

# Estro: Essex Student Research Online

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Winter 2010

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## EDITORIAL

As new editors of *Estro* we welcome you to this, the first edition of the new academic year, and the first as an editorial team. We are excited to say that this issue offers a broad range of topics that represent the University of Essex and the achievements of a number of its talented students both undergraduate and postgraduate alike. We are proud of the diversity and multidisciplinary nature of this issue and would like to celebrate the articles which create a varied and yet cohesive issue. The first two pieces are united through the theme of Literature and Art. The first, by Jeremy Raymond is “The Work Lets the Earth be an Earth’ (The Origin of the Work of Art). Heidegger and Poetry’, which explores the interaction between art, truth and the world, and how Heidegger’s philosophy could hold the key to the difficult question; what is art? This is followed by Katie Dillon’s essay ‘The Author is Dead, Long Live the Fan?’, a consideration of the relationship between Barthes’ announcement of “The Death of the Author” and the responsibilities placed on the reader by ‘Reader Response’ theories’ which are looked at through the exploration of fan fiction as an example of the declining deification of authors in Western society. Both essays raise significant questions, particularly in a time when the importance of the humanities is often questioned.

The next two essays of this issue are united under the theme of corporate governance and are kicked off by Lindy Cuiwan Lim’s ‘Enron and corporate Governance’ which explores the importance

of ethics in successful business practices and how the collapse of Enron highlights the magnitude of ethical decision making in business. As Lim states, 'The Enron saga...brought to light many weaknesses in the accounting, auditing, and corporate governance of various firms'. Following this, Endrit Bajrami investigates the role of culture in international business in 'Culture & Leadership: How Leadership Impacts Cross-Cultural Management'. Ethics are seen here through the veil of culture and how the globalization of the business world requires a better understanding of culture to work effectively. Both essays raise topical ideas about the culpability and responsibility of business ethics in an ever more globalised world, at a time when the layman can begin to appreciate the global gravity of financial decisions in the business world.

The next two essays consider the ideas of health and, most notably in 'The WTO and Pharmaceutical Access in Developing Countries' by Rachael Smith, the economic impact that the ideas of corporate governance and business ethics have on the health of millions. This essay investigates the problems faced by the developing world regarding access to pharmaceuticals. Clearly pharmaceutical companies in the developed world need to consider profits and this creates problems with regards to poorer countries. Here, Smith offers many possibilities for solving such problems, an undeniably important topic, as is the next essay, 'Male Circumcision for HIV Prevention' by Kazeem Omobolanle. Omobolanle considers the possibility of male circumcision as a method of HIV prevention, analysing the existing studies to critically assess the suitability and effectiveness of male

circumcision in certain regions of Africa as a method of HIV prevention. Both these essays under the umbrella theme of health, demonstrate the importance of ethics and cultural knowledge in the fight for better health throughout the world.

The next essay is a fantastic piece of creative writing ‘summer’ by Alice Morris which tells the touching story of twin sisters through the interesting technique of remembering the summers they have shared and the boy who turns their worlds upside down. And last, but by no means least, the issue is rounded off by the article ‘The Influence of Enlightenment Ideals on the French Revolution’ by Lawrence Jayatilaka, which combines many of the ideas from the previous essays. It is true that looking to history can lead to answers in the present and Jayatilaka links the problems of contradicting Enlightenment thought with the preceding circumstances and ultimate consequences of the French Revolution. Jayatilaka looks at the situation in France at the time of the Revolution through ideas of power in government, the importance of the financial situation of the country, both in government and personal aspects, which challenges the popularly held belief that the French revolution was a ‘peasants uprising’. It is through looking at history that lessons are learned for the present and Jayatilaka certainly expresses how this is the case.

Finally, we would like to take this opportunity to thank all those who aided in the production of this issue from contributors and reviewers and beyond and without your help this issue would not have been possible. We hope that you enjoyed your contribution as much as we have and above all we hope you relish reading it.

*Aaron Reeves and Lucy Cook, Editors*

# ‘The work lets the earth be an earth’ (*The Origin of the Work of Art*). Heidegger and Poetry.

Jeremy Raymond

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## ABSTRACT:

What makes a work of art a work of art? Whether by music, or painting, or sculpture, or poetry, we all have a susceptibility to be moved profoundly by art, so when we are asked what it is that makes ‘this’ ‘art’, why are we left with so little to say? In fact, we are often left somewhat dumbfounded that a suitable answer is not more forthcoming, and the more thought we put into the problem the more baffling the experience seems to become. ‘You know art when you see it’, is the usual explanation we eventually concede to but of course we can see, even if we don’t want to admit, that this is no answer at all. For Heidegger, art is one area that best exemplifies his overall project concerning the ontological examination of Being and our comportment to our reality. By unpacking the Heideggarian lexicon of ‘*On the Origin of the Work of Art*’, I aim to elucidate and make coherent Heidegger’s explanation for this, one of our most consistently bewildering questions.

A rather difficult aspect of Heidegger’s philosophy in *The Origin of the Work of Art* is coming to grips with his particular usage of the words ‘earth’ and ‘world’. While they both retain their common everyday meaning, within Heidegger’s work they are also there to refer to a conceptual relationship. A relationship that is inherently transcendental, meaning, Heidegger wishes to show us the



## Heidegger & Poetry – Jeremy Raymond

unconcealment of being as a whole, beyond common thought or experience, to show us the happening of truth. While at first glance the line ‘The work lets the earth be an earth’ (Krell, 1977) may seem like airy vacuous nonsense, what this line really signifies is the culmination of some very profound thinking about our world and our existence in it. In this essay I will make clear Heidegger’s intentions for his meanings of earth and world and use them to illustrate why for Heidegger, poetry is the highest form of art possible and how through poetry works of art are able to ‘let the earth be an earth’.

Heidegger begins by asking us to consider what it is that makes a work of art, art. If we think about it for a moment our response to this would likely be to say: ‘Well, I know what a work of art is when I see it.’ We may not be able to articulate what specifically makes a work of art but we may all recognize art when we see it.

However, this recognition does not answer Heidegger’s initial question. We still have nothing to say about what it is that ‘makes’ a work of art. This could be problematic. It appears that in order to *consider* something a work of art, we must already *recognize it* as such. Logic dictates that such circular thinking is a problem but Heidegger uses this circular nature of the essence of art to underpin his dialectical conception of earth and world in order to reveal the ‘truth’ that is art. For Heidegger the truth of art is not in representation or mimesis of life. Rather, Heidegger is referring to ontic truth, truth that is the essence of the lived relationship we have with what really is, truth that is made coherent from within

the work of art itself. ‘Thus in the work it is truth, not merely something true, that is at work’ (Wrathall, 2005).

‘Letting the earth be an earth.’ When first coming to this thought, and considering it on its own, one might consider the language here. Where ‘the’ earth seems inert, little more than a dead rock on which everything is found, simple material, ‘an’ earth, on the other hand, sounds alive, has connotations of home, as a place from which everything comes, a contrast to the above. ‘An’ earth, rather, has the feel of being a world.

World, for Heidegger, is a rather complex concept. World is our reality, within which we operate. We interact with each other, we interact with things around us and it is all made possible by our world. It refers to our language, our culture, our social norms, our customs and traditions as well as the decisions we are able to make and even the possibility of random chances that may affect us. Because of who and how we are, it is the paths that can open up for us in our interactions with the things of our world and with each other. World is the coherent unity of our entire existence. So what then is earth?

In the most common sense earth does refer to ‘substance’ such as soil. As when a plant shoots from the earth, grows out from it. But also there is the settling back into the earth, as with the plants, there are the roots. The plant comes forth from the earth but is settled into it via its roots in an essential way. The plant could not come forth as if it were without this essential settling into the earth. Heidegger talks of all things being in a relation with earth

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which is identical to that of the plant. All things come forth into the world and are rooted in the earth. This is not an easy concept but it is made much clearer through Heidegger's attention to understanding what it is and how it is that art should do what it does.

The Greeks had the word 'aletheia' which means unconcealed or unconcealment. An artwork is not something that just comes out into the open; it changes the Open in which it appears. The work reveals the Open as it really is, as the meaningful existence of the world, the unconcealment in relation to what is concealed.

The opposite of this unconcealment is not concealment in the regular sense but is rather a 'lack of access for simple intending' (Wrathall, 2005). I may over hear a couple speaking in Japanese but it is concealed for me as I don't understand Japanese. I can hear that it is speech but I cannot hear the conversation. The essence, the 'worlding' nature of the conversation is concealed for me.

That art should bring forth this unconcealment of the world allows us a better understanding of world and earth in our everyday lives. Take skills for example, like learning to use chopsticks. The beginner is all too aware of trying to coordinate his or her movements; there is an awkwardness, a required concentration, but as skill grows one finds using an item like chopsticks becoming 'second nature', as the saying would go, which simply means: 'I am doing something without any real awareness being necessary for me to do it.' With skill, all the things

about the chopsticks the beginner was so aware of before, disappear. The skill settles into the body and into the equipment we use the very way the roots settle into the earth, so that our bodies and the equipment we use, like the chopsticks, work in unison and in such a way as to be completely absent from our direct consciousness. All our activities are like this, once we learn a skill we do it without being aware of it. Writing and typing are like this also, there is no need to be aware of it happening (see Wrathall, 2005: 76-8); in fact being aware of the act can interfere with it. Typing is certainly an act or skill that needs to be done on a semi subconscious level, thinking about how one types and trying to be aware of the act of typing, trying to explain it as one does it for example, makes it almost impossible to type with any of the normal form or speed one has when one is not thinking about how it is they are able to type. If we consider writing, the ability to write settles into the body and roots itself into the equipment we use, like the pen. The body and the pen each supports the action of writing, they work as one. This is what Heidegger refers to as letting the world ‘world’. The act of writing is not *for us* in a conscious way but, rather, an act that *happens*. For Heidegger all perceivable entities are entities of the ‘earth’, and ‘world’ is the intelligible ordering of things, so the act is a *happening* between entities and what is produced, certainly for Heidegger in the case of poetry, is art.

Where the earth then ‘rises up’, is the positioning, or rather discovery of, the physical limits of the worldly things. With writing, I cannot write forever, my pen will run out, my hand will get tired; the earth imposes limits on what the world does. This is

what Heidegger refers to as the ‘essential strife’ between world and earth. Both world and earth appear in the light of the way they impose conditions and constraints on each other (Wrathall, 2005: 78-9). Earth limits the ambitions of world and as such, world, arranging and organizing within such limits, is able to impose itself on earth.

The work (of art) lets an entity ‘shine’, which is the coming together of all the separate entities that make up the entity that is the work itself. It appears as beautiful and thus brings us to feel the world differently, to recognize the truth of how things are, beauty being one way truth essentially occurs for us. It is only when something ‘shines’ for us, that we start engaging in the practices that will let the new way of being which is presented by the work, this new ‘world’, settle into the earth like a new skill, a new ‘second nature’, a process which then repeats itself again and again. We can see this process is circular and also that it is the process of truth disclosing itself. Heidegger has three key terms describing this process: Streit, Riss and Gestalt. The dialectical relation here is of truth giving rise to art.

Streit is Strife, the struggle between earth and world where world pushes earth to its limits and earth then brings world back into it. The world tries to surmount the earth while the earth tends to draw the world into itself and hold it. Riss is the ‘rendering stroke’, the conflictual union of the world and earth, world truth materially embodied.

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Gestalt is the configuration taken by Streit and Riss, it is the particular artistic form taken by this conflicted union of world and earth. This Gestalt displaces what it was, its former configuration, through a dialectical process, as it creates a new framework for people by bringing forth what was concealed within its former configuration. What was settled back into the earth, what was forgotten about, comes forth into the 'Openness', our being conscious of the 'world' (Haar, 1993: 98). What this dialectical process shows Heidegger is that the truth of our world, our compartment to our reality, is available to us all the time, though its unconcealment requires a certain interplay of world and earth. It is art, such as painting, music and poetry, that most readily and easily creates the conditions for the unconcealment of truth to be available to us.

The work lets the earth be an earth out of the opaque but not shapeless realm of the earth. There are latent but not predetermined forms, real but not actualized, existing in the earth. As an example, think of the sculptor with his block of marble; he can really bring forth something from the marble but the characteristics of the marble, its size and shape, will be better for some works than for others. So the work is not predetermined but it is latent, a work that isn't so great may be weak and break, or be off balance and fall over, in such cases the artist will have exceeded the limits set by the earth, where the great work will appear to have 'come forth' from the marble, where there is a natural perfection, where quite possibly even the arbitrary patterns in the marble block itself take on the appearance of being in the sculpture 'on purpose', truth revealing itself.

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If we think about the poem as another form truth can take, then the poem can be taken as truth condensing itself, pre-disclosing itself (Strife) while being prefigured in the stroke (Riss) so to give rise to this ‘figure’ of poetry (Gestalt). Like the marble, truth is revealed through the crafting of the materials, in the case of poetry, through the words, the paper and the ink. This is ‘truth’ tending towards the work. What the poem unfolds into unconcealment is the ‘Open’ which brought the poem forward in the first place.

The work lets the earth be an earth. With relation to poetry and while considering the material and thingly nature of the word set out above, I considered the statement again this time substituting ‘word’ for ‘earth’. The work lets the word be a word. The material nature of the word, the simple markings which make up text on a page, the earthly nature of a word and worldly nature of language set up meaning, a coherent reality that allows us to be aware of, and consider, where it is and how it is we as a people exist. The setting forth of the earth. Unconcealment.

Earth and language, material language, is just the written markings that make up language; this is earth for Heidegger, the earth is the language itself. These markings and sounds have nothing in themselves; the meaning of the poem is not in the material language as such. The possibilities are not yet explicitly present but are still prefigured like the above example of the marble sculpture. ‘The material language is where the poetic work is embedded but to which it may not be reduced’ (Haar, 1993: 96). In other words,

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the work is made of language but cannot be reduced to mere language.

The relation to poetry comes from this earthly side of language, the ‘Sagen’ or ‘the naming power of the word.’ Earth in relation to a work of art like a painting or a poem ‘is’ the material the work is made from. Poetry is ‘made’ of language. The work of the poem brings forth the material language of our world in so far as it puts the world into a material language. However, where world is the meaning in the work, the earth is not ‘some merely acoustic body’ where this meaning is ‘mysteriously added’ (Krell, 1977: 55). Language is more than its physical presence; it has meaning in itself as it is a relation to the world.

Heidegger makes himself most clear in his description of a painting by Van Gogh of a peasant woman’s shoes. The art transforms the shoes, their mode of being, in which the essence of the shoes comes forth and is brought front and centre. In normal life the shoes are equipment, like the pen or the chopsticks, utterly invisible so long as they are doing their jobs.

When Heidegger writes of the world and of the earth and the Strife between the two he is not describing an empirically measurable concrete phenomenon. ‘The earth upon which the world is grounded cannot be understood and determinably conceptualized’ (Wrathall, 2005: 80). There is nothing of Van Gogh’s paintings, of art or artifacts of earth, nor, is there anything of one’s ability with chopsticks, of skill, or the ‘worlding’, that is quantifiable to directly support the claims and explanations



Heidegger attributes to these things as belonging to and depending on world and earth. Heidegger is not trying to unfold an empirical experience for us. This dialectical relationship is given to our understanding through Heidegger's *own specific* use of language, a poetic use of language. Poetry as the art of language helps fulfill the understanding of the world that is present in the artwork. It is only through language that the world can have any presence or reality of us at all. It is through language that we relate to the world. Language allows us to name things and in doing so bring them into existence in a sense. We can perceive and understand a rock or a plant because we can name, identify, and relate a rock or plant to ourselves as well as to each other. This ability afforded by language gives us our world. Creatures with no language have no such world, the squirrel that lives in a tree has no such world, it has no 'tree', it has no 'living', its world does not 'world'. It is only within language can a world then 'world'.<sup>1</sup> Heidegger's description of Van Gogh's painting of the peasant woman's shoes is nothing short of inspired. He describes 'stiffly rugged heaviness' the 'tenacity of her slow trudge', a 'far spreading and ever-uniform furrows of the field swept raw by wind', the 'dampness and richness' of leather and soil and the 'loneliness of the field-path as evening falls'. Inspired language that paints an even greater and more detailed and vivid picture than the one this world is derived from. Heidegger's language alone, in the form of a poem about these shoes of a peasant, could create this world for us without us ever having seen the painting. Meaning, the very truth unconcealed through the painting, could also be unconcealed for

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<sup>1</sup> Heidegger uses this word as a verb

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us through language. In fact, Heidegger's description could even be about another world entirely. The sections quoted above seem aptly capable of describing a scene (or painting of the boots of a soldier) from the front lines of World War II rather than peasant boots. Furthermore, this is not simply mimesis, like when a novel represents or mimes a society. The idea of considering the work as mimesis here is far too simplistic, art goes further than this: 'The work presents its own unique mode of being'. Heidegger's description, like poetry, presents something for the reader to dwell within and not merely something to decode (Krell, 1977: 43). Heidegger makes art of his own language, displays the artistic power of language. He uses language to present a unique mode of being.

Poetry is the highest form of art for Heidegger because of its use of language. Language allows us to relate to each other and to other things, so poetry occupies this position of 'privilege' as it brings about this unconcealment for people. Where art is identified as the occurrence of truth, art is the way that people can see what it is that makes them a people, what it is that makes up the underlying coherence for their existence. It is in the naming power of language though that makes this unconcealing possible at all, the essence of poetry is where poetry as art can show us the underlying unity of our world and existence. One can understand more about life in 19<sup>th</sup> century London from Dickens than from straight forward historical facts and this is just because of the essence of the work, the unconcealing. The work interacts with us in a way that straight forward historical documents, such as official records and ledgers, may struggle (for most of us) to do. Another example: Nietzsche

appears to have been best able to understand the Greeks by concentrating on the works of Sophocles, Aeschylus and Euripides, by understanding the insights provided by the art. His work is full of references to such works of art.

