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THE LANGUAGE OF POLITICS

Andrea Strano

Introduction

“Was ist Politik?” (What is Politics?) is the title of a famous book by Hannah Arendt from 1993. Politics, in my opinion, is a matter of persuasion, it is strictly connected to the oratory art of speaking and convincing your neighbour, to persuade him that what you are saying, either about politics or not, is right.

In my work I will not deal with answering the question that Hannah Arendt asked, but I will try to analyse what supports the persuasion and convincing skills used by politicians in their public speeches: the language.

Political language includes various field and disciplines like political sciences, philosophy, social sciences, linguistics and everything that could be related to a written and oral text.

The importance of a public speech is crucial to move masses and awareness of people, some speeches became “symbolic” speeches for a certain epoch o civil movement; one example we have is the speech made by Martin Luther King in front of Lincoln Memorial on 28 August 1963, after the famous “March on Washington for Jobs and Freedom”. The speech, which title “I have a dream” became a worldly famous slogan, started the claim by Afro-American population for having the same rights of whites American and it inspired various political and social movements, power struggles and demonstrations for human rights equality. Here an extract:

“I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character, I have a dream today!”

In modern epoch we can remember the speech made by Steve Jobs in 2005 to the students of Stanford University in the United States, it inspired and spur new generations that face the world of work and in general to the life; the title “stay hungry, stay foolish” has been around the world and became a famous motivational phrase, here an extract:

“Right now the new is you, but someday not too long from now, you will gradually become the old and be cleared away. Sorry to be so dramatic, but it is quite true.

Your time is limited, so don't waste it living someone else's life. Don't be trapped by dogma which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition. They somehow already know what you truly want to become. Everything else is secondary. [...] Stay hungry, stay foolish.”

The language of politics

“ὁ ἄνθρωπος φύσει πολιτικὸν ζῷον” in ancient Greek means “man by nature is a political animal”, this is what Aristoteles wrote referring to man as a “social animal”. Man by nature is always looking for interaction among his peers and the main element that allows those connections is the language.

In every dimension, language, more specifically linguistic action and its comprehension, plays a central role. Language forms different units such as texts, phrases or words. With words we can satisfy different linguistic functions, in particular:

- Things, people, situation etc. that is contents to characterise (descriptive meaning)
- To express emotions and valuation (emotional and evaluative meaning)
- To appeal to the behaviour of the listener/reader (prescriptive or deontic meaning)

In politics the language adopted by important political representative plays a key role in the power relation that are forming inside of a State structure. Decisions that politicians take daily derive from previous deals that were made by an important principle: the persuasion.

Dictionary describes the term “persuasion” as: “a. Convincing, inducing a person to recognise the reality of a fact, the rightness, the merits of a given state of affairs. B. Obtaining consent, approval, specific to an audience” and as synonyms we have “advise, convince”.

In this “work of persuasion” that the politician uses, it is very important to know also the context and the target of the audience that should be involved in the communicative act. This creates meanings that are gradually interpreted by the hearer. The study of the meanings of the political language must be based also on an analysis of how the addressee, that come from different social extractions, interpret the message that receive.

Once that the politician or the leader of a party expressed an opinion or set out a clear speech regarding an actual topic, we have another important element to deal with: public opinion.

Public opinion is that conglomerate of opinion that citizens, or in general every people involved in the community of a State, make when they are involved in a particular situation, for example about crime or general news, politics or an important event that occur in that community. Public opinion, in the political world, is awoken by mass media like television, radio or modern social network. Politicians follow the general guidelines of their parties and address the voters toward a precise thought of a determined party or politician.

We can distinguish two types of political speech that are very close each other: electoral speech and parliamentary speech. The first one is used before the elections, in particular during electoral campaign, and it aims to influence the behaviour of the citizen until the day of the election; the second one is used in order to measure the words with accuracy for the next vote. In all the situation the matter is to determine the choice of the form of communication and the form of the verbal expression according to the wanted effects.

Politicians use different methods to “manipulate” public opinion and try to get the necessary consents so that the politician get visibility. One of the technique used by politicians, especially in the United States, in order to acquire consents, is the “creation of the enemy”. We have a clear example from the last American elections, where Donald Trump based a big part of his electoral campaign on the problem of the immigration. It is famous the electoral promise to build a wall at the border between Mexico and United States, in order to overcome, in his opinion, one of the big American problems, the Mexican immigration.

We can analyse the linguistically change of politics that happened in the latest years due to the new mass media like television and social media. With the technological development the communication moved from the squares to television; it is a language based to images, sign language apart from language expression, it is based more on the performance than contents. In a certain sense the public manage to interpret better the political language, that is often technical and specific, and it feels more involved in the *res publica*. The daily language used simplify comprehension and expands the field of the action of the sent message; even if there is a lack of precision. In democracies the power of the medias is huge, they can deviate, inform or mislead; sometimes even a single image worth more than hundreds of words if it is used properly. In the ideal case media represent in general the interests of the public and help it to be the critic, that is vital for the democracy.

The language is often a practice that depends much from power. The important political figures, during their rallies, cannot lay oneself open because that could provoke a lack of credibility and consents. Minor politics have more freedom of expression and can compromise oneself for a topic. This is one of the technics that more is used in modern politics, a certain party “tests” some statements or position that this party would like to support through minor members of the party and analyse what happen: if the public opinion liked the affirmations so the test worked and the main politician takes the topic; if the public opinion did not like the affirmation, the party does not take the responsibility for what the politician said or let everybody forget it.

Every society has a proper specific jargon commensurate to the state internal situation, in this case we can talk about *universal* and *specific* argumentation.

The *universal* argumentation is the whole declarations made by a public person that can be understood in a universal level, in the *specific* argumentation there are also declarations but they are addressed to a smaller group of people, like the one in a state. We can do an example to understand better: after a news of a tragedy occurred in a state or to a population, every political leader of the world make declaration about, the early first declarations showed in the television are universal argumentation. All speakers say substantially the same things, like the grief for the victims and the union of all the States to solve the situation; the specific argumentation comes shortly afterwards, leaders of every country turn the public attention to the tragedy with peculiar argumentation of that country in particular, trying to “find the enemy” and using the situation to make propaganda and to gain consents from the public that is shocked by what happened.

Non-verbal communication

Besides conventional system of communication we can also analyse another system which has nonverbal characteristics, the holophrastic system: are holophrastic many non-verbal systems of communication like facial expression and gestures. Nowadays political exponents became increasingly public figures, mostly because of the modern television and new media; politicians are often guests in talk show, television program of actuality, or they are visible through official canals like personal pages on social media or political media.

We have so the image of the politician in evidence and everybody can see him, so a lot of studies were born in order to analyse the body language, especially when there is a public

speech; many experts of this field of communication study can decipher speeches and they can notice when the speaker is lying, when he is in difficulty or when he is hiding a reality.

Gestures movements can be done on purpose or not. Volunteer gestures are for examples those gestures that during a speech mime certain situation in order to help the hearer, that in this case is also a viewer, to understand better and become acquainted with the speech and the topic; non-volunteer gestures could be for example facial expressions.

