EPIPHANY

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PSYCHOGEOGRAPHY AND THE VICTIMS OF THE CITY IN MCINERNEY'S BRIGHT LIGHTS, BIG CITY

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Abstract

The present article approaches Jay McInerney's *Bright Lights, Big City* (1984) in light of Merlin Coverley's concept of psychogeography to demonstrate the direct authority of the city as an integral part of the protagonist's persona. The idea is to emphasize that urbanity, in its postmodern sense, can function as a culpable agent in shaping up the protagonist's behavior and determining his fate. Therefore, this research studies McInerney's *Bright Lights, Big City* to reveal how the life of the leading character–with his unstable state of mind–takes root primarily in his chaotic living environment. A psychogeographic evaluation of this novel allows us to see that urbanity influences the protagonist's psyche, who evinces this deep impact through wandering in the metropolitan Manhattan. Further, this research demonstrates how the city remains triumphant as the protagonist falls into disease and alienation, or is left with an aporetic moment of decision: to unify with the force of urbanity or lose everything to its power.

Keywords: Psychogeography; McInerney; *Bright Lights, Big City*; Urbanity; Postmodern fiction.

Introduction

Some literary works open up with a hint of their cultural context through which their narrative unfolds. The opening lines of *Bright Lights, Big City* fittingly frame the story and the entanglement the protagonist encounters, in addition to the cultural context the novel tries to represent. It begins with the excursions of a drunken, drugged young man at six in the morning in Manhattan, who tries desperately to recover from his shattered life. His wife, a famous model, has left him and his job at a Magazine does not seem to last much longer. And the severity of all this weighs heavily on his mind like an illusion that he can neither hold on to nor can he let go. What haunts his mind probably the most is the question of whether "to live [this] illusion or to lose it?" (McInerney, 1984, p. 1). Indeed, these very first words deftly foreshadow the entire plot of the novel and somewhat reveal how events are going to turn out. The protagonist spends his life mostly in nightclubs, bars, fashion shows and roaring parties only to draw away from the feeling of mortality and the reproaching dawn and morning light.

Such is generally the cultural and social condition people experienced in the 1980s America that stressed a dramatic change towards massive urbanization and radical shift in definitions of reality. The most common ways to address the changes "both geographical and perceptual—are de-territorialization and placelessness. A by-product of this shift is a profound sense of loss and a corresponding deep nostalgia for the world we have lost" (Ellin, 1996, p. 13). Thematization of such causes in literary works, of course, is not something entirely new. Many fiction writers of the time including Don DeLillo, Thomas Pynchon, or Paul Auster portrayed characters undergoing similar conditions in New York. To represent this social paradigm shift, McInerney dedicates a large bulk of *Bright Lights, Big City* to the portraiture of city and its atmosphere. However, a further step to analyze this recurring theme in literary trends of the period, specifically in McInerney's novel, might raise a question: is there any connection between the physical make-up of the city (space) and the psyche of a participant, whose descriptions surprisingly seem only limited to Manhattan and its labyrinthine feature?

The novel is commonly categorized as a postmodern piece of fiction, yet its style is not much consciously postmodernist the way keen readers might expect. Of course, one can easily identify the playfulness of style and content that is expected of postmodern fiction. Most likely, what we notice when evaluating the distinctive features of the novel is the narrative voice or the peculiar rendering of the city. Curiously, both of these two elements are inextricably linked together. The novel uses second-person narrative voice, and the most justifiable theory for the use of such point of view may lie in the sense of alertness it generates for the reader. On the one hand, we can argue that the application of *you* as the only narrative voice is to invite the reader to pay sympathetic attention to the plot and its eventual effect. Indeed, second person point of view "is one of the rare narrative forms where the use of you enters into a truly dialogical rather than merely rhetorical relation with an *Other*" (Rayan, 2005, p. 519). Clearly, this is only one critical assessment we can imagine on this issue. The other side of the argument stresses how it can sharpen the consciousness of the reader who is supposed to be reading a cautionary tale of an unfortunate character. This seems quite likely to be the case of 'you' in this novel, which gives the feeling of the fourth wall of the Brechtian theater or a kind of alienation effect which somehow awakens the consciousness of the audience by directly inviting 'you' to take a critical distance.

The other feature of experimentation the novel boldly represents relates to the question of setting and space. Perhaps before McInerney, not many authors reshuffled the depiction and role of the city or setting in fiction to this considerable extent. The New York that he describes, however, evokes nothing of the feeling of hope it produced by the American Dream a few decades earlier. Hence, he is subsumed by a sense of purposelessness and hopelessness, and this takes root mainly in an alien culture combined with an unfortunate domestic and public life that torment his mind. It is now easier to understand the first few lines of the novel that desperately invites 'you' to walk with him with vigilant eyes in the streets of New York, quite possibly, to narrate how he lost everything over the dark nights of his city.

Of course, the reason for such character development and space description can be manifold. Maria Beville considers this fictional New York as a zone of "uncanny spectrality" which is "decentered, fragmented, and defined by the otherness encountered in the crowd"

(2013, p. 603). Her argument relies mainly on the social paradigm shift which changed the perception of space from its modernist dystopian/utopian features to a postmodern understanding of space which stressed the plurality of metropolitan city. Malcolm Bradbury discusses the extreme sense of alienation the protagonist feels in his life in Manhattan and relates it to the expatriate tradition in American literature as a symptom of "cultural barrenness, absence of forms, and the need for another culture" (1982, p. 6). This certainly is an accurate cultural account of the post-Regan era in the United States that instigated a form of dissatisfaction for American people.

All these interpretations take shape when we evaluate the central character and his clash with a society in which he feels a certain sense of non-belonging. The social or political reasons why the nameless narrator reacts as such is not quite a new issue, but the means and mechanism that encourage his utter confusion and eventual destruction passes unnoticed on the part of scholars. The protagonist wanders all night long and this seems like a literary device or an ordinary part of the plot. Yet, the profundity of his walks can be enlightening when it goes on to affect his psyche to a great deal. This, indeed, creates a psychogeographic connection in which the more he tries to make sense of Manhattan (as a place of belonging), the more he comprehends his mental inability to find a trace of compatibility. A psychogeographic evaluation of the novel can thus be enlightening in terms of what reason may lie behind the way the protagonist reacts to his environment and what the novel intends to represent culturally. Furthermore, it can give us a newer understanding of postmodern literature in the final years of the twentieth century that incorporated the theme of urbanity in its postmodern sense.

Postmodern Fiction and Psychogeography

The term psychogeography was introduced as a part of the Letterist International (LI) and Situationist movement and was first coined by Guy Debord in 1955 as a method of coming into direct contact with urban environment through drifting around for mental identification. Initially, it was defined as a political and social strategy that attempted to challenge the capitalist modes of influence and dominance in overtly consumerist societies. Although psychogeography fell out of favor for almost two decades after its initial popularity, it attracted attention once more in the sphere of social sciences and humanities in the latter decades of the twentieth century. Later, however, it nudged its way into literature as an interdisciplinary approach to lay bare the pressure that the modern streets and environments may exert on individuals.

Only in recent years has this movement achieved a higher recognition in the domain of literature thanks to the publication of *Psychogeography* (2006) by Merlin Coverley. In his book, he describes this concept as the juncture at which "psychology and geography collide" in order to "study the specific effects of the geographical environment, consciously organized or not, on the emotions and behavior of individuals" (p. 10). It makes clear the direct connection between one's deepest thoughts (psyche) and their living environment. For Guy Debord and his collaborators–who formed the well-known Situationist International group (1957)–psychogeography meant "drifting through the city for days, weeks, even months at a time, looking for what they called the city's psychogeography" that helped

them identify "forgotten desires—images of play, eccentricity, secret rebellion, creativity, and negation" (Marcus, 2002, p. 4). They journey through urban spaces, and this shapes psychogeographic mental maps that for them "express not subordination to randomness but complete *insubordination* to habitual influences" (Debord, 2008, p. 26) that rises against capitalist hegemony that favors uniformity of the mass consciousness. These explorations through the topography of the postmodern city help the passer-by to gain an authentic insight about the marginalized, the forgotten as well as the cherished space of everyday life.

The present article deals with McInerney's *Bright Lights, Big City* and its protagonist's psychogeographic journey through New York. First, it discusses how the city atmosphere shapes the mind of the nameless protagonist to such extreme measures that he loses his ability to consciously form a sound understanding of his life and existence in the metropolitan Manhattan. This geographical and psychological process goes so far as to create a Baudrillardian hyper-real effect on his mind that in turn pushes him one step closer to his eventual failure. Finally, succumbed to social and urban mechanism of life in his surroundings, he comes to face an aporetic moment of decision: either to live a life of illusions or lose it all, which in any case does not seem to improve his condition much.

The Man's Experience Defined by the City

A considerable proportion of the novel revolves around the aimless walks of the main character in Manhattan city-center filled with glaring lights and buzz of the city. "Into the heart of the night [they wander] wherever there are dances to be danced, drugs to be hoovered, women to *be* Allagashed. It's a dirty job but someone's got to do it" (McInerney, 198, p. 42). It is possible to believe that even the narrator himself enjoys wandering and the feeling of being lost in the city. His life is filled with regret and afflictions that make it no surprise for such a lonely individual to occupy himself in the whirlpool of strange faces, huge glamorous shopping malls and nightclubs, perhaps to remain oblivious to the misfortunes he went through. He feels traumatic, and thus he compulsively bears the thought of unification with his alluring environment since he finds the origin of his misery rooted in the urban space around him. Initially, he freely walks and drowns himself in drugs and delirium. He describes his involvement with the city in terms of "Drugs, Delight, Decadence, Debauchery, Dexedrine, Delectable, Deranged, Debilitated, Delinquent, Delirium" (p. 7) that shows his concurrently paradoxical attraction and revulsion toward his life in Manhattan. His description reveals the serious dramas he might have been through; each of which could have cast him into more trouble and madness.

Walking functions as more of a habit that urges him to start daily on "the Upper East Side with champagne and unlimited prospects, strictly observing the Allagash rule of perpetual motion: one drink per stop" (McInerney, 1984, p. 2). This brings into the background the *flâneur* tradition of aimless walk. Unlike what psychogeography highlighted, which involves conscious and intentional strolls, *flâneur* relied less on intentionality and aim. The way the novel firstly describes the protagonist can be rather a claim on the protagonist's lack of intentionality and more on his attachment to the city. He convinces himself that his

"mission in life is to have more fun than anyone else in New York City, and this involves a lot of moving around since there is always the likelihood that where you aren't is more fun than where you are" (p. 3). This is because he knows that "in the modern city the man of the crowd must adapt or perish" (Coverley, 2012, p. 155). Yet, in spite of his endeavors, he cannot pace himself with urban life and soon he finds himself not one with Manhattan since the "city's economy is made up of strange, subterranean circuits that are as mysterious to you as the grids of wire and pipe under the streets" (McInerney, 1984, p. 86). Such is his initial bitter-sweet comprehension and experience defined by the city as he, in turn, tries to define the city he inhabits.

The narrator establishes a deeper emotional connection with the tortuous streets and the bright lights of the big city for his perception comes to take an unconscious and internalized form. His understanding of life and the city appears to be more fragmented, as he grows more caught up with life in the metropolitan Manhattan and resorts to occasional drugs and drunkenness as drifting around the city. His compulsive retreat to the streets of Manhattan turns out to be a mechanism by which he means to come to terms with his life by going back to the source of his fall. Contrary to his expectations, the city atmosphere permeates gradually the boundaries of his mind and even the atmosphere of his house. He often returns home hoping to find himself a place for placidity of mind and order of thought. Surprisingly, he loses his home to the disarray of the urban exteriors as well. "Your apartment is a chamber of horrors," explains the narrator, "there are instruments of torture in the kitchen cabinets, rings in the walls, spikes on the bed. That place is must-to-avoid" (McInerney, 1984, p. 80) for his mind has given in to the city atmosphere almost entirely. He knows that to walk out in the streets means that "there is a special purgatory for you out there in the dawn's surly light, a desperate half sleep which is like a grease fire in the brainpan" (p. 8). This uncovers more suitably the connection between the characters and the urban fabric.

The influence of the urban life intensifies to the extent that his contact with urban structures finds it complete dominion over his mind and living space. "The sound of the tumblers in the locks of your apartment door puts you in mind of dungeons. The place is haunted," (McInerney, 1984, p. 37) says the protagonist about his apartment. He continues to note that in his house "memories lurk like dustballs at the backs of drawers. The stereo is a special model that plays only music fraught with poignant associations," (p. 37) showing the deep impact of desperation into his daily life and psyche. Indeed, the city remains essentially a haunting specter that imprints its form and features upon his living quarters to a great degree. Damian O'Doherty (2013) appropriately argues, "the relation between the city and its constitution is complexly folded into the human body and its mind where an intimate relation is found to exist between the alignment and energies of the body and those of the city" (p. 213). It is of little surprise that the narrator in McInerney's declares, "your soul is as disheveled as your apartment," (1984, p. 32) quite possibly to make clear the indivisible relationship between life in the city, one's home and the individual's psyche. In fact, the fate of such character is closely tied with the "fate of the city he inhabits and his very existence acts as an indication of the struggles later generations of urban walkers will have to face as the city is redeveloped in a manner increasingly hostile to their activities" (Coverley, 2006, p. 20) and, of course, their freedom.

The urban conditions further affect his mind to the point that he feels mentally conflicted. His nocturnal walks around bars and nightclubs reinforce his sense of attachment and lead him to more frenzy. "You sit down up front. The bus lurches into traffic. Below Fortieth Street the signs on the corners change from Seventh Avenue to Fashion Avenue as you enter the garment district," (McInerney, 1984, p. 87) to find traces of Amanda. He gets delusional and only thinks about the confusing streets that echo "Amanda's old stomping grounds" (p. 87). Yet his desperation makes him wonder if he can find her in the slums of Manhattan where "they sell women without clothes and below they sell clothes with women" (p. 87). He truly becomes one with the city and finds his quests to be of no result, all because he knows he cannot make do with the city: "New York, the club scene – you're tired of all that" (p. 3). The monstrous façade of the city intimidates his whole existence since the streets and the urban conditions that define them have the capacity to take unfathomable forms. The claustrophobic spaces and routes he chooses to pass reflect his dedication to restriction and, therefore, the innards of the city are the complicit agents that hasten his mental fall.

One can recall Thomas De Quincey (1785-1859) as a classic example of urban walker whose obsessive drifting parallels identically with the conditions walking creates for the leading character in McInerney's. "The perplexities of my steps in London came back again and haunted my sleep, with the feeling of perplexities moral or intellectual, that brought confusion to the reason, or anguish and remorse to the conscience," (2014, p. 41) writes De Quincey of his nostalgic, opium-led walks around the transformed London. This partly reminds us of the beginning words of the narrator, which summarized how "messed up" he was while he had "no place to go" (p. 10); words he hopelessly keeps repeating to himself in the course of the narrative. This demonstrates how his restrictive mindset – produced by the unvarying response from and observations of the city – engages him with a circle of convergence in which where he starts is exactly where he ends up finishing. It is understandable why his movements around the topography of Manhattan increasingly bring him more anguish and confusion.

Awareness of Hyperreality: Trying to Define the City

The protagonist's narrative of his itinerary lifestyle reaches a critical phase when he finds his consciousness torn between illusion and reality, recognition and oblivion. His exhausting confrontation with the city and the environment to redeem the things he has lost proves unavailing, and he begins to think how he has been profoundly powerless to live according to his conscious will. He declares, "You are the stuff of which consumer profiles-American Dream: Educated Middle-Class Model-are made" (McInerney, 1984, p. 151) to indicate his stance against the capitalist authority. He attributes his lost job, money, and wife to the perplexing living society that dazzles his eyes and an American Dream he chased symbolically by walking compulsively. This inevitably turns him into a low hanging individual and denies him the reality he deserves.

Bright Lights, Big City pictures the plights an individual experiences as he tries to regain what was repressed by the mechanisms of an indifferent society. His desire for the dazzling nights of New York is a symbol of obliviousness and unreality. For him, the

"sunlight is excessive" (McInerney, 1984, p. 13) and upon walking during the day the sun's "glare is like a mother's reproach. The sidewalk sparkles cruelly, visibility unlimited" (p. 8) making him believe that upon walking during the day "mortality will pierce you through the retina" (p. 6). No wonder that he finds it "nice" to "hole up in the nearest bar. The glare from the sidewalk stuns you," (p. 27) for he is supposed to drown himself in drinking and drugs, but not thinking. The narrative mentions his habitual reading of *New York Post* and the issues he often comes across including headlines like "Death Fall From Sky, Sex Fiends, Teenage Terrorists, Tough Tots, Sicko Creeps, Living Nightmares, Spontaneous Human Combustion, Miracle Diets, Coma Babies, [and reports on] Missing Persons" (p. 11) that gradually make him feel "The *Post* confirms your sense of impending disaster" (p. 57). More accurately, his real life led by his conscious thoughts and decisions is invaded by a society of the spectacle that absorbs his mind and controls his psyche.

The story mainly hinges on the leading character's quest for Amanda; a character whose absence for the protagonist embodies an unreachable American Dream and a false hope and consciousness on which the narrator frantically depends. Upon her absence, he nostalgically replaces her memories with a mannequin he sees every day at Saks Fifth Avenue:

> You stop in front of a window. Inside the window is a mannequin which is a replica of Amanda-your wife, the model. To form the cast for the mannequin, Amanda lay face down in a vat of latex batter for ninety minutes; breathing through a straw…You stand in front of the window and try to remember if this was how she really looked. (McInerney, 1984, p. 68)

While his obsession for a mannequin might epitomize a yearning for some unattainable entity, we could also interpret it as an unrealized dream. As he is busy with life, the mannequin, and Amanda, he almost never realizes that accessing truth and reality is made almost impossible because of the consumerist metropolitan city that stands in his way to reality. Jean Baudrillard pertinently states, "Nothing could be more intense, electrifying, turbulent, and vital than the streets of New York […] filled with crowds, bustle and advertisement, each by turn aggressive or casual" (1988, p. 18). Living in a place like Manhattan is evocative of the mechanism of the survival of the fittest in which the weakest is objectified by all institutions of power like nightlife, bars, *New York Post*, tortuous streets of lights, drugs, and mannequins. Through bombardment of information and representations, a postmodern capitalist society and authority deprives one of his individuality and desire for reality.

To put the events into their historical context, we should possibly date back to Reagan era of the 1980s during which "privatization of the public space" was the vogue since the government firmly bolstered an economy that depended heavily on "private sector rather than sluggish government bureaucracies" (Cannato, 2009, p. 75). It was a time when people were recovering from the severe repercussions of Vietnam War that wrecked the country's economy. Reagan, of course, came to power with the hope of improving it. People, especially youngsters and yuppies, celebrated this shift and embraced a life of limitless enjoyment occasioned by the use of drugs and drinking. Yet, it is a relatively accepted fact that critics

of the 1980s see Manhattan as "a time of greed and economic materialism, military waste and jingoistic belligerence, growing inequality, a lack of concern for the poor, and a rolling back of gains for the rights of minorities and women" (p. 71). McInerney, indeed, cues us more accurately to this spirit of the period in his *Brightness Falls* (1992) as well when the narrator blames Manhattan for Corrnie Calloway's instability of mind: "Living in the city, she felt bound up in a delicate, complex web of interdependence and she was determined to play her part. The misery as well as the vitality of the metropolis seeped into her psyche" (p. 79). It is not strange, therefore, to confront "successive simulation, as hyperreality seems to be at the core of the contemporary debate on *space* and *place*" (Hönnighausen, 2005, p. 50), particularly in its urban aspects.

The Provocative Walks as a Resistance Strategy

Bright Lights, Big City is primarily composed of two paradoxically interconnected narrations: one deals with silence and obedience to the power-laden, hyperreal effects of life in Manhattan of the 1980s, and the other narrates the later active awareness and resistance of the narrator against the consumerist life and its mental preoccupation. The narrator's mind occasionally rises to consciousness and takes a new approach into analyzing the events around. The central declaration which makes the reader rather sure of his characteristics as a typical twentieth-century individual is probably when "sometimes [the protagonist] feel[s] like the only man in the city without group affiliation" (McInerney, 1984, p. 57). Such a character acts like an unattached observer-hero who earnestly longs for the truth and reality. He proves on occasions that his excursions through the topography of the city motivate him to think critically. He thinks, "Your presence here is only a matter of conducting an experiment in limits, reminding yourself of what you aren't" (p. 4). Indeed, apart from numbing his consciousness, drifting in and around the city functions as an experiment and a new definition of the self as well. Yet, this is not what capitalist centers or hyperreal forces like to embrace.

In effect, his act of walking serves as a form of subversion and reconstitution. "Eventually you ascend the stairs to the street," tells the narrator about the start of another of his provocative walks, thinking of "Plato's pilgrims climbing out of the cave, from the shadow world of appearances toward things as they really are, and you wonder if it is possible to change in this life. Being with a philosopher makes you think" (McInerney, 1984, p. 93). His itinerary movements around Manhattan's mysterious landscape, labyrinthine streets, and large buildings encourage him to explore new facts, realities. This creativity of mediation and imagination is essentially made possible when he takes a detour and starts walking the "Village [street], pointing out landmarks and favorite townhouses" (p. 93). Visiting this place is important because it makes "you remember how much you used to like this part of the city" (p. 94). "The streets have friendly names and cut weird angles into the rectilinear map of the city. The buildings are humble in scale and don't try to intimidate you" (p. 94) when he adventures into forgotten areas of the city. His action symbolizes what lies at the heart of psychogeographic concern of "cutting across established routes and exploring those marginal and forgotten areas often overlooked by the city's inhabitants" (Coverley, 2006, p. 12). This perfectly outlines the movements of the modern man who detests banality and seeks liveliness.

