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Highlights

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Second Stage of Reconnaissances

Discovering Thoughts, Inventing Future

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Family and Conjuality: Perception of Happiness of Domestic Abusers

By Dóris Cristina Gedrat, Eliane Fraga Da Silveira, Honor De Almeida Neto,
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Abstract- This research aimed to learn about the happiness perception of men with violent behavior, attended by a nucleus of assistance to victims of violence in the metropolitan region of Porto Alegre, RS, Brazil. For this, 16 men with restraining orders for assaulting their partners (Lei Maria da Penha - 11.340/2006) were interviewed. This study involved descriptive research (qualitative approach), and data were analyzed using thematic content analysis. For the discussion, three subcategories related to Subjective Well-Being were organized into: conception of happiness, challenges in being happy, and attitudes required in being happy. The word "family" was referenced by abusers in all subcategories. When it comes to involving violence between intimate partners, this new approach intends to make men a part of the solution rather than just the problem.

Keywords: *happiness, domestic violence, aggression, family network, the bond between partners.*

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Family and Conjugalality: Perception of Happiness of Domestic Abusers

Dóris Cristina Gedrat ^α, Eliane Fraga Da Silveira ^σ, Honor De Almeida Neto ^ρ, Gehysa Guimarães Alves ^ω
& Ângela Maria Pereira Da Silva^ξ

Abstract This research aimed to learn about the happiness perception of men with violent behavior, attended by a nucleus of assistance to victims of violence in the metropolitan region of Porto Alegre, RS, Brazil. For this, 16 men with restraining orders for assaulting their partners (Lei Maria da Penha - 11.340/2006) were interviewed. This study involved descriptive research (qualitative approach), and data were analyzed using thematic content analysis. For the discussion, three subcategories related to Subjective Well-Being were organized into: conception of happiness, challenges in being happy, and attitudes required in being happy. The word "family" was referenced by abusers in all subcategories. When it comes to involving violence between intimate partners, this new approach intends to make men a part of the solution rather than just the problem.

Keywords: *happiness, domestic violence, aggression, family network, the bond between partners.*

I. INTRODUCTION

In recent decades, despite the economic growth and the increased life expectancy of citizens, the levels of happiness and well-being have stagnated in several countries. Consequently, Gross Domestic Happiness has received increasing attention, along with new metrics for progress that consider social, environmental, spiritual, and economic dimensions. Several researchers worldwide have become interested in the theme of happiness, to signal the development of public policies, aimed at increasing wellbeing (Brissos-Lino, 2015, Sarriera & Bedin, 2017).

Allied to the concept of Gross internal happiness is the reality of inequality among diversities. The more asymmetrical the feeling of satisfaction among people, the unhappier the entire population will be, since inequality brings devastating effects for individuals and the collectives, instigating crime, psychological suffering, and armed conflict (Brissos-Lino, 2015). One prevalent form of inequality is inequality in marital relations. Women are often considered inferior and therefore deserving of unfair and often abusive treatment.

As for the abusers in intimate relationships, before becoming victimizers, they themselves were victims of abuse; this repetitive pattern in relationships leads them to live deeply unhappy, even without being aware of it (Musleh, 2013). Thus, this study aimed to understand the happiness perception of men with

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violent behavior, attended by a nucleus of assistance to victims of violence in a city in the metropolitan region of Porto Alegre in Rio Grande do Sul. Further, we investigate the correlation between the act of assault and the abuser's perception of happiness. We sought to identify which determinants influence individuals to consider themselves happy and which attitudes influence the achievement of their happiness, in order if assault has an influence on subjective, emotional, spiritual, and physical well-being of these participants in the study and how assault is related to their marital well-being.

a) *Happiness as subjective well-being*

Subjective well-being comprises three dimensions: positive affections, negative affections, and satisfaction with life (Castaños-Cervantes, Sánchez-Sosa, 2015; Lima, Araujo, 2018). According to these authors, positive affection is defined by a transitory feeling, it is momentary and presents itself as a state of alertness, enthusiasm, and activity; negative affection is manifested by unpleasant transitory emotions, including anxiety, depression, agitation, boredom, pessimism; and satisfaction with life is the cognitive judgment about one's own life, compared to a pattern chosen by the individual.

The explanatory models on well-being and happiness have been transformed since the 1960s, from new theories and epistemologies, with methodological, scientific, and academic developments. Sarriera and Bedin (2017) defend the importance of treating well-being as a multidimensional category. Their theory is based on human rights, considering the person as an integral being in its biopsychosocial, cultural, moral, and spiritual aspects. This is the principle of the indivisibility of the individual with his or her vital environment. Well-being is built on the daily interaction of the individual with the environment. That is why it is important to propose a multidimensional model that approaches general well-being, considering the different dimensions and indicators. According to the authors, it is necessary to have approaches that integrate subjective and objectives indicators of well-being, as well as from an individual perspective to a biopsychosocial and community perspective.

From this perspective, Sarriera and Bedin (2017) point to the need for approaches that integrate

subjective and objective welfare indicators. Their multidimensional proposal subdivides well-being into four subcategories: subjective well-being, psychological well-being, psychosocial well-being, and socio-community well-being. Subjective well-being refers to the assessments that people make of their lives in cognitive and affective terms, representing beliefs and feelings about how rewarding their lives are. It can be understood as a consequence of the interaction between internal aspects and external interactions of people with others and with the environment (Homes, 2011).

Psychological wellbeing refers how a person functions. According to Ryff (1989), it is operated in six dimensions: autonomy, life purpose, self-acceptance, positive relationships with others, environmental control, and personal growth. In psychosocial well-being, the authors include interpersonal relationships, leisure, and the use of technology. Family relationships initiate socialization, serve as a basis for future relationships, and influence development and well-being. Activities involving social interaction and the development of physical and intellectual abilities, although inserted in psychological well-being, are also signs of subjective well-being.

Finally, on social-community well-being, the authors explain that satisfaction with life is more present in societies with less social inequalities (Veenhoven, 2009) and is present in fellowships that guarantee freedom and encourage participation in the community (Sen, 1996). For Castel (1988, p. 59), this participation would refer to "the forms of belonging to one's family, neighborhood, working group, with its networks of interdependence, without the mediation of specific institutions and secondary protection, defined as the place of the institutions created for those who are disconnected from the networks of primary sociability."

b) Happiness and domestic violence in relationships

In many families, verbal and physical abuse, retaliation, power games, and anger favor an environment with less flexibility and dialogue, more rigidity in relationships and roles, and more conflicts (Meneghel et al, 1998). According to Narvaz and Koller (2006, p. 8), "domestic violence is conceived as any kind of violence that includes members of a group, sharing non-parental roles with each other, who live in the domestic space, including people who live sporadically in this space." The authors highlight the cross-generational transmission of violence, the naturalization of gender-stereotyped roles, alcoholism, poverty, and the lack of social support as factors associated with the processes of submission and subjugation of women to the violence suffered.

The probable justifications for the occurrence of violence are based on certain social and, above all, individual needs, such as lack of self-love and love for

the other person, lack of a positive attitude, and lack of basic conditions. As for the consequences, the occurrence of violence generates feelings of fear, insecurity, indignation, and suffering, which harm the lives of these women, interfering with their ability to live harmoniously. From this point of view, thinking about actions to promote quality of life is a strategy that can be effective in confronting violence against women (Palhoni et al, 2017).

This study, focuses on men who assault their partners. According to a study conducted in a city in Paraná (Madureira et al, 2014), the profile of these men is young adults, married, and with paid work and low schooling. Among those reported, almost 90% assaulted their partner under the influence of alcohol and many had previous records of domestic violence. There were no records of studies interested in verifying the influence of the abuser in the perception of happiness and the role of conjugal understanding in the conception of happiness of these men. These are the focus questions of this study.

Although there is no justification for violent abusive behavior in a relationship (Zuwick, 2001), Musleh (2013) observed a repetitive pattern of violence among sexual victimizers. The author found that 98% of the victimizers he assisted were victims of sexual abuse in childhood, reproducing this violent practice. As a result, it is justified to treat the victimizer, who was also a victim, with this being a viable alternative, in addition to attending to the victims, creating the possibility of solving this problem, offering new direction to the perpetrators, to understand this social issue, helping them leave the cycle of violence behind (Musleh, 2013).

From this perspective, this study assumed that the happiness of men with violent behavior is closely related to their ability to free themselves from the cycle of violence that persists in their lives, healing the pains of the past and ceasing such behavior against their intimate partner and sometimes their children as well, who may witness the abuse. For this, services aimed at interrupting the perverse cycle of violence by enabling the abuser to recognize his difficulty and creating instruments to deal with it are needed. This will open a space for the deconstruction of a marginalizing position, as well as opening possibilities for him to build a new persona in his family life (Musleh, 2013).

Violence against women is closely linked to socio-cultural and religious patterns and customs and is a consequence of the historical gender inequality established within societies and power structures (ALMG, 2018). The stereotyped gender roles conveyed by culture through the family turn a blind eye to both production and reproduction of female subordination, a fertile ground for abuse (Narvaz and Koller, 2004). In the face of this, violence against women is trivialized, minimized, denied, and even naturalized by the sexist culture (Strey, 2000).

An important achievement for the confrontation of violence against women in Brazil was the declaration of the Maria da Penha Law (Federal Law n° 11.340, of August 7, 2006), which created mechanisms to restrain and prevent domestic and family violence and established assistance and protection measures. However, despite the progress and protection brought about by the law, the data remains alarming. Moreover, it is essential to promote research to describe the characterization of men with violent behavior and the factors associated with violence, since these elements can contribute to the development of prevention strategies and public policies of attention for implementation in the Networks of Assistance and Fighting Violence. (Madureira *et al.*, 2014). For professionals and other legal operators and society in general to develop intervention measures for the prevention and promotion of the health of those involved, it is necessary to understand the profile of the abuser and the factors associated with violence (Vasconcelos *et al.*, 2016).

II. METHODOLOGY

This study involved exploratory descriptive research, with a qualitative approach, in which one tries to understand if the participating men perceive themselves as happy, what prevents them from achieving happiness and what do they do to attain it. To achieve the objectives, 16 men with restraining orders (Maria da Penha Law - 11.340/2006) for abuse against their partners, were interviewed. These men were assisted at the Nucleus of Assistance to Victims of Violence in the city, participating in a weekly forum for reflection, with psychological follow-up, in which they discussed the events of their lives and the violence practiced by them. At the end of this stage, they accepted to be interviewed and participate in this research.

The interviews were conducted in December 2018. Each interviewee was directed to a room where, individually, he was interviewed by two researchers, who recorded the interviews for later analysis. The participants' responses were analyzed using the thematic content analysis method (Minayo, 2014).

