme au monisme) / *Bergson's memory theory and the physiology of the brain (from dualism to monism)*

Summary

«The brain is not a place of memory storage» is the famous thesis proposed in chapter 2 of «Matter and memory». From this, Bergson demonstrates that memory exists independently of the brain, and that the quality of memory is intangible and spiritual. According to Bergson, the brain is only an instrument of the power of memory, and memory is a mind and a reality that exists independently of the brain. He denied the memory localization theory and argued the brain and memory for the whole brain theory. Well, what is the significance of his memory and his theory of the brain from the point of view of contemporary brain physiology? Are his memory and cerebral theory adapted to contemporary cerebral physiology? I want to conclude the confrontation between Bergson's theory and contemporary brain physiology by comparing the theories of Bergson and Wilder Penfield (1891-1979) who was the most famous brain surgeon in Canada. The conclusion is that dualism is transformed into monism by quantum theory, the idea of biocosmological association and my philosophy «Philosophy of nothingness and love» and that the new path of physiology and medicine opens.

Key words: philosophy.

«Le cerveau n'est pas un lieu de stockage de la mémoire» est la célèbre thèse proposée dans le chapitre 2 de «Matière et mémoire». À partir de là, Bergson démontre que la mémoire existe indépendamment du cerveau et que la qualité de la mémoire est immatérielle et spirituelle. Selon Bergson, le cerveau n'est qu'un instrument du pouvoir de la mémoire et la mémoire est un esprit et une réalité qui existent indépendamment du cerveau. Il a nié la théorie de la localisation de la mémoire et a fait valoir le cerveau et la mémoire de toute la théorie du cerveau. Eh bien, quelle est la signification de sa mémoire et de sa théorie du cerveau du point de vue de la physiologie cérébrale contemporaine? Sa mémoire et sa théorie cérébrale sont-elles adaptées à la physiologie cérébrale contemporaine? Je veux conclure la confrontation entre la théorie de Bergson et la physiologie cérébrale contemporaine en comparant les théories de Bergson et de Wilder Penfield (1891–1979) qui fut le chirurgien du cerveau le plus célèbre au Canada. La conclusion est que le dualisme est transformé en monisme par la théorie quantique, l'idée d'association biocosmologique et ma philosophie «Philosophie du néant et de l'amour» et que la nouvelle voie de la physiologie et de la médecine s'ouvre.

1. LA THÉORIE DE LA MÉMOIRE DE BERGSON

Bergson suppose deux types de mémoire dans «Matière et mémoire». L'un est la mémoire du corps¹ et l'autre est la mémoire indépendante.² Le premier est le souvenir de la leçon, acquis par les répétitions et gravé dans le corps. À proprement parler, c'est l'habitude. La mémoire de la psychologie et de la physiologie signifie cette mémoire du corps et la préserve dans les cellules cérébrales. Cette pensée de la mémoire est appelée théorie de la localisation. Bergson le nie. Mais il faut noter que la théorie de la localisation est la théorie de la mémoire et ce n'est pas la théorie de la localisation des fonctions cérébrales. La plupart des physiologistes du cerveau comprennent mal. La théorie du cerveau et de la mémoire de Bergson qui nie la théorie de la localisation des fonctions cérébrales est non scientifique et ridicule. Henri Hécaen (1912–1983), qui était le neuropsychologue français typique dans le monde, critique que Bergson n'est qu'un «chien de garde ignorant de l'ensemble des théoriciens du cerveau».³ Mais c'est une conclusion trop rapide et simple car Bergson traite l'aphasie motrice⁴ et l'aphasie sensorielle⁵ dans son «Matière et mémoire» et admet la théorie de la localisation du centre du langage. De plus, à partir de sa compréhension de la physiologie cérébrale⁶,

1 Henri Bergson, *Matière et mémoire*, PUF, 1896, 92e édition. Comme suit, je l'esquisse M.M. Bergson a traité cela comme un «souvenir de leçon» (souvenir de la leçon, M.M. p. 84) dans *Matière et mémoire*. Comme il s'agit d'une mémoire sculptée et conservée dans le corps, je l'ai nommée mémoire corporelle à mémoire d'esprit distincte.

2 M.M. p. 82.

3 Henri Hécaen et G. Lantéri-Laura, *Évolution des connaissances et des doctrines sur les localisations cérébrales*, Desclée de Brouwer, Paris, 1977, Traduit par Toshihiko Hamanaka, Yoshiaki Daito, «Etablissement et développement de la théorie de la localisation du cerveau» Nom de la traduction japonaise, Igakushoin, p. 84.

4 M.M. p. 123

5 M.M. p. 137.

6 *ibid.* Ici, Bergson a admis que la physiologie cérébrale pouvait réussir la localisation des fonctions motrices sensorielles. Mais l'idée en tant que fonction spirituelle supérieure ne pouvait pas être expliquée. La physiologie du cerveau a procédé à une analyse très fine du cerveau et la théorie était bien complexe. Mais la complexité de la réalité n'a pas été saisie. Ici le point de vue que l'humain pourrait être expliqué par l'analyse clairement exprimé.

nous pouvons approuver qu'il en a une connaissance approfondie. C'est tout un théoricien du cerveau mais pas un théoricien ignorant.

Donc, selon Bergson, cette mémoire du corps est matière et espace. Ce n'est pas de la mémoire mais une habitude. La vraie mémoire n'est pas la mémoire acquise par répétition mais une mémoire indépendante, indépendante du corps, et qui enregistre le passé. Il s'agit d'une «mémoire durable»⁷ qui stocke en permanence le passé concret des datations. De plus, Bergson l'appelle aussi comme de la mémoire pure (souvenir pur).⁸ Cette mémoire n'apparaît pas dans notre conscience dans la vie ordinaire mais fait un travail important dans le monde inconscient. C'est une mémoire potentielle dont nous nous souvenons d'un coup. Cette classification de la mémoire est l'originalité de Bergson. En psychologie, il existe deux types de mémoire. L'un est la mémoire à court terme et l'autre est la mémoire à long terme. Mais comme ces souvenirs sont stockés dans les cellules du cerveau, ils sont adaptés à la mémoire du corps par Bergson. D'autre part, la mémoire pure, la mémoire indépendante, existe indépendamment dans les cellules cérébrales. On ne retrouve pas cette notion de mémoire en psychologie et en physiologie cérébrale.

Bergson suppose deux sortes de telles mémoires. Plus encore, il suppose deux sortes de reconnaissance correspondant à deux souvenirs. L'une est la reconnaissance automatique (reconnaissance automatique)⁹ qui n'est reconnue que par le corps instantanément et se déplace sans aucune mémoire. Une autre est la reconnaissance attentive (reconnaissance attentive)¹⁰ qui travaille à intensifier la perception et à l'attention avec la mémoire. Bref, la mémoire du corps correspond à la reconnaissance automatique et la mémoire indépendante correspond à la reconnaissance attentive. Par ces théories des souvenirs et des reconnaissances, il explique diverses amnésies, aphasies et cécités psychiques qui ne peuvent s'expliquer par la localisation des fonctions. Par exemple, je traite le cas de Lichtheim.¹¹ Le patient a perdu la mémoire des syllabes des mots, le pouvoir spontané de la parole par accident d'une chute. Néanmoins, il pouvait répéter correctement les paroles que l'homme lui avait dites. Il semble que ce cas soit une aphasie sensorielle transcorticale étudiée par Benson.¹² Le patient est enclin à prononcer correctement des mots prononcés et répéter des mots sans sens et des dialogues erronés, mais avec une grammaire correcte. De plus, il ne pouvait pas comprendre ce qu'il disait. Il semble que la cause de ce cas dépende de la lésion du lobe occipital ou de la zone d'association pariétale et temporale. Mais nous ne pouvons pas le déterminer exactement. Ensuite, je traite le cas d'Arnaud.¹³ Il s'agirait probablement d'une aphasie motrice transcorticale.¹⁴ Le patient qui a perdu la compréhension d'entendre des mots récupère la compréhension par la prononciation claire des répétitions de syllabes. La cause est les dommages et la maladie du cerveau et du domaine supérieur du cortex de Broca. La théorie de la

7 La mémoire continue signifie le passé, le temps et la mémoire corporelle signifie l'espace. Par conséquent, sur la notion de mémoire, la méthode particulière de dichotomie, durée et espace de Bergson a été utilisée.

8 M.M. p. 152.

9 M.M. p. 107.

10 M.M. p. 107.

11 M.M. pp. 124–125.

12 D. Frank Benson: *Aphasia, alexia, and agraphia*, Churchill Livingstone Inc. 1979, traduit par Sumiko Sasanuma, Motonobu Itō autres, Kyōdōisho, pp. 99–102.

13 M.M. p. 127.

14 Benson, op. cit., pp. 96–98.

localisation des fonctions de la physiologie cérébrale contemporaine ne peut expliquer ces cas en détail. La raison en est la suivante, selon la théorie de la localisation, la perte de mémoire dépend de la destruction des cellules cérébrales. Dans ces conditions, comment les cellules cérébrales détruites récupèrent-elles et se souviennent-elles de la mémoire perdue? La théorie de la localisation ne peut y répondre. Mais Bergson l'explique comme la maladie de la reconnaissance que la mémoire ne réalise pas. De plus, la théorie de la localisation ne peut expliquer le cas de la cécité psychique, de l'agnosie visuelle et de la maladie de Wilbrand.¹⁵ C'est le cas où, bien que le patient n'ait pas l'obstacle de la capacité visuelle et préserve la mémoire visuelle du passé, il ne peut pas reconnaître la mémoire. Bien qu'il puisse se souvenir de sa ville en imagination, il ne s'en souvient pas quand il vient vraiment dans sa ville. C'est le cas de l'obstacle de la perception spatiale et de l'orientation spatiale. La raison de ce cas dépend du dommage et de la maladie de la zone d'association pariétale.¹⁶ Selon la théorie de Bergson, la cause n'est pas la perte de mémoire mais l'obstacle du schéma moteur¹⁷, reconnaissance automatique qui oriente l'image visuelle vers le mouvement du corps.

De plus, c'est la loi de Ribot¹⁸ qui frappe de manière décisive la théorie de la localisation. La caractéristique de ce cas est l'ordre de perte de mémoire dans lequel d'abord un nom propre est perdu, ensuite un nom commun est perdu, enfin un verbe est perdu. Comment l'homme peut-il expliquer l'ordre systématique et la progression de l'amnésie? Comment le cerveau récupère-t-il les cellules détruites et perdues? La raison de la récupération régulière est plus difficile à expliquer. Ce cas ressemble à l'aphasie anomique¹⁹. Selon Benson, il semble que la cause soit la lésion et la maladie du lobe pariétal-temporal de l'hémisphère dominant, mais la raison n'est pas déterminée. À proprement parler, la localisation de la maladie de l'aphasie anomique ne peut être définie par la physiologie cérébrale. D'autant plus que la loi de Ribot est reconnue chez un homme sain ordinaire, ce n'est pas le cas de la maladie. D'autre part, Bergson explique cette loi par un schéma moteur qui est à la base de la reconnaissance automatique et de la reconnaissance attentive. La raison de la dernière perte de mémoire d'un verbe dépend de ce schéma moteur. Lorsqu'un verbe est oublié, effort du corps, schéma moteur attrape le verbe. Comme un verbe se connecte au mouvement du corps, il est inoubliable. La mémoire qui est capturée par le schéma moteur se réalise à partir de la condition potentielle par la reconnaissance attentive. La loi de Ribot est clairement expliquée par la théorie de Bergson.

Bergson explique une telle amnésie et démontre que la perte de mémoire ne dépend pas de la destruction des cellules cérébrales mais de la maladie de la reconnaissance. De là, le cerveau n'est pas le lieu de stockage de la mémoire et la localisation de la mémoire est refusée. La mémoire n'est pas préservée dans le cerveau, c'est l'esprit, la réalité qui existe indépendamment du cerveau. Au contraire, le cerveau est quelque chose²⁰ qui garde la fonction de mémoire et n'est qu'un «instrument moteur de la

15 M.M. p. 99.

16 Hiroaki Niki, *Brain and Psychology*, Series 'Science of the Brain', Asakura shoten, 1984, p. 271.

17 M.M. p. 121.

18 M.M. p.132, Théodule armand Ribot (1839–1916).

19 Benson, op. cit., pages 115–119.

20 M.M. p. 267.

mémoire²¹. Par ces manifestations, le cerveau est le lieu où l'esprit et la réalité sont actifs.

Supra, j'ai expliqué la théorie de la mémoire de Bergson. Mais elle a été créée il y a cent trente ans. Si l'homme compare la condition de cette époque et la condition contemporaine, la physiologie cérébrale s'est développée rapidement. Nous pouvons avoir des théories de la conscience, de la mémoire et de l'esprit bien plus avancées dans la recherche scientifique qu'à l'âge de Bergson. Eh bien, quel genre d'évaluation devrait-on donner à sa théorie du point de vue de la physiologie cérébrale contemporaine?

Ensuite, je veux présenter un peu l'état de la physiologie cérébrale jusqu'à présent et parler d'un célèbre chirurgien du cerveau, Wilder Penfield. Ensuite, je confronterai la théorie de Bergson à la théorie de Penfield.

2. LE DÉVELOPPEMENT DE LA PHYSIOLOGIE CÉRÉBRALE ET PENFIELD

La recherche moderne sur le cerveau a commencé à trouver la zone linguistique de P.P. Broca (1824–1880, France) et C. Wernicke (1848–1904, Allemagne). Par cette découverte, la localisation du centre du langage a été confirmée et la théorie de la localisation cérébrale a été établie. G.T. Fritsch (1838–1929, Allemagne) et E. Hitzig (1838–1907) ont stimulé par l'électricité le cortex cérébral d'un chien dont le cerveau a été exposé et ont étudié l'effet. L'expérience la plus décisive a été le cas de Penfield qui a stimulé le cerveau humain par l'électricité. Par cela, il pourrait indiquer la localisation de la fonction du cortex moteur et du cortex somato-sensoriel. Bien sûr, des critiques ont été formulées pour cette mise en place et le développement de la théorie de la localisation du cerveau. Par exemple, Hughlings Jackson (1835–1911, Angleterre) a admis la localisation de la fonction sensori-motrice, mais il n'a pas pu déterminer la localisation de la fonction mentale de haut niveau, car elle était différente de la fonction sensori-motrice²². Cette pensée est similaire à la pensée de Bergson. Selon Hughlings Jackson, l'expression du langage est liée aux deux sphères. Bien que le langage intellectuel intentionnel supérieur soit perdu dans l'aphasie, le langage émotionnel automatique demeure. La pensée de Hughlings Jackson fut reconnue par Sir H. Head (1861–1940, Grande-Bretagne) et succédée celle de K. Goldstein, (1878–1965, Allemagne). Puis elle fleurit comme toute la théorie du cerveau qu'on peut admettre, la localisation de toutes les fonctions mais le cortex cérébral fonctionne dans son ensemble²³.

Si nous passons en revue l'anatomie nerveuse du cerveau, nous avons trouvé le fait que C. Golgi (1843–1926, Italie) a publié la méthode de teinture à l'argent en 1875. Par cela, il a montré clairement toute la structure des cellules nerveuses de l'axone aux dendrites. Plus encore, S.R. Cajal (1852–1934, Espagne) a étudié la structure fine du système nerveux par la méthode de Golgi. (Golgi et Cajal ont obtenu le prix Nobel de physiologie / médecine en 1906). À propos de ces axones et dendrites, Bergson

21 Jean Theau, *la critique bergsonienne du concept*, PUF 1968, p. 263.

22 Hécaen, op. cit., p. 110.

23 Hiroaki Niki, op. cit., p. 10–11.

a utilisé ces mots dans «Matière et mémoire»²⁴. P. Flechisig (1847–1929, Allemagne) a supposé l'existence d'une zone d'association et a fait la «carte cérébrale» de Flechisig par la distinction de la vitesse de la myélinisation dans les années 1870. Au XXe siècle, K. Brodmann (1868-1918, Allemagne) a divisé le cerveau en cinquante-deux régions de la structure cellulaire et les a numérotées. Ceci est connu sous le nom des Aires de Brodmann et a été confirmé par des chirurgies cérébrales pendant plus de cinquante ans²⁵.

Sur la recherche des ondes cérébrales, Hans Berger (1873–1941, Allemagne) a découvert les ondes cérébrales en 1929. Par elles, il a essayé de saisir le cœur humain mais a échoué. Pour la recherche au niveau des neurones, les relations entre la mémoire, la synapse et l'ARN se sont rattrapées. L'idée de Holger Hydén (1917–2000, Suède) est une pensée typique. Grâce à la synapse, l'impulsion qui atteint le neurone modifie le modèle de réseau d'acides aminés. Ensuite, l'ARN du nouveau modèle de réseau devient la puissance motrice de l'occurrence de l'impulsion et de la transmission neuronales. Il a recherché la formation de la mémoire par la formation de l'ARN²⁶.

Récemment, le CT scan (Computerized Tomography) et TEP (Tomographie par Émission de Positons) ont été inventés par le développement de la technologie scientifique. Grâce à ces machines, nous pouvons voir les images et les mouvements du cerveau vivant. Plus précisément, sur TEP, nous pouvons voir le mouvement du cerveau vivant par la mesure du flux sanguin local et du métabolisme local du glucose et confirmer la localisation des fonctions du cerveau. Par exemple, si l'on mesure le flux sanguin du cortex cérébral quand on parle, on peut confirmer l'activité du cortex somatosensoriel, de la zone de mouvement bouche-langue-gorge, du champ d'association de mouvement et du cortex auditif²⁷. L'esprit et le langage imaginaire, quand on compte mentalement de un à vingt, activent à nouveau le lobe frontal, spécialement le champ d'association de mouvement mais n'activent pas la zone de Broca et la zone de Wernicke. Par conséquent, nous pouvons dire que c'est la preuve de la localisation du phénomène pur esprit²⁸.

Ci-dessus, j'ai traité un peu de l'état de développement de la physiologie cérébrale. Les résultats sont trop nombreux pour être expliqués ici, mais nous pouvons comprendre la pensée de base de la physiologie cérébrale. En bref, si l'homme procède à l'analyse de la structure et des fonctions du cerveau, l'homme peut expliquer mécaniquement l'essence de l'esprit humain. Si nous pouvons observer directement le mouvement des atomes et des molécules du cortex par un microscope de facteur de grossissement de dizaines de millions et avoir une table correspondante entre le mouvement de ceux-ci et le cœur, nous pourrions reconnaître le cœur sensible et désirant par le mouvement des atomes et des molécules²⁹. Notre pensée se réduit au mouvement des

24 M.M. p. 124.

25 Hécaen, op. cit., p. 177 Lors de l'élaboration de la carte du cerveau, C. et O. Vogt, qui était le maître de Brodmann, l'ont poursuivie toute sa vie. Enfin, il a pu classer le cerveau humain sur plus de deux cents régions, mais la carte était trop petite pour être confirmée par des chercheurs autres que lui-même.

C'était l'un des échecs de la physiologie cérébrale et le fait a démontré que la méthode d'analyse n'a toujours pas réussi.

26 Toshihiko Tokizane, *Cherchez la dignité de la vie*, Misuzu Shobō, 1975, Tokio, p. 172.

27 Tsukada Yūzō, *Extra number Science Search for the Brain*, Nikei Science Company, 1982, Tokio, p. 155.

28 Ibid., p. 156.

29 Bergson, *ŒUVRES*, PUF, 1970, p. 839–840.

atomes et des molécules. Si l'homme peut mesurer le mouvement des atomes et des molécules, l'homme peut estimer le mouvement du cœur correspondant à l'état des atomes et des molécules. C'est le déterminisme mécanique. La physiologie cérébrale s'est développée sur le déterminisme. Après cela, le développement de la physiologie cérébrale poussera la pensée et l'esprit humains dans le cadre du déterminisme. La pensée et l'esprit humains ne sont-ils que le mouvement des atomes et des molécules des cellules cérébrales? Si la réponse à cette question est vraie, l'homme garantit-il la réalité humaine, la liberté et la dignité? Il semble qu'une telle condition matérielle néglige l'esprit humain et menace l'existence de l'être humain. Je pense qu'il est nécessaire de freiner la tendance matérielle. Il y a vraiment la signification de la théorie de Bergson et la grandeur de sa démonstration que la mémoire est quelque chose de non-matériel, l'esprit et la réalité à travers l'explication de l'aphasie. La preuve ne dépend pas de la pensée ou de l'analogie mais des vérifications. Par elles, il a démontré que la mémoire est indépendante des cellules cérébrales. Eh bien, quelle évaluation donner à la théorie de Bergson du point de vue de la physiologie cérébrale contemporaine. La personne qui propose la réponse la plus efficace est Wilder Penfield, dont j'ai parlé ci-dessus.

Il était un chirurgien du cerveau canadien et un grand érudit mondial en médecine³⁰. Lorsqu'il était étudiant, il a étudié la philosophie, la physiologie nerveuse et l'anatomie des neurones. Après avoir acquis de vastes connaissances, il est entré dans le domaine de la chirurgie cérébrale. Lorsqu'il traitait des patients épileptiques, il stimulait l'hémisphère exposé par l'électricité pour trouver la région épileptique. À ce moment-là, le patient était conscient. Penfield a stimulé le lobe temporal, à l'exception de la zone du langage appelée «cortex interprétatif»³¹ par une électricité basse tension (environ 2–3 volts)³². Par cela, le patient se souvenait des expériences passées et des événements comme le flash-back du cinéma³³. Ce phénomène de flash-back - appelé «réponses expérientielles»³⁴ - n'est apparu que dans le lobe temporal. Il n'apparaît pas dans les autres régions. À ce moment-là, bien que le cortex où le flash-back ait eu lieu ait été excisé, la mémoire n'était pas perdue³⁵. Ce fait niait l'adhésion de l'engramme, trace biologique de la mémoire avec les cellules cérébrales. Si la trace de la mémoire adhère aux cellules cérébrales, la mémoire du cortex qui a été excisé doit être perdue. En 1951, Penfield lui-même a cru pour la première fois qu'il y avait une partie que l'homme devrait appeler «cortex de la mémoire» et dans la région proche où les réponses expérientielles sont apparues par la stimulation électrique, les expériences passées ont été préservées³⁶. Mais plus tard dans l'une de ses publications, il a précisé que son hypothèse était une erreur³⁷. «Les enregistrements ne sont pas stockés dans le cortex

30 Sur sa vie, il l'a pleinement mentionnée dans son autobiographie «*No Man Alone, A Neurosurgeon's Life*» Little, Brown and Company, Boston, 1976.

31 Wilder Penfield, *Le mystère de l'esprit*, Princeton University Press, 1974, p. 19, Je l'esquisse Mystère.

32 *ibid.*, p. 24.

33 *ibid.*, p. 21.

34 Wilder Penfield et Lamar Roberts, *Speech and Brain-Mechanism*, Princeton University Press, 1958, p. 45. Contre la réponse expérientielle que le patient a rappelée au passé par stimulation électrique, Penfield a nommé la réponse que le patient a noté la sympathie, l'hétéro sens et la solitude, etc. comme réponses interprétatives. *ibid.*, p. 47–48.

35 *ibid.*, p. 46–47. cf. Sally P. Springer et Georg Deutsch, *Left Brain, Right Brain*, WH Freeman and Company, San Francisco, 1981, édité par Kunihiko Fukui et Jurō Kawachi, traduit par Takashi Miyamori et Eiji Matsuzaki, traduction japonaise, Igakushoin, 1985, pp. 274–275.

36 *Mystère*, p. 31.

37 *Mystère*, p. 31.

cérébral»³⁸ (Souvenez-vous de la première thèse de Bergson). Telle était la conclusion à laquelle des centaines de personnes exposées à la maladie ont été soumises à des expériences chirurgicales. Est-ce vraiment par accident que Bergson et Penfield ont tous deux nié la localisation de la mémoire du cortex cérébral? La mémoire humaine n'est pas une chose simple comme un engramme ou une trace de mémoire adhérant aux cellules du cerveau, mais une chose bien complexe. Selon Penfield, la mémoire est liée au lobe temporal, en particulier à l'hippocampe. Il supposait que l'hippocampe stockait des schémas nerveux (qui ne sont pas la mémoire elle-même) qui préservent le flux de la conscience. Si ce n'est pas vrai, l'hippocampe jouerait un rôle important dans le mécanisme de réactivité des enregistrements³⁹.

De telles réponses expérientielles indiquent que la mémoire que nous avons perdu n'a pas disparu⁴⁰. Les dommages à l'hippocampe et au lobe temporal perturbent la formation d'une nouvelle mémoire mais l'ancienne mémoire est préservée. La préservation de cette vieille mémoire s'apparente à la notion de pure mémoire de Bergson. La mémoire pure est mémoire potentielle et réalité, esprit qui n'a jamais disparu. Je pense que la mémoire pure, la mémoire indépendante, n'est pas contradictoire avec le fait expérimental de Penfield.

Si l'homme compare davantage Bergson à Penfield, il serait étonné par la similitude. Dans la théorie de la reconnaissance, Bergson a distingué la reconnaissance automatique et la reconnaissance attentive. Dans cette distinction, la reconnaissance automatique correspond au mécanisme sensori-moteur⁴¹ et la reconnaissance attentive correspond à la mémoire pure. En bref, la reconnaissance automatique se connecte au corps, c'est-à-dire mécanisme sensori-moteur, et elle réagit au mouvement. Par contre, la reconnaissance attentive appelle la mémoire pure et elle réalise la mémoire vers l'image mémoire. La reconnaissance automatique manifeste le mécanisme sensori-moteur et le corps, tandis que la reconnaissance attentive manifeste la conscience, la mémoire, le cœur et la personnalité. Il convient de noter que Penfield a expliqué le cerveau humain par deux systèmes. L'un est le mécanisme sensori-moteur automatique⁴² et l'autre est le mécanisme cérébral le plus élevé⁴³ qui se connecte directement au cœur. Le mécanisme sensori-moteur automatique est le système qui reçoit l'ordre du cœur et accomplit l'ordre et vise par réflexe. Au contraire, le mécanisme cérébral le plus élevé est le système qui se connecte directement au cœur et informe le message d'accomplir l'ordre du cœur aux autres systèmes. Ces deux systèmes existent indépendamment. Du point de vue de la philosophie traditionnelle, Penfield défend le dualisme et insiste sur l'indépendance du corps et de la conscience, du cœur. La preuve en est l'automatisme⁴⁴.

L'automatisme est le cas lorsque le patient continue de bouger inconsciemment. Il survient peut-être chez le patient épileptique qui a un foyer dans le lobe temporal.

38 *Mystère*, p. 31. Encore plus le Dr Soji Takeuchi qui était chirurgien, mon beau-père décédé, approuva les opérations et pensa à Wilder Penfield. Le Dr Takeuchi m'a donné de nombreux conseils utiles tirés de ses expériences de chirurgie du cerveau.

39 Wilder Penfield et Lamar Roberts, *Speech and Brain-Mechanism*, p. 47.

40 Tamotu Fujinaga et autres, *Conférences Psychologie contemporaine Volume 1, Qu'est-ce que le cœur?*, Shōgakukan, 1981, Tokyo, p. 45.

41 M. M., p.119, p. 180.

42 *Mystère*, p. 37-43.

43 *Mystère*, p. 46-48.

44 *Mystère*, p. 37.