It is interesting to know that, even in reality, Village street in Manhattan is reputed for being a site of "magnet for the East Coast counter-culture" and "a popular hangout for the Beats and then a nightclub" (Nevius, 2014, p. 5). It is certain that such a place is a last resort for the modern cast-out who feels plagued for living in simulations and illusions. For the narrator, it is poignant to know that the report of the 'Missing Person' he read in *New York Post* was about his mother, whom he had forgotten completely long ago. It is after being informed about this misfortune and his wife's second marriage that he becomes rather disillusioned. These make him realize that "Amanda is a fictional character, you say. I made her up. I didn't realize this until recently" (McInerney, 1984, p. 139). Or that "on Cornelia Street, where you first lived with Amanda in New York. This was your neighborhood. These shops were your shops. You possessed these streets as securely as if you held title" (p. 133) contrary to the time when he was drawn to walking the restricted atmosphere of Manhattan, which paralyzed his psyche.

In its political and social sense, psychogeography, like Surrealism and Dadaism before it, seeks to hold on to its "characteristic political opposition to authority" (Coverley, 2006, p. 12). In this regard, "the city becomes a riddle, a puzzle perplexing writers and walkers" (p. 17) much similar to the way McInerney's protagonist experienced it. Karl Marx puts it well that "it is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness" (1973, p. 5). Yet, as the narrator resists mentally and his walks extend beyond the city spectrum, his walks turn to function as a form of opposition. He, in fact, proves to be emblematic of individuals who suspect this mass uniformity of the city and its consequent attachment. Upon walking endlessly and obliviously, he becomes tired to a degree that "your brain feels like it is trying to find a way out of your skull. And you are afraid of almost everything" (McInerney, 1984, p. 179). His desire for resistance strangely dwindles notably when he spends time with his best friend, Allagash. His role as a motor of mental oppression and a big influence on the narrator is crucial since Allagash is symbol of a well-integrated persona to the postmodern model of the city. He represents a blind faith in the sway of the postmodern atmosphere of indifference and playfulness, and a "night of Allagash" (p. 32) seems like a terrifying experience for the narrator to be lost in the whirlpool of confusion, sensuality, and aimlessness as they journey through the city. Indeed, the presence of Allagash deprives him of his awareness and functions as a call for a deeper ironic alienation and passivity. On the other hand, his mother's death along with other unexpected events evoke his critical consciousness: "After the funeral it seemed as if you were wandering around your own interior looking for signs of life, finding nothing but empty rooms and white walls" (p. 162) that bespeak of his deep immersion with urban exteriors.

Precisely, the city streets in the novel contribute directly to the way the protagonist contemplates about his life. Two mental motives facilitate this process: First is his repetitive and compulsive act of walking – as the only solution to which the protagonists resort – to hold on to a possible form of reformation and re-identification. Second, the act of repetition causes the urban atmosphere to affect his psyche as well as his appearance. Elizabeth Grosz relates this form of inscription to one's body image which can be "individually, sexually, radically, and culturally variable" (1994, p. 79). Accordingly, the protagonist shares all these characteristics as well since he attempts to preserve his private, marital and social life

from harm as he goes through a psychogeographic experience. The point we should bear in mind is how his subordination to his living environments is "involuntary" (Grosz, 1994, p. 80). More accurately, the space in *Bright Lights, Big City* permeates the boundaries of his psyche and affects his decision-making ability despite his will and inclination.

The very last stage of a psychogeographic experience is the ultimate aporetic moment of decision it creates. The protagonist undergoes occasional fluctuations of perception from active awareness into deep confusion, which gives rise to a discernible sense of ambivalence and indeterminacy in his character. He loses his ability to make sound decisions which, in turn, helps create a passive persona shaped up largely by the environment. The empty rooms and white walls of his mind illuminate his inability to come to terms with his urban life. In fact, the presence of white walls, empty rooms and nothingness signify one's submission of mind to a sense of uncertainty. "You're not sure exactly where you are going. You don't feel you have the strength to walk home. You walk faster. If the sunlight catches you on the streets, you will undergo some terrible chemical change" (p. 180). This clarifies the nature of ambivalence that inheres in his decisions and thoughts.

An aporetic consequence of confronting alien spaces of urbanity is what the protagonist experiences in the end. We should probably remember the opening lines of the novel, which offered the duality of living an illusion, or losing it that in any case provides nothing close to an effective resolution to a confliction. This is exactly what the narrator faces: a blockage of mind, a non-road, in effect, or to borrow from Jacques Derrida, an issue of "either/or" (1993, p. 15) that puts to test, "both an impossible and a necessary passage" (p. 17). The novel ends with the narrator on his knees not sure whether to live his illusory life of lies, hyperreal effects and futile efforts to continue to seek an unreachable American Dream; or to lose it all that, in essence, is closer to an impossibility for him. This irreconcilable duality is complemented by a feeling of degradation for he is left with nothing and nowhere to go in the very end:

> You get down on your knees and tear open the bag. The smell of warm dough envelops you. The first bite sticks in your throat and you almost gag. You will have to go slowly. You will have to learn everything all over again. (McInerney, 1984, p. 182)

Conclusion

To sum up, we can see that the narrator, in this novel, initially goes through troubling consequences of his direct contact with urbanity. He finds himself in a strange world he can no longer endure and this encroaches upon his psyche to a point that he becomes an indifferent urban walker lost in the whirlpool of consumerist propaganda. As crucial in this regard is the narrator's presence as a "nostalgic figure [who] symboliz[es] not only the birth of the modern city but also the destruction of his former home" (Coverley, 2006, p. 20). A deeper appreciation of the novel exposes the mechanisms of psychogeography operating at the heart of events and shaping the protagonist's mind. His consciousness is profoundly unified with the city's urban structures; he confronts hyperreal forces created by the modern society and endeavors to recover the loss. His walking is an act of subversion since he becomes resistant after moving to slums and forgotten areas

of Manhattan. He is a victim of the city for he is left with nothing but a non-road, thus an aporetic moment of decision as an end result of the inherently complex relationship between space and his psyche. Hence, it is to the point to understand *Bright Lights, Big City* as a postmodern narrative which tries to voice the decisive influence one's city and society can exert upon his fate and psyche. This paves the path for future interdisciplinary researches to employ the element of setting and space – specifically in postmodern fiction – in order to scrutinize literary pieces.

References

Baudrillard, J. (1988). *America*. Trans. Chris Turner. London: Verso.

Beville, M. (2013). "Zones of Uncanny Spectrality: The City in Postmodern Literature." *English Studies* 94 (5): 603-617.

Bradbury, M. (1982). *The Expatriate Tradition in American Literature*. South Shields, England: British Association for American Studies.

Cannato, V. J. (2009). "Bright Lights, Doomed Cities. The Rise or Fall of New York City in the 1908s?" *Living in the Eighties*. Eds. Gil Troy and Vincent J. Cannato. Oxford: Oxford University Press. 70-86.

Coverley, M. (2006). *Psychogeography*. London: Pocket Essentials.

Coverley, M. (2012). *The Art of Wandering*. London: Oldcastle Books.

Debord, G. (2008). "Introduction to Critique of Urban Geography." *Critical Geographies: A Collection of Readings*. Eds. Ken Knabb and Harold Bauder. Trans. Salvatore. Engel-Di Mauro. Canada: Praxis Press. 21-27.

De Quincey, T. (2014). *Confessions of an English Opium Eater* (Sixth Edition). London: JBJ Books Publication. (First Published 1812).

Derrida, J. (1993). *Aporias*. Trans. Thomas Dutoit, Stanford: Stanford University Press.

Ellin, N. (1996). *Postmodern Urbanism*. New York: Princeton Architectural Press.
Grosz, E. (1994). *Volatile Bodies: Toward a Corporeal Feminism*. Bloomington: Indiana University Press.

Hönnighausen, L. (2005). "Where Are We? Some Methodological Reflections on Space, Place, and Postmodern Reality." *Space in America*. Eds. Klaus Benesch and Kerstin Schmidt. New York and Amsterdam: Rodopi. 41-52.

Marcus, G. (2002). "The Long Walk of the Situationist International." *Guy Debord and the Situationist International Texts and Documents*. Ed. Tom McDonough. Massachusetts and London: The MIT Press. 1-20.

Marx, K. (1973). "The Material Basis of Society." *Karl Marx on Society and Social Change: With Selections by Friedrich Engels*. Ed. Neil Smelser. Chicago and London: University of Chicago Press. 2-6.

McInerney, J. (1984). *Bright Lights, Big City*. New York: Vintage Contemporaries.

McInerney, J. (1992). *Brightness Falls*. New York: Vintage Contemporaries.

Neviuss, J. (2014). *The Strange History of the East Village's Most Famous Street*. Retrieved from: http://ny.curbed.com/2014/9/4/10052426/the-strange-history-of-the- east-villages- most-famous-street.

O'Doherty, D. P. (2013). Off-Road and Spaced-Out in the City: Organization and the Interruption of Topology. *Space and Culture* 16 (2): 211-228.

Rayan, Marie. L. (2005). "Narrative and Digitality: Learning to Think with the Medium." *A Companion to Narrative Theory*. Eds. James Phelan and Peter Rabinowitz. New York: Blackwell Publishing. 515-528.

A BUTLERIAN READING OF ERNEST HEMINGWAY'S PERSONALITY AND HIS WORKS

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Abstract

This study aims at analyzing Hemingway's selected novels and short stories in order to identify possible shared masochistic symptoms. The overriding questions concerning this paper will center on the multiple ways in which Hemingway's sexual fluidity contributes to formation of masochistic behavior in his writings and also the degree to which masochistic properties contributed to the aesthetic and literary values of his fiction. This paper concentrates on the specific elements of masochism which pertain to the texts most, including symbiosis/separation dichotomy (closely related to the theme of humiliation), fetishism, pain, violence and death. The author wishes to unveil the oft-hidden submissive and feminine characteristics of the masculine characters which are not few in Hemingway's writings.

Keywords: Hemingway, Gender Fluidity, Butler, Masochism,

Introduction

Ernest Hemingway is regarded as one of the best prose writers in American literary canon since the time of the great Romantics of nineteenth century. During his professional literary career, he was always the subject of news and gossips due to his personal demeanor which included sport activities or outlandish outfit. The controversies over his public and private life has lived on so that it has created a mythical or a legendary figure out of him. Just as he romanticized his heroes, people of the twenties, thirties and forties had an anomalous interest in exaggerating and romanticizing any event that was even remotely associated with him. However, unlike in his personal and social life, Hemingway was never a flamboyant figure when it came to his style. Hemingway is the most celebrated heir of an American tradition that valued American eccentricities and spirit of individualism and placed it as its highest subject matter.

The once prevalent image of Hemingway in literary circle, an ultimate American masculinist, heavy drinker, big game hunter, deep sea fisher and bullfight aficionado, has its roots in more than a simple adventure-seeking personality. Hemingway's overt and patent application of violence in both short and long fiction can be traced back to years when he was no more than a young boy. As attested by his siblings and his biographers, Ernest's father, Dr. Clarence Edmonds Hemingway, a local physician who bears a striking resemblance to the image of Nick's father in Indian Camp, "suffered from unpredictable and dramatic mood swings characterized by episodes of depression and irritability".(Martin, 3).

As a strict and demanding father, he used to punish the children on various occasions and in different ways which included using a razor strop or frightening them by threatening to send them to state prison (Stanford, 19). This caused a deep-rooted feeling of vexation in young Ernest in particular so that, as biographies attest, "he had wished his father dead [many times in his childhood] and had [virtually] pointed a loaded gun at his head" (Martin, 6). The father's distressed periods of nervous conditions had an inevitable imprint on other members of the family, leaving them, as in Ernest's case, heirs to psychic liability for mood inconsistencies and character oscillation. Ernest's relation with his mother, too, was problematic. Jon Dos Passos, a writer/friend of Hemingway, describes Hemingway as "the only man I ever knew who really hated his mother." He is said to have referred to his mother as "that bitch". The reason behind this blatant hatred toward his mother can be traced back to the years of Hemingway's early childhood when Grace used to dress Ernest as a girl, let his hair grow long, and pass him as Marceline's (Ernest's older sister) twin, despite the difference in size. Thus, as Martin notes "Grace's inconsistency regarding gender may have been confusing and difficult for the young boy to reconcile, possibly influencing him toward overt masculine pursuits later in adult life" (6). The anger he bore toward his father, along with the inconsistencies regarding the issue of gender and identity caused by the incoherent treatment by his mother, tended to spill over throughout his adult life and career in the form of the androgynous inclinations which are in stark opposition to the mythic Machismo picture Hemingway wished to portray of himself.

The abounding public-social life and the convoluted inner world of Hemingway which informed his writings are, at the same time, both products of and defense mechanism against his painful mental states. In addition to a lifelong store of anger and a predisposition for violence, Hemingway carried, almost throughout his entire life, a strong bipolar tendency during which, as Baker describes: "the pendulum in his nervous system swung periodically through the full arc from megalomania to melancholy" (291), meaning that the strength of his mood swing has been to the extent in which he seemed to be both exhilarated and under stressed and depressed.

This research aims directly at analyzing Hemingway's selected novels and short stories in order to discover their common ground with respect to their masochistic properties. The overriding questions concerning this paper will revolve around the multiple ways in which Hemingway's sexual fluidity contributes to the formation of masochistic behavior in his writings and also the degree to which masochistic properties contributed to the aesthetic and literary values of his writings.

Methodology:

With its subversive touch, post-modern era has converted Hemingway into one of its best examples for analyzing the monolithic masculinity, which aims at subverting such societal hegemony. In the same vein, the field of Hemingway studies can be divided into two major mainstreams. The early phase of criticism covers the timespan during which critics were, for the most part, focused on the stylistics and the highly projected thematic properties of his writings. In their literature, the readers came across the following phrases more than often: Hemingway as the emblem of "Lost Generation" writers; Hemingway as the inventor of the "ice-berg theory"; "Papa Hemingway"; Hemingway as the epitome of the American masculine vogue and pursuits, etc.

However, the trend began to change after the pace and agitation of the first wave of criticism came to a stall. A host of factors have contributed to the emergence of the second phase of Hemingway criticism, among which, the rise of the second wave of feminism can be singled out as the leading one.

Mid-1980s was a time during which the second wave of feminism was being shaped and feminist activists were inheriting the ideas of the second wave of feminism in their theory and practice. The Second Wave feminism was, in fact, a delayed and long-awaited-for response to the domestic image of women produced after the Second World War. During 1950s, America was witnessing a wide range of changes in the social domain. The country was prospering and the baby boom years followed as a natural outcome. American nuclear family was the prime example of the notion of family being advertised at the time and a culture of consumerism placed women at home with all sorts of advanced home appliances. These and a host of other socio-political events prepared the ground for the emergence of the second wave of feminism with an emphasis on the sexuality, family, the workplace, reproductive rights, and both de facto and de jure inequalities. Many feminist activists at the time criticized the nuclear family notion on the ground that placing women at home would limit their possibilities and waste their potentials. The perfect nuclear family image depicted and strongly marketed at the time did not reflect happiness and was rather degrading for women. In her best-selling book, Betty Frieden, introduces an ironical portrayal of women of the 50s and before, stating that:

> They [women] were taught to pity the neurotic, unfeminine, unhappy women who wanted to be poets or physicists or presidents. They learned that truly feminine wom-en do not want careers, higher education, political rights_ the independence and the opportunities that the old-fashioned feminists fought for. (16)

Second Wave Feminists seek to abolish patriarchy. The general assumption in feminist theory is that, due to patriarchy, women have come to be viewed as the "other" to the male norm and, as such, have been systematically oppressed and marginalized. By exerting its control over non-dominant men and all women, the patriarchal system is benefiting from this marginalization, feminists claim. According to Moya LIoyd "patriarchal society takes certain features of male and female biology and turns them into a set of gendered characteristics 'that serve to empower men and disempower women.' These characteristics are then presented as the natural attributes of males and females, respectively" (29).

Heterosexuality is one of the main components of patriarchy. In a feminist view, heterosexuality provides a social privilege for men to establish their assumed superiority in its very primitive form. As in most other binary oppositions, heterosexuality consists of two diverse poles where one's superiority leads, inevitably to the other's inferior status. The notion of "compulsory heterosexuality", a term first used by Adrienne Rich, creates more and more boundaries for both men and women in that, in its basic denotation, it rejects the existence of a choice in one's sexuality, labeling anyone who diverges from the heterosexual network's normalcy as abnormal or even ex-communicated. Heterosexuality is further reinforced through the practice of such male-dominant social constructs including politics, marriage, media, law, literature and religion. In all of them, compulsory heterosexuality

as a means of assuring male right of physical, economic, and emotional access keeps the convention of female disempowerment intact through heterosexual relationships and as such removes the possibility for the growth of other form of sexualities.

This transition in the literary and political scene, concurrent with the posthumous publication of Garden of Eden, paved the way for a renewal in the oeuvre of Hemingway criticism. The publication of Garden, with its complex lucid female protagonist located at the center of the story, unveiled the mask that had long shadowed the real persona behind it. The problematic treatment of gender relationship throughout the plot brings gender issue to the forth and reminds the reader of the fact that gender has always been Hemingway's constant concern. Readers along with the critics began to view Hemingway as a man who is held so much of a captive inside the vortex of socio-sexual web which pushes him alongside the extremities of sexual and psychic pendulum; the Pundonor and Cojone, which define his characters in Death in the Afternoon, give way to the submissiveness and masochistic traits that we witness in the Garden.

Thus, in order to see through the real personality of Hemingway, in order to see the full arch, a re-visitation of Hemingway's text seems inevitable. The overall significance of this study lies in the emphasis on the performativity notions in the related field of gender studies and the psychosexual fluidity of the author as well as the characters. The specific significance of this study, however, is attributed to its emphasis on locating the masochistic properties of the texts, trying to define a new persona which was denied to (though desired and acknowledged by) Hemingway

In its use of theories, the researcher attempts to follow a gender study approach with the main emphasis being placed on the performative quality of Hemingway and his characters' gender conflicts and its manifestations. To that end, the theories of Judith Butler will be taken into account and applied to the texts. In outlining her theories, Judith Butler locates herself as an offshoot of a number of literary and philosophical schools, ranging from Hegel's school of phenomenology to (a revolutionized) concept of feminism.

The field of feminism has always been a developing and self-correcting discipline. The terrain of feminism has seen differing phases initiating with the first wave of feminist activities in the 19th and early decades of 20th century. As expected, the calls and demands of the feminist activist in the early days were essentially basic in nature, emerging out of an environment of urban industrialism and liberal, socialist politics. The goal of this movement was to open up opportunities for women, with a focus on suffrage.

The span of the second wave of feminism covers three decades of 1960s, 70s, and 80s. It slightly continued into the 90's. As Rampton explains

> The second wave was increasingly theoretical, based on a fusion of neo-Marxism and psycho-analytical theory, and began to associate the subjugation of women with broader critiques of patriarchy, capitalism, normative heterosexuality, and the woman's role as wife and mother. Sex and gender were differentiated—the former being biological, and the latter a social construct that varies from one culture to another and over time. (Para. 5-6)

However, the discourse of feminism was taken a step further by the introduction of the theories of Judith Butler into its domain. It was primarily out of the sex/gender argument that Butler's ideas emerged. Judith Butler's main distinction and departure point from feminism is in her rejection of the natural basis for the notion of "sex". According to LIoyd:

> When feminists first began to theorize the sex/gender relation, the underlying assumption was that sex was both logically and chronologically prior to gender. Culturally determined gender norms, in other words, were conceptualized as secondary to natural sex. Gender was thus what was inscribed onto sex in some way. It is the priority of the relation between sex and gender that Butler problematizes. (32)

The shift she makes in the existing theories of the time regarding the creation of the identity of individual men and women reverses the dominant feminist discourse in their essential prioritizing in the sex/gender dichotomies. Following her basic rejection of the origins of the two, she introduces the concept of gender performativity which assumes, as the name suggests, a performative nature of gendered and sexed identities. In Gender Trouble: Feminism and the Subversion of Identity (1990) which was later revised and rewritten in 2007, Butler develops her theory of gender performativity. The notion of gender performativity holds that "sex and gender are the effects rather than the causes of institutions, discourses and practices; in other words, you as a subject do not create or cause institutions, discourses and practices, but they create or cause you by determining your sex, sexuality and gender" (Sara Salih, 10).

The link between Butler's dual notions of performativity and subjectivity lies in her argument that subjects do not become – as in de Beauvoir's term- men or women as a natural consequence of their sex. As Salih states 'woman' is something we 'do' rather than something we 'are' (10). However, unlike the lucid appearance of the term, Butler is not suggesting that gender identity is a performance. Instead, she proposes that the performance pre-exists the performer. In fact, she borrows Nietzsche's original assumption which he expounded in On the Genealogy of Morals. In that book, Nietzsche states that 'there is no "being" behind doing, acting, becoming; "the doer" is merely a fiction imposed on the doing – the doing itself is everything' (29). Believing so, Butler is removing any possibility of sexed or gendered identity as it was introduced even in the former context of feminism. "When she articulates her own theory it is one in which sex, sexuality, desire, gender and body are all regarded as discursively constituted; where, in other words, none of these features is treated as a natural fact of human existence" (LIoyd, 30).