When comparing the data collected with the Multidimensional Approach to Well-Being, given by Sarriera, and Bedin (2017), the content associated with the subjective well-being category was identified, although some elements found were included in psychological well-being, psychosocial well-being, or social-community well-being. Thus, the analysis focused on the subjective well-being category, also including the elements described as belonging to the other three. Three subcategories related to the basic category were constructed: conception of happiness, challenges in being happy, and attitudes to being happy. The record

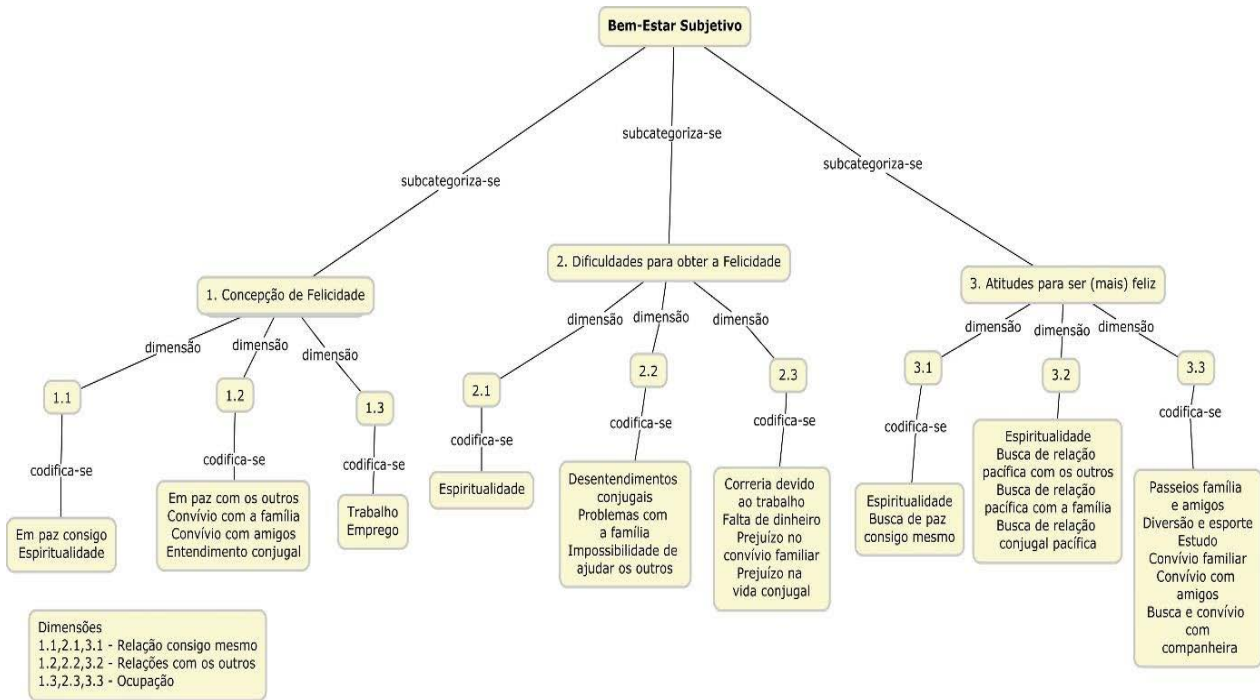
units were then analyzed around the dimensions of the relationship with oneself, relationship with others, and occupation, creating codes that would represent them.

The research was submitted to the Research Ethics Committee of the Lutheran University of Brazil (ULBRA), under the number 70727817.8.0000.5349, and approved under the opinion number 3.087.687. The study followed the required ethical standards. The autonomy and privacy of the participants were respected. Further, all the participants signed the Free and Informed Consent Form (FICF). To preserve anonymity, the interviewees were identified by the letter P (of participant), followed by a number.



III. RESULTS AND DISCUSSION

This survey included adult men, aged 27 to 68, with 25% between 27 and 33, 37.5% between 40 and 45, and 37.5% between 56 and 68.



Source: The research

Figure 1: Conceptual map of codes resulting from the thematic analysis of the subjective well-being category proposed by Sarriera and Bedin (2017), a result of interviews with 16 men with restraining orders

Figure 1 summarizes the results, organized based on the subjective well-being category, by Sarriera and Bedin (2017), subcategorized as, conception of happiness (1), challenges in being happy (2), and attitudes to be (more) happy (3). Within these subcategories, each textual unit was classified in one of the dimensions of the tripod relationship with oneself, relationships with others, and occupation.

IV. CONCEPTION OF HAPPINESS

When asked what they understand by happiness, the interviewees referred, in the dimension of their relationship with themselves, to two codifications: being well with themselves and spirituality/self-knowledge. As the following statements show, the interviewees see happiness closely connected with the feeling of well-being with themselves.

“First with, yeah, like, if I am not well with me, I won't be happy.” (P11).

“Me, and I think all people being ok with themselves in the first place.” (P15).

“Happiness is a sensation of well-being, of a clear conscience, yes.” (P13).

These narratives can be correlated to the conception of Medrado et al (2010), regarding the

emergence of political rationalities, through diverse authorities that act from (and in) different contexts, in search of certain objectives, strategies in which the technologies of "self-government" are included, through which (and in) people structure conducts, thoughts, experiences, understandings, and systems of judgment about themselves.

Participant P13's response about being of a clear conscience as part of being well with oneself, indicates that one needs to analyze themselves and review their own attitudes. This was done in the Reflection Forum in which the interviewees participated during the semester before the survey. According to Musleh (2013), this is a service where the goal is to help the victimizer, who, in most cases of abusers who seek help, was once a victim himself.

For Ryf (1989), the full functioning of the person is operationalized in six dimensions: autonomy, life purpose, self-acceptance, positive relationships with others, environmental control, and personal growth. For this author, optimal well-being (high level of subjective well-being and psychological well-being) increases with age, education, extroversion, and an increase of consciousness and decreases with neuroticism (characterized by sadness). This was evident when the interviewees mentioned that happiness also means

relating well with others, with emphasis on family relationships and coexistence, and this is one of the dimensions highlighted in the definition of subjective well-being by Sarriera and Bedin (2017). Despite referring to others, the statements of the interviewees again reflect the concern to put into practice an acquired knowledge, that is, that each one should make an effort to create good relationships, each one should do their part; and this involves eliminating abuse and disagreement. More than eliminating violent ways of living together, P12 pointed out the need to wish the well-being of others:

"I think that the greatest happiness is this: if you get along well, wish your neighbor well, since we wish good things for us, we wish good things for our neighbors too, right?"

"We already feel happy when we see a person well..."
(P12)

The subject of family is very prominent among those interviewed, as is their relationship with their intimate partner, whether conjugal or not. P12 believes that dialogue with the partner is fundamental. P3 and P9 referred to the importance that the family has for them, as indicated in the statements below; this is interesting as the participants are abusers of their partners. Foucault (1994) understands the notion of government as a relationship between subjects, that is, the set of actions on possible actions, behavior that has as objective the behavior of another individual or groups, and the government as a relationship with oneself. Thus, the modes of subjectivation-objectivation are situated at the intersection of the two axes.

"Ah, for me, happiness, as I am married, is to be well with my family, yes, with my wife, with my children, yes, always trying to get along with my relatives and [...]"
(P3).

"To be happy is to live with my family. For me, nothing makes me happier than living with my family." (P9).

P11, as in the response below, attributed happiness to work, confirming Fernandes and Ferreira's (2015) conclusions, about work being essential in the evaluation that an individual makes about his/her subjective well-being, about his/her happiness, since it interferes in the way the person lives and faces his/her life. In this regard, Barker (2010) addresses the work imperative for men to exercise masculinity, directly related to production possibilities. The non-fulfillment of this launches them into situations of shame, stress, and depression, among others.

"[...] with all the universe I deal with, the people, ... the work... for me this is happiness, being happy." (P11).

In a study on well-being at work, the importance of self-realization for well-being is highlighted, invoking the eudemonic conception of well-being (Soraggi and

Paschoal, 2011). Eudaimony refers to the subjective state when the individual develops his potentials and moves towards his life's purposes, which leads to self-realization (Waterman, Schwartz, Conti, 2008). In the same sense, for Paschoal (2008), happiness is centered on the experiences of personal expression and self-realization, as demonstrated by P16's response:

"To see my client's satisfaction. That makes me happy. And look, and think something like: "Wow, that got better than I thought it would," you know? That compliment, or that, I think would be his satisfaction... That makes me happy." (P16).

For Barker (2010) it seems quite obvious to affirm that the role of provider, the man of the household or "working man" (for whom masculinity is defined as having a job), is perhaps a universal, that is, the way in which societies, institutions, individuals, and public policies universally define adult masculinity. This author also points out that, focusing specifically on work and men, policies, for the most part, are blind when they come to this equation of work and masculinity. In other words, we can also state that they assume that men are just workers or categorize all men together, that is, those of low income, destitute, of middle class and those who have a stable job and income (Barker, 2010).

V. CHALLENGES IN BEING HAPPY

It can be seen from the answers of those interviewed that they attribute a good part of their difficulty in achieving happiness to themselves, which leads one to believe that they consider happiness to be something within oneself, and it is up to them to find it. Considering that life and feelings change all the time, individuals sometimes perceive their well-being positively, and sometimes they feel dissatisfied with life. Even so, the most comprehensive judgment they make about their own life continues to exist (Castaños-Cervantes, Sánchez-Sosa, 2015; Lima, Araujo, 2018). In the dimension of the relationship with oneself, the participants mentioned their participation in the conjugal relationship as a barrier to being happy. Although they find it more difficult to talk about this subject, they mentioned that disagreements never occur because of one, that the couple ends up dealing with each other in a way that is not good for them. P1's response exemplifies this.

"It's a lot of things, which I honestly prefer not to get into because I have an opinion about people who live together. The person, my companion, in this case, made a big mistake with me and I also made a mistake with her. We have been together for over 40 years. So, for her to stay this time with me, she has to see something good in me, and I have to see something, otherwise, I wouldn't be with her until today, right?" (P1).

P13 already commented that he became very depressed in a phase of his life, which led to alcohol abuse, further leading to relationship problems and abuse,

"Yeah, I started on the wrong track. And I got very depressed, and I was abusing alcohol too, in addition to that." (P13).

That is discussed by Scott:

"The affirmation of male control goes over the female body and is often performed in states of drunkenness or at times of greater pressure, outside the home. It is usually associated with a man's fear of the implication of greater social circulation of his wife that makes his control over her activities, and especially her sexual relations, questionable." (Scott, 2010, p. 89).

Another aspect observed deals with the relationship of the interviewees with others, generally reported the relationship with the partner. Whether it is assuming a part of the responsibility or attributing to her or drastically diminishing the importance and seriousness of themselves as abusers, attributing the cause of the fights to the woman's insecurity.

"Look, I believe are the fights and stuff. With all due respect to my wife, she has a problem that is quite big: she's gonna say something to you, instead of her saying something calmly, relaxed, she starts "BIBIBI," you know? What for? Speak nicely, easy, you don't have to do that, right?" (P14).

In that sense, Toneli claims that:

"What can we talk about the practices of intimacy in this scenario, in which the "intimate" relationships themselves are regulated, standardized? The delay even in recognizing the seriousness of the situation of violence against women in the "domestic" sphere demonstrates, on the other hand, the articulation between what is understood as private and public, both marked by the sexual division that produces/naturalizes/legitimate forms of being in the world. Dissonant masculinities are also the permanent target of suspicion, of attempts at regulation, of violence, suggesting that the "private" is a place of vulnerability for men and women subjected to normative violence." (Toneli, 2010, p. 147).

This is evidenced in the account by participant P16, as he felt humiliated, pressured to monitor his partner's behavior after an affair. In other words, he relativized aggression and blamed the woman for stressful and conflicting situations:

"I was no abuser. I may have assaulted with just one word, and what I got was the door slammed in my face because I was... it was a girlfriend I had, and I saw her coming out of a motel, you know? And what happened is that I went to her house, we had scheduled it and everything, and I looked at her and asked: "you have

nothing to tell me?" "no, I don't," "but I have, I saw you leaving the motel," like this." (P16).

For Saffioti (1994) it is not being said that women are holy because they participate in the relationship of violence and even trigger it. However, women hold the same power as men. It is a correlation of forces that rarely benefits women, that is, the negative balance of gender violence is tremendously more negative for women than for men. Authors Pinto, Meneghel, and Marques (2007) point out that violence can no longer be naturalized, nor accepted. For that, profiling the abuser is important and urgent for the understanding of the several collaborating factors associated with men's acts of violence against women.

Cecarelli (1998) points out that the patterns of masculinity in a man can be assessed from his experiences from childhood, family, school, and with friends. Together they form the primary framework of "male socialization," that is, processes that guide them in shaping what it is to be a man. In this way, the relationship with their children also comes to the fore when those interviewed talk about what prevents them from being happy. Some refer to missing their children, others to the conflicts among relatives, as pointed out by P3 and P8:

"Well, sometimes it's worrying about a son, about the wife; I have a little boy who is autistic, so sometimes he has a crisis, so that makes us very sad." (P3).

"[...] at the moment, I have to help my sister. She's going to college, she doesn't work, and I have to support her. She lives with me, right? And then I have to pay for everything. After she graduates, we'll see what we'll do. Maybe she'll help me." (P8)

Besides the relationship between the couple and other family members, what prevents the achievement of happiness, according to those interviewed, is the daily agitation and the lack of time organization, which leads them to dedicate themselves almost entirely to work and obligations, leaving relationships, especially family ones, aside. Again, interviewees sometimes recognized that they triggered the barrier to happiness. They referred to the lack of time due to work, little money to do what they would like, as P2, P5, and P6 point out:

"I believe that the responsibilities of everyday life, such as challenges in teaching, difficulty in studying, college, paying bills, things like that." (P2).