Great art makes a world possible by letting a certain style for organizing things ‘shine’ and attune us to them, this is unconcealment, the earth being an earth in poetry (Wrathall, 2005: 80). This is why Heidegger gives poetry the pride of place as the highest of the arts, it is language itself which makes the ‘worlding’ of existence found in art possible in the first place. For Heidegger poetry is the truest form of language and all other language is simply poor poetry.

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# The Author is Dead, Long live the Fan?

## A consideration of the relationship between Barthes' announcement of "The Death of the Author" and the responsibilities placed on the reader by 'Reader Response' theories.

Katy Dillon

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### ABSTRACT

Barthes' announcement of "The Death of the Author" was somewhat premature for the reader has new freedom and power. The advent of Web 2.0 has enabled an explosion of online fan-communities where the role of the reader in relation to the text becomes extremely important, and any interpretation is as valid as the next. For Barthes, and other 'Reader Response' theorists, the responsibilities of the reader are: 1. to reject the image of the Author-God, 2. to be open to multiplicity of meaning and 3. to be an active participant in the text and a creator of meaning, rather than a passive consumer. These implied responsibilities align very well with the practices and attitudes of the aforementioned fan communities, in particular with the readers and writers of fanfiction. Yet, there is often a tension between authors and fans because of the abovementioned approaches. Thus it is clear that authors are influenced, to a greater or lesser degree, by the prevailing idea of the Author-god, and the author is still some way from being 'dead.'

*"A good reader also creates"* – *Swiss Proverb* (Pugh, 2005: 219-20)

## Author is Dead – Katy Dillon

It could seem, on first consideration, that Barthes' announcement of "The Death of the Author" was somewhat premature. In twenty-first century literary culture, to be an author is to be another form of celebrity. Writers have their own websites and newspaper columns, readers queue to attend their book-signings, new publications are heralded as 'The latest book from so-and-so', and the name of the author regularly appears on dust jackets in larger lettering than the title of the work. It would seem that the cult of the author is alive and well.

And yet, while the writer continues to be deified in this way by the media and the publishing industry, much of their god-like power is in fact being lost. In this, the age of Web 2.0, the reader has new freedom and power. Anybody can write a review of a book, and post it on bookselling websites for thousands to see. The barriers between reader and writer have been broken down, and they can communicate as equals via blogs and message boards. More importantly, however, the advent of Web 2.0 has enabled an explosion of online fan-communities, or fandoms, as they are commonly known, where the role of the reader in relation to the text becomes still more important, and any interpretation is as valid as the next.

These aspects of fandom are particularly evident in the phenomenon known as fanfiction, where reader becomes creator, using characters and situations from existing fiction to create their own stories. (Pugh, 2005) In past centuries this method of writing was not considered unusual. As Sheenagh Pugh points out, in the opening chapter of *The Democratic Genre* (2005), medieval and

early modern writers regularly plundered other works for plots and characters, and reworked and added to existing tales. Indeed, it seems to be a commonly held opinion that the concept of an author and his own ideas has been a comparatively recent development. Barthes himself makes reference to it, describing the Author as, “a modern figure” who “emerg[ed] from the Middle Ages,” and who has strong links to the “prestige of the individual.” (Barthes, 2008: 313) Foucault, too, ponders the origin of the author, discussing the subject in more detail than Barthes. The concept, he argues, began to develop in order to enforce censorship, providing a person on whom blame could be placed and punishment enacted. Later, this blame turned to praise, with rules concerning ownership and authors’ rights being developed. In the case of the former, discourse was still “essentially an act,” as it was in previous centuries, but with the advent of early copyright laws, discourse became property. (Foucault, 2008: 286) In both cases the focus is on the author as an individual, though with quite different aims. Cornel Sandvoss, in his essay, *The Death of the Reader?* (2007) also describes the “common” view of authors and texts as a relatively modern concept, stating that it is rooted in Enlightenment and Romantic thought. Thus, we begin to see that what Foucault describes as the “author-function” has been imposed on texts and other kinds of discourse by society, and so is perhaps rather unnatural. (Foucault, 2008: 285) Indeed, Foucault describes in some detail the construction by society and implications of the author function. (Foucault, 2008: 286-289)

In any case, Barthes sees this construction’s role in literary culture and criticism as restrictive. “The *explanation* of a work,” he says,

“is always sought in the man or woman who produced it,” resulting in the idea of, “a single, ‘theological’ meaning (the ‘message’ of the Author-God),” which must be deciphered through study not only of the text itself, but the Author’s life. (Barthes, 2008: 315) This, in Barthes opinion, is limiting, since endowing a text with a “final signified” in this way, by its very nature prevents the proliferation of the multiple meanings to which he assigns so much value.(Barthes, 2008: 315-316) Barthes describes a vision of the text as a “multi-dimensional space,” a “tissue of quotations,” which is an amalgamation and reconfiguration of elements already in existence.( Barthes, 2008: 315-316) In this way, the text is to be, “*disentangled*,” rather than, “*deciphered*,” and to avoid limiting meaning; the figure of the Author must be removed.(Barthes, 2008: 315-316) This removal makes way for the reader, who as, “the space on which all the quotations that make up a writing are inscribed,” is a participant in, and creator of meaning, rather than an interpreter or passive consumer of a work. (Barthes, 2008: 316)

This idea of the reader’s role as active creator rather than passive consumer is also present in Wolfgang Iser’s theories, as described by Sandvoss. His ideas seems to be a development of Barthes’, theorizing that a text acquires meaning only when it is being read, and that reading is a “dialogue between text and reader,” (Sandvoss 2007) Thus, the reading process does not decipher a meaning endowed in the text by the Author, but rather, “the structures and figures of the text collide with the reader’s (subjective) knowledge, experiences, and expectations, all in turn formed... in an intertextual field.” Meaning is created as the reader fills in “textual gaps and blanks,” in a process of “concretiz[ation],” and attempts



to “normalize” the text, resulting in meaning that is “a ‘mirror-reflection’ of the reader.” (Sandvoss 2007) Like Barthes’ reader, he is an active creator of meaning, focusing on text and not Author.

So what, according to Barthes and other ‘Reader Response’ theorists, *are* the responsibilities of the reader? Extrapolating from the theorist’s own arguments and the above discussion, three main responsibilities seem to be implied:

1. To reject the image of the Author-God.
2. To be open to multiplicity of meaning.
3. To be an active participant in the text and a creator of meaning, rather than a passive consumer.

These implied responsibilities, it could be argued, align very well with the practices and attitudes of the aforementioned fan communities, in particular with the readers and writers of fanfiction. More than anything, these fans deal on a regular basis with a great deal of multiplicity of meaning and are very comfortable with it. While, as Sheenagh Pugh (2005) notes, “the one thing all fanfic has in common is the idea of a ‘canon’, the source material accepted as authentic and, within the fandom, known by all readers,” there is a great deal of variety in the way fans view this canon. Firstly, canon itself is considered very much open to interpretation. Fans, particularly those who read and write fanfiction, engage in detailed discussions about the possible conclusions which can be drawn from canon. Sometimes this discussion relates to how a specific fact or event should be interpreted. An example of this is a discussion at the Livejournal

community *MetamorFic\_Moon* (a community devoted to the relationship between two minor characters in the *Harry Potter* series: Remus Lupin and Nymphadora Tonks) entitled, “The Shape-shifting Thing”, where one question asked of the community members is, “Given that Harry was able to recognise Tonks at the Burrow, does that mean the heart shaped face and dark eyes are her natural form? Are the only changes she makes on a day-to-day basis her hair styles/colours?”<sup>†</sup> (‘mrstater’ 2006) The reference here is to Tonks’ ability to alter her appearance at will, which appears to have been lost at this point in the story. The answer to this question might seem fairly straightforward, and yet the mere fact that is being asked demonstrates the level to which even apparently straightforward elements of canon are considered to be very much open to interpretation by writers of fanfiction.

Often though, discussions relating to the interpretation of canon will focus on what can be inferred and extrapolated from the text about elements that are not directly mentioned. For instance, in another discussion at *MetamorFic\_Moon*, the question put forward to members is, “At what point in canon do you see Remus and Tonks becoming romantically involved?” (‘godricgal’ 2006) The debate here centres on the issue that while a romantic relationship between the two characters is referenced in canon (they eventually marry) there is little indication within the narrative as to when this relationship might have begun, or indeed what path it might have followed.

This multiplicity of canon-interpretation is further illustrated by the existence of fanfiction and fan discussion which focus on

romantic relationships that are not mentioned in the source text. ‘Slash’ pairings are enormously popular in nearly all fandoms, and are based upon “a reading of subtext that fans claim *is* present in canon.” (Tosenberger 2008b: 187) For example, the pairing of the characters of Remus Lupin and Sirius Black appears often in Harry Potter fandom, with fans citing the characters’ joint Christmas present to Harry, among other things, as evidence in favour of this relationship. (Tosenberger 2008b: 197) Furthermore, Tosenberger (2008: 191) asserts that, “the fragmentation of the fannish landscape means that in Potter fandom, there is no dominant ‘One True Pairing.’” Anecdotal evidence would seem to back this up; many authors do indeed write about more than one pair of characters, and a quick glance at the index of Crack\_Broom (n.d), a fan community dedicated to the recommendation of Potter fiction and art, clearly shows the variety of relationships that fans are interested in and deem feasible.

In addition to this fannish ability to accept a variety of interpretations of canon, there is often also debate as to what constitutes canon. Contrary to what might be expected, this is almost, “never a clear-cut issue,” (Tosenberger 2008b: 191) especially when a canon occurs across more than one media. Sheenagh Pugh, in her chapter on the concept of canon, gives the example of the *Blakes 7* radio plays, made several years after the television series ended, which are not considered canon by some fans. (Pugh 2005) The nature of canon is also open to debate in fandoms in which the author makes statements about the characters, settings and events outside of the texts themselves. The most famous example of this in the Potter fandom is Rowling’s

announcement, after the publication of the seventh book in the series, “that the Hogwarts headmaster Albus Dumbledore was gay,” (Tosenberger 2008a: 200) turning subtext into fact. Most Potter fans accept information given by Rowling in interviews as being canon, but there are many who do not; or at least take any statements she makes with a large pinch of salt. Some of this scepticism arises from Rowling’s tendency to contradict herself or her texts in interview, and indeed inconsistencies are often a reason for debate within a particular fandom as to what constitutes canon. Furthermore, canon texts can themselves be, “internally inconsistent”, forcing fans to “decide which truth to accept,” (Pugh 2005: 31-2) thus creating even more scope for multiple meaning within fandom.

The very nature of fanfiction and the number of fans participating in its creation also promotes this multiplicity of interpretation and meaning. Fanfiction takes a variety of genre forms; sequels, prequels, missing scenes, crossovers and alternate universe (AU) ‘fics’ being among the most common. Sequels, as might be expected, continue the stories where the original text left off while prequels focus on events that may have occurred before the timeframe covered in the source text. Missing scene stories fill in the gaps of a source text, exploring events that may have happened (sometimes even *must* have happened) but do not directly appear in the text. The definitions of crossover and AU stories are perhaps less obvious. Crossover fanfiction blends two or more fandoms, taking characters from one fictional universe and inserting them into another, having them interact with the characters and settings of that universe. AU stories involve

“deliberate departures from canon,” (Pugh 2005: 61) and range from stories which answer ‘what if’ questions; altering one aspect of canon and exploring the consequences, through to stories which place characters in a different time or society, or simply ignore a canonical character death.

The creation of fanfiction, and the variety of forms which it can assume, results in many possible incarnations of the characters, plot and setting of the source text. Sequel and prequel fics create infinite possibilities for the continuation of the story and the events leading up to those featured in the source text. Likewise, missing scenes expand the fictional universe of the source text, creating multiple possibilities for events occurring ‘behind the scenes’ of the main storyline and AUs create still further fictional possibilities. The nature of the process of writing fanfiction, where the reader hypothesises about elements of the source text which are not made explicit (and even those which are), leads to the creation of ‘personal canons;’ the writer’s own ideas about the course of a character’s life and the elements which make up his personality. Indeed, each writer is not limited to just one ‘personal canon’. Prolific writers will often have a number of personal fictional universes existing in parallel, each relating to a different group of fics, each exploring a different aspect of the characters and their stories.

Thus we can see that the writer and reader of fanfiction is very comfortable with multiple and uncertain meaning. Canon, and what constitutes it are open to, “bending and shaping” (Pugh 2005: 66), by fans, and they revel in exploring their own multiple

interpretations and discovering those of others. There is a feeling within fandom that there is “no one right version” (Pugh 2005: 224) of a story, and fans delight in exploring alternative scenarios and different points of view. Pugh likens this proliferation of meaning to, “different streams flowing into an ocean, making it more than it was before” (Pugh 2005: 222). Fanfic writers thus add depth and breadth to their canon, embracing the multiplicity of meaning and uncertainty of interpretation which reader response theorists suggest the figure of the author restricts.

In addition, this method of interacting with the source text by creating multiple interpretations personal to the reader fits very well with Iser’s ideas about the reading process as explained by Sandvoss (2007). The idea that the text “come[s] to life” (Sandvoss 2007: 28) through interaction with the reader as they fill in the gaps and concretize them, is exactly the process that a text is put through as a reader creates a work of fanfiction based upon it. The fanfic writer uses their own experiences, ideas and beliefs (just as is described by Sandvoss) to not only fill in the gaps in the text (the missing scene story being a direct example of this), but to expand them, excavating below and building upon them. And it is not only the gaps that are filled, but the entire area surrounding the text, sending the interpretation of meaning in an infinite number of directions. Thus the reader who writes fanfiction is very much a participant in the creation of the meaning of the source text.

Fanfiction writers are also characterised by a refusal to be passive consumers of the texts that they love. The common perception of

the motive for creating such derivative works is that these readers desire either, “more of”, or, “more from” (Pugh 2005: 19) the source text. In relation to the former, Pugh gives the example of those authors who have written their own Sherlock Holmes mysteries. These authors, says Pugh, “did not want Conan Doyle to do anything differently, just to carry on with what he was doing, and when his death intervened, they stepped into the breach.” (Pugh 2005: 19) As Pugh notes, “the wish to find out ‘what happened next’... is familiar to most of us.” (Pugh 2005: 47) We may accept that the ending of a text is artistically appropriate, but when it comes to stories which we love, there is a sadness, as we close the book, that they do not continue any further. (Pugh 2005) Writers of fanfiction, however, refuse to passively accept this Author-imposed ending, continuing the stories themselves. A similar refusal of passivity is present where fanfiction emerges as a result of the readers desire for “more from” (Pugh 2005: 19) the source text. Pugh (2005: 19) illustrates this idea with the example of female consumers of science fiction in the 1970s, who, while enjoying the action of the dramas, also “found much wanting”. These women desired character development as well as action, so they wrote it themselves. (Pugh 2005) These motives are of course not mutually exclusive, and they demonstrate much the same attitude among writers of fanfiction, namely the refusal to be a passive consumer of a text and to accept without question what the author gives them, as well as a desire to participate in the creation of meaning.

Not only do these fans refuse to be passive consumers, however, they are also more than willing to challenge the idea of the Author-

god. On the simplest level, these fans are willing to be dissatisfied with the authors of the source text, and there is no taboo in expressing this dissatisfaction. Sheenah Pugh's comprehensive study of fanfiction includes countless examples of fan dissatisfaction of one kind or another. Frequently, this disappointment occurs in relation to the death of a beloved character, as with the *Hornblower* character Archie Kennedy. (Pugh, 2005) The fans' solution to this is to be active rather than passive, refusing to accept this death in their own minds and continuing to write fanfiction where he is alive. (Pugh 2005) Likewise, if a continuing series does not go in the desired direction, either in general or in relation to specific characters, fans have no issue with "correcting" the text" (Pugh 2005: 203) through fanfic.

This possibility of frustration with the author springs mostly from the ability of the characters to take on a life of their own for fans. The two main premises of fanfiction, says Pugh, are that, "(a) fictional characters and their universes can transcend both their original context and their creator and (b) the said creator cannot know everything about them." (2005: 222) A non-fanfictional example of these premises in action is V S Prittchet's feelings about the treatment of the character of Becky Sharpe by Thackeray. Prittchet believes she has been wronged by Thackeray, and clearly sees himself as understanding her better than her creator, an idea which may seem a little odd on first consideration, but which Pugh (2005) explains quite plausibly. "Even if... Becky Sharpe had no one real-life modal", she asserts, Becky is not entirely original since she is created from character traits that already exist in the world. (Pugh 2005:17) Thus, it is possible for the author to "make her



say or do something” that goes against the “reality” of such traits, and it is therefore also possible for a reader to understand a character better than the author does. (Pugh 2005:17) This idea, and Pugh’s later image of the author as a “jackdaw”; a re-arranger of materials rather than creator, links to Barthes vision of the text as a “tissue of quotations” pieced together from existing thoughts and ideas. (Pugh 2005: 222; see Barthes, 2008: 315) Thus, the relationship between fanfiction and Reader Response seems to be strong.

There is often a tension, however, between authors and fans because of the abovementioned premises. Some authors, such as Anne Rice, dislike the lack of authorial control that fanfic and other fannish activity creates. In a statement on her website, Rice says, “it upsets me terribly to even think about fanfiction with my characters,” (2002 in Pugh 2005: 13) demonstrating an especially possessive attitude towards her work. Indeed, even writers who are “flattered” by fanfiction, such as J. K. Rowling are also sometimes uneasy about the direction that their characters take in the hands of fans. (Pugh 2005) Joyce Millman, in her essay discussing the transformation of the character of Severus Snape by fanfiction writers, refers to Rowling’s “frustration” with readers’ love of this character who, in her opinion, is not “nice.”(Millman, 2005:57) Thus it is clear that authors are influenced, to a greater or lesser degree, by the prevailing idea of the Author-god, and the author is still some way from being ‘dead.’

