

**CURRENT STUDIES IN
SOCIAL SCIENCES
VIII**

Editor

Yelda DURGUN ŞAHİN



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ISBN	Sayfa ve Kapak Tasarımı
978-625-399-770-0	Akademişyen Dizgi Ünitesi
Book Title	Yayıncı Sertifika No
Current Studies in Social Sciences VIII	47518
Editor	Baskı ve Cilt
Yelda DURGUN ŞAHİN ORCID iD: 0000-0001-6708-9247	Vadi Matbaacılık
Publishing Coordinator	Bisac Code
Yasin DİLMEN	SOC000000
	DOI
	10.37609/akya.3061

Library ID Card

Current Studies in Social Sciences VIII / editor : Yelda Durgun Şahin.
Ankara : Akademişyen Yayınevi Kitabevi, 2024.
113 page. : table, figure. ; 135x210 mm.
Includes Bibliography and Index.
ISBN 9786253997700
1. Social Science.

GENEL DAĞITIM

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PREFACE

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CONTENTS

Chapter 1	Ecocritical Analysis of George Orwell's Coming Up For Air.....	1
	<i>İlknur İŞLER</i>	
Chapter 2	From Traditional Milk Houses to Modern Breakfast Cafes: A Sociological Perspective on Changes in Local Gastronomy	21
	<i>Harun KAPTANER</i>	
Chapter 3	Prevalence of Women's Poverty, Ways of Struggle It Within The Scope of Social Work and Intervention Strategies	37
	<i>Melike YALÇIN</i>	
Chapter 4	The Conflict Between Civil and Common Law Traditions Through The Enforcement and Recognition of Foreign Judgements	53
	<i>Ferit Çağdaş ŞAHAN</i>	
Chapter 5	An Examination of The Influential Factors on The Academic Achievement of Generation Z Students by Fishbone Method.....	87
	<i>Sevim Gülin DEMİRBAY</i> <i>Fatma Feyza GÜNDÜZ</i>	



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CHAPTER 1

ECOCRITICAL ANALYSIS OF GEORGE ORWELL'S COMING UP FOR AIR¹

İlknur İŞLER²

INTRODUCTION

Having conquered light, sound, the sky, the road and oceans, humankind was about to discover science capability of innovation after innovation. However, some of these new inventions had a dark side of killing other fellow human beings. Thus, the First World War which was known as 'the war to end all wars,' was the first high-tech war which involved airplanes, machine guns and tanks all rising up to fight the human beings that made them. Despite having no beliefs or ideology or hearths or souls, the killing machines were victorious. The barbarism of WWI inspired a wide range of harrowing war poems and pacifist literature. Soon however the world plunged into another global war and since this war run on even more terrible machinery than the previous one, it seemed there would be no end to the carnage. Using Einstein's theories, an atomic bomb, the most powerful weapon was used. The unspeakable horror of the atomic bomb ended World War II. Modern civilization had arrived, but a clash of worldviews meant that the treat of all-out conflict was never far away. In the present

¹ Bu çalışma Tübitak tarafından 2209-A Üniversite Öğrencileri Araştırma Projeleri Destekleme Programı kapsamında yapılmıştır.

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moment, humankind sits impaled on a crossroads, facing an uncertain future. Will we kill our mother, nature? Will we rise to the challenge of climate change? Will technology make us obsolete? Can humankind learn to exist at peace with itself? Or are we living through the final hours, minutes, and seconds of civilization? The evidence and the answer are clear: we cause our own extinction because we crossed too many red lines. Our ecosystem is basically polluted by greed and political megalomania. Capitalism, science, and technology have now been unleashed, and the consequences can certainly be disastrous. This destruction was inevitable from the first time we started destroying the ecosystem. We talked ourselves into thinking that the sudden changes were out of control or happened outside of normal events. Sudden, drastic, irrational changes are not what we think of as embedded in the very fabric of life. Thus, humans and nature are forced to coexist as nature was before us and will be after us. So, we will have to learn how to adapt to new and unpredictable threats.

Ecological criticism, literary criticism of ecological issues and environmentalism, arose in response to those concerns. The term “ecological and ecological concepts applied to the study of literature” was coined by William Rueckert (Rueckert,1996, p. 107) and defined as “the relationship between literature and objects.”(p. 107). The basic principle of ecological literary criticism is the interconnection of human culture with the natural environment. Seher Özsert states that throughout the history there is interconnectedness between woman and nature. “The Mother Nature” that is fruitful “Mother Gaia” gives life to the creatures on earth by staying away from finance (Özsert, 2023, p. 1222). Thus, the relationships between culture and environment, humans and nonhuman animals, literature, and ecology are all of importance to ecocriticism (p. xix). Özsert describes “ecofeminist literary criticism” indicating conformity of all living and non-living things

that continue without “discrimination”, corruption, and oppression (Özsert, 2023, p.1229). Ecocriticism, according to Garrard, “entailed critical analysis of the term human itself and is the study of the relationship of the human and the non-human, throughout human cultural history” (Garrard, 2004, p. 5). Ecocriticism is a transformation of words that comes “from ego-consciousness to eco-consciousness” (Glotfelty, 1996, p. xxx) “A project that turn away from the social constructivism’ and ‘linguistic determinism’ of dominant literary theories” is how Peter Barry defined the term (Barry, 2002, p. 169). It challenges this conventional perspective by replacing the idea of connected system with the idea that the world includes a network of related small components to get something completed instead of detached and irrelevant relations (Campbell, 1996, p. 131). The most remarkable ecological challenge to this accustomed perspective that is the notion of biocentrism, and it means that human beings are not excellent or worthless than the other created beings (Campbell, 1996, p. 128). According to Jonathan Bate, ecocriticism has its roots in the Romantic era of the late eighteenth and early nineteenth centuries, a literary and cultural movement that favored nature and the natural against factories and the industrial revolution (Clark, 2011, p. 13). William Wordsworth was considered by Bate to be a “poet of nature,” one who rejects the prevailing philosophies of industrialism and capitalism. Bates claims that Romanticism exhibits a great respect and admiration for the natural world and its surrounds. Man is endangering this enormous ecosystem by his actions, as both the environment and man are parts of it (p. 40).

The environment is given greater significance than the term ‘natural environment’ in the first wave of ecocriticism. Rather than using the term ‘ecocriticism,’ first-wave ecocriticism prefers to refer to the new literary criticism as environmental criticism (Buell, 2005, p. 17). Later, the first wave embraced the phi-

losophy of organism, doing away with the gradual distinctions made among humans and the other environmental natural factors (Elder, 1985, p. 172). More scientific literacy is necessary for people to appreciate science's capacity to identify and explain natural laws (Buell, 2005, p. 18), which enables them to better comprehend their surroundings and dispel myths about the natural world. As a result, it coherently unites science, culture, and nature—all of which are necessary for, and should be respected by, one another in order to prevent chaos, conflict, and disorder in both the natural and human worlds. People's anthropocentric viewpoints change; science is objectified as a field detached from cultural influences; and nature is liberated from the shackles of scientific and cultural control. The endorsement of environmental aesthetics, ethics, and politics, which gives ecocriticism much more philosophical sight, is the second-wave ecocriticism's most significant development (Buell, 2005, p. 22). Thus, environmentally oriented developments in philosophy and political theory are the focus of second-wave ecocriticism (Garrard, 2004, p. 3). In opposition to the anthropocentric viewpoint, Naess backed the deep ecological movement's belief that humans are a part of the earth rather than a distinct entity. According to Naess, man and nature are inextricably linked, and when man fully understands this, he will see that harming nature entails harming a vital component of himself. The ideas of Naess, regarding interrelatedness and intrinsic value are similar to those of the quantum theory: all parts of the universe "merge and unite in one totality" (Bohm, 1980, p. 11) and "the ability to coexist and cooperate in complex interrelationships" (Naess, 2005, p. 96) through a coherent natural order within a dynamic flux or persistence. It is also necessary to view the world "as a collection of things with constant or changing qualities," according to Naess (Naess, 1989, p. 50). In developing nations, population growth needs to

be curbed because it exacerbates poverty-related environmental issues like deforestation and land pressure. In developed nations, there is a need to slow down economic growth because it exacerbates wealth-related issues like greenhouse gas emissions and home waste disposal (Garrard, 2004, p. 21). The deep ecological movement emphasizes the inherent value of nature and contends that the environmental crisis is the result of the culture of capitalism suppressing this value. The establishment of supremacy over nature, which is necessary to provide the crude materials for the human's survival, is a component of modern industrial society: "A coherent form of naturalism that looks to evolution and the biosphere, not to deities in the sky or under the earth for quasi-religious and super naturalistic explanations of natural and social phenomena" is how Bookchin described the social ecological movement (Bookchin, 1999, p. 297). According to Bookchin, natural evolution gave humans the capacity to create culture from the primitive elements of their first nature. Through his "highly institutionalized form of community capable of thinking in a sophisticated way," man intentionally intervenes in the natural world to alter it (Bookchin, 1999, p. 299).

Marxist ecocriticism linked labor to the land and said that losing labor is equal to losing fertile soil and land. Marxist ecologists assert that human isolation from nature, which leads to increased land exploitation and misuse, is the primary cause of ecological crises. The imbalance between the material requirements of the capital and the natural conditions of raw material production leads to ecological problems. The industrial division of town and country brought about by capitalism also leads to an imbalance in the circulation of matter and living forces, which in turn causes environmental problems (Burkett, 1999, p. 107). Marx argued that ecological crises and unfavorable working conditions can be resolved by breaking free from the capitalist system, which is fa-

cilitated by bringing an end to man's alienation from the natural world and by dismantling social class and hierarchy through the establishment of a socialist society: Thus, we need to understand social structure if we hope to coexist with nature (Burkett, 1999, p. 257).

As a reaction to ecological crises and a desire to preserve and increase ecological consciousness, ecocriticism emerged as a response to environmental issues. Since anthropocentric thinking and scientific understanding of nature are the causes of environmental crises, scientific and cultural approaches may be used to address environmental issues. According to Zapf (2006), literature can serve as a powerful tool for raising awareness and fostering an increased ecological sensibility that can help change political and social practices. About the literary works' response to ecological problems, Fikret Güven mentions that the damage caused by human beings to the environment has increased in a very short time due to factors such as "genocide", "wars". Decreasing in biodiversity, harming "natural sources", damaging forests, and the layer that protects the earth from the sun's rays have made people aware. So that, "literary works" has become a mediator between human and nature to create awareness on people (Güven, 2022, p. 2875). The study of ecocriticism looks at how humanity has become more alienated from nature as a result of modern civilization's attempts. Before modernity, industrialization, and urbanization, man interacted and exchanged with nature. Man has become emotionally and physically detached from nature and society as a result of modernization, which has also resulted in the rise of anthropocentrism and an overly economicized society (Zapf, 2006, p. 52). Therefore, ecocriticism works to change the anthropocentric cultural value system by emphasizing the value of environmental protection as a means of recognizing the dignity and autonomy of nonhuman nature. The theories that will

aid in the analysis of the chosen novel have been covered in the theoretical framework. The research analyzes attitudes toward nature and the environment in George Orwell's *Coming Up for Air* by using ecocriticism as the literary backdrop. The author's environmental philosophy is analyzed in relation to the criticisms put forth by Bookchin, Naess, and Marxist ecology. The analysis looks into the ways in which society has changed on the social, economic, scientific, technological, and philosophical fronts. According to the study, all organisms in the biosphere -living and non-living- are interrelated, and survival is impossible without protecting the natural world. Derya B. Dinç indicates that all "living" beings are connected to the other, so they can continue to their existence by keeping their ties stronger. "Environment" is already taking a part by consisting of these ties. It is almost impossible to examine "living things" as disconnected from each other (2023, p. 1638). The selected text highlights the significance of this mission and issues a warning, urging humanity to reevaluate its destructive attitude toward the biosphere in light of the planet's pollution, diminishing resources, and rising sea levels. The novel focuses mostly on the ecological issues brought on by urbanization and industrialization at the expense of the decline of the natural world. The analysis addresses the detachment from nature and the catastrophic consequences of deforestation, species extinction, chemical poisoning of rivers, and biosphere's destruction.

Coming Up for Air: Wars, Conflicts, and Separation from Nature
Coming Up for Air addresses the major upheavals during the progression period between the two world wars and from traditional agricultural/rural England towards an industrialized/urbanized society. The society has gone through fundamental transformation which has brought about the disillusionment of humankind with modern life. The disastrous effects of the war have accel-

erated separation from nature while industrialization reinforced further alienation. Orwell strongly opposed totalitarianism and tried to raise awareness for social injustices. Consistent with the conditions of the era, he lived a life of turbulence in the first half of twentieth century. The spiritless machines of the era like trains, cars, tanks, guns, bombs, and factories transformed Britain. As he witnessed the destructive transformations that had come to define and shape the modern world, he depicted those developments and events in a realist fashion in his works. *Coming Up for Air* (1939) depicts this depressing transformation. The novel was written between two world wars and depicts the transformations in politics, culture, and ecology. The novel evolves around George Bowling, a middle aged, and overweight insurance salesman. Bowling is aware of the superficiality of modern life and has a nostalgic passion for his boyhood years. He tries to bond with nature, the true home which is situated as the opposite of the modern world's anthropocentric view. The interconnectedness of nature and man becomes obvious as he gradually grows an ecological awareness. The story begins with the year 1938 where Bowling narrates the present; his daily life, the suburban house he lives in, his family of two children, his wife, and his profession as an insurance salesman. The second part of the novel narrates his childhood years in Lower Binfield, his enlistment to the army, post-war years, and his marriage. The third part of the novel goes back to present and centers around George's visiting to his village for a short time due to the disillusionment upon seeing the transformations in the modern city life. The last part of novel narrates his mandatory return to his suburban house.

The beautiful English countryside is threatened by an imminent world war, the malpractices in industrial activities, and fundamental transformations in rural lifestyles. The most detrimental effects of science and progress are the use of nuclear weapons

and the destruction of the environment. Hence, novel intends to bring forth the environmental pollution, deforestation, chemical pollution, destruction of nature, and relevant political and social upheavals. The dark, pessimistic, and gloomy setting of the novel is described as: “It was a beastly January morning, with a dirty yellowish-grey sky” (Orwell, 1969, p. 3). The First World War has left a frustrated and hopeless society while the sky has yellowish-grey color. The mechanical lifestyle is the rule of the day and material gain is above all values. This mechanical way of life is exemplified in the motif of false teeth which is “a sort of pinched-up, withered feeling like when you’ve bitten into a sour apple” (Orwell, 1969, p. 4). The false teeth reflect cornucopian aspect of artificial alternatives resulting from the depletion of natural resources. Though the main character is healthy, his mental depression left him crippled and devoid of feelings. Replacement of original teeth does not give the same taste as all genuine human feelings have rotted and corrupted. By using nothing more than his hands, imagination, tools, electricity and technology, the modern man brought nothing but artificiality to build up the civilization. The alternatives do not give the same flavor and feelings as originals have. Original tastes have been replaced with artificial ones which are stripped of their original qualities. Orwell criticizes the artificiality of modern products devoid of essence: “Everything slick and streamlined” (Orwell, 1969, p. 27). Consistent with Devall’s statement the industrialization and urbanization undermine the unity of the natural systems through the planet forcing humans to live artificial lives (Devall, 2001, p.21).

People are alienated and isolated to a point of uncontrollability. The population is lonely, isolated, and increasingly needs human connection. Soap is an artificial sanitary filled with chemicals. Bowling cannot feel natural as he notices his neck is soapy. The disconnection from the natural life isolates and alienates

humankind and eventually throwing individuals into a meaningless and chaotic lacuna devoid of their inherent values. The structure of cities, suburbs, roads, and houses are like prisons: “Just a prison with the cells all in a row” (Orwell, 1969, p.12). Roads take away people’s freedom by forcing to travel on a fixed routes and schedules. Separation from nature also means being alienated from one very self as well. For instance, Bowling cannot handle some of the parts in his body: “there are several parts of my body that I can’t reach nowadays” (Orwell, 1969, p. 4). Nature has become an exchangeable commodity controlled by anthropocentric view and capitalist ventures. The natural resources are wasted irreversibly which has altered the structure of ecosystem. People are scared of even wild fruits: “raw potatoes were deadly poison” (Orwell, 1969, p. 58-59). These warnings further alienate humans from nature and hinder a meaningful connection with the natural world. The relationships have become so constrained that even fellow human beings are resentful of each other. Every man is for himself, and differences are seen as a threat that should be avoided at best.

Organizations and institutions try to gain as much benefit from exploiting each other. Exploitation of fellow humans is a direct consequence of separation from nature. Material ambitions and desire to subjugate of one nation over others causes devastating wars and conflicts. Kevser Ateş states without paying attention to environment, which is considered to be crossbench, humanity have acted environment as if it has limitless facilities for human benefit. So, sources have replaced with goods due to their materialistic “value”. Somehow, being an unconscious consumer causes the “environmental crisis” humanities have now (Ateş, 2017, p. 206). Ecological crises are also the result of those desires and ambitions. The novel depicts the first half of 20th century as the end of hopefulness because of the Great War and the

governments struggle to dominate one another. Bombs stand for the loss of human values and depletion of biosphere: “. The anti-aircraft guns have got so good that the bomber has to stay at twenty thousand feet” (Orwell, 1969, p. 24). The author is fully aware that another war is approaching however no one is doing anything to stop it and on the contrary governments are working hard to develop new weapons. This anxiety is recurrent throughout the book: “the feeling that war’s just round the corner and that war’s the end of all things” (Orwell, 1969, p. 30). Thus, Orwell tries to warn his society for an imminent war and its possible consequences: It’s coming soon, that’s certain” (Orwell, 1969, p. 176). The war hinders a possible union with nature. The desire to subjugate other nations is due to capitalism as described by Jonathan Bate who states that militarism and capitalism are the major source of peripheral ills and as a result it hinders a full integration and harmony with nature (Bate, 2000, p. 38). So, the war, though a tragedy, is a legacy as well. People are imbued with this constant sense of purpose, and values.