Rhetoric

A good orator, whether a politician or not, must have a good capacity in persuasion. When there is not a decision, order or negotiate interest, the speaker should convince the audience that his position or his proposal is the right, reasonable, desirable and manageable one. The art of persuasion is strictly related to rhetoric that in the dictionary is described as: “The art of speaking and writing in adorned and effective way; it was born in ancient Greece with sophists, with mainly pragmatic purposes, like speech technic to persuade. Rhetoric serves to legitimise and solve political conflicts. It contributes to unify a society encouraging a sense of inclusion and membership between different members of the community. Every member has its own ideologies, traditions and symbols.

During public speeches metaphors are used very often in order to try to make a technical speech more understandable, for example with a balance speech, this types of speech are difficult to be understood by the large public to whom they are addressed. Linguistic metaphors and analogies are play an important role in formulation of political theories; for example, when the “State” is compared to a living organism that must be preserved from “diseases” like bad administration, or leaders of different parties associate their party to a family and so on.

My analysis will focus in particular on “speech” so on an oral discourse that has different peculiarities from a written text. The speech is composed by statements, that are group of phrases said by one person with pauses and moments of silence.

This series of statements, in political speech, have to be analysed in their complex and related to other statements that are directly connected. Often happens that from a speech of a political exponent is taken an extract, where for example he speaks about a non-comfortable topic for public opinion that decontextualised could be bad interpreted. This decontextualising technic

of the political concept is used mostly by journalists when they want to make a scandal or to stain reputation of a politician in particular, to this follows a new declaration of that politician that often deny or explains better what he wanted to say by that certain statement.

The styles

American political expert Murray Edelman, famous for having studied hard political symbolism and psychology, outlines, in the political language, those stylistic peculiarities: “Commands, definitions, formulation of premises, of inductions and of conclusions (argumentation); forms of expression or contexts that indicate public or private characteristic of the source of the discourse (sender); and the form of expression or context that indicate the public or private character of the recipient (audience) to which the speech is directed to.”

From those elements we can locate four different styles of language that structure the political process: exhortative, legal, administrative/bureaucratic and negotiation.

Exhortative language is a direct language in order to find political consent, especially during important moment of politics like electoral campaign and political confrontation. Lexis tends to be repetitive and it is rich of key words that have nowadays to much proliferation, as “democracy, justice, population, right, left” and so on. Exhortative style is rich of exclamations, it has a decisive tone, in which are also attack to other faction and relevant promises of political action.

Legal language is a technical language to which are draw up all those official documents like laws and bills, norms, contracts and sentences. Edelman has a critical vision of the legal language, he asserts that it is ambiguous because with the mutation of situation, laws and jurists that have to draw up those texts, it changes also the interpretation that is made over those texts.

He says also “Lexical definitions of the legal language, like are reported in the dictionary, work at the operational level in two ways: in one side, the give to mass and citizens the illusion that an automatic, precise and objective definition of the law exists and on the other side, they give a lexis with which organised groups justify their actions because those groups conform to this common opinion.”

Administrative and bureaucratic language has some common stretch with legal language, both use technical languages that are not so clear to mass public and often they are not so much

understandable, in fact the administrative and bureaucratic language turns to the insiders, it maintains an authoritative and rigid tone, texts are not addressed to the average citizen.

The negotiation language is that one which is used when there is the need of mediate certain situations depending on the interests that are at stake here. Also this language is not addressed directly to the public but it suffers the repercussions; for example, when parties negotiate agreements for a certain law or measure the public is not required to know which type of negotiation were made during the discussion but the effects of the decisions that will be taken will involve it directly.

The functions that the political language plays in shaping and catalysing social perception and behaviour are manifold: from the *ritual* function to the *evocative* or *symbolic* function, from the *persuasive* to the *programmatic* and *legitimizing* function.

Political ritual is of great importance because it is closely linked to the figure of State authority. The major political exponents strengthen their legitimacy through political rituals; examples can be the speech of the President at the end of the year or his speech of settlement, all rites that serve to keep the state plant solid and rigorous.

Another important element that distinguishes politics is symbolism. Symbols are very common in politics; they can be as auditory as visuals. The most obvious visual symbols are the symbols of the various political parties, each with a history and a precise meaning that refers to the lines and principles of the party itself, the symbol of the party is the visiting card for a politician and therefore acquires a crucial importance. Other symbols may be flags, monuments or gestures made by politicians; for example, when at the G7 on May 26, 2016 in Tokyo, political leaders symbolically planted trees in the temple of Ise Jingu according to a custom, the symbolic gesture that we see is the respect for local authorities and at the same time the principle of international cooperation that ensues.

Political language takes on the most varied characters and has different other functions and styles than those that we have analysed so far, it should not always be taken as absolute truth but the listener must have a critical thinking about it to prevent the language itself, through the techniques we have seen, distracts from the actual political reality that can be very different from how the politician describe it.

According to Edelman: "A group, through language, can not only achieve an immediate results, but also gain consensus [...] is the discourse, together with the response that provokes, the

instrument of measurement of political power and not the amount of force exerted [...]. The power of language does not depend on some intrinsic virtue of words but on the needs and emotions of men.”

The typologies

Up to now we have referred to political language as a unique concept, in reality behind every political concept there are a plurality of other concepts that make it acquire multiple meanings. Political language therefore changes according to the situation to which the same language is addressed, analysing the vocabulary and the key expressions that lead it to modify its original meaning.

The revolutions that took place in the world and specifically in Europe contributed to coining new expressions and ways of thinking, typical of the modern era; class struggles, demonstrations and civil wars have given voice to the various populations who have thus acquired power and voice and politician have had to adapt to the dictates of the people. As we said earlier in the modern era, television has greatly influenced the profound change in the language of politics, television addresses the masses, people coming from all social backgrounds, therefore language has acquired “everyday” connotations, it has been simplified, however, has also lost rigidity, making it so vulnerable to the attack of anyone, even those who chew little politics but still feel called into question by the situation.

One of the modern languages of politics is the *language of revolution*, Hunt writes: “Revolutionary language does not only reflect the realities of revolutionary changes and conflicts, but also transforms itself into an instrument of political and social change. In this sense, political language is not the mere expression of an ideological position determined by underlying social and political interests. Language itself help to shape the way in which those interests are conceived and to give shape to ideologies. In other words, revolutionary languages are not only an instrument of persuasion, but are constitutive of an alternative social and political world.”

The influence of Enlightenment was fundamental for the populations, the principle of “reason” moved the consciences and the public political debates made sure that the political information conveyed more quickly towards the masses. Finally, the work of philosophy has been of great importance to convince the people not to surrender to the despotism of the authorities.

Another language that is affected by changes in society is totalitarian language. It is a type of language that changes according to situations and political contexts. The term “totalitarian” has undergone several changes in meaning, more conceptual than purely linguistic.

Giovanni Amendola was the first person to use the term “totalitarianism” defining it as the “denial of the basic principle of every democracy, the lack of respect for the majority decision that also includes respect for the rights of the minority, which remains so in hope to become a majority in another day.” Later the term spreads and is used in various articles of opposition but it is here that happens the great linguistic distortion of this term, thanks to Mussolini, we have a linguistic manipulation that affects the term “totalitarianism” making sure that the meaning passed from negative to positive meaning; Mussolini began to use it in his speeches in his favour so much that it was thought that it was Mussolini himself who introduced it into the common language.