Fanfiction though, is doing all it can to kill off the Author-god. The fundamental principles of this kind of fan activity have been

shown to support multiple meaning and active participation; the holy grail of Reader Response theorists. Fan presence and influence, with the help of modern technology, is growing ever stronger, eroding the power of the author, despite legal opposition. Furthermore, fanfiction as a genre demonstrates something of a return to early forms of writing before the artificial construction of the Author, where the writer was of no account, and the characters, plot and setting were free for anyone to use. Perhaps in the future, works of fanfiction and their source text will be viewed as one, as we view ancient myths and legends now. If this does come to pass, it will then be safe to declare, “The Author is Dead”.

## Glossary

**Canon** The source material from which fan-works are derived.

**Fanfic** An abbreviation of fanfiction.

**Fic** An individual work of fanfiction.

**OTP** One True Pairing: two characters who are ‘meant to be’.

**Ship** An abbreviation of ‘relationship’. Refers to sexual and/or romantic pairings of particular characters.

**Slash** Focuses on same-sex romantic or sexual relationships between characters, usually male.

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# Enron & Corporate Governance

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## ABSTRACT:

With the emergence of capitalism, companies increasingly appreciated the necessity of external funding for continued growth and expansion. A number of high profile corporate collapses, betraying investor's trust on published reports, arose in the 1980s. The effects of these collapses were felt throughout the world, mortifying the global community. With adaptable decision making, and improved accountability to markets, potential investors are more willing to invest in companies. This paper aims to examine the theoretical principles and limitations of the code of ethics that arose from the largest scandal in corporate America, Enron. The contrast between Enron's moral mantra and the behaviour of some of their executives is discussed.

## Introduction

Entering the capitalist era, companies began to appreciate the need to attract external funding in order to grow and expand. Investors wanted to have the necessary information to make sound economic decisions, and to be assured that the company is well managed and would continue to be profitable indefinitely (Mallin, 2007).

A number of high profile corporate collapses, betraying investor's trust on published reports, arose in the 1980s. The effects of these collapses were felt throughout the world, mortifying the global community. According to Monks and Minow (1996), good governance is of national importance, promoting commercial competitiveness and boosting the global economy at the same

time. With adaptable decision making, and improved accountability to markets, investors are more willing to invest in companies.

This paper aims to examine the theoretical principles and limitations of the code of ethics that arose from the largest scandal in corporate America, Enron. The contrast between Enron's moral mantra the behavior of some Enron executives are discussed. The well-known moral mantra of Enron was denoted by the acronym, R.I.C.E. – respect, integrity, communication, and excellence. It is not the objective of this paper to look into the details of the case, but only to focus on governance issues recommended by the code of ethics.

### **Corporate Governance**

The term “corporate governance” has become one of the most commonly used phrases in the current business industry (Solomon, 2007). The fall of Enron placed had brought about international attention on corporate failures, and the preventive role played by corporate governance. Enactment of the Sarbanes Oxley Act and timely review of best practice codes are the result of corporate failures. What exactly is corporate governance?

There is no single definition of corporate governance. Some interpret corporate governance as a tool that creates an ethical environment to promote responsible trading (Premeaux, 2008). The Cadbury Report (1992) defined corporate governance as a “system by which organizations are directed and controlled”

(Cadbury Report, 1992, Paragraph 2.5). Conversely, the Organization for Economic Co-operation and Development sees corporate governance as “a set of relationships between a company’s directors, its shareholders and other stakeholders” (OECD, 2004, Preamble).

Despite the many interpretations, it is certain that corporate governance is only one of the many pieces in the jigsaw, which contribute to effective and sustainable corporate practice (Dawson, 2004). The following corporate governance issues will be discussed in later sections: agency theory, corporate environment, board structure, managerial hegemony, and accountability and audit.

### **Agency Theory**

Separation of ownership and control arose from *Salomon v. Salomon & Co. Ltd.* in 1897 and is an example of the notorious ‘agency problem’ (Farrar & Hannigan, 1998). This case gave rise to the ideology of management acting as ‘agents’, working in the interests of the ‘principals’. Ross (1973) was the first to explore the detailed theoretical exposition of agency theory.

Later developed by Solomon (2007) who described how management act in the interest of the shareholders, making decisions that would maximize shareholders wealth. This assumption, however, proved to be problematic in the enterprising environment. Management has a tendency to act in their own interests, maximising their personal objectives at the expense of the

shareholders, for example, Eurotunnel's financial problems were, in part, a result of such practices (Wearing, 2005).

Management of Enron obviously exploited shareholders' trust, acting to satisfy their own ego and self-interest. Unlawful transactions with special purpose vehicles were utilized and fictitious figures were disclose which were derived from 'mark-to-market' accounting to mislead shareholders. As their misdeeds were brought to light, management was punished severely by the law and market.

Arguably, the blame for the collapse of Enron should be shared with the shareholders as well. If shareholders uphold their rights as owners and exercise direct influence on the company and board, fundamental problems could have been identified and remedied at an earlier stage. Nonetheless, shareholders were not penalised in any aspect, other than losing their initial investment. Is it fair that only management is punished for Enron's collapse? Is it justifiable that shareholders are not penalised for the role they played in the downfall of Enron? It may be argued that, in the eyes of the public at least, the price paid by both management and shareholders is fair.

### **Ethical Corporate Climates**

Corporate culture is defined as a company's set of common beliefs and expectations based on a common collection of values, assumptions and attitudes (Arnold & Lampe, 1999). Ethical climate refers to ethical values held by management to lead



subordinates with the use of policies, practices and procedures (Dallas, 2004). These values act as guidance, influencing moral awareness in the process of making decisions.

Rest (1984) identified four components in ethical decision-making, moral awareness, moral decision-making, moral intent, and moral behavior. It was posited that with these elements, companies would be guided to make the ‘right’ choices.

In practice, factors, such as reward systems, compensation systems, and appraisal also have an impact on the ethical climates in a company. Empirical evidence suggests that once management is willing to conduct fraudulent activities, their actions would also encourage subordinates to engage in similar activities (Premeaux, 2008). Before long, the immoral culture would ‘infect’ the whole company, retaining only employees with poor moral character.

Enron’s ‘R.I.C.E.’ principles fooled the public for many years (Markham, 2006). Resulting from Enron’s actions, it may be argued that, their values should more appropriately be risk-taking, individualism, contempt and exploitation. Outsiders were kept in the dark regarding Enron’s corporate culture, they had no idea concerning how the company was governed, other than they had ‘innovatively’ created value for shareholders. In fact, even financial institutes accepted Enron’s business proposals without asking questions (Elkind & Mclean, 2003).

In addition, Enron put in place the harshest employee-ranking system in corporate America, replacing 15% of its workforce

annually. Those who contributed to the appreciation of stock price were rewarded handsomely, while those who were unwilling to fabricate ‘profitable’ deals were laid off (Elkind & Mclean, 2003). With this system, employees were forced to use unscrupulous methods to survive in the highly-competitive environment. In short, Enron is characterised by “individual and collective greed born in an atmosphere of market euphoria and arrogance” (Thomas, 2002, pp 41). Without an ethical environment, management would act irrationally and immorally. Selfishness would brew into a monster that would ‘murder’ a company of any size and industry.

### **Role of Boards in Corporate Governance**

Empirical evidence showed that well-governed companies tend to be more successful (Conger, Finegold & Lawler, 2000). Well-functioning and effective board protects the interests of shareholders without undermining the operations and strategies of the companies.

a)

**B**

#### **Board Structure**

In an Anglo-Saxon environment, companies such as Enron operate a unitary board. Its structure is characterised by one single board comprising both executive and non-executive directors (Mallin, 2007). The board makes decisions in a unified manner, and work towards a common goal. In theory, board members are appointed by shareholders during the Annual General Meeting. However, in practice, the duty of nominating members is delegated to

management, who often “select directors they ‘can count on’ rather than individuals who constructively examine important issues” (Salmon, 2000: 10). Would an independence-deprived board be able to function properly? This does not seem to be the case at Enron.

An investigation was conducted on the impact of ineffective non-executive directors, and published in the Higgs Report. From an agency theory perspective, it is believed that the presence of non-executive directors on the board would reduce conflict of interest between shareholders and management (Solomon, 2007). However, duties of non-executive directors were completely breached in the cases of Enron. It has been suggested that, in practice, boards do not consult nor criticise management’s decisions, as they are unwilling to strain the relationship with management.

b)

M

### **anagerial Hegemony**

While boards do not see themselves as pawns of management, they acknowledge an increasing number of restrictions imposed to hinder them from discharging their duties effectively (Lorsch & MacIver, 1989). According to Mace (1971), ineffective performances of boards suggest that they were incapable of adequately representing any interest. Consequently, the role of the board in reducing the effect of agency problems is made ineffective to some extent. The wide gap between what the board is supposed to do, and what they are actually allowed to do in practice has

caused at breach in the fundamental reasons for creating a board in the first place.

Managerial hegemony could also occur when separation between duties of the chairman and Chief Executive Director – “CEO” is blurred. Conflict of interest is detrimental to the role of boards as watchdogs for shareholders (Lorsch & Salmon, 2000). Combined Code of ethics (2008) recommends that there “must be a clear division of responsibilities at the head of the company between the running of the board and the executive” (Paragraph A.2). Corporate failures, such as Polly Peck and Parmalat, had caused the professional body to believe that separation of duties should resolve the issue on conflict of interest. Is that really the case?

In the case of Enron, duties of the chairman and CEO were dominated by Ken Lay (Fusaro & Miller, 2002). As a charismatic character in the company, he could influence the board to perform ‘rubber-stamping’, approving all proposals without being subject to questioning. His influence was so great that the board ignored all warning signs of fundamental problems, depriving any chance of taking remedial actions (Hamilton & Micklethwait, 2006). It appears that the cause of failure of Enron’s board is consistent with the professional recommendations. Nevertheless, separating duties would not have wholly remove any conflict of interest, only mitigated it. If the CEO dominates the board, it would not matter whether there is a separation of duties. The board would still be obligated to agree with management, even if it is at the expense of shareholders.

## **Accountability and Audit**

Independent auditing is becoming an essential element of today's corporate governance. As ownership and control is separate, shareholders depend on independent scrutiny to ensure that management is acting in their interest (Kurihama, 2007). Checks are usually carried out by independent auditors, who, in theory, act in the interest of shareholders. This is not always true in practice as an auditor's independence is often threatened by factors such as a close relationship with management, conflicts of interest and power of auditor (Gray & Manson, 2008).

In their attempt to ensure shareholders of perceived independence, the audit committee was formed, acting as a barrier between management and the auditors. Responsibilities of the audit committee generally include "responsibility for the reliability of financial reporting, the effectiveness of the internal control structure over financial reporting, and the external and internal audit functions" (Semenza, 2002: 131).

Dye (1991) suggests that if audit fees are disclosed to shareholders, auditor's independence would improve as there are no quasi-rents to influence the company's audit opinion. Lai (2009) provided empirical evidence that disclosure of audit fees improves auditor independence. It is evident that with adequate disclosure of audit fees and improved transparency, shareholders confidence in the accuracy of an auditor's report would improve.

A study conducted by Antle *et.al.* (2006) suggested that by paying higher audit fees, auditors are more consenting to higher abnormal accruals. This was proven in the case of Arthur Andersen, who earned \$25 million pertaining to audit work and \$27 million pertaining to consultant work, from Enron in 2000 (Markham, 2006). Considering the financial dependence of Arthur Andersen on Enron, the motive of assisting in masking Enron's massive losses in the financial statements is apparent. It is only natural that Arthur Andersen does not want to risk losing their client, whose fees make up a major portion of their total revenue. Undue pressure had affected not only Arthur Andersen's independence in appearance, but also their independence in fact.

## **Conclusion**

The Enron saga had brought to light many weaknesses in the accounting, auditing, and corporate governance of various firms. Other corporate governance issues, such as director's remuneration and internal auditors, arose from the Enron case. Furthermore, principles such as stakeholder theory and corporate social responsibility were greatly influenced by the case. The impact of Enron's collapse could be felt throughout the global economy, devastating the whole financial industry. Professional bodies have subsequently sought to develop approaches to plug loopholes, impose new controls, and prevent the emergence of other, similar companies. Efforts of the professional bodies, however, have yet to materialise, and there is much work to be done to keep pace with changes in the business environment and uphold good governance.

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## **Culture & Leadership: How leadership impacts cross cultural management?**

Endrit Bajrami

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### ABSTRACT:

As globalisation continues at unprecedented rates, there are increased rates of cultural clashes which commonly result in unsuccessful international business assignments. This essay will discuss the importance of top management acknowledging that there are differences in cultures which need to be considered. Different cultures value certain leadership characteristics differently, which means managers and other business leaders, must not only acknowledge the different characteristics but also adopt these characteristics in order to successfully manage in that environment. Evidence will be used to support methods which leaders and managers can use to identify the type of culture they are going to be working with, and further evidence will be used to identify the different leadership styles preferred by different countries and hence different cultures. However due to the complexity of international business, managers and leaders cannot rely just on several methods of indentifying cultures and tools to help guide their leadership styles because there is too much variation between multiple cultures. Instead a global mind set needs to be acquired and developed. A global mind set changes an individual's perceptions not only about other cultures but also their own. Individuals become more open minded, and are able to adapt their understandings of business conduct to a local point of view, anywhere in the world. A global mind set ultimately increases individual's capacity to successfully manage cross-cultural international business assignments.

In the modern global market there is an ever increasing presence in the quantity and diversity of organisations. They all implement different strategies to compete and attempt to gain a competitive edge, in order to grow, or at least maintain their business. These strategies are very important as they can determine the success or failure of the organisation, particularly when an organisation aims to enter foreign markets. Different cultures can result in different ways of thinking, which results in different decision making, and ultimately different ways of conducting business. So when an organisation tries to create a new subsidiary in a different country, or collaborate, or merge, they must at least consider the differences between cultures. As organisations cross national borders they meet new challenges, such as different culture, business practice, race, religion, ethnicity, different laws, regulation etc. All these aspects fall under globalisation (the spread of current and new organisations across national borders). Globalisation is constantly increasing the number of international assignments and thus the diversity of the workforce resulting in increased cultural clashes which are a major cause of unsuccessful international assignments.

In this essay the significant influence of culture on international business and management will be discussed, with a focus on what top management can do to reduce cultural clashes and reduce failure of international assignments. It is crucial to acknowledge what culture is and that there are differences between cultures. This can significantly influence the type of leadership style that should be used, in order to improve the management of international assignments. As an example, a study conducted by Brodbeck *et al* (2000) on the different preferred leadership styles

across 22 countries in Europe will be examined. With supporting evidence this essay will argue that different cultures require different leadership styles and the most effective international leaders develop a global mind set.

Across the many different countries in the world there are many different cultures. In today's world most countries have more than one culture. Further, amongst these countries there are many organisations which may also have their own internal culture be it the same as their national culture or completely different. This essay will focus on organisational culture. Thus it is important to define what organisational culture is and to try and understand some of its dynamics. There are many different definitions of organisational culture. Some authors define organisational culture as the glue which can maintain the organisation and also encourage its members to commit and perform (Van Den Berg & Wilderom, 2004). The values, customs, beliefs and systems that are unique to an organisation will determine its culture, (Burnes, 2004). There are many more authors who give their own definitions of organisational culture, however collectively; culture can be termed to as a uniting of individuals who share common goals, values, attitudes and behaviour. Culture can influence the way we perceive life, which in effect determines, what we as individuals accept as right and wrong. Culture is important because it can determine which leadership style is preferred and effective.

One well known author who has spent many years trying to define and understand culture is Hofstede (1980), who designed four cultural dimensions to distinguish between different cultures:

1. Power distance: these are the varying relationships with varying degrees of unequal power between members of the organisation.
2. Uncertainty avoidance: the amount of tolerance for uncertainty.
3. Individualism versus collectivism: the degree to which the individuals form groups.
4. Masculinity versus femininity: the degree of aggression and competitiveness in the working environment to gain wealth, versus the degree of humbleness and caring, where the quality of life is more important than wealth. (Clegg *et al.*, 2008)

This model is commonly used to distinguish which dimension is more important in different cultures (see table 1). For example, Malaysian culture has strong power distance relationships, between the top management and the lower level employees. This means important decision making concerning the organisation's strategies are likely to be dealt with solely by top management, with disregard of the lower level employees opinions; such practice is widely accepted in Malaysia. However in the U.K. the power distances are less, meaning more members of the organisations will have significant influence over vital decision making. As globalisation increases, the amount of international assignments increase. Thus there is an increase in demand for expatriates or international assignees (individuals who are transferred to another country, to work on an operation for more than one year, (Briscoe *et al.*, 2008)). It is important for potential expatriate leaders to have as much understanding as possible of their host country's

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culture, because it will help them adapt better to the new culture, new methods of business conduct and perhaps a new way of life. Comprehension of the host country’s culture is very important in order for the leader to adapt their leadership style according to the characteristics and behaviour expected by that country (or possibly a different organisation or foreign subsidiary).