War has transformed the society in terms of social, political, and economic aspects. From a traditional agricultural and eco-centric society, the country has become an urbanized and industrialized one: “Capitalism and militarism are the sources of environmental degradation and that it will therefore be impossible to harmonize humankind with nature until we remake society” (Bate, 2000, p. 38) is how ecocriticism views war as a crucial component in the destruction of nature. Bowling tries to survive in this new brave world, where he reacts against this mechanization and tries to gain an ecological sense and consciousness. He resents the modern life which is devoid of any cultural or philosophical dept. In order to establish the lost connection with the nature, he feels the need to liberate himself from the shackles of the capitalism: “The meaning of life and the joy we experience in

living indicates the broadening of the human self to embody all the other selves in the universe” (Naess, 1995b, p. 226) is what is meant to be ensured by the pursuit of self-realization. The technology, which ecological critics think is aimed at separating man from his natural habitat, disappoints Bowling. The subversive effects of technology are extremely important because technology is blamed both for the destruction of nature and for the destruction of man. Although technology seems to provide a comfortable and convenient lifestyle to human beings, it actually causes human beings to disappear from the earth along with other creatures. Orwell describes the hurt of mankind due to political and harrowing experiences as: “I see the posters and the food-queues, and the castor oil” (Orwell, 1969, p. 31). In reference to the role of modernization and contribution of technology for man’s isolation, Harold Fromm states that “it has been said again and again that modern Western man has suffered a spiritual death, feeling empty, alienated, and lacking purpose and direction as a result of his comfortable life amid the conveniences of technology” (Orwell, 1996, p. 32). Orwell attempts to illustrate the disastrous outcomes of this false way of thinking, which tends to view nature as a limitless supply of crude materials that can be exploited. So, many ecocriticism writers draw attention to people’s looking for their own material gains, not for disastrous outcomes to nature. For instance, in his paper about ecocriticism on Ursula K. Le Guin’s novella, Güven also draws attention to people’s paradox among the human being and imperialism that desires enlarging (Güven, 2022, p. 2874). The anthropocentric view of nature that moderns hold, one in which nature is sacrificed for the sake of capitalist gains, contrasts with Bowling’s ecological vision of nature as intrinsically coherent, amicable, and free functions for humanity.

Because technology has turned the once-beautiful world into a wasteland, bowling has come to represent the hopelessness

and despair of modern man. He feels cut off from both the outside world and civilization. Bowling, who feels that his life has no purpose, wishes to travel back in time to his early years in Lower Binfield: “if I close my eyes and think of Lower Binfield before I’m eight” (Orwell, 1969, p. 42). Bowling’s escape to his boyhood and Lower Binfield represents his nostalgia to reunite with nature to dissolve the divide between man and nature. Once Bowling reunites with nature a harmony will be established. At the core of his problems is disconnection with the current state of urbanized and mechanic society. The only way to find his real self is by reestablishing this connection with nature. Otherwise, he is alienated, displaced, and ambivalent. On Bowling’s wishes for reunite with nature Mark Connelly argues that Bowling finds nature to be terribly absent from his life (1987, p. 120). Once humankind identifies with nature, he is able to see himself as part of the universe, and nature as the true home. Bowling discovers a more meaningful life and is astonished once he recognizes the interconnected with the other organisms of the ecosystem: “the peculiar flame inside you” (Orwell, 1939, p. 164). His sense of belonging to nature awakens him to the fact that, in addition to destroying the natural world, humans, as essential participations of the ecological society, are also destroying their own race.

As a representative of the balance between man and nature, fishing is an outsized reverent activity. The activity has kept out the corrosive forces of modernization and industrialization. It is a cope mechanism to escape from the harsh reality of urbanization and mechanization: “It’s queer, the feeling I had for fishing” (p. 80-97). He gives the following explanation for why he finds the current civilization’s exploitation of nature unacceptable: “the streams aren’t poisoned with chemicals from factories; they’re full of rusty tins and motor-bike tires” (p. 86). The toxic waste poisoned streams and rivers and replaced the fish with rusty tins and tires. According to Rachel Carson the most significant assault on

environment is the contamination of nature by chemicals: “the sinister and little recognized patterns of the radiation in changing the very nature of the world” (1962, p. 15). Nature has been exploited as a commodity devoid of its intrinsic value. Bowling is concerned about the extinction of species, exploitation of biosphere through capitalism and industrialization and tries to give serious warning to contemporary people about the imminent dangers of such behaviors. Ateş asserts that deforestation and extinction of “animals” cause a barren world. Nevertheless, these situations neither change people’s behaviors to environment, nor teach a lesson about humanity’s being unlivable with ecosystem aside from being a lord of “new discovered planets” (Ateş, 2017, p.207). Bowling anticipates the impending environmental catastrophe and has little expectation from the future. In these bleak and powerless circumstances, he witnesses humanity’s ignorance of the natural world. For this reason, he refers himself as “the only person awakes in the city of sleep- walkers” (Orwell, 1969, p. 29). He finds solace and peace with his childhood memories where nature and man were interconnected: “What I felt was something that’s so unusual nowadays that to say it sounds like foolishness. I felt *happy*” (Orwell, 1969, p. 192). He unites with nature which is consistent with Naess as the description of man with nature, which assures “meaning of life and the joy man experiences in living” (Naess, 1995, p. 226). He further confirms the real value of nature, realizes that all living and non-living things are inherently combined with each other, and they have the right to flourish and maintain their lives alike.

Bowling’s ecstasy is suddenly interrupted as he observes Binfield’s destruction by buildings, factories, and all the technology. The beautiful town of his childhood has transformed into an industrial and urban center and the landscape has been destroyed with the war. The town is not the town of his childhood which is devoid of its natural characteristics and appearance: “where

was Lower Binfield? Where was the town I used to know?” (Orwell, 1969, p. 211). Deforestation has resulted from the gradual destruction of nature caused by war, pollution, contamination, and industrialization. When Bowling visits Binfield, he notices that all of the trees have been destroyed and altered with buildings. The decline of species, the industrial depletion of natural resources, and chemical pollution are major concerns for ecocritical thought, which seeks to raise people’s ecological consciousness by alerting them to the impending ecological crisis brought on by human exploitation of the natural world. Therefore, “unless we change our ways, or we face global catastrophe” says Glotfelty (Glotfelty, 1996, p. 20).

Consistent with the title of the novel, humans are similar to animals in that they must survive in a contaminated world with destroyed natural systems. By identifying with a living creature other than a human, Bowling is able to learn more about himself and how he really is in relation to other people: “Similar to large sea turtles that, upon reaching the surface, spit out their noses and take a big breath before returning to their underwater home” (Orwell, 1969, p. 198). As a person, his incapacity to make sense of the old and current suggests that modern man, because of his excessive pride in his scientific and technological accomplishments, is unable to establish equilibrium among culture and nature, as well as among man and environment. Science and technology have become the greatest challenges towards integration with nature. The inherent violence and cruelty of human is described as: “we were cruel little beasts and sometimes we’d just knock the nest down and trample on the eggs or chicks” (Orwell, 1969, p. 80). Such strong acts of boyhood towards natural beings are an indication of inherent violence of humankind. Bowling identifies as a nonhuman living being, and this familiarization with nature gives him an ecological mentality that helps him real-

ize that human dominance over nature leaves no room for other natural inhabitants to present and blossom on Earth.

The people suffered from ambivalence, displacement, and alienation as a result of war's losses and traumas. Because the war prioritizes material interests over spirituality, it is accused of rendering the masses atheistic: "The effect of all this, plus the books I was reading, was to leave me with a feeling of disbelief in everything" (Orwell, 1969, p.144). The war has changed the identity of modern man as it is explained by Bowling: "What should I be now if it hadn't been for the war?" (Orwell, 1969, p. 144). However, Bowling believes that it is the post-war period that let man to think and examine the cases and phases experienced in the world, whether it is sacred or not: "If the war didn't happen to kill you it was bound to start you thinking" (Orwell, 1969, p. 144).

Death is a sign that everything is coming to an end, something that cannot be stopped by even the greatest science and technology. Because of objective science and prevailing technology, it serves as a suggestive of holiness, which modern man has either forgotten or ignored. In the past, men's thoughts were primarily focused on life and death, but due to the dominance of advancements, modern men are only concerned with life. Consequently, the act of removing cemeteries from public view means that modern man has forgotten death in favor of life. These developments reduce human relations for a beautiful and prosperous world ignoring nature and the environment. But the sacrifice of a 'good' life would be the last of the human footrace, not only physically but also mentally. Clearly, humans cannot live without nature on earth.

Orwell's novel may be recognized as environmental text because of its references to the reckless practices of capitalism, industrialization, deforestation, poisoning of chemicals, river pollution, extinction of animals and caused by human greed. Ac-

According to the novel's ecocritical analyses, ecological issues are vital to every facet of life for both the present and the descents to come. Orwell wants to raise awareness among modern man about the need to change his attitudes toward the environment on a social as well as an individual basis. The desperate need to change the government policies in regard to the protection of nature is summarized by Arne Naess as follows: "The ideological change is mainly that of appreciating life quality rather than adhering to an increasingly higher standard of living" (Naess,1995: 68)

The novel can be considered as a work of environmental concern about chemical poisoning, destroying trees, corruption of rivers and damaging of kinds. The novel predicts future ecological crisis and warns mankind about environmental dangers long before the ecological movement and environmentalism flourished. It brings environmental issues to the fore. He advocates a distinct transformation not only of individual consciousness that requires a change of public consciousness but also of politics that requires a change in the capitalist economic systems of various countries.

CONCLUSION

This study examines George Orwell's *Coming Up for Air*. Orwell seeks to develop environmental awareness of environmental problems. He has addressed ecological morals by insisting that the devastation of the natural world would be the end of nature and humanity. He further investigates why the natural environment was destroyed by the diplomatic, economic, communal changes, systematic and technological developments of the twentieth century. The study focuses on nature's revenge in a way that it applies to people in every aspect of life. This research explores the interactions between technology, society, and the environment and focuses on environmental symbols and the environment. The novel uses ecological morals, deep ecology, social ecology, and Marxist

ecology, to explore the critical messages in the selected text. The novel explores the role of physical conditions from a critical biological aspect. This study also examines whether the norms and values expressed in the novel are appropriate with environmental intelligence. Naess' theory of deep biology suggests that human values, methods, and policies must be reconstructed to preserve the biocultural diversity of natural arrangements because man cannot be separated from nature and is a supplementary element of the natural world. Bookchin's theory of social ecology puts forward to the elimination of dominant ways of thinking in social systems, which put down man and nature to commodities to be bought and sold because it gave succession occurred between and among the human and natural societies of people of the same society. Inspired by Marx's conception of human production in terms of both its social conditions and material formation, Marxist ecology argues that production and labor exist over time with nature in a healthy state. Technological progress, capitalism, and humanism create barriers between man and earth. This novel suggests that unless we try to coexist and respect all forms of life, we will bring irreversible damages to ourselves. The critical analysis of this novel showed the use of destructive industrial products, toxic chemicals, environmental pollution, and forests mining in the modern world leads to species extinction, destruction of natural resources and chaos in human life. The ecological analysis of the text revealed the complex relationship between culture and nature, the ways in which they are represented and how they are used in the imagination.

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CHAPTER 2

FROM TRADITIONAL MILK HOUSES TO MODERN BREAKFAST CAFES: A SOCIOLOGICAL PERSPECTIVE ON CHANGES IN LOCAL GASTRONOMY

Harun KAPTANER¹

INTRODUCTION

Manufacture dynamics and technological advancements have shaped the interaction between culture and space at various times, emphasizing the prominence of mechanical applications. With the Industrial Revolution, cities played a crucial role in organizing the time and space of modern social life (Freyer, 1954, p.4). Capitalism, during this period, focused on expanding markets and turned urban areas into an integral part of the market economy, elevating them to commodity status (Mumford, 2019, p. 524). In the modern era, urban life was influenced by industrial production relations, but starting from the 1970s, individual consumption became more prominent, and the importance of mechanical applications increased (Simmel, 2003, pp. 100-101). Cities, as centers of capital accumulation in the new era, adapted mechanical practices according to the diversity and characteristics of production and structurally altered the formation process of material culture (Weber, 2015, p. 82). International coopera-

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tion allowed capitalism to become more global and interdependent in production and financial markets. While large-scale Fordist production declined, the service sector, design-based industries, and high-tech production began to transform both economic and social relationships (Gramsci, 1999, p. 597). Knowledge became a commodity of advanced capitalism during this period (Katznelson, 2019, p. 311). Historically, in primitive, traditional, and modern eras, material culture was shaped within certain social spaces as part of daily life, but in the postmodern era, material culture gained flexibility in terms of time and space within a consumer economy structured by globalized capitalism. The new era's information technologies transformed lifestyles and also influenced gastronomy culture.

Gastronomy culture, enriched the knowledge in the field of food and drink over generations, merging with lifestyle and geographical features, has become a characteristic of the local (Belge, 2016, p. 33). With the postmodern era, expert knowledge replaced craftsmanship, and the integrity of material culture began to fragment and be directed and controlled by the capitalist system (Bauman, 2003, pp. 282-283). Food is a basic need for the continuation of life and, sociologically speaking, is closely related to the environmental and cultural conditions of society. A range of factors, from the production and marketing of ingredients to the presentation and organization of food spaces, extend the purpose of food beyond individual need. Therefore, food is not just a source of physiological nourishment but also a catalyst for social transformation, organization, conflicts, geopolitical rivalries, and economic development (Standage, 2016, p. 11). This study examines the relationship between food, the city, and the capitalist system. Food reflects all the characteristics of the society it is part of (Goody, 2013, p. 46). In other words, it is possible to read societal codes by examining food. Differences in eating and

drinking habits are not only related to the climatic, geographical, or regional characteristics of the city but also to the elements such as the identity, ethnicity, culture, religion, and most importantly, market conditions of city residents. The study addresses the main elements of the food-city relationship. In this context, the aim is to investigate how globalization, particularly shaped local cuisine such as “Van Breakfast,” and to examine the sociological aspects of change in city cuisine.

The Emergence of Food as an Identity Element for the City

From the moment individuals are born, they become part of various social groups. These groups support the amalgamation of personal and societal attributes. Factors like ethnicity, race, gender, language, and faith unite individuals under a group identity beyond their individuality (Yuval-Davis, 2006, p. 200). According to Mead, individuals become aware of their own existence as they are recognized by others. For example, within contexts like family, where shared behavioral practices exist, individuals receive feedback from other family members. Through this process, individuals explore their own identity by experiencing the behavior of others. Thus, individuals can truly express themselves only when interacting with others. The attitudes of others offer a practice of comparison and emulation through which individuals construct themselves (Mead, 2017, pp. 212-213).

As individuals construct their identities in both personal and societal contexts, it is dependent on a sense of belonging. One of these senses of belonging can be to the city where they were born. As proposed by the social identity theory, individuals may favor or favor their own city identity over other city identities. City identity plays a significant role in the construction of one's self, and, therefore, it should be considered as a societal identity. Similarly, city communities that are formed by the amalgamation of

villages classify their members according to geographic regions and label each other as “us” and “them.” (Yuval Davis, 2011, p. 3). Individuals, by identifying themselves with the geographical region, its people, and culture, become a part of the geographical community (Cuba & Hummon, 1993, p. 113). Similarly, individuals express their city identity as their place of birth (Burnaz & Ayyıldız, 2017, p. 245).

A person’s sense of belonging to a city may be related to being born in that city, but it can also be associated with experiences in that city (Proshansky et al., 1983, p. 58). An individual considering their birthplace as their hometown, inquiring about the birthplaces of people they meet, and stating their own hometown is related to a sense of belonging to a place. An individual’s city, which is part of their social identity, is also related to the food and food cultures that reflect and represent the city (Antonsich, 2010, p. 646). People’s perceptions of food can have an impact on how they view their individual and national identities (Ichijo & Ranta, 2016, p. 54). Thus, food culture is a societal element that individuals embrace, take pride in, and identify with as part of their identity. Consequently, food, depending on context and circumstances, can lead to identity politics, conflicts, or ownership on a city, local, or national level.

Individuals’ city affiliations can lead them to transfer their affiliations to food. The association of food with the city strengthens individuals’ sense of belonging and turns it into an object representing the city. Food is part of the city identity, and therefore, food is not just a means of nutrition but also a social tool of unification and division. In this context, the prominence of food as an identity element for the city can be illustrated by the “World’s Largest Breakfast Table Organization,” which took place on July 1, 2014, at Atatürk Culture Park. In this event, a total of 51,793 people had breakfast simultaneously, breaking the record for the world’s largest table (Milliyet Gazetesi Website, 2023).