Her pivotal point, which relates to the present reading of Hemingway, is that identity is constructed through language and discourse. Butler asserts that the very language that is used to describe the body in fact constitutes it. The theory entailing such an assumption is her theory of gender performativity with its stress on the role of society and social constructs in the formation of gender which in its own turn lead to the creation of sex.

Kubiak describes the performative theory of Butler as follows:

> Judith Butler, in Gender Trouble and again in subsequent works, discusses gender in terms of what she calls performativity. Gender is not so much a construct or the "congealing" of a specific sexual identity; it is rather an enactment, a performed moment, in which sexual identity "becomes" through the moment of enactment in the body: "one is not simply a [gendered] body, but, in some very key sense, one does one's body" (1990:272). This performativity is not a performance, however. Performance as a more or less consciously elucidated act or series of acts can never be performative, in Butler's terms, because performance is too a priori, too conscious of itself and its biases and internal, social forces. Performance is more a showing than a becoming. The forces at work in performativity are more insidious, hidden, concealed, and self-concealing. (1)

In this regard, categories such as gender, sex, and sexuality are conceived as cultural products which are positioned at a binary opposition alongside with heterosexually. "As such, it came to be seen as problematic for many later feminists, such as Butler, who were more concerned with deconstructing this kind of binary opposition. Indeed, in Gender Trouble, Butler is rather concerned to examine the ways in which the categories of sex and/or gender come to be established as foundational and to analyze their pivotal role in the institution of 'compulsory heterosexuality'." (Jagger, 2008, 2). In other words, the symbolic apparatus such as biology, kinship and marriage are all socially constructed.

Discussion:

Since the researcher tries to follow the pattern of characters' sexual and psychic development and alteration by unveiling their masochistic elements and tendencies through the gender theories of Butler, a brief introduction on the nature and definition of masochism seems relevant here. The definition provided in Webster, Merriam Dictionary is as follows: 1: a sexual perversion characterized by pleasure in being subjected to pain or humiliation especially by a love object 2: pleasure in being abused or dominated: a taste for suffering. However, when locating the masochistic tendencies in a literary piece, the term does not necessarily connote a form of sexual anomaly as referred to in the definition. While examining a text in the light of its masochistic qualities, the critics try to unveil the conscious or unconscious acts of the characters which result in the agents' suffering and pain. The study can become particularly rewarding when it comes to (heterosexual) males who have a predisposition for what is known as feminine passivity or submissiveness which might at times verge on an act of sodomy. Hemingway's major works began to come into the light of the new lines of feminism and gender study theories so much so that the central conflict in his previous stories shifted from male-dominated worlds of war casualties and its psychological aftermaths to topics such as gender, male and female identity, sexual ambiguities and crossing of sexual boundaries. This is where the recent masochistic concepts meet the undertones in Hemingway's writings.

The emphasis of this paper, however, is to find evidence in the works of Hemingway in what pertains to the latter part of the definition; encompassing the quality of dominance,

submissiveness and other masochistic elements located in his writings, including symbiosis/separation dichotomy (which is closely related to the theme of humiliation to be discussed within the symbiosis/separation section), fetishism, pain, violence and death.

Symbiosis/Separation Dichotomy

One of the pivotal notions in the masochistic context and its related literature is the symbiosis/separation dichotomy. Symbiosis is the state of intense dependence on another agent for survival both physically and psychologically. The term has been originally introduced in the form of a myth of the creation and development of human beings as they are today in Plato's The Symposium where he refers to the number of sexes as three and not two:

> The sexes were not two as they are now, but originally three in number; there was man, woman, and the union of the two, having a name corresponding to this double nature, which had once a real existence, but is now lost, and the word "Androgynous" is only preserved as a term of reproach.

The idea behind this myth is the founding ground for many psychological hypotheses regarding man's sexual behavior; however, the common basis in all of them is that "this pursuit of the forever elusive union with the self is conducted through sexuality" (Fantina, 48). Through androgyny, Hemingway removes the complexities and inconsistencies he bore within his psyche regarding the male-female relationship; by removing the barriers between the sexes, he also calls into question the topics of sexuality and gender.

The sexual quality of such a quest ties the symbiotic inclinations to the masochistic traits. Thus, relationships based on symbiosis/separation complex can be frequently found in masochistic literature. It also abounds in the stories of Hemingway. "Hemingway's characters dwell so excessively upon the idea of symbiosis that they resist individuation and seek defiantly to remain within the protective sphere of the Other" (Fantina, 48). The Indian husband in the story Indian Camp presents an ardent and lucid case of symbiosis/separation duality which leads to his suicide. The degree of his dependence upon his wife is so strong that, once threatened by the looming death of his wife, he is unable to cope with the situation and seeks refuge in death in order to avoid leading a life in which the pillar of his identity- his wife- is missing. This is an instance of what Fantina refers to as "resistance to individuation" (47)

One of the major characteristics that has always been attributed to the masochistic traits is the inclination to submissiveness, a feature which has long been associated with femininity. In fact, the male heterosexual masochist exposes strong tendencies to be sexually dominated by women. Hemingway's women can be generally described as feminine, intuitive, realistic, direct, quiet, principled and highly risk takers. Once contrasted with the major male protagonists of his novels, as in A Farewell to Arms, Sun Also Rises, and Garden on the one hand, and literally with the entire male characters in different short story collection, the degree of the female mental, psychological and sexual authority is highly reflected. His female characters exist in relation to me, but they are superior to them so that the men will learn from them. Such a process is symbiotic in nature. Throughout all his

life time Hemingway has tried to create idealized wome. Hemingway is thought to have believed in the simplicity of an all-sufficiency of love, a form of chivalric love in which purity and sacrifice permeates the relationship, and similarly in the notion of giving up identities and merging into one single soul through every possible means which includes both physical and mental as well as sexual domains. As in A Farewell we witness a similar case, the relation between David and Catherine is highly symbiotic through their renouncing of all other interests for the sake of the supremacy of the lovers' world and relationship. In Hemingway's view, that is how the beauty of the union is realized and idealized in heavily symbolic and symbiotic relationship. It is worthy of notice that while A Farewell is publicly recognized as a war novel, the readers of the novel have no doubt that they are reading a highly sexual text. In that novel, the idealization of the sexual act is celebrated through a male-female couple who are thoroughly subordinated to each other's pleasure. The notion of dominance is always accompanied by a certain degree of humiliation. Despite the overriding masculine expression of Hemingway's characters, they have turned out to exhibit profound submissiveness in the way they relate to women. "Francis and Margaret Macomber" pair is an instance of such binary docility/power opposition. Hemingway's presentation of Margaret's character is a cold, ruling and unsympathetic woman who is a prototype of female figure in masochistic literature. She orders her husband; she sets out on hunting games with them on the safari trip; she has a peculiar insistence on the animals to be killed; and the last but not the least she holds a pistol and shots her husband dead at the end of the story. The indifference is an indispensible part of her reactions toward him. This description provokes an image of the cold ruling woman who holds the upper hand in the course of their life; a picture which brings to mind the image of dominatrix; a relentless dominating woman indifferent to the suffering and demands of the man. Humiliation is the core element around which the entire events of the story revolve. Due to his failure, Francis is constantly humiliated by his wife and he chastises himself constantly for that.

The disparity and the incoherence Francis bears stem from the lower degree he finds himself in in the binary opposition between himself and his wife. The emphasis that is placed on her beauty - "Margot was too beautiful for Macomber to divorce her" (SHLFM, 13) - deprives him of levying any authority in their relationship. Furthermore, the sense of humiliation and submissiveness finds its extreme form when Margaret sleeps with Wilson in an act of cuckoldry. The symbiotic dependence is so deeply rooted in the character of Francis that, upon the metaphoric separation that takes place after he shoots the buffalos, he dies, though by a gunshot he receives from his wife. This represents an extreme case of symbiosis/separation similar to Indian husband in the Indian Camp. Francis is immersed so deeply in the symbiotic relation with his wife that the idea of separation in fact highlights, and functions as a precursor for, the individuation anxiety; an ending which is by nature similar to that in "Indian Camp", since now at the end, he is faced with naked reality of his lonesomeness and the fact that he has been forced out of symbiosis state to an undesired imposed individuation process. For Francis Macomber, the male passivity and dependence leads to a distorted psychological state in which he develops several anxieties within his very manhood and character. The fear of emasculation, fear of powerlessness and the last but not the least, the fear of loss which in its own turn encompass the fear of loss of identity, loss of courage, sexuality, creativity and ultimately loss of life all combine with each other

in the context the gender relationship which reinforces and instills the symbiotic properties and inclination within him.

Fetishism

"There can be no masochism without fetishism in the primary sense" asserts Deleuze. Fetishism has long been associated with sexuality. Singer states that "a psychoanalytic fetish covers the wound" (9) and Smirnoff describes the role of the fetishism as the "unattainable fusion with . . . the primary sexual object" (72). In fact, fetishism begins during infancy when the child uses fetish to ease the separation process from its mother. As Fantina notes "the fetish provides the tangible and very physical link between the child and the idealized mother and allows at least an illusory sense of reunion that can be realized through the agency of fantasy" (51).

In the same regard, Hemingway's fiction is replete with instances of fetishism which, for one thing, can be witnessed in the short-haired female characters of his stories. The amputee is another instance of fetish in Hemingway's writing toward whom the women show an erotic attraction (Fantina, 54). In the case of Francis Macomber, the idea of safari in general and hunting, animals, lions and buffalos in particular turns out to be elements of fetishism for him. His sexual revival is demonstrated in the form of his obsessive impulse for hunting and killing. For him, hunting and killing become means through which he can establish himself sexually, with respect to the fact that it was the night before buffalo hunting when Margaret leaves Francis's bed for Wilson's. The failure or winning in hunting games equals the failure or success in his sexual life. The enactment of his sexual potency in the form of his ability to hunt in fact brings about a reunion with the lost object of desire and functions as a realization of his masculinity.

Pain, Violence, Death

As attested by the agreement of all critics and readers, pain and violence are the basic constituents of Hemingway's oeuvre. He has experienced it first hand, he writes about it, describes it studiously, and places it at an existential background where he measures the significance of life against the degree to which individuals are apt to pit themselves against impending violence and danger.

These and a host of other biographical and psychological examinations of Hemingway's fiction have brought about a new theory regarding the nature of violence as depicted in his short and long stories. For over half a century, Hemingway has stood for the spirit of American (hyper) masculinity, an advocate of the sheer masculinity which can be found in various fields and settings, e.g. boxing, prizefighting, hunting, fishing, bullfighting, war trenches, among the Indians, etc. However, as time passed, and especially with the posthumous publication of some of his texts such as Garden of Eden, critics began to doubt the previously conceived concepts of masculinity as applied to Hemingway and his characters. At this time, a new facet of gender relation was discovered which sheds light on existence of the oft-hidden side of Hemingway's male heroes. The stereotyped male characters began to unfold a more submissive part in themselves which gives way to pain and violence in a masochistic context, albeit not necessarily a sexual one.

The application of violence is an inseparable part of the practice of masochism and, in a parallel mode, Hemingway's fiction represents violence and pain in a variety of forms. The soldiers at war fronts, dead bodies of men and children, bullfighting and a host of other instances represent the physical violence. However, as it can be clearly detected and also expected, the psychic wounds would follow. The description of soldiers back at home, the entire Nick stories, the lost generation of characters in Sun Also Rises, etc. are all considered as war casualties who are suffering from a wounded psyche leading them toward their psychological isolation. As Fantina explains

> Many Hemingway characters, quintessential expressions of the "lost generation," combine both physical pain and thwarted desires […]. In Hemingway's world, pain presents itself as inevitable and he embraces it in its many manifestations. These range from the physical wounding of his characters, the painful submission to sodomy that brings sexual pleasure, and the general physical and psychological submission to women who alternately discipline, degrade, and sustain the suffering male (63).

With the inclusion of women in evaluating the theme of violence and elucidating their part in the way the male heroes confront it, the masochistic qualities of the character is further underlined. The willingness to pit oneself against danger or surrender to violence appears in many of Hemingway's writings. In its radical form, the two male protagonists in "Indian Camp" and "Francis Macomber" expose themselves to such an extreme form of danger that in both cases it costs them their lives. And in both cases, women function as the harbinger of their death. In the case of the "Indian Camp", the man is so psychologically emulated in the pain and suffering of his wife that he literally dies by seeing her suffer. The woman relates to his death passively but effectively. Similarly, in the case of Macomber's death, Hemingway moves a step further and turns Margaret Macomber into a close imitation of the masochistic female prototype, bordering on and in fact functioning as femme fatale. The story is replete with verbal, psychological and physical violence. Francis Macomber is constantly targeted by his wife as a subject of verbal abuse. The cuckoldry ruins his ego while at the same time giving him an impetus for killing and applying more of raw violence which, in its own turn, brings about his death where she explicitly shots him dead. Thus, violence functions as the practical axis through which the entire masochistic complex is practiced and finally resolved.

As proved historically, there is a deep-rooted attachment between spiritual dimension of religion and sexual aspect of masochism. As Stark insightfully notes

> [T]he representation of spirituality in terms of physical and mental anguish does not preclude the erotic; indeed, it indicates its involvement in the erotic. Physical and mental torments lie at the heart of the erotic fantasies underlying Christian mysticism.

Therefore, the pain and suffering that he tolerates is at the same time a spiritual as well as an erotic experience for him. The voluntarily pain he endures brings about a sexual pleasure which is all but meaningless unless it is carried out in a masochistic background.

Conclusion

The strength and velocity of Hemingway's depiction of his male hero's experiences of and confrontations with war in the decades that followed the two World Wars shadowed the psychological implications and gender conflicts the man had left between the lines of his stories, compelling many readers and scholars to overlook, for one thing, the gender-issue implications embedded within the characterization. With the expansion of Hemingway scholarship, his picture as Papa Hemingway and also as the spokesperson and advocate for the American hyper masculinity was replaced by a more humane image as an author who presents both men and women as real human beings, inflicted with certain dilemmas, looking for ways to heal that loss based to their own codes. One of the pathways through which these wounds can be healed is revealed in the masochistic bonds between the heroes and the women with whom they form a relationship.

Although Hemingway did not use specific language indicating his belief in multiple genders, his works often explore the challenges of having to adhere to strict gender binaries in societies. As a result, his characters often venture outside gender boundaries and exhibit behavior not specific to their gender (16).

The elements of masochisms abound in stories of Hemingway. The degree to which the male heterosexual heroes of his fiction suffer from and are metaphorically or literally left wrecked by the woman they see themselves attached to, also the degree to which they long to be dominated, ruled, disciplined and at times frequently degraded by those women can all be taken as instances representatives of masochistic inclination. The general tendency to submit to a woman, both sexually and psychologically is the common basis in all masochistic traits. Upon closer examination, Hemingway does not use the strong women in his works as vehicles for his misogyny, but rather as agents for questioning and challenging heteronormativity in society (16), helping the reader of a Hemingway text to find attributes that underlie and highlight the submissive nature of his characterization of male heroes.

Works Cited

Baker, Carlos. *Hemingway: The Writer as Artist*. Princeton, NJ: Princeton University Press, 1973. 291.

Deleuze, Gilles. "Coldness and Cruelty." (1969), *Masochism*. Translated by Jean McNeill, New York: Zone Books, 1969.

Fantina, Richard. *Ernest Hemingway: Machismo and Masochism*. New York: Palgrave MacMillan, 2005.

Frieden, Betty. "The Problem That Has No Name." *Feminine Mystique*. New York: W.W. Norton and Company, Inc, 1963. 16.

Hemingway, John. "Ernest Hemingway, the False Macho." Men and Masculinities 4 (15): 424-431.

Jagger, Gill. *Sexual politics, social change and the power of the performative*. London and New York: Routledge. 2008.

Kubiak, Anthony. "Splitting the Difference: Performance and Its Double in American Culture." *TDR* 42 (winter, 1998), pp. 91-114

LIoyd, Moya. "Rethinking Sex and Gender." *Judith Butler: From Norms to Politics*. Cambridge: Polity, 2007. 29-32

Martin, Christopher D. "Ernest Hemingway: A Psychological Autopsy of a Suicide." Psychiatry 69 (2006): 351-361.

Nietzsche, Friedrich. *On the Genealogy of Morals* trans. Douglas Smith, Oxford: Oxford University Press, 1998. 29.

Plato, *The Symposium, Part One*. Translated by Benjamin Jowett, _http:// evans experientialism.freewebspace.com/plato_symposium01.htm_(August 11, 2004).

Rampton, Martha. "The Three Waves of Feminism." *Pacific*. 41 (2008): Para. 5-6.

Salih, Sara. *Judith Butler*. London: Routledge, 2002. 10, 20-21.

Sanford, Marcelline Hemingway. *At the Hemingways: A Family Portrait.* Boston: Little, Brown and Company, 1961.

Starks, Lisa S. (Fall 1997). " 'Batter My [Flaming] Heart': Male Masochism in the Religious Lyrics of Donne and Crashaw," *Enculturation*, 1 (2) <http://www.uta.edu/huma/enculturation/1_2/starks.html>(October 5, 2004).

Zabala, Kemen. *Hemingway: A Study in Gender and Sexuality*. Diss. University of Connecticut. 2007. 3.

AN IDEAL HUSBAND, OR AN IDEAL WIFE?
THAT IS THE QUESTION

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Abstract

To the modern reader, the Nineteenth Century England has always been the reminiscent of unrelenting ideals regarding social codes of conduct. Although such ideals have been widely criticized, they were passed off as unquestionably natural and necessary to be carried out during the Victorian era. Yet Oscar Wilde, the renowned dramatist of the time, was one of the authors who dared to put to challenge the accepted prescribed gender roles exposing their constructed essence using his insurmountable wit. The current article aims at analysing the apparently transgressive gender roles in Oscar Wilde's play; An Ideal Husband, with the aid of Judith Butler's theory of performativity, a theory which disavows the concept of an inherent gender identity in favour of the idea that gendered behaviours are the consequence of performing certain discursively assigned acts.

Keywords: The Victorian era, Oscar Wilde, Judith Butler, Gender Roles, Gender Identity, An Ideal Husband.

Well-known for its breath-taking haste towards development, the Nineteenth Century England is an age of wonders, an age whose rapid changes have ever since bewildered those who take an interest in turning over the pages of its history. Taking tremendous steps towards industrialization, in the blink of an eye England made itself the reputation of the greatest world power. Fast railways, telegraph, iron ships, photography and anaesthetics are but a few of its claim to success; not to mention the astonishing pace with which it lay hands on a great many countries and the expansion of its borders through the then flattering and well-deserved practice of colonization.

Although it is evident that the early twentieth century critics showed unrelenting antagonism to the Victorian lifestyle and strived to prove their mentality as absurd and prudent, the nineteenth century English citizens were pretty much assured that they were living in a Golden age of progress in the history of human civilization. The confidence gained by the virtue of such advancements made Victoria's subject wonder if there really existed a problem whose solution had the ability to put the Victorians in despair.

However, at the primary levels of its emergence, the rush towards industrialization suffered dark pitfalls just as well as enjoying the radiance of glory. The rapid change to modernization forced the working class to leave the rural scenes of England and swarm to the cities to seek jobs in new factories instead which in turn brought about a widespread unemployment of those relying on manual jobs to earn a living and the new economic philosophy of laissez-fair which saw the elimination of governmentfrom regulating the working conditions profitable added but more insult to the injury.

Yet passing through this early phase of the Victorian era which is remembered as the Time of Troubles, England met with relative social prosperity in the years to come. The industrial and the economic situations were improved and the harsh working conditions of

the poor alleviated and England more assuredly got to boast of and celebrate the bright sides of the rapid changes that it took pains to go through. The achievements of this marvellous development were put to public view by Prince Albert in the Great Exhibition of modern industry and science in 1851. The modernization that the Victorian era stepped into at such a high pace so greatly altered its scenery to the extent that if a Victorian had the chance to look back at it could not help but become bewildered at the turn of events.

Despite the fact that this era is reputed for not allowing any shackles to chain its exhilarating technological and scientific advancements, yet it did not realize how to put up with any sort of deviation from traditionally prescribed gender roles either. Reluctance on the part of this era's subjects to practice these roles was deemed eccentric and its stifling worthy of the effort. In other words, both male and female subjects were required to conform to a set of strict codes of behaviour the reversal of which the society was unwilling to take in stride.

Men and women were required to tread on the path laid by their cultural codes before them which was unique for each sex and not to intrude in the sphere specific to the other sex or they would, at a lofty price, face the hostility of their society. Lord Alfred, Tennyson, the highly revered poet laureate of the century, pinpoints the hallowed distinction in his narrative poem *Princess* and speaks out his time's ideals as such:

> Man for the field and woman for the hearth:
> Man for the sword and for the needle she:
> Man with the head and woman with the heart:
> Man to command and woman to obey (2016: 427-430).

Even if a woman found herself plagued with a dire economic situation and not lucky enough to be secured by marriage, the only respectable position for her to cling to was that of a governess; an unmarried woman living on small wages by teaching the children of the household, a precarious position widely explored by the novelists of the era and once again amounting to nothing more cerebral than the role of a caregiver.