"Ah, nowadays, it would be the financial life, yes, mainly. It's not easy for anyone. So, it's one of the barriers that make it difficult... You have to fight for it." (P5).

"[...] then that is... lack of money makes you unhappy... not being able to do something at work makes you sad... that ends up affecting you, your hurry in the pursuit of happiness." (P6).

Bustamente (2005) points out that the context of the "new father," through which fatherhood is considered an opportunity to express feelings, participating actively in childcare, and having an egalitarian and fluid relationship with the partner, involves the division of tasks. For this author, men have bear conflicting expectations, that is, on one hand they actively participate in the economic sphere and are providers of the family, while on the other hand they are required to be present at home. In this way, they share the burden of childcare with their partners, but in the multiplicity of ways of exercising paternity, linked to various social and cultural processes.

Some interviewees (P11 and P12) denied having challenges in being happy and claimed that there was nothing wrong with their life. They said they solve problems normally when obstacles arise.

"Look, nothing gets in my way because the obstacles in life have to be solved little by little, I think that there is no problem; at least I think that way, right." (P11).

"Thank God I have nothing to complain about." (P12).

According to Ryff (1989), age and increasing awareness help in subjective well-being, which can be related to the way problems being seen as momentary, and not influencing happiness.

VI. ATTITUDES REQUIRED IN BEING HAPPY

To achieve happiness, in the dimension of well-being with oneself, the interviewees made several references to spirituality. This is an important dimension of many people's lives and should be considered, for example, in the evaluation of health processes and quality of life, along with the biological, psychological, and social dimensions (Lucchetti and Lucchetti, 2014; Sarriera, 2004). It refers to the internal belief system that brings strength and comfort to people. This is different from religiosity, which refers to rituals and practices adopted according to a specific religious belief (Houskamp, Fisher and Stuber, 2004). Some interviewees, such as P13 and P16, also related their spirituality and self-reflection to the self-knowledge they have acquired with these practices, as shown in their accounts below. They reflected the importance of understanding how they act, and why they act in a particular way.

"It's, to try to understand why things happened, the way things happened, why I got out of control, actually... so that's how I found myself." (P13).

"Yeah, that's right. It's like I always say, sometimes you go there, so even now, the pastor reads a text, but he's talking to me." (P16).

P1 and P14 mentioned that they invest in the relationship and in living with family and friends, mainly children and partners, to feel happy. It was common for them to express that their commitment to making these

people feel good brings them well-being and happiness. However, happiness is not something built from the outside in. It needs investment in oneself so that one can know oneself and act toward what one desires. When a person desires/values what they have, they are making themselves happy, not expecting a "when" to have this feeling (Comte-Sponville, 2005). P1's statement shows the value he places on being close to those he likes.

"Yeah, I try to be happy the moment I can [...]. With my granddaughter, with my great-grandsons, there's a 3rd coming... So, this is the happy moment, when I'm with my grandchildren, playing with them, I see my daughters happy, it makes me happy too." (P1).

However, some respondents said that they try to avoid displeasing their companion, for example, and people in general. This idea is very dangerous as people often idealize what the other person wants, and move in certain directions, against their will, running a great risk of not pleasing the other, either (Aerts; Ganzo, 2012). Concerning the ability to deal with feelings, emotions, and affections, Duarte (2014) shows that behavior and interpersonal relationships are influenced by feelings and emotions, so learning to understand and regulate one's own emotions helps to establish empathy and the necessary skills for relationships with others. P16, to avoid his wife's jealousy, excluded hundreds of profiles from his social networks, contrary to his desire but still ended up fighting with his partner.

"I have very few friends on Facebook nowadays. I think I had around 200 people, also on Instagram and stuff. But I've had almost 2000, 3000 people. And most of them were clients, but then it started, because of arguments: "Oh, so that's it, unfriend them." And "Let's unfriend, let's unfriend," and then it was like this, with very few people. Very few people." (P16).

P3 and P15 mentioned their effort to renounce their own will and make concessions, to create a friendlier atmosphere. From their reports, it seems that they were comfortable with these attitudes as their relationship with their partners has improved considerably.

"Ah, now, after everything I've been through in the group, I look for... I see if my wife is happy if we're happy with what's happening in our lives." (P3).

"I made a mistake, I had my share, she had hers, so I came, I participated, I learned a lot from this, my relationship with my wife that was nice improved a lot more because we learn. Sometimes she says something I don't like, but we don't have to argue. I wait for a minute or two after that... You talk again, breathe, take a walk, go out, come back, you know? That was very important to me." (P15).

Such behavior reveals a heightened degree of emotional intelligence on the part of these research

participants since they were able to understand that the best attitude is to understand what is going on and put themselves in the other's place, rather than accusing. The inclusion of emotional intelligence in wellness studies is justified by the function of intra and interpersonal adaptation inherent to emotional intelligence, which can lead to better well-being (Goleman, 1997).

As for work and leisure, the interviewees also described what they do to be happy. Research has shown a positive relationship between a high rate of well-being and the organization of leisure time (how to keep extracurricular activities or not) and spending time with friends and physical activity. Doing nothing is negatively associated with well-being. The activities involving social interaction and the development of physical and intellectual skills are indicators of subjective well-being (Sarriera, Schütz, et al., 2014). Among those interviewed, most attributed a high degree of importance to professional and academic work and activities in the pursuit of their happiness, indicating them as opportunities to develop their potentials, pursue their purposes in life, and self-realization (Waterman, Schwartz, Conti, 2008). P11's response is an example:

"Yeah, I'm a hard worker. I like to fight to always have my savings, to always be able to help my children more, to give more assistance to my wife." (P11).

The interviewee P10 referred to the need to control the impulse at work to save quality time to leisure with family and friends:

"Yeah, I like it that way, what I'm doing now, on the weekends, it's taking off and going to the river, with everybody...." (P10).

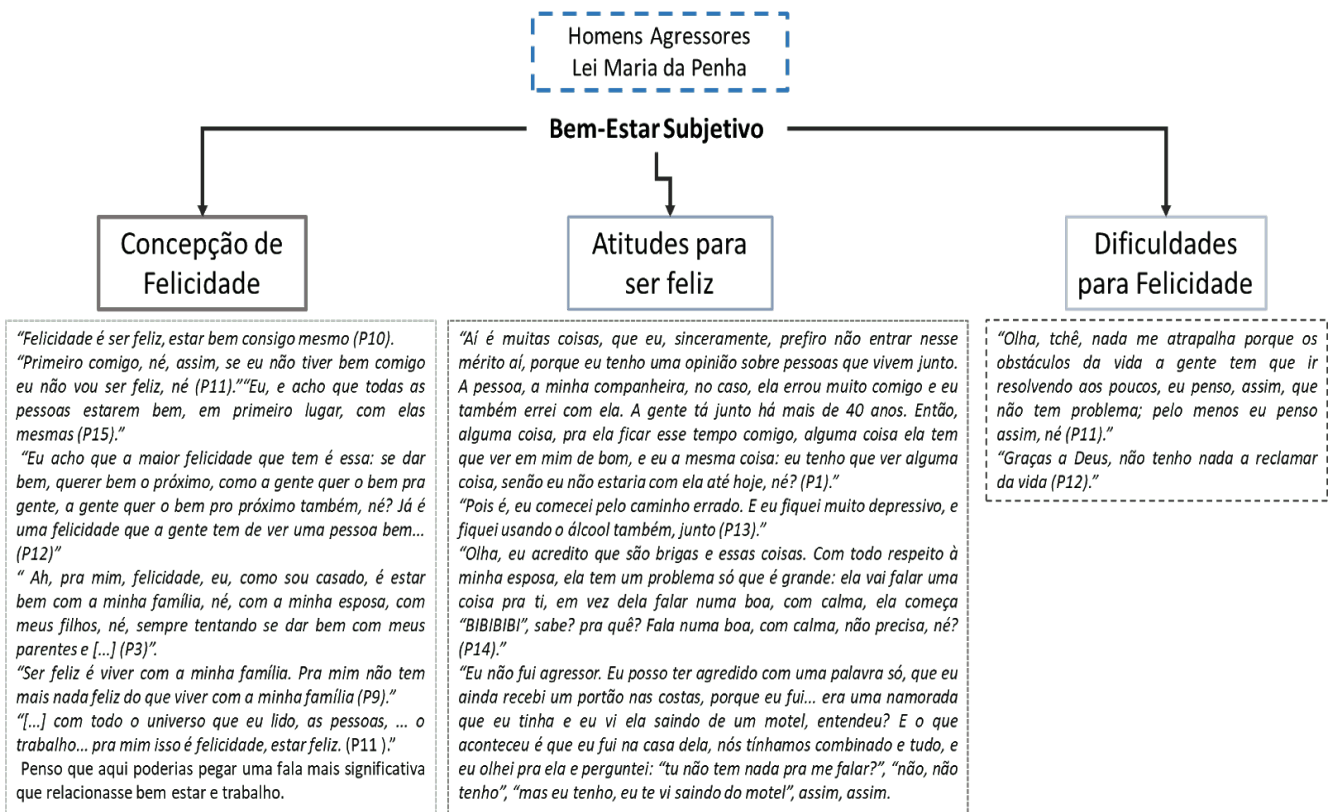
Interviewees P13, P15, and P6 also pointed out the importance of investing in the quality of time and leisure together with their partners. They believe this helps to avoid fights and cultivate the relationship.

"I have a girlfriend, and there is little time left for leisure, but as much as possible, we try to make the time, we like to walk, stroll, and everything." (P13).

"It's not a party girl or something like that, so we go for walks when it's possible, or at least we go out to Porto Alegre when it's possible to take a trip." (P15).

"I'm a very calm person, you know and I'm very homely... And now with this new partner, I'm going out a little more." (P6).

Figure 2 condenses the most representative data of the interviewees' statements. Many references to the family and specifically to the companion in the statements belonging to the three subcategories of the survey can be observed.

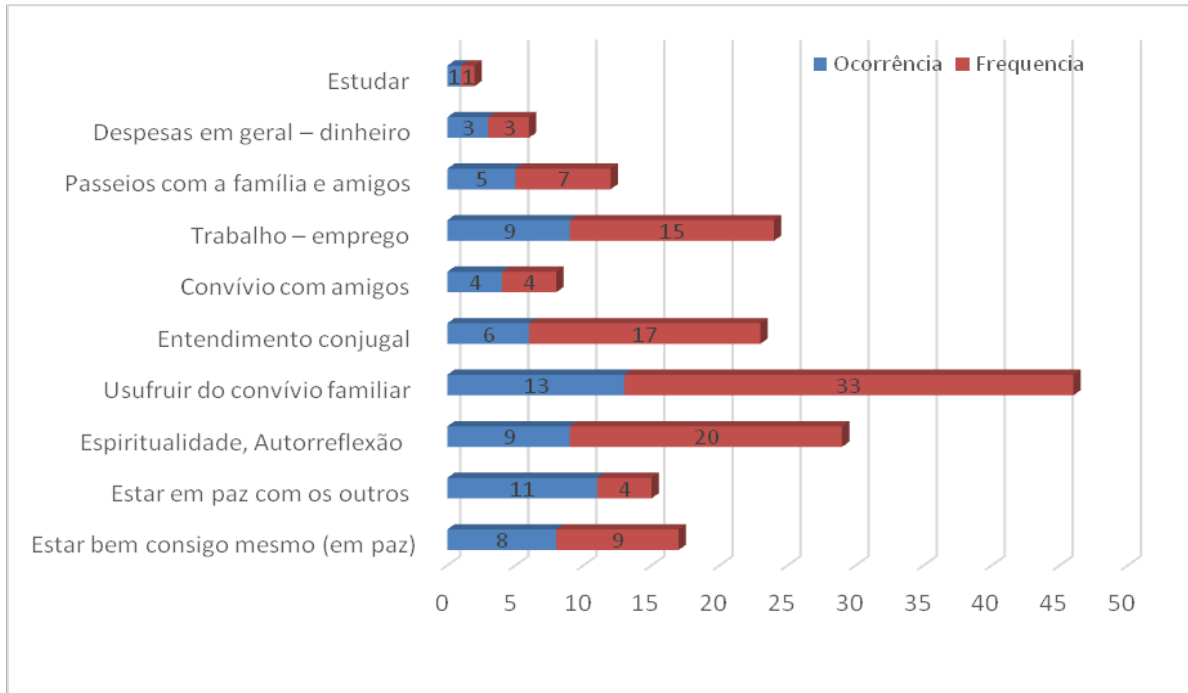


Source: The research

Figure 2: Summary of the most representative data collected in the survey.