THE EMERGENCE OF FOOD AS AN IDENTITY ELEMENT OF THE CITY

From the moment individuals are born, they become part of various social groups. These groups support the amalgamation of individual personality traits with social characteristics. Factors such as ethnicity, race, gender, language, and belief unite individuals beyond their individuality. According to Mead, individuals become aware of their own existence as they are noticed by others. For instance, in environments with common behavioral practices like family, an individual receives feedback from other members of the family. Thus, through experiencing the behaviors of others, an individual discovers their own identity. Therefore, true self-expression can only occur when interacting with others. The attitudes of others offer a practice of comparison and emulation through which individuals construct themselves (Mead, 2017, pp. 212-213). While constructing their own identities through others, individuals also construct themselves socially by joining groups where others are present in social life, thereby strengthening their connection with group identity. Social identity emotionally and meaningfully expresses an individual's belonging to a social group. This membership is not institutional or official, but a psychological affiliation that shapes the state of being "us." Social identity is so influential that when people describe themselves, they emphasize group membership rather than individual characteristics.

Individuals form their personal self-esteem based on the identity of the social groups they belong to. However, social identity can also lead individuals to favor their own groups and belittle others when comparing their own groups with others, resulting in in-group discrimination (Çayır & Ceyhan, 2012, pp. 79-80). The construction of individuals' identities in both personal and social structures is dependent on a sense of belonging. One such

sense of belonging can be to the city of one's birth. As suggested by social identity theory, individuals may perceive their own city identity as superior to or favoring over other city identities. City affiliation plays a significant role in the construction of an individual's identity and should therefore be regarded as a societal affiliation. Similarly, city communities formed by the amalgamation of villages classify their members based on geographical regions and label each other as "us" and "them." Individuals identify themselves with the geographical region and its people, culture, making them a part of the geographical community. Similarly, an individual's city identity can be expressed as an affiliation with their place of birth (Burnaz & Ayyıldız, 2017, p. 245). Feeling an affiliation to a city can be related to being born in that city, but it can also be related to the experiences one has in that city. Viewing one's place of birth as their hometown, asking people they meet where they are from, and stating where they are from are all related to a sense of belonging to a place. The city, as part of an individual's social identity, is also associated with food and culinary cultures that reflect and represent the city identity. How individuals perceive food can influence how they see their individual and national identities (Ichijo & Ranta, 2016, p. 54). Therefore, culinary culture is a societal element that individuals embrace, take pride in, and take ownership of as part of their identity. Thus, food, depending on the context and circumstance, can lead to a politics of identity, conflict, or ownership at the city, local, or national level. Individuals' city affiliations can lead them to transfer their affiliations to foods. The identification of food with the city turns it into an object that strengthens an individual's sense of belonging and represents the city. Food is a part of the city identity, and therefore, it serves not only as a means of nourishment but also as a social unifying/dividing tool. In this context, a good example of food emerging as an identity element of the city is the "World's Largest Breakfast Table" event held on July 1, 2014, in

Atatürk Culture Park. In this event, a total of 51,793 people had breakfast simultaneously, breaking the record for the world's largest table (Milliyet Gazetesi Website, 2023).

The Emergence of Food in the City's Economy

Within the complex structure of a capitalist economy, the economic impact of tourism is steadily increasing. In this growth, areas like gastronomy tourism or food tourism hold significant importance. Today, gastronomy is effectively utilized in promoting national cuisines and has been embraced in the field of diplomacy by some countries (Cihan, 2022, p. 5). In this context, cities are striving to stand out through gastronomy tourism. People are now beginning to travel to experience new and local flavors. However, not every meal is sufficient for such a gastronomic journey. Gastronomy is intertwined with geographical, cultural, social, and dietary elements. Tourists travel to discover food and beverages they haven't tasted before. This has given rise to gastronomy tourism. Another concept associated with gastronomy tourism is known as a geographical indication. A geographical indication refers to the name and signs of a product produced in a specific region, bearing only the unique characteristics of that region (Hazarhun & Tepeci, 2018, p. 372). Therefore, region-specific dishes play a vital role in the gastronomy tourism of that region. Dishes carrying geographical indications become a major attraction, drawing mass tourism to that region and branding the region itself. For example, Gaziantep-Baklava, Adana-Kebab, Bursa-Iskender, Erzurum-Çağ Kebab, Adıyaman-Çiğköfte, and the relationship between Van and breakfast serve as selective examples of a marked relationship between a dish and a city (Van İl Kültür ve Turizm Müdürlüğü, 2023). From this perspective, it is possible to say that cities experience economic growth and an influx of visitors through gastronomy tourism (Çapar & Yenipinar, 2016, pp. 106-109). Furthermore, people who experience

gastronomy tourism in a region return home and naturally promote it, enabling these new individuals to make new trips to the gastronomic areas of cities.

The spread and sustainability of gastronomy tourism have a positive impact on the development of the local population (Gürhan, 2017, p. 5161-570). In conclusion, gastronomy tourism contributes to understanding the culture of the visited region and, from a social constructivist perspective, internalizing it. Tourists establish a connection with the region and culture through the food and beverages offered, leading to increased cultural exchange through gastronomy (Sunay, 2022, p. 112). Supported by a field study conducted in Van, according to the research participants, most of them had never been to Van before and came to Van with the purpose of “seeing a different city” and “tasting Van breakfast.” Moreover, it can be said that what stuck in the participants’ minds the most when leaving Van was “Van Breakfast.” Additionally, participants had positive general impressions of Van and expressed their intention to recommend Van to people around them and consider revisiting Van (Kılıçhan & Köşker, 2015, pp. 110-111).

The Impact of Globalization on the Food Sector

Globalization significantly affects food systems worldwide. This impact is not limited to the standardization of dietary habits but also leads to the emergence of cultural determinants (Beşirli, 2012, p. 11). In a study, it is emphasized that in an increasingly globalized world, new food products are being drawn into international markets (Goodman & Watts, 1997). Dietary habits, production, and preparation methods are changing, bringing more diversity and accessibility. Today, foods have become products of a globalized market, a phenomenon referred to as “food globalization,” and it is noted that this globalization has an impact on various fields, from producers to consumers and industry (Mén-

dez, 2014, p. 208). Particularly with globalization, the possibility of consuming all kinds of food in any location and season has led to changes in dietary habits and easier access to food. To explain this, sociologists have used the concept of “McDonaldization.” This concept is primarily used to explain the relationship between globalization and dietary habits, which standardize people’s food preferences through the imperialistic spread of fast-food restaurant principles, significantly affecting not only American society but also increasingly influencing other countries worldwide (Ritzer, 2016, pp. 16-17).

Fast food services lead to the standardization of taste, leaving similar impressions on many people’s palates. Therefore, with the standardization of dietary habits spreading worldwide, it has transformed local cuisines and dietary habits, leading to the loss of local culinary traditions and suggesting a possible evolution towards a global food culture. The situation resulting from globalization gives rise to the concept of “glocalization,” indicating that a hybrid structure is emerging, where different local values intermingle. This term describes the process of adapting global products to local market demands (Abercrombie, et al., 2006, p. 26). Therefore, the analysis of urban food culture should not be detached from the effects of globalization. In this context, local restaurants opening branches nationwide and even transforming into global corporations provide a noteworthy example of this process.

The products offered in Van Breakfast were initially made using traditional methods that have remained unchanged for centuries, including milk, honey, clotted cream, buffalo clotted cream, churned butter, buttermilk, white cheese, scrambled eggs with local wheat, and “kavut.” In today’s Van, there are 65 breakfast restaurants that offer a menu with more than 40 different items from various regions of Anatolia, cacık (strained yogurt), herby cheese, ezine cheese, white cheese, tulum cheese, string cheese, cheddar

cheese, black olives, green olives, scrambled eggs (roasted, sujuk, cheese, cheesy, pastrami, fenugreek, plain, soudjouk), murtuğa, kavut, gencirun, fenugreek, (walnut, rose, cherry, pear, apricot, peach, strawberry, blackberry, fig, quince jams), tomato, cucumber, lettuce salad, pastry, chocolate cream, peanut butter, honey, tahini, molasses, pickles, tandoori bread, pastry, dried apricots, walnuts, french fries, roasted peppers, walnut tahini cream, menemen, milk, coffee, tea, fruit juice, etc. Due to the influence of globalization on gastronomic culture, some breakfast restaurants also offer alternative beverages such as milkshakes, espresso, filter coffee, and serve alternatives to tandoori bread and pastry, such as bagel, French baguette, pogaca, and kruvasan.

From Past to Present: Van Breakfast

Every country has its own distinct language, traditions, culinary culture, and, consequently, unique breakfast habits (Güvenç, 1979, pp. 95-97). Traditional Turkish breakfast tables commonly feature homemade jams, regional cheese varieties, olives, sweets, sausage, tomatoes, cucumbers, fried items, eggs, and pastries (Erdoğan, 2000). In this context, it can be stated that the province of Van also has its unique breakfast culture.

The institutionalization of the breakfast culture in Van, transitioning from home to the market, has a history of approximately 75 years. The history of breakfast houses (Süt Evi) dates back to 1947, when the first breakfast house was established by Nusret Şahin and Şeref Şahin. During this period, people coming for breakfast used to prepare their breakfast by adding warm milk, herb cheese, honey, clotted cream, and butter to the bread they brought with them. After a while, Nusret Şahin expanded the breakfast menu to include bread, honey, clotted cream, and butter. It is noted that the products supplied to the breakfast house came from various local producers: herb cheese from the Çatak District, honey from Şemdinli District of Hakkari, and butter,

milk, strained yogurt, and buffalo clotted cream from Şamranaltı Neighborhood in Van. The milk not sold in the breakfast house was known to be used in making Van pastries. Murtuğa and kavut were added to the menu later on. In the 1950s, those who worked as apprentices in Nusret Şahin's breakfast house went on to open their own breakfast houses, thus contributing to the development of the breakfast culture in Van, both economically and institutionally (Çiçekli, 2019, p. 423).

In 1945 and afterwards, these breakfast houses served milk, tea, honey, tahini, molasses, and herb cheese menus, especially to people coming from villages to the city center and city residents (Çiçekli, 2019, p. 423). However, the previous breakfast house was closed in the 1950s. Later, Fevzi Timur and Mehmet Timur, who were apprentices of Nusret Şahin, opened the second breakfast house in 1953, named "Seher Süt Evi." Due to its location near the Van City Museum, this breakfast house attracted the attention of both local and foreign tourists and served until later hours. In the subsequent period, this breakfast house was relocated back to its original location and continued its service as "Seher Kahvaltı Salonu" (Kalçık, 2017).

The story of Van Breakfast from the past to the present is summarized by Yusuf Konak, who made significant contributions to the breakfast culture in Van through a field study related to Van Breakfast:

"I was born in 1957. In 1960, I came to Van from the village and settled here. Between 1965 and 1975, I worked as an apprentice and journeyman in milk shops. When we started working, there were milk sellers in Van. Milk sellers used to sell cheese, cacık (strained yogurt with herbs), butter, yogurt, and milk. They also provided milk, cheese, butter, and bread to those who wanted to have breakfast in aluminum bowls. We didn't know what a glass was. Bread was cut into the aluminum bowls and eaten with

a spoon. In 1973, I went to Istanbul. For the first time there, I saw green olives, jam, sausage, porcelain plates, pans, and scrambled eggs. I bought sausage from Kayseri, porcelain plates, pans, and utensils from Kahramanmaraş, and in 1975, I opened the first breakfast house in Van, implementing what I saw outside. In my restaurants, I always made a difference; I brought our local products to my breakfast places. Because I constantly made a difference, my mother and my wife would say, 'Look at what Yusuf has done again, he couldn't sit still, he made a change.' This expression became a nickname for me. In 1995, I opened breakfast houses under the title 'Bak Hele Bak Yusuf Konak.' I currently have breakfast houses with my own 'Bak Hele Bak Yusuf Konak' brand in places like Ankara and Istanbul. I am involved in all kinds of promotional activities to promote Van Breakfast in Turkey and worldwide. When I heard about the breakfast record in America, I thought about why it couldn't be in Van. When I came to Van, I shared my thoughts with the President of the Van Chamber of Commerce and Industry. He agreed with my idea. As a result, Van broke the world record with the support of public and civil society organizations, with 51,793 people participating. I have received many awards for introducing Van Breakfast to Turkey and the world. My only current goal is to make Van Breakfast a global brand" (Kılıçhan & Köşker, 2015: 104).

Today, particularly welcoming guests from other cities to Van by offering them the rich variety of Van Breakfast has made a significant contribution to the development of the breakfast culture (Aktuğ & Tüfenkçi, 2016, p. 232). During the modernization process, the tradition of not taking money from the first customer at breakfast houses, initially believed to bring prosperity, was forgotten over time (Belli, 2012: 528). Currently, the location where the first breakfast houses were opened has been named *Breakfast Street* by the İpekyolu Municipality, and it has been arranged with city furniture. In order to prevent profiteering and ensure

the regulation of the services offered by the breakfast houses, this street is constantly monitored by municipal inspectors due to the encouragement of the capitalist market economy's competition.

Today, there are around 65 breakfast house operators registered with the Van Restaurant Owners, Bakers, Pastry Chefs, Breakfast House Operators, and Butchers Tradesmen's Association, and the Van Chamber of Commerce and Industry. In addition, considering tourist hotels and restaurants, the number of businesses offering Van Breakfast exceeds 100.

Conclusion and Evaluation

The origins of the breakfast houses in Van date back approximately 75 years. Prior to the opening of breakfast houses in Van, traditional Van Breakfast, prepared by women in homes, primarily consisted of dairy and dairy products. However, this breakfast culture began to reach a wider audience with a milk shop opened by a Van-based entrepreneur following World War II. These places, initially known as "milk shops," later came to be referred to as "breakfast houses." While milk shops initially offered a limited number of locally sourced products to customers, starting from the 1970s, the influence of globalization led to the inclusion of breakfast products and presentations from different regions as part of Van Breakfast. This process gained even more momentum as we entered the 2000s. Traditional Van Breakfast, which traditionally featured 6-7 items, now offers over 40 different items. It is expected that this diversity will continue to grow in the future. Studies and observations have shown that in breakfast establishments in different regions of Turkey, an increasing number of similar products are offered. Furthermore, the quantities of Van Breakfast products, traditionally produced using traditional methods, have declined due to factors such as uncontrolled urbanization and the destruction of pasture areas. Additionally, the increasing popularity of Van Breakfast both in Van and beyond

has led to an increase in the number of establishments serving Van Breakfast. The growing demand for natural and local products and the challenges in sourcing these products naturally lead these breakfast places to turn to breakfast products from various regions. For instance, Van Breakfast, which gained popularity in the 1990s, started to flourish even more with the local delicatessen products of the Vanet company. However, in the 2010s, due to the difficulties faced by Vanet companies (Wanhaber Website, 2017), breakfast room owners turned towards delicatessen products from regions like Afyon and Kayseri. This situation led to the presence of non-Van-specific delicatessen breakfast options in the Van Breakfast menus. Moreover, in order to meet the changing demands of their customer base, Van Breakfast has expanded its product range to include a variety of regional products from Turkey as well as specialties from British and French cuisine, in addition to local products. For example, alongside local tandoor bread (Koca & Yazıcı, 2014, p.38), alternatives like French baguette bread and espresso coffee are now offered. This situation can be seen as an important sociological example of how a globalized world can shape a local culture.

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CHAPTER 3

PREVALENCE OF WOMEN’S POVERTY, WAYS OF STRUGGLE IT WITHIN THE SCOPE OF SOCIAL WORK AND INTERVENTION STRATEGIES

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INTRODUCTION

Poverty is a multidimensional problem that cannot be reduced to a single definition. Different views and definitions of poverty have emerged over time. According to Mupangwa (2023), poverty is categorised as structural poverty and temporary poverty. Structural poverty is defined as long-term or permanent deprivation of resources, while temporary poverty is defined as long-term or non-permanent deprivation.

Although poverty is an important social problem affecting all people, women constitute a large part of the poor population and experience poverty deeply. In this study, the concept of feminisation of poverty, the global and national prevalence of women’s poverty, the causes of women’s poverty and social work interventions for poor women are included.

Concept of Feminization of Poverty

In the 1970s, the concept of “feminisation of poverty” was used by Diana Pearce. Since then, studies on the gendered differenti-

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ation of economic status have gained momentum (Carlson and McLanahan, 2001). Pearce's conceptualisation has played an initiating role for action-based work in gender-based poverty analysis and policies (Uken, 2018).

The concept of feminisation of poverty has been a concept that has come to the agenda with the widespread use of female-headed households and the fact that women constitute the poorest segment of the poor. The feminisation of poverty has been analysed on the basis of five factors. These are changes in household structure, inadequate social policies, natural and man-made disasters, and human capital problems (Masau, 2019; Time & Whitaker, 2023). On the other hand, the feminization of poverty has been a concept that refers to the high poverty rates in families where women are the head of the household. Although poverty in these household structures varies, loss of income due to divorce or separation, inadequate welfare policies for never-married women with low education and skills have not been able to lift women out of poverty. When intra-household dynamics are analysed, it is known that women are generally responsible for the care of groups such as children, the disabled and the elderly. This responsibility prevents women from participating in education and working outside the household. In addition, most of the women who work outside earn less money than men. One of the reasons for this may be that women are offered lower wages, with women working in lower-earning jobs within the gender-based division of labour (Sidel, 1998; Litt & Zimmerman, 2003; Gottlieb, 2016; Time & Whitaker, 2023; Mupangwa, 2023).