Lorsque l'électricité circule dans le lobe temporal, une crise du tronc cérébral supérieur se produit et le patient devient un homme automatique sans cœur. Par exemple, le patient erre inconsciemment d'un endroit à l'autre. Lorsque l'épilepsie survient chez le patient alors qu'il joue du piano, il continue à jouer⁴⁵. Ce sont les cas où les patients n'utilisent que la réflexion et l'habileté. Si l'homme utilise l'expression de Bergson, il répète la mémoire corporelle acquise par les habitudes. Le cas de l'automatisme prouve l'indépendance du cœur et du corps⁴⁶.

Alors, quel genre de relation existe-t-il entre le cœur et le corps? Bergson a utilisé la métaphore des vêtements et des ongles⁴⁷. En revanche, Penfield a utilisé la métaphore où le cœur est le programmeur et le cerveau est l'ordinateur⁴⁸. Le cœur crée les programmes et les introduit dans le cerveau. Ensuite, le cerveau en tant qu'ordinateur reçoit le programme et se déplace automatiquement selon l'ordre du cœur. Bref, le cerveau est l'organe intermédiaire entre le cœur et le monde extérieur, l'organe d'envoi des messages et l'instrument du cœur⁴⁹. Rappelez-vous ici la relation entre la mémoire et le cerveau de Bergson. Selon Bergson, le cerveau est défini comme un «instrument moteur de la puissance de la mémoire». D'autre part, Penfield a défini le cerveau comme l'instrument pour réaliser le cœur. Nous pouvons trouver la similitude entre Bergson et Penfield. Supra, j'ai examiné la théorie de la mémoire de Bergson et la physiologie du cerveau, en particulier du point de vue de Penfield. Je souhaite les résumer et conclure.

CONCLUSION

Cent trente ans se sont écoulés depuis la publication de *«Matière et mémoire»* (1896) de Bergson. Dans le domaine des sciences naturelles qui se développe rapidement, la théorie qui a été établie il y a cent trente ans est le manque d'idée innovante. La thèse proposée par Bergson serait une théorie ancienne de la philosophie. Mais, malgré les progrès et le développement rapides de la recherche sur le cerveau, nous ne pouvons pas nier la théorie de la mémoire de Bergson. Il y a tellement de points obscurs. Les relations de la synapse, de la matière chimique et de l'ARN sont confirmées au niveau neuronal, l'engramme, la trace mémoire ne sont pas encore expliqués. La pensée que l'engramme, trace de la mémoire, n'existe pas et est enregistré et rappelé dans l'ensemble du cerveau est adéquate. Là, la simple localisation du cerveau n'est pas passée et le cerveau et la mémoire doivent être expliqués à l'endroit où la localisation et toute la théorie sont intégrées.

45 p. 39.

46 Ici, nous devons comprendre la différence et la similitude de la notion de mémoire et de cœur entre Bergson et Penfield. Chez Bergson, la mémoire est la durée = esprit = conscience = cœur = réalité. D'un autre côté, Penfield distinguait le cœur de la mémoire. Selon Penfield, la mémoire est stockée quelque part (partie supérieure du tronc cérébral) et le cœur en retire la mémoire (Mystère, p. 82). Mais comment la mémoire elle-même existe-t-elle et se rappelle-t-elle? Sur ces questions, Penfield ne les expliqua pas sauf l'opération de l'hippocampe (Mystère, pp. 64–65). Du point de vue de Bergson, la notion de cœur de Penfield doit être unie à la mémoire, car l'homme a toujours besoin de mémoire pour ressentir, penser et désirer quelque chose, l'homme ne peut séparer le travail du cœur et de la mémoire. Plus encore, la similitude et le point commun des deux consistent à prêcher la réalité de l'esprit et du cœur.

47 M. M., p. 4.

48 Mystère, p. 57–61.

49 Mystère, p. 46.

Les sciences traditionnelles se développent par la loi de causalité et les expressions de la quantité et de l'espace. De même, la conscience humaine s'explique par les relations des cellules cérébrales. L'homme a sûrement besoin du cerveau pour réaliser la conscience et le cœur. Mais l'homme ne peut pas réduire la conscience et le cœur au mouvement des cellules cérébrales. Les recherches d'aphasie de Bergson et de Penfield en ont démontré la preuve. A l'ère contemporaine, les sciences se développent rapidement, l'homme peut dire que les sciences sont toutes puissantes. La science atteint le domaine de l'esprit humain et le problème du cerveau et du cœur.

Du 19e au 20e siècle, la physiologie cérébrale s'est développée rapidement, elle a réussi à découvrir la localisation de la fonction sensori-motrice du cerveau et du centre du langage. Mais à propos de la fonction spirituelle supérieure, le mécanisme exact concret n'est pas expliqué. Plus précisément, sur la mémoire, comme je l'ai mentionné ci-dessus, elle est inconnue. En psychologie contemporaine, la mémoire corporelle est uniquement recherchée, la mémoire pure n'est pas encore recherchée. Une telle mémoire est appelée mémoire potentielle. Penfield a supposé qu'elle était conservée dans le tronc cérébral supérieur et Toshihiko Tokizane, le chercheur typique du cerveau au Japon, a supposé qu'elle était conservée dans le système limbique⁵⁰. Mais concrètement la condition de la conservation et le processus de rappel ne sont pas expliqués. La notion de pure mémoire de Bergson est difficile à expliquer dans le mécanisme cérébral. Mais l'existence de la mémoire pure a été confirmée par les expériences de Penfield. Bergson a initié le dualisme de la mémoire pure (esprit) et de la perception pure (matière) sur l'hypothèse théorique.

Penfield a également soutenu le dualisme du corps et de l'esprit. Tous les physiologistes du cerveau ne soutiennent pas le dualisme mais Penfield qui visait le monisme, où la conscience est la production du cerveau par de nombreuses expériences matérielles, est parvenu au dualisme. Cette conversion avait un pouvoir de persuasion considérable. La théorie du dualisme de Penfield a soutenu la théorie de la mémoire et du cerveau de Bergson. Il est surprenant que la théorie de Bergson ait été vérifiée par les sciences pendant plus de soixante ans. Bergson a prédit l'avenir. Plus encore, ce dualisme est amendé au monisme par la théorie quantique et ma philosophie⁵¹. L'apparition de la théorie quantique a changé la notion de matière. Avant cela, la matière (être) a submergé l'esprit, le monde invisible. Le monde de la matière est le monde de la physique classique de Copernic, Galileo Galilei, Newton et d'autres.

Selon la théorie quantique, il existe de nombreuses particules innombrables dans l'univers. Nous pouvons les appeler comme le flux de la vie, l'énergie qui est la réalité de Bergson et du Grand, Un, Néant tel qu'il est au-delà du mot dans la philosophie chinoise. Molécule, atome, neutrino et quark ont été confirmés par la physique. L'univers est rempli du flux de vie, d'énergie. Notre cœur, notre esprit et notre mémoire sont le flux de la vie et de l'énergie. Cette idée vit également dans l'Association Biocosmologie⁵².

⁵⁰ Toshihiko Tokizane, op. cit. pp.102–109.

⁵¹ Kiyokazu Nakatomi, *Philosophie du néant et de l'amour*, Hokuju Company, Tokio, 2002, version japonaise, Lambert Academic Publishing, Saarbrücken, 2016, traduction anglaise.

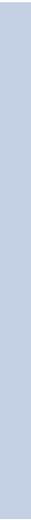
⁵² Le site: <http://en.biocosmology.ru/> Le président est Xiaoting Liu de l'Université normale de Pékin et les articles internationaux de cette association sont Biocosmologie-Néo-Aristotélisme. Le rédacteur est Konstantin S. Khroutski de l'Université de Veliky Novgorod.

L'existence du flux de vie, d'énergie n'a pas été confirmée par la physique classique. Aujourd'hui, il n'y a pas de frontière entre la matière et l'esprit, une chose invisible. L'existence typique est la particule virtuelle⁵³ qui apparaît en un instant et disparaît à un autre instant. Si l'homme dit que c'est, cela existe. Si l'homme dit que ce n'est pas le cas, cela n'existe pas. L'homme ne peut rien dire. Cela correspond au micro-monde plus petit que la longueur de Planck. Nous ne pouvons pas confirmer le monde par la physique. De plus, cela correspond à la fin de l'univers. À mesure que l'univers se développe, nous ne pouvons pas confirmer la fin de l'univers. On ne peut rien dire. C'est le «néant». C'est tout l'univers. La matière est une petite partie de l'univers. Par le frottement, la résistance de la particule, du boson de Higgs, la masse et de la matière se produisent.

Par rapport à l'univers, la totalité de l'être et de la matière est aussi négligeable que trois fourmis à la terre elle-même⁵⁴. La théorie quantique, l'idée d'Association Biocosmologique et ma philosophie ont soutenu les théories de Bergson et de Penfield. Leurs théories construiront une nouvelle pensée sur la mémoire et l'esprit. En même temps, leurs théories prouvent que ma philosophie est adéquate pour la nouvelle physiologie et médecine.

53 Heinz R. Pagels, *The Cosmic Code: Quantum Physics as the Language of Nature*, Simon & Schuster, New York, 1982, traduit par Eiichi Kuroboshi, titre de la traduction en japonais: *The ultimate of a material*, Chijin Shokan, Tokio, 1984, Chapter 8 "Existence et néant", pp.144–152.

54 Haruo Saji, *Merveille de l'univers*, PHP Bunko, Tokio, 1996, p. 83. Cet article a été publié par «*Studies in Comparative Philosophy*» n° 12 de l'Association japonaise pour la philosophie comparée 1986. Ensuite, je l'ai traduit du japonais à l'anglais et je l'ai corrigé. Cette version anglaise a été publiée dans «*Humanum*» (2017) à l'Université des finances et de la gestion de Varsovie.





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The concept of leadership in an organization – a theoretical discourse

Summary

Any attempts to answer questions regarding the scope, essence and definition of leadership are certainly one of the most important discussion areas when it comes to the entire management science. As it was already indicated when analyzing the organization itself, many crucial aspects pertinent to the operation and functioning of every group or business depend on the efficiency and skill of the person managing in question or the individual units within its wider, complex structure. From a scientific point of view, but also taking into account quite a practical stance, a complete understanding of this concept comes under the area of numerous and ongoing studies. As in the case of certain concepts already discussed in the previous parts of this study, this definition – and any further treatises on the typology and specific styles implemented by leaders – can be considered either from a sociological and economic or purely sociological perspective. The understanding of the notion of leadership across management science takes into account many aspects and it continues to evolve under the influence of research, business development, markets as well as larger changes in the surrounding environment.

Key words: management, leadership.

Any attempts to answer questions regarding the scope, essence and definition of leadership are certainly one of the most important discussion areas when it comes to the entire management science. As it was already indicated when analyzing the organization itself, many crucial aspects pertinent to the operation and functioning of every group or business depend on the efficiency and skill of the person managing in question or the individual units within its wider, complex structure. From a scientific point of view, but also taking into account quite a practical stance, a complete understanding of this concept comes under the area of numerous and ongoing studies. As in the case of certain concepts already discussed in the previous parts of this study, this definition – and any further treatises on the typology and

specific styles implemented by leaders – can be considered either from a sociological and economic or purely sociological perspective. The understanding of the notion of leadership across management science takes into account many aspects and it continues to evolve under the influence of research, business development, markets as well as larger changes in the surrounding environment.

Along with this visible development and alteration, sociological and psychological aspects inherent in this concept tend to become more and more important, as emphasized already at the end of the 20th century in the studies of such authors as D. Katz, R.L. Kahn or S. Epstein¹. For example, the structural approach developing the premises of social psychology, which has become increasingly popular in recent years, is already profoundly researched in the literature on the subject². Such dynamics is fairly important from the point of view of any work on organic leadership and so it will be emphasized again and again when discussing further elements of this work. The following table presents the very multiplicity of definitions provided for the leadership issue as well as the variety of accents put forward by theoreticians and practitioners.

Table 1. Definitions of leadership across the subject literature and management practice.

The process of exerting such influence on people so that they contribute to the success of their organization and group.	Koontz, Wehrich, 1988
A leader is a person that can influence the opinions and behaviours of other people in their organization.	Byars, 1987
A process in which a person influences others to achieve a common goal.	Northhouse, 2009
A process of influencing others in order to achieve common and pre-agreed goals of an organization.	Alston, 2002
A certain characteristic and a set of skills – model behaviour patterns and personal traits – which all make some people achieve their goals more effectively than others.	Kets de Vries, 2008
Actions of a person or group that lead to results; that what helps people do what they are supposed to do.	Robert Preziosi
The ability to translate a vision into reality.	Warren Bennis
A leader is a person that others follow.	Peter Drucker
Leadership is influence – nothing more or less.	John Maxwell
Leaders are those who build others and facilitate their actions.	Bill Gates

Source: Leadership and management in education – the education and improvement system for school/institution directors. Training materials developed as part of a project co-financed by the European Social Fund (No. UDA.POKL.03.01.02-00-002/13) under the Human Capital Operational Programme, Measure 3.1. Modernization of the management and supervision system in education, [edited by G. Mazurkiewicz], Publishing House of the Jagiellonian University, at pp. 87–88.

- 1 Compare with D. Katz, R. L. Kahn, *The social psychology of organizations*, New York: Wiley, 1978 or L. Katz, S. Epstein, *Constructive thinking and coping with laboratory-induced stress*, [in:] "Journal of Personality and Social Psychology", 61(5), 1991, at pp. 789–800.
- 2 L. Pratch, J. Jacobowitz, *The Psychology of Leadership in Rapidly Changing Conditions A Structural Psychological Approach*, [in:] "Genetic Social and General Psychology Monographs", 123(2), 1997, at pp. 169–196.

One of the definitions underlying quite a broader understanding of the role of a leader in the classical sense belongs to M. Weber, who in his work published for the first time in 1972, while discussing the issue of decision-making and power, made the following observation: “Power means taking every single possibility to ensure that someone’s objective will be implemented within a particular social group even in spite of certain resistance, no matter what this possibility actually is about”³. Following this very definition, the scientist in question has specified three types of power, which he then described as legitimate. Hence, according to Weber, such power is based, first, on the wider tradition, second, on the leader’s charisma and, third, on some formal structure. As one might easily notice, all these three elements that the scientist points out to can be found virtually inside the structure of any organization.

Moreover, while R. Mrówka refers to power as the fundamental basis for the issue of leadership, Weber goes a step further to distinguish five types of power⁴. These are:

- formal power – as in the case of the above division, it is ensured by the hierarchy and is granted through specific positions, rotations, promotions;
- power of reward – it is the freedom or obligation to grant or receive privileges, certain prizes or honours. The influence of this source of power may be further amplified when the leader in question is a moral or ethical role model for the group that he or she leads;
- power of enforcement – it is a form of mechanism that provides for the requirement to adapt to the prevailing rules in a given context, it might also be significantly amplified due to the strong authority of the person in charge;
- power of sharing – it determines the rationing and disposition of limited resources in a manner deemed generally right;
- expert power – it is based on experience in a specific and often very narrow field (i.e. specialization). A leader who has such power is characterized by knowledge in a given area that is often formally confirmed, for example, by an appropriate position that he or she holds.

According to R. Mrówka, each of these specified dimensions of power contributes to the wider understanding of the essence of the concept of leadership, which in turn embraces a comprehensive approach of these elements altogether.

Another key aspect that is very often mentioned across the literature on the subject and that is worth emphasizing in this discourse is the definition of leadership understood as influencing people⁵. Both C.G. Avery and A.K. Koźmiński pointed to the crucial role of a leader in creating attitudes, thus placing him or her in the centre of dependencies and relationships emerging within an organization. According to this assumption then, as one might observe, a leader has the power to control social moods within groups that he or she commands and so he or she has also the ability to impart a certain narrative within such groups that may, for example, further

3 M. Weber, *Wirtschaft und Gessellschaft. Grundriss der Verstehenden Soziologie*, J.C.B. Mohr (Paul Siebeck), Tübingen 2009.

4 R. Mrówka, *Leadership in organizations. An analysis of best practices*. Wolters Kluwer Polska, Warsaw 2010.

5 Compare with G. C. Avery, *Leadership in organization*, Polish Economic Publishing House, Warsaw 2009.

contribute to a visible increase in effectiveness⁶. Interestingly, as A.K. Koźmiński points out, such an impact may sometimes also take place in an indirect relationship, for instance, between a larger number of groups and within a much wider structure.

Yet, when trying to answer the question on the scope of leadership, it is worth departing from the most classical approaches and, based on a broader, interdisciplinary concept, present this concept as embracing something more than mutual interactions within structures (for example between leaders and subordinates or dominant and subordinate characters)⁷. A. Cybal-Michalska, for instance, takes this assumption well on board while describing leadership as an interdisciplinary, multi-directional and flexible concept developing in various trajectories. The author also draws an important conclusion that the scope of leadership in the 21st century is determined by the biographical, environmental and historical context of leaders, who are increasingly required to integrate multiple positions and competences⁸.

The statement which the above author refers to comes from the publication of one of the most famous researchers on the subject of management, namely H. Mintzberg, who assumed that “one becomes a leader through hard work and not through anointing”⁹. Currently, it must be noted that not only is the scope of “hard work” to be undertaken significantly expanding but are also the very areas in which the role of a leader seems to be crucial, if not indispensable.

On the basis of all the views presented above, it is still worth referring to the specific analysis proposed in the study of A. Navahandi devoted to the scope of leadership in an organization. As a synthesis of numerous concepts cited in the work, the author proposes a tripartite division of common elements for the essence of organizational leadership¹⁰. The approach to this issue, eagerly cited across the literature, assumes that a group, goals and hierarchy are all needed for the creation of apt conditions allowing people to lead¹¹.

TPOLOGY OF LEADERSHIP QUALITIES

When it comes to the various deliberations on the concept of leadership, it would be actually hard to find a more engaging and widely described topic by such practitioners as leaders, CEOs, managers and commanders than the very characteristics of an ideal leader. This issue does also seem to be rather important from the point of view of management theory, hence a lot of information about it can also be found in the academic discourse. The vast majority of studies attempt to present a set of fixed elements that characterize the ideal of a leader. This is a set of characteristics without which a leader might simply not achieve the results so that to lead one organization or

6 Compare with A. K. Koźmiński, W. Piotrowski, *Management. Theory and practice*, Polish Scientific Publishers PWN, Warsaw 2006.

7 Such an explanation of this concept can be found, for example, in M. J. Michalak, *Leadership in school management*, Centre for Education Development, at pp. 5–6.

8 A. Cybal-Michalska, *Leadership – definition concepts and methods of understanding*, [in:] “Education Studies”, No. 37, 2015, at p. 22–33.

9 H. Mintzberg, *Management*, Warsaw 2013, at p. 26.

10 A. Nahavandi, *The Art and Science of Leadership*, Pearson Education International, New Jersey 2009, at pp. 4–5.

11 Compare with K. Grzesik, *Conceptualization of leadership in an organization - changes in the perception of leadership*, [in:] *Management Science*, 8 (2011), at pp. 183–190.

other truly freely, or characteristics that some believe fit naturally with the position of a leader. However, it is also worth mentioning at this stage the critical school which, considering the various typologies in this context proposed over the years, draws attention to certain shortcomings in the consistency of action and too much freedom when it comes to the selection of an appropriate methodology in this area.

An example of a scientist representing the science of management and at the same time developing this view is Susan Wilson who signifies the importance of change when it comes to the approach in the evaluation of leaders and when determining their predispositions¹². Such a critical stance to different typologies of leadership traits as well as leadership styles does clearly correspond to the wider shift in the leadership paradigm that is the main topic of this paper.

Table 2. Seven qualities of an effective leader.

Enthusiasm	Can one imagine a leader lacking this trait?
Integrity	This trait makes people trust their leaders. Trust is the foundation of all human relationships, both private and professional. Integrity is not only about inner, personal reliability, but it is also about showing respect to external values, such as truth and common good.
Perseverance	Leaders are those who very often demand, what sometimes makes them difficult to bear with. They are stubborn and perseverant. Leaders earn respect, not only popularity.
Honesty	Good leaders approach people in different ways, yet they treat everyone equally. They do not afford favours to some over others. They are not prejudiced when deciding on punishment for bad results and rewards for good work.
Warmth	Stiff individuals do not make good leaders. Being a good leader must necessarily mean being able to show some heart as much as showing some brain. Love of work and of people are equally important.
Modesty	A rare trait, but one which defines best leaders. Its opposite is arrogance. Who likes to work for an arrogant boss? A good leader is able to listen to others and he or she is not influenced by their dominant ego.
Self-confidence	One of the most crucial attributes. People can well sense it if their leader is self-confident. Hence, developing one's self-confidence helps to develop one's leadership potential. One should be cautious, though, so that too much of it does not turn into sheer arrogance.

Source: J. Adair, *How to be a leader*, Petit Publishing House, Warsaw 1998, at p. 12.

Krzysztof Obłój identifies the following characteristics of leaders as defined on the basis of their popularity across research¹³:

- Self-confidence;
- Ambition and focus on achieving success;
- Assertiveness;

¹² For more on this critical trend, see S. Wilson, *Thinking Differently About Leadership: A Critical History of the Form and Formation of Leadership Studies*, Doctoral Dissertation, Victoria University of Wellington, 2013.

¹³ Compare with K. Obłój, M. Pratt, *Dominant logic and entrepreneurial firms, performance in a transitional economy*, [in:] "Entrepreneurship: Theory and Practice", 34(1), 2010.

- Need to dominate others;
- High-level stress tolerance;
- Temperament and accompanying persistence;
- Courage;
- High intelligence.

Professor Obłój does also distinguish the most important skills that a model leader should possess according to the classical theory. Based on his research, he lists the following points:

- Ability to create visions and visualize expectations;
- Creative and conceptual thinking;
- Tact as a diplomatic talent;
- Persuasion and the ability to listen comprehensively;
- Ability to make key decisions quickly;
- Ability to determine the scope of tasks and responsibilities as well as work organization.

Similar typologies clearly corresponding to what the management theorists describe can also be found in the industry literature. The list of eleven traits of a successful leader published in 2017 includes such elements as work organization, strategic thinking and behaviour, effective communication, responsibility, goal setting, having a vision, multi-level management, creativity and innovation, team building and attitude formation as well as relationship building and the ability to learn¹⁴.

An interesting variation of this approach, one which can be found in the national literature of the subject, involves collecting information through various surveys conducted on a group most keenly interested in the topic of good leaders – the employees. K. Latek-Olaszek refers to this concept in her study of the issue based on research of state institution¹⁵. Although the author repeatedly points out to the bias of questions in such surveys, in her opinion, the results of these studies do indicate the essence of the topic especially because they overlap with most of the approaches known from the literature on the subject. “Features of a dream leader: fair, honest, competent, caring for people, effective, inspiring respect. Characteristics of a nightmare leader: ignorant of the job, ineffable, manipulative, intolerant, explosive (unable to handle emotions), unreliable.”

Another way of approaching the issue, which is actually deeply rooted in the theory of management and the evolution of the entire science of economics, is proposed by Burns¹⁶ and Bass¹⁷, who published independently at the end of the 20th century. The

14 D. Patel, *11 Powerful Traits of Powerful Leaders*, “Forbes” 2017, [on-line] <https://www.forbes.com/sites/deepatell/2017/03/22/11-powerful-traits-of-successful-leaders/#6d7a2dfb469f>, [accessed: 20.08.2020].

15 K. Latek-Olaszek, *Co-leadership - a new leadership paradigm. Perspective of small and medium-sized enterprises*, [in:] “Academy of Management Review”, No. 3(3), 2019, at pp. 6–8.

16 Compare with M. J. Bums, *Leadership*, Harper & Row, New York 1978.

17 J. B. Avolio, M. B. Bass, *Transformational leadership, charisma and beyond* (Tech. Rep. No. 85–90), 1986; Bass B. M. *Leadership and performance beyond expectations*, New York: Free

two researchers distinguish between two basic types of leadership which, in their understanding combine numerous features important from the point of view of this very issue. The transactional and transformational leadership types that they describe differ significantly, however. As K. Kuhnert explains in his study on the development of this typology, according to the transactional approach, a leader initiates contacts for a very specific purpose and for the intention of “a transaction” (that is exchange) of something that can be valuable for all the involved entities¹⁸. This form of leadership seems to imply the importance of developing abilities that would allow leaders to perceive opportunities as well as threats related to such transactions. It can be an exchange of material goods, contacts, information or financial resources. Moreover, in this sense, leaders do not have to pay attention to relationships and created groups, because the initiated contact is most often and by its very definition impermanent and oriented towards an exchange – a transaction.

The second type of leadership, described by researchers and experts in management science as transformational, focuses mainly on the systems of relations, relationships and interactions, which were quite overlooked in the previous case. The transformational leader, in accordance with the adopted patterns and norms, embodies or should strive to embody most of the features mentioned in the earlier typologies. His or her power is largely due to the level of internal motivation and the ability to communicate it, and is additionally supported by competence, common goals and commitment. In the western economies of the 21st century, this type of leader seems to be mostly promoted and it also seems to be an effect and a response to the various changes taking place in the markets.

LEADERSHIP AND MANAGEMENT

Although the two concepts of management and leadership are identical in many respects, they do not completely overlap. The natural relationship between the two is obvious to the vast majority of researchers who publish across scientific studies. The popularity of the discourse consisting in explaining the differences and similarities between the two concepts is best illustrated by the publication of J. Kurnal, who states that both in the theoretical academic discourse and in the practice of the functioning of enterprises, there is such a powerful confusion of these concepts that one can encounter many neglected and often contradictory views¹⁹. Although this anecdotal approach may be questioned by some scholars, the fact remains that at the very beginning of the development of the science of management or leadership, the most eminent minds of classical thought, such as Plato and Aristotle, included management as the most important determinant of a skilled leader in their treatises²⁰.

Press 1985 and M. B. Bass, A. D. Waldman, *Transformational leadership and the falling dominoes effect* (Tech. Rep. No. 86–99), 1986.

18 K. W. Kuhnert, P. Lewis, *Transactional and Transformational Leadership: A Constructive/Developmental Analysis*, [in:] “The Academy of Management Review”, No. 12(4), 1987.

19 J. Kurnal, *Outline of the theory of organization and management*. PWE, Warsaw 1970, at pp. 15-18, pp. 123-150 and pp. 357–381.

20 Compare with K. A. Piasecki, *The leadership model*, Profesja Publishing House, Krakow 2006.

The differences between these two concepts, so widely described in the literature on the subject, are discussed by R. Karaszewski. In his opinion, what distinguishes leaders from managers is the focus of the former on a wider vision and perspective²¹. Hence, the dividing line that most frequently appears in the national literature on the subject makes several major points:

- Setting goals/creating a vision for action v. planning/organizing budget and resources;
- Communication regarding goals and directing v. working within the structure and establishing procedures;
- Motivating, inspiring and stimulating to take action v. creating solutions to specific problems while working within a clearly defined and customized structure;
- Long-term plans v. work in the perspective of the upcoming financial plans and related results.

According to the traditional management functions model defined by Fayol at the very beginning of the 20th century, management is an area that evolves within the framework of planning (forecasting), organizing (administering), coordinating (of resources and activities), leading (through specific commands used to implement specific plans) and controlling (the effectiveness of the implementation of adopted plans). This classical division of Fayol's management functions, despite their 100 years of tradition, seems to be still present in the academic discourse, defining those areas which until now have been recognized as forming the basis for understanding the science of management²². One must notice, however, that leadership starts to differ from the framework adopted in the literature on the subject and starts to describe work within a narrower horizon and frameworks defined by strict rules and structures. A group leader is responsible for shaping attitudes, setting a broad framework of activity and deciding on the general concept of work to which all the components of the organization and its specific structure are then subjected to²³.