The family and family life were the most frequently encoded items, when participants were asked about their concept of happiness, the challenges they encounter in being happy, and their attitudes in the pursuit of happiness. A distinction is made in this survey between occurrence and frequency, which corresponds to the number of respondents who mentioned each code and the number of times each code was mentioned, respectively. For example, the family code

was mentioned by all 16 participants (occurrence) and appeared 33 times (which represents its frequency). This means that some mentioned it several times, referring to more than one subcategory analyzed. This is not the case with all codes, and in this proportion, it does not occur with any other, which is why the research highlighted the importance of the family for domestic violence offenders. Figure 3 illustrates these results.



Source: The research

Figure 3: Occurrence and frequency of codes used in content analysis resulting from interviews with 16 men with restraining orders.

Each subcategory (as shown in Figure 1) was divided into three dimensions, within which the codes resulting from the analysis were inserted. The reference to the family occurred in the dimension relations with others in the subcategory, Conception of Happiness, in the dimensions, Relations with Others and Occupation of the subcategory, Challenges to be Happy, and again in the dimensions, Relations with Others and Occupation of the Attitudes to be Happier subcategory. Thus, out of nine possibilities of occurrence, the code associated with the family was present in five.

VII. FINAL CONSIDERATIONS

The World Health Organization (WHO) recognizes domestic violence against women as a public health issue and as a serious problem to be recognized and addressed by both society and government bodies. Attributing the condition of women as the only victim will not solve the problem, it is necessary to consider the fact that men also suffer the

consequences of expectations imposed by society, as they are deprived of living fully to their potential. Therefore, there is a need to seek new social relations, no longer governed by power and domination, but by reciprocity between the sexes.

The study on subjective well-being made it possible to organize the subcategories (Conception of Happiness; Challenges in being Happy; Attitudes to being happy) to relate the different conversations and feelings. In the field of happiness, the interviewees reported the dimension of their relationship with themselves with two codifications: being well with themselves and spirituality/self-reflection. These feelings increase with age, education, and consciousness, and decrease with neuroticism (unhappy feeling), according to Ryff (1989). In the relationship with others (family, friends, and spouse), the family has great importance, as does the relationship with the intimate partner, whether conjugal or not. Although having a dialogue with the partner is highlighted, the interviewees express difficulty in accepting that they are abusers.

Within the Attitudes to being Happy subcategory, the challenges to achieving happiness are related to the person and the partner, that is, the acts of aggression are justified by the woman's behavior. The relationship between children and other family relationships can affect the achievement of happiness. The time spent at work and the low income affect the family relationships of those interviewed and consequently prevent them from being happy.

The word family was referred to in most dimensions by the participants. The phenomenon must be accompanied by all facets. This new look at health problems will make it possible to glimpse a scenario where men are part of the solution, and no longer just part of the problem.

Despite the limitations of the research, especially it being a field research, with geographical limitations, which may make inference difficult for the Brazilian male population, the study has important implications about profiling male abusers. They demonstrate a dissociation between their aggressive attitudes and consequences. They consider the family as a priority and do not understand their attitudes as an element of breaking up the home, often recognizing themselves as victims and not victimizers. Laws like Maria da Penha are essential to creating a legal base of protection for the real victims. But they alone will not be able to change the picture of violence, which has deeper social roots, which only continued education and awareness can resolve.

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The Second Stage of Reconnaissances in California (1580-1636)

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Abstract- This paper deals with the second stage of Spanish explorations in the Californian area and the Northern Pacific coast, focusing on their cartographical results. The strategic attention to protect the way to the Philippines and the Spice Islands caused new reconnaissances North of California, which triggered several fantasies about the alleged Anian Strait, which supposedly connected both sides of the ocean in the polar latitudes. After illusion of the supposed voyages led by Fuca and Ferrer was over, interest focused on the exploration along the outer coast of the California peninsula, in order to discover some bases for the Manila galleon's return. Interest in that area was proven by Vizcaino's expeditions, but the search for pearls carried out by Cardona and others was a failure.

Keywords: *California, península, island, Anian Strait, reconnaissances, maps.*

GJHSS-H Classification: *FOR Code: 210399*



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The Second Stage of Reconnaissances in California (1580-1636)

La Segunda Fase De Reconocimientos En California (1580-1636)

Jesús M Porro Gutiérrez

Resumen- Abordamos en el estudio la realidad de la segunda fase de las exploraciones hispanas en el ámbito californiano y la costa pacífica septentrional, prestando especial atención a los desarrollos cartográficos derivados. El interés estratégico por asegurar la ruta hacia Filipinas y la Especiería motivó nuevos reconocimientos al norte de California, lo que desencadenó una serie de fantasías sobre el supuesto estrecho de Anián, que en latitudes polares comunicaría ambas vertientes del Océano. Tras la quimera de los teóricos periplos de Fuca y Ferrer, el esfuerzo se concentró en reconocer el litoral exterior de la península de California, buscando posibles bases de apoyo en la ruta de retorno de los galeones de Filipinas. Las expediciones de Vizcaíno permitieron mantener el interés en aquel ámbito, pero las empresas periféricas de los Cardona y las derivadas fracasaron.

Palabras Clave: California, península, isla, Estrecho de Anián, exploraciones, mapas.

Abstract- This paper deals with the second stage of Spanish explorations in the Californian area and the Northern Pacific coast, focusing on their cartographical results. The strategic attention to protect the way to the Philippines and the Spice Islands caused new reconnaissances North of California, which triggered several fantasies about the alleged Anian Strait, which supposedly connected both sides of the ocean in the polar latitudes. After illusion of the supposed voyages led by Fuca and Ferrer was over, interest focused on the exploration along the outer coast of the California peninsula, in order to discover some bases for the Manila galleon's return. Interest in that area was proven by Vizcaino's expeditions, but the search for pearls carried out by Cardona and others was a failure.

Keywords: California, península, island, Anian Strait, reconnaissances, maps.

I. INTRODUCCIÓN

Aunque el tema de las expediciones a California durante los años mencionados ha sido suficientemente tratado, el objetivo que nos hemos marcado ha sido conceder prioridad a los aportes cartográficos derivados y, a través de la exposición y el comentario de tales mapas, plantear el conocimiento de los españoles sobre el ámbito

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californiano y las diversas ideas, divulgadas después por el mundo cultural europeo, sobre la insularidad o peninsularidad de aquel espacio. Puesto que las empresas de Ulloa y Cabrillo no sirvieron para satisfacer plenamente las expectativas geográficas creadas, quedaba pendiente resolver la cuestión del delineamiento del litoral noroeste de la Nueva España, objetivo que paradójicamente sólo se consiguió parcialmente durante la segunda expedición de Vizcaíno (debido al error de fray Antonio). En cuanto a las fuentes para la elaboración del presente estudio la bibliografía utilizada ha sido complementada con algunas colecciones documentales y referencias de archivo, si bien concedemos particular importancia a los desarrollos cartográficos conservados en la época, incidiendo en los derivados de las expediciones mencionadas.

Al confirmarse en España el éxito de la expedición de Magallanes-Elcano, se planteó una política de exploración de las costas del Mar del Sur, con vistas a fortalecer la ruta de acceso a la Especiería: tras los diversos intentos fallidos de Cortés (1532-1535), el periplo californiano de Ulloa (1539-1541) fue más exitoso, renovando las esperanzas de una provechosa presencia al norte, pero la realidad del viaje Cabrillo-Ferrelo (1542-1543) rebajó las expectativas de las aspiraciones sobre la exploración sistemática y ocupación del amplio territorio comprendido entre la península de California y su prolongación septentrional¹, por lo que la Corona se desentendió durante varias décadas de aquel ámbito. Sin embargo, a raíz de la implantación hispana en las Filipinas y el éxito obtenido por Urdaneta en la ruta del tornaviaje (1565)², junto a la inquietud sembrada por las noticias sobre la presencia de corsarios ingleses en la fachada pacífica, se planteó retomar la cuestión californiana por su importancia estratégica, ante la necesidad de blindar la ruta hacia Filipinas y las Molucas por la vía del Pacífico. El suceso coincidió con el comienzo de los rumores sobre el estrecho de Anián (quizá por la provincia china de Ania mencionada en una edición de 1559 del libro de Marco

¹ Vid. Porro, 2020; de la amplia bibliografía sobre el tema sólo destacamos ahora la general: Wagner, 1929; Holmes, 1963; Cárdenas, 1969; Portillo, 1947; Mathes, 1985; Río, 1985; León-Portilla, 2001; León, 2013, pp. 37-52.

² Un planteamiento actual en León, 2009, pp. 251-278.

Polo), cuya primera referencia cartográfica apareció en un mapa de Giacomo Gastaldi en 1562, indicando la tardía pervivencia de algunas sugerencias relativas al ámbito americano y su capacidad de crear nuevos mitos³. Además, la Corona consideró (aunque finalmente desechó) la posibilidad de abrir y apuntalar una vía de comunicación hacia Oriente, sorteando los territorios americanos por la parte más septentrional del continente. A continuación expondremos los intentos de finales de la centuria y primeras décadas del XVII, centrándonos en sus consecuencias cartográficas⁴, hasta apurarse esa segunda fase con un nuevo desencanto que provocaría en 1636 el siguiente parón en las empresas californianas.

II. LAS FANTASÍAS SOBRE EL PACÍFICO NORTE Y EL DOMINIO ESTRATÉGICO DE LA RUTA ENTRE FILIPINAS Y NUEVA ESPAÑA (1580-1596)

El deseo de fortalecer la reciente ruta abierta entre la Nueva España y las Filipinas incidió en el consiguiente planteamiento estratégico, que afectaría a la zona más septentrional del inmenso océano (debido al sistema de vientos y corrientes necesario para transitar al regreso de Manila) y, por consiguiente al litoral más occidental del virreinato. Debido a su experiencia marítima en el ámbito del Pacífico, Francisco Gali fue elegido por el virrey interino Pedro Moya de Contreras para dirigir una expedición de Acapulco a Manila, con la idea de acometer desde allí la exploración de la fachada pacífica septentrional americana; Gali zarpó en enero de 1583 y tras permanecer un año en Filipinas organizando la empresa, emprendió el regreso en julio del siguiente, llegando a Acapulco en enero de 1585; en el periplo había reconocido algunas islas del Océano así como la costa completa de California⁵. El propio Moya confió a Gali la responsabilidad de una segunda exploración por el ámbito septentrional del Pacífico, con el cometido de perfilar los litorales y encontrar un puerto que sirviera de

escala y refugio a los barcos procedentes de Manila, antes de recalcar en Acapulco o El Callao⁶. En marzo partió hacia Manila donde, esperando órdenes, falleció en enero de 1586.

El nuevo virrey Álvaro Manrique de Zúñiga decidió organizar una nueva expedición, con el objetivo de confirmar y completar los informes de Gali, recayendo el mando en Pedro de Unamuno, marino que se encontraba en Manila en 1587. Tras cruzar el Pacífico llegó a la bahía de Monterrey, donde una espesa niebla le impidió inspeccionar la zona, navegando al sur hasta el cabo de Corrientes, allí supo de la presencia de corsarios ingleses (quizá Cavendish o Drake) y acelerando el viaje recaló en Acapulco⁷. Para prevenir sobresaltos aconsejó el establecimiento de una colonia en la bahía de Banderas.