	<i>Power distance</i>	<i>Individualism</i>	<i>Masculinity</i>	<i>Uncertainty avoidance</i>
USA	40	91	62	46
UK	35	67	66	65
Germany	35	67	66	65
Australia	36	90	61	51
Canada	39	80	52	48
Sweden	31	71	5	29
Denmark	18	74	16	23
France	68	71	66	65
Italy	50	76	70	75
Spain	57	51	42	86
Japan	54	46	95	92
Indonesia	78	14	46	48
India	77	48	56	40
Thailand	64	20	34	64
Hong Kong	68	25	57	29
Taiwan	58	17	45	69
Singapore	74	20	48	8
Malaysia	104	26	50	86
Brazil	69	38	49	76
Mexico	81	30	69	82
Arab Countries	80	38	53	68

Note: Scores are obtained from statistical factors.  
Source: Hofstede (1980).

Table 1. The varying degrees of difference in Hofstede’s four cultural dimensions, among different countries (see Hofstede, 1980).



## Leadership styles

Leaders are very important to organisations because they are involved in so many essential processes within organisations, such as developing the short term and long term strategy of where the organisation wants to be. Leadership can be defined as the process which motivates and inspires others towards the achievement of common goals (Clegg *et al.*, 2008). Understanding leadership and the different styles is very important in becoming an effective international leader of an organisation and is a vital process of developing a global mind set. There are many different leadership styles which would be best suited to certain cultures. Some of the common leadership styles include the trait theory, behavioural theory, path-goal theory, transformational theory and situational theory. The trait theory, suggests that individuals are born as leaders and they have innate characteristics, such as intelligence, confidence, integrity and a great ability to motivate people. This would imply that leadership is not something that can be learnt but that you are born with. It would also suggest that subordinates must also be innate, (Clegg *et al.*, 2008). This is one of the oldest leadership theories and has received a lot of criticism.

More recent theories argue that leadership is not innate and that it can actually be learnt and acquired; this is the view adopted by this essay. For example the behaviour theory suggests that you either act like a leader or you do not. This theory is not based on characteristics, instead, it focuses on the behaviour which is observable and can be learnt, developed (if needed) and thus taught. The path-goal theory was designed by Robert House

(1971), his theory suggests, effective leaders can motivate their followers by using the job tasks and rewarding good performance and punishing bad performance. The leaders using this theory need to provide psychological and technical support, as well as information and any additional resources necessary to complete the task. This theory has four main characteristics which leaders should have: directive approach, being supportive, being participative and achievement oriented, (Clegg *et al.*, 2008). This leadership style would be suited to more masculine countries like France (table 1). Situational leaders determine leadership style according to how they, as individuals, assess the environment/situation and choose what they believe are the right characteristics or behaviours for that particular situation, (Clegg *et al.*, 2008). The transformational theory of leadership suggests the leader tries to engage with the followers and too engage the followers with the rest of the group and task. The leader also acknowledges the members of the group as individuals and tries to develop them individually to their potential, (Walumbwa & Lawler, 2003). Bass (1985) identifies the four main components of a transformational leadership style: charisma, inspirational motivation, intellectual stimulation and individualised consideration. A study by Walumbwa and Lawler (2003) aimed to find out how transformational leadership can affect organisational commitment, job satisfaction, and withdrawal behaviours, in a collectivist culture. They proposed the framework for transformational leadership and overall job outcomes (figure 1,) to illustrate the theoretical overview. They implemented hypotheses to test whether transformational leadership in a collectivist culture would enhance job satisfaction and reduce withdrawal behaviours, or whether it would have the opposite

effects (reducing job satisfaction and increasing job withdrawal). They conclude; transformational leadership in the collectivist culture does significantly enhance all 3 aspects of job satisfaction and reduces job and work withdrawals. The previous evidence shows the different types of leadership styles, and how they can affect employees and the entire organisation. For the leader to acknowledge which leadership styles are preferred by his organisation is a challenge in itself. However when a leader is working on an international assignment, in a different country or even in project with people from a mixture of different cultures then the challenge becomes even more difficult. The next session will describe how these leadership style vary across different countries and thus cultures.

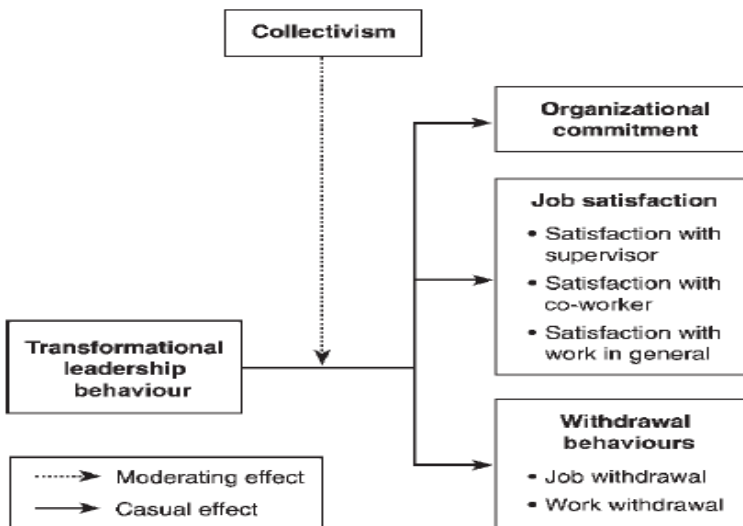


Figure 1. The relationship between transformational leadership and work related out comes (Walumbwa and Lawler, 2003).

### **Comparing leadership styles across Europe:**

It is important for future expatriate leaders to comprehend that there are differences in leadership styles across the world, and it is unlikely that their leadership style will be effective without any adaptation in host countries. Expatriate leaders must identify and then adopt the preferred characteristics and behaviour - of the shared culture within the host country, subsidiary, or host organisation - in their leadership style accordingly in order to work with maximum efficacy. A study by Brodbeck *et al* (2000) provides very strong evidence demonstrating the different preferences in leadership style in different countries, hence different cultures, across Europe. Over 6,000 middle managers from 22 European countries (figure 2), across three different industries (food, finance and telecommunications) were surveyed using seven point scale questionnaires. The 22 European countries were selected and put into regional clusters. Table 2 shows which countries were selected and the clusters they were grouped in to. The authors claimed; the increasing difference between cultures, will result in the decreased likelihood that cross-cultural leadership styles will be accepted and effective in host countries. Therefore it is important to understand different leadership styles in order to manage effectively in different cultures.

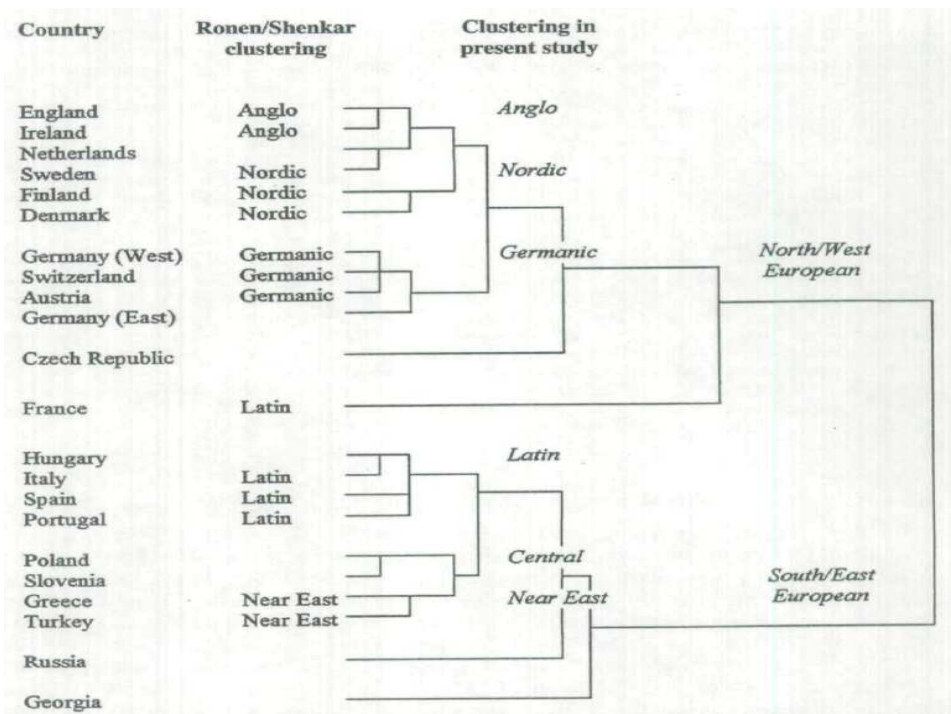


Figure 2. The European clusters. (Brodbeck *et al.*, 2000)

The results of the preferred leadership styles in different cultures are displayed in table 3. The northern European countries preferred leadership styles with higher levels of equality and participation. This leadership style is similar to transformational leadership, whereas in the southern European countries there were indications of hierarchy resulting in the preference towards a directing leadership style (similar to the path-goal theory). This study shows how the different characteristics which contribute towards leadership style vary in the different clusters. It is also possible to see that there is a relationship between distances of

countries and differences in their culture. In general the closer the countries are together, the similar the preference of leadership style. For example the Germanic cluster (Germany, Switzerland and Austria) have very similar leadership styles, as do the Anglo cluster (U.K. and Ireland). Brodbeck *et al* (2000) argue this similarity is partly due to the same language being spoken because language can be seen as part of culture. The Russian and the Latin cluster have many differences in the preferences of their leadership style and are also very distant from each other. However there was a characteristic - self centred - which was one of the least preferable characteristics in all the countries except Georgia. Characteristics like inspirational, visionary, integrity, performance oriented and decisive all received high ranking in most countries. The authors conclude that different cultures do have different leadership styles and the higher the difference between cultures the higher the difference between leadership styles. Without understanding the cultural differences it is unlikely an expatriate leader will lead successfully in the host country. By understanding the hosts' country's culture it can help anticipate potential problems. Such research on different types of leadership has important benefits to help understand cross-cultural interactions; these should be exploited by leaders, managers, trainers and consultants, (Brodbeck *et al* 2000).

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Leadership prototypicality	North/West European region					South/East European region						
	Anglo		Nordic		Germanic		Latin		Central		Near East	
	(GB, IRI)	(SWE, NL, FIN, DEN)	(CH, GER/w, GER/s, AUS)	(FRA)	(ITA, SPA, POR, HUN)	(POL, SLO)	(TUR, GRE)	(RUS)	(GEO)			
High positive (facilitates understanding leadership)	Performance Inspirational Visionary Team Integrator Integrity Decisive Participative	Integrity Inspirational Visionary Team Integrator Performance Decisive Participative	Integrity Inspirational Performance Non-autocratic Visionary Decisive Participative Team Integrator	Integrity Performance Administrative Inspirational Non-autocratic Visionary Participative Self Sacrificial Team Integrator Diplomatic	Participative Non-autocratic	Team Integrator Performance Inspirational Decisive Integrity Administrative Diplomatic Collaborative	Team Integrator Decisive Visionary Integrity Inspirational Administrative Diplomatic Collaborative Performance	Visionary Performance Inspirational Decisive Integrity Team Integrator	Administrative Decisive Visionary Integrity Team Integrator Humane Diplomatic Collaborative Modesty			
Low positive (slightly facilitates)	Non-autocratic Administrative Diplomatic Collaborative Modesty Self Sacrificial Humane Conflict Avoider	Collaborative Diplomatic Administrative Conflict Avoider Self Sacrificial Humane Modesty	Diplomatic Collaborative Self Sacrificial Modesty Autonomous Humane Conflict Avoider Autonomous	Inspirational Integrity Team Integrator Performance Visionary Decisive Diplomatic Collaborative Conflict Avoider Administrative Modesty	Non-autocratic Participative Self Sacrificial Modesty Humane Status Conscious Conflict Avoider Humane Procedural	Collaborative Participative Non-autocratic Modesty Self Sacrificial Status Conscious Autonomous Humane Procedural	Participative Non-autocratic Self Sacrificial Modesty Humane Status Conscious Conflict Avoider Autonomous	Participative Collaborative Diplomatic Status Conscious Self Sacrificial Modesty Conflict Avoider Autonomous	Inspirational Non-autocratic Self Sacrificial Status Conscious Autonomous Participative Procedural			
Low negative (slightly impedes)	Autonomous Status Conscious Procedural	Autonomous Status Conscious Procedural	Status Conscious Procedural Conflict Avoider Face Saver	Procedural Conflict Avoider Autonomous Humane Procedural	Procedural Autonomous	Conflict Avoider Face Saver	Autonomous Procedural Face Saver	Humane Non-autocratic Procedural Face Saver	Conflict Avoider Face Saver Self Centered			
High negative (impedes)	Face Saver Self Centered Malevolent	Face Saver Self Centered Malevolent	Face Saver Self Centered Malevolent	Face Saver Self Centered Malevolent Self Centered	Face Saver Self Centered Malevolent	Self Centered Malevolent	Self Centered Malevolent	Self Centered Malevolent Face Saver	Malevolent			

Key: AUS = Austria, CH = Switzerland, CSR = Czech Republic, DEN = Denmark, FIN = Finland, FRA = France, GB = United Kingdom, GER/w = Germany, GER/s = former East Germany, GEO = Georgia, GRE = Greece, HUN = Hungary, ITA = Italy, IRI = Ireland, NL = Netherlands, POL = Poland, POR = Portugal, RUS = Russia, SLO = Slovenia, SPA = Spain, SWE = Sweden, TUR = Turkey.

Table 3. The preferred leadership styles in different European countries, (Brodbeck *et al.* 2000)

The study across European cultures and the preferred leadership style has its limitations. Even though the sample was quite large it only represents three industries across those selected countries. Thus it would be inappropriate to assume each of those countries have the same leadership style preference in every industry. Different industries demand different types of work; some are less structured than others and demand more guidance. For example I have worked for Network rail, and have had experience working on large projects. In particular I worked at Clapham junction which is Britain's busiest station. There were over 100 men on the site and project was a power upgrade, which was rather complex. In this situation the leader of our group took on a very autocratic and self centered leadership style, however despite his low popularity, the task was completed on time. Most railway projects I have worked on have been lead by an autocratic leadership style. However according Brodbeck *et al* (2000), the U.K. prefers a leadership style which is performance oriented, inspirational and visionary. The point of the example is to demonstrate that leadership style can also be determined by the type of work and the situation. It is important to acknowledge that research does help inform people about different cultures. However it does not necessarily provide an answer to how to lead effectively in different cultures and all environments? Thus for a leader it is essential to be aware that differences in different situations and environments exist and they require different combinations of characteristics in order to lead effectively; the aim of the global mind set.

### **The Social Identity theory:**



As more multinational enterprises (MNE's) undergo collaboration (with other MNEs), mergers, acquisitions and out sourcing they are increasing the likelihood of exposure to new cultures. At some point in time, it is very likely that two cultures with a history of conflict will meet. When bringing these two cultures together in the workplace, there is a high possibility that there will be conflict between employees, thus another challenge the leader must overcome. It is important for an expatriate leader to be aware there may have been conflicts between countries in the past or even within the same country. A study by Chrobot-Mason *et al.* (2007) demonstrates how such conflicts can arise between different social identity groups which are usually divided by religion, race, ethnicity and region. When two conflicting identity groups or even individuals are brought together in the work place they can create problems which will result in poor work performance or even lead to task failure, both for the group or the individuals. When such conflicts arise in the work place it is often expected to be dealt with by the leader or manager, their initial reactions can diffuse the situation or escalate it even more. This would be a challenge in itself, but it would be even more challenging if the leader is a member of one the social groups.

The social identity theory states that we categorise our selves into social groups, to help us identity our self image as well as others, while at the same time fulfilling our needs for inclusion and differentiation by belonging to social groups (Chrobot-Mason *et al.*, 2007). The attributes used to categorise individuals into social groups are called faultlines, for example race, religion, sex etc. The presences of faultlines are believed to be the driving force for

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creating discrimination between individuals and social identity groups. When these bias individuals or groups come into contact then tensions increase and may result in conflict between social groups. Faultlines vary according to culture and geographic locations. The decategorisation concept purposes, interactions will be most effective when interactions between different social members are not category based, but individually based. This concept is very similar to transformational leadership theory and the leader member exchange theory (LMX- which recommends leaders relate to their followers as individuals).

<i>Leader effectiveness in managing identity-based conflicts</i>		
<i>Leadership strategy</i>	<i>Collectivistic cultures</i>	<i>Individualistic cultures</i>
Decategorization (Person-based interactions)	Low effectiveness Social identity is salient, strong and less fluid; therefore, strategies that ignore or attempt to minimize group identity will be met with strong resistance and will influence leader effectiveness negatively in dealing with social identity conflicts.	High effectiveness Individual self-interests are given priority over collective interests and employees define themselves primarily based on unique characteristics and attributes. This strategy will likely be effective because it is focused on the individual.
Recategorization (Superordinate identity)	High effectiveness Accomplishing the goals of the collective group are consistent with the interdependent self-construal in a collectivist culture. This leadership strategy will be effective when employees identify with the organization and the leader.	Low effectiveness Since individual self-interest is of primary importance in individualistic cultures, leaders will likely only be effective using this strategy when the goals of the collective and personal goals are congruent.
Subcategorization (Nested subgroups)	High effectiveness This strategy will likely be effective (if social identity conflict is moderate or the strategy is used as a preventative measure) because group members are able to maintain their identity with the social group and are valued for their contributions based on this group membership.	High effectiveness This strategy will likely be effective (if social identity conflict is moderate or the strategy is used as a preventative measure) because individual contributions will be recognized and valued, which is consistent with an independent self-construal.
Crosscutting (Cross-group composition)	Low effectiveness This strategy will not be effective because shifting group boundaries are likely to evoke identity threat.	High effectiveness This strategy will be effective because greater emphasis and value is placed on individual contributions and unique characteristics.