J. Kurnal, mentioned earlier in this section, states for example that leadership, when defined as influencing other people and entire teams, does go beyond the subject definition reserved for the concept of management. In his dissertation and referring to the line of reasoning of J. Kurnal, L. Cioborowski states, while describing the elements of leadership, that "in this succinct term, there are clearly three components of leadership: the leading subject, the object which is led and all the links between them, which in fact consist of an impact by the leading subject on the object that causes the latter to behave in accordance with the will of the former"²⁴.

21 R. Karaszewski, *Leadership in the global business environment*, Torun 2008, at p. 68.

22 Compare with A. D. Wren, G. A. Bedeian, D. J. Breeze, *The foundations of Henri Fayol's administrative theory*, [in:] "Management Decision", 40(9), 2002, at pp. 906–918 or J. Machaczka, *The Basics of Management*, AE, Krakow 2001, at pp. 36–67.

23 Compare with N. Thomas, *Leadership according to John Adair*, Oficyna Publishing House, Krakow 2009.

24 L. Cioborowski, *Management and command in hierarchical organizations*, 2010, at p. 84.

LEADERSHIP STYLES

Both in the literature on the subject focused on the issue of management and leadership, and in business practice, there are many answers to the questions about the characteristics of an ideal leader. This is best described by the number of different typologies presented in chapter 2.2. A broader issue, focused on a wider set of behaviours, attitudes, relationships and approaches of leaders, concerns the styles of leadership as distinguished both on the academic and practical level.

As one can read in the business literature, which is at the intersection of practical issues and practice taken from the market, “a leadership style can be described as a set of managerial behaviours aimed at achieving a specific goal in relation to a specific employee, a specific task in a specific time”²⁵. There are many typologies on the styles of leadership itself as well as on specific traits that characterize perfect leaders. The HRstandard portal quoted above distinguishes primarily between the directive and self-empowering approach.

The former, according to the editors of the portal, defines an activity aimed mainly at direct management of employees. This happens through the distribution of tasks, evaluation of the progress of work and control of the given results. This style of management and leadership of an organization directly drives the activities of employees. The second distinguished type, however, the self-empowering behaviour, is about shifting the freedom, possibility of making one’s own decisions as well as the responsibility for the effects to the side of the employees. It is in this style of leadership that HRstandard places coaching and motivational activities that transfer control into the hands of employees, who in turn become more independent and are most often held accountable for the results of their work, rather than for the processes adopted along the way.

The description of sets of features and the development of literature on the theory of styles and behaviours was carried out by such authors as S.P. Robbins²⁶, E. Ogbonna and L.C. Harris²⁷. It is worth mentioning here that the division into transactional and transformational leadership is also in line with the theory of styles and behaviours and thus corresponds to describing sets of features and mutual relations. A direct reference to the chapter presented above may be the steering grid diagram that appears in the works of Robbins²⁸.

25 *Leadership styles*, [on-line] <https://hrstandard.pl/2009/11/23/style-przewodzenia/>, accessed 20.08.2020.

26 Compare with P. S. Robbins, *Behaviour in organization*, Polish Economic Publishing House, Warsaw 1998.

27 E. Ogbonna, C. L. Harris, *Leadership style, organizational culture and performance: empirical evidence from UK companies*, [in:] “The International Journal of Human Resource Management”, 11(4), 2000.

28 S. P. Robbins, *Op cit.*, at note 27, at pp. 235–245.

Table 3. Steering grid.

Significant	9 (1,9)								(9,9)
Concern for people	8								
	7								
	6								
	5				(5,5)				
	4								
	3								
2									
Small	1 (1,1)	2	3	4	5	6	7	8	9 (9,1)
	Small	Concern for production							Significant

Source: Own elaborations based on S. P. Robbins, *Behaviour...*, at p. 245.

Management theorists, using the diagram presented above, define several dozen different styles that can be found in the diagram above. The numerical points so presented show only the edges of the board developed by Robbins and they distinguish:

- Club-social style²⁹ that can be characterized by the most significant concern and attention to staff, focusing on issues such as free communication and atmosphere at workplace. It is represented by coordinates 1.9.
- The impoverished-distanced style that can be characterized by, as J. A. Stoner and Ch. Wankel put it, the lack of interest when it comes to both work processes and the well-being of employees. This is, in my opinion, a somewhat unfair characteristic of leadership that is kept away from the decision centre. This style of leadership is represented by coordinates 1.1 on the diagram.
- Balance style that is represented by coordinates 5.5 and is characterized by the attempts to balance employees' interests and work results. In his study, E. Maslyk describes this form of leadership as the "halfway" management style³⁰.
- Authoritarian or task-oriented style that is represented by coordinates 9.1 and is oriented towards achieving goals, with the minimum emphasis placed on production or market success while remaining disinterested in the needs of the employees³¹.
- The integrated style, also often referred to as democratic – represented by coordinates 9.9. This form of management combines a strong focus on goals and results with concern for work comfort, motivation as well as freedom of an employee. According to the literature on the subject, this style seems to meet most of the needs of leaders of the 21st century.

²⁹ Compare with E. Maslyk, E. Musiał, *Society and organizations*, UMCS Publishing House, Lublin 1996.

³⁰ *Op cit.*, at note 30, at pp. 116–120.

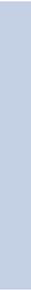
³¹ Compare with I. J. Stoker, C. J. Looise, H. Fisscher, *Leadership and innovation: relations between leadership, individual characteristics and the functioning of R&D teams*, [in:] "The International Journal of Human Resource Management", 12 (7), 2001 and A. J. Stoner, Ch. Wankel, *Leading*, Polish Economic Publishing House, Warsaw 1992.

Yet another typology of styles, which fully corresponds to what we can find under the above-mentioned points on the analytical grid, was proposed by R. Likert. The author divides leadership styles into those that are people-oriented (that is staff, employees and their needs) and those that are goal-oriented. Similarly, J. Kurnal, already mentioned many times in this work, distinguishes a directive style (resembling a task-oriented style) and an integrative style. Whereas R. Lippitt and R. K. White propose a separate division into three leadership styles, namely:

- The autocratic style which places a leader in the centre of management and work organization. Using his arbitrary and individual metric, such leader makes decisions concerning an entire organization. The motives of his actions may result from any sources and there seems to be a great distance between the leader and the rest of the organization.
- A participatory style (also referred to as democratic) where communication in the organization is both horizontal and vertical, and is usually also characterized by being open. The leader here focuses on conveying the vision, motivation and supporting action. Although he is not present in every decision-making process, he only indicates the broad context of tasks.
- Lesephyrism, which is a style characterized by the leader's distance and passivity in many areas of the organization's life.

It is worth mentioning that each of the above leadership styles is an answer to the quest for the most effective way to manage an organization and achieve its goals. Following the definition by M. Armstrong, it is also an answer to a question of which set of features and what approach to subordinates will change their behaviour and create the most effective processes. The author wrote: "leadership can be defined as the ability to convince others to change their behaviour. The task of team leaders is to achieve their goals with the help of the group. That is why leaders and their groups are interdependent"³².

32 M. Armstrong, *Human Resources Management*, ABC Publishing House, Krakow 2000, at p. 146.





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Changes in Pharma marketing

Summary

This paper highlights the gradual change of pharma marketing in Germany regarding planning and implementation. It shows why Germany needs to have such regulations since it leads to research and development in medicinal products. It gives an overview of general information on medicinal products, how pharmaceuticals ought to promote their products, the use of the internet, transparency, and disclosure on trials, payment, hospitality, and required information about a product.

Keywords: Pharmamarketing, advertising, promotion, medicinal products, health professional.

DEFINING PHAMAMARKETING

Germany is one of the leading countries in Europe and globally leading in the best pharmaceutical industry and marketing aspects¹. This has been attained due to some unique elements; it has a large population of more than 80 million individuals, mandatory health insurance that ensures that each patient is financially endowed, demographic change where the number of aging increase while childbirth decreases, a high number of the chronic patients due to aging population, and out-pocket payment where individuals prefer to pay for prescribed drugs although the government dictates price². Phamamarketing refers to offline and digital strategies for promoting drugs or medical equipment to consumers or medical users.

1 PFundner, H. "The Pharmaceutical Industry In Germany," Last Modified January 27, 2021, <https://www.gtai.de/resource/blob/63952/21bad69357f5f17af57bad0aa6c0a62c/ThePharmaceuticalIndustryGermany.pdf>

2 Robinson, James C., Dimitra Panteli, and Patricia Ex. "Reference pricing in Germany: implications for US pharmaceutical purchasing." Issue Brief (Commonw Fund) 2019 (2019): 1–8.

CHANGES IN PHARMACEUTICAL PRECISELY ON PLANNING AND IMPLEMENTATION

Considering that Germany is the leading in the research and development of pharmaceuticals, it is a perfect example of planning and implementing guidelines related to promoting their product.

GENERAL- MEDICAL PRODUCTS

According to the German civil court, the word “advertising refers to any information passed door-to-door, inducement-designed products to promote prescription. Law governs advertising Advertising in the area of Healthcare. A large part of Healthcare professionals complies with the FSA-Code of Conduct known as FSA-Code of Conduct Healthcare Professionals. FSA adopted the FSA-Code of Conduct Patient Organizations in 2008, which was recently amended in 2020³. The FSA suggestions on the Collaboration of the Pharmaceutical Industry partnered with Health systems and workers were published in 2010, later amended in 2014⁴. German Drug Act Section 74a states that any individual or pharmaceutical entrepreneur ought to have a responsible official that ensures product labeling, advertising, and package leaflets reflect the right marketing authorization content⁵. However, advertising medical products do not necessarily have to be approved in a specific circumstance. In the case where a competitor finds an unlawful advertisement, it has the authority to stop the advert. Nonetheless, it has no power to publish a corrective advertisement. Negligence to comply with the law could lead to a fine of Euro 50 000 where the public prosecution must conduct an investigation first.

PREDISPOSING INFORMATION PRIOR AUTHORIZATION OF MEDICAL PRODUCTS

The HWG is acceptable to the promotion of a certain medical product that relates to advertising. Any advertising for a product has to acquire market authorization or else be considered unlawful. Exchange of medical information related to marketing and development is acceptable. Any form of publication related to medical products, which is not excluded by marketing power, should not be promoted. It is acceptable to reveal information through media regarding an unauthorized product. However, it is considered unacceptable when a company gives a press release form considering it is a promotion. Thus, a press release must be draft in a way that does not depict promotion features. Also, unsolicited information is prohibited, especially when predisposed to healthcare professionals. If a health professional requires information

3 Clifford, C. “Pharmaceuticals Advertising laws in Germany”, Last Modified June 5, 2020, <https://iclq.com/practice-areas/pharmaceutical-advertising-laws-and-regulations/germany>

4 Gutorova, Nataliya, Oleksii Soloviov, and Dimitri Olejnik. „Improper Healthcare Marketing: German and Ukrainian Experience in Prevention.” *Wiadomosci lekarskie* (Warsaw, Poland: 1960) 72, no. 12 cz 2 (2019): 2404–2409.

5 *ibid*

regarding the products is not unless as long as the brand is not revealed⁶. In the case where an institution develops a product, it may provide information regarding it considering it does not advertise the product. Also, health care workers may be involved in the market research if there is no promotion.

ADVERTISEMENT TO HEALTH PROFESSIONAL

Advertising products to health professionals must follow speculated guidelines for a specific brand.

- Must ensure it has the company's name and address.
- Name of the product
- Composition of the product
- Side effect
- Contraindications
- Therapeutic indication
- Well highlighted precautions specifically for insofar use which require labeling in packaging and containers
- Must have prescription-only” (changes in pharmaceutical)

Medical products are not supposed to be promoted before authorized in the market. Thus, the following activities are not allowed.

- Misleading adverts
- Gifts and other forms of promotions
- Promotion activities aim at public recognition

Medical practitioners are prohibited from advertising their products or commercial activities. There is no law regarding head-to-head data before clinical trials in Germany. However, advertising ought not to mislead, meaning that scientific claims are not allowed. Comparison of competitors products' is allowed to the health professionals, but not to the public since it might be misleading. It is vital to note that there is no regulation regarding the distribution of scientific papers. Also, German laws do not provide any regulation against teaser advertisements. A form of information suggests to a reader about following information on the product; however, an advertisement should not occur.

GIFTS AND FINANCIAL INCENTIVES

According to German Act Section 47 para. 3-4, health workers may be provided with a medicinal sample if they make a written request from the manufacturer⁷. If the

6 Navar, A. M., Taylor, B., Mulder, H., Fievitz, E., Monda, K. L., Fievitz, A., ... & Peterson, E. D. (2017). Association of prior authorization and out-of-pocket costs with patient access to PCSK9 inhibitor therapy. *JAMA cardiology*, 2(11), 1217–1225.

7 Clifford, C. Pharmaceuticals Advertising laws in Germany”, Last Modified June 5, 2020, <https://iclg.com/practice-areas/pharmaceutical-advertising-laws-and-regulations/germany>

individual or entrepreneur offers to donate or give gifts, it is against HWG principles⁸. The information legible: educational materials and medical samples or utilities providing direct information to medical professionals. The same rule applies to medical institutions, but a recognizable company offers a grand donation to institutions that are non-profit for medical research. Promotors must acknowledge that providing educational services and goods is unacceptable according to Professional Code for Physician general rule. There is no specific rule in the case of a refund scheme since it might be considered a misleading advertisement⁹. Although Germany's population has less trust in these firms¹⁰. Pharmaceutical firms may work with National Health System provided they adhere to the given guidelines. Some of the laws will apply, such as public procurement and goods sourcing. The pharmaceutical company may offer financial contributions to Continuing medical education. CME ought to stand in relation to the application of area research respective of the company. The CME has a right to have image promotion depicting education efforts, such as the association of CME in the pharmaceutical logo.

HOSPITAL AND RELATED PAYMENT

The hospitality offering to health workers is governed by German legal provisions such as HWG. Hospitality must be reasonable and must not be given to purchasing and prescription influence, and for that reason, it is offered for training and education events. In concern of health workers attending a scientific event, one must be remunerated if the individual is not giving a presentation avoid active participation. The pharmaceutical company is responsible for all the content presented in such an event. Moreover, the physicians are not limited; there may offer expert services to the firms, but payment ought to remain in a contractual relationship¹¹. Also, the health professionals can be paid in the case of Post-marketing Surveillance Studies participation. For a company to qualify for PMS-Studies, it must have an objective and legitimate interest in finding the data conclusive physician written agreement¹². The health professional must have the required skills and knowledge for such work. On this issue, the physicians may be paid for market research promotion.

8 Bleicken, Kai Christian, Elisabeth Engels, and Hendrik Schneider. „Between criminal law and corporate social responsibility.“ (2020).

9 Schöner, Manuela M., Dimitris Kourouklis, Philipp Sandner, Erick Gonzalez, and Jonas Förster. „Blockchain technology in the pharmaceutical industry.“ Frankfurt, Germany: Frankfurt School Blockchain Center (2017).

10 Balog-Way, Dominic, Darrick Evensen, Ragnar Löfstedt, and Frederic Boudier. „Effects of public trust on behavioural intentions in the pharmaceutical sector: Data from six European countries.“ *Journal of Risk Research* (2019): 1–28.

11 Shnier, Adrienne. „Fraudulent Misrepresentation and Fraudulent Concealment in Products Liability in Tort Law in Canada: The Special Relationship Between Drug Companies and Consumers in the Context of the Fraudulent Misrepresentation and Fraudulent Concealment of Data.“ In *Integrity, Transparency and Corruption in Healthcare & Research on Health, Volume I*, pp. 161–215. Springer, Singapore, 2020.

12 Bertone, Maria Paola, Jean-Benoit Falisse, Giuliano Russo, and Sophie Witter. „Context matters (but how and why?) A hypothesis-led literature review of performance based financing in fragile and conflict-affected health systems.“ *PLoS One* 13, no. 4 (2018): e0195301.

ADVERTISEMENT TO THE GENERAL PUBLIC

Non-prescription medical products may be advertised to the public, but they need to adhere to policies under the general rule. In the case where adverts target the general public, the firm must seek an invitation for physician advice and go through packaging leaflets, particularly on “in case of side effects, seek medical advice from your doctor¹³. Adverse severe such as chronic disease is avoided. Advertising prescription to the public is not allowed to the public¹⁴. In relation to adverse disease, firms are prohibited from advertising campaigns of prescription to a particular condition. Pharmaceutical companies may offer press releases of a specific product, but they should avoid any form of advertisement. Description of research initiatives and medical products in annual reports or corporate brochures must comply with guidelines for advertising pharmaceutical products. In an organization collaborating with the patient, the officials need to respect and remain neutral to FSA-Code of Conduct Patient Organization independence¹⁵. It should remain transparent to avoid breaching any policy avoid involving suggestions from a group of medicines or any affiliated groups or individuals. Moreover, it should avoid giving gifts or donations to patients. Finally, if an advert acts as remember for a product, it should not have essential information or have an invitation to look for health professional advice.

TRANSPARENCY AND DISCLOSURE

Pharmaceuticals are allowed to report on an ongoing trial result to confirm on safety and efficacy of medicinal products. The results must be presented in their nature, whether favorable or not. FSA Transparency Code advocates for value transfer in donations, research, development, training events, or any benefit. The rules apply to individuals of the FSA, such as German companies¹⁶. For every individual recipient, the disclosure ought to have personal information concerning holistic transfer when there is the transfer of value¹⁷. The disclosure of the data should be publicized through a website for company.

THE INTERNET

In Germany rules, there is none regulating internet use as well advertising applies. It must adhere to the adverting guidelines provided and work to elevate them in all circumstances. German websites ought to adhere to German Telecommunication

13 Koinig, Isabell, Sandra Diehl, and Barbara Mueller. „For Risks and Side Effects, Ask Your Doctor or Pharmacist.” *Cross-Cultural Consumer Responses to Pharmaceutical Advertising Regulation—Evidence from Brazil, Germany, and the US.* In *Advances in Advertising Research IX*, pp. 243–256. Springer Gabler, Wiesbaden, 2018.

14 Wegner, J. *Pharmaceutical Advertising 2021*, Last Modified March 4, 2021, <https://practiceguides.chambers.com/practice-guides/pharmaceutical-advertising-2021/germany>

15 Clifford, C. *Pharmaceuticals Advertising laws in Germany*, Last Modified June 5, 2020, <https://iclg.com/practice-areas/pharmaceutical-advertising-laws-and-regulations/germany>

16 Mulinari, Shai, Luc Martinon, Pierre-Alain Jachiet, and Piotr Ozieranski. „Pharmaceutical industry self-regulation and non-transparency: country and company level analysis of payments to healthcare professionals in seven European countries.” *Health Policy* (2021).

17 Gehle, Hans-Albert, and Henrik Herrmann. „Criteria to Assess Independence in Continuing Medical Education (CME): Independence through Competence and Transparency.” *Journal of European CME* 9, no. 1 (2020): doi.org/10.1080/21614083.2020.1811557.

Services¹⁸. It requires the display of information such as the address and name of the firm, registered number, and domicile. The websites must comply with the legal guidelines. Pharmaceutical companies are liable for any information they publish on the website, even the case of a third party. In a situation where a company reviews the content and discovers it is illegal, it ought to get rid.

DEVELOPMENT IN PHARMACEUTICAL ADVERTISING

Health policy on environment and development field, reimbursement and sales of medicinal products are upheaval state. They are significantly required in healthcare institutions' systems. New technologies such as apps that both physicians and patients can use have focused on pharmaceutical firms to provide "add on" information¹⁹. New technology passed in 2019, patients are required to have health apps upon prescription. The act included several regulations regarding the implementation of digital services. On this concern, giving health apps as "add-ons" should be critically assessed to ensure they do not violate the given legal framework. Another perfect example of an assessed support program aiming to support patients at home by a private nurse. FSA thoroughly amended the FSA-Code Conduct Healthcare Professional guidelines²⁰. The regulations ensure that a private nurse considers pharmaceutical aspects not to promote any medicinal product.

CONCLUSION

Pharma marketing may be abused without planning and implementation of the regulation of pharmaceuticals. For that reason, German regulations are the best has changed from time to time to catch up with Industry 4.0²¹. That depicts the value of individual and population health, which may otherwise be abused without speculated guidelines. Pharmaceuticals has to provide product information and ensures that any of the platforms or health professionals are not influence as a way of promotion. Moreover, it does not mean companies have limitations regarding a joint venture into research and publishing annual reports. The essential aspect is to consider that guidelines to ensure breaching of the laws does not occur.

18 Keppler, L. "Telecom, Media, and Internet Laws and Regulation", last modified December 11, 2020, <https://iclg.com/practice-areas/telecoms-media-and-internet-laws-and-regulations/germany>

19 Kaltheuner, Matthias, Diana Drossel, and Lutz Heinemann. "DiaDigital Apps: evaluation of smartphone apps using a quality rating methodology for use by patients and diabetologists in Germany." *Journal of diabetes science and technology* 13, no. 4 (2019): 756–762.

20 Karas, Laura, Robin Feldman, Ge Bai, So Yeon Kang, and Gerard F. Anderson. "Pharmaceutical Industry Funding to Patient-Advocacy Organization: A Cross-National Comparison of Disclosure Codes and Regulation." *Hastings Int'l & Comp. L. Rev.* 42 (2019): 453.

21 Kawalec, Paweł, Tomas Tesar, Lenka Vostalova, Pero Draganic, Manoela Manova, Alexandra Savova, Guenka Petrova et al. "Pharmaceutical regulation in Central and Eastern European countries: a current review." *Frontiers in pharmacology* 8 (2017): 892.

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CSR Education within MBA Programmes

Summary

In this short article, the idea of CSR education provided in MBA programmes is presented. The article's main aim is to identify MBA programmes that are the most suitable for CSR-related education. The article is based on the research problem stated by Nithin Coca, who claims that education is the missing piece in holistic CSR strategies. The methods of analysis, synthesis, induction and deduction were used to fulfil the paper's aim. As a result, the MBA programme called Business Ethics and CSR was identified.

Keywords: CSR, MBA, education.

INTRODUCTION AND THEORETICAL BACKGROUND

In general, “an MBA, short for a master of business administration, is a graduate degree that provides students with practical and theoretical training to aid them in better understanding the general functions of business management” (Sechel Ventures, ret. 2021).

In other words, “it is an internationally recognised degree designed to develop the skills required for careers in business and management.” Also, the value of the MBA is not limited strictly to the business world. This degree can also be useful for those pursuing a managerial career in the public sector, government, private industry, and other areas (FIND MBA, ret. 2021).

As stated by De Novellis (2021), “the MBA is the world's most popular graduate management degree; it gives you fundamental management knowledge, meaning you'll get a holistic view of the business across areas like marketing, finance, and accounting, all while developing those vital soft skills and leadership skills.” It was

firstly introduced by Harvard University Graduate School of Administration in 1908 (now Harvard Business School).

According to Corona (ret. 2021), the MBA provides a solid foundation in business fundamentals and gives people opportunities to develop the more intangible qualities necessary to be a successful manager or entrepreneur. “The MBA is like a package of different elements that are necessary to start your own business or to run an existing business,” he stated.

METHODOLOGY

Our motivation comes from the research published by Coca (2021) in the online magazine of the Sustainable Brands – the premier global community of brand innovators who are shaping the future of commerce worldwide whose objectives are to inspire, engage, and equip business leaders and practitioners who see social and environmental challenges as an essential driver of brand innovation, value creation, and positive impact. The article’s main aim is to identify MBA programmes that are the most suitable for CSR-related education. Coca’s research fits in perfectly, while it focuses on education as the missing piece in holistic CSR strategies. Coca himself is a freelance writer who focuses on global economic, and environmental issues with an aim at building channels of communication and collaboration around common challenges.

RESULTS

MBA programmes provide theoretical and practical training for business or investment management. The MBA is designed to help graduates gain a better understanding of general business management functions. Such a degree can have a broad focus or a specific focus in accounting, finance, marketing, and relationship management. They typically include core classes in accounting, management, finance, marketing, and business law. “Management training is at the heart of any MBA curriculum, with a focus on leadership, planning, business strategy, organisational behaviour, and the more human sides of running a large or small business” (Kagan, 2021).

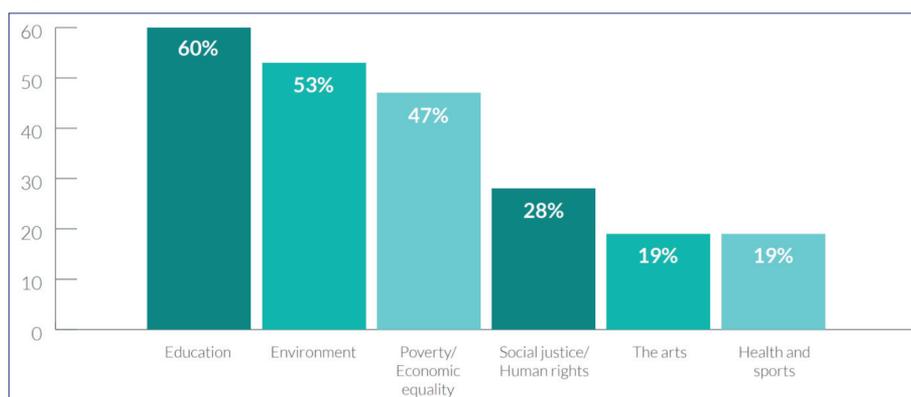
According to Hayes (2021), MBA programmes involve a broad spectrum of business-related topics, including accounting, statistics, economics, communications, management, and entrepreneurship. “MBA programmes not only prepare students to work for financial institutions, but they also prepare them for management positions or as founders of start-up companies.” There are two routes one can take to earn their MBA. The first is a full-time or a part-time program. Although both result in an MBA.

Also, modern universities providing MBA programmes are linked to developments in the world of science, technology, arts and culture of attachment to society (CSR). Through the development of education and prepare students to enter the labour market, universities contribute to the development of the whole society (Vartiak, 2014).

On the other hand, a successful company cannot focus only on itself. The key is to be socially responsible, which should be cored in MBA programmes. This theory is supported by Coca (2021): “These forward-thinking companies’ efforts show that committing to education as part of a brand’s CSR strategy is, truly, a commitment – but one that can pay dividends both to society and the company itself.”

“Companies have a range of options when considering where to spend their CSR budgets. “According to EVERFI (2019), sixty per cent of consumers want companies to spend their CSR budgets on education – more than art, health, sports or economic inequality. They also found that 66 per cent of consumers say companies have an obligation to invest in the future workforce through education (Figure 1).

Figure 1. Education’s role in CSR (EVERFI, 2019)



Majorities of consumers say education is a crucial part of any CSR model. Seventy-eight per cent of consumers say it is important that education be a part or remain a part of CSR models. Consumers not only want education to be a part of CSR models, they say companies have a responsibility to invest in it. In contrast, sixty-six per cent of consumers say companies have an obligation to invest in the future workforce through education. Only twenty-five per cent of consumers say companies do not have an obligation to provide education to students who may or may not work for them one day (EVERFI, 2019).

When comparing Coca’s research (2021), EVERFI research (2019) and the coverage of the MBA programme consisting of (Collegium Humanum, ret. 2021): development of body self-awareness and interoception, elements of cognitive psychology and neuroaesthetics, development of instincts through which a person can become involved in the process leading to deeper personal integration and professional development, studying the relationship of senses with instincts and creativity, creative skills and professional competences, learning observation and critical assessment of situations, development of creative problem solving, studying imaginary worlds, development of abstract and creative thinking, development of the ability to concretise problems and to look at them creatively, reviewing existing competences and seeing them in a creative perspective, experiencing a greater mental balance while increasing spontaneity and adaptability, increasing bodily awareness in human development, body experience including all

conscious and unconscious experiences of a cognitive and emotional nature, we can conclude that there are common interests between MBA education and CSR.