Por aquellos años los rumores sobre la existencia del supuesto estrecho de Anián (que permitiría una comunicación entre el Atlántico y el Pacífico) circulaban con asiduidad en los ambientes marítimos y comenzaron a ser reflejados en la cartografía⁸. Michael Lok, comerciante que patrocinó los periplos atlánticos de Martin Frobisher buscando el supuesto paso (influidos ambos por la publicación de una obra de sir Humphrey Gilbert sobre su viabilidad), elaboró en 1582 (con los datos aportados) un tosco mapa en proyección polar, con desarrollo en abanico, reflejando la sugestión del paso⁹ e información suelta sobre las exploraciones de portugueses y españoles ("Mare Bermejo"), siendo particularmente confusa la representación de la fachada norteamericana desde "Norembega" al norte: la península del Labrador aparece como tierra de la reina Isabel, la isla Baffin es llamada Lok y menciona el estrecho de Frobisher (actual Hudson); el intento por señalar el supuesto litoral del Pacífico es muy pobre¹⁰. El ejemplar de Lok encajaría en lo que Harley, denominaba deconstrucción de significados de los mapas como expresiones de poder, incidiendo en el carácter político de los

³ Sobre el particular Gil, 2019.

⁴ No sólo por los avances geográficos, sino también por las posibilidades que ofrece el estudio de los mapas como herramienta para el conocimiento de la historia de la cultura (arte, ciencia, tecnología, etc). Tenemos presente la máxima de Bryan Harley de que todos los mapas constituyen representaciones de poder, idea desarrolladas en varios de sus trabajos: *Maps, Knowledge, and Power, Silences and Secrecy: The Hidden Agenda of Cartography in Early Modern Europe, Deconstructing the Map, Historical Geography and the Cartographic Illusion, Power and Legitimation in the English Geographical Atlases of the Eighteenth Century*, recopilados y publicados en una obra póstuma, Harley, 2001.

⁵ Ello le permitió escribir una relación titulada *Viaje, descubrimientos y observaciones desde Acapulco a Filipinas, desde Filipinas a Macao y desde Macao a Acapulco*, cuyo manuscrito acabó en poder de Jan Huygen van Linschoten, quien lo publicó en holandés como *Derrota de las Indias* (Amsterdam, 1596, 1614 y 1626), siendo luego traducido y editado en inglés, alemán, latín y francés.

⁶ Presumiblemente el plan recogía también las inquietudes de fray Andrés de Aguirre, expresadas en su carta al Arzobispo y Gobernador de México, en 1583, sobre el descubrimiento de las islas de Armenio, en el Mar del Sur, para favorecer el regreso de las naos de Oriente, encontrar posibles islas y reconocer al norte de los 41° de latitud, averiguando los secretos de la costa y la cercanía del estrecho de Anián, que se suponía situado a 52°; vid. el doc. En Pacheco-Cárdenas-Torres Mendoza (eds.), *Colección de Documentos Inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas en América y Oceanía*, (CoDoln América), vol. XIII, Madrid, 1870, pp. 545-549.

⁷ Vid. Wagner, 1923, pp. 140-160.

⁸ Desde el mapa de Bolognino Zaltieri de 1566, el estrecho apareció en ejemplares de Abraham Ortelius (1570), Joan Martínez (1572) y André Thevet (1575) y luego en los posteriores a Lok.

⁹ El mapa de Lok apareció impreso en una obra de su amigo geógrafo Richard Hakluyt, *Diverse Voyages*, Londres, Thomas Dawson, 1582.

¹⁰ Pese a sus limitaciones el mapa es más decoroso que el del propio Frobisher, fruto de su tercer viaje.

elementos simbólicos de los mapas, y su manipulación en beneficio de los intereses de los poderosos¹¹. Regresando al espacio más septentrional americano, los tres periplos que desarrolló John Davis en 1583, 1586 y 1589 sirvieron para intentar conocer aquel ámbito (el estrecho que lleva su nombre) pero sus resultados prácticos se vieron muy limitados por la barrera constante de témpanos helados.

Un extraño y casi desconocido personaje llamado Ioannis Phokas (natural de Valerianos en la isla de Cefalonia), reconvertido en Juan de Fuca¹², alegó haber navegado al servicio de España durante cuarenta años, reconociendo la costa al norte de California; en 1592 afirmó que había observado la inflexión hacia el noroeste del litoral y reconoció una gran entrada, con varias islas y canales; al regresar a la Nueva España no fue creído, y volvió a Europa¹³. Aunque vaga e imprecisa, la descripción de Fuca concuerda con la mayoría de los accidentes geográficos que presenta el estrecho con su nombre (al sur de la actual isla de Vancouver); pensó que conducía al Atlántico, confundido ante la enorme anchura del canal.

Fuca no fue el único en afirmar haber navegado por aquella zona, pues en 1609 Lorenzo Ferrer Maldonado escribió una *Relación del descubrimiento del Estrecho de Anián*¹⁴, en la que exponía que descubrió el paso en 1588, en un periplo saliendo de España hacia Labrador, pasando por el estrecho de Davis, “dos bocas¹⁵” (actual bahía Baffin) y, hacia el oeste, tras subir hasta los 75º de latitud, navegar un trecho largo hasta desembocar “todo el estrecho del Labrador, que como dicho es comienza en sesenta grados y acaba en 75, y tiene de largo doscientas y noventa leguas”; luego navegando al Oeste, cuarta al Suroeste, estaba a 71º y ahí haciendo “la vuelta del Oes-Sudoeste” bajó a los 60º hasta el estrecho de Anián e incluso navegó un tramo más al sur¹⁶. La relación de Ferrer levantó mucha polémica y se

consideró que el pretendido viaje fue una farsa¹⁷, pero plantea referencias geográficas, de rumbos y latitudes realmente inquietantes¹⁸. Es posible que Ferrer visitara Terranova antes de la fecha de su polémica *Relación* y evidentemente estaba familiarizado con los viajes de Davis y Frobisher. Aunque la Corona rechazó el proyecto de Ferrer –pese a los deseos de contar con una nueva ruta septentrional de comunicación con sus dominios en Extremo Oriente–, la sugestión del supuesto estrecho de Anián volvió a cobrar vigencia¹⁹ en el plano cartográfico, como demuestran la aparición, pocos años antes, del mapamundi de Jodocus Hondius de 1588²⁰ (donde figuraba dibujado entre las dos grandes masas septentrionales asiática y americana, justo donde casi se juntaban) y los tres diseños del también holandés Cornelis de Jode: su mapa del estrecho (con el trazado de su teórico perfil, entre el noroeste americano y una larga franja de tierra boreal), el del paso (muy alargado en anchura, por efecto de la proyección Mercator, y cortando la masa boreal del continente) y un tercero sobre los polos (en la proyección polar de la parte septentrional se observa claramente el doble ámbito estrecho-paso, comunicando los dos océanos tras rodear toda la superficie occidental y norteamericana), todos de 1593²¹, y presumiblemente influidos por el de su ya citado compatriota Ortelius (en el planisferio se observan claramente el estrecho y el paso, pese a la situación del primero en el corte externo del mapa por ambos extremos) de 1570²².

Volviendo a los periplos documentados, el de Gali sólo había proporcionado una buena relación, sin apoyo cartográfico (que paradójicamente fue utilizada por los enemigos holandeses e ingleses para hostigar a los españoles en el ámbito del Pacífico), y el de

¹¹ Harley, 2001.

¹² Fuca, Ferrer y Fonte fueron los tres individuos que, por sus exageraciones y fantasías, recibieron de Martín Fernández de Navarrete el apelativo de “viajeros apócrifos”.

¹³ Su figura hubiera pasado desapercibida de no haber sido por Lok quien, durante su etapa como cónsul inglés en la Compañía de Levante, afirmó haberlo conocido en Venecia en 1596 (James Mc Dermott, “Lok, Michael (1532-1620)”, *Oxford Dictionary of National Biography*, Oxford University Press, 2004).

¹⁴ CoDoln América, vol. V, Madrid, 1866, pp. 420-447.

¹⁵ “...la una dellas corre al Es-Nordeste, y la otra al Noroeste ... se ha de poner la proa en el Noroeste, entrando por aquel Estrecho”; *ibidem*, pp. 424 y 425.

¹⁶ “...fuimos costeando por la parte de la América ... la proa en el sudeste hasta llegar a los 55 grados de altura ... y de aquí se coligió ser toda aquella costa de la América, y que continuándola podía llegar brevemente a Quivira y cabo Mendocino”, *ibidem*, pp. 428 y 429. La edición de Carlo Amoretti, de 1811, incluye un peculiar dibujo, con los litorales y la orografía del supuesto estrecho.

¹⁷ En el siglo XIX el tema fue tratado críticamente por parte de Fernández de Navarrete, Martín y Eustaquio, tomo XV, 1849, pp. 71-93 (Ferrer), 102-112 (Fuca), 134-158 (Fonte); también Novo y Colson, 1881. Una visión crítica más reciente en Wagner, 1931, pp. 179-234.

¹⁸ Alude a un gran peñón o isleta en medio del estrecho, CoDoln América, vol. V, p. 434. En 1906 el explorador noruego Roald Amundsen demostró (siguiendo parcialmente el teórico periplo de Ferrer) que el paso del noroeste conducía a un estrecho donde a los 60º se accedía al Pacífico.

¹⁹ Todavía en la época de la Ilustración había no pocas dudas respecto al supuesto estrecho y sólo al final se desveló ser una quimera; *vid.* Urteaga, 1987, pp. 7-34. Bibliografía más reciente sobre Anián en Gil, 1989 y 2019, con un capítulo dedicado a los secretos de la California (pp. 199-204) y otro sobre el Estrecho de Anián (pp. 415-440) y Pimentel, 2003, quien dedica un capítulo al paso del Noroeste y las figuras de Ferrer, Fuca y Fonte (pp. 111 y sigts).

²⁰ El mapa tenía por objeto ilustrar la circunnavegación de Drake y portaba una cartela: Vera Totius Expeditiones Nautica.

²¹ Aparecieron publicados en su *Speculum Orbis Terrae*, editado en Amberes ese año.

²² Se trataba de su planisferio, pronto famoso, titulado *Typus Orbis Terrarum*, incluido en la primera edición del *Theatrum Orbis Terrarum*, Amberes, obra que debido a su notable éxito, fue objeto de sucesivas ediciones los siguientes años.

Unamuno había finalizado con un evidente fracaso estratégico. En esa tesitura, el virrey Luis de Velasco y Castilla deseaba contar con un puerto seguro donde los galeones pudieran refugiarse y las tripulaciones reponerse, antes de recalar en Acapulco; por ello eligió a un experimentado navegante y explorador portugués, Sebastião Rodrigues Soromenho, para capitanear un galeón de Manila, en la ruta de regreso a Nueva España, con el encargo de reconocer la costa de California²³. En julio de 1595 partió Cermeño de Manila y, tras cruzar el Pacífico, en noviembre avistó tierra del litoral californiano (a 42º de latitud norte); tras varios reconocimientos los expedicionarios fueron sorprendidos en un puerto por una tormenta que provocó el naufragio del barco; salvaron una lancha y con ella lograron tocar tierra en Nayarit en enero de 1596. Tampoco ese viaje proporcionó frutos cartográficos; además, ante el fracaso económico, el nuevo virrey Gaspar de Zúñiga Acevedo y Velasco estimó que era preferible no exponer a los galeones de Manila (se habían perdido las mercancías), optando por reconocer las costas de California desde el propio ámbito novohispano.

Pese a los modestos resultados de la empresa de Cermeño, el reflejo cartográfico del ansiado paso del noroeste y los reconocimientos en el Pacífico norte fueron objeto de atención (aunque la política de sigilo del Estado imponía restricciones en lo relativo a navegaciones y cartografía), pues en 1597 aparecieron en los planisferios de Luis Teixeira y João Baptista Lavanha, quienes trabajaron juntos en un proyecto²⁴ que, con notables mejoras en su trazado americano, recuerda los de Ortelius y Hondius (Teixeira había colaborado con Ortelius y ambos siguieron haciéndolo durante el período de la Unión Ibérica al servicio de Felipe II). La realidad geográfica de los dos ámbitos mencionados también fue tratada por Cornelis Wyffliet en su ejemplar sobre Anián, complementado por otro del área del paso, rotulado región de Conibas²⁵; en cualquier caso los planteamientos del holandés ofrecían no pocas concesiones a la fantasía, siendo más ideológicos y mentales que reales²⁶.