Historically, it is easy to compare fascism to German Nazism which also shares its revolution and linguistic manipulation. The fundamental trait of the National Socialist linguistic revolution and linguistic manipulation is that Hitler was the orator, everything turns into “Rede” (discourse) and therefore the message is simpler, with reduced grammatical constructs and everyday terms. We have a widespread use of superlative adjectives and wide use of euphemisms above all to conceal defeats during battles, for example with the use of “regress” or “retreat in front of the enemy” in such a way that the people thought it was a choice desired by the militias and not a defeat; furthermore, in the *Reden* the concept of the individual is replaced by the collective, for example in terms like “Volk, Gemeinschaft” (people, community) or with possessive adjectives such as “wir” and “unser” (we and our). For Hitler the leader was the one who could speak and politically involve the masses, the state was a covalence between institutions and citizens.

After the fall of Hitler and Nazism we have a further linguistic revolution in order to try to “clean” the German language from the Nazi contaminations, discharge the responsibility on the Führer and take the distance from the Nazi mentality.

Political propaganda

We can finally make a reference to another type of language that characterises the world of politics: the language of *propaganda*.

Political propaganda is a form of communication intended as a systematic attempt, realised through the diffusion of ideas thanks to particular techniques, to influence and modify the opinions and behaviour of a specific social group or groups for the achievement of a political purpose. There is an attempt to control the processes of social nature and inter-individual relations, directing them to the realisation and the success of a determined political line previously established.

A politician also defines propaganda as a declaration of an opposing politician who is not congenial to him or who goes against his thinking. Propaganda is a “dirty word” for political opponents; on the contrary, in communist jargon the term “propaganda” acquires a positive meaning, a weapon that is used for the struggle against power.

The aim of political propaganda can be varied, on one hand the promotion of a party or of a specific politician, or it can be used to create a common identity, or stimulation for a popular struggle.

We can report various principles that govern political propaganda:

- *Simplification*: condensation of the message in a slogan and reduction of the his topics to an unity or maximum two, to reach the greatest number of people
- *Saturation*: the repetition of the message with slight differences, as its frequency depends on its effectiveness
- *Presentation* of partial positions of a minority as an expression, instead, of the majority or even of the entire population of a country
- *Deformation of information*: accentuating the evaluative character in favour of the own theses, affirmed as certain, and devaluing those of the adversary, that are not complete

Regarding the techniques (in addition to conformity and partiality of information) we have:

- The technic of *classification* or *labelling*, which is realised in particular by means of manipulation of language and consists in attributing certain meanings, through words with a strong evaluative character, to expressions or slogans that express the position of the adversary or even his own, modifying the semantic field

- The use of *language ambiguity*, which serves to mask the real objective of one determined action or political line
- *Misinformation*, as infiltration of false news in the media, of which is part of the insistent repetition of communication, of which it constitutes one part of the insistent repetition of outrageous statements until they become truth commonly accepted
- The technic of the *scapegoat*, of which one example was the racist persecution against the Jews during the second world war in Germany and other countries
- The *censorship* in all its forms, including those institutionalised

Propaganda is enriched with symbols that represent it according to the situation in which propaganda is acting; a propaganda symbol par excellence is the *slogan*.

Slogan is a short sentence, incisive and concise, mostly coined for advertising or for political propaganda, which, to get an immediate effect and be easily memorable, often makes use of rhythmic devices, rhyming, or assonance alliterations, or is exemplified according to the usual scheme of proverbs. The slogan tends to stimulate the emotional part of the public, one must identify with it and must represent the cry of the people and especially of the masses involved.

Propaganda must be based on short and concise facts and word, it is dictated by immediate action and planning of future ones. The secret is in the rationalisation of the actions to mobilise and excite the great masses.

Conclusions

We saw how the political language is governed by precise linguistic rules and semantics as well as contextual, that is a linguistic standard that most political disciplines, both written and oral, follows to distinguish itself from other types of social languages; it has its own peculiar characteristics that distinguish it.

I analysed specifically the political discourse, an unwritten language, which it has undergone variations over time, it has adapted to linguistic and social canons in every age.

Political discourse also varies based on:

- The *speaker*: who is speaking or exposing a speech (a prominent politician or minor politician, an exponent of right or left wing, a man or a woman)

- The *audience*: to whom the message is addressed (insiders, public of mass, specific public, young or adult public, etc.)
- To the *message*: to the type of speech (electoral message, message of condolence, business announcement, speech for a holiday, etc.)
- To the *context*: where the message is exposed (in a foreign country, at an event, at a commemoration, in the Chamber of Deputies, etc.)
- To the *medium*: how the message is sent (public speech in the square, message recorded on the media, television, radio, official written communication, etc.)

The context and the medium are closely linked, we also add that each nation has its own code, it is characteristic for its custom and uses.

Finally, we saw how even non-verbal language can help us to decipher messages sent by the speaker, a non-verbal language indirectly influences the public, can infuse security or difficulty or help to better understand the message that the politician is transferring to the listener.

*The number of word known and used
is directly proportional to the degree of development of democracy
and equality of possibilities.
Few words, few ideas, few possibilities and little democracy;
the more the words are known,
the richer the political discussion and, with it, the democratic life.*
(Gustavo Zagrebelsky, Carofiglio 2010)

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NEW LEADERSHIP APPROACHES – SERVANT LEADERSHIP

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ABSTRACT

The study will reveal some further factor of current days' leadership needs and circumstances from a global point of view which will take a look at the trends and tendencies can be seen in global civil society and world politics. It will also analyse the role of motivation of leadership which is a decisive factor when it comes about the success of leaders and led community, whether or not it is the "Will to Power" or a fundamentally different stance "Wish to Serve", servant leadership, also well-known leadership approach in the USA. It will also demonstrate evidences of evolutionary psychology, brain research and related fields about the factors of successful leadership, just like the size of the led community, the structures of organisation, and other elements.

The paper was submitted for "Public administration development for good governance" priority project in the framework of Győző Concha Doctoral Programme under KÖFOP-2.1.2-VEKOP-15-2016-00001 identification number, for the invitation of the National University of Public Service. (A mű a KÖFOP-2.1.2-VEKOP-15-2016-00001 azonosítószámú, "A jó kormányzást megalapozó közszolgálat-fejlesztés" elnevezésű kiemelt projekt keretében működtetett Concha Győző Doktori Program keretében, a Nemzeti Közszolgálati Egyetem felkérésére készült.)

Introduction:

The scope of transparent, self-regulating communities – Why local? Local matters?

The sub-heading "Local Matters" borrowed from an Australian community project of the Macquarie University – Centre for Emotional Health, Sydney expresses the relevance of the local cultures, traditions, roots, the local levels in the decision making processes and leadership.

As the researcher introduces the 21st Century Leaders List in his article "Who can argue against the spectacular failures of leadership in large institutions?" They range from the White House and Congress (whether in the hands of the Democrats or Republicans); to Wall Street and back around to Main Street; in the public, private and not-for-profit sectors (including religious institutions); around the world. (Strock, n.d.)