Another step is to look at the main MBA programmes of Collegium Humanum – Warsaw Management University (ret. 2021) as one of the best-ranked universities providing MBA programmes in Europe:

- Public speaking and image creation (Public Relations, Social Media, Brand Management and Personal Branding),
- Story telling,
- Digital Marketing,
- Mobile Marketing,
- Managing crisis situations,
- Business Ethics and CSR,
- BMC (Body Mind Centering),
- Real time composition,
- Design Thinking,
- Television, Broadcast Marketing and New Technologies in Advertising,
- Dynamics in business,
- Designing the recipient's experience,
- Copyright and GDPR,
- Search Engine Marketing (SEM),
- Business psychology and mentoring,
- Marketing,
- Business etiquette and savoir vivre,
- Talent and human resources management,
- Leadership and coaching.

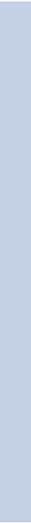
As can be seen above, there is a highly competitive MBA programme called Business Ethics and CSR, which provides the best possibility of CSR education within MBA programmes.

CONCLUSION

This article aimed to identify MBA programmes that are the most suitable for CSR related education, based on the research published by Coca (2021) in the online magazine of the Sustainable Brands, EVERFI research and analysis of MBA programmes of one of the best-ranked universities providing MBA programmes in Europe, Collegium Humanum – Warsaw Management University. As a result, the MBA programme called Business Ethics and CSR, which provides the best possibility of CSR education within MBA programmes, was identified.

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The relation of ethics and logic to the world in *Tractatus Logico-Philosophicus*

Summary

The paper addresses the question of the extent to which they are right that the *Tractatus Logico-philosophicus* is a self-destructive work that has only a therapeutic message and does not have a meaningful philosophical content. We have tried to argue against this view. We believe that *Tractatus* has a positive, albeit unspeakable, message, as well as that his statements are metaphilosophical sentences that are ultimately beneficial. Wittgenstein's therapy was not exclusively concerned, and the claims he postulated also had metaphilosophical value. However, it excludes metaphysics, in the sense of meta-metaphysics, they are opposed to metaphysics. Many types of statements, including ethics, cannot be meaningfully expressed, they can only be shown. We claim that Wittgenstein clearly separated what is shown and what is possible to say, as well as the fact that his life in the period of *Tractatus* writing and the years after it was a period in which he showed ethics by action. We acknowledge that the New Wittgensteinian have drawn attention to the intent to release the *Tractatus*. This is their merit, but we also recognize the importance of the content of the *Tractatus*.

Key words: Wittgenstein, *Tractatus Logico-Philosophicus*, the *New Wittgensteineans*, *ethics*, *values*, *nonsense*.

In recent decades, a school has emerged. the New Wittgensteinian, which makes quite a comment on the topic of publishing the book *Tractatus Logico - Philosophicus*. Its meaning should be that Wittgenstein did not publish this work with the intention of postulating some new kind of philosophical thinking, not even contributing to philosophy in any way. „The New Wittgensteinian, according to which the *Tractatus* is more or less exclusively a therapeutic work that is consciously self-destructive in terms of content“ (Glombíček 2014a, p. 364) do not take its content seriously. We will try to show that this is just as nonsense as the absurd claim of some researchers who

have tried to show that the undoubtedly genius thinker Wittgenstein was autistic (Silva 2019), (Fitzgerald 2000).

„The *Tractatus Logico-Philosophicus* clarifies the business of logic it proposes the picture theory of language, details the internal relation between representation and reality, offers a philosophy of science, and includes reflections on ethics, aesthetics, and the will“ (Nordmann 2005, p. 49). Wittgenstein caused *Tractatus Logico - Philosophicus* to appear in a nascent analytical philosophy by publishing his work. It was a key, iconic text for the Vienna Circle. True, even in the Vienna Circle, not everyone accepted Wittgenstein in unison. Some representatives of logical empiricism had reservations about Wittgenstein's way of thinking, most notably left-wing Otto Neurath and Rudolf Carnap. While Carnap has since In 1929 he did not take part in further discussions with Wittgenstein, Neurath constantly shouted that he was metaphysics while reading Wittgenstein's first book. Anything that was meticulous to metaphysics was rejected by the Viennese representatives of logical positivism as unacceptable. Hans Hahn, who led a seminar on it, practically introduced the treatise to the members of the circle (Mudra 2015, p. 22). By contrast, Moritz Schlick and Friedrich Weismann were positively influenced by Wittgenstein. Carnap's resistance, however, was not absolute, he sympathized with some of Wittgenstein's ideas.

The motive for writing and publishing the book can be deduced from the introduction that Wittgenstein prepared. It is not a textbook, its goal is the inner pleasure of the reader, who also thought about the problems. Wittgenstein did not ironize the book, nor did he want to negatively negate it. In the first paragraphs of the introduction, the sentence can be read: „The book deals with the problems of philosophy and shows, as I believe that the method of formulating these problems rests on the misunderstanding of the logic of our language“ (Wittgenstein 1922, p. 23). Wittgenstein actually puts the whole meaning into the statement - what can be said (empirically descriptive statements) can be said clearly, and everything else that is unspeakable must be kept silent. The book limits the expression of ideas because it shows that meaningful talk is only about what can be said. Thus, there is a boundary in language within which meaningful speech is possible. In the beginning, Wittgenstein makes no claim to the full authorship of his ideas. He doesn't care at all if any philosopher has already expressed similar thoughts before him. Gottlob Frege and Bertrand Russell have just given inspiration. He considers the ideas expressed in the work to be valuable, although it does not rule out that others may do it better in the future.

Perhaps completely against the view that the *Tractatus* is a self-destructive, deconstructive book, the sentences say: “On the other hand the truth of the thoughts communicated here seems to me unassailable and definitive. I am, therefore, of the opinion that the problems have in essentials been finally solved”(Wittgenstein 1922, p. 24). The author himself states that it is possible to see how little has been solved by this. From our point of view, it is certainly not a statement of the nonsense or self-destructiveness of a work, it is a claim that the *Tractatus* is a canon rather than an organon.

As Glombíček shows, „the contribution of the new Wittgensteinians is perhaps especially in the thematization of the overall intention of the Treatise, which traditional interpretations rather overlooked“ (Glombíček 2014a, p. 364). Glombíček does not accept the overall destructive meaning of the *Tractatus* as perceived by

the new Wittgensteinian, but at the same time appreciates their contribution in understanding Wittgenstein's therapeutic approach in the *Tractatus*. According to Glombíček, the book is not a theoretical contribution, but a therapy in an effort to cure philosophical problems. However, he does not think that it is without doctrinal content, as the mentioned new wittgensteineans claim. In this sense, he describes their opinion as wrong. As he points out in several places, the content of the *Tractatus* is metaphilosophical. Wittgenstein certainly did not despise philosophy, but according to Glombíček it was necessary to change the approach to philosophical problems - not to try to answer a philosophical question, but to „reveal the confusion on which the problem formulation itself stands“ (Glombíček 2014a, p. 369).

However, our interpreter also draws attention to another fact - I am deliberately talking about reality, as this is how Wittgenstein himself expressed it - the meaning of the book is ethical. This would be the practical meaning of the book. Wittgenstein is no philosophical florist. If, at the end of the book, he talks about the nonsense of sentences that the reader has already understood and therefore does not need. According to Glombíček, this cannot be overlooked, which is certainly true. However, it is a sense to rise above them, to understand and no longer need them. Wittgenstein does not claim here that the *Tractatus* is nonsense, has no real content and is completely self-destructive. Glombíček points out that his focus is metaphilosophical. Wittgenstein did not feel the need to change anything in the *Tractatus* in his early days.

Glombíček draws attention to the importance of correspondence between Russell and Wittgenstein, specifically Wittgenstein's letter to Russell of 1919. In it, he draws attention to the well-known distance between the words to say and to show how in the *Tractatus*. „In this passage, it is most striking that Wittgenstein describes this main point of the book as a theory“ (Glombíček 2014b, p. 518). This is identified in the letter as the leitmotif of Wittgenstein's first book. He expects Russell to understand what he means. Glombíček reminds that Wittgenstein's connotations of this word are not positive.

Wittgenstein's letter to the publisher is also important in terms of grasping the meaning of the *Tractatus*. It re-emphasizes the ethical meaning of the book. It's his unwritten part. „For I wanted to write that my work consists of two parts: the one you have in front of you and all that I have not written“ (Wittgenstein 1979, p. 94). He considered the unwritten part of the book to be an important part. It is a definition of what must be kept silent. It is not tellable, so it is defined from within. Wittgenstein himself perceived the book as highly specialized, not intended for laymen. This unwritten is nonsense, „but literally (as Frank Ramsey later said sarcastically) important nonsense“ (Glombíček 2014b, p. 522). The book is therefore an ethical area, verbally elusive. In a similar vein, Reichardt speaks of Wittgenstein's efforts to achieve a new, non-philosophical approach to ethics (Reichardt 2021). The transition to aesthetics is very similar, as pointed out by the example of García (García 2020). This may open the way for ignoring the history of ethical thinking, Hämäläinen (Hämäläinen 2020) questions this issue, but there is no room in this paper to discuss it. Ethics is certainly transcendental, as Wittgenstein says, but it cannot be talked about. „However, he does not declare that ethics is meaningless, rather he argues that ethical assertions, if any, are nonsensical because in using them we go beyond significant language“ (Kapoor 2018, p. 365). However, he does not perceive it as

justifiable other than ontologically - even if it is unspeakable. This is contrary to Putnam's view, for example, that he thinks there are no absolute values in ethics. Wittgenstein's opposite view is advocated by Nath (Nath 2019). The unspeakability of ethics and the need to remain silent about it are related to the ideas of Samuel Beckett (Koval and Kryukova 2019).

According to Wittgenstein, metaphysics itself is also nonsense. Despite the fact that Neurath often shouted the word metaphysics while reading the *Tractatus*, Wittgenstein did not give any text in which he wanted to postulate metaphysical or ontological teachings. Wittgenstein's negative attitude towards metaphysics was explained in particular in two contradictory ways: "(i) as corresponding to the elimination of metaphysics itself, on the ground of its nonsensicality; ii) as corresponding to the apperception of the untenability of metaphysical talk, in virtue of what it involves could not be entirely graspable" (Venturinha 2012, p. 307). Both approaches are rejected by the prominent author Cora Diamond. She encourages us not to take language that corresponds to reality seriously. Diamond says that Wittgenstein's goal is to replace the whole philosophical vocabulary in such a way that what cannot be said can be shown symbolically (Diamond 1991, p. 183). Diamond, in keeping with the New Wittgensteinians, perceives *Tractatus* as a work that is therapeutic in nature. He also argues with concluding remarks and a preface that if one understands the *Tractatus*, he will understand that his sentences are meaningless. The problem is that the last pages that are remarks on sentence 6 are of an ethical nature. He also supports this in a letter to publisher Ficker. Diamond tries to interpret the ethics of the *Tractatus*. According to Diamond, ethical proposals themselves are also nonsense; according to her, the book is only a „kind of imaginative activity“ (Diamond 2000, p. 157). Diamond's claim would not be far from the idea that then anything can be said nonsense. However, Diamond does not have radical attitudes according to which any ethical statements are meaningless, like Ayer and early Carnap. The conclusion that Diamond made is that Wittgenstein's intention is to see the world in the right way and not have false ideas about the role of philosophy. She distinguishes between ethical and philosophical nonsense. The purpose of the use of nonsense, according to Diamond, is to free philosophers from metaphysics. True, Diamond's views on the meaning of *Tractatus* have many critics (all of which include Hacker (Hacker 2001).

Ethics is therefore the main purpose of publishing the *Tractatus*. He pointed out in it that it is simply not possible to postulate theories about ethics in any way. He therefore considered the history of ethical theories to be an anthology of nonsense, as it cannot be said. Some correlations can be compared with another Wittgenstein text that Wittgenstein conceived 11 years later, which historians of philosophy move back to the middle period of Wittgenstein's work. This is his well-known lecture on ethics.

Here, the question may seem appropriate, to what extent is this the middle period of production in a given lecture, if its content is ethical? In some studies, Ambrozy addresses the issue of defining the boundary between early and middle Wittgenstein. He is specifically interested in the field of philosophy of religion and the field of philosophy of mathematics. In the field of philosophy of mathematics, he argues that a generally accepted division of Wittgenstein's philosophy into three periods is not possible here (Ambrozy 2018a). We consider interesting the statement of Gomulka: „It should be noted, however, that while the turn in the thought of the

Viennese philosopher meant radical changes in the understanding of the role and functioning of logic and language, in the case of mathematics one can rather speak of the continuity of certain fundamental intuitions” (Gomulka 2016, p. 91). In the field of ethics, Ambrozy argues that „Wittgenstein does not add anything new to the understanding of ethics and religion, he merely explains these issues from a different perspective“ (Ambrozy 2018b, p. 117). Therefore, in this sense, it is not possible to speak of any middle Wittgenstein in the field of ethics regarding the given lecture, as it is a kind of consideration behind the *Tractatus*. Beran marked this text as an afterthought to the *Tractatus* (Beran 2013).

Although Wittgenstein was not born British and did not express himself in this way, Glombíček claims that the fact that the *Lecture on Ethics* was not written in his native language has no effect on its content (Glombíček 2015, p. 65). His lecture is not a superficial excursion in the style of popularization of ethics, nor a real professional lecture, as the auditorium is not qualified for it. The audience consisted of the audience of the intellectual association *Heretics*. In turn, there was not enough time left for an expert explanation of logic. The given lecture is not intended for professional logic circles. Wittgenstein’s well-known lecture on ethics, one of the two texts he allowed to publish, gave essentially the same view (as the *Tractatus*) on the untoldability of ethics, based on nonverbalizable axiology; Wittgenstein did not deviate at all from the spirit of the *Treatise* in this lecture; on the contrary, it is an effort to incorporate listeners into philosophizing in the spirit of the first Wittgenstein book (Glombíček 2015, p. 67). The character of the lecture is instructive, inspiring, as Glombíček points out, the effect of the lecture on the audience is about the same as the effect of Wittgenstein’s letter on the publisher Ficker.

In the lecture, Wittgenstein asks about the meaning of the word good. He states that in ethics the word good is not used in a completely general way. Wittgenstein compares the use of the term good in terms of good use of a chair, or a good way of playing tennis, and the use of that word in ethics. The particular purpose aspect is absent there. Ethical judgments are absolute judgments. However, they are nothing supernatural. At the same time, they are not sentences about facts, so they don’t make sense. Wittgenstein „claims that no scientific book could ever speak of ethics and thus reminds the philosophers that they ought to remain silent on the matter“ (De Montigny 2015, p. 377). However, this is not a positivist attitude. Wittgenstein’s views, including on ethics, have never been positivistic. Wittgenstein’s method discloses the inadequacy of the program of positivism: criticizing the „naive“ absolutism of pre-scientific forms of culture (myth, religion, ethics, metaphysics), positivism does not recognize the uncommon contents inherent in these forms and therefore positivism finds it possible to reduce these forms just to the facts, leveling, thereby, their genuine meaning” (Danko 2018, p. 186).

In the context of ethics, the mystical problem can be seen as important and interesting in Wittgenstein. It’s not easy to identify with him. Wittgenstein does not mean anything religious, as pointed out by Beran (Beran 2010). This researcher believes that Wittgenstein’s notion of mysticism can be perceived less problematically in comparison with his late views. It is related to his decisions to believe some of the propositions, as he describes in *On Certainty*. However, we will try to explain this concept of itself within the framework of early creation.

Wittgenstein in the *Tractatus* does not talk about mysticism in any secret. He certainly does not mean any visions or ideas that he would come up with in some strange ecstasy, such as Plotinos' ecstasy, his explanation is less mysterious. It has to do with the transcendentalism of ethics and aesthetics. Ethics is not associated with reward and punishment. The phrase 6. 44 „Not how the world is, is the mystical, but that it is“ is associated with this (Wittgenstein 1922, p. 89). We can assign to this, which is one of the cardinal thematic areas of Heidegger's philosophy of the first period. While Heidegger asks the question and tries to find meaningful answers, according to Wittgenstein it is a problem that cannot be solved in language. The question of why there is something more than nothing cannot be answered. The amazement at the existence of the world, which Wittgenstein describes, is just another reflection of Heidegger's problem of the primacy of being over nothing. The second feeling that Wittgenstein describes is his feeling of complete safety within the will of God. These feelings cannot be described or verified by science, they are just subtle inner feelings. They are very important, but they cannot be talked about. Mysticism is what is present but unpronounceable, because its verbalization breeds nonsense. „The pursuit of ethical statements constantly hits the limits of language“ (Beran 2013, p. 45).

God is outside this world and does not appear in it (6. 432). According to Wittgenstein, God is not present in a scientifically accurate description of the world, he is a God of values, so it is not possible to speak of him. It is something that cannot be seen in the world and described in the language of natural sciences. Wittgenstein also writes: „The feeling of the world as a limited whole is the mystical feeling“ (Wittgenstein 1922, p. 89). We cannot determine whether or not the world is a bounded whole, after all, it also belongs to Kant's cosmological aporias. Adherence to one possibility is one of inner feelings, but it is not possible to verbalize because it would be nonsense. The problems of life would not be answered by scientific questions, even if these scientific questions were answered in full, because they lie elsewhere. His problems concern the meaning and values of what is internal. He also considers the meaning of life to be unpronounceable. As Tejedor points out, it is certainly not a choice between two attitudes to the world (Tejedor 2012).

„Wittgenstein's first acknowledgment that there could be such a thing as a language game with ethical words, for the fact that ethical language is ruled nonsense by the criteria of the *Tractatus* was not enough to stand in the way of Wittgenstein's seeing and reporting the fact that people just do constantly go on talking this way“ (Wolcher 1998, p. 35). In essence, one can agree with Beran (2013), who believes that Wittgenstein's above-mentioned lecture actually brings a repetitorium of the treatise's understanding of ethics. As Beran continues, ethical facts can be understood and dealt with on an intuitive level. However, in the projection of the language of the *Tractatus* framework, it is not possible to classify ethical statements as a language that deals with facts. The obvious impact goes mainly into philosophical language, where it is not possible to talk about ethical theories in any way and to accept, resp. reject their arguments. In any case, this is a discussion that does not make sense.

Logical sentences are not the ones that depict the world, they can only show (Nemec 2013, 470-471). The sentences of logic, after all, are tautologies. Logic as a mirror image of the world cannot be pronounced, it can only be shown. The same can be said about the inner properties of objects, the inner property is immanent to the object, the

object must have it. This is also shown in the sentence, but it is not stated. The sentence has something to do with reality, its logical form. It is also true that it is not possible to talk about it meaningfully, just to show it (Kolman 2011). You can't go beyond logical form and talk about it. Philosophy is an activity that defines the boundaries of natural sentences. We can also look at the sentences of the *Tractatus*. They basically try to show, by their claims, the boundaries of language. In the final sense, the words thus become meaningless after reading the *Tractatus*, as soon as the reader discovers Wittgenstein's understanding of the meaning of language statements. The sentences of the *Tractatus* are neither sentences of logic nor sentences of natural sciences. It is basically an attempt to say what can only be shown (Smiešková 2014, p. 24).

The sentences of ethics (like a meaningful ethical theory) also have no meaning. Nevertheless, transcendental ethics is of great importance. It is not possible to talk about them. The values are ineffable. It is also possible to say, ethics can be shown without words. This can be done as an example. Although Wittgenstein did not postulate any ethical theory in his first period, he showed it quite brilliantly by his actions. It doesn't make sense to talk about it, but it can also be shown by concrete actions. The treatise afterthoughts that Beran writes about took place not only on the level of lectures and notes, but also on the level of deeds. Here, Wittgenstein set an example where words were not enough because they would not make sense.

Today, the classic biographer Monk (1991) colorfully describes the details of Wittgenstein's life after his father's death, until the beginning of further interest in philosophy, as several years after the writing of *Tractatus* he considered this discipline complete. After his father's death, Wittgenstein became one of the richest people in Europe. He treated the inherited property very exemplarily. Wittgenstein distributed all his property. He supported some members of his family, many scientists, artists. He secured many people financially. After handing over the property, he decided to make a living only from his work. The First World War came into play. Wittgenstein decided to enlist, even though he was not abducted. Although he had the full right to become an officer, he enlisted among the team. Here he became famous as a war hero, especially by the fact that when he refused the order to retreat, he remained in position and defended this position, thus facing an enemy attack. After the war, Wittgenstein made a living as a gardener. He later decided that he would be useful using his intellect and knowledge, so after graduating from another school he started as a teacher in folk schools in the Austrian countryside. He worked here for several years. Many children were grateful to him, especially if Wittgenstein discovered some talent and helped them move professionally in life. He later designed a house in Vienna for his sister. He designed it as the architectural embodiment of the *Tractatus*. This building is an important architectural monument. The ethical dimension of his personality was very strong. It can be said that Wittgenstein also became an important philanthropist. Wittgenstein simply lived the unwritten part of the *Tractatus*.

CONCLUSION

Although Wittgenstein wrote that after reading the *Tractatus*, it will be found that his sentences are in fact meaningless, because they do not belong to science or logic. However, it cannot be taken literally that the *Tractatus* is meaningless. Simply put,

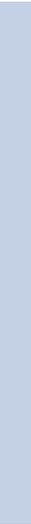
Wittgenstein had to say them in order to know that they were actually pointless and that they could throw themselves off a ladder if we got somewhere. However, it would not be possible without a ladder. Somehow it had to be expressed, showing was not enough. It is not as the New Wittgensteineans describe that the *Tractatus* is a self-destructive work of no value. In essence, we agree with Glombíček (2014, pp. 364-365) that a) the point of *Tractatus* is ethical, the language fits the description of the world. Ethics is important, but ethical and philosophical theories cannot be formulated. However, the work cannot be evaluated exclusively therapeutically, because the sentences of the *Tractatus* say something, they are statements about logic, about the relationship between logic and the world, simply the book has some content and it should not be denied. The relationship between logic and the world, as well as ethics, is not said, but it turns out. The true content of the *Tractatus* can be interpreted as a metaphilosophy.

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Multi-channel marketing in the pharmaceutical industry, especially for the stationary pharmacy

Summary

Multichannel advertising is the training embraced by firms that endeavors to empower ideal associations with clients utilizing a mix of the roundabout and direct correspondence channels like retail locations, sites, post-office-based mail, email, mail request inventories, and versatile among others. This is conceivable when firms embrace different advertising mixes of both immediate and roundabout correspondence channels.¹ Firms can interconnect with their clients utilizing different stages and channels like print, site, items bundles, verbal exchange, and even area of retail outlets.² Multichannel promoting depends on the idea that firm clients have various options in getting to items data about items and administrations delivered by an association. The appropriation of different techniques is intended to guarantee that clients can have the option to get the assorted item and administration data based on their practices and segment data. The selection of multichannel advertising is helpful to firms as it empowers speedy distinguishing proof of client criticism which is thus used to expand showcasing endeavors using the appropriation of advancement techniques (Schoenbachler and Gordon, 2002).³

Key words: pharmacy, science.

1 Wirtz, B. W. (2008).

2 HARRIS, L. (2002). Pp. 295.

3 Schoenbachler, D. D., & Gordon, G. L. (2002). Pp. 42–53.

To do multichannel showcasing effectively, firms need to make and keep a solitary client see across all the distinguished advertising channels, foundations of a multichannel promoting stage are basic and finally the making of reliable client encounters across the embraced different advertising channels.⁴ Multi-channel showcasing is the cycle by which associations convey just as market their possibilities to clients by utilization of assorted channels that involve both on the web and disconnected. The different embraced multichannel advertising channels, for example, online stages like web indexes, email, and informal organizations just as disconnected stages like TV, radio, and print empowers further admittance to more objective clients.⁵

The reception of these different promoting channels permits organizations to out to clients all the more effectively, what's more, they make it simple for focus just as current clients to extensively finish any ideal discussions with potential firms where they would make a buy.⁶ At the point when firms embrace multichannel advertising stages, they can have the option to coordinate both conventional and arising directs in amicability. This thus prompts incredible rearrangements of both creations just as the execution of cross-channel crusades empowers advertisers to make promoting efforts that can be effectively repeated across arranged showcasing channels. This hence increments on potential positive advertising results. This empowers firms to connect with the perfect individuals at the perfect time prompting costs to decrease that enhances promoting endeavors adequacy.⁷

MULTI-CHANNEL MARKETING IN THE STATIONARY PHARMACY

The cutting-edge working climate for organizations has gotten cutthroat because of the expanded globalization and internationalization of firms. This has thusly called upon firms to pursue beating one another.⁸ To stay serious and hold current pieces of the pie, firms have depended on devise methodologies that will empower them to infiltrate the market all together increment their client base and benefits.⁹ One of the key systems includes the dissemination of labor and products to make the spot esteem. Most organizations pick dissemination channels that guarantee their item arrive at the designated clients at the correct time and helpful area.¹⁰

Promoting channels empower firms to durable client connections by offering their clients and possibilities items, administrations, and backing through at least two channels simultaneously. It is significant for associations as it empowers associations with a chance to exist in all conditions that clients are.¹¹ Fundamentally, the reception of different firm systems pointed toward embracing a blend of advertising procedures prompts significant increases as firms can have the option to outflank their rivals. The

4 Santoro, M. A., & Gorrie, T. M. (2005). *Ethics and the pharmaceutical industry*. Cambridge University Press.

5 Wierenga, B., van Tilburg, A., Grunert, K. G., Steenkamp, J. B. E., & Wedel, M. (Eds.). (2012).

6 Rosenbloom, B. (2007). Pp. 4–9.

7 Duffy, D. L. (2004). Pp. 356–359.

8 Cooper, D. R., Schindler, P. S., & Sun, J. (2006).

9 Neslin, S., & Shankar, V. (2009). Pp. 70–81.

10 Percy, L. (2008).

11 Rangaswamy, A., & Van Bruggen, G. H. (2005). Pp. 5–11.

drug business is essentially extending in the cutting edge world which has prompted increases in the number of drug organizations. The capacity of these organizations to embrace suitable and all-around expressed advertising methodologies will prompt better execution because of more profound market infiltration.¹²

Firms have turned to turn out to be more market arranged via creating items that are more applicable to their clients. The appropriation of relevant dissemination channels is one of the key methodologies being received to empower firms to connect with more possible clients continuously. All together for drug organizations to endure, they need to foster showcasing procedures that will empower them to be just about as close as conceivable to their clients. What's more, the selection of fitting showcasing mediums will empower them to more readily react to the colossal augmentation of contenders similar to the current case in the drug business.¹³ This appropriation will be instrumental in empowering drug organizations to accomplish hierarchical targets comparable to business sectors and clients base. The selection of different circulation channels that embarks to make drug items and administrations more accessible for utilization by clients is in this way a key appropriate issue confronting drug firms.¹⁴

The drug business is confronted with drug closeness inferable from the huge number of firms that are available on the lookout. The reception of lively advertising channels can be utilized to additionally recognize market specialties from which sold medications can overwhelm.¹⁵ The capacity to prevail as far as medications sold isn't simply founded on medication quality yet it is likewise founded on the capacity to vivaciously showcase sold meds. The cutting-edge drugs market is colossally more perplexing as characterized by new items that are persistently being dispatched at an amazing speed. The rise of innovative advancements has likewise expanded alternatives accessible to clients.¹⁶

A multi-channel advertising correspondence system surveys the various kinds of client contact with an association to then decide how these touch focuses can be fused inside a showcasing plan to arrive at goals. This technique includes both on the web and disconnected channels and can associate the outbound call with a site and email, for instance.¹⁷

Multi-channels methodologies get from an inward review to decide client channel inclinations just as the inclinations of the association generally dependent on inside measures. Drug associations are needed to think about numerous components of the methodology, like client knowledge, the experience just as its interior ability while embracing multi-channel methodologies.¹⁸

Two basic showcasing methodologies that drug associations can comprehensively receive emerge from this kind of system.