²³ Fue conocido con la castellanización de su nombre y apellidos (Cermeño). Sobre el personaje y su viaje vid. Wagner, 1924, pp. 3-24; Delgado da Piedade, 2006, pp. 157-186.

²⁴ Se trataba del *Theatrum Mundi*, ejemplar cartográfico conservado en la Biblioteca Real de Turín y reproducido en la colección *Portugaliae Monumenta Cartographica*, ed. de Armando Cortesão y Avelino Teixeira da Mota, Imprensa Nacional Casa da Moeda, Lisboa, 1960, vol. 4, lámina 426.

²⁵ Formaban parte de su atlas americano, cuya primera edición se publicó en latín, en Lovaina, 1596, con el título de *Descriptionis Ptolemaicae Augmentum*; el siguiente año apareció la edición holandesa.

²⁶ Encajaban en el ya citado concepto de epistemología cultural y expresión de poder, que asignaba Harley, 2001, a los mapas.

III. LAS EXPEDICIONES DE VIZCAÍNO (1596-1603)

La siguiente empresa tuvo un planteamiento más modesto y menos arriesgado, centrándose en el aprovechamiento económico. Fue promovida por Sebastián Vizcaíno quien, tras dos cortas estancias en Nueva España y Filipinas, consiguió del virrey Luis de Velasco (hijo) una concesión comercial para la explotación de perlas en la ribera occidental del Golfo de California. Con el refrendo del nuevo virrey, Gaspar de Zúñiga y Acevedo, la expedición salió de Acapulco en junio de 1596, organizando un nuevo asentamiento junto a Santa Cruz – en septiembre-, al que denominaron La Paz, pero hubo que abandonarlo por falta de mantenimientos. El capitán forzó algunas exploraciones hacia el fondo del Golfo, pero finalmente se vio obligado a emprender el regreso, llegando en diciembre de ese año a Mazatlán²⁷. Los resultados fueron otra vez modestos y por añadidura se evidenciaron las dificultades ya conocidas desde las expediciones anteriores en varias décadas (Cortés, Ulloa y Cabrillo) sobre la dificultosa navegación hacia el norte (vientos, corrientes, tormentas) y en el amplio espacio del golfo californiano.

Por aquellos años la Corona retomó el objetivo estratégico del dominio del espacio californiano. Puesto que sus conocimientos náuticos y su experiencia en el ámbito del Pacífico (tanto en Filipinas como en el Golfo de California) eran evidentes, obedeciendo una Real Orden, Vizcaíno fue reclamado en la capital virreinal, para organizar y comandar una expedición con el objetivo de reconocer y demarcar el litoral de la Alta California, además de establecer puertos de refugio válidos para el Galeón de Manila, en el periplo de regreso a la Nueva España. Los preparativos se realizaron con la suficiente antelación como para asegurar el buen funcionamiento de la empresa.

Este segundo viaje es bien conocido²⁸, y nuestro objetivo consiste en ceñirnos a los aspectos

²⁷ La relación del viaje de Vizcaíno se conserva en el Archivo General de Indias (AGI), tanto en Gobierno, Guadalajara, 133, como en Patronato Real, 20, nº 5, r. 17. Desde el puerto de Salagua envió su informe al Virrey. Aparte de algunas referencias bibliográficas expuestas en Porro, 2020, hay alusiones al personaje y sus viajes en Portillo, 1947; Mathes, 1973; Rodríguez, 1995, pp. 9-41; Myers, 2004. El citado Portillo, 1947, p. 173 (quizá confundido por fray Antonio de Torquemada), plantea que el regreso se produjo un año más tarde (diciembre de 1597), pero en la documentación figura 1596.

²⁸ La documentación relativa al segundo viaje es más amplia: las instrucciones del virrey Conde de Monterrey, así como la relación de Vizcaíno, se encuentran en AGI, Gobierno, Guadalajara, 133; la de fray Antonio en Biblioteca Nacional de España, ms 3042, fue editada en CoDoln América, vol. VIII, Madrid, 1867, pp. 539-560 (en el tomo va precedida de un informe del presbítero Francisco Ramírez de Arellano, pp. 537 y 538, quien apenas tres meses antes se había ofrecido "para el descubrimiento y la conquista de las Californias", CoDoln América, vol. VI Madrid, 1866, pp. 564-566); las actas de las juntas de pilotos y cosmógrafos, así como los derroteros en AGI, Gobierno, México, 372. La cartografía generada aparece en AGI,

geográficos y cartográficos. Vizcaíno partió de Acapulco el 5 de mayo de 1602; en la expedición participaron civiles y frailes carmelitas peritos en cosmografía (los más notables el piloto Jerónimo Martín Palacios –quien trazó los dibujos de las costas y escribió un derrotero²⁹– muy reputado y como tal apreciado por el Virrey y el Capitán, y fray Antonio de la Ascensión –quien además de su relación también aportó un derrotero³⁰). En el puerto de Navidad los nautas efectuaron algunas reparaciones y celebraron la primera junta³¹; a comienzos de junio se encontraban en las islas de Mazatlán³² y navegando hacia la punta de California fondearon el día 11 en la que nombraron bahía de San Bernabé; tras la segunda junta, permanecieron allí –con varios intentos fallidos por los vientos contrarios– hasta el 5 de julio. La punta de San Lucas (el tramo en forma de golfo comprendido entre el cabo que nombraron del Noreste y el de San Lucas) y su prolongación hacia el norte fue la primera zona de la costa californiana cartografiada (en esa expedición) tras los reconocimientos oportunos³³.

Al dejar atrás el cabo San Lucas, a partir del día 8 afrontaron el cometido más importante de la expedición: explorar las costas menos conocidas; en esa fase la navegación fue lenta, tanto por el objetivo de ver todos los puertos, bahías, ríos y ensenadas, como por el problema de los vientos contrarios, casi constantes³⁴ (esa dificultad, junto a la presencia de temporales ya había sido una realidad reflejada por Ulloa en su periplo de 1539-1540 y Cabrillo en el suyo de 1542). Extrañamente Vizcaíno y los suyos respetaron pocos de los topónimos anteriores³⁵; en su avance al norte tras señalar algunos tramos de costa y el Morro

de Ensenada³⁶, el piloto Martín Palacios hizo un notable levantamiento de la zona de la doble bahía de la Magdalena y Almejas, con la gran isla³⁷; luego señaló datos correspondientes a diversas ensenadas y puntas hasta las de Nuestra Señora de las Nieves y Bajos, con el siguiente entrante y arrecifes³⁸; a continuación sierras y playas hasta la isla y punta de la Asunción³⁹, la Sierra que parece isla junto al Puerto de la Muerte y el de San Bartolomé⁴⁰, y la isla de la Natividad frente a la punta de San Eugenio⁴¹. A primeros de septiembre se encontraban frente a la isla de Cedros y la bahía de Ballenas; tras los reconocimientos oportunos⁴² y la siguiente junta, reanudaron el viaje tres días después con el método de “conserva” (juntos para auxiliarse en caso de contrariedades).

La navegación hacia el norte continuó con el avistamiento de la isla de San Jerónimo, frente al cabo Bajo, luego la Punta de las Vírgenes y la isla de San Martín⁴³; en la pequeña bahía del cabo San Simón y Judas (actual Ensenada), sobre los 32º, Vizcaíno decidió anclar para efectuar reparaciones y celebrar una junta. Una vez repuestos, el 5 de noviembre llegaron a la altura del cabo e islas de Todos los Santos, observando una gran bahía hasta la punta de Sierras⁴⁴; por fin el día 11 tocaron en el puerto de San Diego, frente a las islas de San Martín⁴⁵, sintiéndose gratamente impresionados por su capacidad de abrigo y considerándolo apropiado como escala en la ruta de regreso del Galeón de Manila: allí hubo nueva junta, procediendo a su sondaje, reparaciones urgentes en las naves y búsqueda de agua y pescado. A finales de mes los nautas se encontraban frente a la isla de Santa Catalina, observando otras islitas menores⁴⁶, pero decidieron renunciar a explorar más detenidamente, tanto por aprovechar el tiempo favorable, como por la evidencia de que aumentaba peligrosamente el número de marineros indispuestos⁴⁷. Siguiendo su navegación pasaron por las islas de San Ambrosio y San Cleto frente a la costa de Arboleda, la isla de Bajos y punta de la Limpia Concepción⁴⁸; más tarde la ensenada del Roque y la punta que parece isla, para arribar ya a mediados de diciembre a la punta de Pinos y el puerto de Monterrey⁴⁹. Allí hubo detención y nueva junta

Mapas y Planos, México, 53. Para el periplo vid. las ya citadas obras de Portillo, 1947; Mathes, 1973 y Rodríguez, 1995.

²⁹ Juan Bautista Muñoz realizó una copia en el Archivo General de Simancas, antes del traslado masivo de los fondos a Sevilla, que posibilitó el surgimiento del futuro Archivo General de Indias. Una copia de esta se conserva en el Archivo del Museo Naval de Madrid, ms. 0191, fols. 87-127: “Derrotero de la navegación que realizó en 1602 el capitán Jerónimo Martín Palacios ... desde Acapulco a Cabo Mendocino y entrada del golfo de California...”.

³⁰ Biblioteca Nacional de España, ms 3203, “Derrotero cierto y verdadero para navegar desde el cavo Mendocino que es desde altura de 42 grados hasta el puerto de Acapulco por la costa de la mar del Sur ... Hecho por padre fray Antonio de la Ascensión”.

³¹ Allí también realizó Jerónimo Martín el primero de los treinta y tres diseños cartográficos que luego serían retocados en la capital virreinal por el ingeniero, impresor y cartógrafo Enrico Martínez; vid. AGI, Mapas y Planos, México, 53, f. 59v; se trata de un diseño sencillo en el cual se detallan la línea del litoral, los diversos farallones y los datos del surgidero, además de una escala de leguas y la orientación.

³² Cartografiadas también en cit. F. 6v.

³³ AGI, Mapas y Planos, México, 53, f. 60v.

³⁴ Vid. la citada relación de fray Antonio de la Ascensión [28], p. 541: hasta el cabo Mendocino los vientos fueron casi siempre contrarios y tormentosos, dominando el Noroeste que obligaba a navegar “a la bolina, que fue un trabajo increíble, porque hubo día que no se pudo ganar una legua de camino”.

³⁵ Esa decisión complicó la reconstrucción del periplo, sólo comprensible mediante los levantamientos cartográficos oportunos.

³⁶ AGI, Mapas y Planos, México, 53, f. 62v, 63v, 64v y 65v.

³⁷ Idem, fols. 66v y 67v.

³⁸ Idem, fols. 69 v, 70v, 71v y 72v.

³⁹ Idem, fols. 73v y 74v (con la isla de San Roque).

⁴⁰ Idem, fols. 75v y 76v.

⁴¹ Idem, fol. 77v.

⁴² Si comprobaron la insularidad, según Portillo, p. 195, esa realidad no aparece confirmada, aunque sí insinuada en los diseños cartográficos, AGI, Mapas y Planos, México, 53, f. 77v y 78v.

⁴³ AGI, Mapas y Planos, México, 53, f. 79v y 80v.

⁴⁴ Idem, f. 81v.

⁴⁵ Idem, f. 82v.

⁴⁶ Idem, f. 83v.

⁴⁷ Tales incidencias fueron señaladas por Portillo, 1947, p. 197.

⁴⁸ AGI, Mapas y Planos, México, 53, f. 84v y 85v.

⁴⁹ Idem, f. 86v.

donde, tras hacerse pública la instrucción secreta del Virrey, se tomó la decisión de enviar un navío de vuelta para transportar los enfermos y comunicar a Zúñiga la necesidad de contar con refuerzos y pertrechos para continuar la exploración; además se comprobó la buena situación estratégica del enclave, adecuado como escala para las naos de Filipinas, y la cercanía de un espeso bosque de pinos, que proporcionaría la madera necesaria para reparar o construir naves.