Here we can also mention Hungarian thinkers about the reasons of structural failures of professional institutes.¹

When we are talking about leadership scope of the directly led is a highly essential aspect from the prospect of effective functioning. Whether it is a transparent community where there are direct personal relationships, connection between the leader and the led or not. The size is decisive also when it comes about trust among the group members and other components of social capital.

Self-regulating power, natural selection in local communities

This way because of the geographic embeddedness and organic belonging to a more or less transparent community, the self-regulation of natural systems and smaller communities as it will be elaborated later on could filter those members of the political community with wrong motivations. To empower the local communities would not only result in better selection of political decision makers, but as Lányi (2013) points out “If local communities, which can make a responsible decision about their own fate, would regain the intellectual and material tools to self-determination, most of them could make more appropriate decisions in order to save the basic living conditions, compared to those which are born nowadays in impersonal intermediary systems and networks, supranational bureaucratic bodies.”

In the second part of my paper I will explain why the localisation of power is an essential element of not only Foucault’s thought, but in the current change in exercise of power.

Crisis of representative democracy and leader selection process – Problem of the scale?

According to Freund it has also evolutionary roots why people are more satisfied in transparent communities. As he explains in a large-scale community the capacity of the brain is not enough to store the social networks, that way the selection prefers the selfish genes, patterns of behaviour, while in smaller communities where the brain is able to follow the mutuality, cooperative genes and behaviour will be supported by selection.

¹ Patyi, A., 2017. Welcoming speech of The *Doctoral School of Public Administration Sciences*, National University of Public Service on the 12th of September 2017 referring to Pokol, B., A professzionális intézményrendszerek elmélete.

Professor of Biology, Hungarian Academy of Sciences² claims basically the same, that the mass societies we live in means too huge burden for the human nervous system, the capacity of the brain is not able to follow and process the increased number of connections. It can only follow groups of 100-120 person. Christakis and Fowler (2009) state moreover that we can directly influence only those who are in 3 step distance from us which also has evolutionary explanation, namely our ancestors did not have connections exceeding this distance.

Already the classics of political thought referred to the problem of ideal size of political communities. Plato suggests that the size of the polis should not exceed 5040 citizen. The different online communities also uses the term tribe to describe themselves.

Connectivity

Interdisciplinary research methods, especially network research, socio-psychological, genetic and biological research results has revealed some key areas, factors which help us to understand that the current multi-level crisis we face nowadays in our economic and political systems is structural in its nature. It is not only about the current political elites or those who possess the power rather the way, the organisation of power structures and decision making processes which is not adequate for the human nature needs and that the current governance systems cannot catch up with the current changes of collective consciousness of humankind. So the title of my paper could be “Structures Matters” as well.

Studying the dynamics and evolution of different organisations, communities, the socio-psychological patterns of cooperation and competition within groups I had the observation that the key factor which influences the functioning of systems, whether it is a local community, a business organisation or any kind of group is the close, direct personal connection within the group members. Hungarian Youth Research 2014 showed this to me very clearly. I was wondering what can be the common element, feature of those organisation which were the most successful in terms of engagement, where the youth spent most of their time most frequently. After a while I discovered that it is the structure. All of the most successful organisations even with large total number of members were built up from smaller units of 4-6-10-20, but at least they were organised in smaller transparent cells and the presence of direct personal relationships

² 2010.10-2012.04 ELTE PPK- MTA PI “Európai Léptékkal a Tudásért” (TÁMOP 4.2.1.) “Együttműködő versengő állampolgár Európában”(Cooperative-Competitive Citizen in Europe) research project.

created the almost unbreakable cohesion among them. The essence of the globalisation lies also in multiplication of connections among the people. We can create a direct personal connection with those living in a remote part of the Globe.

To explain this it is worthwhile to pay attention to the results of network research. Barabási found that in the case of scale-free networks these are the strongly connected nodes which stick together the networks. Another words in the case of communities these are the strong and direct personal connectivity within the groups.

According to these results size and connectivity within the group or community is crucial. When we are looking for the appropriate leadership we should take into account these factors too. A good example for that is the functioning of centralised public administration structure of Hungary where the local decision makers, but also including the local citizens do not really prefer the centrally decided or directed processes.

Based on this recognition the National University of Public Service and Ministry of Interior designed its project “Academy of Local Communities” 2014 especially in this spirit empowering the members of local communities, local governments to create their vision about the future of their city or village on their own. Using the toolkit of Community Led Local Development the colleagues of the Ministry of Interior and the experts of the National University of Public Service were only facilitating the process and the organising. The effectiveness of the project was overwhelming success and in accordance with the government decree the project will be continued in 2016.

As the Report on Good Governance (2015) also proves that the level of trust towards local leaders are higher compared to parliamentary representatives in accordance with the above mentioned structural correlations about the ideal scope of leadership. This can be concluded from the fact that the proportion of participation on local government elections are much higher compared to national level parliamentary elections which show that for the citizens “Local Matters”.

Therefore I decided to ask experts in local community development about leadership dynamics since it seems that the local leadership is more trusted, authentic for the people and the satisfaction is higher towards them which is maybe due to the organic way of leader selection within small communities as it is explained above.

Before analysing the expert interviews, it is important to look at the failure and shortcomings of current days leadership from a slightly different angle too.

“Revolt of the masses?”³ – Global awakening

According to several thinkers one of the biggest challenge of our times is the global scale awakening of masses. That is a new phenomenon in human history we have never experienced it before to such a degree. He claims this can be one of the major challenges what political leaders face nowadays which is proven by the large extent of global civil society movements. The growing political consciousness of citizens requires a new leadership. The traditional ways of governance and exercise of power are not functioning any more between the new circumstances.

Cultural creatives – Who change the rules of the game

Cultural Creatives is term for a new socio-cultural group. A research (Ray and Anderson, 2009) has been conducted more than ten years ago which showed empirical evidences for the existence of this new socio-cultural group with consistent features. But what are these? First of all the data shows that those who belong to this growing group are much less affected by the mass media, and the values mediated through this. Their behaviour and life decision are made much more conscious in each sphere of life than the average manipulated by the consumer society’s artificially generated superficial needs. This refers to their nexus to their communities as well. They are much more active citizens, they feel bigger responsibility for their communities compared to others and they are much more likely to be involved in community actions. Human relations are the most important value for them, and generally they do not really prefer the hierarchic ways of organisation nor in business, neither in political life. (Ray and Anderson, 2009)

To understand the role of cultural creatives which is the most fast growing subculture among youth in Western societies, is crucial if we would like to understand the reasons of the necessity of current changes in exercise of political power in our societies which is shifting in our days into more horizontal forms. The research has been conducted in the European Union as well,

³ Ortega y Gasset.

and it showed that their number in Europe reaches the level of the United States.¹ Their proportion among the Hungarian youth is 35%. (Székely et al., 2010)

In the preface of the Hungarian edition of the book about cultural creatives Takáts makes a definite statement about them. (Székely et al., 2010) According to him because of the change in human consciousness and the failure of hierarchic power structures cultural creatives initiated series of cultural, social and political changes which can be seen as a sort of global revolution.

Motivation of the leadership

According to Jaworski one of the greatest problem with current leaders in the political, economic, scientific and other fields is that the motivation of why they become leaders, why they have got the leading positions is more often.