National and Global Prevalence of Women's Poverty

Women are more likely to experience poverty at some point in their lives than men (Golberg, 2010; Time & Whitaker, 2023). It is known that 70% of the 3 million people affected by poverty globally are women (Mupangwa, 2023). On the other hand, it is stat-

ed that 1 out of every 10 women lives in absolute poverty. With the continuation of the current global trends in a similar way, it is estimated that by 2030, the female population (342.4 million), which constitutes 8% of the world population, will live below 2.15 USD per day. It is also estimated that 220.9 million of the poor will be women living in Sub-Saharan Africa. Today, women aged 25-34 are 1.2 times more likely to be in absolute poverty than men (UNWOMEN, Women Count and United Nations, 2023).

Table 1. Population of Women Living in Extreme Poverty Globally by Region, 2022 (Million)

Location	Count
World	388
Sub-Saharan African Countries	244
Central and South Asia	81
North Africa and West Asia	20
Latin America and the Caribbean	20
East and Southeast Asia	19
Europe and North America	3
Oceania	1
Australia and New Zealand	0.1

Source: UNWOMEN, 2022

Today, 8 African countries are recognised as the poorest of the poor (Time and Whitaker, 2023). In all regions of the world, female poverty rates are higher than male poverty rates at least one poverty line (\$1.90, \$3.20, \$5.50 and the national poverty line). According to the sample of 186 countries in Table 1, 62.8 per cent in Sub-Saharan Africa, 20.9 per cent in Central and South Asia, 5.3 per cent in Latin America and the Caribbean, 5.1 per cent in North Africa and West Asia, 4.8 per cent in East and Southeast Asia, 0.8 per cent in Europe and North America, 0.3 per cent

in Oceania (excluding Australia and New Zealand) and 0.01 per cent in Australia and New Zealand (UNWOMEN, 2022).

Table 2. Population of Women Living in Extreme Poverty Globally by Region, 2022 (Million)					
Location	2015	2020	2023	2025	2030
Sub-Saharan African Countries	39.7	40.2	38.7	36.5	32.5
Oceania	32.4	28.1	28.1	21.7	18.0
Central and South Asia	7.8	14.8	11.8	9.4	6.8
Latin America and the Caribbean	4.4	6.5	6.4	6.2	4.8
North Africa and West Asia	3.3	5.0	5.1	4.5	4.1
East and Southeast Asia	2.7	2.0	1.8	1.6	1.1
Europe and North America	0.8	0.8	0.8	0.6	0.5
Australia and New Zealand	0.4	0.4	0.4	0.4	0.2
World	11.4	11.1	10.3	9.3	8.0

Source: UNWOMEN, Women Count and United Nations, 2023

According to the global projections for the year 2030, it is estimated that there will be a decrease in the rates of female poverty, although not sufficient. For example, while the rate of female poverty in Sub-Saharan African countries was 39.7 per cent in 2015, it is estimated to be 40.2 per cent in 2020, 38.7 per cent in 2023, 36.5 per cent in 2025 and 32.5 per cent in 2030. In Oceania, this rate was 32.4% in 2015 and 18% in 2030; in Central and South Asia, it was 7.8% in 2015 and 6.8% in 2030; and in Central and

In South Asia, it is estimated to be 6.8 per cent in 2030, down from 7.8 per cent in 2015. Similarly, Latin America and the Car-

ibbean, North Africa and West Asia, East and Southeast Asia, Europe and North America, Australia and New Zealand are also expected to see a decline in female poverty rates by 2030. As a matter of fact, while the female poverty rate in the world as a whole was 11.4 per cent in 2015, it is estimated to exhibit a gradually decreasing outlook every 5 years.

The poverty rates of both women and men in Türkiye are shown in Table 3.

Table 3. Poverty Rates of Household Members by Gender and Educational Status, 2019-2021						
	2020			2021		
	Total	Male	Female	Total	Male	Female
Total	18,8	18,2	19,5	18,0	17,4	18,6
Illiterate	35,8	39,3	35,1	34,6	41,7	33,2
Literate with no degree	35,7	44,8	31,4	34,1	40,8	31,0
Less than high school	21,2	22,3	19,9	20,9	22,1	19,6
High school or equivalent	12,9	12,6	13,4	12,6	12,3	13,0
Higher education	4,6	5,2	4,0	4,5	4,2	4,9

Source: TÜİK, 2022

As can be seen in Table 3, when poverty status is analysed according to educational attainment, the poverty rate of illiterate or those who have not completed school is higher than those with other levels of education for both women and men. The poverty rate of women with low level of education is higher. In addition, it is observed that the poverty rate of women exhibits an irregular pattern of increase and decrease over the years. As seen in Table 3, poverty rates of women with low educational level are higher.

Being at a low level in terms of education puts women in a disadvantageous position in terms of being enrolled in employment and accordingly in the face of poverty.

The number of women and men unemployed in Türkiye by years is given in Table. 4.

Table 4. Unemployment Rate 2015-2022		
Male	Number of Unemployed	Unemployment Rate
2015	1891	9,2
2016	2 006	9,6
2017	2 024	9,4
2018	2 082	9,5
2019	2 707	12,4
2020	2 599	12,3
2021	2 364	10,7
2022	2 044	8,9
Female		
2015	1 167	12,6
2016	1 324	13,7
2017	1 431	14,1
2018	1 455	13,9
2019	1 762	16,5
2020	1 462	15
2021	1 554	14,7
2022	1 538	13,4

Source: TÜİK, 2022

Today, being inclined is one of the primary means of earning an income. One of the important components of income is being employed (Çalışkan, 2007). On the other hand, although being employed does not by itself mean not being poor today, it is important in the sense that individuals can meet their basic needs.

Table 4 shows the unemployment rates by gender in Türkiye

by years. In this framework, it can be seen that the unemployment rates of women and men are different from each other, and that female unemployed people outnumber male unemployed people both in number and ratio.

The following section discusses the causes of women's poverty.

Causes of Women's Poverty

Although poverty is a multidimensional concept, it is known that many economic, social, cultural and demographic variables are interrelated in the gender-based analysis of poverty (Uken, 2018).

Gender and the intersection of characteristics such as age, household status, disability, race and migration pose a risk for women to be exposed to poverty and social exclusion. On the other hand, living in certain geographical areas is also important in terms of facing high poverty risk. Therefore, it is important to understand which groups of women are more disadvantaged in terms of poverty.

It is known that migrants constitute a significant risk group in terms of poverty compared to those living in their home country. Migrant women born outside Europe face twice the risk of poverty than women born in Europe. However, race is an important variable in terms of poverty risk. 80 per cent of Roma live below the poverty line in their country. Only 16 per cent of Roma women aged 16 and over are employed. Similarly, women with disabilities face employment challenges. One third (31 per cent) of women with disabilities aged 16 and over are at risk of poverty. Many older women have to live on inadequate pensions due to income inequality throughout their lives (European Institute for Gender Equality, 2020).

Immigration is one of the situations that cause women to experience poverty more deeply. Many women are forced to leave their countries due to war, famine, inability to meet their basic

needs such as access to food and clean water, inability to benefit from education and health services. In this framework, migrant women may also face discrimination based on gender inequality in the countries where they seek asylum. First and foremost, due to reasons such as inadequate access to employment opportunities, non-recognition of their diplomas or qualifications, and ethnic discrimination, they are either unable to work or find a place for themselves in low-paid, unskilled jobs limited to domestic and care services. On the other hand, in some cities where they settle, they have to live in cold, damp and old houses that are unfavourable in terms of hygiene and health, dependent on social assistance, with few belongings (Ünlütürk Ulutaş, 2022). As a matter of fact, there are many poor migrant women in similar conditions in Türkiye. The majority of migrants are Syrians. According to December 2023 data, a total of 3,214,780 Syrians, including 1,535,503 women, live in Türkiye (Mülteciler Derneği, 2023).

Household situation is also an important determinant of poverty. In 2017, adults living alone (35 per cent) are twice as likely to be at risk of poverty as couples living without children (16.4 per cent). Having children increases the risk of poverty for adults living alone. It is stated that lone parents living alone are at risk of poverty in European Union countries. According to 2017 data, 9 out of 10 of 7.5 million lone parents aged 25-49 in the European Union countries are at risk of poverty (European Institute for Gender Equality, 2020). One of the reasons why poverty is higher especially in female-headed households is stated as the loss of income due to divorce or death of their husbands (Time and Whitaker, 2023). The economic situation of women mostly depends on their marital status. Those whose husbands have died or separated from their husbands are characterised as the poorest among the poor (O'Grady-LeShane, 1990). On the other hand,

it is possible to come across some practices that reinforce women's poverty in intra-household dynamics. The most prominent of these is related to women's care responsibilities. Women take care of the elderly, the disabled and children in the household and therefore may be deprived of the opportunity to continue their education or to work.

Many factors are mentioned in the impoverishment of women. Especially in the USA, the view that poor groups are mostly composed of women and their accompanying children has come to the agenda in recent years. It is mentioned that there are many reasons for this. For example, even if women do the same work as men, they are paid less. An important factor causing this situation is explained by the fact that women have less access to decision-making and influence mechanisms (Woehrle & Engelmann, 2008). In general, women's poverty, especially African women's poverty is caused by reasons such as inability to enjoy property rights, famine, war, diseases, lack of access to education (Time and Whitaker, 2023).

Over time, new problems come to the agenda globally and can deepen the existing problems. The Covid-19 pandemic, which has affected the whole world, is one of the new problems. The COVID-19 pandemic has had a devastating impact on various aspects of society, including women and their experiences with poverty. According to the sources provided, the pandemic has exacerbated existing gender inequalities and widened the poverty gap for women. According to the sources provided, the pandemic has exacerbated existing gender inequalities and widened the poverty gap for women. The implications of the pandemic on women and poverty are significant (UNDP, 2020). It has been observed that households with higher income have experienced a quicker recovery in employment and income, while areas with higher poverty rates continue to suffer from high job losses and

limited access to basic services. Additionally, the pandemic has caused changes in the nature of professional and domestic work, which has further exacerbated gender inequality. To tackle these challenges, it is essential to involve women and women's organizations in COVID-19 response planning and decision-making (United Nations Women, 2020; Wenham et al., 2020). Furthermore, there is a requirement to convert the inequalities of unpaid care work into a new comprehensive care economy that benefits everyone. Additionally, it is crucial to develop socio-economic plans with a deliberate focus on the lives and futures of women and girls. UNWOMEN (2020) has responded rapidly and specifically to mitigate the impact of the COVID-19 crisis on women and girls.

In the following section, women's poverty will be discussed in terms of social work profession and discipline.

Women Poverty and Social Work Approach

Poverty has a negative impact on the well-being, functionality and capacity utilisation of individuals and progresses in a vicious circle. For this reason, social work has an important stand in the fight against poverty (Twikirize et al., 2013).

Ensuring that women and girls benefit from social protection factors such as access to assets, health care, family planning, education and employment is essential in the fight against poverty (UNWOMEN, Women Count and United Nations, 2023).

Urgent action is required globally to combat poverty and inequality using feminist approaches that are intersectional and human rights-based. These approaches aim to comprehend gender-based inequalities and address them appropriately. The policies required for transformation aim to develop programs comprehensively (Derin Yoksulluk Ağı, undated).

Social workers have a supportive role in facilitating access to education, employment and decision-making mechanisms with women, who are among the groups that experience poverty the most. In general, women are not included in social, economic and political spheres. In this context, it is possible for future generations to be protected from poverty, especially when women benefit more from educational opportunities. For this reason, the educational role of social workers is more prominent (Muchiri & Nzisabira, 2020).

Social workers have a critical role in identifying and combating the effects of poverty on women. Social workers have an important role in helping women to combat the difficulties arising from poverty with the support and resources they provide. These supports can be provided through the methods listed below.

Advocacy and policy change; social workers can advocate for policy change around the determinants of women's poverty such as gender discrimination, difficulties in accessing education and health services, unequal wages. In advocating for change at the policy level, they help to create a more equal and accessible system for women.

Training and skills development; It is very important for poor women to benefit from training and skill development opportunities, to participate in employment and to work in higher paid and secure jobs. In this framework, social workers can prepare various programmes within the framework of vocational training, financial literacy training, encouragement to continue higher education.

Access to support services; social workers can ensure that poor women benefit from a range of support services such as child-care assistance, housing support, mental health services and legal aid. Support in meeting these important needs can help women achieve a more sustainable life and economic independence.

Promoting economic independence; social workers can work with poor women by enabling them to access resources such as developing financial management skills, creating a savings plan, micro-credit and entrepreneurship support. By promoting economic independence, social workers can help poor women break the cycle of poverty and build a more secure future (Swigonski, 1996; Cheng, 2007; International Federation of Social Workers, 2010; Christensen, 2019).

It is important for social workers to have knowledge about the difficulties women face in their poverty experiences. Within the scope of combating the feminization of poverty, programmes and interventions that address the specific needs of women should be prioritised (Swigonski, 1996). Such programmes include accessible childcare, job training programmes, financial literacy and supportive activities that increase economic independence. On the other hand, advocacy activities can be carried out within the scope of policies that promote gender equality in workplaces and aim to close the gender pay gap (Rice, 2021). Social workers have a key role in advocating for legislative changes that include fair and equal employment opportunities. Using tools such as community-based outreach and education are important in combating the feminisation of poverty. Social workers can collaborate with community organisations to provide resources and information on financial management, access to health care and legal rights. Collaborating with community stakeholders will enable social workers working on the aforementioned activities to have a significant impact on combating women's poverty (East & Roll, 2015).

RESULTS AND DISCUSSION

In recent years, there has been a growing awareness of the feminisation of poverty, which implies that women are more affected by poverty than men. This awareness is more pronounced in

developing countries where women face difficulties in accessing education, job opportunities and financial resources.

It is known that factors such as gender inequality, unequal pay for equal work, limited access to education and employment rights are effective on the feminisation of poverty. In addition, the Covid-19 pandemic, which has affected the whole world globally, has also been one of the factors deepening women's poverty. In addition, migration, which is another important problem, also deepens women's poverty. Being both a woman and an immigrant further increases the discrimination women are exposed to due to being a woman.

At this point, the social work profession stands in an important place in the fight against women's poverty both directly and through various activities at policy levels. Social workers have an important role in addressing women's poverty within the scope of advocacy activities by contributing to policies and programmes advocating gender equality.

Social workers work for a more equitable and just society by addressing the challenges faced by women in poverty. In this context, they can identify and assess the specific needs of poor women, provide direct counselling, and collaborate with other community resources for skills development and economic independence. In addition, social workers can continue their advocacy activities for change through activities such as policy development, research and training to raise awareness about the impact of women's poverty on women and society as a whole. On the other hand, within the framework of a gender-sensitive approach, they contribute to breaking the cycle of poverty and ensuring and improving social justice for women.

As it is tried to be stated in this study, the social work profession stands in an important place in the struggle against women's poverty. Within the scope of combating women's poverty, which

is one of the most important social problems with both individual and policy level studies, it is considered important to increase social work studies and to strengthen the activities in this field.

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CHAPTER 4

THE CONFLICT BETWEEN CIVIL AND COMMON LAW TRADITIONS THROUGH THE ENFORCEMENT AND RECOGNITION OF FOREIGN JUDGEMENTS¹

Ferit Çağdaş ŞAHAN²

INTRODUCTION

Enforcement and recognition of foreign judgements (JRE) is a controversial and substantial topic of International Private Law. There are two main traditions of jurisdictions followed. The first is called common law (uncodified law), followed by English-speaking countries (United States, United Kingdom). The second is civil law (codified law), followed by approximately 150 countries and derived from Roman law.

These two traditions have quite different procedural features, yet they have to collaborate in international private law if the case contains a cross-border element. In addition, states following both traditions are parties to significant international agreements; the New York Convention³ and the Hague Choice of Court Conven-

¹ This book chapter is derived from the Master thesis of ‘The Conflict Between Civil and Common Law Traditions Through the Enforcement and Recognition of Foreign Judgments’, which supervised by Prof. Dr. Stefan Weber

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³ Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 330 UNTS 38; 21 UST 2517; 7 ILM 1046 (1968)

tion,⁴ with their international capacity, are good examples of this situation. Yet in practice there are issues needing to be tackled.

The United Kingdom, for example, follows the common law tradition and must recognize and enforce judgements decided by other members even though they are civil law countries. This is an obligation for members of the European Union.

The main point of this research is to analyse and suggest solutions for harmonizing common and civil law in the enforcement of foreign judgements. To this end, the research is divided into two essential parts, which examine practical and theoretical approaches inside and outside of the European Union.

Firstly, it explains the connection between common and civil law; furthermore, it provides information about the most efficient agreements prevailing within Europe.

Secondly, the research analyses and compares sample states (England, Germany, United States, and Turkey) with regard to the recognition and enforcement of foreign judgements by referring to related procedural legislations. Next, the research explores the issues in enforcing different law traditions in specific countries by illustrating sample cases from arbitration and litigation. Finally, the research discusses arbitration as a guideline and the current position of the enforcement of foreign awards.

Methodology

The methodology employed is principally interdisciplinary research in comparative law that seeks through a close analysis of the doctrines of law governing a particular topic to improve appreciation of the logic of concepts and rules in connection with the theme (Collins, 1991, p.396).