12 Morgan, N. A., Vorhies, D. W., & Mason, C. H. (2009). pp. 909–920.

13 Cravens, D. W., Piercy, N. F., & Baldauf, A. (2009). pp. 31–49.

14 Currah, A. (2002). Pp. 1411–1441.

15 Estelami, H. (2009).

16 Kotler, P., Armstrong, G., & Saunders, J. (2001).

17 Wawuda, R. W. (2016).

18 Berthon, P. R., Pitt, L. F., Plangger, K., & Shapiro, D. (2012). pp. 261–271.

Figure 1. Example of multichannel marketing in the pharmaceutical Industry¹⁹



CUSTOMER ACQUISITION STRATEGY

A client obtaining system characterizes the best blend of media and commitment apparatuses (lead age and item offers) to acquire new clients by focusing on them and contacting them through on the web and disconnected client ventures. This system includes a showcasing focal point of creating new business leads and clients, frequently as inbound deals related inquiries. A fundamental segment for most associations.²⁰

CUSTOMER RETENTION STRATEGY

A client maintenance technique centers less around creating new clients and zeros in addition to keeping current clients - clients who you've effectively put resources into and acquired - cheerful, faithful, and purchasing from you. This may incorporate conveying administration that is predictable with your offer and brand or strategically pitching, up-selling, requesting references from existing clients, and creating programs that increment client steadfastness. Client administration groups are set up for this very explanation.²¹

¹⁹ <https://agnitio.com/multi-channel-marketing>

²⁰ Arnett, D. B., & Wittmann, C. M. (2014). pp. 324–331.

²¹ Johnson, N. (2015).

Other than immediate, computerized B2C²² correspondence, an on-location presence at the retail location is indispensable. The stock of medications using fixed drug stores offers the choice of creating an immediate deal through publicizing and suggestions.

Moderately new is the advanced retail location. Online prescription orders through fixed, mail-request drug stores or through pharmacy chains offer wellbeing items with the free home conveyance. This is changing the conventional plan of action of the fixed drug store, yet it additionally stunningly shows that patient necessities in the medical care framework have likewise grown carefully.²³

EFFECTIVENESS OF MULTI-CHANNEL MARKETING TO STATIONARY PHARMACY

A considerable lot of the advantages to HCPs²⁴ – expanded pertinence, more adaptable substance conveyance, better client encounters, and so forth – additionally advantage life science organizations since they improve correspondence and decidedly sway patient results.

There are likewise explicit advantages for pharma and MedTech organizations.²⁵

INCREASE MARKETING ROI

An information-driven multichannel methodology permits you to quantify the ROI of your advertising materials. Since channels are associated, you likewise interface information streams. With a total outline of what, when, and how the substance is being gotten to – you can perceive what is working and act rapidly to make upgrades.²⁶

EMPOWER REPS

Multichannel isn't just a tool for marketing managers, it also empowers customer teams. Physical HCP meetings, for example, can be supplemented with online 'remote' contacts and other forms of virtual engagement. And reps can also enable HCPs to access other channels with on-demand content often personalized to each contact's specific needs.²⁷

Utilizing these innovations together makes it feasible for reps to shift back and forth between eye-to-eye gatherings and simply computerized correspondence to follow-up or quickly react to ask. Reps would then be able to save voyaging time and lead more gatherings each day, expanding your showcasing financial plan.²⁸ Similarly, online courses and conferences convey high worth to HCPs while being cost-productive.

22 Business to customer

23 Kalyanam, K., & Tsay, A. A. (2013). Pp. 19–68.

24 Healthcare Common procedure Coding System

25 Knecht, M. (2013).

26 Shim, J. P., French, A. M., Guo, C., & Jablonski, J. (2015). pp. 39.

27 Kibicho, J., & Owczarzak, J. (2012). pp. 20–28.

28 Strand, M. A., Tellers, J., Patterson, A., Ross, A., & Palombi, L. (2016). pp. 247–256.



Figure 2. Empower Rep²⁹

MATCH YOUR MARKET SEGMENTATION

Numerous organizations are taking a more portioned go-to-showcase system in which more modest field powers center around high-need clients.³⁰ Multichannel empowers a key record technique by conveying client encounters that coordinate with your market division.

One methodology is to utilize high-worth ‘balanced’ channels with need targets. These would then be able to be enhanced with on-request data, contingent upon your particular methodology and crowds inclinations.³¹

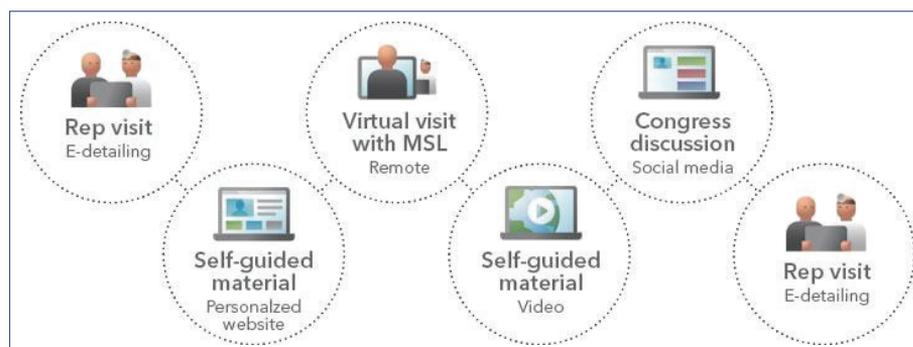


Figure 3. The illustration of high worth client venture is as follows.³²

For lower-possible records, more independent and on-request channels can keep up your pharma advertising reach – and may even extend it as the broad utilization of innovation decreases the expense per contact.³³

²⁹ <https://agnitio.com/multi-channel-marketing/>

³⁰ Freathy, P., & O'connell, F. (2000).

³¹ Temkin, B. D. (2010). pp. 20.

³² <https://agnitio.com/multi-channel-marketing/>

³³ Kuehnl, Jozic, D., & Homburg, C. (2019). pp. 551–568.



Figure 3. Example of a low potential customer journey.

CONCLUSION

Multi-channel showcasing addresses the drug business' novel answer for the difficulties of accomplishing improved business efficiency with progressively obliged special spending plans. By consolidating conventional and distant advanced commitment strategies, a savvy network with key medical services partners can be accomplished. Nonetheless, pharma organizations face an extra test as far as modifying nearer connections and trust with prescribers, payers, and patients. Multi-channel marketing in pharmacies as part of customer satisfaction in information and the new ways to develop their own business have been substantiated. The characteristics of traditional and digital information channels are presented. As the digital market experts have noted the weak activity of pharmaceutical companies in this field, it is necessary to conduct additional studies on the effectiveness of the use of certain digital communications in pharmacies.

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Factors That Influenced the 2016 US Presidential Elections

Summary

This paper analyzes the economic factors that influenced the 2016 US presidential elections. One of the significant factors of the economy that affected the elections is the economic growth that the country experienced that year. After much research it is found that economic factors including unemployment and rates of inflation have reduced influence on elections.

Key words: spending, employs, elections, governments, democracies.

INTRODUCTION

Most of the United States Presidential elections draw much attention from the world including that of 2016. This is because the US has the strongest economy in the globe hence its transition process does affect other nations. It is for this reason that many researchers have embarked on forecasting the results of the elections even before they are done.¹ Voters choose political parties to vote for depending on the policies outlined by parties. Since voters are more informed, their most preferred policies do affect their voting decision. In any congressional elections, the presidential party's fate is largely dependent on the economic performance of the nation before the elections. It is for this reason that politicians go as far as manipulating the economy in order to garner votes. Presidents tend to the short term conditions in the economy just before elections are done. Additionally, voters support politicians who enhance their personal financial and economic status compared to those who do not. Economic conditions therefore play an indirect role in influencing the decision of the voters.² Some of the researchers have included

1 Healy, Andrew and Lenz, Gabriel. 2017. "Presidential voting and the local economy: Evidence from Two Population-Based data sets." *Journal of Politics* 79(104): 1419-32.

2 Jackson, James (2015) "the Economic impact upon Modern US elections," university Av-

factors of the economy in making the forecast while some focus on non-economic factors. This paper explores the various economic factors that influenced 2016 United States Presidential elections.

The Fair model of forecasting the US presidential elections outcomes employs some parameters of the economy including;

- a) Rate of growth of real per capita GDP for the first three quarters of the year of election
- b) Rate of growth of the deflator of GDP in the first fifteen quarters after the president takes office
- c) The quarters among the first fifteen where the real growth rate of annual per capita is more than 3.2%.

The rate of unemployment is also considered to be an economic factor influencing the US elections together with the country's GDP. This is seen as a significant element that tends to gauge the levels of dissatisfaction amongst the US voter.³ According to Jackson (2015) the rate of unemployment is a very significant factor amongst all other factors of the economy.⁴

Another major factor that influences US presidential election is inflation. The US presidential election fiscal model that was developed by Cuzan (2016) employs four Fair model variables.⁵ According to the Fiscal model, other economic variables that affect presidential elections include; Rate of growth of real GDP and expansion or contractionary fiscal policies employed by incumbent party.⁶ The above factors, inflation is clearly seen to affect forecasting of the presidential elections.

The state of the economy has some effects on the outcome of presidential elections. Voters always attribute the state of the economy to the incumbent ruling party or president. If the economic conditions are poor, the current ruling party will be blamed. People always attribute the deteriorating economic conditions to the officials in power. According to Jackson (2015), personal financial conditions of the voters are not attributed to the failures of the government but the general state of the economy. Since the conditions of the economy affect an individual's way of living, voters consider economic factors while voting.⁷

Consequently, the state of the economy does influence the decision of candidates to run for an office. If any candidate goes against an incumbent having a thriving economy,

enue Undergraduate Journal of Economics: Vol. 3: Iss 1, Article 4. Available at <http://digitalcommons.iwu.edu/uauje/vol3/iss1/4>

3 Healy, Andrew and Lenz, Gabriel. 2017. "Presidential voting and the local economy: Evidence from Two Population-Based data sets." *Journal of Politics* 79(104): 1419–32.

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5 Cuzan, A.G. (2016). Fiscal model forecast for the 2016 US presidential election. Retrieved from: <http://pollyvote.com/wp-content/uploads/2016/08/FISCAL-MODEL-FORECAST-FOR-2016-AMERICAN-PRESIDENTIAL-ELECTION>.

6 InflationData.com. (2016). Historical crude oil prices (Table). Retrieved from: http://inflationdata.com/inflation/inflation_rate/historical_oil_prices_table.asp

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the candidate is likely to wait for the coming election. Every US presidential election that the rate of unemployment has reduced from previous years, the incumbent always wins. Additionally, candidates tend to have fear of the public considering economic factors while voting.⁸ Governments strive to ensure an increase in the real disposable income for individuals during the last twelve months prior to the congressional and presidential elections. The government increases these efforts since they acknowledge that economic conditions have an influence in how people vote.

SIGNIFICANCE OF ECONOMIC VARIABLES

These are variables that directly affects the economy of a state. They include rate of unemployment, inflation, rate of growth of GDP. These are variables that indicate the success or failures of the incumbent presidency and the achievements of the ruling party. Other economic factors like prices of gold indicate the performance of the US economy against other economies in the globe. Matters relating to the United States budget reflects on how effective the government manages the economy. This concludes that factors of the economy have a significance influence on presidential elections.⁹

ECONOMIC ISSUES OF 2016 US PRESIDENTIAL ELECTIONS

The state of US economy played a major role in the 2016 presidential outcome where Donald Trump won against his close contender Hillary Clinton. The state of the economy together with terrorism were some of the top issues that affected the decision of voters in 2016. However, the stagnation in wages as from 2014 made economic factors less important in 2016.¹⁰ The outcome of the stagnation in wages was experienced in the election for congress in 2014 when Democrats lost to the Republicans. The Democrats were not able to appeal to the voters since majority of the average working population had experience reduced or lack of any improvements in the economy during president Obama administration. Despite Clinton having a competitive edge over Trump over several issues, Trump ideologies of enhancing the conditions in the economy and defending the state against terrorism resonated better with the voters.

During the first months of president Obama administration, the US economy was seen to rise. This could have given the Democrats an upper hand come 2016. Consequently, the reduction in prices for energy made the future of the Democrats very promising. The prices of crude oil dropped from \$100 to \$70 because of reduced demand for oil and reduction in cost of production. This in turn led to reduction in taxes and meant that in the coming years, Americans could use less finances to buy gas. Additionally, since the cost of production was reduced, the products for

8 Fair, R. C. (2014). The effect of economic events on votes for president. *Review of Economics and Statistics*, 60, 159–173.

9 McDaniel, Jason and McElwee, Sean. 2017. "Fear of Diversity Made people more likely to Vote Trump". Available at <https://www.thenation.co/rticl/ear-of-diversity-made-people-more-likely-to-vote-trump/>

10 Fair, R. C. (2014). The effect of economic events on votes for president. *Review of Economics and Statistics*, 60, 159–173.

consumers were affordable. According to the Democrats, the benefits gotten from reduction of expenditures could help them in influencing voters in the 2016 elections. Voters may reward the Democratic Party another term in office.

However, despite the many improvements in the economy, majority of the employed Americans failed to realize any true improvements in the economy. This is because many of the jobs created are part time and they pay poor wages. Additionally, the jobs came with reduced benefits that many were dissatisfied with. Consequently, inequality in income was a major issue since those people with technical skills commanded more pay than others. Only the people at the top get improved gains whereas the other percentage of the population received reduced returns. Although the economy experienced growth in corporate returns and the market for equities, the citizens were dissatisfied.¹¹ It is for these reasons that Americans blamed the flawed leadership of President Obama for their struggles. In 2016 presidential elections, the Democrats were not able to convince American voters that the policies developed helped in the economic recovery.¹² This made Donald Trump triumph in the 2016 presidential elections.

A major highlight of the Obama administration was creation of jobs. Despite the increase in the income of people, there was increase racial division in the US. The income for the whites increased by 70% more than that of blacks. This was seen as a failure from the current government since it had failed the African American and the Latinos. Trump capitalized on the failures of the Democratic Party during his 2016 campaigns.¹³

Issues affecting the economy dominated the 2016 presidential elections as they were major concerns for the voters. Despite these issues giving a party a competitive advantage, the economy still gives each party some opportunities and risks. With the reduction of the rate of unemployment in the United States following the growth in job opportunities, the economy was seen to have a strong consistency. Both the financial market and the corporate profits grew from the recession period hence enhancing the output from foreign and domestic market. All these factors should have worked for the Democrats which was the ruling party.

On the contrary, these economic factors did not favor the Democrats in the 2016 presidential elections. Some of the Democrats were against the policies passed by the Obama administration as it only favored the millionaires and left out ordinary citizens.¹⁴ In the 2016 presidential debate, whose main focus were economic issues, majority of the candidates did put the blame on the Obama administration for stagnation of wages and inequalities in income.¹⁵

11 Funke, Manuel, Schularick, Moritz and Tresch, Cristoph. 2015. "The political Aftermath of Financial Crises: going to extremes." Available at <http://voxeu.org/rticl/political-aftermath-financial-crises-going-extremes>.

12 Shepard, Steven. 2016. "The 11 states that will determine the 2016 election." Available at <https://www.politico.com/tor/01/onald-trump-hilary-clinton-battleground-states-224025>.

13 Gimpel, James, G. 2017. "Immigration policy opinion and the 2016 presidential vote." Available at <https://cis.or/epor/immigration-policy-opinion-and-2016-presidential-vote>.

14 Funke, Manuel, Schularick, Moritz and Tresch, Cristoph. 2015. "The political Aftermath of Financial Crises: going to extremes." Available at <http://voxeu.org/rticl/political-aftermath-financial-crises-going-extremes>.

15 Hooghe, M., & Dassonneville, R. (2018). Explaining the Trump vote: the effect of racist sentiment ant anti-immigrant sentiments. *American Political Science Association*, vol.51, no. 03. 528–534

The Obama administration was seen to be driving a consumer economy which created problems in the US economy since the middle class people were suffering. During the campaigns in 2016 between Clinton and Donald Trump, the policies from the Republicans resonated with majority of the Americans. Although Clinton had a plan of giving tax reliefs to the middle class people, increase funds for infrastructure and closing the tax loopholes, it was going to be difficult to pass those policies through the Republican congress.¹⁶ On the other hand, Trump had laid down some economic policies of adjusting the tax brackets to boost growth of the economy.

Reduced propensity to vote is also attributed to poor economic conditions, something that led to Trump winning.¹⁷ There is increased evidence that distress in the US economy influenced the 2016 presidential election outcome. A number of voters who supported Donald Trump had increased income and were not likely to lose their jobs through immigration and trade. Additionally, those in support of Trump were living in geographical locations with increased reliance on Social Security income. According to Shepard (2016), counties experiencing reduces growth in wages showed much support for Donald Trump compared to those having increased growth in wages.¹⁸

Donald Trump was able to exploit the long term distress in the economy to his advantage in the 2016 presidential elections. The rise in the cost of health care and the narrative that politicians are focused on serving themselves are some of the economic issues that led to Clinton's downfall. Trumps ideologies on social security and free trade lured voters to his side since the deals in trade would help the base of manufacturing in the US and put an end to the stagnation of wages that the country experienced as a result of increase in immigration. The Democrats were blamed for increased immigration, terrorism, crime and economic hardship.¹⁹ These issues made majority of voters to resonate with Donald Trump. Trump was seen as better candidate in reducing the influence of special groups and the lobbyists.²⁰

As explained by Mutz (2018), majority of voters in 2016 voted for president Trump because of the treat to their social status. The white majority felt like the immigrants and the black threatened their existence domestically. On an international level, the group felt that China was taking over the global dominance which was a big threat to the US. In the long-run, this dominance could have affected the economic conditions in the US. The US citizens gave their support to the Republicans because of their status in the society and the economy. This made many people support Trump's ideologies and policies leading to his win.²¹

16 Hill, Seth. 2016. "Changing votes or changing voters? How candidates and Election Context Swing Voters and Mobilize the Base." *Electoral studies* 48: 131–41.

17 Igielnik, Ruth, Keeter, Scott, Kennedy, Courtney and Bradley, Spahn. 2018. "Commercial voter files and the study of U.S politics."

18 Shepard, Steven. 2016. "The 11 states that will determine the 2016 election." Available at <https://www.politico.com/tor/01/onald-trump-hilary-clinton-battleground-states-224025>.

19 Panagopoulos, Costs. 2016. "all about that Base: Changing Campaign Strategies in US Presidential Elections." *Party politics* 22(2): 179–90

20 Gimpel, James, G. 2017. "Immigration policy opinion and the 2016 presidential vote." Available at <https://cis.or/epor/immigration-policy-opinion-and-2016-presidential-vote>.

21 Mutz, D.C. (2018). Status threat, not economic hardship, explains the 2016 presidential vote. *Proceedings of the National Academy of Sciences of the United States of America*, E4330–E4339.

In the history of the United States of America, citizens vote for the current party if the economy is doing well. But when the standards of living are hard, they tend to demand for change. Barack Obama won against George Bush in 2008 at a time when the economy was in recession. Consequently, markets also have a good response to predictable election outcomes. The S&P usually decreases by 2.8% averagely whenever a president who has been in office for two terms leaves the office.²² The 2016 presidential election was a unique one since both Clinton and Trump had different but unique visions for the Americans. This could end up negatively affecting markets.²³

CONCLUSION

The 2016 US presidential election was a consequential one ever since the world war. Economic factors such as rate of inflation, inequalities in income and unemployment largely influenced the outcome of that election. Trumps policies on immigration, free trade and terrorism resonated better with the Americans who wanted to maintain their economic status of being a super power. On the other hand, Clinton's campaign was filled with the critiques from the Obama administration that was coupled with income inequalities and lack of permanent jobs.²⁴ Citizens claimed that the top officials are the only ones that benefited from the Obama administration and not the ordinary US citizens.

The micro and macro-economic factors play a very significant role in the outcome of elections. People take these factors into consideration when gauging the success and failures of government and in making voting decisions. If citizens are dissatisfied with the performance of the scale on an economic scale, the probability of voting out the incumbent is very high. Despite democracy, voters usually assess the national conditions of the economy and reward or give punishment to the politicians responsible for those conditions. Voters tend to hold presidents in power accountable for the performance of the state's economy.

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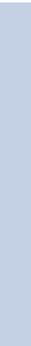
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23 Sides, John and Vavreck, Lynn. 2014. *The Gamble: Choice and Chance in 2016 Presidential Election*. Princeton, NJ: Princeton University press.

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A comparative empirical analysis of voter behavior 2012 and 2016 US elections

Summary

The analysis focuses on similarities and differences of behavior exhibited by voters in the 2012 and 2016 US elections with verification from empirical sources. The analysis has revealed the use of internet in both elections as well as the mobilization of certain groups of voters including Latinos, women, and working class. Social classes are also revealed to also have effect on the election due to the varying response by the groups during elections. The analysis of the two elections is not ample to come up with a decisive conclusion on the behavior of voters during elections in regard to their reaction to the political and other factors involved.

Key words: Campaigns, Election, Voters, Candidate, Party.

The United States of America conducts its elections under the United States Constitution ratified in 1788. In 1789 George Washington was anonymously elected as President under the newly ratified constitution (Washington, US presidential election). Prior to this, the nation had most of its power in the congress corresponding to the 1781 Articles of Confederation¹ of the United States. This was the first American national election which pioneered the elections to date (Maier, 2010). The ratified constitution of 1788 allowed US citizens to vote² therefore handing power to the people.³ Then, the US was but just a newly formed state⁴ with 13 regions. The people had not much experience in political and election procedures thus the process was run by a number of elites. Most voters voted on the basis of popularity.

1 Served as the country's constitution at the time and had its president position.

2 Only white men with a certain amount of property would vote.

3 Practice of democracy.

4 US had been governing itself for only about a decade.

Since then the US has made changes in the election procedure stipulated in the US constitution including the 12th Amendment and the 20th Amendment ratified in 1804 and 1933 respectively. These variations affected the procedure and the manner in which election process was to be conducted as well as pre-stated the consequences and measures of certain elective actions such as death of an office bearer. These specified dictations affect the response of voters during election, these response range from voter turnout, voting statistics, citizen's behavior during election period such as upheavals, and reaction to candidates during their campaigns (Fiske and Durante, 2014). This empirical analysis will strive to illustrate the similarities and differences of behavior exhibited by voters in the 2012 and 2016 US elections indicating the alteration of voters' behavior between the two US elections which were characterized mainly by the conduct of presidential election.

The 2012 election was characterized by subtle responses from voters as the presidential election face-off between Barack Obama⁵ and Mitt Romney ensued with campaigns focusing chiefly on domestic concerns such as the economic recession, long-term federal budgets, social insurance, the affordable care act, and the US military budget as well as the Iraq war phase-out. The election was peaked with the winning by Barack Obama who secured his presidential seat to complete his presidential second term. The 2016 US election was symbolized by the presidential contention between the Democratic party's Hilary Clinton and Republican's Donald Trump. The results were surprising with Donald Trump emerging as the victor, this is due to his controversial remarks made during his campaign (Bobo, 2017).

The voter turnout statistics in both the elections was similar; difference between the elections' number of voters was insignificant. 61.8 percent of citizens within the voting age were reported to have vote in 2012 while 61.4 percent reported to have voted in the 2016 US elections, the difference margin between the two election's voter turnout statistics is trivial.⁶ The drop seen in the 2016 election could be attributed to the lower turnout of black American voters compared to the 2012 elections. This could also be attributed to the fact that voters pay more attention towards a newly elected president than when there is involvement of an incumbent president.

According to Snyder and Yousaf (2020) a common voter behavior observed during the elections, preference for the popular candidate, greatly influenced election results. In the 2012 elections, Barack Obama was a popular candidate compared to his rival Mitt Romney. Donald Trump was the popular candidate among supporters and voters as indicated by his supporter's turnout during his campaigns.⁷ Voters are noted to vote in favor of populism rather than ideological aspirations by the candidates, the voters seem to forfeit political ideologies over populism. The winning candidates⁸ in the 2012 and 2016 US election won the elections and were considered to be more popular than their contesting counterparts.

5 The then incumbent president from the Democratic party.

6 Difference in the voting figure between 2012 and 2016 is 0.4.

7 Baldwin-Philippi, J. (2020). Data ops, objectivity, and outsiders: journalistic coverage of data campaigning. *Political Communication*, 37(4)

8 Barack Obama and Donald Trump.

Gendered policies in the 2016 US elections profoundly affected voter behavior unlike in 2012.⁹ There was bias against Hilary Clinton¹⁰ in the elections with most of potential voters having their preference for Donald Trump therefore proving the sway of election results by masculinity myth and beliefs in the US (Deckman and Cassese, 2019). These increased the chances of Donald Trump being voted for with a simultaneous increment of odds against Hilary Clinton. This antagonistic view of women proved to be a liability for female contenders while their male counterparts could use it as an advantage against their female rivals (Ratliff et al., 2019)

The support for candidates' ideologies¹¹ by supporters and voters is observed to alter in both the 2012 and 2016 elections. The candidates' ideologies are predominantly affected by activists either positively or negatively (Ensley, 2012). Voters in the elections were observed to participate in the support of those candidates who they favored their ideologies by actively campaigning for them; those who they opposed their principles they adversely campaigned against exposing their flaws and predicting their shortcomings if they were to be voted into the office. The voters with the highest levels of partisanship are noted to be active campaigners for their favored c party and candidates. They were noted in both the 2012 and 2016 US elections to utilize the internet via social media platforms in their activist operations. They too are essential in mobilization of voters as they sway a percentage of the independent voters over to their side of the contested seats and office during elections.

Voters were ascertained to overlook some critical attributes of candidates in the US election process. Voters overlooked Donald Trump's denigrate views and remarks concerning women (Valentino, Wayne, and Oceno, 2018).¹²In disregard to this, its observed that a substantial number of white women preferred to vote in Donald Trump (Tien, 2017).In the 2012 elections, none of the candidates made significant discourteous remarks thus no voter reaction regarding criticizing views by candidates was observed.

Voters were noticed to be influenced by the incumbent's performance while in office. Voters seem to readily vote in an incumbent president rather than the contending aspirant for the office. Barack Obama was reelected for his second term in the office with many voters citing evidence of his effective performance during his first term in the office. The performance in administration duties as well as the social association with US citizens gained him support within the Democratic party as well as by voters who wished for the continuity of the performance.¹³ This voter behavior could not be noted in the 2016 US elections as there was no incumbent candidate.¹⁴

According to the exit polls by the Pew Hispanic Centre (Hispanic trends) Latino voters vote in favor of the Democratic party in the 2012 US election with the democratic aspirant Barack Obama gaining 71 percent of the Latino votes while his republican

9 Deckman, M., & Cassese, E. (2019). Gendered nationalism and the 2016 US presidential election

10 Female presidential contender.

11 Manifesto constituents.

12 2016 US elections.