“The will to power”⁴ Instead of wish to serve

He explains that the first and most important question of leadership is actually a decision whether someone want to serve or not. In his interpretation the root of leadership is a state of being. How different to what mainstream political science associates with those who exercise the power using mostly Weber’s definition of power “the ability of an individual or group to achieve their own goals or aims when others are trying to prevent them from realising them” (Weber, 1995)

This is a very coercive perspective, which represents a conflictual nexus between those who possess the power and those who do not. But what can be the reason that Jaworski’s approach is so different? His father Leon Jaworski was the special prosecutor of the Watergate Scandal which had a huge impact on his approach about leadership. This issue that time has questioned the basic democratic principles, the foundations of democracy, the belief in democratic institutions, just like nowadays the 2008 Financial Crisis. The protest movements emerged that time and nowadays requested personal responsibility.

⁴ Nietzsche, F., 1906. Der Wille zur Macht, Naumann Verlag.

Technological challenges for leadership, Generation Z

Aczél (2014) explains the growing participatory needs with the notion of “attention economy”. The hunger for attention is one of the characteristic feature of Generation Z which can reach even narcissism. The result of this is the Facebook generations’ “always on” status. (Szarvas, 2016)

New leadership principles for the new generation

It is also an interesting question that which type of leadership is adequate for this new generations? As it was mentioned before significant proportion of the new generations belong to a new socio- cultural group called cultural creatives, and for them the power means something really different. They construct it from a totally different angle. They do not really like to be led in a direct way. So perhaps Greenleaf’s Servant Leadership Theory is much closer to the civic attitudes of younger generation. Although it was inspired by Hermann Hesse’s novel *Journey to the East*, this shows many similarity with Christian Leadership Theories as well.⁵

“You would have no power over me if it were not given to you from above.”

Of course when we are talking about Christian Leadership approaches, it is very clear that the power and especially the source of the power and legitimacy of this is very different from the positivist social contract theory. But not only in this aspect differs the concept of power in Christian leadership. The way of exercising power is also different. It is much more horizontal.

“The kings of the nations rule over them, and they that exercise power over them are called benefactors. But it is not this way with you, but the one who is the greatest among you must become like the youngest, and the leader like the servant.”^{6,7}

⁵ About the supposed similarities between Greenleaf’s Servant Leadership Theory (1977) and Christian Leadership Theories see more: Szarvas, H., 2015. A bízalom kis körei – szubszidiárius állam, szubszidiárius kormányzás, közösségi döntéshozás a gyakorlatban – avagy a helyi részvételen alapuló demokrácia modellek, mint a válságba került liberális tömegdemokrácia alternatívája. In: *Kutatói Fórum tanulmánykötet 2014-2015-ös tanév*. Nemzeti Közzolgálati Egyetem, (Summary of the research plan) [pdf] Available at: <http://akk.uni-nke.hu/uploads/media_items/kutatoi-forum-20142015.original.pdf> [Accessed on 8 November 2017]

⁶ Lk 22, 25–26. The Holy Bible. About Christian leadership and Good Governance see more: Szigeti, Sz., Frivaldszky, J. (eds.) 2012. A jó kormányzásról. Budapest: L’Harmattan Kiadó, p.7.

⁷ Speech at “Rethinking Public Governance” conference on 10–12 June 2015 at National University of Public Service – Transatlantic Policy Consortium Budapest, Title of presentation: “The Role of Connectivity in Newly Emerging Power Structures.”

From new public management to new public service

So here we find practically the same principle than the Eastern approach of Servant Leadership. We can see the paradigmatic shift on the field of Public Administration as a result of these changes in the birth of a new approach New Public Service (Denhardt and Denhardt, 2000) instead of the bureaucratic process based impersonal New Public Management's approach.

Mindfulness in the public administration systems

Füzesi (2018) in her article "What can mindfulness do in a public institute? Who needs it?" argues that the latest neuroscience researches shows that the development of skills for Mindfulness resulted in changes in brain functions and structures as it can be seen with MRI observations. She mentions only few examples for the positive impact of the Mindfulness like

- decrease of rumination, distress
- development of the memory
- slow-down of aging of the brain
- development of learning ability
- decrease of anxiety and the symptoms of depression
- progress of stress management
- the pain sensation gets smaller

Only this short list would be demonstrative enough for the introduction of teaching MbSR in public sphere institutions, but the author goes further. She stresses the importance of MbSR in leadership development. It helps to strengthen the leadership competences, but also the interpersonal relationships.

As Szegedi and Tircsi (2017) also points out in their study "Is nanotechnology the new challenge in military leadership?" the newly emerging technologies and the spread of artificial intelligence based military activities are calling for a new leadership approach also in the sphere of military leadership.

These new technological challenges like nanotechnology, and the fast space changes in operational environment, the influence of global media, the network-centric operations both makes it necessary to rethink the current leadership style. In the case of Effects Based Operations for example as the authors stress, it is not enough to deploy military experts.

Different type of expertise are needed in these new situations which means basically the cooperation and shared leadership between these experts.⁸ It proves again the conclusion of the first part of the study, that the most adequate leadership current days is the combination or dynamic balance of facilitative and more powerful or authority based leadership style depending on the situation what it requires. It can be familiar from Mintzberg's model as well, somewhat similar to the shared leadership in innovative organisations based on the expertise required by the current project.

Future of the leadership in the past?! – Peer governance – Leading without leaders?

“The above mentioned approach which essence is between other elements the horizontal organising of social structures can be found or more precisely was in fact reinvented in the works of Western social innovators, scholars too, just like Michel Bauwens who is the founder of P2P Foundation which is focusing exactly on the peer relationships within the different social contexts. According to Bauwens the whole system of governance can be based on these principles in our era too, he calls this “Peer Governance” and on the field of economy this can also apply as “Peer Economy”. Several elements of Hungarian community traditions can be discovered in these approaches, where the sharing economy stands for somewhat similar than the mutual care and provision function of Hungarian traditional communities. He calls these Neotraditional approaches. (Bauwens, n.d.) The so-called “blockchain technology” also means “a tool for people to organise and coordinate themselves on a peer-to-peer basis.” Peer governance has three really important principle, which are the following:

- holoptism
- equipotentiality
- heterarchy

Holoptism is the ability for any part to know the whole, so it expresses exactly the Eastern holistic worldview which is part of the organic thinking. Equipotentiality means that each participants have an equal opportunity to contribute. Last but not least the heterarchy is a system

⁸ Szegedi, P. and Tircsi H., 2017. Nanotechnológia a katonai vezetés új kihívása? (Is nanotechnology the new challenge in military leadership?) *Hadtudományi szemle*, Vol. 10. Issue 1, pp.491–505 [pdf] Available at: <http://epa.oszk.hu/02400/02463/00034/pdf/EPA02463_hadtudomanyi_szemle_2017_1_491-505.pdf>

of organisation where the elements of the organisation are unranked (non-hierarchical) or where they possess the potential to be ranked a number of different ways. (Crumley, 2015)

In social and information sciences, heterarchies are networks of elements in which each element shares the same “horizontal” position of power and authority, each playing a theoretically equal role. A heterarchy may be parallel to a hierarchy, subsumed to a hierarchy, or it may contain hierarchies; the two kinds of structure are not mutually exclusive. In fact, each level in a hierarchical system is composed of a potentially heterarchical group which contains its constituent elements. The concept of heterarchy was first employed in a modern context by Warren McCulloch. “He examined alternative cognitive structure(s), the collective organisation of which he termed heterarchy. He demonstrated that the human brain, while reasonably orderly was not organised hierarchically. This understanding revolutionised the neural study of the brain and solved major problems in the fields of artificial intelligence and computer design.” (McCulloch, 1945)

Expert interviews on leadership

The above mentioned arguments about the natural selection process of smaller communities convinced me about the necessity to conduct interviews with local community developers, and experts on local developments since according to my presumption they seem to have an overview on those group dynamics as a result of which the leaders emerge in a group.