The research for this study will compare and analyse the fundamental distinguishing differences among common and civil law

⁴ Hague Convention on Choice of Courts Agreements, 44 I.L.M. 1294 (2005)

traditions. This will evaluate the efficiencies of legislations that were employed under the chosen countries, as well as remarking on more appropriate paths to resolve JRE disputes of these jurisdictions. This will be achieved by looking at the rules closely by the practice perspectives to recognize to what extent the rules influence the problems. Data is gathered for this research from the literature of both civil and common law, leading case studies that are reported in international newspaper articles, and documents and decisions by arbitral and court institutions that will be examined with factors.

RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGEMENTS UPON EUROPEAN UNION

General Relationship Between Common Law and Civil Law

Even though both traditions belong to Western law,⁵ common law and civil law are quite different legislative approaches. Civil law relies on codified rules and statutes, which are binding for courts and judgements. On the other hand, in common law, which is also known as uncodified law, the law itself is created by past judgements and decisions. This is a fundamental difference between legislative procedures.

In civil law, the theory of the separation of powers⁶ is adopted, which means a legislative body makes the law, courts apply already made rules, and case law is a secondary source of law. In common law, courts have major competence over law-making in which a court is also part of legislation with following and deciding precedents. In other words, precedents mostly are partial

⁵ Western law refers to the legal traditions of Western culture. Western culture has an idea of the importance of law which has its roots in both Roman law and canon law. As Western culture has a Greco-Roman Classical and Renaissance cultural influence, so does its legal system.

⁶ The division of state and federal government into three independent branches. <http://legal-dictionary.thefreedictionary.com/separation+of+powers> (Last visited: 01/01/2024)

foundations of the law for the civil law, as in common law, precedents not only affect the main case, but they also create law for ensuing cases. This is called the doctrine of *stare decisis*.⁷

However, it is an obligation for international private law to create a fair and reliable system. Developments in commercial and civil relations require it. For this reason, common law and civil law must be in harmony. The European Union illustrates this issue well. Inside the Union, common law and civil law states exist with their own traditions; furthermore, they have to adopt supremacy of European Union law⁸ which requires foreign JRE to tackle the disputes.

Brussels I Regulation

The Brussels I Regulation⁹ allocates all jurisdictions over the European Union. This regulation has been present since 1 March 2002. The current Regulation is a revised version named Brussels I (recast).¹⁰ Its aim was to improve the efficiency of JRE, and it was the first step toward abolishing *exequatur* coming from prior regulation.

Not every member agreed on Brussels I. Until 2006, Denmark did not adopt the Regulation over its own national jurisdiction. Another example is the United Kingdom, a common law state which accepted a modified version of the Regulation.¹¹ England, Wales, Scotland and Northern Ireland are also using a modified version.

⁷ The policy of courts to abide by or adhere to principles established by decisions in earlier cases. <http://legal-dictionary.thefreedictionary.com/stare+decisis> (Last visited: 05/02/2024)

⁸ For details See e.g. CJEU Case 6/64 Flaminio Costa v ENEL [1964] ECR 585, CMLR 425, 593 Italy, Constitutional Court Case No 183/73 [1974] 2 CMLR 372, Frontini v. Ministero delle Finanze

⁹ Council Regulation (EC) No 44/2001 [2001] OJ L12/1.

¹⁰ Regulation (EU) No 1215/2012 [2012] OJ L351/1.

¹¹ Civil Jurisdiction and Judgments Regulations 2007, SI 2001/3928.

In line with the subject, Lutz (2006) stated that this procedure, although resembling common law in substantive law recognition requirements, is unique in that recognition usually is sought through a special petition to a court that has exclusive jurisdiction over recognition proceedings, usually an appellate court and often the highest court of appeal. Cuniberti (2008) states that this abolishment was not for improving recognition but to quicken the procedure (p.12). In practice, *exequatur* was used as a tool to delay the JRE. It is rarely seen that a court denies a judgement within the European Union; however, a procedure should not be abused to slow down a liability.

The Court of Justice has absolute interpretation competence over the Brussels I Regulation, termed *preliminary ruling*,¹² which means the interpretation of the Regulation for defining the reason behind the subject article. The interpretations from the European *Court of Justice* are binding at domestic levels.

Jurisdiction by appearance is also a significant fact of the EU regime. This means that courts have jurisdiction over a case whenever the defendant enters an appearance to the court. The defendant must expose his or her intention to defend the case at the court. Jurisdiction by appearance has no effect on special jurisdiction, but it prevails over jurisdiction agreements between the parties. For this reason, the agreement is made to declare the will of the parties (Kohler, 1985, pp. 563–583). Jurisdiction by appearance also contains a declaration for jurisdiction.

Jurisdiction agreements which grant exclusive jurisdiction are a substantial part of the Brussels I Regulation (Merrett, 2006, pp.315–336). To be more specific, exclusive jurisdiction shall be granted to a certain court in terms of articles 8–12 of the Regulation. If a party claims a case that contradicts the agreement, a

¹² See, Rules of Procedure of the Court of Justice of 25 September 2012 [OJ L 265 of 29.9.2012]

court must decline the case and parties must be diverted to the agreed court. The selected court must not have any connection with the dispute, or facts could be more advantageous to one of the parties. The agreement must be in writing and comply with art. 13 of the Regulation.

Brussels I is a limited regulation that concerns only commercial matters. Customs and administrative matters are expressly excluded by art. 1(1). Article 1(2) expressly excludes the following matters from the scope of the Regulation: the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession, bankruptcy and liquidation, social security, and arbitration (Harding, 2014, pp.102–110).

Hague Choice of Court Convention

The Judgement Project of 1996 was the first step for the convention. Its aim was to apply the JRE between ratified states to uniform international private law (Brand & Herrup, 2008, pp.3–11). However, most of the members would not compromise, and consensus could not be established. Still, the Project was a big improvement for litigation, which had fallen behind with regard to the New York Convention. It was concluded in 2005 and came into force on 1 October 2015.

The Project's main intention was to prevent forum shopping and parallel proceedings (Whitten, 2010, p.567). Developing commercial relations and global transactions required a more stabilized private international law system. For this reason, the convention was signed by the European Union, Mexico, Singapore and the United States; however, only the European Union and Mexico ratified it.

Judgement without enforcement has no value at all. This particular issue is common in international private law. Parties who

have obtained a judgement from their home countries have to think twice about enforceability in a foreign country. As an example, in the United States, a basis of mutual recognition was adopted. The United States was generally open to recognizing foreign court judgements, as long as the foreign state was also recognised and enforced the judgements of courts of the United States (Behr, 1994).

Effects of the Convention can be investigated from different perspectives. Lawyers should consider whether an arising dispute would be covered by Convention or not (Brand & Herrup, 2008). Certainly, determination of a dispute before it arises is a demanding task. Yet, if the dispute is covered by the scope of the Convention, its rules apply. Furthermore, the Convention would interrupt the forum-shopping basis for litigators.

Article 8(1) states that a court must recognise and enforce judgements from the states of the Convention. Refusal can be made only by provisions from the Convention itself. It can be seen from the article that the Convention follows the rules of Brussels I. The court has competence to recognise and enforce the judgement but not to review the merits of the case. Article 9 of the Convention illustrates under what circumstances a court may refuse to recognise and enforce a judgement. At this point, the Convention contradicts the Brussels I Regulation's art. 34. The Convention grants discretion to the courts and states that every court should decide, relying on its domestic law for grounds of recognition and the enforcement of judgements (Thiele, 2007, pp.63–88).

The Convention contains a public policy article similar to art. 34(1) of the Brussels I Regulation. According to the article, state courts have competence to refuse a judgement if the judgement is incompatible with the public policy of the state. This article

should be interpreted narrowly so as not to distort the main scope of the Convention (Trooboff, 2004). Currently only Mexico and the European Union have ratified the Convention. Despite the disputes, the Hague Choice of Court Convention is a significant development for international private law.

Detailed Review of Sample States

Enforcement is an indispensable part of a judgement. Without enforcement, a court's judgement is no more than a mere piece of paper. When a case contains a cross-border element, enforceability becomes more complex. For this reason, states are developing a system for both national and foreign judgements.

Common Law Tradition on Recognition and Enforcement of Foreign Judgements

English Rules

English rules for recognition and enforcement of laws are flexible compared to other states. The first step in English law is to check if the Brussels I Regulation is applicable to a given case. If the Regulation is not applicable, common-law rules prevail. It could be stated that the English rules of JRE started with the cases of *Godard v. Grey*¹³ and *Schibsby v. Westenholz*.¹⁴ In the second case, two Danish individuals signed on a contract in England; the Claimant was a resident of France, and the Defendant was English. The Claimant sued the case in France, and a default judgement was given. The Claimant then tried to enforce the judgement in England, which failed. The court reasoned that *Westenholz* was not sufficiently connected with France to have an enforceable default judgement (Briggs, 1987, pp.240–259).

According to JRE, England adopted the *obligation theory*. The term *obligation* is very technical in nature and applies to the re-

¹³ *Godard v. Gray* (1870), L.R. 6 Q.B. 139

¹⁴ *Schibsby v Westenholz (1870) LR 6 QB 155.*

sponsibility to pay money owed if it is recorded on certain written documents that have been executed under seal.¹⁵ Regarding that obligation, a debt must be paid even if it occurs in a foreign state. England does not adopt reciprocity or comity.

Under common law rules, if a foreign judgement exists and a summary of the judgement¹⁶ was already taken in England, the judgement creditor cannot claim his or her case in an English court again. Furthermore, the judgement cannot be reviewed again even though English courts would decide different merits about the content of the case. This rule illustrates that English rules consider foreign law systems and trust their judgements under certain circumstances. A foreign judgement can lead the parties in three different circumstances (Rogerson, 2013, p.218).

- *Firstly, foreign judgement can be treated as res judicata, which means “at the end of the litigation procedure.” The case of India vs India Steamship Co Ltd¹⁷ is an important example of this situation.*
- *Secondly, a foreign judgement can lead an estoppel to prevent the defence of one of the party’s rights (Barnett, 2001, p.31).*
- *Finally, a foreign judgement can lead an estoppel, which for a given issue cannot be judged again in English courts.*

There are certain acts that apply if the Brussels I Regulation and Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (Lugano Convention)¹⁸ are not applicable to a certain case. These two

¹⁵ <http://legal-dictionary.thefreedictionary.com/obligation> (Last visited: 15/01/2024)

¹⁶ A summary judgment is an application that can be brought by either party during civil litigation proceedings in order to avoid the time and expense involved in proceeding to a full trial. It is known as an interim application and such a judgment may be issued as to the merits of an entire case or of specific issues in that case. The court can also decide to grant summary judgment when neither party has applied for it. http://findlaw.co.uk/law/dispute_resolution/litigation/pre_trial/summary-judgment.html (10/02/2024)

¹⁷ [1993] A.C. 410, [1993] 2 W.L.R. 461

¹⁸ 2007/712/EC

English law acts are the Administration of Justice Act 1920 and the Foreign Judgements Act 1933. Their aim is to simplify the recognition procedure for certain states. The Administration of Justice Act 1920 applies to Commonwealth countries,¹⁹ and the Foreign Judgements Act 1933 applies to many different states. If a judgement is out of the Regulation and Acts, then the case is decided based upon English common law rules.

English courts do not adopt the enforceability of a judgement when a debtor was not present in the state of the foreign court at the time of commencement of proceedings. With regard to this controversial topic, *Rubin v Eurofinance SA*²⁰ is significant. In this case, the debtor was intentionally absent in the United States to avoid the enforceability of foreign judgement by not appearing during the proceedings. When the case came to England, the judge of the court of appeals stated, “I see no unfairness to the respondents in upholding the judgements of the New York court. The respondents were fully aware of the claims being brought against them.”²¹ Afterwards, the case was taken to the Supreme Court of England, which is the final decision-maker.

The judge of Supreme Court Lord Collins referred to Rule 43: “*a court of a foreign country outside the United Kingdom has jurisdiction to give a judgement in personam capable of enforcement or recognition as against the person against whom it was* (Dicey, Morris & Collins, 2012).

Due to these facts, the Supreme Court followed the tradition of not enforcing judgements when the debtor is not present during the proceedings.

¹⁹ Commonwealth Countries were part of British Empire

²⁰ *Rubin v Eurofinance SA*, [2012] 3 W.L.R. 1019

²¹ Court of Appeal of England, [2011] Ch 133, paras 38, 41, 43, 45, 48, 50, 61-62, 64.

Procedure: In English law, a foreign judgement carries over the force of enforceability. This means that as long as the judgement is recognised in the country, it can be also enforced.

As a first step, the claimant applies for a summary of the judgement.²² In this case, the burden lies with the defendant to prove the process will not be fair. With a summary of the judgement, the case cannot be held again in England. In case any party applies to a court for the same action, the court will dismiss the case in terms of the summary of the judgement. The claimant can also apply for registration of the judgement if the case is compatible under the Acts of 1920 and 1933. It could be said that English law privileges judgements from courts of Commonwealth countries. Upon successful registration, the debtor is warned to set aside the registration within a limited amount of time. The Administration of Justice Act 1920, which is eligible for Commonwealth countries, is under the discretion to register, and a judgement should be registered within 12 months. In contrast, the Foreign Judgements Act 1933 permits registration within six years after a verdict, and discretion is not applicable. Non-recognition grounds are determined by the Act itself.²³

The United States Rules

The United States has a unique and complex legal system that still has European roots. It has common law adopted from England, and it has derived its codification of statutes from the civil law countries of the EU.

It could be said that the United States has created a new law system that is very multidirectional for its citizens. It is feasible to argue that U.S. legislators have taken the utility part of the English system and altered the rest. The private and public law distinction is unlike European law. Private law applies when a case is in the

²² English CPR 24

²³ Harding, supra note 15, p.115

interest of a specific person or corporation. It means that even against the government, private law can be enacted.²⁴ Public law covers a very large area with constitutional, criminal, contract, property and related law fields.

The main sources of the U.S. law system are the Federal Constitution, state constitutions, statutes, court decisions and administrative regulations.²⁵ Court structure consists of the dual system of state and federal courts of general jurisdiction. Courts utilize a three-tiered structure (Jenkins, 2011, pp.84–88). The jury system is well developed in criminal and civil trials of common law; the jury is decisive on facts. The judgements of the courts resolve the case between parties and are binding for future issues.

Before giving detailed information about foreign judgements, it is useful to mention domestic legislation. Due to the federal structure, every state in the United States has its own judgement procedure. Enforcing a judgement in a different state is called *sister-state enforcement* (Lunsford, 2015).

It is regulated by Article IV of the United States Constitution: “*Full Faith and Credit shall be given each State to the public Acts, Records and Judicial Proceedings of every other State*” (Jackson, 1945). This means that state courts must recognise final judgements from another state of the United States without any procedure. However, state courts reserve to deny a judgement in special circumstances, for instance, the extinction of public policy, or if the defendant did not have a fair trial. In the United States, there is no general law that covers every point of enforcement of foreign judgements. In other words, only sister-state judgements are regulated in detail, whereas judgements from foreign countries show diversity.

²⁴ For details see: Difference Between Public and Private Law, U.S. Government Publishing Office, https://www.gpo.gov/help/about_public_and_private_laws.htm (20/02/2016)

²⁵ http://nationalparalegal.edu/public_documents/courseware_asp_files/researchLitigation/JudicialStructure/SourcesOfLaw.asp (Last visited: 23/02/2016)

It is rare for the United States to be a party of international agreement for the recognition of judgements. Essentially, it considered the Hague Choice of Court Convention but did not ratify it. In the United States, thirty states apply domestic common law for JRE derived from the Supreme Court's 1895 decision in *Hilton v. Guyot*.²⁶ The other thirty states adopted the Uniform Foreign Money Judgements Recognition Act,²⁷ which has its own principles.

In *Hilton v Guyot*, the claimant sued the defendants, who were New York residents in France, under a claim of breach of contract. The French court favoured the claimant. Afterwards, the claimant tried to enforce the final French judgement in a circuit court of the United States. The defendant appealed the case in terms of a merits review. Even though French judgement fulfils the requirements of enforcement, the court refused to enforce because U.S. court judgements are not enforceable in France. As a result of this case, JRE relies on reciprocity (Francesco & Nita, 2003).

Thirty states adopted the Uniform Foreign Money Judgements Recognition Act²⁸ (UFMJRA), which was developed in 1962 based on Uniform State Laws and the American Bar Association.²⁹ The facts of non-recognition are derived from the common law principle defined by the act. The United States has a unique system of litigation and procedure, and it is problematic to enforce U.S. judgements in foreign states. One of the main concerns about the Hague Choice of Convention is the obligation of applying excessive judgements. These excessive judgements illus-

²⁶ 159 U.S. 113 (1895)

²⁷ 13 U.L.A. 149 (1986)

²⁸ For details: http://www.uniformlaws.org/shared/docs/foreign%20country%20money%20judgments%20recognition/ufcmjra_final_05.pdf (Last visited: 15/04/2016)

²⁹ The American Bar Association (ABA), founded August 21, 1878, is a voluntary bar association of lawyers and law students, which is not specific to any jurisdiction in the United States.

trate considerable differences compared to EU equivalents, which would not be desirable.³⁰

Procedure: Enforcement of foreign state judgements is complex in the United States due to its federal structure (Paul, 2004, p.22). Even though the 1964 Revised Uniform Enforcement of Foreign Judgements Act was used to word foreign judgements, this definition is confusing with regard to foreign state judgements in which two recognition acts refer to foreign states. Due to the separate nature of recognition and enforcement, this contradiction creates problems.