Table 4. The different cultures when the Decategorisation, Recategorisation, subcategorisation, and cross cutting are models are most effective, (Chrobot-Mason *et al.* 2007)

Recategorisation, subcategorisation, and cross cutting are models which attempt to provide solutions for managing social identity conflicts. Recategorisation reduces bias by extending perceptions of shared belief beyond in group members, thus trying to extend similarities between individuals beyond the social group. Subcategorisation suggests that social conflict can be reduced by structuring inter-group contact in a way which produces clear distinction between each groups' task. However the group's roles must be complementary and both must contribute towards a common goal. The cross cutting model aims to minimise social identity conflict by either systematically or randomly involving members from both social groups. Participation of members from both groups needs to take place in equal amounts, in an attempt to remove social identity related to certain roles. This should produce the perception that both social groups and members are of equal importance. Table 4 summarises which particular cultures prefer the use of these models to be incorporated into the leadership style, to enhance effective leadership, (Chrobot-Mason *et al.*, 2007).

### **Global competence and the global mind set:**

The success of MNEs is largely determined by its leaders. Therefore it is vital for the MNEs that their leaders are able to lead in the global environment. The global mind set can be defined as “knowing how to live and work across cultures” (Briscoe *et al.*, 2008 : 216). The global mind set can also be defined as “the ability to develop and interpret criteria for business performance that are not dependent on the assumptions of a single country, culture or

context and to implement those criteria appropriately in different countries, cultures and contexts” (Begley and Boyd. 2003: 25-26). There are three main components of a global mind:

1. T  
Think globally - when is global standardisation beneficial to an organisation
2. T  
Think locally – deepening the organisations understanding of local and cultural differences will lead to a global organisation.
3. T  
Think globally and locally simultaneously, (Begley and Boyd, 2003).

Dutton (1999) purposes a list of criteria which need to meet in order to be develop a global mind set (figure 3).

**YOU HAVE A GLOBAL MIND-SET  
IF YOU DO THE FOLLOWING:**

- ✓ Have multicultural values
- ✓ Base others' status on merit, not nationality
- ✓ Are as open to ideas from other cultures as those from your own
- ✓ Are excited—not fearful—in new cultural settings
- ✓ Are sensitive to cultural differences, but are not limited by them —G.D.

Figure 3. Some of the components of a global mind set, (adapted from Dutton, 1999)

All these attributes are very important when attempting to acquire a global mind set, but how does one actually go about developing a global mind set? The most effective way to develop a global mind set is to undertake an international assignment. This will expose the expatriate leader to a different culture, where they are likely to experience a cultural shock. This will force the expatriate to develop the coping skills and abilities needed to overcome the cultural shock, (Briscoe *et al.*, 2008), (similar to Stroh and Caligiuri (1998)). Stroh and Caligiuri (1998) claim the most effective method used by MNE's to enhance their leaders global competence is by sending them on international assignments to accumulate real life experience in different cultures. According to Caligiuri and Di Santo (2001), the global competence these leaders require can be defined in terms of dimensions, which are knowledge, ability and personality. These are also developed by international assignments. The most important dimensions to be improved by international assignments are highlighted in table 5. The authors conclude from their results; personality is unlikely to be influenced. Knowledge is enhanced and it greatly improves the skills and competencies of leaders, both on the international and domestic scene. Thirdly the leader's cognitions were adapted, making them more culturally sensitive and aware of the differences between cultures and different methods of business conduct, in host countries. As a result, successful international assignments improved the MNE's financial status and ability to successfully produce globally competent leaders, (Caligiuri & Di Santo, 2001).

Ultimately a global mind set improves the knowledge, skills, ability and the entire capacity to conduct business on a global scale. A global mind set can be seen as a vital tool which future leaders need to acquire in order to successfully lead their organisation as it competes, or is preparing to compete on a global scale.

<b>Dimensions</b>	<b>Proposed Developmental Goal</b>
Ability	Increase an individuals ability to transact business in another country.
Ability	Increase an individual's ability to change leadership style based on the situation.
Knowledge	Increase an individual's knowledge of the organisation's world wide business structure.
Knowledge	Increase an individual's knowledge of international business issues
Knowledge	Increase an individual's network of professional contacts worldwide
Personality	Increase an individual's openness
Personality	Increase an individual's flexibility
Personality	Reduce an individual's ethnocentrism

Table 5. The dimensions which are targeted on international assignments to enhance global competence, (adapted from Caligiuri and Di Santo, 2001).

### **Conclusion:**

Leaders are extremely important employees to an organisation; they can determine the success or failure of the organisation. Leaders who are driving their organisations into new foreign markets, must understand how business is conducted in the foreign market. Culture has a significant influence on business conduct and therefore its understanding is vital for successful business operations. As has been discussed earlier there is a vast diversity of cultures present and there are many challenges which leaders must overcome, in order to lead effectively. Using Hofstede four cultural dimensions can produce a starting point for understanding the host country's culture. Determining whether the host country is a collectivist or individualistic culture, can help the leader understand which leadership styles are preferred. The Study by Brodbeck *et al* (2000) provides strong evidence to demonstrate that different preference of leadership styles exist in different cultures, and also demonstrates the characteristics preferred by different cultures as well as how distance between countries can also influence cultures.

Leadership is not innate and it can be learned and acquired. There are different preferences of characteristics and behaviour in leadership style which are largely determined by the local or organisational culture. These characteristics and behaviour need to be identified and developed by leaders. The social identity theory is an important theory for leaders to be aware of because it demonstrates the practical psychological behaviour of individuals. It can be used to help understand the cultural differences, and predict potential behaviour of employees as well as predicting the

characteristics and behaviour of their preferred leadership style which needs to be adopted by their leader.

Even with a lot of experience, learning about host cultures and training to pre-prepare for international assignments; one can never be completely prepared for the task ahead. The most important asset is to have a global mind set, which emphasises the appreciation of different cultures. Understanding the culture in one market or one or two organisations is great; however the development of a global mind set is about understanding and being prepared to adapt leadership styles according to multiple cultures, which is essential for effective for cross-cultural management or leadership. The global mind set changes the leaders perspectives about other cultures, their own culture and broadens there perceptions in their professional working life as well as social life. This broadened perspective should allow any leader or manager to be aware of different business practices and to understand them from the local point of view, anywhere in the world. In essence the global mind set can be acquired and developed. The global mind set changes individual's cognitions, making them more open minded. This broadens their perspective and collectively allows the individual to adapt to cross-cultural environments, ultimately enhancing the effectiveness of their leadership. So to answer the question directly and sum up the essay, a global mind set should be used to overcome the various challenges created by cultural differences, and lead effectively in cross-cultural management. The role of leadership is the backbone of successful organisations, because the nature of it involves so many organisational processes.



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# The WTO and pharmaceutical access in developing countries

Rachael Smith

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## ABSTRACT:

The WTO attempts to make pharmaceutical products available to developing countries through the inclusion of specific clauses in Intellectual Property legislation enforced through this international organisation. These agreements allow greater access to pharmaceuticals, as well as actively encouraging developed countries to develop such drugs. However, this legislation is not hugely effective, particularly in countries without the necessary infrastructure to domestically manufacture these drugs. Blame can be laid at the feet of the Multinational Companies which produce these pharmaceuticals and yet they act as any profit maximising firm does in a capitalistic economy. Research and development into pharmaceutical products is a global public good<sup>2</sup>, and it therefore falls to the governments of the developed world, and organisations such as the WTO, to more forcefully legislate in an effort to help developing countries afford vital pharmaceutical products and provide financial incentives to encourage the development of drugs to combat issues specific to poorer countries.

## Introduction

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<sup>2</sup>A public good is nonrivalrous (may be consumed by one consumer without diminishing the good/service for another consumer), nonexcludable (it is not possible to prevent consumers who have not paid for it having access to it) and is therefore under provided by market forces. This is particularly true of R&D into pharmaceuticals as it has significant positive externalities.

Providing developing countries with adequate access to pharmaceutical products is a complex and controversial issue. Pharmaceutical companies argue that they need to charge high prices and have strict patent protections in order to recoup their research and development costs. Unfortunately, these high prices often result in life saving medicine being unobtainable to developing countries.

This essay is specifically concerned with the World Trade Organisation's (WTO) involvement in this issue. The discussion is set out in 4 sections: the first gives a brief background to the WTO and its Trade Related Intellectual Property Rights (TRIPS) agreement, the second will examine the controversial issues surrounding developing countries' access to medicine and the difficult role facing the WTO, the third discusses how the WTO tackles these issues and their perceived effectiveness. And the final section attempts to conclude whether the WTO is effective in making pharmaceutical products accessible to developing countries and postulates how they might do more.

## **Background**

In the 1994 Uruguay round, the Marrakech agreement established the WTO and charged it with providing “the common institutional framework for the conduct of trade relations among its members in matters for which agreements and associated legal obligations apply” (WTO, 1994). This essay is centred upon Annex 1C of the agreement which created TRIPS.

The TRIPS agreement sets out a framework for protection of patents, copyrights and trademarks. It requires all member countries<sup>3</sup> to implement a set of provisions for this protection; most countries had to implement these provisions by 1995. Arguably the two most important provisions are; ensuring patent protection is provided to any inventor for any field of technology, for products and processes alike; and ensuring no previously patented goods, domestic or foreign, are illegally reproduced. The provisions are enforceable through the dispute settlement body of the WTO.

The TRIPS agreement is generally seen as harmful to developing countries, with a diversion of income from developing countries to developed countries. This is mainly due to the type of goods that the provisions are relevant to, goods that require patenting or copy writing are usually high end goods. These goods tend to originate, and therefore be patented in developed countries, the TRIPS agreement means developing countries cannot buy or reproduce these goods cheaply without facing action from the WTO. McCalman (2005) estimates that the TRIPS agreement involves a net transfer of around \$8billion from developing countries to OECD countries annually.

The TRIPS agreement is particularly controversial when concerned with pharmaceuticals; under the TRIPS agreement pharmaceutical companies are granted patents lasting for 20 years with no limit on price. This relatively high level of pricing severely impacts the

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<sup>3</sup>There are only 14 states and 2 territories that are not involved with the WTO.

developing country's ability to provide adequate levels of healthcare which in turn restricts the prospects for growth and development.

## **The Debate**

Given the discussed implications of the high prices of pharmaceutical products, the question has to be asked; why doesn't the WTO simply relax the patent laws? This would effectively allow developing countries access to pharmaceuticals by endorsing widespread generic production of them at a fraction of the price.

The marginal cost of producing another unit of a drug is comparatively low, the source of pharmaceutical high prices are twofold: firstly, the patent gives the pharmaceutical company an acting monopoly which allows them to push their prices up; secondly the extremely high cost of research and development (R&D) must be recouped from drug sales. Generic drug firms have incurred no R&D costs, solely the relatively cheap production costs, plus they operate in conditions similar to perfect competition, driving prices down. As an example, "For a hundred units of Ciprofloxacin, a drug that treats multi resistant tuberculosis, Bayer will charge somewhere between \$169 and \$549. The generic version from India is sold for \$10" (Strain, 2007). It is obvious that this dramatic price difference would have a huge impact on people's lives.

The more critical will claim that patent laws remain in place due to pressure from huge multinational pharmaceutical companies greedy to protect their profits. This theory is not without merit.

The inclusion of intellectual property in the WTO agenda was a direct result of two large American firms, one of which is Pfizer<sup>4</sup> (Heywood, 2002). “TRIPS agreement was... expected to bring between \$2.1 and \$14.4 billion in additional profits to pharmaceutical companies in developed countries.” (Dawar, 2004). In 2008 the net profit of the top 5 pharmaceutical companies totalled \$44,491 million<sup>5</sup>, whereas the sum of the GDP’s in 2008 of the 5 poorest countries on the WTO’s least developed countries list was \$17,104 million. The source of these criticisms becomes clear.

The issues are, however, complex. The patent laws that allow pharmaceutical companies to charge such high prices also provide them with the incentive to conduct crucial research and development (R&D). These costs account for a huge proportion of pharmaceutical companies’ expenditure, PhRMA’s Pharmaceutical Industry Profile 2009 estimated that 17.4% of total revenue is spent on R&D and that it takes 10 – 15 years to develop a new drug, at a cost on average of \$1.318 billion. Also it is an area characterised by high risks, it is estimated that only one in ten thousand chemical compounds discovered by the pharmaceutical industry turn out to be medically effective and safe enough to be approved. Around half of all new medicines fail in the final stages of clinical trials (Davidson and Greblov, 2005). PhRMA’s Profile 2009 estimates that only 2 out of 10 drugs developed see returns that equal or exceed their R&D costs. Investments with risks this

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<sup>4</sup>Pfizer is the 2nd biggest pharmaceutical company in the world.

<sup>5</sup>Sum of the profits of the 5 biggest pharmaceutical companies as reported on the Global 500 for 2008 (CNNMoney, 2008)



high must have extremely high returns in order to be economically viable. Clearly vital research would not take place if the resultant products were not adequately protected by patent law. If these expensively developed drugs are too quickly made available for any company to reproduce, the original manufacturer would suffer from the 'free rider problem'. The free rider problem is a form of market failure, it occurs when there is no barrier to stop a third party from benefiting equally from someone else's investment, meaning that investment does not occur if left to normal market forces. As with any market failure, intervention is needed and in this case the solution is patents. Patents encourage crucial research and development, this advances medical science, without it many diseases would still be untreatable and incurable<sup>6</sup>.

Differential drug pricing would seem an appropriate solution; selling the drugs at a high price in developed countries and a low price in developing countries. It is concurrent with profit maximising theory as it is just a form of price discrimination; two distinct markets, the rich countries and the poor countries and two distinct prices, high and low. Unfortunately, there are two main problems; firstly the prices don't tend to be low enough, the pharmaceutical companies tend to target the higher income population of the low income country and also do not wish to disenchant their main customer base (developed nations) by charging severely different prices. Secondly, if drugs are priced too low a second hand market could evolve, with the developing

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<sup>6</sup>This may become an increasingly important issue as the global recession forces governments to cut public spending, this is likely to affect public sector medical research budgets putting increasing pressure on the private sector.

countries selling these cheap drugs back to the rich. Geography is all that distinguishes these two markets and with increasing globalisation it becomes increasingly difficult to keep them apart.

The situation is exacerbated by the dangerous lack of R&D into diseases specific to developing countries. The source of this neglect can be determined by briefly looking at the characteristics of the pharmaceutical industry globally. The high risk, high cost of R&D has resulted in huge economies of scale in the industry and therefore the formation of giant corporations. These corporations do not have incentive to invest in diseases specific to developing countries as they are almost guaranteed to get higher returns if they invest in drugs for the more affluent consumers in the developed world. Even though pharmaceutical industries in developing countries are in some cases quite well established, Brazil and India for instance, they still don't generally have the resources for high levels of R&D, so for the most part just produce generic medicines invented by the big corporations of the developed world and tailored for the developed world. In the least developed countries pharmaceutical industries tend to be virtually none existent (Kremer, M. 2002).

### **How does the WTO 'strike a balance'?**

The WTO “attempts to strike a balance between the long term social objective of providing incentives for future inventions and creation, and the short term objective of allowing people to use existing inventions and creations” (WTO, 2006). Applied to pharmaceuticals this can be interpreted as insuring that pharmaceutical companies have enough incentive to invest in

research and development, while attempting to make sure the health of developing countries doesn't suffer at the hands of commercial gain.

To do this the WTO includes a number of articles in the agreement that try to ensure that the TRIPS are flexible enough to be bent for the protection of public health. The 2001 DOHA Declaration on TRIPS and public health was particularly important in addressing many of the concerns raised here.

There are a number of mechanisms written into the TRIPS agreement that allow flexibility within patent laws; the WTO puts these into four categories (see WTO, 2006):

**Compulsory licences**, Compulsory licenses can be issued by a government to allow the production of a product without the consent of the patent owner.

**'Exhaustion' of rights**, this is the principle that once a company has sold a batch of its product to another country its rights then become 'exhausted'. This is particularly relevant when there are different prices across regions. It allows for 'parallel imports', a term best demonstrated rather than explained: country A may sell to country B at price x and country C at the higher price of y, once country A has sold all of a particular batch to country B, country B can then resell to country C, undermining country A's price.

**Regulatory exception** (sometimes known as "Bolar" provision), this allows limited exceptions to patent laws as long as they don't perversely conflict with the patent owner's legitimate interests. An

example of this is that generic producers of a patented drug can use the drug, without permission from the patent holder, in order to seek type approval from the relevant public health authorities, so that they may start selling the drug as soon as the patent is expired.

**Anti-competitive practices,** The TRIPS agreement says governments can also act to prevent patent owners and other holders of intellectual property rights from abusing intellectual property rights, unreasonably restraining trade, or hampering the international transfer of technology.

The most relevant clause here for providing developing countries access to pharmaceutical products is compulsory licences. Compulsory licenses are allowed under article 31 of the TRIPS agreement. The term compulsory license does not actually appear in the TRIPS agreement but is encapsulated by the phrase “other use without authorization of the right holder” (TRIPS and pharmaceutical patent, WTO fact sheet). The specifications were made vague in an attempt to allow developing countries the greatest freedom of implementation. The clause is subject to a number of conditions: an attempt to gain voluntary licence must have been made first, although in cases of emergencies it is acceptable to waive this as long as the patent holder is notified within a reasonable time frame; adequate compensation must be paid to the patent holder and the scope and duration of the license must be limited to the purpose for which it was authorized.

In the original TRIPS agreement the licence could only be issued

for use in the domestic market. This had a fatal flaw. It meant that it was useless to countries without the capacity to produce pharmaceuticals domestically. This was recognised in the DOHA trade round on public health and in 2003 and a decision to allow countries to import pharmaceuticals made under compulsory licence was implemented.

The clause on 'exhaustion' of rights allows for parallel imports, parallel imports could be raised with the WTO dispute settlement body if this clause was not included. This allows developing countries to import from the country with the cheapest prices; hopefully providing them with a more affordable option.