My first interviewee was Zsolt Kükedi previously worked as a network developer for the Office for National Economic Planning (NTH) and according to the community developer experts in Hungary he is a living data base when it comes about local developments. He is the founder of Local Hero Ltd. too which aim is to collect the good practices of local community developments and especially those who initiated these and find ways to help their work and appreciate their efforts for the public since independently from any kind of public administration reform or governmental program they are the ones who can be the real engines of developments in each community, settlement and sometimes they do not hold official positions in the community they are selected organically they are informal leaders in many cases, but still they are the most key or decisive figures from the aspect of survival of communities. We could say they are the soul of the communities.

When I asked Zsolt about the most important feature of current day leaders he immediately came up with empathy as the most important skill or characteristic of a good leaders. As he explained a good leader should feel when to speak when to be silent, and with a deeper attention and attunement what he meant by empathy a good leader should feel how much certain people can be involved in a project or a common activity, how much she or he is able to cooperate, he or she should see or rather feel the limits of their people and the potential in them what is the weight or level of expectation what certain people can bear in this deeper state of mind, presence as the notion was explained above.

Besides this quality of empathy or let us call it in accordance with the above mentioned researches and theories of Society for Organisational Learning MIT and Centre for the Study of Collective Intelligence, deeper presence, attention, he named another really crucial element specifically in the Hungarian society it has overwhelming importance to give positive feedbacks which is so rare anyways from the education system throughout the whole career of people. Due to the unfortunate history and socio-psychological burdens it is a much traumatised society where giving positive feedbacks is not too common, it is not natural, it is rather an exceptional case when or where it happens. To be supportive to strengthen the self-confidence of the people, to empower them, to make them believe that they are worthy. In one of the research interviews of another research project of the ELTE University few years before that was the opinion of another social innovator too, as András Láng explained nowadays that is the biggest problem of the Hungarian society the lack of self-confidence which explains many processes.⁹ As Zsolt explained how do I look into that face? About this example we can also recall János Neumann's theory, mathematician, physicist, inventor and polymath, the Observer Effect which basically means that our presumptions, the mental image what we have about things, processes, or even human beings influences if not determines the way things happen or the way people behave. On the field of pedagogy this effect is called Pygmalion effect when the expectations of the teacher subconsciously influences the performance of the children. So it means if a leader has a positive image about their colleagues, people will perform better, they will subconsciously feel and follow these expectations, but the same is true vice-versa. Therefore it is highly essential as he explains that communities have their local hero, who is frequently an informal leader, do not hold any public position or not paid for his or her work as a leader, but she or he gives encouragement to the people, she or he shows their good sides, talents and slowly they

⁹ 2010.10-2012.04 ELTE PPK- MTA PI "Európai Léptékkal a Tudásért" (TÁMOP 4.2.1.) "Együttműködő versengő állampolgár Európában" (Cooperative-Competitive Citizen in Europe) research project.

start to feel it too, that they are able to achieve their goals. Sometimes it is enough just to raise their interest and this will somehow lead the people to that field in which they are the best, and when they find the field of their excellence that is a benefit for the whole community. To make them creators, to make them realise that they are co-creators of their own life. And the question how to do that? Zsolt's answer is the series of conversations, dialogues. The same essence the same methods as Peter Senge, David Bohm, Joseph Jaworski mentioned.

So another question has been raised in me as an effect of his inspiring words about how to inspire others, how to give them faith in themselves, how to overcome their physical barriers, that how these leaders, local heroes emerge? Would it be possible to teach or educate our children how to become the source of faith and inspiration for others?

As Zsolt explained he believes that these people always went through a deep inner journey or development. This inner path or development always precedes the process to become a real leader. Generally it starts with a calling and from those who follow this call can become a real leader. But of course sometimes it is really hard to follow this call, one need to be really persistent to stay on this path, to follow the inner voice even if everything goes against it on the level of ratio. As he highlights according to his experiences of collecting and observing these local development stories and local heroes, it is also a general motif that those people after a while "get" a Master. This can be a role model or just someone one respects.

My next interviewee was the Managing Director of the "Folkhighschool" Association in the Surroundings of Budapest Júlia Nagy. It was a really inspired talk, dialogue with her, and I did not insisted to my original questions, as in the introduction it was highlighted my methodology was based on David Bohm's Dialogue method, to give space for the revelation process of Being, so I left the conversation flow into the direction it wanted to reveal for us.

Probably one of the most important finding was in this interview that most of the time when we are talking about leaders, generally we think or believe that it is one person, who leads. But sometimes just like in the previous interview it came up, there is a formal and informal leader in a certain community too, and in many cases it is not the same person. When Julia started to talk about the circumstances of the creation of Village Caretaker Network in Hungary around the time of transition and explained that these people, these leaders are selected organically by the local community, it is not a formal leadership, she could rather compare this to some kind of sacral leader role, who listens to people, help them to manage their issues when there is no appropriate public service in the given village for example, so this institute actually fulfils the

criteria of the above mentioned servant leadership. This person is also the organiser of cultural events, and local economy too, the so to say “soul of the community”. He or she is also a trusted person, exactly because they do not hold an official public position, they are not part of any governmental or public administrative structure, so people feel that they are their peers, so they trust them much better and share their everyday problems, issues, challenges and wishes. So the holder of this position is a possessor of a huge social capital at the same time.

During I listened to Julia’s answer and elaboration about this network and the essence of its functioning, the way they are selected, and actually the roots of the institute which is interestingly enough embedded in the ancient Hungarian community organising principles of the Székely, the so-called “tenth system” which seems to function well enough since hundreds of years, or even more than that, there was this question fumble in my head, if this institute and network is organic, functioning so perfectly why is it so, that they are not the ones who holds the official leading position in a certain community, I had the idea that they should have been the mayors, and why it is not possible? What can be the barrier or how we can make that possible? That seemed to be a logical question from me considering the fact that my research field is the participatory democracy developments at local levels, but then from Julia’s answer it turned out that maybe it is not the only way to appreciate their work, and probably those people does not even want to hold such positions because they are driven by very different forces, drives than those who run on elections and want to get official power. Immediately several other angles of the question emerged which created the context and larger understanding of dynamics for me. From the previous interview and also from years ago I had the memory of dual leadership, which actually meant that those who are the source of innovations, who have the vision, and imaginative power, who become the source of inspiration for others, generally have totally different mind-set than those, who are the operative leaders, “managing director” types, who are maybe not so creative and do not have visionary thoughts, but know the way how to realise an idea, how to organise processes. Another historical parallel also came up in my mind in this very moment of recognition, that in the ancient times according to the witness of the chronicles the Hungarians applied the very same or similar shared or dual leadership which meant that the community had a sacral leader which was called *kende* or *kündü*, and another “operative” leader called *gyula*. The former possessed the vision about the future of the community, and the latter was responsible more for organising the everyday life processes.