Having for long been accustomed to the double male/female standards, a Victorian woman aspired for no more than trivial accomplishments and rudimentary education. Ruling out the possibility of holding office for a woman, seeking a profitable marriage and looking forward to doing the domestic duties which came as its natural result, was the rule of the day. A woman was by no means expected to "aspire to be her husband's intellectual companion, but rather to amuse his leisure hours […] and look after his person and his house, freeing and refreshing him for more important things" (Ruse 1993: 886).

However incessantly regulated so as not to lose its naturalized effects, the Victorian hegemony was sure to come face to face with those subjects who challenged its structure and created their own set of beliefs. John Stuart Mill, a contemporary liberalist philosopher, who was an advocate of the freedom of opinion and expression, sees the stifling of opinions against the mental well-being of mankind. According to Mill, suppressing an idea was a gross mistake since that idea may represent the truth and to simply deny this is to fall into an even bigger error of assuming "our own infallibility" (1975: 65).

Besides, even if the opinion is proven to be an error, nevertheless it should be allowed the opportunity of expression since it is possible for that it holds within itself "a portion of truth; and since the general or prevailing opinion in any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied." If mankind, Mill believes, is deprived of his/her right to the freedom of expression and if dogma or prejudice rules the social scene, that society should not be expected to witness "the growth of any real and heartfelt conviction, from reason or personal experience" (1975: 65).

Born in 1854 in Dublin, Oscar Wilde is another intellectual figure who dared to oppose the Victorian ideology both in words and action. Wilde can be safely put on the opposite pole of the social spectrum from Lord Alfred Tennyson, the latter being the spokesperson of the ideals of his time, one whose *In Memoriam* was what his sovereign sought when in need of consolation, while the *New York Times* entitled the former as "the laureate of beauty" (1882) whose stern individualism led him to believe that "[a]n ethical sympathy in an artist is an unpardonable mannerism of style" (Wilde 2008: 3).

An advocate of the Aesthetic Movement of the late nineteenth century, Wilde, as an author, did not acknowledge having a moral duty to his society and instead adopted a philosophy which regarded the creation of art as a supreme end in itself. His tendency to look at art as a source of sensual pleasure and his disavowal of the didactic literature were characteristics of the philosophy of Art for Art's Sake which gave value to the social detachment of the artist and his/her subjective concerns. As Murrenus says of Wilde, "[r]arely have we 'read' such outré and flamboyant style, whether in fashion or in letters, as that of the irrepressible Oscar Wilde, as subversion, rebellion against 'normalcy,' and as an indictment against intolerance" (2001: 156).

A flamboyant figure in this movement, Wilde's devotion to this new hedonism placed him counter to his society and what was belied to be an artist's responsibility towards it. Such devotion prompts Lord Henry Wotton, one of the characters from his novel *The Picture of Dorian Gray* and one who is believed to be the mouthpiece for Wilde himself, to say that: "To be good is to be in harmony with one's self, [whereas] discord is to be forced to be in harmony with others" (2008: 67-68).

Not only did Wilde not seek to be in harmony with the mainstream of his society and give a hand in propagating its standards, but he also never failed to make fun of its superficial tendencies. He realized the values that his society kept imposing on its subjects as utterly artificial and tools of domination in the hands of some to rule over others; the values over which his people agonized since they were dubbed essential in leading a respectable life in keeping with the most idealistic and well-developed civilization in the world.

As a critique of social affairs, Wilde pinpoints the destructive sides of scientific and technological advancements in a modern setting as well as its enlightening aspects. The objective observations of science, for instance, and the ways of understanding that it offered collaborated in the domination of certain oppressive and by no means natural ideologies. Furthermore, the ambitious terms of freedom and individualism which the modern society boasted of were exploited to conceal the inequalities and bury its vices of injustice out of sight and under the grounds of apparent righteousness.

Therefore, freedom would be nothing more than a shadow reflected by make-believe puppet of equality hindering individualism's coming to life. The legitimation of values did not stop Wilde in refusing to believe the 'self' as a rational indubitable being, but a social construct and a by-product of language loaded with ideology which unconsciously thrived in shaping people's thoughts and endorsing the repressive state apparatus. The identity, therefore, cannot be analysed separately from the context of one's life since everyone inherits his/her definition of the self from their cultural milieu (Gagnier1997: 19-20).

Considering that freedom was too great and immature a demand to make of Wilde's society, in his literary career he insisted on unaccountability for what he presented in his art probably in hope of covering his ideological transgressions. Wilde warned his audience against an autobiographical reading of his works which he put to words in the preface of his novel as: "To reveal art and conceal the artist is art's aim" (2008: 3). Yet such a claim did not rush to his rescue during his trials at the court of law where his art was used against him to prove his "perverted moral views" (qtd. in Hyde 1973: 110) and sped his fall from public favour and ultimately his deplorable lonely death in France due to committing an act of "gross indecency" (Cohen 1997: 529) or better to say an act of "gross movement against social tolerability."

The death of Wilde, however, never meant the death of such fundamental question as gender identity. The twentieth century, especially the latter part, witnessed the raising voice of the feminists and those who were not daunted to put this question to open discussion and boldly challenge it. Judith Butler, the American philosopher and feminist theorist, is an audacious example. In her book, *Gender Trouble,* she mainly deals with a criticism of the naturalized coherence of the categories of sex, gender and sexuality which, she believes, are culturally and discursively constituted through time.

Butler's purpose, she herself emphasizes, must not be construed as prescribing a new model for gender, but rather to "open up the field of possibility for gender without dictating which kinds of possibilities ought to be realized."The book, hence, is a lot congenial to the experience of those who have understood "what it is to live in the social world as what is 'impossible', illegible, unrealizable, unreal, and, illegitimate" (1999: VIII).

The book seeks to disclose habitual presumptions which render juridically instituted identities possible and nevertheless, put to margin the subjects who transgress it and make them a sort of unthinkable panic through which it is enabled to maintain its regulatory force. Butler assures the reader that there is absolutely no position to be found outside the field of power, yet the social misfits are the potential agents of interruption within regulatory regimes. She also maintains: "[t]hose who are deemed 'unreal' nevertheless lay hold of the real, a laying hold that happens in concert, and a vital instability is produced by performative surprise" (1999: XXVI). Thus, an attempt to make possible a liveable life for those hitherto repressed gender identities becomes the ultimate aim of Butler's pivotal book *Gender Trouble*.

Butler believes that sex should not be interpreted as a pre-cultural component in the construction of identity. In her politics there is no "prior", "before" or outside since it is counterfeited by various discourses serving different social and political interests and succeeds to defraud us by veiling its cultural designation. Our bodies and therefore our identities do not stand outside culture; rather culture processes and forms them. Yet in

no way it should be understood that our bodies are the passive tablets on which culture inscribes its codes; rather they contribute to the formation of our identity through the performance of a set of acts which are either interpreted as conforming to the gender of its doer or in opposition to it. This concept Butler calls 'performativity.'

In Butler's words, the performativity of gender suggests that:

> [Gender] has no ontological status apart from the various acts which constitute its reality. This also suggests that if that reality is fabricated as an interior essence, the varying interiority is an effect and function of a decidedly public and social discourse, the public regulation of fantasy through the surface politics of the body. […] in other words, acts and gestures, articulated and enacted desires create the illusion of an interior and organizing gender core, an illusion discursively maintained for the purpose of […] regulation. (1999: 173)

Repeating gender acts over and over again, the subjects tacitly legitimize them and allow them to give way to an illusion of real man or woman among other social fictions. The sedimentation of gender norms, therefore, produces certain agreeable corporeal styles which if contested would result in the exclusion of the transgressive performer from social and cultural recognition in order to secure the natural order. So, acting gender is in essence a social drama which requires the re-enactment of gender norms to be able to survive (Butler 1999: 178).

Gender, Butler emphasizes, must not be thought of as a stable locus of agency to which one could associate certain acts, but it is "an identity tenuously constituted in time, instituted in an exterior space through a stylized repetition of acts. [It] is produced through the stylization of the body and, hence, must be understood as the mundane way in which bodily gestures, movements, and styles of various kinds constitute the illusion of an abiding gendered self" (1999: 179).

If gender proves to be no more than the performance of certain acts, then, the appearance of substance is likewise a construction or a performative identity which the subjects themselves come to believe in and deem necessary to follow in order to be counted as recognizable and be able to function in their social order. However, since the gender norms are phantasmatic and a form of superficial signification, it can never be fully internalized or produce an absolute seamless coherence and the partial success it receives is due to a gender corporealization of time, a repetition of acts which aim at realizing the prescribed grounds of identity. But the problem occurs when occasional discontinuities show up and demonstrate identity as baseless and the arbitrary relation between act and gender witnessed in parodic performances or failures in repeating the naturalized a token which makes gender transformation possible (Butler 1999: 179).

Howbeit, it must be emphasized that the possibility of such a transformation does not make it immune from punishments. Propagating the idea that sex and gender are causal unities and therefore both natural and crucial, the power regime constantly makes sure that its subjects believed in such unities and accordingly repeat the ideal gender performance

so as not to lose sight of its illusory interiority. Therefore, the subjects who do not carry out what the prevailing hegemony requires from them must duly await punitive consequences which keep the rest of the subjects away from committing gender transgression. If such punitive consequences were removed, one would more easily understand that an abiding masculinity or femininity does not exist and as a result no right or wrong when it comes to the issue of gender identity. Such punitive consequences ensuring the juridically desired illusion of gender reality finds proof when analysing Wilde's comedy, A*n Ideal Husband*.

Wilde started writing his comedy, *An Ideal Husband*, in 1893. As one of Wilde's masterpieces, the play revolves around moral and political corruption as well as public versus private spheres of life. The play was staged in 1895 and proved to be an immediate success being performed one hundred twenty four times after its opening on January 3. However, soon after Wilde was arrested for his act of "gross indecency" and consequently his name as the author got removed from the play.

An Ideal Husband opens at Mr. Chiltern's house. He is an outstanding member of the House of Commons. Mrs.Cheveley, a schoolmate of Sir Robert Chiltern's wife, attempts to blackmail him due to the fact that he sold a secret of the cabinet to Mrs.Cheveley's lover, Baron Arnheim, telling him to buy stocks in Suez Canal before the British government buys it. Having become rich by selling this secret, Sir Robert is forced to support Mrs. Cheveley to build a canal in Argentina if he does not want to lose his reputation both in the world of politics and more importantly with his wife who has put him on a great pedestal and thinks so highly of him. However, Lord Goring, a very close friend of Sir Robert's, comes to the rescue by exchanging the letter which proves Chiltern's crime with not having Mrs.Cheveley arrested for stealing a diamond brooch which Lord Goring came upon in his friend's party. He also manages to persuade Lady Chiltern to be less morally strict and forgive her husband to save the marriage. The play meets a happy ending with the dandified rescuer, Lord Goring, marrying his best friend's sister; Mabel Chiltern.

Act one begins with introducing Lady Chiltern, the hostess of the party, to the audience. As an idealistic Victorian woman, physically as well as personally, one whose characteristics comply with patriarchal demands, she is described as "a woman of grave Greek beauty" standing close to the significant "eighteen century French tapestry—— representing the Triumph of Love, from a design by Boucher" (Wilde 2005: 1) looming large since it is emblematic of the great sacrifice she makes at the end of the play for the sake of saving her compromising marriage.

Together with Sir Robert, Lady Chiltern is hosting a party held for the prestigious members of London society. Yet as highly thought of members of society, not all of them represent the idealistic attitudes of the Victorian era and not caring to pose as the paragons whom other subjects should follow for playing their expected social roles. Lord Caversham, an old-fashioned well-respected character in the play, enters the party looking for his "good-for-nothing young son" whom he calls so on the basis that "he leads such an idle life" (Wilde 2005: 2).

Lord Caversham's son, Lord Goring, is an example of the dandified character in Wilde's comedies and the reason his father refuses to give him credit. As a dandy, Lord Goring possesses an eccentric figure unconcerned about the masculine role he is expected to play and is given to leisurely hobbies the most prominent of which is his occupation with

flamboyant clothes. As a subject living in the Victorian era with its demanding codes of conduct, he seems to very much embody the description Albert Camus offers for such a character as his:

> The dandy is, by occupation, always in opposition. He can only exist by defiance. […] he finds himself delivered over to the fleeting moment, to the passing days, and to wasted sensibility. The dandy rallies his forces and creates a unity for himself by the very violence of his refusal. (2012: 51)

The dandy's transgression from prescribed gender roles results in his being regarded as eccentric and his behavior, not following a proper enactment of masculinity, as effeminate since there is no other recognized gender in the paternal law to fall in between. An old-fashioned conventional man of the Victorian era, Lord Caversham has reason enough to constantly disapprove of his son's conducts because he has chosen not to adopt gender politics perform his gender. In other words, through his dandified character, Lord Goring puts in display the fact that "the essence or identity that [gender acts] purport to express are *fabrications*" which he refuses to conform to through "corporeal signs" (Butler 1999: 173).

Lord Goring's dandyism, however, does not repel everyone as it does his father. Mabel Chiltern, Sir Robert's sister, is not only not stove off by his gender transgression, but she is on the contrary very much attracted by it. She contests Lord Caversham's belief that his son has given way to an idle life-style saying that he "rides at the Row in ten o'clock in the morning, he goes to the Opera three times a week, changes his clothes at least five times a day and dines out every night of the season. You don't call that an idle life, do you?" (Wilde 2005: 10).

A witty and quick-in-comical- response character just as Lord Goring is, Mabel Chiltern also shows signs of transgression from her expected gender identity. She does not mind Lord Goring's effeminacy and is not looking for a prescribed masculinity required from a male Victorian in whose opposition she could find and embody her own assigned feminine identity. She further buttresses this claim in answer to Lord Caversham's feeling who is "[s]ick of London Society." She retorts: "I love London Society! I think it has immensely improved. It is entirely composed now of beautiful idiots and brilliant lunatics. Just what Society should be" (Wilde 2005: 10). Although Mable's response could be read as a satirical comment on the hypocritical nature of the Victorians occupied with trivial and superficial matters, regarding the time setting of the play which is the late Nineteenth Century, her response is more likely to be interpreted as an admiration of the changing ideals in this period and the modern subjects' disavowal from the old strict conventions of morality and unquestionable gender roles might have led the old-fashioned ones, such as Lord Caversham, to believe that the abandonment of such long held values has no explanation other than unforgivable idiocy.

Mabel is not attracted to Tommy Trafford who, according to Lady Chiltern, "is the best secretary [Lord Chiltern] has ever had" (Wilde 2005: 66) with "a brilliant future before him" (Wilde 2005: 67). Contrary to what the society may expect, she refuses to accept the hand of a man who is greatly approved of. She even seems to be repelled by Tommy's

proposal which he did "in broad daylight in front of [the] dreadful statue of Achilles" who is one of the greatest heroes in Greek mythology and is a perfect epitome of the masculine gender identity (Wilde 2005: 66).

Unconcerned about the ideal of submissiveness and enacting feminine coyness, Mabel feels "free to express her adoration for Lord Goring in a very public way" (Szanter 2014: 7). To some extent, she manages to perform her gender as she prefers not hesitating to give voice to her passion for Lord Goring, an expression which is traditionally thought of as an act which the male party is more naturally to undertake:

> I adore you. Everyone in London knows it except you. It is a public scandal the way I adore you. I have been going about for the last six months telling the whole society that I adore you. I wonder you have anything to say to me. I have no character left at all. At least, I feel so happy that I'm quite sure I have no character left at all. (Wilde 2005: 123)

However, Mabel's slight transgression from her assigned identity has not been free from social consequences. Incurring "public scandal" and the fact that she thinks she has "no character left at all" (ibid) are reminiscent of Butler's claim that punishment awaits "those who fail to do their gender right" (1999: 178).

Mabel Chiltern, though, is not the only feminine character in the play who displays signs of gender transgression. Mrs.Cheveley too must be taken into account in this regard and probably even more so. Notoriously active in the world of politics and stepping into the house of Sir Robert Chiltern not as a delicate feminine character trying to entertain herself by roaming about trivial matters, just as Mrs.Marchmont and Lady Basildon comically do, but as one who aims at accomplishing a lucrative mission, her appearance is described in a rather vivid contrast with Lady Chiltern's: "lips very thin and highly coloured, a line of scarlet on a pallid face. Venetian red hair, Aquiline nose, and long throat. Rouge accentuates the natural paleness of her complexion" (Wilde 2005: 11).

Wilde's description of her as such implicitly conveys the sense that her choice of vocation as a political activist, a very highly masculine role for the Victorian era, rather than a typical woman who tends to domestic tasks, is unfavorably reflected in her physical appearance. She lacks the desirable Greek beauty owned by Lady Chiltern and the only feminine features to her "pallid face" have come through the use of heavy make-up. In depicting Ms.Cheveley's appearance, Wilde goes on further to say that "she shows the influence of too many schools" (2005: 11).This description and the fact that she has got an "aquiline nose" seem to match Lady Markby's remark that she makes later on in the play. As a conventional Victorian woman, she claims that: "I think anything is better than high intellectual pressure. That is the most unbecoming thing there is. It makes the nose of the young girls so particularly large. And there is nothing so difficult to marry as a large nose; men don't like them" (Wilde 2005: 36).

If what Lady Markby says is in fact right in the Victorian social discourse and if Mrs. Cheveley's "aquiline nose" and plain appearance are actually the effects of "intellectual pressure" exerted on her due to "the influence of too many schools", then her not being physically favorable, as implicit in Wilde's description, is not the result of her natural

plainness of appearance, it is actually the kind of response the patriarchal culture illicits towards those women who fail or refuse to act in accord with their normalized gender identity, or as Butler would say, those who refuse to make their actions be seen as " interpretations within the confines of already existing directives" (1998: 526).

It does not matter how hard Mrs.Cheveley tries to emancipate herself from performing just the same gender roles that are imposed on women or how diligently she tries to assert her individuality, she is after all "subject to the same limitations that attend other women in the play, all of whom achieve their goals only through their roles as wives". The brooch which she left in Sir Robert's house represents her "unwitting enslavement to male lovers" or her being trapped in the patriarchal culture in general (Dellamora 1994: 129).

As a woman, Mrs.Cheveley fails to achieve success in her morally compromising mission as easily as Sir Robert does in his more or less the same act. It is noteworthy that, in order for Mrs.Cheveley to substantiate her claim of Sir Robert's betrayal, she has to submit the incriminating correspondence between him and Baron Arnheim. And thus, Lord Goring's burning it literally puts an end to the power that she claimed to possess.

However, while a solid document was needed for Mrs.Cheveley to prove her accusation, Lord Goring's mere words, apparently, suffice if he is to have Mrs.Cheveley arrested. The great possibility that Lord Goring's words, howbeit an effeminate man, will be taken for granted is signified by her grave reaction when he threatens her: she is "in an agony of physical terror. Her face is distorted. Her mouth awry. A mask has fallen from her. She is, for the moment, dreadful to look at" (Wilde 2005: 111). Mrs.Cheveley's mission, therefore, is easily intercepted since as a naturalized characteristic of her gender, the notion of women being untrustworthy is regulated "before [she] arrived on the scene" (Butler 1998: 526). As expected by a patriarchal structure, then, Mrs.Cheveley rightly passes into obscurity since she dared to "invade and undermine the male subject-spectators; by asserting [herself] as creator and subject, [she] disrupt[s] social and cosmic order as well as gender hierarchy" (Dolan 1993: 225).

In contrast to the hitherto discussed female characters that irritated their cultural context in varying degrees by turning their backs on their valued gender roles, Lady Chiltern turns out to be the impeccable embodiment of the Victorian woman, one who Mabel describes as "a noble, self-sacrificing character" (Wilde 2005: 67) and Lady Markby believes to be a paragon for Victorian women. Although the divulgence of Sir Robert's incriminating letter would bring about quite a disaster for his political profession, he is much more concerned about losing the love of his ideal wife. Lady Chiltern conforms to the values of her time to the extent that she seems to be absolutely robbed of her agency and totally paralyzed by the web that patriarchal demands has knitted all over her will power. It is agreed by many critics that such a weakling character that Bernard Shaw called "a stupidly good wife" (1932: 11) could hardly ever exist.

Believed to be capable of setting a good example for all Victorian women, Lady Chiltern's strict reliance upon codes of morality is revealed when she tells Mrs.Cheveley that the past "has taught me that a person who has once been guilty of a dishonest and dishonourable action may be guilty of it a second time, and should be shunned" (Wilde 2005: 77). She refuses to believe one's identity once set as dishonorable could ever be any different. She proves her unrelenting morality in the play in her attitude towards Mrs.Cheveley and her own husband.

Upon finding out Mrs.Cheveley's request from her husband, Lady Chiltern becomes so distressed lest her ideal husband whom she has always considered perfectly moral just as she is, falls from grace in which case she would not hesitate to decide that it would be better for both of them that their lives drift apart (Wilde 2005: 44). She is so unbelievably serious that Sir Robert refuses to surrender to his wife's pleas for telling her the truth about his past and instead, turns to his dandified friend for help.