Regulatory exceptions and rulings against anti-competitive behaviour are less significant to developing countries. Although regulatory exceptions do allow generic versions of drugs to be available on the market much sooner, reducing the time frame in which high prices have to be paid.

Separate to the above considerations, there is also general consideration of developing countries included in the TRIPS agreement. Article 66.2 states developed countries must promote and encourage technological transfer to the least developed countries so that they may “create a sound and viable technological base” (WTO, 2001). Article 67 calls for developed countries to provide assistance to developing countries in areas such as “the preparation of laws and regulations on the protection and enforcement of intellectual property rights as well as on the prevention of their abuse, and shall include support regarding the

establishment or reinforcement of domestic offices and agencies relevant to these matters” (WTO, 2001).

Further to this, the WTO has allowed developing countries extended transition periods. They have longer to implement the provisions of the TRIPS agreement; most did not have to apply the provisions until 2000 with the least developed countries having until 2016 plus the opportunity to extend that deadline if necessary.

From this discussion it can be seen that there are six main ways the WTO attempts to ‘strike a balance’: compulsory licenses; parallel imports; regulatory exceptions; rulings against anti competitive behaviour; general consideration; and extended transition periods. The following section draws on the four most relevant of these, namely, compulsory licenses, parallel imports, general consideration, and extended transition periods and argues their relative effectiveness.

### **Are these methods effective?**

#### **Compulsory licenses**

Granting governments the right to issue compulsory licenses could be argued to be the most significant way in which the WTO helps developing countries access pharmaceutical products. It has, in some circumstances, been very successful and greatly increased the availability of affordable medicine. It has mainly been utilised by governments of developing countries in order to issue licences allowing local

producers to manufacture drugs such as anti-retrovirals.

Compulsory licenses can also be used as leverage by developing countries to negotiate better import prices. Brazil negotiated a substantially lower price on HIV/AIDS drugs by threatening to issue a compulsory licence for domestic production (Fergusson, 2006). This can only be successful if the threat is legitimate, so, like most of these clauses it is more relevant for countries with pharmaceutical manufacturing capabilities.

The new laws that state compulsory licenses can be granted for export purposes should in theory extend the effectiveness of compulsory licenses to the poorest countries which are without the capacity to produce drugs domestically. Unfortunately, this facility has not been widely used. Only once, in fact, when on 19 July 2007 Rwanda notified the WTO that it expected to import 260,000 packs of TriAvir – an HIV/AIDS drug - over two years from a Canadian company, Apotex, Inc. (Royle & Wessing, 2008).

The main criticism of the provision that allows compulsory licences is that it is too vague. But, as discussed, the WTO left it vague on purpose to try and insure maximum flexibility for developing countries. However, it appears that instead it has left developing countries confused about what they can and cannot do. Another unfortunate problem is that issuing compulsory licenses can put off foreign direct investment (FDI). FDI can be deterred if foreign investors believe that country does not implement market oriented policies. Despite this, the overall use of compulsory license can be a very effective tool in developing countries that

have the correct manufacturing capabilities. Unfortunately however, new laws targeted at countries without a manufacturing base are too uncommon to be considered particularly effective at this point. The exact reason behind their limited use is difficult to pinpoint, perhaps there is too much confusion over correct implementation. Hopefully they will be utilised more in the future.

### **Parallel imports**

Parallel imports are a useful mechanism that developing countries can employ. There are still significant price differences in between markets for pharmaceuticals and allowing parallel imports means developing countries can shop around for the best price.

However, further to the above discussion on differential pricing, if pharmaceutical companies feel they are losing profit from parallel imports, particularly if the imports leak on to the developed world market, they are likely to employ more uniform pricing, negating the advantages of parallel imports.

### **General consideration**

Supporting developing countries is advocated by the WTO, but that support is quite vague and mainly concerned with helping them establish the provisions of the TRIPS. Although it is likely to have a positive effect in dispute settlements within the WTO, generally skewing rulings in favour of developing countries.

The issue has certainly attracted much attention from the general public of developed nations. The public backlash over the US's attempted litigation in Brazil stopped the process altogether



(Cooper, 2001). Unfortunately such attention does have its downsides. There is already a dangerous lack of R&D into diseases specific to developing countries and if pharmaceutical companies feel that they cannot enforce patents in developing countries without facing public backlash the problem is likely to intensify.

Of course it could be argued that helping developing countries establish the provisions of the TRIPS will in itself aid access to medicine by helping their domestic pharmaceutical companies gain income. Unfortunately, there seems little evidence of such an upside as yet.

### **Extended transition period**

Extended transition periods have proved particularly important for developing countries with established pharmaceutical industries. The most prominent case being India whose thriving generic drug industry (Frederick M. Abbott) has applied downward pressure on global pharmaceutical products. Unfortunately however, because countries with a notable pharmaceutical market are not the *least* developed the transition deadline for most of them has now past. India had to implement the provisions of the TRIPS in 2005. The overall effects of this have not been immediate due to the fact that it only requires the patenting of new drugs. However, any adverse effects are likely to become more prominent as time goes on.

Allowing the least developed countries until 2016 to implement patent laws is an important provision. Many of the least developed countries do not have the capacity to introduce these measures nor will they have for some time. The 2016 date is, therefore, a

reasonable target. In the meantime however, the least developed countries have very small or nonexistent pharmaceutical industries so while they may not have to patent their domestic drugs yet, they do still have to pay the high prices on patented drugs that they import which is the issue most relevant to their circumstances.

Extending transition periods was a useful method for promoting access to medicine in developing countries. Unfortunately, the termination of the facility in the countries most benefiting from its implementation has meant the overall effect is likely now in decline.

## **Conclusion**

The WTO attempts to make pharmaceutical products available to developing countries by including clauses in the TRIPS agreement that allow them greater access as well as actively encouraging developed countries to aid them in their development. However, this is not hugely effective, particularly in countries which have no infrastructure in place to domestically manufacture drugs. Unfortunately, these tend to be the poorest developing countries and therefore the ones most in need of affordable pharmaceutical products.

After analysing the issues surrounding pharmaceutical patents it is clear that effectively providing developing countries with pharmaceutical products is no easy task. Abandoning the system of patents would be infeasible and harm both developed and developing countries. Public pressure on pharmaceutical companies not to pursue law suits against developing countries breaking

patent laws is encouraging and does help to a certain extent, but it is in no way a long term solution. Too much pressure on pharmaceutical companies not to enforce patents in developing countries will simply exacerbate the problem of under investment in conditions specific to those countries.

Multinational Corporations (MNC's) making super normal profits, present an easy target (Strain, 2007), while this essay is not of the opinion that said corporations act in a moral manner and it would advocate a higher level of ethical accountability, MNC's do act as any profit maximising firm does. It is an unfortunate down side of capitalism. Research and development into pharmaceutical products is a global public good<sup>7</sup>, and it therefore falls to the governments of the developed world and organisations such as the WTO to help developing countries afford vital pharmaceutical products and provide financial incentives to encourage the development of drugs to combat issues specific to poorer countries.

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<sup>7</sup>A public good is nonrivalrous (may be consumed by one consumer without diminishing the good/service for another consumer), nonexcludable (it is not possible to prevent consumers who have not paid for it having access to it) and is therefore under provided by market forces. This is particularly true of R&D into pharmaceuticals as it has significant positive externalities.

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# Male circumcision for HIV prevention

Omobolanle Kazeem

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## ABSTRACT

As the impervious HIV/AIDS epidemic continues to ravage the regions of the world, with an estimated 33.4 million people battling the human immunodeficiency virus (HIV), there is an unprecedented need to heap on HIV prevention methods. Male circumcision is one of such preventive measures. This paper critically reviews the evidence that adult male circumcision is efficacious in HIV prevention, while exploring its feasibility and acceptability in sub-Saharan Africa. This is a critical analysis of the literature. Relevant citations were selected after a search of EMBASE and MEDLINE using the terms HIV/AIDS and circumcision. Biological and various observational studies suggest reduced HIV acquisition risk in circumcised men. This is consolidated by additional evidence from three randomized controlled trials in sub-Saharan Africa. There is strong evidence that safe male circumcision in HIV prevention is feasible, effective and acceptable; hence could be added to the arsenal of HIV prevention packages in high-incidence settings. However, to maximize infections-averted, a much broader evidence base is called for in terms of optimal ways of improving behavioural change and operational management.

The HIV/AIDS pandemic rages on with an estimated 33.4 million people living with the virus, of whom some 2 million have died (WHO/UNAIDS 2008). With predominantly heterosexual HIV transmission, Sub-Saharan Africa bears the brunt of the pandemic; accounting for 67% of all people living with HIV/AIDS, and 75% of AIDS-related deaths (WHO/UNAIDS 2008). Consequently,

the devastating social, health, and economic impact has never been greater, nor the need for a vaccine/cure more urgent.

However, with the elusive hope of a vaccine/cure, the onus is on preventive strategies. Hence, efforts are unprecedentedly geared towards finding new preventative measures, as additions to the arsenal of existing ones. Male circumcision is one of the new prevention methods; more relevant in countries of Sub-Saharan Africa with heterosexual epidemics and low rates of male circumcision (Weiss and Quigley and Hayes, 2000).

Male circumcision is the surgical removal of some or whole of the foreskin (prepuce) from the penis (Alanis & Lucidi 2004). The precise biological rationale behind the protective effect of male circumcision against HIV infection is unknown. However, various proposed biological mechanisms evolve around the anatomy of the foreskin. The soft mucosal surface of the inner foreskin is highly prone to micro tears during sexual intercourse, which facilitates HIV entry (Bailey et al 2001). Similarly, the inner foreskin is highly vulnerable to ulcerative sexually transmitted diseases (Weiss et al, 2006) which increase susceptibility to HIV. Further, the damp, warm sub-preputial space favours survival and proliferation of micro-organisms. This may be accentuated by poor penile hygiene (O'Farrell et al 2006). Moreover, the mucosal surface of the inner foreskin has a high density of Langerhans cells (the main HIV target cells) and a minimal overlying protective layer of keratin; which makes it highly receptive to the virus (Patterson et al 2002; McCoombe and Short 2006).



Various observational and experimental studies have also shown compelling evidence that male circumcision is efficacious against heterosexual HIV acquisition. This review primarily evaluates the studies on which the evidence is based, with a focus on sub-Saharan Africa over the last two decades. Secondly, it examines the acceptability of male circumcision as a public health tool in traditionally non-circumcising countries of sub-Saharan Africa.

## **Overview of the Evidence**

### **Observational studies**

A possible protective effect of male circumcision on the risk of HIV acquisition was first opined in the mid 1980s (Fink 1986), although this was speculative. Since then, this effect has been examined in a plethora of observational studies including ecological, cross-sectional and case-control studies.

### **Ecological studies**

Some of the ecological studies have demonstrated that HIV prevalence in Africa is inversely correlated with the level of male circumcision practices. In a study of the geographical pattern of HIV prevalence in Africa, Moses et al (1990) found low HIV prevalence in areas with high rate of male circumcision practices. This corroborates the finding from a prior ecological study in Africa by Bongaarts et al (1989). However, the studies may have been fraught with lack of control for confounding factors: sexual risk behaviour, religion, culture; the use of crude indices of HIV prevalence; and old anthropological data of male circumcision.

Similar findings on the mappings of HIV prevalence in Africa resulted from a study by Halperin and Bailey (1999). Countries like Zimbabwe, Botswana and Zambia with low circumcision practices (<20%) have high HIV prevalence, while countries with high rates of male circumcision (>80%) e.g. Cameroon, Gabon and Ghana, have low HIV prevalence. Like the other ecological studies, the inadequate control for confounding factors leaves little ground for the validity of the finding.

Furthermore, the inverse correlation of HIV prevalence with circumcision rates was confirmed in a large community-based, multi-site study by Auvert and colleagues (2001). The authors conducted a random household survey on sexually active men aged 15-49 years in four Sub-Saharan African cities with contrasting HIV prevalence. The survey entailed testing for HIV and other sexually transmitted infections (STIs), genital examination to verify circumcision status, and interviews on socio-demographic characteristics and sexual behaviours. In two of the cities, Cotonou, in Benin, and Yaoundé, in Cameroon, where HIV prevalence was low (approximately 4%), nearly all the men were circumcised. The other two cities in eastern and southern Africa (Kisumu, Kenya, and Ndola, Zambia) with HIV prevalence rates of 22% and 26% respectively, had low circumcising populations. The authors found male circumcision to be a major predictor of the heterogeneity in HIV prevalence in Sub-Saharan Africa. Another explanatory factor was sexually transmitted infections. A conceivable weakness of this study, however, is limitation in the validity of self-reported data on sexual behaviours.

### **Studies in the general population**

A cross-sectional study in a population-based cohort in Rakai district of Uganda, also reported a significant protective effect of circumcision (adjusted OR 0.39, 95% CI 0.29–0.53), but only in those circumcised before age 21 years (Kelly et al 1999). This finding is at variance with that obtained in a study conducted by Quigley and colleagues (1997) in Tanzania, which found significant protective effect of circumcision against HIV infection only in those circumcised at age 15 years or more. This variation implies that age at circumcision is a likely confounder of the protective effect of circumcision on HIV infection. A criticism that runs across these two studies by Kelly et al and Quigley et al respectively is the self-reporting of circumcision status by the participants. This may have led to misclassification of circumcision status, with subsequent bias of the findings (Diseker et al 2001). Moreover, participants who have had sexual relations before circumcision may have flawed the findings.

Another cross-sectional study of circumcised and uncircumcised men in Kigali, Rwanda, found a significant protective effect of male circumcision on HIV infection in Muslims (crude RR 0.79 ; 95 CI 0.02-1.20 ) as opposed to the weak association noted in Christians (crude RR 0.79; 95 CI 0.50-1.23) (Seed et al 1995). This study is limited by the confounding of religion.

### **Studies in High-risk population**

In contrast to the above studies carried out in the general population, some of the observational studies have investigated

protective effect of male circumcision against HIV susceptibility among high-risk populations.

In a cohort study conducted on 746 Kenyan trucking company employees, the incidence of HIV infection was significantly lower in circumcised men (2.5 per 1000 person-years) than in uncircumcised men (5.9 per 1000 person-years). The effects were even stronger after controlling for potential confounders (adjusted rate ratio 0.25; 95% confidence interval 0.1-0.5) (Lavreys et al 1999). A similar trend was observed in the incidence of genital ulcer disease (GUD) in circumcised men (6.5 per 1000 person-years) compared to uncircumcised men (15.2 per 1000 person-years) following adjustment for confounders. This suggests that the protective effect of male circumcision on HIV acquisition could be partially attributed to the protective effect of circumcision against ulcerative STIs. This study may have been susceptible to bias due to low power to analyse the association within the uncircumcised stratum (only 13% of the participants were circumcised) when adjusting for confounders. Here lies the inability to separate the effect of ethnicity from circumcision. In addition, the substantial loss to follow-up may have biased the result.

However, intact foreskin has been shown to increase susceptibility to HIV acquisition independently of ulcerative STIs. In a study population of men with GUD from clientele of STI clinics in Nairobi, Tyndall et al (1996) claimed a 5.3-fold (95%, CI 2.3–13.1) increased risk of HIV seroconversion in favour of uncircumcised men with GUD. There are two reservations about the findings of this study. First, there may have been population bias since the samples were derived from STI clinics, which may

not be reflective of the general population. This may also be the cause of the second limitation, that the generalisability may be limited.

Nonetheless, the synergistic effect of the two risk factors namely - lack of circumcision and GUD, has a direct correlation with the HIV seroconversion status. Cameron et al (1989) conducted a longitudinal study on 370 HIV-seronegative Nairobi male STI patients, after they had sex with HIV-seropositive female sex workers (with high HIV infection rates). After the 2 week follow-up, the authors estimated that 2.5% of circumcised men without GUD became seroconverted as opposed to the 52% of uncircumcised men with GUD. By extension, 13.4% of circumcised men with GUD seroconverted as opposed to 29% of uncircumcised men without GUD – meaning that lack of circumcision played a far greater role than GUD in potentiating HIV seroconversion. This study is fraught with methodological limitations. Given the higher number of circumcised men lost to follow-up, selection bias may have occurred. In addition, the inadequate follow-up of two weeks may have led to a considerable proportion of missed seroconversions – culminating in further bias, not least if this varied in the circumcised and the uncircumcised strata of the study.

### **Partner studies**

Similar strong association between circumcision status and seroconversion was also noted in partner studies. In Rakai, Uganda, an elegant partner study was conducted by Gray and colleagues (2000) on male partners of HIV-positive women in

regular sexual relationships (discordant couples). The authors found that 29% of 137 of uncircumcised men (incidence rate 16.7 per 100 person-years), and none of 50 circumcised men seroconverted over a period of 4-years ( $p < 0.001$ ). In the same cohort population, Quinn et al (2000) analysed HIV incidence in 224 discordant couples of HIV infected men and their HIV-negative female partners and found that the incidence of HIV infection was 5.2 per 100 person-years in women with circumcised partners, and 13.2 per 100 person-years in women with uncircumcised partners. This was only a statistically significant effect when the viral load in the infected male partner was below 50,000 copies per milliliter, thus suggesting that the combination of circumcision and lower viral loads reduces male-to-female transmission. However, the effects of religion and circumcision could not be delineated in this study thus complicating its generalisability to the whole population.

Summarily, though the evidence from observational studies in support of male circumcision as an effective HIV prevention measure is compelling, inadequate control for potential confounding cannot be overemphasized. Moreover, not all the observational studies found a protective effect of male circumcision on HIV acquisition. A cross-sectional study by Auvert et al (2001) in Carletonville, South Africa, found no effect of circumcision on HIV serostatus (OR 1.6, 95% CI 0.7–3.2). On the other hand, a study by Chao et al (1994) found a positive correlation between the HIV serostatus of pregnant women in Rwanda and the circumcised status of their partners. These two

studies, however, may have been biased by the self-reporting of sexual behaviours .