13 Enli, G., & Naper, A. A. (2016). Social media incumbent Advantage: Barack Obama's and Mitt Romney's tweets in the 2012 US presidential election campaign.

14 The 2016 elections marked the end of Barack Obama's office term thus as per the constitution a newly elected president would be voted in.

counterpart Mitt Romney acquired 27 percent. In the 2016 US elections, most Hispanics voted in favor of Hilary Clinton due to the adverse ideologies of Donald Trump on immigrants.¹⁵ The Latino voters voted according to the predicted trait of the party which they express through their principles, a party having principles that voter their ethnic group receive most of their support.

Voters expressed their views by voting in the candidate whose ideologies and discernment correlated to theirs. In the 2016 US election, Donald Trump managed to sway to his favor most of US citizens against the influx of immigrating inhabitants into the US. Donald Trump had expressed his concerns for the growing influx thus by voting for him the voters expressed their conformity. The incumbent president in the 2012 elections favored the marginalized groups thus was more readily accepted as the favored candidate by this groups gaining the support of most of the population within the groups.¹⁶

Due to their partisanship to a certain party, voters had no need to contemplate on the choice of candidate. The strong supporters let's say for example, Democratic party would vote in favor of the party regardless of the candidates' ideologies or political views. Some states such as New Hampshire are strong supports of the Republic party that election is a routine as they will support the Republic party. On the other hand, regions such as New York would vote in favor for the Republic party.¹⁷

Voters reactions range from calm to highly aggressive to the ideologies and political stances taken by candidates aspiring to take public office. During the 2012 election there were threats of citizens to leave the country if Barack Obama won the election. With Donald Trump exposing his adverse concern due to the immigrating community into America, some individuals from the immigrant communities too stated that they would leave the country if Donald Trump would in the presidential elections in the 2016 US election to avoid being caught up in radical policies which might be formulated to act against them.

Variations from the last election by voters was noted to shift accordingly to the performance of the prior winning government. In the 2012 election, the Democratic party had won the presidential election. By 2016 during the election period, there had been an increase in mortality rates in certain areas due to insufficient medical provision in those areas. The inhabitants of such areas shifted their vote to the other party's, Republican (Bilal, Knapp and cooper, 2018). The voters shift their voting choice to the most reliable party and candidate relative to the reputation they have in their administrative as well as provision services to citizens, how well the administrating party serves the people and meets their needs.

The 2012 and 2016 US elections exhibited various similarities and differences in voter behavior during elections. Most of these were triggered by similar occurrences by the different categories of voters all who desired to have their views and wants acknowledged and met by the ruling government of the United States. This prompted

¹⁵ *Hispanic trends*. <https://www.pewresearch.org/hispanic/>.

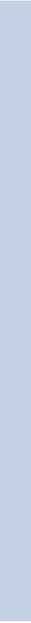
¹⁶ Reny, T. T., Collingwood, L., & Valenzuela, A. A. (2019). Vote switching in the 2016 election: How racial and immigration attitudes, not economics, explain shifts in white voting. *Public Opinion Quarterly*, 83(1), 91–113.

¹⁷ Geismer, L. (2017). *Don't Blame Us: Suburban Liberals and the Transformation of the Democratic Party*. Princeton University Press.

different reactions relative to the instance and situation of the environment in which the voter is in. These determine the choice of the voters, more research should be conducted over a longer period of events to acquire effective and sufficient data and information on the topic.

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Was zukunftsorientierte Führungskräfte beachten – Innere Führung

Summary

What future leaders consider – inner leadership

The demands on managers are changing. In an increasingly digitalized and dynamic market, very well-trained specialists are becoming scarce. Companies that compete for them must be very well positioned, especially in terms of leadership. Future-oriented leadership requires leading people mentally. A purely fact-oriented leadership style is no longer promising. This requires a willingness to develop one's personality and a constant readiness to change. The four-level model shows that this is only possible in the long term by stimulating the limbic system.

The task of a sustainable leader is to be a relationship expert. He should learn to manage his own emotions and thus influence himself and others. Positive beliefs are a good basis for this. High own ambitions and operational pressure to perform can stand in the way. Self-reflection leads to the consolidation of positive behavior and correction of possible weak points. Leaders who regularly take stock of their personality and engage in critical retrospection take responsibility for themselves and the development of their employees. This is not only a question of a positive image of humanity. Leaders should also set an example in terms of resilience. One's own health is the interaction of body and mind and the basis for performance. Leaders keep an eye on their lifestyle habits in order to remain efficient in the long term. Their own performance and that of their employees determines that of the company.

Key words: Leadership, mindset, change, own attitude, resilience, belief systems.

EINLEITUNG

Während in der Vergangenheit eine hohe fachliche Kompetenz bei Führungskräften im Vordergrund stand und diese eine Aufgabenverteilung bei ihren Mitarbeitern vollzogen, ist die Verantwortung der Führungskräfte der Zukunft komplexer. In sehr vielen Bereichen werden Mitarbeiter mit Spezialwissen

benötigt. Vorgesetzte können nicht mehr mit ihrer Fachkompetenz glänzen und dies ist auch nicht mehr ihre Aufgabe. Teams sind oft besser darin, sich selbst zu organisieren und fordern dies auch zunehmend ein. Mitarbeiter holen sich relevante Informationen eigenständig und sind gut vernetzt. Sie wünschen sich von ihren Vorgesetzten, die Schaffung optimaler Rahmenbedingungen, damit sie ihre Aufgaben im Sinne der Unternehmensziele bestmöglich erfüllen können. Das erfordert eine Änderung der Führungsrolle und Leader die bereit sind, sich zu verändern. Im Zuge der Digitalisierung wird diese zu einer konstanten Herausforderung, deren Frequenz sich erhöht. Das beginnt bei der eigenen, persönlichen Einstellung. Wesentlichen Einfluss haben dabei die eigenen Glaubenssätze. Limitierende Aussagen, wie bspw. „Ich bin zu alt dafür.“, „Der Wettbewerb ist ohnehin zu stark.“, „Wir sind nicht darauf vorbereitet.“ gilt es gegen positive auszutauschen, denn sie wirken auf die Führungsfähigkeit wie eine angezogene Handbremse beim Autofahren. Veränderungsfähigkeit wird gerne im Außen demonstriert. Menschen wählen gerne den einfachen, schnellen und gut sichtbaren Weg, neu zu erscheinen. Sie ersinnen Mittel und Wege, nach außen hin originell zu erscheinen, indem sie etwa Fliege oder knallrote Schuhe tragen. Wirkliche Originalität, eine nachhaltige langfristige Veränderung im Inneren riskieren wir lieber nicht.¹

MINDSET UND VERÄNDERUNG

Das sich die meisten Menschen trotz aller Bemühungen kaum verändern, liegt an der Verankerung der Persönlichkeit im Gehirn. Diese wird von Psychologen als konstantes Verhalten (Eigenschaften des Fühlens, Denkens, Handelns) bezeichnet. Wesentliche Veränderungen sind bei gesunden Erwachsenen selten. Selbst bei Veränderungen nach Lebenskrisen fallen die meisten Menschen wieder in alte Muster zurück. Das dennoch grundsätzlich Veränderung möglich sind, verdeutlicht das Vier-Ebenen-Modell. Im Gehirn existieren funktionale Ebenen, denen verschiedene Aspekte von Psyche und Persönlichkeit zugeordnet werden können. Je nach Eigenschaft, die wir verändern wollen und auf welcher Ebene sie liegen, sind unsere Erfolgchancen unterschiedlich groß. Auf der kognitiv linguistischen Ebene nehmen Menschen bewusst wahr. Sie denken, erinnern, lernen, planen, führen sprachliche Kommunikation. Sie verfügen bewusst über die Fähigkeit, Dinge zu verstehen oder unternehmen. Allerdings ist eine wichtige Voraussetzung für dauerhafte Verinnerlichung erlernten Wissens die Aktivierung limbischer Ebene. Nur dann führt dies zu einer langfristigen Veränderung der Gehirnleistung. Wer also sich selbst oder Mitarbeiter für eine nachhaltige Weiterentwicklung im Unternehmen gewinnen will, muss idealerweise das untere limbische System stimulieren. Veränderungen vollziehen sich bei Menschen meist schrittweise. Angestoßen werden solche Prozesse durch Feedback und unterstützt von Coaches, Mentoren, Führungskräften, Therapeuten, Freunden oder den Lebenspartner. Selten sind es Schlüsselerlebnisse oder traumatische Gründe, die Einfluss auf diesen Prozess haben.²

1 A. Grant, *Nonkonformisten: Warum Originalität die Welt bewegt*, München, 2016, s. 47

2 G. Roth, S. Herbst, *Warum es so schwierig ist, sich und andere zu ändern: Persönlichkeit, Entscheidung und Verhalten*, Stuttgart, 2020, s. 87–103

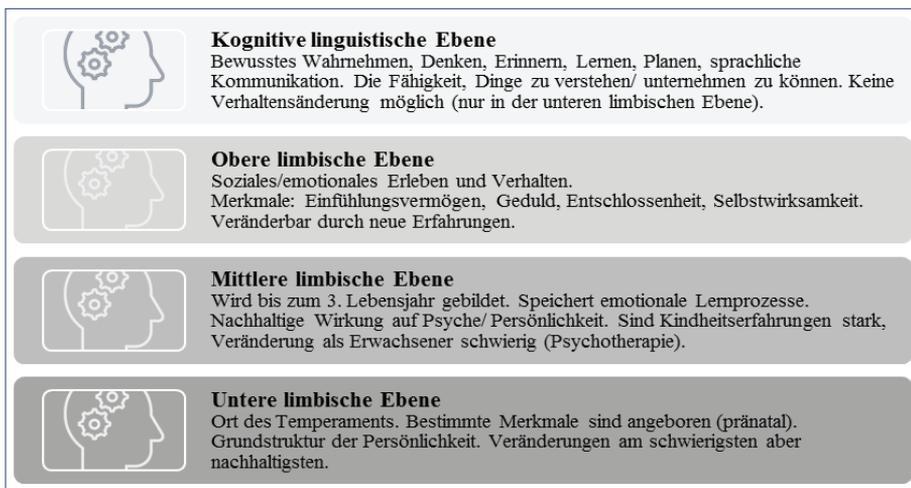


Abb. 1. Vier-Ebenen-Modell³

Führungskräfte wirken am meisten, in dem sie als Vorbild Verhalten vorleben. Vorausgesetzt sie sind mit sich im Reinen und haben sich durch Selbstreflexion mit ihrer Person und Rolle selbstkritisch auseinandergesetzt. Wer sich selbst liebt, liebt auch andere und wird auch von anderen geliebt. Die Entwicklung hin zu einem wirksamen Leader wird idealerweise durch Coaches begleitet. Handeln wird beleuchtet, kritisch hinterfragt und zu neuen Glaubenssätzen zusammengeführt. Die neue Ausrichtung und der Erfolg durch das veränderte Handeln wirken intrinsisch motivierend für die gestützten Führungskräfte und deren Umfeld, die Mitarbeiter.

Eine Vorgehensweise, die sehr vielen deutschen Führungskräften nach wie vor fremd ist. Sinnvoll ist es auch, für sich eigene Vorbilder zu definieren, um von deren Erfahrungen (positiv, wie negativ) zu partizipieren. Die Überprüfung der eigenen Glaubenssätze trägt zur Erreichung der selbst gesteckten Ziele bei.

Nicht wenige Manager scheuen sich davor, mit der Entwicklung der eigenen Persönlichkeit bei sich selbst zu beginnen. Sie haben Angst vor dem eigenen „Ich“. Es ist zutiefst menschlich sich schwer damit zu tun und mit bestehenden Denkmustern zu brechen, bzw. aus ihrer eigenen Komfortzone herauszutreten. Veränderung fängt immer bei sich selbst an. Der eigene Erfolg, der des Teams und des gesamten Unternehmens hängt davon ab. Der zukünftige globale Wettbewerb lässt dafür wenig Spielräume offen. In einem zukünftigen, von Fachkräftemangel beherrschten Arbeitsmarkt, werden sich mental körperlich leistungsstarke, selbstreflektierte Mitarbeiter den Arbeitsgeber aussuchen, der die beste Arbeitsatmosphäre bietet.

DIE EIGENE HALTUNG

Wie sollten sich Führungskräfte der Zukunft aufstellen? Der Erfolg eines Unternehmens hängt von der Haltung seiner Fach- und Führungskräfte ab. Offenheit und Interesse an neuen Themen, wie auch Lernbereitschaft sind wichtige Merkmale

³ G. Roth, S. Herbst, Warum es so schwierig ist, sich und andere zu ändern: Persönlichkeit, Entscheidung und Verhalten, Stuttgart, 2020, s. 87–103

proaktiver Mitarbeiter. Wird Neues ausprobiert, so sollte es mit dem Bewusstsein geschehen, mit dem Versuch auch scheitern zu können, Fehler zu machen, oder länger zu brauchen, bis sich der gewünschte Erfolg einstellt. Fehler müssen erlaubt und sollten eingeplant sein. Ohne Fehler gibt es keine Erkenntnisse. Ohne Scheitern gibt es keinen Fortschritt! Wichtig ist es, eine möglichst schnelle Entscheidung zu treffen etwas zu tun und dann damit auch zu beginnen. Änderungen, Anpassungen und neue Erkenntnisse fließen dann im Verlauf der Umsetzung ein. So wie es auch in der Softwareentwicklung durchgeführt wird.⁴

Warum tun sich viele Führungskräfte schwer mit der inneren Einstellung? Viele suchen nach immer neueren Werkzeugen der Führung, ohne die eigene mentale Haltung zu hinterfragen. Ist ein Teamleiter selbst ambitioniert, erwartet er dies auch von seinen Teammitgliedern. Wer sich selbst auspresst wie eine Zitrone aus, presst auch andere aus. Es ist ein Führungsdefizit, von sich auf andere zu schließen. Anstatt über den Werkzeugkasten nachzudenken, müssen sich Führungskräfte überlegen, mit welcher Haltung sei auf Ihren Werkzeugkasten schauen. Mit der immerwährenden Suche nach neuen Werkzeugen und deren optimierter Anwendung stülpen Führungskräfte alten Denkmustern neue Kleider über, anstatt in regelmäßigen Abständen die eigene Haltung zu bestimmten Themen (wie Kontrolle, Delegation, Personalentwicklung, Zielhorizont, Ergebnisorientierung, etc.) zu reflektieren. Wer sich mit der Grundhaltung (zur Führung) ins Auto setzt und jeden anderen Verkehrsteilnehmer als Feind sieht, wird dies auf seiner Fahrt auch so erleben. Eine Frage des Menschenbildes. Wer regelmäßig seine Haltung, sein Denken, sein Handeln und seine Ergebnisse reflektiert übernimmt Verantwortung und korrigiert mögliche Schwachpunkte. Wer mit sich im reinen ist, kann auch andere führen.⁵ Das Ziel der zukunftsorientierter Führungskräfteentwicklung ist die Kette des alten Denkens zu erkennen und zu durchbrechen. Die moderne Weiterbildung der Führungskräfte liegt in der Entwicklung der Haltung! Nicht in den Werkzeugen, welche es auf dem Weiterbildungsmarkt im Überfluss gibt. Beispielsweise sollte die Grundhaltung in einem Meeting nicht sein, sich primär zu bestätigen, recht zu haben und sich durchzusetzen. Wahrnehmung und Kommunikation sollte darauf ausgerichtet ein übergeordnetes Ziel zu verfolgen. Ideen zu finden, die dazu dienen, das Unternehmen nach vorne zu bringen. Dazu kann es notwendig sein, regelmäßig seine Meinung zu korrigieren und sich das auch wertfrei einzugestehen.⁶ Eine Änderung der eigenen Haltung ist eine Form der neuen Selbstprogrammierung. Führungskräfte malen sich ihre Ziele beispielsweise in ihrem Kopf so intensiv aus, als wenn sie es bereits erreicht hätten. Und sie bauen es auch aktiv in ihre Kommunikation ein. Idealerweise übertragen sie diese Zielvisualisierung auch in den Köpfen ihrer Mitarbeiter. Diese Handlungsweise propagieren Experten als „Fake it until you make it“.⁷

Der Prozess hin zu einer adäquaten Haltung beginnt für Führungskräfte bei sich selbst. Sie sind in erster Linie selbst verantwortlich für ihr Wohlbefinden, Spaß und die Sinnhaftigkeit ihres Lebens. Eine Abgrenzung zwischen der Rolle im Beruf und dem Privatleben ist nicht möglich. Leader kennen die Antwort auf die Frage, was ihre Rolle und ihr Beitrag für die Gesellschaft ist. Es ist bedeutend eine Persönlichkeitsbilanz

4 <https://www.youtube.com/watch?v=4Ju5SvKJMSg> [Zugriff: 20.08.2021]

5 J. Löhr, Die besten Ideen für eine starke Persönlichkeit, Offenbach, 2010, s. 314 ff.

6 B. Grundl, *wirtschaft + weiterbildung*, Freiburg, 11/12_2017, s. 18–23

7 <https://real-leaders.com/fake-it-till-you-make-it-the-golden-age-of-the-leadership-con/> [Zugriff: 22.08.2021]

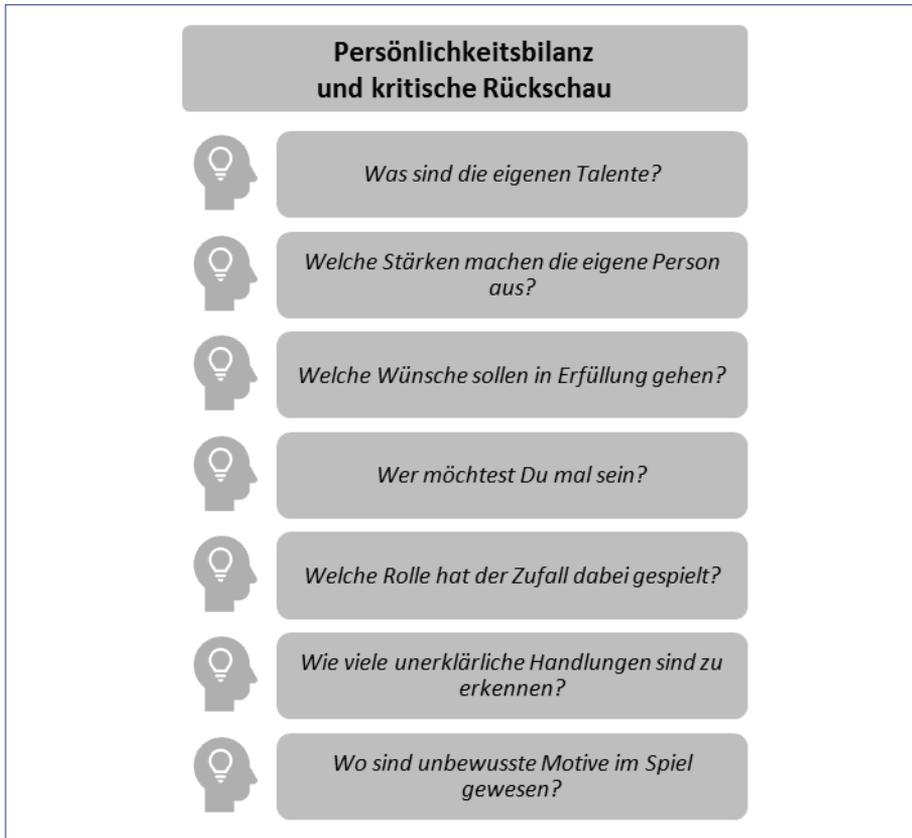


Abb. 2. Persönlichkeitsbilanz und kritische Rückschau⁸

aufzumachen. Die regelmäßige Reflektion dieser Fragen führt dazu, dass der eigene Lebensraum ständig präsent ist und nicht im Alltag untergeht. Leader fokussieren sich auf ihre Talente, sie setzen ihre Stärken ein. Für alle anderen Bereiche holen sie sich Hilfe von Experten, oder delegieren diese an ihre Mitarbeiter. Wer den Prozess der Selbstfindung durchlaufen hat, kann auch andere und somit auch die eigenen Mitarbeiter dorthin bewegen. Der Weg zur Selbsterkenntnis ist für Menschen genauso herausfordernd wie heilsam, bietet er doch die Möglichkeit, sich selbst zu verstehen und zu verändern. Eigene Motive sind eine nur unzureichende Interpretationen von Gefühlen auf der unteren und mittleren limbischen Ebene. Auch werden eigene Wahrnehmungen durch Selbsttäuschung getrübt. Motive wie Gewinnerhaltung, Machthunger, Ehrgeiz führen zu einem übererweiterten Selbstbewusstsein und lassen Kritik abperlen. Erleben Menschen Niederlagen, wenden sie verschiedene Strategien an. Durch Rationalisieren suchen sie die Schuld bei anderen oder reden sich ein, dass das nicht Erreichte sowieso nie ihr Herzenswunsch war. Das hilft dem emotionalen „Ich“, mit den Kränkungen fertig zu werden. Auch werden Geschichten so lange verbogen, bis sich daraus für die betroffene Person ein rundes Bild ergibt, dass sie handlungsfähig macht. Selbsterkenntnis entsteht bei dieser Innenschau nicht. Und so sollten Leader einerseits regelmäßig die kritische Rückschau auf den eigenen

⁸ G. Roth, S. Herbst, Warum es so schwierig ist, sich und andere zu ändern: Persönlichkeit, Entscheidung und Verhalten, Stuttgart, 2020, s. 87–103

Lebensweg praktizieren, um den wahren Beweggründen auf die Spur kommen. Andererseits durch den Blickwinkel anderer Menschen. Die Summe der Eindrücke aller Personen, die einem Menschen positiv wie kritisch gegenüberstehen ergeben ein umfassendes Bild. Der Kreis sollte sowohl nahestehende wie entfernte Personen aus dem privaten und beruflichen Umfeld einschließen. Diese Sichtweise eröffnet einen guten Ansatz zur Veränderung.⁹

Zur positiven Entwicklung der Haltung einer Führungspersönlichkeit gehört es, sich eine positive Gedankenwelt zu erschaffen. Einfluss auf das eigene Unterbewusstsein nimmt unter anderem das soziale Umfeld. Die persönlichen Kontakte kritisch zu hinterfragen und sich von Freunden und Bekannten zu trennen, die nicht mehr dem eigenen Wertesystem entsprechen ist einer der schwersten und gleichzeitig wichtigsten Entscheidungen, die Leader treffen müssen. Weiterhin gilt es zu hinterfragen, welche Inhalte in welchen Medien konsumiert werden. Ist es beispielsweise hilfreich, täglich in einem großen Umfang Nachrichten zu verfolgen, die mit meist negativer Natur das Unterbewusstsein prägen. Positive Nachrichten und Erlebnisse schaffen positive Emotionen. Das beeinflusst nachhaltig das Wachstum der Gehirnstruktur. Dabei werden die Strukturen dichter, weil es zu einer verbesserten Vernetzung der Synapsen kommt. Die Basis für mehr Kreativität, Innovationskraft und persönlicher Weiterentwicklung. Dieses Gehirnwachstum ist bei Menschen bis ins hohe Alter möglich.¹⁰

RESILIENZ

Die Gesundheit eines Menschen ist das Zusammenspiel von Körper und Geist. Aus wissenschaftlicher Sicht ist der Einfluss von Schlaf, Sport und Ernährung auf die Leistungsfähigkeit hinreichend nachgewiesen. Erfolgreiche Leader hinterfragen detailliert ihre Gewohnheiten zum Konsum von Lebensmitteln, Alkohol, Tabakwaren und Pharmazeutika. Sie blicken auf ihre Lebensverhältnisse, Dauer bzw. Qualität von Schlaf und betreiben sehr regelmäßig Sport. Die Wirkung von Lebensgewohnheiten zeigt sich mittelfristig im Wohlbefinden und der Leistungsfähigkeit, langfristig in gesundheitlichen Gesamtzustand. Der Begriff „Work-Life-Balance“ wird zunehmend kritisch gesehen. Er suggeriert eine Abgrenzung der Arbeit vom Rest des Lebens. Zwei Bereiche, die idealerweise ineinandergreifen und beiderseits mit Begeisterung versehen sein sollten. Eine Trennung ist ohnehin nicht möglich, da beide Lebensbereiche eng miteinander verzahnt sind und Wohlbefinden, Leistungsfähigkeit und Gesundheit immer von und aufeinander ausstrahlen.¹¹ Ein Erhalt dieser Aspekte bedingt generelle Achtsamkeit und Eigenverantwortung einer Führungskraft. Gerade mit dem Wertekontext jüngerer Generation stellen sich neue Anforderungen an Arbeitgeber.¹² Das Engagement der Unternehmen zu Gesundheitsaspekten steckt noch in den Kinderschuhen.¹³ Die Fragen nach Angeboten von Seiten der Mitarbeiter sind vorhanden. Bewegungspausen am Arbeitsplatz, Unterstützung bei der Mitgliedschaft

9 G. Roth, S. Herbst, Warum es so schwierig ist, sich und andere zu ändern: Persönlichkeit, Entscheidung und Verhalten, Stuttgart, 2020, s. 87–103

10 G. Hüther, Was wir sind und was wir sein könnten, Frankfurt am Main, 2018

11 F. Hänsel, et al., Sportpsychologie, Berlin/ Heidelberg, 2016, s. 111–125

12 M. Calmbach, B. Flaig, I. Borchard, Wie ticken Jugendliche 2016? Lebenswelten von Jugendlichen im Alter von 14–17 Jahren in Deutschland, Wiesbaden, 2016

13 <https://www.youtube.com/watch?v=aZUmyx8bGds> [Zugriff: 26.08.2021]

in Fitnessstudios, Yoga, Meditation und einige andere Angebote liegen im Trend. Das gilt nicht nur für Arbeitsstellen mit überwiegend sitzender Tätigkeit. Wichtig ist, dass Führungskräfte mit ihrem Verhalten Gesundheitsbewusstsein vorleben und damit an die Verantwortung eines jeden Beschäftigten appellieren. Das Wohlbefinden eines jeden einzelnen Beschäftigten beeinflusst die Leistungsfähigkeit des Unternehmens. Die sich bereits heute abzeichnende Entwicklung des Arbeitsmarktes hin zum Arbeitnehmermarkt führt zu immer häufigeren Nachfragen potenzieller Mitarbeiter in Vorstellungsgesprächen. Noch sind diese Angebote, sofern sie heute bereits geboten werden, ein Wettbewerbsvorteil. In einigen Jahren werden sie zum Pflichtprogramm im Ringen um die Fachkräfte. Die Generation Z wird es einfordern.¹⁴ Und mit ihr alle älteren Arbeitnehmer.