The 1962 Recognition Act states that a foreign judgement, once recognised, “is enforceable in the same manner as the judgement of a sister state which is entitled to full faith and credit.”³¹ Some U.S. states interpreted this fact as including foreign state judgements as long as they are recognised. On the other hand, some states adopted the Enforcement Act and apply this rule only to sister states. This situation is also problematic for federal courts.

Unites States law generally requires a writ of execution³² to enforce a money judgement that would allow discovery by any person, including the judgement debtor. In California, after a writ of execution judgement, a creditor may place a lien against the property within two years after the writ of execution issuance date. Afterwards, the judgement creditor must perfect the lien by filing it with the Secretary of State and the County Clerk where the property is located.

³⁰ International Lawyers Network, United States, New York State, Enforcement of Foreign Judgements, http://iln.com/articles/pub_176.pdf (Last visited: 20/01/2024)

³¹ 1962 Recognition Act § 3, “Except as provided in section 4, a foreign judgment meeting the requirements of section 2 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit.”

³² A court order to a sheriff to enforce a judgment by levying on real or personal property of a judgment debtor to obtain funds to satisfy (pay the winning plaintiff) the judgment amount. <http://legal-dictionary.thefreedictionary.com/writ+of+execution> (Last visited: 17/11/2023)

Civil Law Tradition on Recognition and Enforcement of Foreign Judgements

German Rules

The modern German legal system is a system of law which is founded on the principles laid out by the Basic Law for the Federal Republic of Germany. It is composed of public law (öffentliches Recht), which regulates the relations between a citizen/person and the state or two bodies of the state (including criminal law) and the private law (Privatrecht) which regulates the relations between two people or companies and the criminal law.

For the enforcement of foreign judgements in Germany, the first thing to determine with regard to its membership in the European Union is if the judgement is applicable under the Brussels I Regulation. In case the judgement is not applicable, international treaties and conventions must be checked. There are several multilateral and bilateral treaties, conventions signed and ratified by Germany that would allow the foreign judgement to be enforced in Germany.

A German court can refuse to enforce a judgement if it violates public policy, is not in accordance with a German judgement between the parties, and if the judgement conflicts with an earlier decided judgement that fulfils the requirements for enforcing in Germany and under the Brussels I Regulation. If no treaty or convention applies, a judgement can still be recognised. In this situation, JRE is subject to German domestic law. The court will recognise the judgement only if a German judgement is also recognisable for a given country under reciprocity.³³

³³ The term is used in international law to denote the relation existing between two states when each of them gives the subjects of the other certain privileges, on condition that its own subject shall enjoy similar privileges at the hands of the latter state. <http://thelawdictionary.org/reciprocity/> (Last visited: 05/02/2016)

There are no additional proceedings for recognition. If the foreign judgement fulfils the requirement for German law, it is recognized. The conditions are illustrated in section 328 of the Civil Procedural Code.³⁴ Even though there are no requirements for recognition, the judgement creditor could apply for a declaratory judgement.³⁵ After the recognition, a judgement is enforceable under sections 722/723 of the Civil Procedural Code. However, if the case is under €5000, it must be taken to a magistrates' court or county court. These courts do not delve into the subject law whereas they only decide on whether the decision is in harmony with public order (Siegel & Larry, 2004).

The judgement is no different than a domestic judgement in terms of appeal. Higher regional courts and, for further appeals, the Federal Court of Justice are competent.

Procedure: After the determination of a judgement's enforceability, a court martial will be appointed. The marshal contacts the debtor and investigates the assets. If the debtor cannot afford the debt, the creditor can ask for the land to be auctioned and for a distribution of value. In addition, the creditor may ask for enforced receivership.³⁶

The competent authority for giving garnishee orders is the court of enforcement. The court will decide the garnishee orders and deliver the judgement to a third-party debtor. If the third-par-

³⁴ Code of Civil Procedure as promulgated on 5 December 2005 (Bundesgesetzblatt (BGBl., Federal Law Gazette)

³⁵ Statutory remedy for the determination of a Justiciable controversy where the plaintiff is in doubt as to his rights. A binding adjudication of the rights and status of litigants even though no consequential relief is awarded. Burton's Legal Thesaurus, 4E. S.v. "declaratory judgment."

³⁶ Receivership is an extraordinary remedy, the purpose of which is to preserve property during the time needed to prosecute a lawsuit, if a danger is present that such property will be dissipated or removed from the jurisdiction of the court if a receiver is not appointed. Receivership takes place through a court order and is utilized only in exceptional circumstances and with or without the consent of the owner of the property. West's Encyclopedia of American Law, edition 2. S.v. "Receivership." Retrieved March 13 2016 from <http://legal-dictionary.thefreedictionary.com/Receivership>

ty debtor resists paying the judgement creditor, the creditor can use legal proceedings to enforce payment.

There are certain protective measures in German law. A civil arrest is possible if there is not yet a judgement. The arrest makes it possible to freeze the debtor's assets in case the debt cannot be met. The creditor must prove dissipating assets. This argument must satisfy the court about the danger of committing a crime against the debtor's property. Civil arrest is preferable to personal arrest. In the event of a requirement to secure assets, a personal arrest can be made. However, this situation is very rare and only available when civil arrest is unpractical due to special circumstances.³⁷

A civil arrest can be made by the court that has jurisdiction. Based on that judgement, the creditor must allege a legally valid claim and show that the debtor risks dissipating the property. If the application is successful, the court freezes the assets in order to prevent their transfer (Hopkins, 2006).

Turkish Rules

Turkey is a civil law country that allows recognition and enforcement of foreign judgements under its own legislation with Milletler Arası Özel Hukuk ve Usul Hukuku (MÖHUK),³⁸ The Act determines the requirements and procedure of recognition and enforcement of foreign judgements. On the other hand, Turkey is part of many international agreements that regulate enforcement and recognition between certain states (Sakmar et al., 1989).

Basically, the process begins with recognition from a local Turkish court. Besides that, the creditor can claim the case in local courts instead of finding for recognition and enforcement

³⁷ Personal arrest could be applied if there is a clear doubt about debtors disappearing for breaking the liability.

³⁸ Act no:5718 Recognition and enforcement of Foreign Judgements Second part, chapter II (Articles 50-59)

of local judgement. This fact is accepted both in theory and in practice (Ertas, p.374). After recognition, the foreign judgement is enforceable in an executive office. Enforcement is not required for foreign judgements that specifically determines the existence of a right and establishes or removes a precise legal status. As an example, divorce or rejection of paternity could be given. Simply put, an initial recognition is enough for these judgements to come into force (Ustundag, 2000, p.327).

Before the enforcement, local courts must decide if the decision is final. It is an interesting fact that the Turkish state does not distinguish recognition and enforcement so strictly. For some cases, recognition is not needed before enforcement. The conditions for enforceability are illustrated in the MÖHUK articles 50, 54 and 55. As long as the foreign judgement satisfies the related articles of the act, the local courts are obliged to enforce the judgement. Local judges cannot use judicial discretion³⁹ for foreign judgements.

The courts adopt *ex officio*⁴⁰ investigations concerning enforceability, which can be proved by any evidence (Sanli et al., p.474). The Turkish judicial system does not set any limitations. Turkish courts cannot decide upon merits of the case (revision au fond) (Tosun, 2015, pp.58–65). Under general circumstances, Turkish courts have faith in foreign judgements, a fact illustrated by art. 55(2) of MÖHUK.

There are two divisions of requirements of recognition and enforcement. Firstly, judgement has to fulfil the following pre-conditions according to the Act: the judgement must be given by an official court; it must be related with a civil case; and it must

³⁹ Discretion is the power or right to make official decisions using reason and judgment to choose from among acceptable alternatives. <http://legal-dictionary.thefreedictionary.com/Judicial+Discretion> (Last visited: 17/04/2016)

⁴⁰ Ibid, By virtue of the characteristics inherent in the holding of a particular office without the need of specific authorization or appointment.

be final. For these reasons, protective measures cannot be recognised by Turkish courts.

The reasons for rejection of JRE are also defined by the act. If a judgement is partially or entirely fulfilled in a foreign country, and if there is an obligation to satisfy the judgement, “e.g., regarding to the foreign countries legislation for limitation of time,” the courts could reject recognising and enforcing the judgement.

Special cases can be recognized and enforced based on international agreements that Turkey has signed.⁴¹

Procedure: If there are no specific legislations in line with the case, Turkish procedural law applies. It is worth mentioning that there are precise rules provided within MÖHUK regarding the JRE. Article 51 is a substantial example which regulates the competent courts for JRE. Article 52 is another example which regulates the documents related with appeal statements. However, if the case is outside of the boundaries of MÖHUK, Turkish general procedure law (HMK) will prevail.

Another fact worth mentioning is the requirement of the Turkish law which seeks legal benefit⁴² of claimants. In other words, if the claimants do not have legal benefit for a case, courts will deny it. For instance, the court rejected an arbitration award on the grounds that a claimant assigned credit to Banco di Sardegna S.p.A (Italy) and waived their legal benefit (Sanli et al., p.470).

⁴¹ Main international agreements about enforcement and recognition of foreign judgements which Turkey signed are, Act of Procedure (1954), International Transport of Goods (highway) Agreement, International Transport of Goods (railway) Agreement, the Act of Liability from oil pollution, convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, and the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations. International Bilateral, Multilateral and Conventions signed by Turkish Republic <http://www.uhdigm.adalet.gov.tr/sozlesmeler/sozlesmeler.html> (Last visited: 07.04.2016)

⁴² Existence of a qualification of a right in case of litigation.

According to Turkish law, courts of first instance are competent for JRE. Article 52 of MÖHUK states that anybody who has legal benefit from the case can claim JRE from the Turkish courts. However, if the case is related with family law, special family courts are competent.⁴³

In Turkey, the location of the court is the domicile of the defendant. If the defendant does not have a domicile in Turkey, the main city courts have competence in the case.

Trial begins with the delivery of the statement to the defendant about the related case. In addition, an approved judgement from a foreign court and a translation must be delivered. These documents are inspected by Turkish authorities. In case of deficiency, the judge may give one week's duration to completion. If requirements are not fulfilled, the case will be denied.

The enforcement of judgements of debt is connected to relative fees, a subject illustrated under the Legal Fees Act (art. 4).⁴⁴ For this reason, the judgement debtor must pay repeated legal fees: first, in the foreign country where the judgement was decided, and second, to enforce it in Turkey (Sanli et al., p.543). This issue is not addressed by the Turkish law of enforcement and recognition of foreign judgements.

Finally, when a foreign judgement fulfils the requirements of MÖHUK, judgement would be enforceable in Turkey. The decision of a Turkish judge is added to the foreign judgement and sealed. With this process, foreign judgement is the same as domestic judgement. However, if the judgement is appealed, according to art. 57(2) of MÖHUK, enforcement is stopped immediately.⁴⁵ Because foreign judgement equals the domestic judgement after the recognition, it is treated as Turkish judgement, which is obli-

⁴³ Act of Establishment of Family Courts no: 4787 art. 4 (2003)

⁴⁴ Turkish OJ, RG 02/07/1964-17

⁴⁵ Turkish Supreme Court Case, 12. Circle E.2008/22583, K.2009/4706, T.5.3.2009 Yargı dünyası (August 2009), (in Turkish) Judgement World p.114

gated to enforce within 10 days after the decision. If it cannot be enforced within the time limit, negative prescription rules apply.

If a judgement is recognized in Turkey, the issue cannot to be taken to the court again. There is a *res judicata* effect on the jurisdiction (Barnett, 2001). Thus, the judgement is bound with the decision in Turkey.

The Conflict between Common and Civil law

Finality of Judgement

In general terms, a Final Judgement is the written determination of a lawsuit by the judge who presided at trial (or heard a successful motion to dismiss or stipulate for judgement), which renders (makes) rulings on all issues and completes the case unless it is appealed to a higher court. It is also called a final decree, or final decision,⁴⁶ which, however, has different interpretations in different law systems. It is especially controversial because Brussels II does not require finality of a judgement.⁴⁷ On the other hand, common law strongly requests it.

One crucial example is *Nouvion v. Freeman*.⁴⁸ For this case a Spanish remate judgement⁴⁹ was obtained against a purchaser, and the judgement was taken to England to be enforced. In Spain, there are two types of proceedings: executive and plenary. In Spanish executive proceedings, upon proof of a case, it is

⁴⁶ Retrieved from *Burton's Legal Thesaurus, 4E. S.v.* "final judgment." <http://legal-dictionary.thefreedictionary.com/final+judgment> (16/05/2016)

⁴⁷ Wautelet, *Chapter III: Recognition and Enforcement (Art. 32)*, in *BRUSSELS I REGULATION* 535, 540 (Ulrich Magnus & Peter Mankowski eds., 2007).

⁴⁸ [1889] 15 App. Cas. 1 (Eng.).

⁴⁹ The remate judgement, whether in favour of the plaintiff or against him, is not *res judicata*, nor does it extinguish the original cause of action, which the plaintiff may have had against the defendant or vice versa. This is plain from the Spanish Code of Civil Procedure and from the evidence of the Spanish lawyers called on both sides. Their evidence also shows that no action can be brought in Spain on any foreign judgement which is not *res judicata* according to the law of the country in which it was pronounced. Retrieved from <http://www.uniset.ca/other/cs5/37ChD244.html> (Last visited: 10/06/2016)

enough for a judge to decide, even if the defences are not put forward by the defendant. Only with plenary proceedings would the defences be raised before the same judge for the same case.⁵⁰

The House of Lords refused enforcement in England and decided: “A remate judgment does not fully resolve the disputes between the parties, as it is limited in scope. In executive proceedings, the defendant can only present specific, predefined arguments. However, the same court that issued the remate judgment can also adjudicate a regular or plenary action, addressing all contentions raised by the defendant, even those previously considered in the executive proceedings.” (Huang, 2012, p.71–109).

This example brings about a new approach for finality of the judgement, which questions origin of law and whether the judgement is final by its origin of law (Barnett, 2001, p.31).

Jurisdiction

Jurisdiction is one of the most controversial areas of JRE. In the European Union, most issues are based on this matter (Huang, 2012, pp.71–109). Colligating a majority of states for similar allocation for jurisdiction is not as convenient as arbitration, which is supported by the New York Convention. The Hague Convention came with many controversial issues, as mentioned above. Especially, considering the different structure of U.S. law and judgements might be problematic to enforce for participant states.

An important split was about “doing business.”⁵¹ Today, U.S. courts consider this requirement fulfilled by a single commercial

⁵⁰ Carl Zeis Stiftung v Rayner & Keeler Ltd (No 2) [1967] 1 AC 853, HL

⁵¹ A qualification imposed in state long-arm statutes governing the service process, the method by which a lawsuit is commenced which requires non-resident corporations to engage in commercial transactions within state borders in order to be subject to the Personal Jurisdiction of state Courts. Retrieved from (n.d.) West’s Encyclopedia of American Law, edition 2. (2008). <http://legal-dictionary.thefreedictionary.com/Doing+Business> (Last visited: 06/15/2016)

transaction, if the causes of action providing a right to a judicial remedy arise from it. For example, in *Wiva v Royal Dutch Petroleum Co*,⁵² none of the parties have a branch or an office in the United States, but the U.S. court was observed as competent because their second-tier subsidiary maintains an office in New York (Huang, 2012, pp.71–109). This fact is substantially opposed on the grounds of Brussels I, which was discussed at the Hague Choice of Court Convention.

Another conflict is focused on a more procedural path named “Italian Torpedoes”. If a potential defendant becomes aware of an imminent legal action targeting them under a specific patent, they might proactively file a lawsuit in a different European jurisdiction. The aim of this pre-emptive move is to obtain a court ruling that confirms they are not infringing on the patent in question. To achieve this, they may pursue a declaratory judgment action or an action for non-infringement. The strategy often involves selecting a country with a reputation for slower judicial proceedings, with Italy and Belgium historically being favoured locations for such legal manoeuvres. (Rehse, 2014).

Brussels I made crucial attempts to tackle this issue; however, according to Nyombi, Mortimer and Lewis (2015), it is not tackled yet. It is certain that Brussels I (recast) have considered and taken precautions against abuse of the *lis pendens* rule.⁵³ As an example, *the Recast Regulation has removed the requirement that for a choice of court agreement to be valid, one party must be domiciled in a Member State. Thus, the new art. 25 permits any party to*

⁵² 31 ELR 20166 No. Nos. 99-7223[L], -7245[XAP], 226 F.3d 88/(2d Cir., 09/14/2000)

⁵³ (*Lis pendens*) n. Latin for “a suit pending,” a written notice that a lawsuit has been filed which concerns the title to real property or some interest in that real property. The *lis pendens* (or notice of pending action) is filed with the clerk of the court, certified that it has been filed, and then recorded with the County Recorder. This gives notice to the defendant who owns real estate that there is a claim on the property, and the recording informs the general public (and particularly anyone interested in buying or financing the property) that there is a potential claim against it.<http://dictionary.law.com/default.aspx?selected=1172> (Last visited: 10/06/2016)

choose a Member State's jurisdiction (Rehse, 2014, p.79). It is clear the legislator aimed to prevent tactical litigation with the Brussels I Regulation.