Lord Goring's handling of the matter, however, is quite surprising. Contrary to the expectation of those who agree with Lord Caversham that as a man choosing to live the life of a dandy, he is "good-for-nothing" (Wilde 2005: 9), Lord Goring suddenly becomes the voice of reason reproaching his friend both for his past misdeed and being dishonest with his wife. Though his oscillation between an effeminate character not taking life seriously as a man should and the masculine voice of reason, does not stop here. When Lady Chiltern finally understands about Sir Robert's past and goes to Lord Goring for help, he delivers a long speech based on which one would not be able to find the trace of dandyism, but quite the opposite, a fully conventional man given to believing in the patriarchal structure of power asserting the distinction between masculine and feminine gender roles:

> Women are not meant to judge us, but to forgive us when we need forgiveness. Pardon, not punishment, is their mission. […] A man's life is of more value than a woman's. It has larger issues, wider scope, greater ambition. A woman's life revolves in curves of emotions. It is upon lines of intellect that a man's life progresses. […] A woman who can keep a man's love, and love him in return, has done all the world wants of women, or should want of them. (Wilde 2005: 136)

Through Lord Goring, Wilde deconstructs the idea that gender is immutable. He is recognized as a dandy or a conventional masculine figure redeemed from his effeminacy as long as he performs the attributes of either gender identity, otherwise gender has no essential reality of its own whatsoever. Lord Goring's traditional side of his character might be read, just as well, as symptomatic of the impossibility of total emancipation from the juridical structure of patriarchy.

One may have the chance to go through gender reversal through performing drag, but such an unregulated performativity "is not freedom, but a question of how to work the trap that one is inevitably in" (Butler 2004: 84). Sooner or later the transgressive performer of gender is either pushed back to the constructed and naturalized gender role, more often than not, by being forcefully placed within the recognizable patriarchal structures or by being socially repressed or punished.

Lady Chiltern, on the other hand, does not show as much intention to trespass the required gender identity as do Lord Goring, Mabel Chiltern and Mrs.Cheveley. She claims to never change when it comes to the issue of morality and even tries hard to hold on fast to her beliefs by making Sir Robert write a refusal letter to Mrs.Cheveley's demand, but she relinquishes her principles and decides to forgive Sir Robert to perform the feminine duty her society requires of her, that is, an unwavering and unconditional support of her husband.

While Lord Chiltern easily justifies his transgression from codes of morality, Lady Chiltern must learn that she is not allowed as much freedom to justify her gender transgression. Sir Robert boldly asks Lord Goring "whom did I wrong by what I did? No one" (Wilde 2005: 49), and even more audaciously claims that he never sensed a twinge of conscience since he "felt that [he] had fought the century with its own weapons, and won" (Wilde 53). Not only is Sir Robert not punished for his immorality, but he also advances in his career receiving "the vacant seat in the cabinet" at the end of the play (Wilde 2005: 132).

Nevertheless, if Lady Chiltern stands firm in her position trying to justify herself the same as her husband does, she would not be just as equally rewarded, but quite the contrary, she would be admonished for trying to place herself in a morally superior position to a man and consequently abandon her duty as a wife by leaving her husband. In other words, Lady Chiltern has to learn that no matter how righteous or idealistic her views are, to her husband she must always be "the white image of all good things" (Wilde 2005:140).

Lady Chiltern's change, thus, if it could be called change at all, is not directed towards expressing her own desire, but it is actually a change in favor of the patriarchal normalization of gendered behavior making her an "ideal wife" whom Sir Robert has to put on pedestal. As Alan Sinfield points out: "Ideology makes sense for us —of us— because it is already proceeding when we arrive in the world" (2004: 745). In order to be entitled to become the "ideal wife", Lady Chiltern lets herself be paralyzed by the ideology of her time allowing the patriarchal discourse make sense of her just as it has always done so to those it accounted as recognizable female subjects.

Although Oscar Wilde named the play *An Ideal Husband*, not only does it not so much expound upon the factors that may make a man become one, but also the husband that the title refers to turns out to be mistakenly thought highly of since he has concealed his morally compromising past. The play, rather, seems to propagate how a wife should or should not be does she want to be called ideal. However, such an interpretation of the play cannot easily blur the fact that Wilde saw the mutability of gender identity possible and probably even desirable had the characters not lived in a patriarchal world which perpetuated "the illusion of an abiding gendered self" (Butler 1999: 179).

Refrences

Butler, Judith. 1998. "Performative Acts and Gender Constitution: An essay in Phenomenology and Feminist Theory." *Theatre Journal*. 40(4): 519-531.

——. 1999. *Gender Trouble: Feminism and the Subversion of Identity*. 2nd ed. New York: Routledge.

——. 2004. "The Body You Want: Liz Kotz Interviews Judith Butler." *Artforum*. 31(3): 82-89.

Camus, Albert. 2012. *The Rebel: An Essay on Man in Revolt*. Trans. Anthony Bower. New York: Alfred A. Knopf, Inc.

Cohen, William A. 1997. "Gross Indecency: The Three Trials of Oscar Wilde (Review)." *Theatre Journal*. 49(4): 529-531.

Dellamora, Richard. 1994. "Oscar Wilde, Social Purity, and An Ideal Husband." *Modern Drama*. 37(1): 120-138.

Dollan, Frances E. 1993. "Taking the Pencil Out of God's Hands: Art, Nature, and the Face-painting Debate in Early Modern England." *PMLA*. 108(2): 224-239. *Project Muse*. Web. 14 Jun 2016.

Gagnier, Regina. 1997. Wilde and the Victorians. In: Peter Raby (ed*.) The Cambridge Companion to Oscar Wilde.* Cambridge: Cambridge University Press. 19-20.

Hyde, Harford M. 1973. *The Trials of Oscar Wilde*. New York: Dover.

Lord Tennyson, Alfred. n. p. The Princess.*Bookz*.Web. 12 May 2016.

Mill, John Stuart. 1975. Three essays. London: Oxford University Press.

Murrenus, Valerie A. 2001. "Wilde Style: The Plays and Prose of Oscar Wilde (review)." *New Hibernia Review*. 5(1): 156-157. *Project Muse*.Web. 20 Aug 2016.

"Phase of English Life." 1882. *The New York Times*.

Ruse, Michael. 1993. "Will the Real Charles Darwin Please Stand Up?" *New Scientist*. 100(1): 884-887.

Shaw, Bernard. 1932. *Our Theatres in the Nineties*. London: Constable.

Sinfield, Allan. 2004. "Cultural Materialism, Othello, and the Politics of Plausibility." In. Julie Rivkin (ed.) *Literary Theory: An Anthology*. 2nd ed. Malden, MA: Blackwell Pub. 745.

Szanter, Ashley. 2014. "A Silly Girl's Insight: Mabel Chiltern's commentary on Public Versus Private Spheres in An Ideal Husband." *The Victorian*.2(3): 1-9.

Wilde, Oscar. 2005. *An Ideal Husband*. San Diego: ICON Group International, Inc. *Bookfi*. Web. 20 Nov 2015.

——. 2008. *The Picture of Dorian Gray*. New York: Oxford University Press.

LEGAL CHALLENGES IN REGULATION OF MINIMUM AGE OF CRIMINAL RESPONSIBILITY WITH SPECIAL EMPHASIS ON BOSNIA AND HERZEGOVINA

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Abstract

Every minor can commit a criminal act, but in formal sense not every minor will be criminally responsible. Even if committing an act that in material sense have its consequences and all objective elements of a crime, possibility for imposing of criminal sanctions is still determined by minimum age of criminal responsibility (MACR). When reaching into certain age minors are held to be criminally responsible and punishable. This article is focusing to the matter of establishment of minimum age of criminal responsibility, so comparative review of systems for its establishment and contemporary world tendencies will be discussed in it. In particular, this paper will be devoted to the establishment of MACR in Bosnia and Herzegovina from both historical and positive law insight. The age from which one will be held criminally responsible is an issue predisposed by several factors and choosing the optimum age will be discussed as the challenging question in this paper because it includes or excludes minors from the reach of criminal justice system that has unquestionable impact in their future life.

Keywords: *Minimum age of criminal responsibility (MACR), juveniles, criminal responsibility, punishability.*

Introduction

Legal status of a minor and its legal responsibilities are topic relevant for all branches of law. But minors are big challenge especially for Criminal Law, since their inclusion into Criminal Law and reaction of a state to their entrance in the criminal zone can have big influence on them and their future life. Criminal sanctions bring legal consequences that as a shadow follows a person through the life, even when the "debt towards the society" is repaid with the served legal sanction.

Theorists agree that criminal responsibility should be imposed on individuals who have the capacity and freedom to choose how they act (Elliott, 2011, p. 289). Minors are not fully psychologically nor physically mature. Because of that it is assumed that they don't know what would be the best for them to do or which choice is the best one to make. This shows that their autonomy in choice of acts is limited and their capacity lacked. Moreover, according to Elliot (2011, p. 297) a strong relation between bad parenting, poverty, abuse and youth offending, which confirms weakness of their autonomy, has been scientifically proven. Yet, minors can perpetrate crimes, even in very cruel way, and society couldn't ignore that fact. Naturally, it had to be decided whether minors would be included in criminal law system; if yes, what age limit of criminal responsibility would be the most appropriable and finally, what would it be the best form of states' reaction to their offences. According to Griss et al. minors don't display the ability to act as adults, especially when it comes to unfamiliar situation such is crime or criminal procedure (Bryan-Hancock and

Casey, 2011, p.72). Adults and children have significant psychological differences so that fact hasn't been mischarged when it was decided about inclusion of children in juvenile justice system. In contemporary Criminal Law, children are treated separately from adults, so that dual criminal law system has been created when determining legal status of perpetrator according to ones age.

Since minors are included in justice system it's crucial to establish the border from which is a person (who is not fully mature) criminally responsible or under which person who commits an act of crime is absolutely incapable of being guilty.

Contemporary tendencies regarding establishment of minimum age limit of criminal responsibility

It had been always very delicate question how to establish minimum age limit of criminal responsibility, since the main subject in the decision is a minor. According to Cipriani (2009, p. 94), the matter of limit of age responsibility is a matter of limit beneath which no treatment or penalty can be applied by law. If the limit would be set too high, then significant number of youth who was perhaps perfectly mature and aware of acts, just for not formally reaching specified number of ages, would lack with subjective element of crime and so would not be responsible for act that has all its objective elements and so finally they would be excluded from the punitive system. In other hand, setting the limit too low would include wide number of youth into punitive system, even though they could have grow out of crime and become useful and responsible members of society, without carrying the label of *a convicted juvenile delinquent*. And finally, it is important to question how convenient is it to establish a minimum age of criminal responsibility since matter of maturity is an individually predisposed and fluid process that is not always equivalent to chronological age (Bryan-Hancock and Casey, 2011, p. 72). Fried and Reppuccia proved in their research a fact that makes the process of establishment of MACR even more challenging: the lowest level of maturity wasn't found within young people of age 13-18, but of those from 15-16 years of age (see Bryan-Hancock and Casey, 2011, p. 72).

Having all that in mind, in contemporary criminal law there are several models of MACR that are applicable: determination of MACR as *praesumptio ius et de iuris*, determination of MACR as *preasumptio iuris* and specific general establishment of MACR in Sheria Law.

Indisputable presumption of criminal (ir)responsibility (*praesumptio ius et de iuris*) is applied in the most of countries of the world, especially of continental legal system. The idea was to set the minimum age (under which that person is considered to be a child and without any doubt or dispute considered not able to be guilty) and maximum age limit after which that person is to be treated as adult. If that person reaches certain age[*] in the moment of perpetration of a crime, then that person before law is adolescent and would be criminally responsible (otherwise could not be proven). Yet, the choice of criminal sanctions is much different from those that are to be imposed to adult.

This concept is well explained by Čejović stating that persons under MACR are not able to understand the significance of their actions and to coordinate with them, so the committed act isn't result of their asocial attitude but a result of lack of the control (Škulić,

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[*] In 2010, Škulić finds that even the last day of the period of age before the minimum limit is considered to be criminally irresponsible and gives an example of decision of Supreme Court of Serbia, who decided that on the day of birthday of reaching 14 years that person is treated as still not having legal responsibility.

2010, p. 209). That gives us the reason why they shouldn't be punished and reached into criminal justice system.

MACR as *praesumptio iuris* of criminal responsibility is mostly spread in Common Law system. The MACR is given but maturity and criminal responsibility of persons over the minimum (until certain age) is disputable legal presumption, so in the criminal procedure the opposite can be proven. This presumption is more known as "doli incapax" doctrine. According to Howard and Bowen (2011, p. 381), it is used as a defence „to a criminal charge for children within a certain age group coupled with a rebuttable presumption that such children were incapable of committing an offence". The threshold of MACR in common law system is the most often 10 years of age and this doctrine is applicable until the age of 13. So, to found one minor (aged from minimum age of criminal responsibility to 13 years of age) guilty, it has to be proven that the accused juvenile was able at the relevant time to differ right from wrong, or to understand their acts of omissions being wrong (Richards, 2011, p. 5). That means that it is on the prosecution to prove if the child was fully capable and aware of the serious nature of their actions. In the practice, sometimes it can be very difficult to prove ones maturity, and for that reason some theoreticians and practitioners found this concept to be unfair. The positive sight of this doctrine is that it recognizes the varieties of children maturity so that even if child reaches age of formal, numerical maturity, in the reality can be defended with the argumentation that is still not mature enough and is incapable of being guilty.

This doctrine became part of Common Law system in 14th century and the reign of King Edward the III. According to Crofts (2003), the basics of this doctrine are well explained in 1619 by Dalton in *County Justice*, by these words:

"An infant of eight years of age or above, may commit Homicide ..., and shall be hanged for it, viz. if it may appear (by hiding of the person slain, by excusing it, or by any other act) that he had knowledge of good and evil, and of the peril and danger of that offence. But an infant of such tender years, as that he hath no discretion or intelligence, if he kills a man, that is no felony in him".

Even though this doctrine has deep historical roots in Common Law, UK abolished it in 1997. Some of arguments for abolition of this concept were the fact that this defence couldn't be used if a minor plead guilty. So, many called this presumption ineffective and even to be „medieval law" (Wishart, 2013, p. 58). Moreover, Urbas (2000, p. 4) finds this doctrine illogical, because the criminal responsibility of a child can be rebutted by evidence that the child was of normal mental capacity for his/her age, so that might bring us to the conclusion that every child is initially proved not to be normal.

In *Sharia Law*, the MACR is related to reaching the age of maturity which is actually equivalent with the age of reaching puberty. When reaching into puberty one is found to be biologically mature and adult, so acquires all the legal rights and responsibilities. Puberty can be determined in two ways. According to Ćorović and Garnić (2016, p. 52), first of them are natural signs of maturity: "pollution (Ihtilan) with man and period (*haiz*) with woman". The other one is "the age of life" (Ćorović and Granić, 2016, p. 52). According to *Sharia Law*, girls get mature faster than boys, so lower ages of MACR for girls than for boys had been provided. Basically, minimum age limit of criminal responsibility is different for each sex. The minimum age of entrance in puberty differs from one *Sharia* legal school

to another. In *Shia*, it is 9 lunar years (8 years and 9 months) for girls and 15 lunar years (14 years and 7 months) for boys (Nayyeri, 2016). *Sunnis* accept 9 years for a girl to enter in puberty, Hanbali found age of 10 to be limit for man, *Hanafi* found 12 years of age for man to be a minimum age. However, proving maturity even before the aforementioned ages is possible if the physical signs of reaching into puberty would appear. Since puberty is individual bio-psychological process, if the signs of puberty would appear earlier than from above mentioned ages, that person would be also found to be mature.

Review of international documents regarding minimum age limit of criminal responsibility

General international sources[**] of juvenile justice deal with the status of juveniles in general sense; by guarantee them protection of main human rights and separated and special treatment from adults. In other hand, in special international sources of juvenile justice there are strict provisions that deal with legal status of minors in judicial system. One of very important aspects of that topic is the matter of minimum age limit of criminal responsibility (MACR). Convention on the Rights of the Child[***], United Nations Standard Minimum Rules for the Administration of Juvenile Justice[****] and General Comment No. 10 of Committee of the Rights of the Child[*****] are crucial international documents that deal widely with the matter of minimum age limit of criminal responsibility.

a) Convention on the Rights of the Child

This Convention has established the definition of term "child". According to the Article 1 of the Convention, *child* is "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". This definition actually treats every person under the age of 18 to be a child and doesn't differ children from adolescents. Except of determination of term child, for topic of MACR is relevant Article 40 3(a), according to which each state is obliged to establish a minimum age bellow which children shall be presumed not to have the capacity to infringe the penal law. Effectively, Convention doesn't provide exact age that all the states would establish to be a minimum age bellow which children shall be presumed not to have criminal responsibility, but through general provision obliges states to establish that age by themselves.

b) United Nations Standard Minimum Rules for the Administration of Juvenile Justice

These rules, known also as Beijing Rules, went even a step forward. Still, the MACR hadn't been defined but states had been limited in prescribing it. The Beijing Rules, especially with the Rule 2.2., had confirmed the idea that law should be stable but not still. It should be given, applicable and changeable according to the necessities of real life

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**Refering to Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights.

***Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. According to Anex 1 of Deyton Peace Agrement for Bosnia and Herzegovina, this convention is to be applied in Bosnia and Herzegovina.

****They were adopted by General Assembly resolution 40/33 of 29 November 1985. From May 22nd 1992. Since Bosnia and Herzegovina is a member of United Nations, these Rules are concerning to Bosnia and Herzegovina as well.

*****   The comment was given at the forty-fourth session of the Committee, regarding Children Rights in Juvenile Justice, in Geneva, in January/February 2007.

and needs of a state. Each state has its own legal tradition, economic, social, political and cultural system, so the establishment of the age limit might vary from one state to another. That is the reason why the actual and fixed age limit has not been given by these rules, but only its main principle and indicators.

The main rule of the Beijing Rules is that the age would not be fixed at too low (Rule 4.1). However, the interpretation of the term "not too low" is a *legal standard* and might be interpreted according to each case. The exact indicators for the establishment of minimum age limit have been also given; such are emotional, mental and intellectual maturity. So, it has been given to a state the right to establish the age limit, but the establishment of it is not a pure formal process. It should be established according to the result of comprehensive scientific research on emotional, mental and intellectual maturity of one states' youth.

c) General Comment No. 10 of Committee of the Rights of the Child

Committee of the Rights of the Child, in the General Comment No. 10, Chapter C. titled "Age and children in conflict with the law", has been especially related to the issue of the minimum age of criminal responsibility (MACR). It emphasized main problems with the establishment of the minimum age, significance of the minimum age limit and gave the recommendation regarding to this topic. It has been explained that the reason for giving the clear guidance and recommendations regarding the minimum age of criminal responsibility had been the wide range of minimum ages in use (UN Committee General Comment No. 10, 2007, para. 30).

The Committee has explained the importance of establishment of minimum age limit. According to the General Comment, children who commit an offence at an age bellow that minimum would be held irresponsible in a penal law procedure and children at or above the MACR, but who are younger than 18 years, can be formally charged and subject to penal law procedures, but in that procedure the main principles of the Convention of the Right of Child would be implicated (UN Committee General Comment No. 10, 2007, para. 32).

It was clearly said that even though the exact age as a minimum limit has not been established, but it has been only generalized that the limit shouldn't be too low, the MACR shouldn't be lower from 12 years. If so, then it "would not be internationally acceptable" (UN Committee General Comment No. 10, 2007, para. 32). The most suitable age range of MACR, according to the Committee would be 14 or 16 years because that age contributes to a juvenile justice system which is providing that "the child's human rights and legal safeguards are fully respected" (UN Committee General Comment No. 10, 2007, para. 33).

Comparative review of MACR in the World

Nowadays there are different tendencies among countries regarding reforms of minimum age limit of criminal responsibility. While some countries raise the age limit, some of them lower it. No international document imposes the exact age limit that all countries should prescribe, but only prescribes borders in setting it******. That is why the MACR is different from state to state.

******Božićević-Grbić and Roksandić Vidlička (2011, p. 268) notice that, even if not setting the unique age limit for all countries, there are two similarities noticed in all countries: the idea that children should be treated separately from adults and the practice that young age is usually a mitigating factor.

These different tendencies are result of sociological, traditional, cultural, religious and even scientific influences. For example, American Academy of Child and Adolescent Psychiatry, American Society for Adolescent Psychiatry, and American Psychiatric Association have pointed out certain facts regarding the criminal responsibility of minors. The prefrontal cortex situated in the frontal lobe of humans that is responsible for planning, anticipation of consequences, controlling impulses and is responsible for abstract thinking is under evolution until a person is about twenty-years-old (Death Penalty for Minors, 2016). This scientific finding brings into question the entire concept of punishment of minors and it is in favor to idea of raising the MACR as much it would be possible.

In other hand, some countries are lowering their MACR, with tendency of introducing children of very young age into judicial system, so that educational measures or treatment could be applied towards them. Even though Sergovia Bernabe (2001, p. 77) thinks there is "hardly overcoming divorce between criminal law and pedagogy", nevertheless the main intention of that tendency is helping minors to grow out of crime and possibility of recidivism.

The matter of establishing MACR is a responsible, more scientific than numeric action. According to Škulić (2010, p. 205), in theory there are absolute and relative approaches in establishment of MACR. While the absolute is objective and is focused only in certain number of years, the relative is the one that is based on bio-psychological development of a person. In reality, both of these approaches should be merged in establishing the basics of criminal responsibility of a minor. In Germany there are given specific criteria for establishing maturity and with that prescribing MARC such are: plans for life, independence of parents, independence of people of same age, seriousness towards obligations, external look, age of friends, involvement in love and sex, state of spirit, reality (Giménez-Salinas, 2001).