Compelling results with no proof of causality in the observational studies provided rationale for randomised trials of male circumcision to prevent HIV infection .

### **Randomised controlled trials (RCT's)**

In stark contrast to the substantial number of observational studies, there is paucity of randomized controlled trials (RCTs) to determine the efficacy of male circumcision in reducing heterosexual HIV acquisition. Three RCTs were conducted in areas with low rate of male circumcision and high prevalence of HIV. Specifically, they were conducted in South Africa, Uganda, and Kenya by Auvert et al (2005), Gray et al (2007) and Bailey et al (2007) respectively.

In 2005, Auvert et al. reported the outcome of the study in South Africa conducted on 3,274 uncircumcised, HIV-negative men. Immediate (at study entry) and delayed circumcision (at the end of the study) were offered to the intervention group and the control group respectively. Interim statistical analysis showed that 20 of the circumcised cohort (incidence rate 0.85 per 100 person-years) and 49 of the uncircumcised group (2.1 per 100 person-years) became HIV infected. Adjustment for crossover effects gave a 61% protective effect of circumcision against HIV. The trial was stopped prematurely by the study's Data Safety Monitoring Boards (DSMB) due to the overwhelmingly positive finding. The study, however, has various methodological limitations. First, generation

of the randomization sequence was not detailed. Second, inadequate allocation concealment in this study may have caused selection bias. Third, short duration of follow up in this study may have left little ground to explore the efficacy of male circumcision in HIV prevention. Fourth, the study did not control for non-sexual causes of HIV transmission; 23 out of the 69 HIV seropositive men contracted the virus from non-sexual causes, in which case, male circumcision will not be protective. Lastly, contamination may have occurred as some of the participants did not adhere to the arm they were randomly assigned to - 10.3% of men in the circumcised group had been circumcised outside the trial before the end of the study. A virtue of this study though, is that the sample was representative of the population, hence the result is generalisable.

The Ugandan study by Gray et al. also reported a substantial efficacy of male circumcision against HIV acquisition of 51-60%. In the study, 4,996 uncircumcised, HIV-negative men were randomly allocated to a control group and an intervention group. While the intervention group was offered immediate circumcision (study entry), the control group was offered delayed circumcision (at the end of the study after 24 months). The study was also stopped on the recommendation of study's Data Safety Monitoring Boards (DSMB) due to the significant protective effect of circumcision against HIV infection; and men in the control group were offered male circumcision intervention. The Ugandan trial demonstrated HIV seroconversion rate of 0.66 cases per 100 person-years (22 cases) in the intervention group and a seroconversion rate of 1.33 cases per 100 person-years in the



delayed circumcision group (45 cases). In this study, possible bias in the self-reporting of sexual behaviours, inadequate control for non-sexual means of HIV transmission and short duration of follow-up may have flawed the findings.

Moreover, in 2007, Bailey and colleagues reported the outcome of the Kenyan trial in Kisumu. Of the 2,784 uncircumcised, HIV-negative male participants, half were circumcised during the trial, and the other half, at the end of the trial. This study was also stopped prematurely because of the overwhelming evidence that male circumcision is markedly protective against HIV acquisition. 22 men (2.1% 95 CI 1.2-3.0) in the circumcised arm of the study as opposed to 47 men (4.2% 95 CI 3.0-5.4) in the control arm of the cohort had HIV infection. The protective effect of male circumcision was 53% (95 CI 22-72) while with adjustment of crossover effects, protection effects increased to 60%. Bailey et al however, acknowledged that there may have been shortcomings in their findings. Blinding to the intervention could not be achieved with the medical personnel, but the non medical staff were blinded - though some of the participants divulged their circumcision status. There may have been possible bias in the self-report of sexual behaviours; which could be underreported or over reported. Further, generalisability of this study could be limited. In addition, short duration of follow up is another limitation to this study. However, results of the long-term follow up from the Kenyan study has blunted the claim that short duration of follow up may have led to the overestimation of the effects. At 42 month follow-up, the protective effect was 64% (Bailey et al 2008).

In summary, the results of the three large studies are compelling and remarkably consistent; all showing that circumcision has a protective effect of 50-60% against heterosexual acquisition of HIV infection. Interestingly, this is also consistent with the meta-analysis of observational studies by Weiss et al (2000). In this context, this finding excels the results of trials for other HIV preventive strategies e.g. cellulose sulfate microbicide (Weiss et al 2008)

### **Acceptability of male circumcision as a public health tool in the fight against HIV in sub-Saharan Africa**

Following the compelling evidence that male circumcision is efficacious in heterosexual HIV prevention, from the observational studies and randomized clinical trials, UNAIDS/WHO (2007) endorsed male circumcision as an additional preventive strategy for HIV in regions of heterosexual epidemics and low rates of male circumcision. However, the effectiveness of male circumcision depends on individual uptake and the community acceptance of the procedure.

Thirteen studies in nine Sub-Saharan African countries which were executed to explore the level of acceptability of male circumcision, yielded considerable positive results. The study designs of the studies involved open-ended questions asked in group discussions. Alternatively, close-ended questions were asked during one-on-one interviews. Men were asked about their circumcision preference for themselves and their sons, and women, for their husbands and

sons. The acceptance rates ranged from 29% in Uganda (Bailey et al 1999) to 87% in Swaziland (Tsela and Halperin 2006). Variance in acceptability rates largely dependent on how the questions were asked, clear understanding of the questions by the participants, information session on the health benefits and risks of HIV. A cross-sectional study conducted in 9 geographical representative locations in Botswana yielded a 60% acceptance rate which increased to 80% after a one hour information session on the health benefits of circumcision. Moreover in Malawi, where 32 focus group discussions were conducted with 159 men and 159 women aged 16–80 years, acceptance rates varied by region. A similar acceptability study conducted by Lukobo and Bailey (2007) in Zambia, showed a reasonable acceptability rate similar to what obtained in Kenya, Zimbabwe, South Africa and Tanzania, where approximately 45 to 70% of uncircumcised men wanted to be circumcised.

Barriers to circumcision in most of the studies include bleeding, cost, and pain; while facilitators include hygiene, reduced risk of HIV or other STI, religion, medical conditions, and enhanced sexual pleasure (Westercamp and Bailey 2007). The geographical restrictions of these studies suggest limited generalisability, while participants understanding and interviewers subjective interpretation of the respondents answer may have caused further bias. The acceptability rates in most of these studies highlighted the potential of the procedure as a population-level intervention in the fight against HIV.

## **Conclusions**

Due to the overriding influence of culture, religion, socio-economic status etc, on the practice of male circumcision in disparate countries, a holistic approach to its implementation as a public health tool for HIV prevention is important to maximize the benefit. There should be broad community engagement, with adherence to medical ethics and human rights principles. Trained providers, in clinical settings, should do the procedure at affordable costs.

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## Summer

Alice Morris

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I shall always remember that summer – the one we first shared together – not least because it was the hottest we had experienced in all our nine years. It was a different kind of hot too. The dry, unmoving kind which makes you feel drained and parched, seeking some oasis of shade and water. The cloying kind which settles on top of the world like a blanket, relentlessly rendering everyone unbearably sleepy and sending them inside just to try and avoid it. The muggy kind which makes everything feel heavy and static and that always used to make me smile from then on and now fills me with sorrow and an inexplicable joy, because that is when everything began. I will always remember it: every single note in our three united songs of laughter that rose in the air, every jump and dancing step as we ran down the road towards the inviting blue sheet of sea that called us to it, every creak of dehydrated wood as we slowed on the little dock and finally came to a stop at its end, all of us grinning at the alluringly twinkling water.

We settled at the edge of the dock, content for now to merely sit here, our tired-with-running legs dangling into the cool clearness. We were all silent, still catching our collective breath, and I was watching the refracted rays of sunshine that dappled my feet in the water before you spoke.

“I’m so... happy...” Your face was turned upwards, up towards the sun, eyes shut and serene, and you were leaning back on your hands: the very picture of relaxed joy. I exchanged a look with Daisy; our identical sky-blue eyes met from either side of you and shared a small smile before drifting back to your face. Your eyes opened and exchanged looks with both of ours and I let myself stare at my feet again, the mixture of light and water a strangely intimate yet perfect harmony on my toes.

“I wish we could stay here forever,” I eventually sighed, more to myself than to anyone else. I felt you take my hand and looked up to see you holding Daisy’s too on the other side.

“We can,” you announced, voice full of light and optimism. “We will...”

You linked your little fingers with ours on either side. “I promise both of you that we will all stay together forever and ever.”

I smiled and we both promised too; with the words I felt my spirits lift like your voice, like the sunlight glinting off the water.

“Forever and ever.”

---

That night you and I lay in our twin beds, the usual thick duvets exchanged for cool white sheets in the heavy heat. I felt rather than heard you turning over in the next bed and turned over myself to face you. Like always, the sheet was pulled up to your ears and your blue eyes – exactly the same as mine – peered out at me from beneath it. In looks we were always identical – round blue eyes and tawny blonde waves of hair – but in personality we were quite

Summer – Alice Morris

different. You were never able to stand up for yourself very well. You always needed me and, since that summer, Luke by your side to give you life. Which is why I now wonder why I did what I did. What I am doing now.

“Do you think we really will stay together with Luke forever?”

I nodded. “Of course.”

“Are you sure?”

“Yes.”

There was a short silence.

“Rosemary?” you asked, stifling a yawn.

“Yes?”

“I love you.”

“I love you too, Daisy.”

---

I find that I always remember my life best if I divide it into summers. The summer in which Daisy and I were five was the summer that we first learned to swim, our father supporting us in the water, our bellies turned up to the sun. The summer that we were nine was the first we spent with you. The summer when we were twelve was the year our father ran off with his work colleague and the summer that we were taught how to lie convincingly.

The summer we were fourteen was the year that you began to confuse me. Both of you.

---

I remember one day in that summer, when we were changing, getting ready to go meet Luke down at the dock. You were

unusually silent, until you eventually seemed to give in to some need to speak.

“Rosy?”

“Yes?” I turned to find you staring at me, fingers fiddling seemingly absently with the light, lacy coverlet on your bed.

“Daisy?”

“Umm...” You looked down at your fingers, seeming troubled. There was another moment before you looked up again. “What do you think of Luke? How do you see him?”

I thought about it for a moment. “I think you two are my best friends. You’re my sister too, and Luke is someone who understands us better than anyone else.”

“Oh...”

“Why do you ask?”

You gave me a darting look, your eyes rounded, before your gaze fell back onto the bedclothes. “No reason.”

“Don’t you like him?” I felt compelled to ask.

Your fingers stopped picking at the coverlet. “It’s not that.”

“What is it then?”

“Nothing really. I just wondered.”

---

Daisy acted oddly around you from then on. Already somewhat clumsy and fragile, she seemed to fall over and drop things more than usual. It seemed to me that some gale of confusion buffeted her and made her unstable. I had no idea what was going on, that she had fallen for you or that you were just as confused, but for other reasons.

---

The year that we were fifteen was the year that the dock was destroyed in a storm. We were all three distraught of course. That dock was important to us! It was where we had spent so much time together and where we had made that vital vow to stay together forever and ever. I wondered what would become of us, but then you two distracted me and gave me an answer.

“Rosy...” you began, but once I saw your hand in Luke’s, I needed no more explanation. The two of you had built your own dock, close to but not quite the original, built expressly for you two. I was left bobbing in the sea.

---

I got used to it. You-and-Daisy. Daisy-and-you. And me: Daisy’s twin and your friend, growing gradually accustomed to being a third wheel on a bike when we had always been a tricycle before.

But Daisy always needed me as well as you. She needed both of us to make her strong, it seemed. In any case, I was not able to leave, so I adapted to a new kind of friendship.

So when you came to me alone in my sixteenth summer I was confused.

You knew how to beguile. “Don’t tell Daisy,” you whispered. “I just need to decide,” you told me. Then I understood and stupidly – *so* stupidly but not inexplicably – I agreed.

You really were amazing and you knew it. No one could resist you. Even the boys in the town were keen to impress you, desperate to be your friend. The girls watched you closely, being the jealous creatures they were. All the adults were full of “oh Luke, such a good boy, just lovely”. They all adored you. So did I. I had to admit it: I had fallen for you just like Daisy had. It is no wonder why I said yes to you to be honest.

I knew it was wrong. Always, I knew that. Yet somehow I just did not care, because the water and sun on my toes had seemed so right and you made everything seem brighter.

I never intended for things to go on so long and to go so badly wrong.

---

It was one of those nights when I had met Luke behind your back that I really began to consider calling it all off.

“Rosy, where have you been?” you asked as I pushed open the door to our room.

I crossed to the mirror and looked at myself, seeing you sitting on your bed in the reflection.

“Oh... you know how I like to go for walks on the waterfront... Especially when it’s as light as this...” I nodded to the window, inventing quickly.

“Hmm...” You seemed unconvinced. I smoothed my hair and skirt and turned to face you, praying that the blush in my cheeks had subsided and that you would not mention Luke because that would overburden my already-limited acting abilities. You were looking at me carefully, considering.

“We’ve been twins for seventeen years Rosy. I can tell when you’re lying.”

I felt ice drop into my stomach, cold and ominous, and wondered if honest Iago had ever felt this nervous.

“Have you been meeting someone? A boy?”

I shrugged, treading carefully. However, when you grinned at me I knew that I had evaded you. For now, at least.

I also knew that I could never call it off.

---



We set up a pattern. During the day you belonged to Daisy and I was the spare. She was happy and suspected nothing, while I knew that you were still trying to decide. So I told myself not to mind you kissing her or the two of you disappearing together for hours on end because she was your girlfriend and when you have something even remotely good it makes no sense to complain about it. You do not complain about a sunny day just because of a little hay fever.

At night you were mine entirely. Daisy always thought I was off meeting various boys and covered for me as long as I was “being careful”. But of course we were – neither of us was stupid. Each night we would make our way westwards along the road towards the beach while the sun set and then lie on the sand for hours. Some nights we would betray Daisy properly, the waves crashing and the stars above our heads. The first time we got blood on the sand and neither of us really knew what we were doing. Still, the sea washed it away and the pain was not bad enough for us not to betray her again. And again.

I still knew it was wrong. I still did not care. You were too good, too bright, and every time we came together I was right back on the dock, half my life ago, with water and sun on my toes and wanting to spend the rest of my life that way.

---

We all went to university the following October. You went south to study biology, Luke east to study physics. I went north to study literature, staying near the coast because I could not bear being away from the sea for long periods of time.

We barely saw each other. You and I had grown apart, got different interests. Of course we were still sisters, still twins; we still

kept in touch. Luke still had not decided. Every now and then he would appear at the door to my dorm and stay a night or two. Then the week after I would get the call from you to say that Luke had come to visit and wasn't it a lovely surprise? I always agreed, how lovely, and then got on with the work I had neglected while he was with me.

---

After uni you two moved in together. I should have expected it really. I had always thought that you would rather have Daisy anyway. She was the delicate one, the one with a greater sensitivity and beauty. I was the emotional one, the one whose mood would change at the smallest thing and whose temper was famous.

You had always told me that you liked it though. You liked my strange sense of humour and enigma. You told me that I was just as beautiful and you knew that no matter how bad my mood got I would still not tell Daisy because you still had such a hold over me. I thought you had chosen her. Of course I did. But then you appeared on my doorstep one evening.

“Daisy thinks I'm on a business trip,” you told me.

I surrendered, only because I had forgotten how much I had missed you.

Only later did I realise that you still had not chosen.

---

Three years later, I got the call from you.

“Luke proposed!” Your voice was so happy and full of energy that I had to smile, had to congratulate you, had to discuss ideas for the wedding.

When I hung up later, I crumpled. I lay for hours on the carpet by the phone table, tears falling from my eyes. I should have expected it, but I had had no warning and it seemed so... final.

---

Hours later, when Daisy had gone to bed, the phone rang and it was you.

“I guess I’ve chosen.”

“I suppose you have.”

“Do you mind?”

I swallowed my feelings. “No. I’m happy for you two.”

I *was* happy. I really was. Daisy was my twin; she deserved someone like you to make her happy. The sentiment was just bittersweet; that was all.

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So now I stand under the canopy of white flowers in my bridesmaid’s dress, watching you walk down the aisle towards us. I am sweating so much; it has become like a second skin under the muslin of my dress and it is not only because today is such a hot summer’s day. It is also because I know that Luke still has not chosen. I can still feel where his lips moved over mine last night, where his fingers ghosted over my skin, his hot breath in my ear.

I do not know why I did it and I try not to let my false smile fall from my face as you take your place between me and Luke. When the minister asks if anyone has any reasons why this man and this woman should not be married I bite my tongue so hard tears jump to my eyes. I hope that everyone else thinks that I am just being sentimental and that somehow Luke has, in fact, finally made his decision.

Summer – Alice Morris

But I do not miss it when his eyes flicker briefly to mine just before he says “I do” or when he holds me too close when we dance later. You are too happy to notice – everyone is talking about how healthy you look, how beautiful and blossoming – but I know that I cannot say no to your husband, because his light is spellbinding and we both know it.

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After you two get married you move closer to me, still by the coast because I still need the sea, and get jobs in the next city just so that you can be near me. I wonder if it was your idea, but then Daisy tells me about how she had to persuade you.

I ask you about it later and you mutter something about how it “might be easier”. It is the first time you have shown any guilt to me and you leave quickly that evening.

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One day, months later, you come to see me, handing me a sonogram with a small shape like a kidney bean on it and with your face glowing even more than usual. I congratulate you and try not to think about the fact that I am six weeks late too.