This way actually the network of this organic leadership can be combined perfectly with the official local government bodies. Of course for this an openness of the officers’ of local

government needed to accept new or old and new at the same time, a reinvented type of dual or shared leadership. It is a fundamental change based the above mentioned principles of integral leadership, like cooperation and empathetic leaders, maybe woman in influential roles who are in most of the cases are more willing to cooperate.

My third interviewee was Judit Balogh, environmental and agricultural expert, who has worked in several ministries vanguard teams. What she emphasised during the talk was basically very similar to the previously mentioned aspects, first of all that the leaders should have a personal contact with their led, and a good leader should be empathetic and supportive, but strong too if that is needed in a certain situation, so by her also the above mentioned aspects of dynamic leadership appeared as well. She also pointed out the necessity of strengthening the self-confidence of the people, the enthusiasm, authenticity of the leaders, the importance of celebrating together. She also finds it important that the good leaders do not make compromises in certain conceptual questions, they are not driven by money or power, but they have an inner drive to act, to serve the common good, as she put it, it is a question of temperament. She used actually the very same formulation than the previous interviewee Zsolt, that a good leaders should have this inner fire to do something for the community, to serve the public. But in the case of the first interviewee it was in a slightly different context, that a good leader should light the fire in others or make them find their own inner fire. As she finished the real leaders are not driven by money, but by the soul.

Summary

Although my interviewees represented a quite colourful professional immersion, there were several common point between the aspects or emergence of good leaders according to them. First of all almost everyone started with the empathetic feature, that a good leader should be compassionate. The emotional level of communication is interesting also from another aspect, namely according to the latest quantum biological findings the real command centre of human beings, human body is not the brain as it was believed till nowadays, but the heart. In the case of those for example who experienced the state of clinical death, and came back, it was the heart which showed the first signs of life.

The second very important commonly mentioned characteristic was the inner drive to serve others, to do something for others, this never stopping urge to be active in some community

oriented activity. It is important that the target of this activity is always the public, to inspire others, to help them find their own source of inspiration, their excellence, so basically it is the motif of service.

Finally, but most importantly I was wondering the reason why these people are followed, what is the source of their charism, and my answer is the connection. That these people are connected with their inner self, they are embedded into a larger order of cosmos, they are in harmony with something larger wholeness of life. This connected state of being is the final of source of the leadership as I perceived and concluded from the interviews and those people who have this connection they are able to give or mediate this to others.

As a concluding remark we can see both from the expert interviews and the literature as well which has been demonstrated in this paper the fast pace changes in our era in our eco and economic, political systems urge the leaders to become more and more adaptive to a quickly changing environment, sometimes chaotic events unknown frames. Therefore one of the most important and adaptable feature of today's leaders is the high level of deep and concentrated attention which makes them able to decide the actual leadership style adequate to treat the situation. This can be different, as it was mentioned, sometimes a coach or a democratic leader is needed, but in another situation the authority figure can be the most appropriate or even the coercive. So dynamic leadership which is able to adapt to the ever changing circumstances and needs combined with mindfulness approaches with a deep commitment to serve, servant leadership looks like the most successful leadership styles both in business, civic and political spheres according to the above mentioned examples. Of course further empirical researches are needed to continue and confirm these findings.

An interesting further research question can emerge from the results of Posttraumatic Stress Disorder researches related to leadership, whether or not those leaders who have experienced significant hardships in their life can influence their leadership skills or not. Interesting research question can evolve from PTSD experienced leaders being more successful compared to those ones who have not met more significant difficulty in their professional or private life. The regenerative potential can be inspirational for the led, can be the source of charism and hidden creativity, solutions, and motivation. The term of the posttraumatic growth is an already known phenomenon which can be used in leadership researches as well. As Progen in the above mentioned research of Marine Corps mentioned one of the six leadership style is the "coach". To be a coach one must be inspirational, and the source of self-transcending potential can stem

often from a real challenging situation. Some researches on posttraumatic growth shows even a positive correlation between the size of the trauma and the potential or chance of posttraumatic growth effect, so the bigger trauma one experienced the greater chance he or she has to grow from this experience and become a successful leader for example.

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LAW AND MORALITY

Elizaveta Garbuzova

ABSTRACT

This paper addresses the dilemma of whether the state is allowed to legally enforce morality. I will draw on the readings of Mill, Devlin and Dworkin in order to situate the debate around this problem. The legal case I examine is Trinity Western University vs. Law Society of Upper Canada. I argue that Trinity Western University's law school should be accredited by the Law Society of Upper Canada (LSUC). I claim that TWU does not discriminate LGBTQ society. TWU, however, discourages LGBTQ people to enter the university. Nevertheless, discouragement does not equate to discrimination. Thus, TWU is not preventing LGBTQ people from practicing law.

I argue that the state should stay neutral and not enforce morality and therefore allow Trinity Western University (TWU) accreditation status. Before I present my point of view, I will outline the debate between Mill, Devlin, and Dworkin on whether the state should enforce morality or not. I then discuss one possible criticism to the Ontario Court of Appeal (OCA)'s reasoning and its relevance for the debate mentioned above.

The debate of whether the state should enforce morality is outlined by three thinkers Mill, Devlin, and Dworkin. Mill thinks that in a democracy, there is a problem he calls "The Tyranny of the Majority." This problem is that if morality is dictate by the state, and if the state's decisions are grounded in the majority rules of its citizens, then it follows that the minority is oppressed by the majority. Mill's project is to set limitations on both government and social interference into the private lives of citizens. Mill proposes the "Harm Principle" as a means of defining a limit on such interventions. According to the harm principle, an authority can only exercise power over a person if exercising that power would prevent that person from harming others. In absence of such a reason, there is no justification for any intervention of any kind from anyone. In arguing for the harm principle, Mill defines "liberty" as something an agent has when they can pursue their own good in their own way. Mill further states that one's freedom of expression should be allowed, where expression is understood as both freedom of speech and freedom of assembly, unless such speech or assembly is what he calls "mischievous". Thus, one cannot call insincerely proclaim "fire!" in a public place yet Mill

allows speech that is emotionally offensive. Mill thinks freedom of expression is important because it allows society to separate, collectively, errors from truth, and to have maximal information flow. For Mill, a free society is one that allows such freedom of expression insofar such expression does not violate the harm principle.

Devlin disagrees with Mill and says that the law can be justifiably used to preserve societal values and thus the state is justified in violating the harm principle. More strongly, Devlin thinks that any social norm is justified so long as that norm preserves social cohesion. For example, even supposing a group of homophobes ground their homophobia on purely emotional responses, then such a group is justified in enforcing their homophobia in legal terms only if such homophobia preserves social cohesion. This is why Devlin thinks that the state should use the law to uphold and protect its own moral values.