Even though it's left to every individual state to establish MACR, and even though there are different socio-cultural-traditional backgrounds in states, there have been informally established classes of MACR. According to Cipriani (2009, p. 113, 118) 55 countries of the World are applying presumption *doli incapax* and 75 countries in the World are using the classical MACR. In the USA, 15 states have established MACR with age range 6-10 years and in the remaining states there is no minimum established at all.

MACR	State
7 years	Brunei, Egypt, Estonia, Grenada, India, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Myanmar, Namibia
8 years	Botswana, Indonesia, Kenya
9 years	Bangladesh, Ethiopia, Sharia Law states (girls), Malta,
10 years	Australia, Bhutan Cameroon, Fiji, Ireland, England and Wales, Northern Ireland
11 years	Barbados, Japan
12 years	Afghanistan, Andorra, Angola, Belgium, Brazil, Canada, Costa Rica, Dominica, Ecuador, Georgia, Ghana, Israel, Turkey, Mexico, Morocco, Netherlands

13 years	France, Chad, Gambia, Mali, Greece
14 years	Austria, Germany, Italy, EU Countries, Bosnia and Herzegovina, Serbia, Croatia, Montenegro, Macedonia
15 years	Denmark, Finland, Iceland, Norway, Sweden
16 years	Portugal, Spain, Ukraine, China

*Review of MACR in several countries of the World (Cipriani, 2009, pp. 98-106; Minimum Ages of Criminal Responsibility in Europe)

As it is shown in the table above, most of the European countries set MACR at 14 years. Some of them set even higher MACR, which shows the determination of states from European continent in high MACR. The exception would be Estonia with very low MACR for European standards. In other hand, most of South American states determined MACR at the age 12. African countries show tendency of establishing low MACR. Asian states as well have low MACR.

Cipriani (2009, p. 112) emphasizes the fact that in the last two decades 40 countries increased their MARC (such are UK, Canada, Panama, Ecuador, Mexico, and Lebanon). But, that tendency is not present in the entire World. Countries such are France, Nepal, and Mauritania decreased the MACR. Jimenes Diaz (2015, p. 2) claims that the main reason for lowering the MACR is high fear of juveniles' crime. Public pressure that is led by fear of crime makes the limits of MACR to move down. For example, there is highly discriminatory proposal in Germany on lowering MACR to 12 years only to migrant children, since the there were several cases of crimes perpetrated by migrants' youth (Jiménez Díaz, 2015, p. 121).

MACR in Bosnia and Herzegovina
With the aim to determine whether there were significant differences in regulation of MACR in different periods of criminal law in Bosnia and Herzegovina and in relation to contemporary regulation of MACR in the World, it is necessary to make a historical review and a review of positive law in Bosnia and Herzegovina regarding MACR. Historical review includes analysis of provision related to the MACR according to the Criminal Code of Federative People's Republic of Yugoslavia (1947), Criminal Code of Federative People's Republic of Yugoslavia (1951), Criminal Code of Socialistic Federative Republic of Yugoslavia (1976), Criminal Code of Federation of Bosnia and Herzegovina (1998), Criminal Code of Republika Srpska (2000) and Criminal Code of Brčko District of Bosnia and Herzegovina (2000).

Related to positive law, from year 2003 until 2010 (Republika Srpska and Brčko District and year 2014 regarding Federation of Bosnia and Herzegovina) Criminal Code had been applied as the main positive source of criminal law related to legal status of juveniles in conflict with law. Since then, positive juveniles' criminal law include three l*aws on protection and dealing with children and adolescences in Criminal Procedure* that had been given in Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District. By applying the rule that special law derogates general law (*lex specialis derogat legi*

generali), the special codes******* are to be applied instead of the general code (Criminal Code). The exception has been made with the Criminal Code of Bosnia and Herzegovina (CC BH). Since on States' level of authority special law that is related to issues of juvenile justice hadn't been adopted, at that level of authority in Bosnia and Herzegovina, general law is still applying (Criminal Code of Bosnia and Herzegovina).

Historical review of MACR in Bosnia and Herzegovina

Criminal Code of Federative People's Republic of Yugoslavia (further in text: CC FPRY) had established the MACR on age of 14 years. According to that Code, any person who was under that age was criminally irresponsible (CC FPRY, 1947, art. 7(1)). However, this Code hadn't only prescribed the MACR, but acknowledged the fact that even though people younger than 14 are criminally irresponsible, with their formal criminal act they actually step into criminal zone and in that way they show their possible predisposition of perpetrating crimes in the future. So, general approach of that time was that society mustn't ignore that predisposition and has to prevent their future recidivism. To accomplish that, it had been prescribed that the offender would be given to parents or guardianship office so they could apply educational measures on that person or he/she would be sent into the educational institution (CC FPRY, 1947, art. 7(2)). So even though people under age of 14 were criminally irresponsible, family or specific institution had to apply educational measures so that in that way the sources of their criminality would be abolished.

Exception of criminal punishment had been given also in the article 8. of CC FPRY and it excluded punishment of persons older than 14 years of age, who in the moment of the perpetration of the crime were not aware of the meaning of the action and who couldn't conduct with its actions. Those persons were criminally irresponsible and not punishable and that was regulated according to the basic concepts of Criminal Law, because in their act there was no subjective side. Yet, towards those persons educational measures had to be applied.

Persons older than 14 years had been criminally responsible and all legal sanctions except of the death penalty and imprisonment with lifelong forced labor could have been imposed (CC FPRY, 1947, art. 9(1)). In the choice of the appropriate sanction, court had to especially take in count the level of psychological development of that person. The court was entitled to impose only educational measures towards the adolescent if it would be established that according to the personal characteristics of the perpetrator and the circumstances of the case, it wouldn't be needed to impose penalty, and if the adolescent was older than 14 years of age but younger than 16 years of age (CC FPRY, 1947, art. 9(2)). The aim of this possibility was to prevent the person who was not fully physically and psychologically mature, from reaching into the system of punishments that would label that adolescent as convicted person for lifetime.

The same MACR had been established in the Criminal Code of Federative People's

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******* Those are: *Law on protection and dealing with children and adolescences in Criminal Procedure (in Federation Bosnia and Herzegovina; further in text: Children and Adolescents Code FBH)*, *Law on protection and dealing with children and adolescences in Criminal Procedure (in Republika Srpska; further in text: Children and Adolescents Code RS)* and *Law on protection and dealing with children and adolescences in Criminal Procedure (in Brcko District BH; further in text: Children and Adolescents Code BDBH).*

Republic of Yugoslavia (further in text CC FPRYa), since person who hadn't been 14 years old in the moment of perpetration of the crime, was criminally irresponsible (CC FPRYa, 1951, art. 5(1)). Just like according to the previous Code, court could set educational measures towards that person.

The fact that one person was 14 years old in the moment of perpetration of crime hadn't been the guaranty that will be held criminally responsible. According to the Article 5(2) of this Code, if adolescent couldn't understood the importance of his act and control his actions due to his psychological underdevelopment, that person had been criminally irresponsible. This leads to the conclusion that criminal responsibility of adolescents who were 14 years old was being determined in each case separately, which is quite according to general concept of criminal responsibility in Criminal Law. Without mental competence there is no criminal responsibility. This Code also provided classification of adolescents into younger and older adolescents; younger ones were older than 14 years of age, but younger than 16. Adolescents older than 16 years of age were older adolescents. Both of them were criminally responsible but the main difference in their legal status was the type of criminal sanction that could have been imposed (CC FPRYa, 1951, art. 67 and 71).

Criminal responsibility of persons younger from 14 years of age was excluded as well in Criminal Code of Socialistic Federative Republic of Yugoslavia (further in text CC SFRY). This Code had indirectly defined a child to be a person who in the moment of perpetration of crime hadn't been 14 years old (CC SFRY, 1976, art. 72). Adolescents had been classified in two groups, but with some differences from the regulation with the previous Code. Younger adolescent was a person who was 14 but not 15 years old, and older adolescent was a person who was 15 but not 18 years old. So, the main difference from previous codes and this one was in the age limit that differs younger from older adolescents.

Newer history of Bosnian and Herzegovinian criminal law had been established from 1998 (with Criminal Code in Federation of Bosnia and Herzegovina) and 2000 (with Criminal Code of Republika Srpska and Criminal Code of Brčko District). From dissolution of SFRY until these years, criminal law from SFRY had been applying. These three codes had the same regulation of MACR and classification of adolescents. Indirectly, just like CC SFRY, all three of them had defined "child" to be a person who was not 14 years old (Criminal Code of Federation of Bosnia and Herzegovina, 1998, art. 71; Criminal Code of Republika Srpska, 2000, art. 67; Criminal Code of Brčko District BH, 2000, art. 71). The criminal punishability was excluded for children. Adolescents were persons who were 14 years old, they were punishable. Classification of adolescents had been made and there were differed younger (14-16 years of age) and older (16-18 years of age) adolescents. So basically, the same tradition in establishing MACR had been continued.

MACR according to positive law in Bosnia and Herzegovina

Even though there are three different laws on protection and dealing with children and adolescences in Criminal Procedure in Bosnia and Herzegovina, that had been given at three states authorities (Federation of Bosnia and Herzegovina, Republika Srpska and Brčko Distrikt BH), and have some differences in providing legal status of juveniles, regarding the matter or MACR their provisions are harmonized. All three of them define who is a child, who is an adolescent and classify adolescents.

According to positive special laws on protection and dealing with children and adolescences in Criminal Procedure in Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District BH, the minimum age limit for criminal responsibility has been established at 14 years of age (Children and Adolescents Code FBH, 2014, art. 2(2); Children and Adolescents Code RS, 2010, 2(2); Children and Adolescents Code BDBH, 2010, art. 2 (2)). Persons who were not 14 years old in the moment of perpetration of the crime can't be sanctioned. In other hand, all three laws gave a definition of a term "child" in a way that child is every person who is not 18 years old (Children and Adolescents Code FBH, 2014, art. 2(1); Children and Adolescents Code RS, 2010, 2(1); Children and Adolescents Code BDBH, 2010, art. 2 (1)).

Furthermore, the definition of a term "adolescent" had been also given. That is a person who in a moment of a crime perpetration was 14 years old, but was not 18 years old (Children and Adolescents Code FBH, 2014, art. 2(3); Children and Adolescents Code RS, 2010, 2(3); Children and Adolescents Code BDBH, 2010, art. 2 (3)).

According to *leges speciales*, all adolescents are children, and the term "child" is prescribed widely in comparison to a term "adolescents". Adolescents can be sanctioned. By all three laws, there are two groups of adolescents: younger adolescents and older adolescents. Younger adolescents are persons who were 14 years old but not 16 years old in a moment of perpetration of the crime. Only educational measures can be imposed to them. In other hand, persons who were 16 years old, but not 18 years old in the moment of perpetration of the crime are older adolescents Children and Adolescents Code FBH, 2014, art. 3(1) and 3(2); Children and Adolescents Code RS, 2010, 3(1) and 3(2); Children and Adolescents Code BDBH, 2010, art. 3(1) and 3(2)). They can be sentenced to educational measures, but in certain cases they can be punished with juvenile imprisonment. Both groups however can be sanctioned with security measures as well.

Related to *lex generalis* that is still applying at the States level of authority, it also provides MACR, through definition of term "child" and "adolescent", differs groups of adolescents, but all that with certain differences from *leges speciales*.

Even though this Code gives the same MACR as the special codes, it prescribes different definition of a term "child", by defining that a child is a person who is not 14 years old (Criminal Code of Bosnia and Herzegovina, 2003, art. 2(11)). This definition is different from the definition of a term "child" according to the Convention on the Rights of Child as well. If the grammatical interpretation of this provision and those in *leges speciales* is used, then the one given by the CC BiH is narrower, since person from 14 to 18 years is not a child. According to provision of Article 2 (12) of CC BiH that person is adolescent, because it's not 18 years old. The States' Criminal Code has the same provisions regarding to the classification of adolescents and their sanctioning as *leges speciales* have (Criminal Code of Bosnia and Herzegovina, 2003, art. 80 (2) and 80 (3)).

Conclusion

The position of the child in Criminal Law is specific. No matter being victim or the perpetrator, children are specific and sensitive category determined with their psychological and physical (in)maturity (Horvatić, Derenčinović and Cvitanović, 2016).

The question of maturity that can lead to conclusion that somebody is responsible and guilty for the committing of a criminal act is an individual matter. Decision of establishing

MACR is an intention of diverting individual state of mind to a general rule. That is why that topic is so challenging. It is quite understandable that marking MACR is not a numerical function but numerical result of systematic sociological, pedagogical and psychological estimations. That is also one of the reasons why international documents don't prescribe exact number for MACR, but leave to the states to decide about it. In other hand, Committee of Right of the Child clearly recommended the border of MACR to be 14 or 16 years. In the comparative analysis it is to be seen that there are different MACRS prescribed in the World and that states which are linked by geographical, historical or legal system similarities prescribe the same/similar MACR. It's obvious that there are different politics regarding lowering or increasing the border for MACR, even though there are clear recommendations given regarding MACR, states decide to decrease it bellow the recommended age.

Even though the true reason for decreasing the MACR in several states is in fact the fear of crime of minors and commitment of those states in not ignoring the fact that even younger persons in reality commit very serious crimes, so that lowering the limit would make them criminally responsible and involved in criminal law (justice) system. This idea, observed from the surface, it can seem like it is something not according with the modern criminal law perspective towards minors, that consists of finding the best treatment for them instead of punishing them. But, this politics might be the exact product of that perspective. If a child commits a crime it shows possible propensity in committing crimes in future and that should be understood as an alarm because the offence itself can be a sign of a need for treatment.

Punishment is not anymore the most used legal sanction, but there is wide choice of educational and protective measures that can be imposed on minor and divertive procedures that neutralize the problem of conviction labels. So, if only divertive procedures and alternative measures would be used towards very young minors, then the intention of decreasing MACR wouldn't be undesirable, nor the wrong path. In that way the suitable treatment would be provided for children so their recidivism might be prevented. However, this conclusion has its limitations since some countries in the world still don't use principles of restorative justice towards minors, but find punishment to be the most successful and useful legal sanction. There, inclusion of children in criminal and penal system might have negative effect in their future life. Furthermore, in contemporary criminal law, social factors are recognized as one of the main causes for criminal activity of the minors, which leads to the clear conclusion that, to solve this "problem", prevention needs to play most important role, not the criminal sanction applied only after the criminal offence is committed (see National Research Council and Institute of Medicine, 2001, 107). In accordance to that, some European countries, respecting the fact that the child is a person under the age of 18 years, and, although drawing the line on 14 years of the age border, provides the possibility that Criminal code will not be applicable if the special code for minors provides differently (Criminal Code of Croatia, „Narodne novine" No. 25/11).

In Bosnia and Herzegovina MACR didn't suffer through any changes in time. The constant minimum age of criminal responsibility was and still is 14 years of age. With the exception of the provisions of CC SFRY, even the border in distinction between younger and older adolescents remained the same through ages. Yet, in new, special codes that refer

the protection and dealing with children and adolescences in Criminal Procedure the term *child* got different meaning which is different from the meaning provided in Criminal Code of Bosnia and Herzegovina. Without any doubt, different regulation of the same thing in one country is impermissible because legal position of a child in the territory of one state should be the same and that refers to understanding of term *child* as well. In this way, Bosnia and Herzegovina and its legal system, don't respect basic principle in treatment of the children: its best interest, neglecting the fact that those children are its future.

References

Božićević-Grbić, Melita and Roksandić Vidlička, Sunčana. (2011). Reforma maloljetničkog kaznenog prava i sudovanja. *Hrvatski ljetopis za kazneno pravo i praksu , 18* (2), Zagreb;

Bryan-Hancock, Claire and Casey, Sharon. (2011). Young people and the Justice System: Consideration of Maturity in Criminal Responsibility. *Psychiatry, Psychology and Law,18* (1). Routledge;

Cipriani, Don. (2009). *Children's Rights and the Minimum Age of Criminal Responsibility - A Global Perspective* . Routledge.

Convention on the Rights of the Child. (1989).

Criminal Code of Republika Srpska. (2000). Official Gazette of Republika Srpska, No. 22/00, 37/01;

Criminal Code of Socialistic Federative Republic of Yugoslavia. (1976). Official Gazette of Socialistic Federative Republic of Yugoslavia, No. 44/76, 36/77, 34/84, 37/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90, 35/92;

Criminal Code of Bosnia and Herzegovina. (2003). Official Gazette of Bosnia and Herzegovina, No. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07,8/10, 47/14;

Criminal Code of Brčko District BH. (2000). Official Gazette of BD BH, No. 6/00, 1/01, 3/03;

Criminal Code of Croatia. (2011). Narodne novine, No. 25/11);

Criminal Code of Federation of Bosnia and Herzegovina. (1998). Official Gazette of Federation Bosnia and Herzegovina, No. 43/98;

Criminal Code of Federative People's Republic of Yugoslavia. (1947). Official Gazette of FPRY, No. 106/47;

Criminal Code of Federative People's Republic of Yugoslavia. (1951). Official Gazette of FPRY, No. 13/51, 30/59;

Crofts, T. (2003). Doli Incapax: Why children deserve their protection. *Murdock University Electronic Journal of Law, 10/3*. Retrieved o 01.12.2016, from http://www.austlii.edu.au/au/journals/MurUEJL/2003/26.html;

Ćorović, Emir and Ganić, Senad. (2016). Osnovne karakteristike šerijatskog krivičnog prava u poređenju sa dominantnim krivičnopravnim sistemima. *Strani pravni život* (3), Belgrade;

Death Penalty for Minors. Retrieved on 01.12.2016., from: https://deathpenalty.uslegal.com/minors/death-penalty-for-minors/;

Elliott, Catherine. (2011). Criminal Responsibility and Children: A New Defence Required to Acknowledge the Absence of Capacity and Choice. *The Journal of Criminal Law*.

Fagan, Jeffrey. (2000). *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court.* University of Chicago Press;

Giménez-Salinas, Esther. (2001). Principios orientadores de la resopnsabilidad penal de los menores. *Responsabilidad penalde los menores:una respuesta desde los derechos humanos in Collection «Jornadas sobre derechos humanos».* San Santiago: Artateko;

Horvatić, Željko, Derenčinović, Davor and Leo Cvitanović (2016). Kazneno pravo, opći dio - prvi dio; Pravni fakultet Sveučilišta u Zagrebu;

Howard, Helen and Bowen, Michael. (2011). Unfitness to Plead and the Overlap with Doli In-

capax: An examination of the Law Commission's Propsals for a New Capacity Test. *The Journal of Criminal Law*. Sage Publications;

Jiménez Díaz, Maria Jose. (2015). Algunas reflexiones sobra la responsabilidad penal de los menores. *Revista Electrónica de Ciencia Penal y Criminología*. No. 17-19;

Law on protection and dealing with children and adolescences in Criminal Procedure. (2010). Official Gazette of Republika Srpska, No. 13/10, 61/13;

Law on protection and dealing with children and adolescences in Criminal Procedure. (2010). Official Gazette of District Brčko of Bosnia and Herzegovina, No. 2/10, 44/11;

Law on protection and dealing with children and adolescences in Criminal Procedure. (2014). Official Gazette of Federation Bosnia and Herzegovina, No. 7/14;

National Research Council and Institute for Medicine. (2001). *Juvenile Crime, Juvenile Justice; Panel on Juvenile Crime: Prevention, Treatment.* Control Committee on Law and Justice;

Minimum Ages of Criminal Responsibility in Europe. Retrieved on 01.12.2016. from https://www.crin.org/en/home/ages/europe;

Nayyeri, M. H. Criminal Responsibility of Children in the Islamic Republic of Iran's New Penal Code. Retrieved on 01.12.2016. from http://www.iranhrdc.org/english/publications/legal-commentary/1000000054-criminal-responsibility-of-children-in-the-islamic-republic-of-irans-new-penal-code.html.;

Richards, K. (2011). What makes juvenile offenders different from adult offenders? *Trends & issues in crime and criminal justice*. No. 409. Australian Government and Australian Institute for Criminology;

Segovia Bernabé, J. L. Responsabilidad penal de los menores: una respuesta desde los derechos humanos. *Responsabilidad penal de los menores: una respuesta des de los derechos humanos;Collection «Jornadas sobre derechos humanos».* No. 5. San Santiago: Artateko (2001);

Škulić, M**ilan. (2010).** Starosna granica sposobnosti za snošenje krivice u krivičnopravnom smislu, *Crimen , 1* (2);

UN Committee General Comment No. 10. (2007);

United Nations Standard Minimum Rules for the Administration of Juvenile Justice - "The Beijing Rules". (1985);

Urbas, G. (2000). The Age of Criminal Responsibility ;. *Trends & issues in crime and criminal justice.* No. 181. Australian Government and Australian Institute for Criminology;

Wishart, H. (2013). Was the abolition of the doctrine of Doli Incapax necessary?. *UK Law student Review , 1* (2).