Despite recent developments, the reliability of hybrid or asymmetric jurisdictions, which on one hand binds one party to a particular jurisdiction but on the other hand permits the other party to commence proceedings in any competent court,⁵⁴ is not clearly explained under art. 31(2). The question of whether these clauses are considered as providing exclusive jurisdiction is not answered. Furthermore, asymmetric jurisdiction agreements are still applicable in English law (Rehse, 2014, p.80).

Another fact is the prevention of proceedings by the chosen court according to art. 31(2), if the proceedings already started in a non-chosen court. This rule does not speed up the proceedings, or else there is no deadline for reaching a decision. If a party commenced torpedo litigation in a non-chosen court, it might still delay the litigation (Rehse, 2014, p.81). Under art. 27 of the Brussels Regulation, torpedo action is still possible where proceedings involving the same cause of action and between the same parties are brought in the courts of different member states.

*Websense v Itway*⁵⁵ is a significant example of this issue. According to this case, parties agreed that the Irish courts would have exclusive jurisdiction to settle any dispute. Hence, Websense International was to seek a summary judgement against ITWAY in Ireland. However, ITWAY took proceedings to an Italian court against a Websense Italia claim.⁵⁶ Despite the existence of an exclusive jurisdiction clause, the Irish Supreme Court decided in ITWAY's favour and referred to the relevant article. Ultimately,

⁵⁴ *Worthington Fran*, Asymmetric jurisdiction clauses valid as a matter of English law (Commercial litigation newsletter, October 2013) p.1

⁵⁵ *Websense v Itway* [2014] IESC 5.

⁵⁶ For details see: <http://ie.vlex.com/vid/websense-technology-limited-v-itway-spa-493013278> (Last visited: 22/05/2023)

the Italian court decided lack of jurisdiction, and the case went to Ireland to be judged, which significantly delayed proceedings. This illustrates that art. 31 does not entirely eliminate litigation tactics.

Enforcement and Recognition of Arbitration Awards

Litigation and arbitration are the main paths of private international law for resolving commercial issues between individuals (Andrews, 2018, p.249). Litigation is a common feature in many jurisdictions, while assimilation of arbitration as a dispute resolution is a rising trend in international private law (McLaughlin, 1970, pp.211–232). In short, *arbitration* is the private, judicial determination of a dispute by an independent third party. Even though there are procedural differences between litigation and arbitration, they must coordinate in many instances (Gamboa, 2011, pp.11–13).

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards made enforcement of arbitration awards convenient for the parties, which is also significant for contractual parties demanding faster and easier solutions (Cook & Garcia, 2010, pp.23–48). Yet arbitral tribunals lack competence to enforce particular measures. In Turkey, local courts must assist arbitral tribunals. For instance, protective relief and gathering evidence for cases are exclusive for Turkey's courts (Andrews, 2018, p.249). Without the courts' help, it would be inconvenient for some cases to be decided effectively by arbitral tribunals.

The conflict between common and civil law also continues with regard to arbitral awards. Although there are significant differences between these traditions in both systems, the concept of a “fair trial” and of “due process” is characterized by two fundamental elements: equal treatment of the parties and the right and opportunity to be heard before the tribunal (Borris, 1994, p.80).

The most important difference between traditions is the structure of so-called common law's *Adversarial System* with civil law's *Inquisitorial System*. Briefly speaking, in an adversarial system, the judge listens to the presentations of the parties, and limited with allegations applies sanctions which are requested by the parties. On the other hand, in an inquisitorial system it is the face of the authority that gives broad competition to the judge to affect proceedings.

Yet, some scholars such as Borris (1994) discovered that despite differences in public law, these two systems are adopting a similar pathway for civil law. As a good example, German civil procedure is based upon the *Beibringungsgrundsatz* and the *Dispositions maxime*. *Beibringungsgrundsatz* means that it is for the parties to adduce evidence of the facts of the case, in the manner and to the extent, which is in their interest, thus configuring its subject-matter and binding the court. The court can and must decide (only) on the basis of the facts presented to it (p.85).⁵⁷ For this reason, German courts strongly avoid helping one of the parties.

It is feasible to argue in this situation that civil law might come closer to common law in terms of civil procedure. However, 279 ZPO provides: “The court shall encourage an amicable settlement of the dispute or of parts of the dispute in each stage of the proceedings. German procedural philosophy considers it a pre-eminent task of the court to bring the parties to an out-of-court settlement although this does not mean that the court has to or even should press the parties to settle where it is clear that at least one party wants to have a decision according to the law.”

In the adversarial system, on the other hand, the court must not take the initiative of suggesting an out-of-court settlement

⁵⁷ For example, a bill of particulars that lists each of the plaintiff's demands may recite that it contains all the evidence to be adduced at trial.

to the parties or otherwise encourage such a settlement (Borris, 1994, p.78).

Another conflict is in the hearing phase. In Germany and Turkey, as civil law countries, hearings are written pleadings exchanged prior to the date of hearing. For this reason, hearings are mostly a formality in case there are no witnesses. On the other hand, common law hearings are very active and parties repeat the arguments again at hearings. Due to this difference between experiences, with regard to arbitration hearings, attorneys coming from common law countries might have the upper hand against civil law attorneys.

The doctrine of *estoppel* is another conflict between common and civil law countries. Estoppel is the collective name of a group of doctrines in common law. On the other hand, estoppel can also apply in certain civil law arbitration cases. As an example, in the United States Court of Appeals (Seventh Circuit),⁵⁸ the claimant is estopped to take the case to arbitration regarding the nonexistence of a valid arbitration agreement. Another case of civil law is *Czechoslovak Firm C. (Czechoslovakia) v. OHG Sch. & B;Sch. & H & B, (F.R. Germany)*⁵⁹ Hamburg Court of Appeal denied the respondent's defence that the arbitration agreement was concluded under the pressure of the dominant economic or social position of the claimant (Amro, 2014, p.82).

Another point worth mentioning is the difference between structures of awards. In Turkey, it is an obligation to give reason of judgement; however, in some common law countries, reasoning is not important or even permitted. In arbitration, it has become standard to give a reason with the judgement (Borris, 1994,

⁵⁸ 244, F. 3d (7th Cir, 2001), pp.580-601, cited in YB, Vol. XXVI- 2001 (United States), pp.1091-1102.

⁵⁹ Supreme Court 6, March 1969 and Court of Appeal (Hamburg), 14 October 1964 *Firm C. (Czechoslovakia) v. OHG Sch. & B;Sch. & H & B, personally, (F.R. Germany)*, Yearbook, Vol. II-1977 (F. R. Germany, no. 5)

p.82). Another point is the interpretation of contract which is different for the two traditions. Basically, the most significant fact is the *wording of the contract*. Common law countries give absolute authority to wording, whereas in civil law countries, the *intent* of the contract is also considered. Thus, a Turkish arbitrator may stick with both the wording and the intention of a contract, in contrast with arbitrators from the common law tradition.

In practice, differences between common and civil law do not substantially affect arbitral proceedings. Arbitral tribunals have exclusive methods that are separate from courts. Furthermore, most arbitral institutions find rules that compromise between parties from both law perspectives. Broadly speaking, flexibility of arbitration makes a better choice for international dispute resolution over litigation (Borris, 1994, p.82).

RECOMMENDATIONS

The issues pointed out by this research are based primarily on contradictions between practice and legislation. We state that uniformity within JRE will fill the gaps between common and civil law traditions and contribute in the global international private law area. The Hague Choice of Court Convention may be a significant improvement with articles 8 and 9. Yet, the Convention was not ratified by a majority of participant states.⁶⁰ To fill this gap in international litigation, the other main dispute resolution method, international arbitration, has been identified.

The UNCITRAL Model Law (1985)⁶¹ is crafted to aid countries in reforming and modernizing their arbitration laws, addressing the unique characteristics and requirements of international commercial arbitration. It encompasses all phases of

⁶⁰ For an updated list of signatories and ratifying states, see website of Hague Conference on Private International Law <https://www.hcch.net/en/instruments/conventions/status-table/print/?cid=98> (Last visited: 14/02/2024).

⁶¹ 24 ILM 1302 (1985)

the arbitration process, from the arbitration agreement and the formation and jurisdiction of the arbitral tribunal to the extent of court involvement and culminating in the recognition and enforcement of the arbitral award. The Model Law represents a global consensus on critical aspects of international arbitration practice, having been embraced by nations across various regions and diverse legal and economic systems worldwide.

As is known, international private law is integrated with several law systems. In international practice, state protection over judgements sometimes loses its efficiency. The issues illustrated above confirmed that the current legislation of states is not sufficient to cover all issues. Furthermore, different legislations raise a variety of problems. It is certain that the cognitive level of participant states of the convention is not enough to bind themselves with a convention similar to the New York Convention. To solve this, a guideline for uniformed legislation would significantly contribute the international private law in JRE. A model law for litigation which patterns UNCITRAL Model Law would complete the process started with the Hague Choice of Court Convention. A guideline that is flexible and convertible would be an even greater step.

For example, legislation based on the Model Law was adopted by 72 states in a total of 102 jurisdictions, which is a great success for uniformity of arbitration.⁶² The United States, Turkey and Germany adopted legislation based on UNCITRAL Model Law. It means that their arbitral awards have very similar recognition and enforcement procedures, unlike foreign court JRE. In other words, an issue caused by the reasons illustrated in this paper would not have occurred with regard to the enforcement of arbitration awards. At this point every step toward uniformity of JRE would be important.

⁶² For full list of adopted states see website of UNCITRAL Model Law

UNCITRAL Model Law approaches arbitration from multiple perspectives, but only the eighth chapter regulates JRE. At this point our recommendation for litigation model law is only to cover JRE over court judgements. We think that JRE is a significant issue of international private law that must be developed as soon as possible. The UNCITRAL Model Law is neither a convention nor an agreement. It relies on the willingness instead of ratification, which supported its success in being adopted by many states. A Litigation Model Law must be the same in scope. The guideline would lead states to tackle interpretation issues instead of binding them with obligations. It is certain that a Model Law for litigation would update necessary arrangements for state legislations, as many legislations need to be revised and do not satisfy the requirements. However, the states are not obliged to apply the Model Law as a whole. Like the arbitration Model Law, states may convert it to suit their needs. This flexibility would help states to be uniform—not the same, but at least similar in some points. This research illustrated that the conflicts are based upon general practices and interpretations. Furthermore, if the states could agree on general terms, the conflict between common and civil law could be tackled and practice would be more efficient.

Recently, cases with a cross-border element have increased, following developments in commercial life. Arbitration institutions are requested for more and more cases each year. For example, the International Chamber of Commerce was requested for 521 cases in 2005, which increased to 801 in 2015.⁶³ Reliability of recognition of foreign awards plays an important role here. The success of arbitration must guide litigation to improve its quality and uniformity.

⁶³ Statistics – ICC Arbitration, <http://www.iccwbo.org/Products-and-Services/Arbitration-and-ADR/Arbitration/Introduction-to-ICC-Arbitration/Statistics/> (Last visited: 06/02/2015)

CONCLUSION

Despite its importance, the conflict between civil and common law still continues. To answer the question of how to tackle the issues illustrated above, this chapter investigated precedents from different perspectives. A detailed review of subject states pointed out that procedural differences and interpretations of legal norms are the grounds for such disputes.

The Brussels I agreement demonstrated that states from common and civil law traditions could agree on sole legislation for JRE. This paper alleged that international and regional agreements for JRE are key elements to unravelling ongoing disputes. Uniformity and co-operation between states were also discussed with regard to improving quality of international private law.

The Hague Choice of Court Convention was a fundamental step; however, it was not sufficient with its low ratification rate. For comparison, the other main dispute resolution method, international arbitration, was investigated. Despite its debatable procedure, arbitration would guide litigation to uniformity of JRE. The UNCITRAL Model Law, which was adopted by many states, may be converted for international litigation to guide states to efficient legislation. This paper stated that the Model Law's flexible structure may persuade states from both common law and civil law traditions to come together.

The present chapter has certain limitations. In particular, the nature of this research as small-scale and time-bound meant that a fuller consideration of common law and civil law traditions lay beyond the scope of the dissertation. Nonetheless, it is felt that the data outlined reveals noteworthy information about the conflicts in JRE. Future research in this area, which comprehends UNCITRAL Model Law and compares it with international arbitration and litigation, would fully meet the chapter's intended goals and objectives.

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CHAPTER 5

AN EXAMINATION OF THE INFLUENTIAL FACTORS ON THE ACADEMIC ACHIEVEMENT OF GENERATION Z STUDENTS BY FISHBONE METHOD

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INTRODUCTION

Upon embarking on their collegiate journey, students find themselves immersed in a distinct milieu characterized by its academic and social dimensions. The present dimension of existence and scholastic encounters exhibit contrasting characteristics when compared to preceding iterations, particularly in relation to interpersonal connections and societal engagements. Within this unfamiliar extraterrestrial social context, students are required to independently undertake a wide range of distinct daily responsibilities. When individuals experience a sudden cessation of assistance from their family and close friends, pupils are required to promptly adjust to and sustain this unfamiliar environment by utilizing their personal capabilities to the fullest extent possible (Karahan et al., 2005). The pursuit of higher education at the university level represents a significant phase in individuals' ed-

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educational journeys, playing a crucial role in shaping their future trajectories. Hence, it is imperative to provide assistance for the achievement of university students. In order to offer adequate assistance, it is imperative to comprehend the variables that impact their achievement (Şeker et al., 2004).

According to Şeker et al. (2004), a range of environmental factors, including adaptation, accommodation, social environment, economic conditions, habits developed during primary and secondary school years, parental support, and the attitudes of professors and lecturers in the students' faculties, have an impact on students' academic achievements. According to their statements, they indicated that it had an impact on them.

According to the findings of Şahin and Fırat (2009), the primary challenges faced by students were their failure to fulfill their fundamental needs and the presence of economic difficulties. The researchers discovered that additional elements that exerted an influence on students' academic achievement encompassed issues pertaining to curricula, challenges associated with faculty members, difficulties in adapting to new environments, familial concerns, and apprehension regarding future prospects.

In a study conducted by Göktaş (2015), a group of 350 students from the generation Y cohort who were enrolled at Süleyman Demirel University engaged in a collaborative session utilizing the brainstorming technique. The purpose of this session was to discuss the challenges they encountered and explore potential solutions. Through a comprehensive assessment of the kids' opinions, the individual ascertained the primary concern within the fishbone diagram. The individual created a Why-How tree diagram to represent the fundamental issues. Issues of utmost significance that necessitate resolution encompass the domains of management, academic and administrative staff, campus-related matters, educational challenges, and city-centric predicaments.

The brainstorming method is a pedagogical approach that facilitates the cultivation of creativity and the generation of diverse problem-solving solutions via the utilization of group discussion (Şahin, 2005). Prior to commencing the process of brainstorming, it is imperative to establish a clear and concise definition of the problems that are intended to be addressed. The utilization of the brainstorming technique is employed as a means to generate probable resolutions for difficulties, conduct risk management endeavors, uncover opportunities, and unveil novel thoughts that align with the research subject matter (Gündüz et al., 2020). Once the brainstorming approach has been completed, the fishbone diagram technique can be employed to identify the root cause of the problem. There exist several procedural steps to effectively utilize this diagram. The initial step involves determining the study topic and establishing the rationale for engaging in brainstorming activities. Inquiries are posed employing the brainstorming methodology in order to ascertain the underlying factors that give rise to these rationales. The root causes are clearly identifiable. The causes are discussed among the members of the brainstorming group, leading to a consensus being established regarding the root cause (Ulrich & Glendon, 2005; Gündüz et al., 2020).

This study aimed to investigate various challenges encountered by academicians, campus-related issues, individual challenges, management-related challenges, and educational challenges. In this particular instance, the utilization of the “Brainstorming Technique” was employed as a quality improvement tool to solicit the perspectives of the students on their challenges. The outcomes were subsequently visualized through the implementation of the “Ishikawa Diagram”. The utilization of the Ishikawa Diagram originated in Japan during the 1960s, under the guidance of Kaoru Ishikawa, a prominent figure in the development of quality management methodologies. The Ishikawa diagram, alternatively

referred to as the Cause-Effect Diagram or Fishbone Diagram, is a visual tool used to analyze and illustrate the potential causes and effects of a certain problem or situation. The utilization of this approach is commonly observed in quality management within the manufacturing sector. The Ishikawa diagram is employed to elucidate the various circumstances that contribute to a preexisting issue, as well as to ascertain and enhance the most significant determinant (Wong, 2011). The utilization of a fishbone diagram is often favored due to its ability to facilitate the generation of novel ideas and promote a systematic approach to problem-solving (Yoap, 2006).

DATA

The study encompasses a sample size of 459 students who are enrolled in Adana Alparslan Türkeş Science and Technology University (ATU) and Çukurova University (CU). The researchers collected the data by administering a survey form. The initial section of this survey form comprises inquiries pertaining to the students' gender, date of birth, university affiliation, department, and academic year. The second section of the assessment comprises a set of 18 questions designed to evaluate the many circumstances that could potentially impact students' academic achievements based on their level of engagement.