In arguing for his view, Devlin discusses the concept of a “reasonable man.” A reasonable man is simply an individual taken as representative of society as a whole. The opinion of the majority is there by represented by this reasonable man. Thus what is considered just, or unjust, by the reasonable man is considered similarly by society as a whole. As discussed previously, the reasonable man does not need to provide any rational justification for his opinions.

Dworkin argues against Devlin that mere the emotional response and prejudice of people is not enough to enforce the law. Rather, emotional responses are neither necessary nor sufficient for guiding social norms and legislation. Dworkin provides an example of why we think Nazi actions were immoral. They were immoral because they were based on prejudice and were irrational. Thus, we need to provide good reasons for why something should be considered good and bad. According to Dworkin, reasons that are based on mere emotions, parroting, and rationalisations, and intolerance cannot be considered as sufficient rationale for law enforcement. For example, a person who believes that homosexual acts are physically debilitating is engaged, in Dworkin’s view, in a fallacy of rationalisation given that the standards of evidence implemented in such a judgment are so far beyond being reasonable that they can be dismissed on these grounds alone. What is considered “reasonable” here is what standards and evidence we uphold not only to others, but what others also uphold to others.

Instead, Dworkin states that morality must be consistent within all actions of society’s members, where inconsistent actions are immoral. This however states a merely necessary condition. Dworkin allows exceptions as long as consistent and valid reasons are provided. For instance, if one is intolerant toward homosexuals and bases their argument on the Bible, then

they need to follow all other dictates of the Bible. This is so unless they can provide reasons that justify an exemption from the rest of the Bible's dictates.

I believe however that parroting is justified in certain circumstances. I argue that not all people are able to have moral judgements in every area of ethics due to the impossibility of having a very extensive knowledge on every issue in the world. Thus, we must rely on the knowledge and thinking of others. Therefore, as long as they can defend their views, we can adopt them as well.

TWU is a private Evangelical Christian university in British Columbia. TWU wants to open a law school, however LSUC denied accreditation to its lawyers claiming that TWU's admission process is discriminatory to the LGBTQ community. Upon successful admission all students entering TWU need to sign the covenant that states that students are not allowed to engage in sexual intercourse with people of the same sex. LSUC claims that if an LGBTQ person signs the covenant then that person, in effect, signs off a fundamental part of their identity. This is because to be an Evangelical Christian, in particular, they must practice their religion as part of a community, and cannot do so to the same extent, as practiced at TWU, if practiced independently. The appellant, TWU, states that not accrediting their law school infringes upon their freedom of religion. They argue that prospective students would therefore have to go to secular schools in order to be able to practice law in Ontario.

The judge poses herself a different question from the appellant, and different from the defendant. The legal question of the OCA is whether it is acceptable to credit the school with a discriminatory admissions policy. The OCA intentionally avoids the question of whether graduates of TWU will discriminate against others in some way when practicing the law. The OCA thinks if we think in this direction it will undermine the outcome. In particular, just because a teacher has Evangelical Christian beliefs does not mean that they will discriminate against students in a teaching context. In TWU #1 case, TWU's teaching school won their case against British Columbia College of Teachers. They won their case, and received accreditation, because the concern over whether a teacher from TWU will discriminate against others in a teaching context was considered illegitimate. The OCA does accept that TWU's freedom to practice religion was restricted.

Recall that the LSUC's job is to evaluate the competence of lawyers, with the intention of serving the public's interest of upholding the values of equity and diversity. The LSUC claims that the public highly values non-discriminatory law school admissions processes. The OCA

states that two charter rights, “freedom of religion” and “equality”, conflict with each other in this case. On the one hand, TWU has a right to freedom of religion. On the other hand, all applicants must be considered equally, including freedom from discrimination based on sexual orientation. The appropriate balance between these two rights needs to be found; therefore, one of them needs to be limited. The OCA reasons that, as a gatekeeper to the law profession, it is rational for LSUC to consider admissions policies, and not only the quality of the education that TWU provides. The OCA states that although TWU is a private institution, it is seeking the right to have its lawyers practice in Ontario. Thus TWU needs to demonstrate that it will serve the public’s interests. Because Evangelical Christians beliefs involve discriminatory practices, they should be given less weight to the right to freedom of religion as compared to the right of equality. The OCA’s decision was therefore to uphold the LSUC refusal to accredit TWU.

Criticism of the OCA

The OCA claims that there are two gatekeepers to the law profession. The first one is TWU, and the second one is the LSUC. TWU is an alleged gatekeeper because a person cannot even be a lawyer if they cannot even go to law school. The LSUC is gatekeeper because it determines whether law graduates are eligible to be practicing lawyers. The OCA agrees with the reasoning of the LSUC in that they agree with the LSUC that TWU is a gatekeeper which prevents LGBTQ people from entering the law profession. Their main reason is that they argue that it is an integral part of a gay person’s existence, as with any other person’s existence, that they have a right to engage in sexual relations with consenting individuals. Thus, the OCA claims, that this prevents LGBTQ people from entering the profession, given that it prevents such people from maintaining their livelihood once enrolled as a TWU law student.

However, I argue that discouragement is not enough to be considered as restriction to the profession. More precisely, I distinguish discouragement from discrimination, with the former a weaker offense than the latter. In fact, LGBTQ people are allowed to enroll as law students at TWU, given that they sign the covenant, and are therefore not limited a law education. Therefore, LSUC’s claim that TWU is preventing gay people from going into the legal profession is unfounded. LSUC’s claim is therefore about discouragement rather than discrimination. LSUC’s claim that discouraging LGBTQ people from going to TWU is not enough to call it prevention. After all, I can discourage my younger brother from being an

astronaut but this in no way prevents him from being one. He is still physically and legally capable of being an astronaut. Therefore, I conclude that TWU does not prevent LGBTQ people from entering law profession.

The LSUC seems to take the same side as Devlin. According to Ranjan Agarwal, the LSUC's process of voting on what institutions should be granted accreditation is one that need not be based on reason but can be based purely on emotional grounds. The OCA, however, provides rational reasons, rather than merely emotional ones, for why they think TWU's law school accreditation should be refused. The OCA's reasoning seems to fall in line with that of Dworkin's but only to a certain extent. That is, the OCA believes that the state should enforce morality but that the enforcement process must be one which is based upon rational reasons, where emotional reasons alone are not enough.

My criticism goes along with Mill's "harm principle." As long as you do not harm others, the state should not prevent you from practicing anything. In this case, there is no harm being done to others by Evangelical Christians. This is because discouragement is not equal to discrimination. If someone tells you that you will be a bad lawyer, it does not mean that he is discriminating you. Rather he is discouraging you from being one. However, this does not mean that you are prohibited from becoming one. Therefore, as long as LGBTQ people can attend TWU, which they can, there is no discrimination but only discouragement (given the conditions of the covenant).

In my view, there is no tyranny of the majority, despite what seems to be the case with the OCA's reasoning. The OCA does not allow Evangelical Christian graduates from TWU law school to practice law in Ontario. This means that minority rights are suppressed by the majority. Evangelical Christians from TWU law school, who are a minority, may not be allowed to practice law in Ontario. Although, as I have shown above there is no direct harm in the way in which TWU has set-up their admissions policies.

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