SINO-RUSSIAN RELATIONS IN CENTRAL ASIA SINCE THE END OF THE COLD WAR: INTERACTION, COOPERATION AND CHALLENGES

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Abstract

The paper analyzes Sino-Russian relations in Central Asia since the collapse of the Soviet Union. The goal of the analysis is to place the Sino-Russian relations within an appropriate theoretical context and provide a possible outcome of the current balancing in Central Asia. The analysis relies on the Chinese and Russian investments in energy resources, security initiatives, mutual cooperation and activities to contain the US expansion in Central Asia. Although over the last few decades Sino-Russian relations have been based on the US containment policy, security and economic partnership, their relationship is rather complex. The period of severe conflicts between 1917 and 1950 was followed by a progressive era of oil exploration, student exchanges and various other partnerships. The Sino-Russian rapprochement ended in 1960 and started again in 2008. Although they currently have many common interests, Central Asia remains an area of potential dispute for both countries. Analyzing recent Chinese investments in Central Asia, it becomes obvious that Beijing does not intend to withdraw from the region, while Russia is unlikely to continue tolerating the rising Chinese influence in Central Asia, as the Russian role has already been significantly reduced in this region. The pipeline that was supposed to connect Siberia with the Chinese province of Xinjiang has been postponed because Putin believes that it could give China advantage over Russia's internal, as well as external political processes. Putin's decision did not stop China's expansion in Central Asia and Russia is expected to invest significant efforts in order to avoid the Chinese dominance in the region. The Chinese expansion and Russian stagnation complicates their mutual relations, and things get even more complicated if growing US presence in Central Asia are taken into account. This paper analyzes the above-mentioned issues and provides a possible outcome of the current Sino-Russian balancing in Central Asia.

Keywords: Russia, China, Central Asia, Interaction, Challenges, and Cooperation.

Introduction

The relationship between China and Russia have always been complex and varied from hostile to friendly. Periods of war and clashes over territory were followed by various alliances and friendly relations. After the collapse of the Soviet Union, the Russian Federation was focused on its internal affairs, while Chinese activities spread to Central Asia, influencing their relations and perception of each other. China's current rise in Central Asia represents a great strain on Sino-Russian relations because Russia perceives itself as a world power whose dominance over the former Soviet Union republics goes without saying. In addition, Russia depends on Central Asian energy resources and labor, and its control over them gives Russia a certain advantage over the region (Rumer, 2006). For this reason, China's growing political and economic power is

often perceived by Russia as a threat to its economic development and potentially to the Russian national security.

On the other hand, China views Russia through the prism of their past relations that is as unreliable and unpredictable actor in opposing the US unipolarity in Asia (Dueben, 2013). The Chinese influence in Central Asia has been growing due to the expanding trade, acquisition of energy resources, and overall rise as a major world power (Rumer, 2006). Central Asia has become one of China's strategic interests because Beijing's massive land borders with the Central Asian republics and Russia carries none of the geographical risks of the increasingly volatile South China Sea (Panda, 2015). Central Asia is also attractive to other countries and international oil companies because of the recent discovery of large oil and gas deposits, which additionally complicates the Sino-Russian relations. According to Eder (2014), Kazakhstan has oil and considerable reserves of gas; Uzbekistan has gas and relevant oil reserves; Turkmenistan has gas; Kyrgyzstan and Tajikistan have hydropower; all the Central Asian states have certain uranium reserves and Kazakhstan alone holds about 20% of the world reserves. Therefore, it is no wonder that both China and Russia see Central Asia as a region of their vital interest.

This paper analyzes the Sino-Russian interaction, cooperation and challenges in Central Asia,focusing on the period since the collapse of the Soviet Union. The analysis relies upon the major theories in International Relations, Constructivism, Liberalism and Realism. The goal is to identify a single theoretical framework within which both countries operate and then, based on thetheoretical framework, to determine possible outcomes of the current Sino-Russian balancing in Central Asia.

Sino-Russian Relations since the 17th Century

This section provides a brief overview of complexities in the Sino-Russian relations since the 17th century. Chen Lulu claims that the Sino-Russian relations have always been in one of the four categories: oppression, alignment, resistance or normalcy (in Eder, 2014). In Yu Bin's (2007) terminology, hierarchy can be equated with Chen's stages of oppression, alignment and resistance, and the equality with the stage of normalcy. From the 17th century until the Bolshevik Revolution in 1917, the oppression emerges as the preeminent pattern of Sino-Russian relations, with Russia in a dominant position. The Russian self-perception was also linked with the notion of a "yellow peril" or "yellow threat", the fear of a possible return of an oppressor from the East (Eder, 2014). According to Yu's (2007) classification, this was the period of hierarchy. Lo claims that this fear of uncivilized, culturally inferior East still resonates with parts of the Russian populace and it proved itself to be remarkably durable (in Eder, 2014). Even Dmitry Medvedev, a former Russian President, warned in 2010 that, if Russia did not step up the level of activity of its work in the Russian Far East, Russia would lose everything (Kucera, 2010).

The Opium Wars in the mid-19th century weakened the Chinese Qing Dynasty and the Sino-Russian relations began to change. In a series of unequal treaties, Russia extracted more than 1.5 million km² of land from China and it was the period of very high tensions between the two countries. In 1905, Russia lost war to Japan and its expansionism ended. However, a period immediately after the war between Russia and Japan was marked by numerous border disputes between China and Russia, and Russians in the bordering areas

fear that the disputes with China are still not resolved. In addition, many Chinese perceive Russia as an aggressor and hegemon. During the 1937-1945 war against Japan, the Soviet Union provided financial, technical and advisory support to China but because of Stalin's attitude after the end of war that a weak and divided China would serve Soviet interests China felt treated as if it had been on the losing side, not only by the Western powers, but also by the Soviet Union. This reluctance and maneuvering on the Soviet side was another root for distrust between the two countries (Eder, 2014).

The so-called "Honeymoon Phase" in Sino-Russian relations came after the establishment of the People's Republic of China in 1949 (Eder, 2014). Mao Zedong, Chairman of the Chinese Communist Party, adopted the "leaning-to-one-side" policy, joining the socialist camp and following the Soviet model. Their relationship remained hierarchical, making the Soviet Union the "big brother" in Confucian terms (Wilson, 2004). The "Great Leap Forward" was abruptly interrupted by the Soviet Union in 1960, delivering a severe blow to the Chinese economy (Eder, 2014). According to Dueben (2013), the Soviet military threats replaced strong involvement in the Chinese policy decisions. After the initial spell of professed socialist 'brotherhood' and intense political and economic cooperation in the 1950s, Beijing and Moscow rapidly plunged into a bitter strategic enmity. The persistent mutual hostilities and territorial disputes culminated in an open border war in 1969, resulting in repeated mutual nuclear threats. The tensions between China and the Soviet Union started developing and there was a massive troop build-up along their borders, which led to several clashes. Worried about a possible Soviet invasion, President Mao turned to the United States and the phase from 1960 to the early 1980s was the worst period of the Sino-Russian relations (Eder, 2014). According to Lo Bobo (2008), China's "century of humiliation" was unacceptable to the Chinese leadership and the subordinate relationship with Russia ceased during the 1990s, after the collapse of the Soviet Union. Wilson (2004) claims that at the turn of the century Russia was weaker than China and since the end of the Cold War events between the newly founded Russian Federation and a reformist People's Republic of China have taken a turn in the opposite direction. After three decades of seemingly insurmountable suspicion and bilateral crises, the post-Cold War period has witnessed a remarkable renewal and strengthening of the Sino-Russian relations. Bilateral institutions, which were almost entirely absent until the mid-1990s, have rapidly proliferated into a dense network of commissions and sub-commissions, working groups, and institutionalized exchanges, encompassing virtually all aspects of interaction between China and Russia (Dueben, 2013). According to Wishnick, the Soviet Union began to withdraw troops from Afghanistan and the Chinese border. The Soviets also pushed Vietnam to leave Cambodia while both regimes agreed to settle their border issues, which in 1992 led to the ratification of the first agreement on the eastern part to reduce troops in border regions and use no force in their interactions (2001).

Yu (2007) explains that the process of de-ideologization began in the 1990s with the return of the national interests as both the philosophical and operational principles, and this did not necessarily mean a switch to a Machiavellian "ends-justifying-means" approach, but rather practicality in the pursuit of their respective national interests. Despite their mistrust towards Yeltsin and the Democrats in Russia, the Chinese treated new developments as an internal matter and swiftly recognized the Russian Federation, as well

as all other successor states of the Soviet Union on December 27, 1991 (Eder, 2014). Until the beginning of war in Chechnya in 1994, Russia kept criticizing China's human rights record (Wilson, 2004), but in 1994 the Yeltsin government, disappointed and criticized by the West for war in Chechnya, tried to rebalance its foreign policy and discovered many similarities with the PRC regarding the international issues, which led to steady repetition of the principle of non-intervention –eventually coming to mean non-criticism. Moscow stopped criticizing China's human rights record and the Chinese side reciprocated by supporting Russia's Chechnya policy and criticizing NATO expansion (Eder, 2014). This period was considered to be the inception stage of normalcy in Sino-Russian relations. It led to a "strategic partnership" in April 1996, when the leaders of the PRC, Russia, Kazakhstan, Kyrgyzstan and Tajikistan met in Shanghai to discuss border demarcation and military cooperation in the border regions (Eder, 2014). The group was known as the "Shanghai Five" and it later evolved into the Shanghai Cooperation Organization (Lo, 2008). In addition, Moscow and Beijing protested against the US and NATO actions (independent of the UN) in Iraq in 1998 and in Kosovo/Serbia in 1999, and they further criticized the US national missile defense system (NMD) and the theater missile defense system (TMD) intended to be developed together with Japan.

The above-mentioned initiatives illustrate China's shift to the Russian side, but also the Sino-Russian alignment in opposing the US unipolarity. As Wishnick (2001) explains, China joined forces with the US in the 1970s and 1980s against the Soviet hegemony, while in the 1990s China and Russia aligned against the U.S. unilateralism in world affairs. After Putin came to power in December 1999, China became Russia's biggest weapons customer (Eder, 2014). Both countries wanted to establish a stable environment for the economic development and they both benefited from the resolution of border issues, agreeing to remain flexible and independent in their foreign policy decisions. However, when it comes to their mutual relations, Maçães (2016) claims that Russians feel deceived if China does not extend its economic power to them, but they also feel threatened if it does. He adds that there is little or no escape from this double movement.

Eder (2014) claims that after September 11, 2001 Russia started aligning with the US, letting the Americans into Central Asia, but also that Russia, after the US invasion of Iraq in 2003, aligned with China against the US. The financial and economic crisis that began in late 2008 hit the Russian Federation heavily and, according to Liu, it led to an adjustment of Moscow's policy towards China (in Eder, 2014). Half of the Bolshoy Ussuriysky Island, once occupied by the Soviet Union, was returned to China in 2008 (Maçães, 2016). The US and Europe tried to reset relations with Russia and Washington cancelled a missile shield, which it planned to install in Poland and the Czech Republic, and NATO also halted its eastward expansion. Liu adds that crumbling oil and falling gas prices made Kremlin develop a long-term plan and actively strive for a diversification of the Russia's economy and its exports (in Eder, 2014). With less need for geopolitical cooperation and economic development that became an imperative, the Sino-Russian relations took a new direction that enabled both countries to remain flexible and independent in their foreign policy decisions. The pipeline linking Siberia with China's Daqing was finally signed in 2009 (Eder, 2014). These developments indicate that external forces influence Sino-Russian relations and that they can change their mutual perception.

Apart from rather competitive approach to Central Asia, Sino-Russian relations since 2009 have been pretty stable and marked with the Sino-Russian rapprochement, containment of the US unipolarity in Asia and membership in various international organizations such as Shanghai Cooperation Organization, BRICS, UN Security Council, etc. Ying claims that "the Sino-Russian relationship is a stable strategic partnership and by no means a marriage of convenience: it is complex, sturdy, and deeply rooted. Changes in international relations since the end of the Cold War have only brought the two countries closer together" (Ying, 2016, para. 3).

Major IR Theories and Sino-Russian Relations in Central Asia

This section presents the analysis of Sino-Russian relations in Central Asia since the end of the Cold War based on major IR theories, Constructivism, Liberalism and Realism, aiming to determine a single theoretical framework appropriate to encompass as many as possible aspects of Sino-Russian relations in Central Asia. The authors are aware that a single theory might not cover all elements of the Sino-Russian relations, but the aim is to look into major activities, such as investments in energy resources and security, and mutual relations of the two countries in Central Asia since the end of the Cold War, place them into the most appropriate theoretical framework and draw certain conclusions about the possible outcomes of the current balancing. The following paragraphs look into the Chinese and Russian activities in Central Asia from the realist, liberal and constructivist perspective.

The Realists are generally pessimistic about interstate relations and the idea that the international system is defined by anarchy is at the core of the realist approach. Although certain aspects of realism dominate some periods of Sino-Russian relations, this IR theory may not be appropriate to describe the relations between Beijing and Moscow in Central Asia. As Slaughter (2001) explains, the most important premise of this theory is that there is no central authority and that states are sovereign and autonomous of each other. There is no such thing as an inherent structure or society that can emerge or even exist to enforce relations between them, and they are bound only by forcible consent. However, both China and Russia are BRICS member states (BRICS Information Centre, para. 1); veto powers on the United Nations Security Council (Voting System and Records); and they both want to oppose the US unipolarity (Ikenberry, 2004). They both use international institutions to support each other in their respective issues in order to position themselves in Central Asia and other regions of the world (e.g. Syria and the South China Sea). Besides membership in the international organizations and unions, they are also members of the Shanghai Cooperation Organization, whose goal is security and stability in the Central Asian region. Therefore, China and Russia do depend on each other in many areas and, as previously explained, some of them are trade, energy and economy. China is also aware that the situation in Xinjiang province could escalate because Uighur people who are mostly Muslims want their independence (BBC, 2014). For this reason, stability and security in Central Asia are very important to China, and Beijing relies on Russia regarding this issue (Muzalevsky, 2009). Russia is also interested in the stability of this region because of oil and gas trade, but also because of its own security, especially in the province of Tatarstan that is predominantly populated by Muslims. All of the coordinated efforts by China

and Russia are indicators of cooperation, but also of interdependency in Central Asia. In addition, China's two-way growth has long been based on energy import and goods export. As Payne explains, "the oil will continue to flow east and goods will continue to ship west" (2016). Russia is among the largest oil and gas exporters and significant weapons suppliers to China. Taking into account the above-mentioned areas of cooperation, it becomes obvious that China and Russia depend on each other and that Central Asia plays a significant role in their relationship.

The Realists also emphasizes that relative material power shapes states' behavior. Eder (2014) claims that people who ignore this basic insight will often waste their time looking at variables, which are actually epiphenomenal. Indeed, Russia and China had many border disputes over the past centuries that depended on their relative power, but since the dissolution of the Soviet Union in 1991, Sino-Russian relations have changed and they became more stable and friendly. This change in Sino-Russian relations also includes change in relative power of both countries. In 2015, China became the second largest economy in the world (The World Bank, 2016), four Chinese banks ranked among the five biggest in the world (Bhattacharya, 2015) and China was the world's second-largest military spender (Wong & Buckley, 2015). In comparison with the former Soviet Union, the Russian Federation does not have a dominant position over China, and after the discovery of large oil and gas deposits in Central Asia (Arvanitopoulos, 2002), Russia was simply not able to stop China's expansion into the region. The Chinese expansion illustrates an aspect of the realist approach that emphasizes the importance of the relative power of states in international politics. China does not use its military power to achieve its investment goals in Central Asia, but its military power is certainly a significant factor that determines Russian reaction to the Chinese activities in the region. However, although there are elements of the Sino-Russian relations that fit the 'realist framework', there are significant aspects of their relationship (e.g. cooperation within international institution) that are beyond the scope of Classical Realism.

The Liberalists believe that national characteristics of individual states influence their international affairs (Slaughter, 2011). According to Yu Bin (2007), the Liberalists share a negative outlook on long-term cooperation, if the two countries in question are not democracies. China and Russia have changed their structures as well as mutual relations many times over the past centuries. After the fall of Communism in Russia and death of Mao Zedong in China, many groups in both states became dominant and left their mark on both Chinese and Russian foreign affairs and their mutual relationship. China is still a Communist country, while Russia accepted Democracy. This means that, according to the liberal theory, one of the main conditions for two countries to establish long-term cooperation is not met. The Liberalists do not perceive states as 'black boxes' seeking to survive in an anarchic system but rather as configurations of individual and group interests that project into the international system through a particular kind of government and, while survival may remain a key goal, commercial interests or ideological beliefs are also important (Slaughter, 2011). In addition to the Chinese expansion into the region of Central Asia, Putin's controversial decision not to build the Russia-China pipeline (Eder, 2014) and the Chinese investment activities in the Caspian region indicate that liberal theory is not appropriate to explain Sino-Russian relations in Central Asia. The relationship between these two countries is more complex and dynamic and, although

they support each other in certain regions of the world, China and Russia are competitors in others.

When it comes to the constructivist approach - and the "identity literature" on Sino-Russian relations - Yu Bin (2008) claims that China and Russia mostly do not see an "ideational" basis (i.e. cultural basis) for stable Sino-Russian relations. Slaughter (2011) adds that Constructivists believe that e.g. military power, trade relations, international institutions or domestic preferences are important because they have certain social meanings and not because they are objective facts about the world. He explains that a complex and specific mix of history, ideas, norms and beliefs form this meaning and scholars need to understand it in order to explain the behavior of a state. The perception of friends and enemies, fairness and justice becomes determinant of a state's behavior and Constructivists stress that varying identities and beliefs belie the simplistic notions of rationality under which states pursue survival and power or wealth. For example, China did not like the Russian attempt to cause war between China and Japan, but Beijing did not overreact (Eder, 2014). This can be explained by China's plan to retain an important energy partner that can help secure the energy supplies in Central Asia. In addition, the Constructivists emphasize the importance of non-state actors and believe that NGOs or transnational corporations have an important role as - through rhetoric or other forms of lobbying, persuasion and shaming - they can alter state beliefs about various issues (Slaughter, 2011). Dueben (2013) explains that institutions serve to embody norms and rules and thereby instill international interaction with greater certainty and predictability. Institutions do not modify underlying state interests; rather, by changing the informational environment and other constraints on governments, they make it easier for self-interested states to cooperate reliably with one another. The above-mentioned aspects of the constructivist theory can certainly be identified in the Sino-Russian relations because international institutions play an important role in their relations, and their mutual perception is important in determining IR policies towards each other. In Central Asia, mutual perception of China and Russia has varied since 1991, although they had the same view on many international and regional issues (e.g. US unipolarity). According to Eder (2014), Russia perceives China in Central Asia in a way as the EU in case of Ukraine, and in the bordering areas as a "yellow peril", which is a legacy of the Mongol empire and partially due to a large number of illegal Chinese immigrants. On the other hand, China sees Russia as an aggressor and an unreliable partner in opposing the US unipolarity in Asia. However, there are other aspects of Sino-Russian relations outside the constructivist scope. As mentioned in previous sections, in a series of unequal treaties in the 19th century, Russia extracted more than 1.5 million square kilometers of land from China while, according to Kuo & Tang (2015), the Chinese growing influence in Central Asia undermines an important Russian objective that is the monopolistic position among the Chinese Central Asian suppliers. China is not willing to negotiate with Russia regarding its withdrawal from this region and it is using its economic, technological and diplomatic, as well as - to a certain extent - military power to secure its activities in Central Asia, which is rather a realist approach. Both countries invest a lot in the military arsenals and their international initiatives rely heavily on their military and economic power. In addition, Russia uses its gas and oil as one of the main 'weapons' without any reluctance. Moscow does not hesitate to 'blackmail' other governments with rising prices of oil and

gas, reduced supplies (Kanter, 2016) or with increased taxes for the use of its pipelines inherited from the Soviet Union. Therefore, both Russia and China often act in line with the realist approach. Outside the Central Asian region, both countries often act in line with the realist theory. For example, in 1999, Russia invaded Chechnya and in 2008 Georgia, while in 2016 it sent its troops to Syria (Sanger, 2016). China is constructing facilities on the disputed islands in the South China Sea, and in 2015 it established a military base in Djibouti (Kleven, 2015). Also, China acts pretty violently in international territorial disputes (Hung, 2016), and Beijing is planning to enforce an air defense identification zone (Underwood, 2016) in the South China Sea. Therefore, Chinese and Russian activities in Central Asia, as well as in other regions of the world, indicate that constructive approach is not fully applicable and that in some cases realist approach is much more adequate. After the brief analysis of the Sino-Russian relations in Central Asia through the prism of Realism, Liberalism and Constructivism, the authors are of the opinion that the neoclassical realisttheory may be the most appropriate to approach the Chinese and Russian activities and their relationship in Central Asia.

The neoclassical theory perceives the world as the anarchy that consists of states and tries to explain the outcomes of state interactions, while the relative power of the states is important because it shapes the states' opportunities for action in international relations (Eder, 2014). The elite perception, as well as internal and external variables determine the choice of foreign policies of a state (Eder, 2014). According to Rose (1998), neoclassical realist approach tries to explain the outcomes of state interactions and, depending on the relative power of the respective units within the structure, systemic pressures shape the units' opportunities for action in international relations. Neoclassical realist approach explicitly incorporates both external and internal variables and, according to Eder (2014), intervening variables on the unit level (domestic processes) determine which foreign policies are adopted in reaction to those pressures. Tang (2009) explains that neoclassical realism considers structure to delimit a state's goals, while domestic politics contribute heavily to the strategies a state adopts in order to reach those goals (actual state behavior). In order to understand the latter, Tang claims that one has to deal with a state's specific interests, which are not given by the system structure, but "constructed by elites through a discourse" (2009). In short, this approach emphasizes the importance of several elements: the world as anarchy of the international system that consists of states, relative power of states, outcomes of state interactions, elite's perception and structure of states.