The study investigated the various elements that influence the academic achievement of students. Given that 53 survey responses were found to be ineligible due to their non-affiliation with Generation Z students, these responses were omitted from the research. Consequently, the further analyses were conducted using the survey data acquired from a sample size of 406 individuals. Given that the variables included in the research were not derived from a normal distribution, non-parametric techniques were employed in the computations. Furthermore, employing the

brainstorming methodology, various elements that may impact students' academic achievement were identified, and afterwards, a fishbone diagram was constructed. The statistical software program SPSS version 22 was utilized for the data analyses. Table 1 displays the observed results pertaining to the demographic attributes of the participants.

Variables	Groups	Frequency(n)	Percentage (%)
Gender	Female	229	56
	Male	180	44
University	CU	320	78,2
	ATU	89	21,8
Class	1	34	8,3
	2	173	42,3
	3	64	15,6
	4	138	33,7
	Total	409	100

The research study involved a sample of 409 university students from Generation Z, comprising 229 women (56%) and 180 males (44%). The distribution of education levels among the participants is as follows: 34 individuals (8.3%) are classified as being in their first year, 173 individuals (42.3%) are classified as being in their second year, 64 individuals (15.6%) are classified as being in their third year, and 138 individuals (33%) are classified as being in their fourth year. A total of 409 students participated in the study, with 320 students (78.2%) representing Çukurova University and 89 students (21.8%) representing Adana Alparslan Türkeş Science and Technology University.

The Cronbach Alpha coefficient, which was computed to assess the reliability of the data, yielded a value of 0.875, indicating

a satisfactory level of dependability. According to Karagöz (2010), the validity of the data was determined by calculating the square root of the reliability coefficient, resulting in a value of 0.935 for our dataset. This number represents the utmost level of validity that may be attained.

The sufficiency of the sample size was assessed using pre-existing tables, which indicated that a minimum sample size of 381 was required for the research. A total of 409 students were included in our research study, and subsequent analyses were conducted based on the adequacy of this sample size.

Methodology

The challenges encountered by university students represent a significant concern that necessitates attention and resolution. The objective of this study is to ascertain the challenges encountered by students in Adana and propose potential solutions. The significance of this study lies in its aim to identify the challenges faced by students, address fundamental difficulties, and employ strategies to enhance the quality of education through the implementation of regulations and developmental studies on various other matters. The study centered on investigating the determinants influencing the academic achievement of university students, with the objective of proposing interventions to mitigate the most influential elements and enhance overall success. The utilization of brainstorming as a pedagogical strategy was employed within the educational setting to discern the challenges encountered by pupils and to provide potential resolutions. The results obtained from the use of the brainstorming technique were utilized to ascertain the primary issues associated with the fishbone diagram. The research examines the various elements that influence students' academic achievement, which can be categorized into four distinct classes: academic-related problems, campus-related problems, individual-related problems, and education-related

problems. The following factors have been identified as negatively impacting my academic performance: insufficient rest, entertainment, and dining areas; inadequate communication with academics; departmental discipline policy; distance of the campus from the city resulting in transportation problems; and issues pertaining to the classroom environment. The socio-economic conditions I experience have a detrimental impact on my academic performance. Additionally, my need to work outside of school further hinders my academic success. Furthermore, my inability to effectively manage my time negatively affects my academic achievements. Moreover, my academic performance is adversely affected by the presence of psychological disorders. Lastly, unproductive lessons contribute to the negative impact on my academic success. My academic performance is adversely impacted due to a lack of familiarity with effective study methods. Additionally, the blocking of courses has a negative influence on my academic performance. Moreover, inadequate transmission of knowledge by educators contributes to the decline in my academic performance. Furthermore, the indifference displayed by academics towards addressing inquiries and the utilization of authoritarian attitudes and behaviors instead of positive ones further hinder my academic progress. The individual's academic performance is adversely impacted by the attitude of others, the excessive workload of assignments, and the expectation of academic achievement that surpasses their capabilities. Upon the conclusion of the survey, students were prompted to provide responses to open-ended questions, as well as indicate any student-related issues that may have had an impact on their academic achievements.

The figure illustrates the various causes of the problem, which were identified during the brainstorming session. The diagram illustrates the primary issue denoted by the head of the fish positioned on the far right. Subordinate causes contributing to the problem are delineated from right to left. The sub-causes must

exhibit independence from one another. The primary objective of utilizing the diagram is to underscore the overarching perspective, as noted by Eraydin et al. (2019), Ballantyne (1990), and Kahveci (2018).

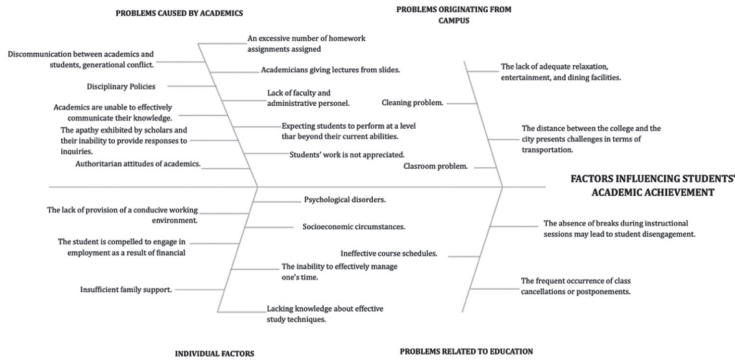


Figure 1. Fishbone Diagram

Figure 1 illustrates the four primary elements that influence students academic achievement, as identified through the implementation of the brainstorming process. These categories encompass challenges stemming from academic sources, challenges arising from the campus environment, individual issues, and challenges associated with the educational system. When analyzing the underlying causes of each factor, it becomes evident that various issues arise within the academic realm. These issues include a lack of communication among academics, intergenerational conflict, disciplinary policies, inadequate conveyance of knowledge, indifference towards students, failure to address inquiries, adoption of authoritarian attitudes instead of positive attitudes and behaviors, over-reliance on slide-based explanations,

insufficient faculty and administrative staff, lack of appreciation for students' work, and unrealistic expectations of performance beyond their capabilities. It was concluded that the quantity of assigned assignments was excessive. The sub-factors contributing to the issues stemming from the campus include insufficient recreational and food facilities, the university's remote location, transportation challenges, cleanliness issues, and problems within the classrooms. The sub-causes of problems stemming from individual factors include socio-economic conditions, time management challenges, employment obligations outside of school, psychological disorders, lack of knowledge regarding effective study techniques, inadequate familial support, and limited access to conducive learning environments. The issues stemming from education were identified as being caused by three primary factors: the obstruction of courses, the cancellation of courses, and the inefficiency of course schedules.

Given the non-normal distribution of the data as shown by the normality test, the non-parametric procedures of Kruskal-Wallis and Mann-Whitney U Test were employed to examine potential variations in average responses across subcategories. The tables below provide and analyze the noteworthy findings. The analyses were conducted with a significance level of 0.05.

Table 2 displays the outcomes of the Mann-Whitney U Test, which was conducted to assess the statistical significance of the disparity in average levels of student participation in questioning based on gender.

Table 2. Mann-Whitney U Test Results regarding the comparison of students' level of participation in questions by gender

	My academic performance is adversely impacted as a result of the disciplinary policies implemented by the department.	The requirement to engage in employment outside of the educational institution has a detrimental impact on my scholastic achievements.	The inability to effectively manage my time has a detrimental impact on my academic performance.	The classroom issue has a detrimental impact on my academic achievement.
Mann-Whitney U	18184,500	17179,000	18701,500	17529,500
Wilcoxon W	34474,500	33469,000	34991,500	33819,500
Z	-2,361	-3,365	-2,002	-3,046
Asymp. Sig. (2-tailed)	,018	,001	,045	,002

Table 2 presents the results of the Mann-Whitney U Test, which was conducted to examine the differences in students' level of participation in asking questions based on gender. The study involved student participants, and the results indicated a statistically significant difference in the level of agreement with certain statements regarding the impact of various factors on academic performance. These factors included the discipline policy of the department, working outside of school, inability to schedule time effectively, and classroom problems. The observed difference in agreement levels was found to be statistically significant when considering gender as a variable ($p < 0.05$).

Upon examining Table 3, which displays average ranks, it becomes evident that the participation level of female students in answering questions surpasses that of their male counterparts.

	Gender	N	Mean Rank	Sum of Ranks
My academic performance is adversely impacted as a result of the disciplinary policies implemented by the department.	Female	229	215,59	49370,50
	Male	180	191,53	34474,50
	Total	409		
The requirement to engage in employment outside of the educational institution has a detrimental impact on my scholastic achievements.	Female	229	219,98	50376,00
	Male	180	185,94	33469,00
	Total	409		
The inability to effectively manage my time has a detrimental impact on my academic performance.	Female	229	213,33	48853,50
	Male	180	194,40	34991,50
	Total	409		
The classroom issue has a detrimental impact on my academic achievement.	Female	229	218,45	50025,50
	Male	180	187,89	33819,50
	Total	409		

Table 4 displays the outcomes of the Kruskal-Wallis H test, which was conducted to assess the mean disparities in students' levels of engagement based on their duration of schooling.

	S1	S9	S10	S12	S14	S15	S17	S21
Chi-Square	12,552	9,351	7,800	14,933	9,924	8,336	7,889	9,252
df	3	3	3	3	3	3	3	3
Asymp. Sig.	,006	,025	,050	,002	,019	,040	,048	,026

Table 4 presents the results of the Kruskal-Wallis H test, which was conducted to compare the amount of student engagement in terms of the class variable. Upon examination of the responses provided by the students involved in the research, the findings are presented in tabular format. Insufficient relaxation and dining rooms have a detrimental impact on my academic performance. The distance between the institution and the city, as well as transportation issues, have had a detrimental impact on my academic performance. The classroom issue has a detrimental impact on my academic achievement, as it leads to an adverse effect on my ability to work on academic tasks outside of school. The attainment of my goals is adversely impacted by various factors. Specifically, challenges encountered within the classroom setting, the presence of psychological disorders, and obstacles encountered in certain courses all contribute to the negative impact on my academic achievement. A significant difference was observed in the participation levels of students in response to the question “How does the use of slides by academicians negatively impact my academic performance,” based on the year variable ($p < 0.05$).

Table 5 Average Rank Table Of Meaningful Questions According To Year Variable

	Class	N	Mean Rank
The insufficiency of recreational and dining facilities has a detrimental impact on my academic performance.	1 & Preparatory	34	181,15
	2	173	202,56
	3	64	178,52
	4	138	226,21
	Total	409	
The distance between the institution and the city, as well as transportation issues, have had a detrimental impact on my academic performance.	1 & Preparatory	34	197,22
	2	173	198,02
	3	64	183,69
	4	138	225,55
	Total	409	

Current Studies in Social Sciences VIII

The classroom issue has a detrimental impact on my academic achievement.	1 & Preparatory	34	187,75
	2	173	208,44
	3	64	178,16
	4	138	217,39
	Total	409	
The requirement to engage in employment outside of the educational institution has a detrimental impact on my scholastic achievements.	1 & Preparatory	34	223,76
	2	173	224,25
	3	64	185,80
	4	138	185,15
	Total	409	
The presence of psychiatric illnesses has a detrimental impact on my academic performance.	1 & Preparatory	34	165,66
	2	173	211,80
	3	64	188,97
	4	138	213,61
	Total	409	
The implementation of class blocking has been observed to have a detrimental impact on my academic achievement.	1 & Preparatory	34	194,74
	2	173	208,43
	3	64	175,19
	4	138	217,05
	Total	409	
The adverse impact on my academic achievement arises from the practice of academics delivering lectures by reading directly from slides.	1 & Preparatory	34	175,16
	2	173	215,39
	3	64	179,30
	4	138	211,25
	Total	409	

The differentiation in students' degrees of participation in the questions can be discerned by examining the average rank table presented in Table 5. The detrimental impact on my academic performance can be attributed to several factors, namely the absence of leisure and dining facilities, the far location of the campus from the city, and transportation issues. The data reveals that the second-grade class exhibits the highest level of engagement in responding to the statements "My academic performance is adversely impacted by employment outside of school" and "My academic performance is negatively affected by classroom issues."

CONCLUSION AND RECOMMENDATIONS

The study population comprises 409 university students from Generation Z who are enrolled at Adana Alparslan Türkeş Science and Technology University and Çukurova University. The purpose of this research is to investigate the factors that influence the academic achievement of these students. The research population consists of 180 male students and 229 female students. To ascertain the characteristics and academic accomplishments of the students, a 24-item questionnaire was developed and administered to the student population. The survey encompasses inquiries that assess the demographic attributes of university students in Adana, as well as factors related to the university, classroom, and events that could potentially influence the academic progress of these students. Following an extensive examination of relevant scholarly works, the brainstorming methodology was employed to ascertain the elements that students perceived to be linked with their academic achievements. The present study categorized the elements influencing students' academic advancement into four distinct categories: academic-related challenges, campus-related challenges, individual-related challenges, and education-related challenges. The study found that out of the 459 responses provided by individuals belonging to Generation Z, a total of 409 responses were deemed appropriate for inclusion in the research. An analysis was conducted using the Fishbone diagram to investigate the challenges encountered by 409 students studying in Adana within the university setting. Subsequently, recommendations for potential solutions were provided. The data were subjected to analysis using the SPSS software package. Each data set underwent normality analysis, and it was observed that the data did not adhere to a normal distribution. Consequently, the non-parametric tests was employed.

The study centered on examining the various elements that influence the academic achievement of university students, with the objective of proposing strategies to mitigate the most significant issues hindering success and enhance overall academic performance. Based on the research findings, there is evidence to suggest that perceptions regarding the department's disciplinary policy, extracurricular work obligations, challenges in time management, and classroom issues exert a detrimental impact on academic achievement. Moreover, these factors exhibit noteworthy disparities based on gender. There are several factors that can have a detrimental impact on academic success, including insufficient recreational and dining facilities, a remote campus location, transportation challenges, the need to work outside of school, psychological disorders, blocked class schedules, and reliance on slide-based instruction. It is worth noting that the prevalence and significance of these factors can vary considerably depending on the specific classes and individual students involved. The study reached a conclusion that.

The objective of the study's conclusions is to enhance educational standards. The research yields significant outcomes in terms of identifying student issues, addressing critical difficulties, and advancing studies in several domains within the framework of complete quality management. The objective of this study is to ascertain the factors that impede the academic achievement of university students. This study is believed to make a valuable contribution to the existing body of research focused on identifying the various factors that influence academic difficulties experienced by university students, as well as devising effective strategies to address these challenges.

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Appendix: Survey Questions

Question 1: Please indicate your gender.

Question 2: May I inquire about your date of birth?

Q3: At which institution of higher education are you currently pursuing your studies?

Q4: In which academic department are you now enrolled?

Q5: In which grade are you now enrolled?

Q6: The insufficiency of recreational and dining facilities has a detrimental impact on my academic performance.

Question 7: Inadequate communication with scholars has a detrimental impact on my academic achievements.

Question 8: The department's disciplinary procedure has had a detrimental impact on my academic achievement.

Current Studies in Social Sciences VIII

- Question 9: The geographical distance between the college and the city, as well as transportation challenges, have had a detrimental impact on my academic achievement.
- Question 10: Classroom issues have a detrimental impact on my academic achievement.
- Question 11: Socio-economic situations have a detrimental impact on my academic achievement.
- Question 12: The requirement to engage in employment outside of the educational institution has a detrimental impact on my scholastic achievements.
- Q13: The lack of effective time management skills has a detrimental impact on my academic achievements.
- Question 14: The presence of course-related challenges has a detrimental impact on my academic achievements.
- Question 15: The presence of psychiatric illnesses has a detrimental impact on my academic achievements.
- Question 16: Insufficient knowledge of effective study strategies has a detrimental impact on my academic performance.
- Question 17: The implementation of blocking classes has a detrimental impact on my academic performance.
- Question 18: I am encountering difficulties in my academic pursuits due to the instructors' inadequate transmission of knowledge.
- Question 19: The professors' lack of responsiveness and disinterest have had a detrimental impact on my academic achievement.
- Question 20: The impact on my academic performance is adverse due to the presence of authoritarian attitudes exhibited by teachers, rather than good attitudes and behaviors.
- Question 21: The adverse impact of academics relying on slide-based explanations on my academic achievements.
- Question 22: The substantial quantity of assignments assigned has a significant impact on my academic achievement.
- Question 23: Professors anticipate a level of performance that surpasses one's current ability.
- Question 24: In addition to the aforementioned multiple choice table, kindly provide any student-related issues that have a detrimental impact on your academic achievements.



Index

A

Arbitration 77, 82, 84, 85

B

biosphere 5, 7, 11, 14
Breakfast House 33
Brussels I Regulation 56, 57, 59,
60, 61, 67, 76, 85

C

Civil Law 55, 67, 85
climate change 2
Common Law v, 53, 55, 60, 85
Conflict of Laws 84, 85

E

Ecocriticism 3, 19
Enforcement v, 53, 55, 60, 66, 67,
70, 71, 73, 77, 84, 85

F

Feminization of Poverty 37, 50
Foreign Judgments 53, 85

G

Globalization 28

M

McDonaldization 29

N

nature 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14, 15, 16, 17, 18,
19, 46, 60, 66, 83

P

Poverty v, 37, 38, 39, 40, 41, 43,
46, 50, 51

R

Recognition 53, 55, 60, 65, 66,
67, 69, 71, 73, 77, 84, 85

S

Social Work v, 46, 50, 51

T

The Hague Choice of Court Con-
vention 80, 83

V

Van Breakfast 23, 28, 29, 30, 31,
32, 33, 34