PRODUKTIVITÄT

Geleitet vom sogenannten „HWS-Syndrom“ (Höher, schneller, weiter), das sich im beruflichen Umfeld weit verbreitet, versuchen viele Führungskräfte den steigenden Ansprüchen gerecht zu werden. Die nahe liebendste Reaktion ist die Mehrarbeit. Statt 8, 10 oder 12 Stunden tägliche Arbeit, steigen sogar viele Beschäftigte auf ein System der Verfügbarkeit von „7x24“ um. Die wachsende Digitalisierung gibt ein solches Arbeitsverhalten her. Das bringt viele Mitarbeiter und Führungskräfte an das Limit ihrer Leistungsfähigkeit. Nicht jeder, der während des Tages viele Stunden mit der beruflichen Tätigkeit verbringt hat viel bewegt. Statt das eigene Handeln regelmäßig aus der Vogelperspektive zu reflektieren, rudern viele weiter, ohne zu überlegen, wie sich pro einzeltem Ruder Zug mehr Wasser bewältigen lässt. Denn mit Veränderung der Qualität des eigenen Handelns lässt sich die Wirkung pro Zeiteinheit verbessern. Das gilt nicht nur für die Führungskräfte selbst, sondern auch für deren Mitarbeiter. Modernes Leadership bedeutet nicht nur wie bisher Menschen nur zu führen, sondern das Bewusstsein von Menschen zu führen. Ein rein sachorientierter Führungsstil ist nicht mehr erfolgsversprechend. Eine lineare Denkweise, die sich rein an der Umsetzung orientiert („Die Dinge angehen und sie zu Ende zu bringen“) wird abgelöst durch eine flexiblere, durchdachtere Arbeitsweise, die unter Einbeziehung der Mitarbeiter auf das wesentliche fokussiert und schneller in der Lage ist, Entscheidungen zu treffen. Sie erhöht das Tempo, gibt den Mitarbeitern mehr Orientierung und trägt zur Zufriedenheit der eigenen Leistung bei.¹⁵ Dabei gibt es grundsätzlich keine guten, schlechten, richtigen oder falschen Entscheidungen. Es gibt nur Entscheidungen, die in der Situation unter Einbeziehung aller Parameter getroffen werden. Wenn es im Nachhinein betrachtet als Fehler herausstellt und es keine hilfreiche Entscheidung im Sinne der Zielsetzung war, wird eine neue Entscheidung getroffen. Dies ist besser als keine Entscheidung zu treffen und Themen auszusetzen. Wichtige ginge damit verloren. Es ist bedeutend das Scheitern zu lernen und in der Lage zu sein, die Konsequenzen daraus zu ziehen. Somit ist ANFANGEN die Devise. Der Fokus liegt bei mehr Effektivität als Effizienz. „Lieber unvollkommen beginnen als perfekt zu scheitern.“ Leader der Zukunft sind bereit Risiken einzugehen.¹⁶ Menschen neigen dazu in ihrer Komfortzone zu verharren, Nicht nur, weil es bequem ist, sondern auch weil sie den Neid ihres sozialen

14 R. Maas, Ergebnisse der Generation-Thinking-Studie, Augsburg, 2019, s. 19–44

15 <https://www.youtube.com/watch?v=DCIRYmevH7M> [Zugriff: 14.08.2021]

16 P. Prange, Der mentale Weg zum Erfolg, München, 2015

Umfeldes vermeiden wollen. Damit trauen sie sich nicht innovativ zu sein und lassen sich von anderen zurückhalten. Psychologisch gesehen, mag es dieses Umfeld, wenn Individuen berechenbar sind. Wer das nicht ist fällt gesellschaftlich negativ aus. Darin liegt der Fehler mangelnder Innovationskraft. Es ist wichtig sich herauszuwagen und Ideen zu generieren. Es reicht aus, wenn Lösungen zu 80% fertig sind, um die Qualität zu wahren. Laufende Anpassungen sorgen für Optimierungen. Dies haben erfolgreiche Softwareentwicklungen über viele Produktgenerationen hinweg gezeigt. Alles andere ist Perfektionismus. Innovation ist bei Perfektionismus nicht möglich.¹⁷ Gerade in dieser Vorgehensweise hat Deutschland einen Korrekturbedarf.¹⁸

GLAUBENSÄTZE

Jeder Mensch hat seine Glaubenssätze. Unser Glaube und unsere Überzeugungen leiten unseren Geist. Das was wir denken löst Emotionen (Gefühle, Empfindungen) Dies wiederum leitet unser Handeln (Haltung, Verhalten, Reaktionen). Sowohl positiv als auch negativ. Wir wirken damit auch unsere externe Welt, auf unser Umfeld. Damit machen wir in unserer externen Welt Erfahrungen. Diese wiederum schaffen dann unsere Glaubenssätze. Ebenso positiv als auch negativ. Gute Führung besteht daraus, das positive im Gegenüber und den anderen zu sehen (Mitarbeiter und Kollegen) und damit in Vorleistung zu gehen und nicht voreingenommen zu sein.¹⁹ Was glauben wir von dem anderen (Zuverlässigkeit, Vertrauenswürdigkeit, den anderen grundsätzlich mögen)? Die Qualität einer Beziehung ist die Summe der gemeinsamen Erfahrungen. Ziel sollte es sein, gemeinsam möglichst viele positive Erfahrungen zu machen und unsere Vorleistung damit zu bestätigen. Das schafft Bindung. Die Aufgabe eines zukunftsfähigen Leaders ist es, auch Beziehungsexperte zu sein. Er sollte lernen seine eigenen Emotionen zu managen und damit sich selbst und andere zu beeinflussen. Glaubenssätze können eine positive wie negative Wirkung haben. Damit können sie hinderlich oder dienlich sein. Nach Henry Ford werden wir immer recht behalten, egal ob wir denken, dass wir etwas können oder ob wir denken, dass wir es nicht können.²⁰ Leader prüfen an sich, welche Glaubenssätze der persönlichen Entwicklung dienen und welche fallen gelassen werden sollten. Hat eine Führungskraft diese Form der Reflektion verinnerlicht, so kann sie es auch auf ihre Mitarbeiter übertragen. Die eigene Einstellung ist der Ausgangspunkt. Wer sich selbst und andere Menschen entwickeln (positiv verändern) will, muss zunächst an der eigenen Einstellung arbeiten.

VERANTWORTUNG IN DER FÜHRUNGSROLLE

Leader sind verantwortlich für eine wertschätzende, vertrauensvolle, respektvolle Kultur innerhalb ihres Teams und als Beitrag für das gesamte Unternehmen. Sie sollten flexibel auf Veränderungen reagieren, Prozesse anpassen und ihre Mitarbeiter motivieren können. Das System, dass Leader aufbauen, sollte, wenn notwendig, eine längere Zeit ohne sie auskommen können. Das schafft eigene Freiräume zur

17 <https://www.youtube.com/watch?v=SiBiLG7GDho> [Zugriff: 24.08.2021]

18 <https://www.youtube.com/watch?v=4upC5NRqTHM> [Zugriff: 20.08.2021]

19 V. Malkani, *The Little Manual of Meditation- 15 effektive ways to discover your inner self*, Singapore, 2009

20 <https://www.zitate.de/autor/Ford%2C+Henry?page=3> [Zugriff: 28.08.2021]

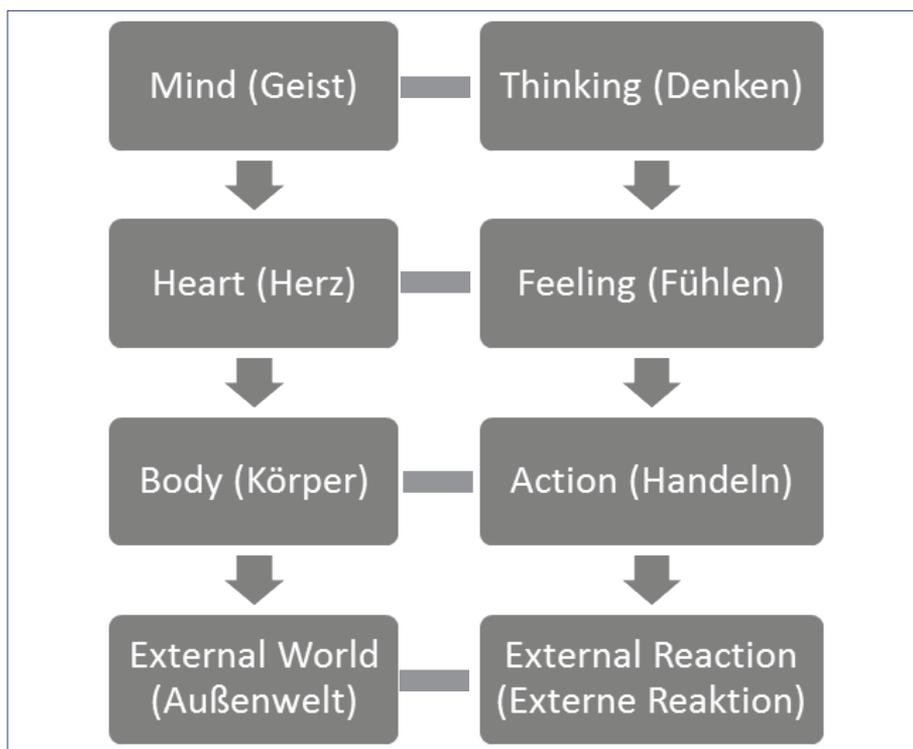


Abb. 3. The Human Trinity Model²¹

Entwicklung von Ideen, neuen Konzepten und auch zur Weiterentwicklung der eigenen Persönlichkeit. Leader behalten den Überblick, kennen die Teilbereiche und Aufgaben bis zu einer erforderlichen Tiefe, um Entscheidungen treffen zu können. Spezialisten sind sie nicht. Das sind ihre Mitarbeiter, den sie das notwendige Vertrauen schenken und Verantwortung übertragen.²² Vorgesetzte sollten Macht abgeben können und nicht alles im Detail aus einem falsch verstandenen Sicherheitsbedürfnis heraus kontrollieren wollen. Sie akzeptieren ihre Rolle, die sich von ihren Mitarbeitern, den Fachexperten, unterscheidet.²³ Das stärkt das eigenverantwortliche Handeln und die Motivation Ihrer Mitarbeiter. Im Idealfall sind sie fast entbehrlich.²⁴ Die Übertragung von Verantwortung geht einher mit einer klaren Ergebnisorientierung. Viele Mitarbeiter werden, wenn es für sie neu ist, gerade zu Anfang Verantwortung als Last empfinden. Dies ist eine Frage der mentalen Haltung, die es in Richtung der Lust nach Erfolg zu stärken gilt. Übernehmen Menschen das passende Maß an Verantwortung sind sie langfristig glücklicher, kraftvoller, wirksamer und erreichen ihre Ziele.²⁵ Leader kommunizieren kundenorientiert. Sie behandeln ihre Mitarbeiter (als interne Kunden) so, wie die Abnehmer der erzeugten Produkte und

21 V. Malkani, *The Little Manual of Meditation- 15 effektive ways to discover your inner self*, Singapore, 2009

22 J. Löhr, *Die besten Ideen für eine starke Persönlichkeit*, Offenbach, 2010, s. 314 ff.

23 S. Landsiedel, *Mit NLP auf der Suche nach Spitzenleistung*, Berlin, 2013

24 O. Haas, *Corporate Happiness als Führungssystem – Glückliche Menschen leisten gerne mehr*, Berlin, 2015

25 B. Grundl, B. Schäfer, *Führung kann so einfach sein*, Offenbach, 2007

Dienstleistungen (externe Kunden) des Unternehmens. Sie interessieren sich offen und ehrlich für die Belange beider Kundengruppen. Und so fragen sie auch nach, was ihre Mitarbeiter sich wünschen. Wer dem Kunden zu wenig Aufmerksamkeit schenkt und nicht auf ihn eingeht verliert ihn an den Wettbewerb. Das gilt für externe wie interne Kunden und somit für die eigenen Mitarbeiter. Eine Konstellation, die sich mit dem Fachkräftemangel zusehends verschärft.²⁶

ZUSAMMENFASSUNG

Die Anforderungen an die Führungskräfte ändern sich. In einem zunehmend digitalisierten und dynamischeren Markt werden sehr gut ausgebildete Fachkräfte knapp. Unternehmen, die um sie werben müssen insbesondere auch in puncto Führung sehr gut aufgestellt sein. Zukunftsorientiertes Leadership erfordert Menschen mental zu führen. Ein rein sachorientierter Führungsstil ist nicht mehr erfolgsversprechend. Dies bedingt die Bereitschaft zur Persönlichkeitsentwicklung und ständiger Bereitschaft zur Veränderung. Das Vier-Ebenen-Modell legt dar, dass diese langfristig nur durch Stimulanz des limbischen Systems möglich ist.

Die Aufgabe eines zukunftsfähigen Leaders ist es, Beziehungsexperte zu sein. Er sollte lernen seine eigenen Emotionen zu managen und damit sich selbst und andere zu beeinflussen. Positive Glaubenssätze sind eine gute Grundlage dazu. Hohe eigene Ambitionen und betrieblicher Leistungsdruck können dem entgegenstehen. Selbstreflexion führt zur Festigung positiven Verhaltens und Korrektur möglicher Schwachpunkte. Leader, die regelmäßig Persönlichkeitsbilanz ziehen und kritische Rückschau betreiben, übernehmen für sich und die Entwicklung ihrer Mitarbeiter Verantwortung. Dies ist nicht nur eine Frage des positiven Menschenbildes. Vorbildfunktion sollten Führungskräfte auch in Bezug auf Resilienz einnehmen. Die eigene Gesundheit ist das Zusammenspiel von Körper und Geist und Grundlage für die Leistungsfähigkeit. Leader halten ihre Lebensgewohnheiten im Blickfeld, um langfristig leistungsfähig zu bleiben. Die eigene Leistungsfähigkeit und die der Mitarbeiter bestimmt die des Unternehmens.

SUMMARY

The demands on managers are changing. In an increasingly digitalized and dynamic market, very well-trained specialists are becoming scarce. Companies that compete for them must be very well positioned, especially in terms of leadership. Future-oriented leadership requires leading people mentally. A purely fact-oriented leadership style is no longer promising. This requires a willingness to develop one's personality and a constant readiness to change. The four-level model shows that this is only possible in the long term by stimulating the limbic system.

The task of a sustainable leader is to be a relationship expert. He should learn to manage his own emotions and thus influence himself and others. Positive beliefs are a good basis for this. High own ambitions and operational pressure to perform can stand in the way. Self-reflection leads to the consolidation of positive behavior

²⁶ <https://www.kofa.de/fachkraefteengpaesse-verstehen/auf-einen-blick>
[Zugriff: 28.08.2021]

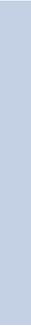
and correction of possible weak points. Leaders who regularly take stock of their personality and engage in critical retrospection take responsibility for themselves and the development of their employees. This is not only a question of a positive image of humanity. Leaders should also set an example in terms of resilience. One's own health is the interaction of body and mind and the basis for performance. Leaders keep an eye on their lifestyle habits in order to remain efficient in the long term. Their own performance and that of their employees determines that of the company.

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Evaluation of the handling of church tax under income tax law in Germany

Summary

Current demographic conditions and foreseeable future developments are forcing Germany's two major Christian churches to develop innovative strategies to recruit members or retain them over the long term. Already today, less than 50 percent of 6- to 18-year-olds are Protestant or Catholic. According to forecasts, this figure will halve by 2060. The aim of this paper is to show that the German system of church tax is being applied properly from a fiscal point of view, but should be re-evaluated in light of demographic and societal challenges.

Keywords: tax, church tax, law, Germany.

INTRODUCTION

This thesis deals with the evaluation of the financing systems through the church tax of the churches in Germany. It is to be analyzed to what extent the church tax levied in Germany can be subjected to adjustments or optimizations under income tax law, in addition to the levies through state benefits, subsidies or other forms of income.

The purpose of this work is to provide decision-makers and all interested parties with a condensed knowledge base containing all relevant information. This knowledge base will be deepened and focused in a later dissertation by the author on the topic of alternative financing options for church corporations. For this purpose, financing instruments will be named and compared. Through theoretical and empirical presentation of all aspects, it is intended to contribute to the proper and purposeful implementation of the currently valid principles of income tax law.

The publications cited in the literature section were used to prepare the paper.

1. EVALUATION OF THE ACTUAL FORMS OF FINANCING

Based on the hypothesis that the financing system, which is predominantly based on church taxes, is not (or no longer) sustainable, all forms of financing actually used by the church are examined in detail below in order to assess which starting points exist for more sustainable financing.

1.1. Church tax

The church tax must be analyzed from various perspectives in order to assess its meaningfulness, efficiency and sustainability: On the one hand, the direct impact in the form of direct income accruing to the church must be evaluated in relation to the effort involved. A factual cost-benefit analysis must therefore be carried out. On the other hand, however, the indirect effect of the church tax or its concrete design in Germany must also be taken into account, since, as has been demonstrated in various studies, the church tax is considered to be the main reason for leaving the church. Both perspectives will be addressed below.

1.1.1. Direct effect of the church tax

When assessing the impact of church tax on the performance of the church, it must be noted that, although reduced revenues must be expected in the long term due to the steady rise in church resignations and demographic trends, the revenue is still rising in nominal terms: For both large churches, a nominal increase in church tax revenue of 27 percent was recorded in the years 2008 to 2018, which can be justified by an increase in the income and tax revenue of the population.¹ Although the income of the population will continue to rise in the future, the decisive factor for the financial performance of the churches is what the church can still afford from its future tax revenue.² Since expenditures are largely dominated by personnel costs and revenues will not increase at the same rate as expenditures due to demographic trends and rising church membership, a loss of purchasing power for churches is estimated at about 50 percent by 2060.³ It follows from this that not all the tasks to which the church devotes itself will also be financeable in the future.⁴

It is correct that the church tax provides and will continue to provide a solid, legally secure and predictable basis for financing.⁵ In this context, the German constitutional church law expert Alexander Hollerbach calls the German church

1 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 36.

2 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 36.

3 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 36.

4 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 39.

5 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 39.

tax system superior to other financing systems in terms of social justice, equality, economy and effectiveness.⁶ In this respect, it is undisputed that church stewardship enables the churches to engage in a diverse range of ecclesiastical commerce that has a far-reaching impact on society and, to a large extent, guarantees the churches' independence.⁷

From a legal perspective, the church tax can hardly be „attacked: It is compatible with the guiding principles of state-church law and there is no privileging of the Christian churches contrary to the system in that the corporate status that serves as a prerequisite for levying the tax can also be obtained by other religious communities.⁸ In addition, the requirement of a fair contribution burden on the members is also fulfilled by linking the tax to the wage or income tax.⁹

The church tax system therefore has many advantages. In the numerous published discourses about the church tax system, however, an economic discussion is usually omitted.¹⁰ This topic has only been taken up in the specialist literature in the last few years.¹¹ Essentially, four economic reasons are given for the church tax system: (1) the tax volume is used for the common good instead of for private consumption; (2) the tax has an equalizing effect between the poor and the rich, on the one hand because of the link to income tax and thus to the respective income, and on the other hand between poor and rich church congregations; (3) the tax makes a group-specific contribution with a high benefit for the general public; (4) the church handles church tax revenues more effectively than the state does with its tax revenues.¹²

However, these beneficial aspects are also countered by criticism, some of which is empirically based: The „security“ offered by the church tax system leads to the disadvantage that the churches do not have to provide a „market-standard“ service.¹³ Their funding is assured, regardless of whether their services are still in demand or not. As will be shown elsewhere, this is a long-term problem if the population continues to turn away from the church. However, a move away from the church tax system would not counteract this problem, because poorer churches have even fewer opportunities to provide their „service“.¹⁴ Against this backdrop, it is not so much the church tax system itself that needs to be reconsidered, but rather the efficiency of the church, which is sometimes no longer given due to sluggish, outdated church structures.

6 DEMEL, S. (2010): *Handbuch Kirchenrecht, Grundbegriffe für Studium und Praxis*. Freiburg: Herder, p. 378.

7 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 253.

8 UHLE, A. (2015): *Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart*. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche*. Paderborn: Schöningh, pp. 89–130, here: p. 122.

9 UHLE, A. (2015): *Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart*. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche*. Paderborn: Schöningh, pp. 89–130, here: p. 122.

10 FELDHOFF, N. (2016): *Kirchensteuer in der Diskussion*. Köln: Schmidt, p. 67.

11 FELDHOFF, N. (2016): *Kirchensteuer in der Diskussion*. Köln: Schmidt, p. 67 ff.

12 FELDHOFF, N. (2016): *Kirchensteuer in der Diskussion*. Köln: Schmidt, p. 68 ff.

13 FELDHOFF, N. (2016): *Kirchensteuer in der Diskussion*. Köln: Schmidt, p. 83.

14 FELDHOFF, N. (2016): *Kirchensteuer in der Diskussion*. Köln: Schmidt, p. 83.

For these reasons, the solution cannot be to abolish the church tax system, but rather to strengthen it and make it more efficient by finding suitable solutions. The direct starting point for a reform of the church tax itself would be the tax base or the search for an alternative tax base. In the search for alternatives, it must be noted that the current system largely fulfills the following criteria: it is member-based (members finance the tasks of their church), fair (members pay within the limits of their ability), independent (no dependence between payers and recipients), accepted (democratically legitimized), transparent (comprehensible), efficient (no unnecessary costs due to the administration of the system), and sustainable (planning security).¹⁵ An alternative church tax assessment would have to meet all of these points to be considered more efficient and thus contribute to improved financing of churches (only) through church tax.

The following points of contact can be considered:

- Church's own tariff: A church's own tariff in income tax law could stabilize tax revenue against changes in the income tax tariff. The state tariff formula is found in § 32a EStG. The income tax tariff repeatedly undergoes changes in the stages of the tariff structure. If a tariff were to be fixed unchanged for church tax purposes, this would further increase the church's planning security. Legally, however, this approach is not feasible at the moment, since elements of taxation according to ability to pay are defined with the tariff, so that the church tax tariff must follow the changes in the state tariff.¹⁶
- If a proportional tariff is chosen instead, a constant percentage is defined from an assessment base. The advantage is simpler administrative handling and thus an increase in efficiency. The disadvantage is that a rate that is too low would reduce tax revenue, while a rate that is too high would disproportionately burden the lower income brackets.¹⁷
- Raising the assessment rate: An increase in tax revenue could be achieved comparatively simply by raising the assessment rate. The assessment rate was 10 percent until the early 1970s, when it was lowered to 9 percent due to the overall increase in revenue. Legally, it is possible to raise the rate by passing a resolution to that effect by the legislative bodies of the church.¹⁸ This possibility has been discussed in recent decades, but rejected because the psychological aspects (see explanations in the following subchapter) would have been incalculable or, in the worst case, extremely negative.¹⁹ The argument that the assessment rate was higher in the past is unlikely to hold water for an increase today, especially in light of the nominal increase in church tax revenue. It would therefore be better to use other means to secure funding.²⁰

15 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 261.

16 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 264.

17 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 265.

18 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 268.

19 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 268.

20 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 268

The possibility of levying church tax as a surcharge on the capital gains tax should also be mentioned at this point. However, this approach is disregarded here because the fundamentals of the procedure are exclusively in the hands of the state tax administration.²¹

In sum, the connecting factor of taxable income appears to be the most suitable. The alternatives offer more disadvantages; in particular, a church's own tariff only leads to a temporary stabilization of church tax revenue and has no additional advantages over the existing system that would justify a system change.²²

1.1.2. Indirect effect of the church tax

Even strict supporters of the church tax do not view it exclusively positively. One reason for this is that critical voices accuse the churches in Germany of simony – the sale of spiritual goods for money. Those who do not want to pay the church tax are threatened with exclusion.²³ This is not only a theoretical or ideological problem, but primarily a factual one: As mentioned in relevant literature, the majority of church departures in Germany are justified by the obligation to pay church tax.²⁴ In this sense, the church tax has a clearly negative indirect effect on church tax revenue, since it ensures more departures. Even if in recent years „a steady re-entry - at a moderate level - can be observed due to a lowering of the return thresholds, a negative balance remains.“²⁵ This is not only due to the church tax per se, but also to the fundamentally negatively loaded term „tax“ combined with a sometimes clumsy church communication in this regard.²⁶ PETERSEN wrote: „Den Kirchen obliegt gegenüber ihren Mitgliedern eine – rechtzeitige – Bringschuld [...], auch wenn es sich nur um eine schlichte Änderung im (technischen) Erhebungsverfahren handelt.“²⁷ The church tax system thus provides indirect negative effects here as well.

Nor should the psychological effect be disregarded: There are always occasions that call to mind the connection between church taxes and membership obligations. Unacceptable behavior on the part of church employees or inappropriate use of budget funds, topics that are repeatedly taken up and published in the media, should be mentioned here.²⁸ Here, the compulsory nature of the church tax also leads to a negative attitude. However, this argument can be refuted to the effect that there is no obligation to become a member of a religious community, and an obligation is only given to those who officially profess membership in a church. This also results in a common interest in financing common tasks; this corresponds to the basic

21 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 263

22 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 267.

23 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 267.

24 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 41.

25 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 41.

26 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 41 f.

27 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 42.

28 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 42.

idea of solidarity. The tax obligation is therefore necessary, since the churches need a secure, independent and equal financial endowment to fulfill these tasks.²⁹ A system based on voluntariness may lead to a stronger identification of the faithful with the churches, but there is no guarantee of this. A voluntary contribution system carries the risk of dependency, because voluntariness can quickly turn into arbitrariness.³⁰ Secured financing is thus not possible, so that a system of voluntarism cannot be an alternative to compulsory taxation.

If one focuses on the psychological component with regard to the indirect effect of the church tax, it becomes clear that the church tax is regularly perceived as unreasonable or burdensome only when „it no longer has an equivalent, a subjectively comprehensible meaning.“³¹ It only becomes a central criterion for decision-making when the respective member no longer has any contact with the church, no longer participates in religious life and faith no longer has any existential significance.³² No alternative financing approaches can counteract this psychological effect; rather, what is needed here is commitment on the part of the church to counteract this psychological attitude.

1.2. State performance

State benefits must be strictly distinguished from subsidies, as they are based on the expropriation of church assets. Although the legality of the contractual basis of the state benefits is often questioned in legal literature, it must be noted from a practical point of view that the federal government sets the principles for the state benefits and that the federal government has not shown any tendency to advocate the replacement of the state benefits. For this reason, the state benefits are a secure source of income for the church, even though the state governments repeatedly express concerns or fears that they will be faced with unfulfillable financial demands in the event of redemption.³³

A change in this form of financing is not foreseeable for the time being. Even a theoretical line of thought in which state contributions are increased quickly reaches its limits: (increased) financing of the churches from the state budget entails the risk that sufficient funding is dependent on the willingness of the respective political leadership to.³⁴ This danger can be countered with constitutional safeguards, but even these can only ever have a limited protective effect.³⁵ Therefore, even a

29 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen.* (4. Edition). Wiesbaden: Springer, p. 254

30 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen.* (4. Edition). Wiesbaden: Springer, p. 254.

31 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche.* Paderborn: Schöningh, pp. 89–130, here: p. 124.

32 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche.* Paderborn: Schöningh, pp. 89–130, here: p. 124.

33 FELDHOFF, N. (2016): *Kirchensteuer in der Diskussion.* Köln: Schmidt, p. 100.

34 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche.* Paderborn: Schöningh, pp. 89–130, here: p. 115.