According to their population and landmass, China and Russia are among the largest countries in the world and their border stretches over more than 4000 kilometers. They are both important economic players and among the leading military powers in the world. Both countries command extensive nuclear arsenals and they are veto powers on the United Nations Security Council (Dueben, 2013). China and Russia are also BRICS member states and share interest in developing their economic ties and security policies. However, although these two countries might seem similar, they are rather not. China is a Communist country, while Russian political system is democratic. China has around 1.4 billion people, while there are around 140 million people in Russia. Four out of five biggest banks in the world are Chinese (Bhattacharya, 2015), while Russia is still coping with deficit and international sanctions. Chinese economic and cultural initiatives around the world are

much more extensive than Russian. The Chinese One Belt, One Road (OBOR) initiative is gaining momentum and Russia is part of it, while Russia does not have an equivalent to counterbalance this initiative. The Chinese currency has become an official currency in the International monetary system, and Ruble has not. The Chinese culture is much more rooted in their past than Russian. These are just some of the differences between China and Russia that determine their foreign policies. The best example of the influence of the above-mentioned things on their respective foreign policies might be the Chinese insistence on its soft-power approach to international relations, which is quite the opposite from the Russian rather power approach. Both of the approaches are rooted in their cultures but also in their state structures and relative power.

As previously explained, the goal of this paper is to analyze Sino-Russian relations in Central Asia since the collapse of the Soviet Union, and the analysis encompasses other world regions where necessary in order to explain certain developments in Central Asia. This region is selected because some of the Chinese and Russian interests overlap. There are at least two ways in which relations between China and Russia can be analyzed in Central Asia. The first is their respective efforts to dominate the region, while the second is their common effort to oppose the US unipolarity and presence in Central Asia. While in the first case they might be involved in a win-win game, their efforts are rather win-lose style in the second. China and Russia simply do not want the US presence in Central Asia and their efforts to keep the US away from the region are increasingly orchestrated. This analysis focuses on the first case.

China's growth over the past three decades has probably been unprecedented in modern history and this growth is based on a very simple principle: energy import and goods export. Only two decades ago China's per capita consumption of petroleum was around 170 kg, which was about 10% of the amount used in advanced economies (Kambara & Howe, 2007) and according to Hurst's (2006) prediction, China will have 120 million private cars by 2020, which will increase the demand for oil to 14.2 million bpd by 2025. International Energy Agency (IEA) claims that by 2035 China will probably have 360 million passenger vehicles (Preston, 2011). Therefore, China will be facing severe energy shortages, if considerable supplies and new energy sources are not secured. Furthermore, due to the 9.85% GDP annual growth rate from 1989 to 2016 (Husna, 2016), China is already not able to meet its own needs through its domestic production of energy and it is anticipated that by 2030 China will be importing about 85% of its oil (Preston, 2011). The growth in the demand for energy, China's urbanization and economic rebalancing forces China to look for energy resources abroad, which influences trends inthe world energy markets (Poorsafar, 2013, para. 1) and, according to British Petroleum (BP), China will account for 25% of the growth in total energy demand through 2030 (Poorsafar, 2013). Therefore, in order to continue its growth, China needs to secure and diversify its energy resources, and that is exactly why Central Asia is one of the most important regions of the world to Beijing. Over the next 20 years, global oil exports from this region will rise to 9% and gas exports to 11%. Another Central Asian country, Kazakhstan, has already become one of the most important Chinese oil suppliers, and in 2014 Turkmenistan with the largest gas deposits in Central Asia was one of the main Chinese suppliers (Romanowski, 2014). According to the current plans, China expects to import up to 65 billion cubic meters of natural gas

from Turkmenistan on an annual basis by 2020, and in 2013 China signed an agreement to import up to 10 billion cubic meters of natural gas from Uzbekistan (China's Ambitions in Xinjiang and Central Asia: Part 2, 2013). According to Panda (2015), Beijing has also made investments in a China-Central Asia gas pipeline that starts at the Turkmen-Uzbek border city of Gedaim and runs through central Uzbekistan and southern Kazakhstan on its way to China's Xinjiang province. In 2014, China also concluded several inter-governmental agreements with Uzbekistan, Tajikistan, Kyrgyzstan and Kazakhstan. Leonard (2006) claims that, according to the International Monetary Fund, annual trade turnover between China and the five nations of former-Soviet Central Asia has increased from $1.8 billion in 2000 to $50 billion in 2013. The scale of the above-mentioned investments in oil and gas sector illustrates a widespread opinion that China will not withdraw in case of Russian pressure.

Another important Chinese issue in Central Asia is linked with the security of the Xinjiang province. The voices demanding the independence of this region are ever louder and the religious radicalization of the province is not an impossible scenario. Central Asia is important to China because it lies on the Silk Road route to Europe and Moscow. If this region is not secure and stable, the OBOR initiative could be delayed or even interrupted. The Chinese economic and military power, combined with so-called soft-power policy, made it possible for China to break into Central Asia and invest in various forms of energy sources. However, Chinese perception of Russia as an oppressor and unreliable partner in opposing the US unipolarity still shapes certain aspects of the Chinese approach to Russia. Actually, it seems that China acts very carefully in Central Asia in order not to anger Russia, and had it not been for Russia, the scale of Chinese investments in this region would have been much larger. China balances between the increase in tensions with Russia and development of oil and gas sector in Central Asia, using various means to secure partnership with Russia and seemingly at no cost. For example, for several months in 2015 Russia was the largest oil exporterto China, but part of this success is due to Russian willingness to accept Chinese Yuan denominated currency for its oil (Holodny, 2016). Lo claims that Russia perceives Beijing to be using its position to extract unreasonable price concessions and is therefore striving to diversify its customers (in Eder, 2014).

The Russian Federation, on the other hand, still wants to dominate over the former Soviet Union republics and it does not want the US presence in this region, but China is also not fully welcome. Moscow sees Central Asia as a buffer zone against external security threats, mostly the United States, and the importance of the former Soviet republics to Russia can be seen on the example of Ukraine, Georgia and Chechnya. Russian approach to the former Soviet republics is partly based on its perception of these countries. Russia is aware that it cannot stop China's expansion in Central Asia but, together with China, it can oppose the US unipolarity and presence in the region. After the collapse of the Soviet Union, the Russian Federation was focused on its internal affairs and the transition process from Communism to Democracy. Moscow was not willing to invest in the Central Asian region, as it had its own oil and gas to export. Therefore, Central Asia was perceived and treated merely as a security buffer zone and exploited through the use of the pipeline that Russia inherited from the Soviet Union. However, after large oil and gas deposits were discovered, the former Soviet

Union republics started demanding more autonomy from Russia and diversifying their customers. Russia was aware that these initiatives meant foreign investments, but also their independence from Russia and presence of foreign actors in the region. Russia soon launched rapprochement initiatives with the former Soviet republics but China was already a significant investor and actor in the Caspian region. Today, Russia needs China in the region, although it undermines its influence and it seems that Russia would rather have China than the US in its proximity. The Chinese partner can bring stability to the region but it is also weaker than the US and its allies. In addition, Russia has a long history of dealing with the Chinese partner that is probably perceived as a more reliable and controllable neighbor than the US. In the light of tensions with the EU and NATO, Russian need for Chinese support in order to oppose the US unipolarity and avoid NATO in its proximity becomes even more prominent, and this is the point where Sino-Russian interests are almost perfectly aligned.

Therefore, security and stability of Central Asia areamong the most important goals to both countries. Bosbotinis (2010) explains that, without stable relations with Russia, China's Central Asian energy sources would not be secure, and a conflict in Central Asia might constrain Chinese operational freedom elsewhere. The cost of conflict for Beijing and the commonality of interests make "a shift from cooperation to pronounced competition unlikely and this situation is likely to continue" (Bosbotinis, 2010). According to Paramonov & Strokov (2008), Russian companies in 2008 had a plan to invest between 14 and 18 billion dollars in the search for and development of oil and natural gas fields in Central Asia, primarily in Kazakhstan, Turkmenistan and Uzbekistan, but also in the pipeline infrastructure of the region. However, due to a sharp drop in oil prices and recent developments around the world, Russia's investment activities in the region have been steadily declining. Russian intervention in Syria and the annexation of Crimea led to the international sanctions and reduced Russian investment capacity in Central Asia. According to Leonard (2016), Russia was forced to pare back its ambitions and the starkest retreat of Russian money was seen in Kyrgyzstan. He claims that in August 2015 LUKoil sold its 50-percent stake in Kazakh oil producer Caspian Investment Resources to China's Sinopec for $1.2 billion and that the highest-profile Russian retreat from Central Asia's energy market was in Turkmenistan. Leonard (2016) also explains that Russian withdrawal from Central Asia is rather paradoxical considering that the Eurasian Economic Union (EEU) has finally been established after years of preparations. The withdrawal might be an indicator that sanctions took toll on Russian plans in Central Asia but also that China is gaining momentum and that its influence will continue growing. China seems to be taking over Central Asia, but the impact of membership in the EEU for Russia's partners has yet to be seen, as its common market is not planned to go into effect until 2025 (Leonard, 2016). Mendkovich cautioned against ruling Russia out because the drop in investment activity in Central Asia was just a temporary reaction to the crisis (in Leonard, 2016). In addition, many authors warn that this is not the first time that Russia seems to be weak to cope with international challenges. After the collapse of the Soviet Union, it took Russia less than two decades to rise to the world scene and become one of the major powers.

Conclusion

The goal of the analysis was to place the Sino-Russian relations within an appropriate theoretical context and provide an insight into the current Sino-Russian balancing, as well as to offer a possible course of actions by both countries in Central Asia. Liberalists share a negative outlook on long-term cooperation, if the two countries in question are not democracies, while Constructivists do not see ideational basis for stable Sino-Russian relations. The Realists are generally pessimistic about interstate relations and the idea that the international system is defined by anarchy is at the core of the realist approach. Although certain aspects of realism dominate some periods of Sino-Russian relations, realism is not appropriate to describe the relations between Beijing and Moscow in Central Asia, especially if their cooperation outside and within various international institutions is taken into account.

On the other hand, neoclassical realist approach is more complex and inclusive, emphasizing the importance of several elements: the world as anarchy of the international system that consists of states, relative power of states, outcomes of state interactions, elite's perception and structure of states. The application of this approach to Sino-Russian relations in Central Asia seemed to be more adequate than the other approaches. All of the above-mentioned elements of the neoclassical realist approach played a role in certain aspects of the analysis of Sino-Russian relations.

The analysis also indicates that, without stable relations with Russia, China's Central Asian energy sources and its security cannot not be guaranteed, while the cost of eventual conflict for Beijing would make a shift from cooperation to pronounced competition. Authors like Lo foresee rising tension between Moscow and Beijing as the latter continues to rise and especially the US might retreat from Central Asia, causing 'power vacuum'. Demographic issues in the Russian Far East and Chinese rising influence in the Central Asian energy sector can possibly lead to conflict. The asymmetric relationship between China and Russia, due to the differences in their relative powers, is likely to emerge and cause tensions as well. The current Russian withdrawal from the Caspian region should not be taken for granted and, analyzing possible impacts of this withdrawal, Mendkovich cautions against ruling Russia out because the current drop in investment activity in Central Asia is just a temporary reaction to the crisis. Although many aspects of the Sino-Russian relations in Central Asia have been included in the analysis, it is difficult to anticipate a full scale of developments that might occur in the future, as many seemingly less important events can significantly change their relationship. Instead, Rose's description of fast-rising powers might provide us with a lead to follow. Rose claims that fast rising powers are almost invariably troublemakers. Because rapid growth often produces social turmoil and because China is emerging onto the scene in a multipolar regional environment lacking most of the elements that can mitigate conflict, the future of East Asian international politics seems especially problematic (1998).

References

Arvanitopoulos, C. (2002). The Geopolitics of Oil in Central Asia. Retrieved from Thesis: Journal of Foreign Policy Issues. Institute of International Relations (I.I.R.), Greece: Athens. Retrieved from http://groups.uni-paderborn.de/kowag/geoeconomics/pdf/tgooica.pdf

BBC (2014, September 26). Why is there tension between China and the Uighurs?. Retrieved from http://www.bbc.com/news/world-asia-china-26414014

Bhattacharya, A. (2015, August 4). China now runs 4 of the world's 5 biggest banks. Retrieved from CNN: http://money.cnn.com/2015/08/04/investing/worlds-biggest-banks-china/

Bhattacharya, A. (2015, August 4). China now runs 4 of the world's 5 biggest banks. Retrieved from CNN: http://money.cnn.com/2015/08/04/investing/worlds-biggest-banks-china/

Bosbotinis, James (2010): "Sustaining the Dragon, Dodging the Eagle and Barring the Bear? Assessing the Role and Importance of Central Asia in Chinese National Strategy", China and Eurasia Forum Quarterly (2010) 1, pp. 65-81.

BRICS Information Centre. (n.d.). Retrieved from University of Toronto: http://www.brics.utoronto.ca/about.html

China's Ambitions in Xinjiang and Central Asia: Part 2. (2013, October 1). Retrieved April 15, 2016, from Stratfor: https://www.stratfor.com/analysis/chinas-ambitions-xinjiang-and-central-asia-part-2

Eder, T. S. (2014). China-Russia Relations in Central Asia: Energy Policy, Beijing's New Assertiveness and 21st Century Geopolitics. Vienna (Austria): University of Vienna. ISBN 978-3-658-03271-5

Holodny, E. (2016, February 29). Saudi Arabia is once again China's top oil exporter — but the reason is bad news. Retrieved April 2, 2016, from Business Insider: http://www.businessinsider.com/saudi-gained-back-oil-market-share-in-china-because-imports-down2016-2

Hung, S. (2016, March 24). South China Sea War Escalates: China Attacks Filipino Civilians, US To Send Military Help. Retrieved from Morning Ledger: http://www.morningledger.com/south-china-sea-war-escalates-china-attacks-filipino-civilians-us-to-send-military-help/1362611/

Hurst, C. (2006, July). China's Oil Rush. Retrieved April 10, 2016, from Institute for the Analysis of Global Security: http://www.iags.org/chinainafrica.pdf

Husna, R. (2016, April 15). China GDP Annual Growth Rate. Retrieved April 17, 2016, from Trading Economics: http://www.tradingeconomics.com/china/gdp-growth-annual

Ikenberry, J. (2004, September). American hegemony and East Asian order. Australian Journal of International Affairs, 58(3), pp. 353-367.

Lo, Bobo (2008), Axis of convenience: Moscow, Beijing, and the new Geopolitics. London: Chatham House.

Kambara, T., & Christopher Howe. (2007). China and the Global Energy Crisis: Development and Prospects for China's Oil and Natural Gas. Northampton: Edward Elgar Publishing Ltd.

Kanter, J. (2016, February 16). Europe Seeks Alternatives to Russian Gas Imports. Retrieved from New York Times: http://www.nytimes.com/2016/02/17/business/energy-environment/european-union-seeks-to-reduce-reliance-on-russian-gas.html?_r=0

Kleven, A. (2015, December 8). Is China's Maritime Silk Road A Military Strategy? Retrieved from The Diplomat: http://thediplomat.com/2015/12/is-chinas-maritime-silk-road-a-military-strategy/

Kucera, J. (2010, February 19). China's Russian Invasion. Retrieved from The Diplomat: http://thediplomat.com/2010/02/chinas-russian-invasion/

Kuo, M. A., & Tang, A. O. (2015, December 16). China's Arctic Strategy: The Geopolitics of Energy Security. Retrieved March 26, 2016, from The Diplomat: http://thediplomat.com/2015/12/chinas-arctic-strategy-the-geopolitics-of-energy-security/

Leonard, P. (2016, January 28). Economy and Sanctions Derail Russia's Central Asian Investments. Retrieved from Eurasia net: http://www.eurasianet.org/node/77051

Maçães, B. (2016, May 5). Signs and Symbols on the Sino-Russian Border. Retrieved from The Diplomat: http://thediplomat.com/2016/05/signs-and-symbols-on-the-sino-russian-border/

Muzalevsky, R. (2009). Russia's Strategy in Central Asia: An Analysis of Key Trends. Yale Journal of International Affairs, 26-42. Retrieved from Yale Journal: http://yalejournal.org/wp-content/uploads/2011/01/094103muzalevsky.pdf

The World Bank. (2016.). Overview. Retrieved from http://www.worldbank.org/en/country/china/overview

Panda, A. (2015, February 5). China's Central Asian Opportunity. Retrieved from The Diplomat: http://thediplomat.com/2015/02/chinas-central-asian-opportunity/

Paramonov, V., & Strokov, A. (2008, May). Russian Oil and Gas Projects and Investments in Central Asia.

Payne, J. (2016, February 17). Is There Wisdom in China's Approach to Syria? Retrieved March 21, 2016, from The Diplomat: http://thediplomat.com/2016/02/is-there-wisdom-in-chinas-approach-to-syria/

Poorsafar, H. (2013, November 18). China's Energy Rebalancing: A New Gazpolitik? Retrieved March 27, 2016, from The Diplomat: http://thediplomat.com/2013/11/chinas-energy-rebalancing-a-new-gazpolitik/

Preston, F. (2011, February 15). China's Challenges: Energy Security. Retrieved March 20, 2016, from The Diplomat: http://thediplomat.com/2011/02/energy-security/

Putz, C. (2016, June 14). Washington's Budgets for Central Asia Grow. Retrieved from The Diplomat: http://thediplomat.com/2016/06/washingtons-budgets-for-central-asia-grow/

Qazi, A. (2016, March 25). China's Soft Power Problem. Retrieved from International Policy Digest: http://intpolicydigest.org/2016/03/25/china-s-soft-power-problem/

Romanowski, M. (2016, July 3). Central Asia's Energy Rush. Retrieved February 17, 2016, from The Diplomat: http://thediplomat.com/2014/07/central-asias-energy-rush/

Rose, G. (1998). Review Article: Neoclassical Realism and Theories of Foreign Policy, World Politics, 51(1), pp. 144-172.

Rumer, E. B. (2006, November). China, Russia and the Balance of Power in Central Asia. Strategic Forum, 223, 1-8. Retrieved from http://www.ndu.edu/inss

Sanger, D. E. (2016, February 10). Russian Intervention in Syrian War Has Sharply Reduced U.S. Options. Retrieved from The New York Times: http://www.nytimes.com/2016/02/11/world/middleeast/russian-intervention-in-syrian-war-has-sharply-reduced-us-options.html

Slaughter, A. M. (2011). International Relations, Principal Theories. Retrieved June 4, 2016, from Princeton: https://www.princeton.edu/~slaughtr/Articles/722_IntlRelPrincipalTheories_Slaughter_20110509zG.pdf

Tang, Shiping (2009), "Taking Stock of Neoclassical Realism. A Review of: Neoclassical Realism, the State, and Foreign Policy. Edited by Steven E. Lobell, Norrin M. Ripsman, and Jeffrey W. Taliaferro", in International Studies Review (2009) 11, 799–803.

Tiezzi, S. (2014, November 6). The New Silk Road: China's Marshall Plan? Retrieved from The Diplomat: http://thediplomat.com/2014/11/the-new-silk-road-chinas-marshall-plan/

Underwood, K. (2016, June 7). What China's Air Defense Identification Zone Could Mean for the South China Sea. Retrieved from The Trumpet: https://www.thetrumpet.com/article/13933.19.0.0/world/military/what-chinas-air-defense-identification-zone-could-mean-for-the-south-china-sea

Voting System and Records. (n.d.). Retrieved from United Nations Security Council: http://www.un.org/en/sc/meetings/voting.shtml

Wilson, Jeanne L. (2004), Strategic Partners. Russian-Chinese Relations in the Post-Soviet Era. New York: M.E.Sharpe.

Winter, T. (2016, March 29). One Belt, One Road, One Heritage: Cultural Diplomacy and the Silk Road. Retrieved April 16, 2016, from The Diplomat: http://thediplomat.com/2016/03/one-belt-one-road-one-heritage-cultural-diplomacy-and-the-silk-road/

Wishnick, Elizabeth (2001), Mending fences: the evolution of Moscow's China policy from Brezhnev to Yeltsin. Washington: University of Washington Press.

Wong, E., & Buckley, C. (2015, March 4). China's Military Budget Increasing 10% for 2015, Official Says. Retrieved from The New York Times: http://www.nytimes.com/2015/03/05/world/asia/chinas-military-budget-increasing-10-for-2015-official-says.html?_r=1

Ying, F. (2016, February). How China Sees Russia: Beijing and Moscow Are Close, but not Allies. Retrieved from Foreign Affairs: https://www.foreignaffairs.com/articles/china/2015-12-14/how-china-sees-russia

Yu, Bin (2001), "A 'Nice' Treaty in a Precarious World", Comparative Connections No. 3, 120-127.

Yu, Bin (2007), "In Search for a Normal Relationship: China and Russia Into the 21st Century", China and Eurasia Forum Quarterly No. 4, 47-81.