El 3 de enero de 1603 los dos buques restantes continuaron su navegación al norte y, tras pasar por la punta de Año Nuevo, el día 7 decidieron en una nueva junta refugiarse en un puerto ya visitado antes: el que ahora llamaron de los Reyes⁵⁰; allí aunque informó que habían cumplido la orden del Virrey, Vizcaíno recomendaba seguir más al norte del cabo Mendocino, al menos hasta el Blanco, y si fuera posible reconocer cien leguas más de costa; puesto que la tripulación se encontraba muy mermada por las enfermedades, los reunidos aconsejaron el regreso, si bien el Capitán consiguió que aceptaran llegar hasta el cabo Mendocino; así, tras recorrer un fragmento del litoral sin incidencias⁵¹, observaron la punta de la Baja Grande, con la desembocadura de un río, y finalmente el Mendocino, donde señalaron la presencia de unas sierras nevadas al sur y la inflexión hacia el cabo Blanco⁵², siendo reseñable que en su derrotero Martín Palacios da a entender que llegaron a su altura⁵³. El día 20 iniciaron el regreso, pasando por Santa Catalina el 28, Cerros el 6 de febrero y San Lucas el 11; el 21 atracaron en el puerto de Acapulco.

IV. CONOCIMIENTO GEOGRÁFICO DEL TERRITORIO Y CONSECUENCIAS CARTOGRÁFICAS

Durante los nueve meses transcurridos en el viaje desde Acapulco hasta el cabo Mendocino la labor de exploración y asimilación del territorio que efectuaron los navegantes fue muy positiva, pues el esfuerzo realizado en la tarea de localización y señalización de puertos, bahías, cabos, ríos y ensenadas, tuvo un reflejo no sólo en los levantamientos cartográficos, sino también en las alusiones a un posible aprovechamiento económico: riqueza de perlas en las costas, variedad de pescados, presencia de ballenas, tierra fértil abundante en frutas, sierras con metales, frecuentes

bosques de cipreses y pinos⁵⁴. El periplo de regreso fue bastante rápido pues, pese a un leve retraso motivado por la separación forzosa de los dos navíos, duró sólo un mes⁵⁵.

La labor cartográfica desarrollada fue notable, pues los levantamientos de Martín Palacios se vieron reforzados por fray Antonio, quien diseñó al menos un mapa⁵⁶; además, el carmelita realizó los correspondientes cálculos astronómicos, y señaló en su relación que el cabo Mendocino se encontraba a 42° de latitud norte, especificando que navegaron algo más al septentrión⁵⁷; por añadidura intentó algo tan difícil como ofrecer una aproximación a la longitud, transformando los grados en leguas y planteando las correspondientes equivalencias marítimas⁵⁸ (si bien, por los datos astronómicos aportados en sus cálculos, observamos un resultado bien modesto al contrastarlos con los reales). Es evidente que en el plano cartográfico los resultados del periplo fueron admirables por su rigor y precisión, pues los diseños efectuados por Martín Palacios -copiados y completados tras el regreso por Enrico Martínez⁵⁹- permitieron reflejar con una aproximación notable los litorales californianos, siendo esa labor de gran utilidad para las navegaciones posteriores. Resulta razonable pensar que utilizando todos los planos diseñados en el viaje de Vizcaíno debió efectuarse un levantamiento cartográfico general del ámbito californiano, parecido a la reconstrucción que conservamos de la época ilustrada⁶⁰ (nos permite

⁵⁴ Vid. la ya citada relación de fray Antonio de la Ascensión [28], pp. 546-550.

⁵⁵ Suponemos que el dato reflejado en la relación de fray Antonio [28], p. 542, indica un lapsus, al señalar el 21 de marzo.

⁵⁶ Idem, p. 545: "hice de todo esto una pintura geográfica"; p. 560: "hice una copiosa relación, y una pintura de la postura deste reino". Desafortunadamente en los expedientes sobre la expedición de Vizcaíno no aparece ese mapa.

⁵⁷ Idem, p. 542: "pasamos aún más adelante hasta altura de quarenta y tres grados, que se llamó el cabo de San Sebastian, adonde la costa da vuelta al Nordeste y parece toma allí principio la entrada para el estrecho de Aníán". Sobre la figura del carmelita y su relación con Vizcaíno, además de Rodríguez, 1995, vid. Zdenek, 1970, pp. 277-291.

⁵⁸ Relación de fray Antonio [28], p. 544: "Los mapas más modernos señalan que hay desde el meridiano que corresponde a la punta de la California hasta el meridiano que corresponde al cabo Mendocino, sesenta grados de longitud; que dándole a cada grado según la cuenta de los cosmógrafos diez y seis leguas y media, vienen a ser casi mil leguas de longitud; que si fuera por la cuenta de los marineros que dan a cada grado de Noroeste a Sueste a veinte y cinco leguas ... diríamos que tiene de largo por su costa y orilla más de mil y quinientas leguas". Los valores del carmelita denotan la realidad de un trabajador de gabinete, si bien las limitaciones en la determinación de la longitud afectaban a todos los pilotos.

⁵⁹ Se trataba de un ingeniero, impresor, editor y cartógrafo alemán, Heinrich Martin, quien al llegar a México adaptó su nombre al castellano; el Virrey le encargó que dirigiera trabajos de desagüe en la cuenca de la capital. Se conservan 31 de los 33 mapas que diseñara Palacios, retocados por Martínez el 19 de noviembre de ese año (1603).

⁶⁰ Nos referimos a un excelente ejemplar anónimo, que ha sido atribuido a José Espinosa y Tello o a Dionisio Alcalá Galiano, pues

⁵⁰ Idem, fols. 87v y 88v, donde se observa su delineado. El piloto Francisco de Bolaños lo conocía por haber llegado allí en la expedición de Rodríguez Cermeño; vid. Portillo, 1947, p. 199. Justo al norte, en la carta se señalaba el río grande de San Sebastián.

⁵¹ AGI, Mapas y Planos, México, 53, f. 89v (costa de arboleda, doblada, de barrancas ásperas).

⁵² Idem, f. 90v.

⁵³ Vid. Derrotero [29], f. 126: "... el dicho cabo Mendocino, el qual está en altura de 41° ½ ... del qual corre la costa nordeste sudeste hasta el cabo Blanco que está en altura de 43°".

valorar la profesionalidad de los pilotos y cosmógrafos de la expedición); también contamos con un valioso testimonio de 1701: un mapa de Francisco Ponce de Orfila (sobre él argumentaremos en las conclusiones). El levantamiento de 1802 es notable, pues contiene el perfil exterior completo de la península de Baja California, y hacia el norte se prolonga un tramo de la Alta cercano al cabo Mendocino; el delineado es muy cuidadoso y contiene todos los topónimos correspondientes a los lugares avistados. La realidad, aparentemente sorprendente, de que no contemos con un mapa general por parte de Martín Palacios (sólo los aludidos diseños parciales), ni del propio Vizcaíno, junto al hecho de que no se ha conservado el ejemplar cartográfico levantado por fray Antonio, nos invitan a pensar que todavía funcionaba la política de sigilo (heredada de la primera época y reforzada durante el reinado de Felipe II) en lo relativo a los descubrimientos americanos. En este sentido cobran vigencia dos de las ideas (ya mencionadas) repetidas por Harley en sus trabajos cartográficos y que asumimos plenamente en el contexto mencionado: los mapas constituyen representaciones de poder, con un marcado carácter político y sujetos a manipulación (en el caso presente, como en otros, ocultamiento) en favor de los poderosos.

Fray Antonio proporcionó en su relación muchos datos astronómicos, geográficos y cartográficos, aludiendo a la forma alargada y oblonga de California⁶¹, y considerando sus límites el reino de Quivira por la parte oriental y el de Anián por la septentrional (consecuentemente, incluso un hombre culto como el carmelita se dejó llevar por las fantasías y sugerencias de la época); calculó en sesenta grados la diferencia longitudinal entre la punta meridional de California y el cabo Mendocino-error no desdeñable⁶² pese a sus conocimientos de Astronomía y que evidencia la gran dificultad y notables limitaciones en lo tocante a precisar la longitud en su tiempo⁶³, transformando la cuenta en leguas terrestres y marítimas, en cambio mostró su dominio en el cálculo de la latitud, ofreciendo una notable aproximación (teniendo en cuenta que se desconocía el límite norte

del territorio y lo estimaron por conveniencia⁶⁴); también estableció la latitud del puerto de Monterrey en 37° (apenas 0'5 de error), comentando que las naos de Filipinas solían repararse allí, tras haber alcanzado el cabo Mendocino como lugar más alto en su periplo de navegación hacia la Nueva España.

Sin embargo se produjo una curiosa paradoja (que el carmelita recogió en su relación), el informe de los integrantes de la fragata Tres Reyes, que navegaron al norte hasta los 43°, sobre la presencia de una punta de San Sebastián, junto a un río que llamaron de Santa Inés, provocó una confusión geográfica –alimentada por la ambigua exposición del religioso, quien planteó una hipótesis insular para el territorio, relacionándola con el teórico estrecho⁶⁵– que tuvo sus consecuencias cartográficas durante los siguientes años –toda la centuria e incluso a comienzos del XVIII– en Europa⁶⁶, apareciendo en los mapas un doble planteamiento erróneo en torno al mítico estrecho de Anián y la supuesta insularidad de California⁶⁷: el primer autor que reflejó esa geomitología⁶⁸ fue Henry Briggs en su representación de Norteamérica de 1625⁶⁹, seguido en los desarrollos zonales⁷⁰ por Vinckeboons (1650), Sanson (1656 y 1657), Doncker (1659), Du Val (1661),

⁶⁴ Relación de fray Antonio de la Ascensión [28], p. 544: "De latitud o de ancho, tiene desde el trópico de Cancro, que es la punta de la California llamado el cabo de San Lucas, que está debajo del, hasta altura de cincuenta grados, que es lo más alto de este reino". Los valores no son desdeñables, teniendo en cuenta que el Mendocino se encuentra a 40'5° y aplicó un incremento aleatorio algo más al septentrión.

⁶⁵ Idem, p. 543: habiendo hecho junta el mar Océano, que rodea el cabo Mendocino, y el mediterráneo de la California, que ambos a dos se vienen a juntar a la entrada deste estrecho que digo de Anian"; p. 544: "donde se viene a juntar los dos mares que cercan este reino en redondo, de que se ve claro cómo este reino de la California es tierra separada y distinta de las tierras del Nuevo Méjico y de la del reino de Quivira"; p. 558: "un río que se llamó de Sta. Inés ... La costa y tierra da la vuelta al Nordeste y aquí es la cabeza y fin del reino y Tierra Firme de la California, y el principio y entrada para el estrecho de Anian".

⁶⁶ Curiosamente los cartógrafos lusos no cayeron en ese error –permaneciendo fieles al rigor peninsular–, pues tanto Lavanha en su mapa de 1612, como Antonio Sanches en el de 1632 y Teixeira Albernaz en el de 1643 reflejaron la condición peninsular de la California.

⁶⁷ Para la cartografía histórica del territorio Hayes, 2007; Polk, 1991; y Tooley, 1964. Una visión completa de mapas de ese ámbito en McLaughlin, 1995 y 2001.

⁶⁸ Así aparece en Bernabéu y García, 2011, pp. 461-492, cit. 475.

⁶⁹ El mapa de Briggs apareció publicado en Samuel Purchas, *Hakluytus Posthumus, or Purchas His Pilgrimes: Contayning a History of the World in Sea Voyages and Lande Travells by Englishmen and others*, Vol. XIV, Glasgow: James MacLehose and Sons.

De los autores ajenos al mundo ibérico, muy pocos reflejaron la peninsularidad de California: Hondius en 1606, Blaeu en 1633, Bertius en 1646 y Hennepin en 1683 (todos en representaciones continentales o de Norteamérica) y Dudley en 1646, en sus mapas zonales californianos.

⁷⁰ Omitimos la lista de cartógrafos que diseñaron California como isla en representaciones continentales o de planisferios por ser amplia, limitándonos a señalar los que reflejaron el ámbito californiano.

surgió a raíz de la expedición Malaspina, y lleva una cartela esclarecedora: *Carta de los reconocimientos hechos en 1602 POR EL CAPITÁN SEBASTIÁN VIZCAÍNO formada por los planos que hizo el mismo durante su comisión*; fue grabada por Cardano y publicada en Madrid en 1802. Se conserva en el Archivo Cartográfico y de estudios geográficos del Centro Geográfico del Ejército, Madrid, Carpeta II: Cartografía de Ultramar, nº 95, lámina 125.