35 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche.* Paderborn: Schöningh, pp. 89–130, here: p. 115.

theoretical turning of this screw would be ill-suited to meet the requirements that must be made with regard to the imperative of predictable and sustainable funding of the churches. Added to this is the (psychological) problem that direct state benefits to churches will face considerable problems of acceptance.³⁶

1.3. Subsidies

Financial contributions from the state in the form of state benefits supported the churches in carrying out their tasks. The state thus clarifies its position as a cultural and social state, because it is indisputable that the churches make a considerable contribution to the formation of cultural, social and ethical values.³⁷

The assumption by the state of costs incurred by the churches in the performance of tasks for the common good corresponds to cooperation between the state and the church in accordance with the principle of freedom.³⁸ In this form of financing, the state allocations are not granted for the church organization as such and not for the church personnel, but are limited to state-substituting services in the social and cultural sector.³⁹ In essence, the grants represent compensation for the fact that the modern benefit state is relieved of the need to operate and finance the cultural and welfare state itself through the church's assumption of tasks.⁴⁰ The restriction to earmarked grants for these tasks is also one reason why the threat they pose to the independence of the churches appears to be less significant compared to general state funding of churches.⁴¹ It should not be overlooked that this risk is always present in all forms of state financing and thus also in earmarked state grants, e.g. for the maintenance of hospitals, kindergartens, and educational institutions.⁴²

A church hospital does not receive any money from the church for its day-to-day operations. The term health economy is the more appropriate term here, since here, too, running costs have to be borne by the church itself. The health insurance companies pay the church hospital a so-called per-case flat rate for the treatment of a patient, which can be represented as revenue depending on the service provided.⁴³

36 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 115.

37 PETERSEN, J. (2020): Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen. (4. Edition). Wiesbaden: Springer, p. 256.

38 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 115.

39 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 116.

40 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 116.

41 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 116.

42 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 116.

43 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): Vermögen der Kirche – Vermögende Kirche. Paderborn: Schöningh, pp. 89–130, here: p. 116 ff.

The average basic value for the respective federal state is negotiated anew each year by the statutory health insurance funds and hospital associations of a federal state. The payments made by the health insurance funds are based on this average base value. For investments, if a hospital wants to renovate or build, the respective state government pays a so-called investment grant.⁴⁴ However, there are different procedures here depending on the state church contract of the federal states. Irrespective of this, this subsidy does not generally cover all costs. For investment projects, the hospital is left with a financing delta of.⁴⁵

The question is thus how a church hospital can avoid funding bottlenecks. Many rural hospitals are looking for a solution in establishing special departments (so-called centers) that focus on specific diseases. These include centers for the treatment of premature infants, as well as bone or neurological diseases. The challenge of generating funds through specializations thus lies directly with the church hospitals. This form of financing is mentioned here only for the sake of completeness; in view of the actual object of investigation of this dissertation, it remains with this brief sketch.

An analogous application of this approach would also be found in the church activities to be evaluated in the area of education for church schools or day care centers. The same applies to church-run cemeteries as part of a municipal mission of general interest. This often corresponds to a permanent deficit, which must be compensated for by public subsidies. In this case, however, it is not possible to speak of a sustainable pillar that contributes to the relief of the church budget, let alone of profit-oriented activity. Therefore, these areas will not be examined in detail for this dissertation, as they cannot make a substantial contribution to answering the intended research questions.

1.4. Other financing: Private-sector income, donations, fees

There are a variety of other ways in which the churches are financed, which also serve to fulfill common tasks. In addition to church tax, the Protestant Church also collects income from donations and collections. The problem here is that this quickly creates the danger of dependency, because donations in significant amounts are usually made by a few financially strong church members.⁴⁶ This leads to a kind of „church tower policy“.⁴⁷ Accordingly, the church tax system is superior here, since it is based on anonymity and the tax represents a levy without any concrete consideration in the individual case.⁴⁸

44 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche*. Paderborn: Schöningh, pp. 89–130, here: p. 116 ff.

45 UHLE, A. (2015): Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche*. Paderborn: Schöningh, pp. 89–130, here: p. 116 ff.

46 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 254.

47 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 254.

48 PETERSEN, J. (2020): *Kirchensteuer kompakt. Strukturierte Darstellung mit Berechnungsbeispielen*. (4. Edition). Wiesbaden: Springer, p. 255.

In detail, this form of financing can be evaluated as follows::

- In principle, there are no constitutional objections to the system of donations and collections as well as fees for church services. However, the objections that arise here are of a different nature insofar as consideration is given to using this source of funding as the sole financing instrument. As mentioned above, there is a lack of predictability and consistency of income here. This leads to the potential danger of also accepting donations from dubious sources. This would have a negative impact on the spiritual mission of the churches.⁴⁹
- Another point of criticism is the preservation of independence, because there is an inevitable dependence on major donors. This would lead to considerable acceptance problems among the majority of believers. If necessary, poorer sections of the population would also become alienated from the church. This would be all the more true since such strata would not be able to afford the fees for church services provided for in such a system.⁵⁰
- Finally, the donation, collection and private income system also fails to achieve the goal of fair burden sharing.⁵¹ This is based on the fact that such a system cannot ensure that each creditor actually makes or is able to make its contribution to financing in accordance with its ability to pay. There is therefore a risk that ultimately part of the members will bear the financing burdens, while the remaining part will evade making their contribution.⁵²

2. CONCLUSIO

The explanations given here show that the church tax system is superior to the other actual forms of financing. This form of financing guarantees predictability, consistency and independence, while the other two systems have disadvantages in all the points mentioned. Thus it remains as result to state that the collection and financing of the churches appear *ceteris paribus* after the reason recommended and at it no changes should follow. This would have to be evaluated additionally under the real conditions of social and demographic change.

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50 UHLE, A. (2015): *Kirchenfinanzierung in der Diskussion – Anmerkungen zu den Finanzierungsformen der Gegenwart*. In: MÜLLER, L.; REES, W.; KRUTZLER, M. (Hrsg.): *Vermögen der Kirche – Vermögende Kirche*. Paderborn: Schöningh, pp. 89–130, here: p. 126.

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Obsolescence of the term deep web in the light of research on the activity of web users

Summary

The article addresses the issues of redefining the term Deep Web or introducing the term Inaccessible Web, which is a considerably better representation of the availability of web pages for Internet users. It presents the course and results of studying over 2 months of activity of employees in an institution, which indicate that they browse only a small group of internet portals, and this number depends on their age, gender, and education. Also, it has been observed that the browsed content was mainly in the user's native language, and less frequently in the English language. What is also addressed is the availability of web pages for people with disabilities and the obligation to adapt web pages to legally required accessibility standards.

Keywords: Deep Web, Hidden Web, Inaccessibly Web, Darknet, WCAG.

1. INTRODUCTION

Darknet, Deep Web, Invisible Net or Dark Internet are terms raising concern among average Internet users, and they are frequently, albeit improperly, used interchangeably. The origin of the term Deep Web is attributed to Mike Bergman, who has described a new, entirely different mechanism of browsing the resources of the Internet. He concluded that it has two distinct types. Surface – possible to find when using popular browsers – and deep, which among other things includes web pages generated dynamically in response to the users' queries, or resources available via protocols other than http. The research he performed indicated that the resources of the deep Internet are 400 to 550 times larger than that of the sur-face Internet and consist of approximately 550 billion documents [Bergman 2001].

C. Sherman and G. Price proposed another term - Invisible Web, covering web pages which, for technical or business reasons, are not indexed by popular browsers [Sherman 2001:26]. Although this term is much broader than Deep Web, the aforementioned researchers stated that the invisible resources are only 2–50 times larger than the visible – indexed – ones. Both studies were performed in the year 2001. Since then, the capabilities of modern browsers have increased considerably.

The calculations of Bergman were also questioned by Lewandowski and Mayer, who pointed out numerous mistakes in his methodology. They themselves estimated the number of documents hidden within the Internet at no more than 100 billion [Lewandowski & Mayr 2006:7].

Although various authors present various estimations, it is clear that the hidden resources are considerably larger than what is generally available, as depicted in figure 1.

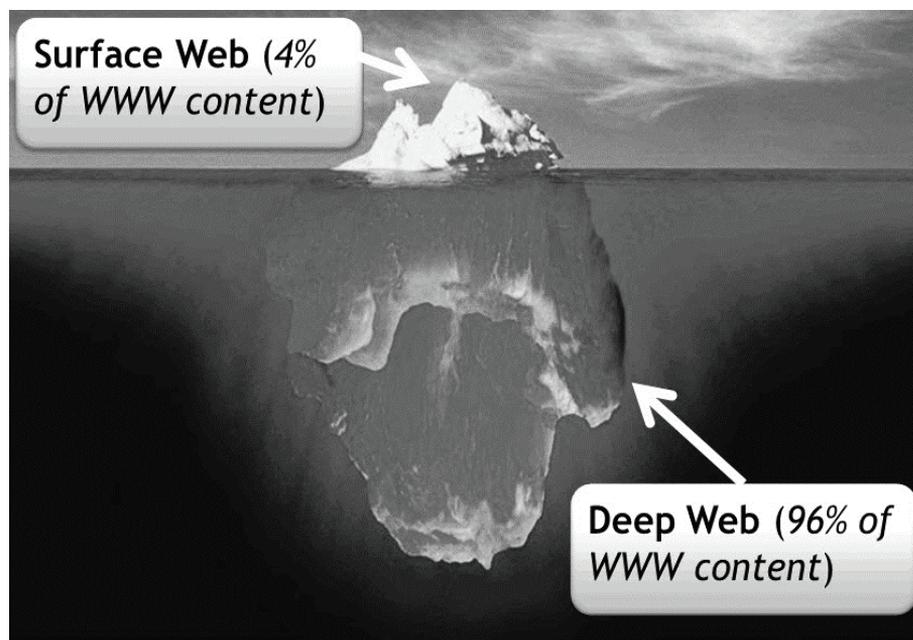


Figure 1. Graphical representation of the proportion of generally available to hidden web pages (Source: <https://gameplay.pl/news.asp?ID=86853>).

Most authors of publications related to the deep Internet point to the value and reliability of the information included thereon. The materials they list include, among other things [Derfert-Wolf 2007:3]:

- Scientific publications and reports, dissertations;
- Articles from newspapers and magazines;
- Government documents;
- Archives of source and reference materials;
- Library resources;

- Open Access repositories;
- Grey literature;
- Data, formulas, graphics;
- Dictionaries, encyclopedias, address databases.

As seen above, the terms Deep Web and Invisible Internet do not refer to anything dark. Rather, the utilisation of these difficult-to-access web resources requires the skills not of hackers, but those of information brokers who professionally search for information. The magnitude of the hidden resources also depends on the capabilities of browsers. During the several decades of their history, they went through many changes. Although their algorithms are strictly protected, the following types of them can be distinguished [Ledford 2009:19]:

- Linear search;
- Search trees;
- SQL search (Structured Query Language);
- Search based on solid information;
- Counter-search;
- Search based on limited satisfaction.

However, several algorithms and combinations thereof are usually used. What matters is not just the ability to find a web page containing the desired information, but also its rank, constituting a basis for the sequence of displaying the results. As indicated by the research performed in 2020 by Ignite Visibility [Lincoln 2021], most users do not go beyond checking the first two pages of results. Almost 45 % of them only use the first link, which is presented in figure 2. Therefore, it can be concluded that even websites which have been found and are ranked low remain invisible for an average user.

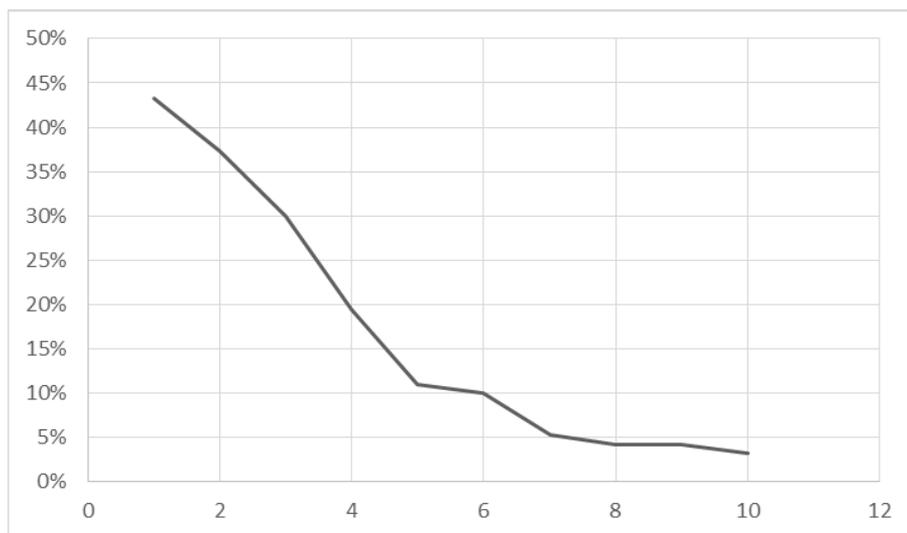


Figure 2. Graphical representation of the proportion of generally available to hidden web pages (Source: <https://gameplay.pl/news.asp?ID=86853>).

The situation is different in the case of the Dark Internet, or its equivalent term, dark address space. It means hosts which cannot be accessed at all or in a very limited manner, depending, e.g., on location in the web. This problem was investigated by Craig Labovitz in 2001 [Labovitz 2001:1]. As a result of 3 years of research involving analyses of routing tables of main Internet providers, it has been concluded that, due to the misunderstandings of operators, configuration errors, mal-functions, too-rigorous filtering rules, and malicious activity, there has been a permanent division of network topology and the isolation of a number of IP address ranges, the access to which is considerably hindered. It has been estimated that the problem concerns over 5 % of all addresses, and thus tens of millions of hosts. However, most of them, i.e., 78 %, can be reached. In-depth studies have proved that the aforementioned address spaces were usually assigned to DSL modems, or they represent unused, historical allocations for military networks of the United States.

The fact of the brief emergence of previously invisible hosts has also been observed. They vanished quickly after a short time of operation. These hosts, hidden behind routers taken over by hackers, are used for unlawful activities.

A really dark side of the Internet is represented by the darknet. They are networks intended to store and transfer information, ensuring the anonymity of their users. One cannot generalise and claim that anyone who wishes to remain anonymous online has a tendency for antisocial behavior, but it is a fact that on the darknet it is possible to find web pages with pedophilic material and instructions for creating and using explosives or illicit drugs. Similar information can also be found in the remaining, public part of the Internet, but it is scarce and easy to track by law enforcement authorities. The two most popular virtual networks providing a high level of anonymity, frequently used to spread illegal contents and services, are TOR (The Onion Router) [Dingledine et al. 2004:1] and FreeNet (Free Network) [Clarke et al 2001:46].

The vast majority of previous research divided the network into Deep Web and Surface Web, based on the technical capabilities of Internet browsers. Even when web pages can be found without the necessity to involve specialised browsers, this does not mean that every Internet user becomes their recipient. This is because of barriers, such as the language in which the content is presented, as well as the siloisation of access, the principle of which is that users become acquainted with information presented on a relatively small number of portals. They focus on individual portals aggregating their services and they use a single selected browser. Therefore, the current understanding of the term 'deep web' seems inadequate.

2. METHODOLOGY AND COURSE OF RESEARCH

The research was performed in a territorial government unit in northern Poland. The organisation hired 320 workers, including 60 manual labourers who do not use computers when performing their work. 1 million records containing information on the visited web pages were downloaded from the Palo Alto PA-500 firewall device protecting the network. The data were recorded during a period from 21 January 2021 to 7 April 2021, so they covered over 2 months of activity of both the employees of the unit and clients who used the available Wi-Fi network. They were subjected

to filtration, which allowed for the deletion of URL addresses (Uniform Resource Locator) which were undeniably related to the performed work, i.e., Intranet addresses of the organisation's web page, MS Teams and Office 365 pages. Data related to hardware and software updates were also deleted. After the filtration, 416 259 records were left remaining, each with the following structure:

- Login;
- URL;
- Category.

The record of URL addresses was standardised to forms indicating the home pages of portals, and the data were supplemented with the language of the web page. The login, combined with the data contained in the Active Directory and the data of the HR department, allowed for establishing the age bracket (under 30, between 30 and 50, above 50 years old) of the employees and their education (secondary or higher). Categorisation of the visited web pages was performed automatically by data-collecting devices. The numbers of visits of pages in the individual categories are presented in table 1. In one of the most frequently visited categories of pages, i.e., 'computer-and-internet-info', there can be data related to pages activated without the user's participation, e.g., due to the actions of scripts located on other pages.

Table 1. The numbers of visits of pages in the individual categories (Source: own study).

Category	Number	Category	Number
Adult	25	Unresolved	2
Alcohol and tobacco	416	Online storage and backup	750
Auctions	18	Personal sites and blogs	1483
Business and economy	72477	Philosophy and political advocacy	1049
Computer and internet info	66770	Proxy avoidance and anonymisers	28
Content delivery networks	22993	Real estate	549
Dating	167	Recreation and hobbies	3
Educational institutions	1472	Reference and research	2143
Entertainment and arts	3501	Religion	351
Financial services	8380	Search engines	49894
Gambling	1063	Shareware and freeware	74
GIS	323	Shopping	12688
Government	11561	Social networking	22373
Health and medicine	1145	Society	1238

Category	Number	Category	Number
Home and garden	412	Sports	140
Insufficient content	841	Stock advice and tools	204
Internet communications and telephony	4124	Streaming media	19452
Internet portals	923	Training and tools	475
Job search	260	Translation	606
Legal	333	Travel	3272
Malware	7	Unknown	1
Military	2	Vehicle	1
Motor vehicles	583	Web advertisements	51551
Music	1067	Web-based email	810
News	47500	Web hosting	759

An analysis of the data allowed for establishing that, during the studied period, the employees visited only 2130 web pages with unique addresses. An additional 237 pages were visited by clients. The median of the number of web pages visited by the employees is 28. However, for the news category it equals 4, and for the search-engines category it is 2. The numbers of visits to the most popular portals in the news category are presented in table 2, and figure 3 presents the most frequently used Internet browsers.

Table 2. The numbers of visits to the most popular Internet portals in the news category (Source: own study).

Service	Number of visits
interia.pl	3501
trojmiasto.pl	4357
msn.com	15151
wp.pl	16420

It should be noted that among portals listed in table 2, *trojmiasto.pl* has a completely different nature, since, unlike the others, it contains mainly regional information, i.e., related to the so-called Tri-City area of Gdańsk, Gdynia, and Sopot. Also, the high result of the *msn.com* portal results from the fact that directly after installing the Windows operating system, which constituted a standard in the studied organization, the default web search engine is *bing.com*, and the start-up page is *msn.com*.

Most users restrict themselves to using a small number of 1 or 2 thematic services, i.e., belonging, e.g., to the categories of motor vehicles, dating, educational institutions,

health and medicine or financial services. A high diversity of addresses is observed in the computer and Internet info as well as business and economy categories.

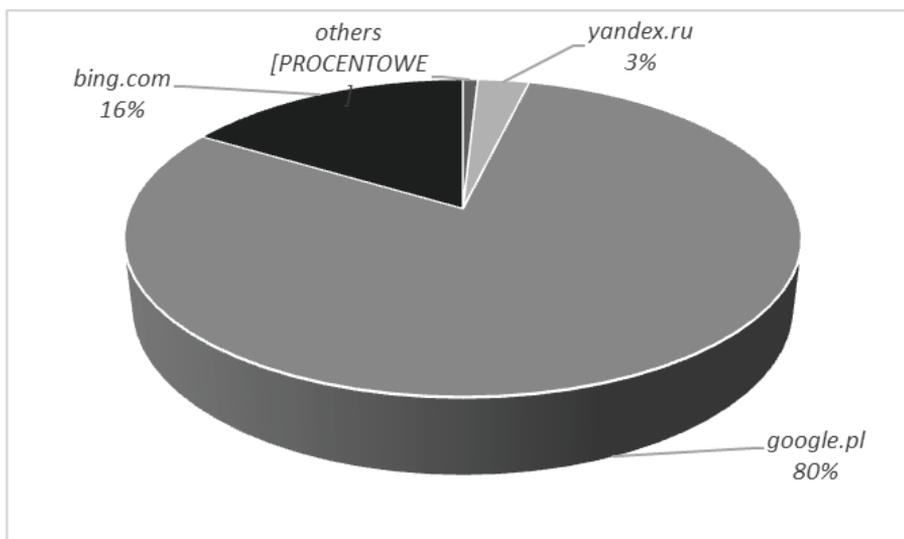


Figure 3. The most-frequently used Internet browsers (Source: Own study).

It was observed that women, having opened web pages only 213 times on average, were much less active during the studied period compared to men, who opened them as many as 1 760 times on average.

Spearman's rank correlation test was performed in order to study the relationship between the age of users and the number of pages visited by them. Spearman's coefficient was calculated using the following formula [Gauthier 2001:359]:

$$r_s = -\frac{6 \times \sum_{i=1}^n d_i^2}{N(N^2-1)} \quad (1)$$

where: d – difference between ranks

$N = 263$ – number of observations (employees)

The resulting value of 0.93 proves that there is a strong and positive correlation between the age and the number of browsed web pages for the studied employees.

Spearman's rank correlation test was also used to determine the relationship of the education feature with the number of visited pages. The calculated value of 0.81 also proves positive correlation between the number of browsed pages and education, although this relationship is not as strong as that with respect to age.

Another barrier in accessing the contents of the Internet is the language in which they are presented. As indicated by the research of W3Techs [W3Techs 2021], the English language is used by 61.1 % of all portals. Portals using the Polish language constitute

only 0.6 %. The studies performed by the author resulted in the identification of 14 different languages of the web pages browsed by the employees, the predominant languages being Polish and English, as presented in figure 4.

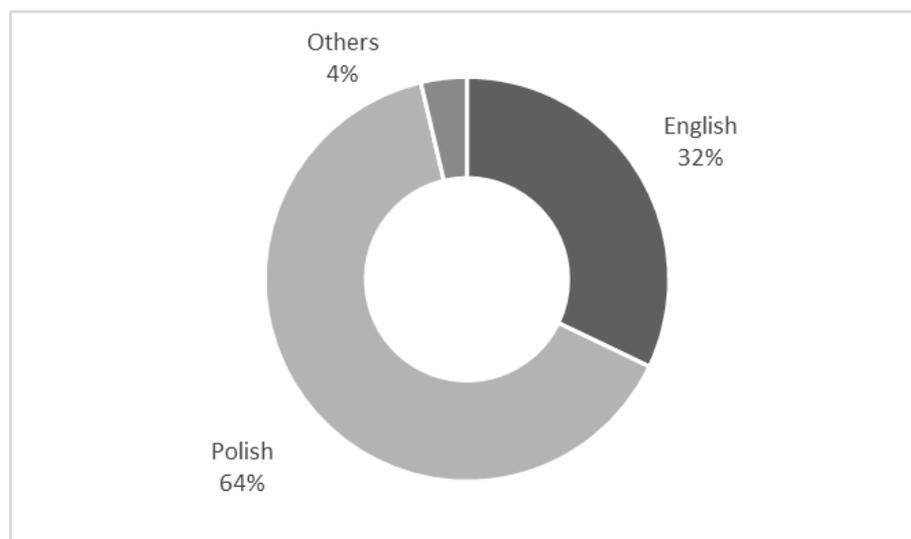


Figure 4. Languages of the browsed pages (Source: Own study).

The small number of portals in languages other than Polish and English indicates with a high probability that they were not visited on purpose, and the access to them resulted from following links from other pages.

The problem of accessibility to contents published on the Internet for people with disabilities was addressed by Tim Berners-Lee [Berners-Lee 1994] during the second international World Wide Web conference in Chicago. Already in the year following, Trace Research & Development Centre at the University of Maryland prepared a document titled Unified Web Site Accessibility Guidelines, whose 8th version became a basis for the WCAG 1.0 guidelines [Paciello 2000:41], which were published on 5 May 1999 under the WAI (Web Accessibility Initiative) scheme managed by the W3C (World Wide Web Consortium).

The WCAG guidelines are intended to facilitate access to the contents of web pages for people with:

- Visual impairments;
- Hearing impairments;
- Difficulties in understanding;
- Physical disabilities.

As claimed by Vargas et al. [Vargas et al. 2019:19], people with disabilities are the largest social minority in the world. According to the 2011 report of the World Health Organization, the world was inhabited by over a billion people with some form of disability, almost 200 million of whom were said to experience considerable

difficulty in functioning [WHO 2021]. This amounted to approximately 15 % of the global population. For comparison, the data from the census performed in Poland in 2011 indicated that during that time almost 4.7 million people with disabilities lived in the country, meaning 12.2 % of its entire population [Slany 2014:42]. Therefore, the implementation of the WCAG guidelines allows for limiting the phenomenon of the digital divide among a considerable part of the society.

The first version of the WCAG guidelines was already appreciated and applied for the design of the web pages of public institutions, e.g., in Taiwan [Li et al. 2012:87]. It was not until version 2.0, published on 11 December 2008 [W3C 2021.1], that the guidelines were adopted in national regulations, in a fashion similar to the regulations of the United States, Great Britain and Australia. In Poland, the requirement of adhering to versions WCAG 2.0 and WCAG 2.1 of the guidelines [W3C 2021.2] applies to pages of institutions of the public finance sector or of those financed in over 50 % from public funds.

The data acquired in the course of the research do not allow for determining the sources of financing of the organisations whose websites were visited. However, the institutions whose portals were categorised as government belong to the public finance sector, their number being only 391. There is no certainty that even these pages are available for people with disabilities, since adherence to the WCAG guidelines does not constitute an answer to the problems of all people with disabilities, and moreover, institutions obliged to take them into account are not fulfilling their obligations properly. The studies of portals managed by Polish units of territorial government performed in 2016 indicated that only a few of them comply with the WCAG at the required AA level [Jatkiewicz 2016:39-52].

3. CONCLUSIONS

When focusing on technological issues, the terms Deep Web or Invisible Web take no account of the questions of availability related to the characteristics of Internet users themselves, i.e., their knowledge, experience, competences, curiosity or even their physiology.

A more curious user will probably become acquainted with a larger number of links than those included on the first two pages of results displayed by popular search engines. If they have proper competence, they will probably use specialised browsers or formulate their questions using operators available in the browsers.

A user willing to take risks, or an amoral one, will become acquainted with the contents available on the Darknet. Paid content will be available for a person having at their disposal proper financial resources. Likewise, scientists working at universities or re-search institutes can view documents included in the so-called Academic Invisible Web for free. Other employers also provide their workers with the possibility to browse information which is not generally available, and which is necessary when performing official duties.

For a polyglot, the multilingual character of Internet resources will constitute a smaller obstacle. A healthy person will definitely assimilate more content available online than will a person with disabilities.

The presented research has indicated that the true availability of web pages is difficult to determine unambiguously, and in practice impossible in isolation from the human factor.

The main limitation of the research is the selection of the research sample. This is because the studies of Internet activities involved employees who were performing their official duties. They did not manage their time freely, and they were probably more careful about visiting web pages which could constitute a threat to the organisation or a risk to their reputation among co-workers. This is reflected by the very small numbers of pages from the adult (25 visits) or malware categories (7 visits).

However, it should be noted that an entirely random selection of the sample is not possible. This is because, as far as private individuals are concerned, it would be necessary to obtain their consent for tracing their activities, and the very awareness of the fact would probably affect the results.

According to the author of the studies, they confirm the assumption made at the beginning, that the users of the Internet move within a relatively small group of Internet portals, which considerably limits their access to the entirety of contents presented online. This number depends on the gender, age and education. It presumably also depends on numerous other features, which however were not objects of research.

Due to the fact that the term Deep Web has existed for many years in the subject literature and is well established among researchers, it is suggested that it should not be redefined, instead using the new term Inaccessible Web, which would mean resources of the Internet which are inaccessible for a person with specific physical and intellectual features, having at their disposal specified technical measures and knowledge, and functioning in a particular environment. Analogically, it is also reasonable to adopt the term Accessible Web, which would correspond to the term Surface Web when taking the abovementioned features into account. Therefore, it can be assumed that the Deep Web is only a subset of the Inaccessible Web.

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