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Several weeks after that I am lying on the bathroom floor, still staring at the little blue line and choking on sobs, when you phone me.

“Rosy–” you begin, voice tense.

“Luke... This isn’t a good time–” I start to say.

“*Rosy*,” you say again. “It’s Daisy. She’s fallen down the stairs. The doctors are saying she’s miscarried.”

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Later I am with you in the hospital, holding your hand. Luke has gone home to get some things and the dark night outside is full of rain.

“I’m sorry Daisy.” I really am.

“It’s okay,” you reassure me, smoothing my hair back from my face. “We can always try again.”

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But you cannot try again. I am at home when I get the call from the police that makes my heart break with sorrow. You went swimming in the sea and the tide caught you. You were dead by the time they got there. They recite consoling words down the phone to me and I cannot help but wonder about this. Did you struggle against the tide as it took you away from us? Or perhaps you just let it take you? Perhaps willingly? You never were good with decisions, so maybe you let the sea make the choice for you this time. I will never know. It is over. You are over. I expect the pain but not this strange sense of relief. I know what I need to do. I get in the car and go back to Daisy.

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You are curled up in bed when I get there, wide awake and crying. Ages pass before I can do it, but if I do not do it now I know that I never will.

“Daisy... I need to tell you something.”

I tell you everything. All of the last sixteen years, from the dock to here, everything that I have held in my heart for so long; everything is summarised in just a few short, very wet, minutes. I do not even know if I make much sense, but I need to say it. It is flooding out of me, the words like waves, and I am drowning in

the past. When I finish I feel empty, like everything has been sucked out of me, and you look at me sadly.

“You kept all of this secret for so long?”

I nod. I cannot do anything else.

“Rosy...”

Suddenly your arms are around me, holding me close. I breathe in your comfortingly familiar, slightly floral, scent and hear you gently talking in my ear.

“I understand,” you are saying. “You never said anything... because Luke was so...” Your voice drifts off into nothingness like a whisper of a breeze.

“Luke?” I offer and feel you nod against my hair.

“Yes. Luke.” You pause. “Rosemary?”

“Yes?”

“I love you.”

“I love you too Daisy.”

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We shall always remember that first summer. We will always remember you. I will keep our child and we will bring it up. We will always tell them about their father, that he was a good man, with a good heart like the golden sun, and that he always liked summer the best. After all, that is when everything began.

## The influence of Enlightenment ideals on the French revolution

Lawrence Jayatilaka

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### ABSTRACT:

The French Revolution, one of the formative events of the modern world, has been variously interpreted as either epitomising or betraying the ideals of the Enlightenment. The fall of the *Ancien Régime* and the subsequent period of turmoil are usually linked to the philosophies of a group of Enlightenment thinkers which include Rousseau, Hobbes and Locke among their varied ranks, as well as many lesser-known theorists. This paper attempts to assess the influence the ideas these philosophers put forward had upon the events and *personae* of the Revolution, while stressing the difficulty inherent in conceiving of the Enlightenment as a cohesive whole. Some historical background is offered to provide an idea of the causes of the Revolution, as well as drawing our attention to the parallels with our own times. That the Revolution was preceded by a financial crisis is seen as particularly relevant. The events of the Revolution are discussed in relation to the ideas that are considered to have been among the primary motivators for these actions, and there is brief reference to some of the prominent personalities within the Revolutionary movement.

In 1778 Louis XVI pledged his support, and that of France, to the revolutionaries in America. Fourteen years later, on his way to the guillotine, he may well have regretted setting such a dangerous precedent. His own “deeds of enlightenment” (Dostoyevsky, 1880:

411) had backfired with fatal consequences. This essay will attempt to shed some light on the motives behind what Marx described as “the greatest revolution in the history of the world” (cited in Blanning, 1998: 62), as well as considering some of the events and *dramatis personae* involved, and attempting to discern the extent of the influence of Enlightenment ideas on the revolution. If we are to do more than just scratch the surface of probably the most tumultuous decade in the history of France, we must consider both the events of the Revolution and the ideals of the Enlightenment in order to determine how the latter motivated or influenced the former, if at all. Saint-Just spoke truly when, at the trial of the king, he declared “The words we have spoken will never be forgotten on earth” (cited in Scurr, 2007: 318) – two hundred years later, and the issues faced by the revolutionaries have never been more relevant. With a widening gap between rich and poor the norm in most countries, and at a time of growing dissatisfaction with governments worldwide, as well as huge financial problems, our contemporary world could do well to heed the warnings of history.

When, in 1789, Louis XVI convened the Estates-General to try and resolve France’s problems, “a generation reared on the speculations of the Enlightenment and inspired by the example of the American Revolution seized the chance to draft a new social contract for France” (Hampson, 1978: 26). One of the main issues the revolutionaries (particularly those of the ‘Third Estate’, the



*sans-culottes*<sup>8</sup>) were so keen to resolve were the manifest inequalities between nobles and *sans-culottes*, particularly the idea prevalent at the time, that “a man with money is everywhere a man” (Dostoyevsky 1880: 916) whereas a poor man was regarded as little more than an animal. Ideas like this, which reasserted the current status quo, had already been challenged by the ideas of many of the *philosophes*, a group of radical thinkers integral to the Enlightenment. The influence of other Enlightenment thinkers can also be clearly discerned in the Revolution: thinkers like Locke, who asserted the right of the populace to overthrow corrupt governments and whose ideas had been invoked in the American Revolution, were well within living memory for the inhabitants of France (indeed there were even those like the Marquis de Lafayette, who had actually fought with the Americans to try and help them achieve independence). There was also urging from the newly independent Americans; for example Thomas Jefferson (1944: 436) wrote that if the French were to remain peaceful under the *Ancien Régime* it would be “the forerunner of death to the public liberty”. He went on to give justification to violent insurrection, saying that “the tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants” (Ibid).

The country was ripe for change, with the American Revolution serving as an example and an incitement to overthrow the monarchy – as well as providing an alternative to monarchy in the republicanism espoused by many of its prominent thinkers. These

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<sup>8</sup> A name for the members of the ‘Third Estate’ – i.e. those not in the Clergy or Nobility – deriving from the lack of ‘culottes’: knee-breeches typically worn by the aristocracy.

included Thomas Paine, whose *'Rights of Man'* contained many of the ideas that motivated the French Revolution. He was for the inalienability of certain basic human rights, and challenged the notion of heredity as a basis for government. Furthermore, Paine was just one of many Enlightenment thinkers who were criticising various aspects of life under the *Ancien Régime*, and their audiences appeal was obvious – they offered what seemed to be a better alternative to the current state of affairs. Another factor that contributed to the Revolution was the financial crisis at the time. France's involvement in the Seven Years War and the American Revolution had crippled the nation's treasury, and the taxation that was levied to deal with this was applied only to the lower classes. The aristocracy were free to continue spending lavishly, with Marie-Antoinette in particular becoming a symbol of royal excess.

Following a meeting of the Estates-General which the delegates of the Third Estate found themselves locked out of, these delegates formed the 'National Assembly' – in itself a revolutionary act – and, once the nobility and clergy had joined them by order of the king, who found himself in a position of weakness, the National Assembly set about creating a new constitution for France. Growing unrest led to violent uprisings, most notably the storming of the Bastille, which has become infamous as a symbol of the demise of the *Ancien Régime*. Following these outbreaks, Louis found his royal authority fast evaporating and attempted to flee the palace they had been confined to by the revolutionaries, yet he was unsuccessful and was brought back to Paris, mortifyingly still dressed in the servants' clothes he had worn for a disguise. He

endorsed the new constitution that had been drawn up, which lessened his powers as monarch. Over the next year there were frequent disagreements between the king, who retained a veto over votes in the newly-formed Legislative Assembly, and the members who were putting forward radical proposals for change. Something had to give, and on the 10<sup>th</sup> August 1792, a popular uprising attacked the palace where the king was living, with the result that royal family ended up prisoners. In a hastily convened session of the Legislative Assembly, the monarchy was suspended. Less than a year later, the king was dead and the revolution was spiralling out of control, with daily executions dealing out arbitrary justice.

With so many factors conspiring to overthrow the established order of the *Ancien Régime* it is no wonder the Revolution occurred – it was a natural consequence of the propagation of Enlightenment ideas, and the power of monarchy had already been challenged in the American war of independence. When Louis convened the Estates-General he provided the ideal opportunity for the common people to make their voices heard. It was an uneasy peace in which the representatives of France met in Versailles – Dostoyevsky (1880: 406) could well have been describing the situation in France at this time when he wrote “among the poor envy and the frustration of needs are at present dulled by drunkenness. But soon in place of alcohol it will be blood upon which they grow intoxicated”. He was chillingly accurate: over the next few years France was to face a torrent of executions, as well as war both at home and abroad. Yet at the start of the revolution, it seemed as though things were going to improve. Danton’s cry of “audacity! Yet more audacity! Always

more audacity – and France will be saved!” (cited in Scurr, 2007: 202) seemed analogous to Descartes’ calling for scepticism regarding received knowledge – and promised change on the same level as the Enlightenment which Descartes sparked off. Indeed, as the writer Goethe was to say, “here and today a new epoch in the history of the world has begun” (Ibid: 203). Unfortunately, the epoch that promised so much was to deliver so little. By promoting the questioning of tradition and the status quo, Descartes opened up a Pandora’s Box of possibility – setting an example that others could follow with deadly consequences. By showing that the current state of affairs could be altered by anyone, not just the powerful, Descartes provided a pioneering example of intellectual rebellion, an example which the revolutionaries applied to other aspects of their contemporary society. It is precisely this, that Descartes introduced the concept of radical, ‘Cartesian’ doubt to the masses, that he can be seen as *the* prime instigator of the Enlightenment, and more than any other thinker of the time, can be seen as the author of the philosophies that moved the revolutionaries to action – Descartes is, if you like, the stone that started the avalanche. However the events of the Revolution, particularly as it descended into the bloody, internecine score-settling that characterised its latter days, do not hold true to Descartes’ ideas, or indeed those of many others whom the revolutionaries claimed to be following. It would thus seem that although we can say that Cartesian philosophy motivated or was used to justify the Revolution, it was later abandoned as the high ideals of the Enlightenment were traded for the cold steel of the guillotine.

Although the *sans-culottes* were to provide most of the impetus for the violence of the Revolution, to present it as a peasant revolt, as a great cry of “*la bourse ou la vie*” (Schiller, 1979: 42), is to provide a distorted view of events. It was for some, as Dickens said, the best of times; for others, the worst. Yet the two groups were not divided strictly by class: there were both nobles and commoners among both those leading the Revolution and those dying because of it. It was a period that offered real social mobility, as Revolutionary France was, after all, a meritocracy, at least in theory. Thus, to say that the nobility were the enemies of the revolution is to make an oversimplification. Although many nobles were in favour of the existing order, many of the key players in the revolution were in fact nobles: people like Lafayette<sup>9</sup>, Mirabeau<sup>10</sup> and Lameth<sup>11</sup>. Many of the *philosophes* whose principles guided the revolution were also liberal nobles: Montesquieu, Helvétius and Baron d’Holbach to name but a few. Those who came to dominate the centres of power throughout the revolution were predominantly middle class, and “far from seeking to fight the nobles, the most earnest wish of the *bourgeois gentilhomme* was to join them” (Blanning, 1998: 4) – this is especially obvious if we consider that Voltaire, one of the most outspoken critics of the *Ancien Régime*, bought his way into the nobility as soon as he was able to (Ibid: 16). Although the revolution was ostensibly fighting for the rights of the common

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<sup>9</sup> The Commander of the National Guard in Paris, he also fought in the American War of Independence.

<sup>10</sup> The leader of the National Convention, which the Estates-General became at the end of June 1789.

<sup>11</sup> One of the founding members of the Jacobin Club, which played a crucial role in the revolution.

man, it was really “initiated by the privileged classes, guided by the bourgeoisie, and [only] enforced by the people” (Thompson, 1952: 168) and when we examine the *philosophes* whose ideas were so crucial to the revolution we find people like Baron d’Holbach, who spoke in withering terms about “the imbecilic masses who, lacking all enlightenment and good sense, can become at any moment the tool and accomplice of subversive demagogues who seek to disrupt society” (cited in Blanning, 1998: 23). It is interesting that his view seems to have been borne out by the events of the revolution: the conflicts within the various committees and other governing bodies were almost always resolved by public opinion being turned against one party or individual. As the French philosopher Jean Baudrillard (2003: 9) has commented, drawing an interesting parallel between the Revolution and modern global terrorism, this was “terror against terror – there is no longer any ideology behind it”. The ideals of the Enlightenment, which seemed so promising in theory, proved hard to apply in practice, mainly because there was no single ‘lawgiver’ such as Rousseau suggested was required, which meant that no single policy could be pursued consistently. The revolution lacked what Jay Bernstein calls “the generating of an authoritative fiction” (1990: 80), a unifying doctrine that could be applied evenly – this much could also be said about the Enlightenment, although it can be said of both that they are broadly progressive and liberal in their ideals.

Within the revolution there was a motley crew of notable individuals, much like in the Enlightenment, and as with the Enlightenment, there was not a unified, coherent ideology that everyone agreed upon. There were devout followers of Rousseau

like Robespierre and Saint-Just, who declared bluntly that “every political edict which is not based upon nature is wrong” (Bruun, 1966: 46), there were those who were more realistic, like Danton and Condorcet, as well as people like Marat “who thought the solution to most problems began with the massacre of as many of one’s opponents as possible” (Hampson, 1978: 80). With no absolute ruler in charge, it is no wonder the revolution degenerated into internecine struggles and the petty vengeance that characterised the period known as ‘*La Terreur*’ – the Terror, which prompted Mme. Roland famously to cry in despair “Liberty, what crimes are committed in your name” (cited in Scurr, 2007: 262).

Yet even in the darkest hour of the Terror, the revolutionaries were able to turn to the thinkers of the Enlightenment for the justification for their actions. For example, Voltaire once declared that “governments need both shepherds and butchers” (cited in Knowles, 1999: 798), and from this skilled orators like Robespierre were able to convince people that “terror is nothing but prompt, severe, inflexible justice; it is therefore an emanation of virtue” (cited in Zizek, 2007: 115). The leaders of the revolution were able to use the ideas of the Enlightenment philosophers to their own ends, at times misinterpreting and obfuscating the original message. The excesses of the terror came about mainly because the ‘Committee of Public Safety’ was in effect endowed with both the legislative and executive powers of government, which was in direct opposition to the ideas of Montesquieu, who had written that “when the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty” (1949: 151). This was therefore a clear violation of

Enlightenment doctrine. Rousseau once said “mankind disgusts me” (cited in Edmonds and Eidinow, 2006: 58), and there is no doubt that he would be disgusted with what the Revolution had turned into: effectively from 1792-94 France was a dictatorship, mainly in the hands of the ‘*Robespierriestes*’ – although they were merely the dominant group at the time. From 1795 until the turn of the century France was in the hands of the Directory, a corrupt and incompetent group of a few men, which was eventually overthrown when Napoleon came to power. His ascension marked the official end of the Revolution, and eventually the return to monarchy. The Terror merely confirmed what Napoleon already knew, that “*on ne peut point regner innocemment*”<sup>12</sup>(cited in Bruun, 1966: 25) – which had already been used to damning effect in the trial of Louis XVI.

The French Revolution then, like the Enlightenment “set out to destroy the authority of tradition. It only partially succeeded” (Giddens, 2002: 42). After the revolution, the everyday lives of the average French peasant had not changed in any great way, although the bourgeoisie had benefitted the most out of the revolution – the ‘Declaration of the Rights of Man and the Citizen’, which was supposed to be based upon the virtuous ideals of Rousseau, “declared private property to be a natural and inalienable right” (Blanning, 1998: 53). Rousseau would have been incensed – however, this was perfectly in line with another prominent Enlightenment thinker, John Locke. The conflicting ideals within the Enlightenment make it difficult for any single

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<sup>12</sup> “One cannot reign innocently”



person or movement to embody the Enlightenment without self-contradiction. As a result the French Revolution was compromised from the outset by its combination of Rousseau's ideas about the innately virtuous nature of humanity and by the more materialistic focus on property offered by Locke, among others. As there were also political groups within the revolution fighting for supremacy, what we are left with is a Hobbesian "Might is right, and the limits of our strength the only law" (Schiller, 1979: 33).

After the dust settled on post-revolutionary France, it would seem that nothing had been achieved, and in a very real sense this was true. The revolution, though momentous and terrible, was unable to set up a lasting constitution for France, and in the end merely confirmed what Horace Walpole once said, that "this world is a comedy to those who think and a tragedy to those who feel" (cited in Edmonds and Eidinow, 2006: 235). The rule of Napoleon saw power once again concentrated into one ruler, and a return to monarchy was long in coming. The lot of the average peasant was perhaps a little better than it had been, yet those who survived the guillotine's justice were likely to end up forced into Napoleon's armies. The financial problems of the country were never properly addressed, so the result was that most people were just as poor as before the revolution. In this sense, the revolution was not a success. Yet the revolution does serve us a powerful warning about the use and abuse of power, as well as a stark example of what can happen when government neglects those it represents. It has been said that "we have to understand history so we can make history" (Giddens, 2002: 2) – so perhaps by learning from the past we can prevent the same mistakes from being made again. As anti-

government sentiment is becoming increasingly visible both in the UK (due to financial issues) and in France (due to the progressively more authoritarian policies of Sarkozy), the birthplace of rebellion, the issues that caused the revolution are once again emerging. We should feel free to protest against government if we feel it no longer adequately represents us, but we should be careful that our protests are peaceful. We should bear the example of the revolution in mind when we think of the recent student protests in London, and take heed.

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