⁶¹ Relación de fray Antonio de la Ascensión [28], p. 543: "Tiene toda la forma y hechura de un estuche, ancho por la cabeza y angosto por la punta".

⁶² Las referencias aproximadas son de 110° Oeste para el cabo San Lucas y 124'5° para el Mendocino.

⁶³ Problema no solucionado hasta la aparición de los cronómetros navales a comienzos del siglo XVIII.

Goos (1666), Mallet (1683), Morden (1687) y Coronelli (1688 y 1690).

V. LA EXPLOTACIÓN DE LAS PERLAS. LA EMPRESA DE LOS CARDONA

Aunque el segundo periplo de Vizcaíno resultara exitoso bajo el punto de vista geográfico y cartográfico, ante la ausencia de fondos, la inquietud surgida por la presencia de corsarios ingleses y holandeses⁷¹, y la evidente dificultad para establecer poblaciones en el litoral californiano, el Virrey decidió limitarse a autorizar los planes de aprovechamiento pesquero y explotación perlífera. Así, las circunstancias estratégicas cambiaron de un planteamiento geográfico y expansivo a otro económico y defensivo.

En 1612 Tomás Cardona y dos socios obtuvieron una autorización real para iniciar una empresa de explotación perlífera en las costas de California. Al año siguiente, el propio Cardona firmó un asiento con el virrey Diego Fernández de Córdoba, Marqués de Guadalcázar, para iniciar el descubrimiento de las perlas, comprometiéndose a buscar galeones perdidos y realizar informes geográficos y cartográficos sobre California. Nicolás Cardona (sobrino de Tomás) partió en la flota que se dirigía a Nueva España en julio de 1613, encontrándose en el mes de enero de 1615 en Acapulco: participaría en la empresa de su tío, si bien navegando bajo el mando del capitán Juan de Iturbe⁷². Puesto que acababan de llegar noticias sobre la presencia de una armada holandesa en aguas del Pacífico, hubo que retrasar la salida de la expedición para asegurar la vigilancia del puerto. Una vez que juzgaron pasado el peligro, la expedición de Iturbe y Nicolás Cardona partió de Acapulco a finales de marzo de 1615⁷³ y tras algunas escalas en la costa pusieron proa a la punta de California donde, desde el cabo de San Lucas, remontaron hasta el puerto de La Paz –que Cardona recomendaba poblar- y reconocieron toda la costa interior californiana, cruzando hasta la parte oriental y regresando a la costa occidental del Mar Bermejo hasta la altura de 34º de latitud norte; ahí, confundido por la desembocadura del río Colorado y la sugestión del planteamiento del carmelita fray Antonio, secundó Cardona la hipótesis de la insularidad de

California⁷⁴; en el paraje que denominaron puerto de Santa Clara decidieron emprender el regreso ante la llegada del invierno, la presencia de vientos, tormentas fuertes con aguaceros, así como la falta de bastimentos y agua; ya de vuelta, el barco más pequeño se entretuvo en recoger muchas perlas en un ostial californiano⁷⁵, mientras la nao capitana y la fragata almiranta se dirigían a Mazatlán; en Sinaloa esta última se quedó para reparar e invernarse, mientras Cardona siguió hacia Acapulco, pero fue interceptado por el corsario holandés Joris van Spilbergen en Zacatula, junto a la desembocadura del río Balsas⁷⁶; Cardona y algunos marineros se salvaron arrojándose al mar y nadando hasta la costa; poco después en Salagua se juntaron con Vizcaíno –quien había regresado a México tras desempeñar una misión diplomática durante dos años largos en Japón- que consiguió rechazar allí al holandés⁷⁷.

A partir de entonces, tanto el tío como el sobrino intentaron mantener la explotación perlífera y organizar otro viaje a California, sin conseguirlo. Pese a los elogios sobre las posibilidades económicas que ofrecía el territorio⁷⁸ y a la oferta de descubrir el estrecho de Anián a su costa, si la Corona les concedía la exclusiva del asiento de explotación de las perlas durante diez años entre Tehuantepec y el paralelo 38º⁷⁹ el plan no prosperó⁸⁰. Sin embargo, bajo el punto de vista geográfico la empresa fue interesante y en las relaciones se aprecia la información recopilada no sólo de aquel periplo, sino también del anterior de Vizcaíno. En su Memorial, Nicolás calculaba la extensión de

⁷⁴ Relación del descubrimiento del reino de la California, [73], p. 33: "todos los que fueron a esta entrada son de parecer, que la mar del río Tizón y la de la California es toda una. Según esta relación y lo que yo anduve y ví hasta los treinta y quatro grados que no cerraba esta tierra; luego la California es isla muy grande; y que este seno o brazo de mar es el estrecho que llaman de Anian". La empresa fue tratada por Hernández, 1976, pp. 405-430.

⁷⁵ En la Relación de Tomás de Cardona [72], fols. 3v y 4r se alude al hecho, especificando que los ostiales de esa costa prometen mucha riqueza.

⁷⁶ En la Relación del descubrimiento del reino de la California, [73], p. 40, se cita "en el parage de Catatula"; en el Memorial [73], p. 46, figura Zacatula, y en los mapas que acompañaron la posterior edición de la Descripción de las Indias de 1632, figura (p. 133) la costa y río de Çacatula (el Balsas).

⁷⁷ Memorial [73], p. 46. En la Descripción de las Indias el episodio aparece reflejado en la p. 137, donde se observa como los hombres de Vizcaíno repelen el desembarco de los corsarios.

⁷⁸ En párrafos diversos de la Relación del descubrimiento del reino de la California, [73], se alude a sus riquezas, p. 34: "Toda la tierra cría unos árboles pequeños que llaman mezquites, que hechan una goma olorosa como incienso. Hay pita, hayas, ciruelas, palmas, otras frutas, mucho carrizo", p. 37: "gran cantidad de lobos marinos ... para sacar aceite para el embreado de las naos, que es maravilloso y para alumbrar", p. 41: "es una de las tierras más ricas del mundo, porque en ella hay plata, oro, perlas, incienso, salinas".

⁷⁹ Vid. la Relación de Tomás de Cardona [72], fols. 4v-5v.

⁸⁰ En 1618 Nicolás viajó a España para defender la empresa y, aunque regresó a finales del siguiente, navegando por diversos lugares de la costa pacífica entre Panamá y Acapulco, en 1623 se embarcó otra vez hacia la península y ya no regresaría a América.

⁷¹ El propio Vizcaíno sería comisionado por el Virrey para proteger algunos de los puertos de la fachada pacífica. En años posteriores aumentaría el temor a la presencia inglesa: Pinzón, 2011.

⁷² AGI, Patronato Real, 20, n.º 5, r. 18. Relación del Capitán Tomás de Cardona, de lo sucedido en el descubrimiento de las perlas.

⁷³ El periplo aparece comentado de forma muy sucinta en la Relación de Tomás de Cardona [72], y más detenidamente en Relación del descubrimiento del reino de la California, por el capitán y cabo Nicolás de Cardona, CoDoln América, tomo IX, Madrid, 1868, pp. 30-42; hay alusiones también en el Memorial de Nicolás Cardona al Rey sobre sus descubrimientos en California, del citado tomo IX, pp. 42-57. Tratamiento bibliográfico en Antochiw, 2007, y Portillo, 1947, p. 215-222.

California en su costa exterior desde los 23° 50' del cabo de San Lucas hasta los 44° al norte, con una continua inflexión sureste-noroeste, y por la interior hasta los 34°, reafirmando que recorrió el amplio espacio del golfo personalmente y haber estado a veinte leguas de la tierra firme de Nueva Vizcaya y el puerto de Sinaloa⁸¹. Con toda la información obtenida Nicolás Cardona redactó una obra que publicó en 1632, y que sería conocida como la Descripción de las Indias⁸². Aunque en el terreno cartográfico su contribución es modesta, incluye los dibujos de unos cuantos puertos de la fachada pacífica de la Nueva España, no exentos de interés estratégico para la navegación; en el ámbito californiano presenta la configuración del puerto de La Paz⁸³, y una parcial del golfo de California⁸⁴, donde destaca la posición del puerto de Santa Clara, la punta de la incógnita y el mar que pasa a la vuelta del norte y, enfrente, la costa interior californiana. Por último, el mapa general de América que contiene la obra⁸⁵, aunque bastante tosco, presenta –sorprendentemente– con evidente claridad la condición peninsular del territorio que actualmente constituye la Baja California.

VI. LOS ÚLTIMOS INTENTOS FRACASADOS

Puesto que a la Corte habían llegado pareceres y memoriales con solicitudes que resultaban contradictorios, se autorizó a Francisco de Ortega a realizar una exploración informativa (y de paso buscar perlas), siendo a su costa. Partió el 20 de marzo de 1632, llevando como piloto a Esteban Carbonel, durante el mes de mayo reconoció el cabo de San Lucas y la costa occidental del golfo hasta los 27° (deteniéndose en la bahía de San Bernabé y el puerto de La Paz); regresó con algunas perlas, así como “con relación y derrotero de las yslas”⁸⁶. El 7 de octubre de 1633 estaba Ortega por segunda vez en La Paz, pero a la vuelta su plan de proyecto poblador no fue aprobado, en parte por los costos y también debido a las reclamaciones presentadas por los Cardona ante el Consejo de Indias en 1634. El último intento de Ortega se produjo en 1636⁸⁷, terminando con el naufragio del

navío (si bien se salvaron la mayoría de los tripulantes). Carbonel, el piloto de Ortega, veterano ya en empresas del Pacífico, consiguió en 1635 licencia para poblar el puerto de San Bartolomé y descubrir, pero puesto que su homónimo Francisco Esteban Carbonel, francés, pretendió ir de forma fraudulenta con otros compatriotas, el Virrey revocó las licencias⁸⁸, siendo el galo detenido y preso en Guadalajara en aquel 1636.

El provecho económico basado en la explotación perlífera y las posibilidades que ofrecían los recursos californianos fue más teórico que real, al no contar con las necesarias bases de apoyo y establecimiento, todo ello condicionado por las consabidas dificultades de navegación en el ámbito californiano, particularmente en la fachada exterior.

VII. CONCLUSIONES

Fue la necesidad de proteger la ruta de regreso de los galeones de Filipinas lo que provocó la recuperación del antiguo proyecto de exploraciones y reconocimientos en el litoral californiano, con la idea de descubrir posibles puertos que pudieran servir de abrigo y repuesto a los navíos en el largo viaje de retorno a la Nueva España. Esa política implicó el envío de nuevas expediciones hacia la costa noroeste mexicana con el objetivo de conseguir un conocimiento adecuado de la costa exterior de la Baja California y su prolongación septentrional. Paradójicamente, las duras condiciones de navegación, sumadas a las fantasías que comenzaron a circular sobre el ámbito más septentrional del Pacífico americano, arraigaron en el imaginario de la época, con la sugestión sobre el estrecho de Anián y sus derivaciones cartográficas. Tras los intentos frustrados de Gali, Unamuno y Cermeño en el ámbito californiano, tuvieron mayor repercusión el difuso periplo de Juan de Fuca y el supuesto (difícilmente verídico por lo confuso y enmarañado) de Lorenzo Ferrer –si bien con un impacto más psicológico que real–, pues contribuyeron a dar una vitalidad insospechada a la creencia en el teórico estrecho que uniría por el norte ambas fachadas del litoral americano: así se explican los primeros ejemplos de los citados mapas holandeses, respondiendo al criterio de epistemología cultural y simbolismo cartográfico de Harley.

Pese al primer intento frustrado de Vizcaíno, su segunda expedición resultó exitosa, siendo rigurosa y científica bajo el punto de vista cartográfico, aunque la equivocada percepción de la realidad por parte de fray Antonio de la Ascensión contribuyó a fortalecer la sugestión sobre Anián, al tiempo que creó una lamentable confusión en torno a la supuesta insularidad

⁸¹ Memorial [73], pp. 52 y 53, afirmando también (p. 57) que el puerto de Sinaloa podía ser una buena base para navegar hacia el interior de la California y descubrir el estrecho de Anián, e insistiendo en la conveniencia de poblar y defender el puerto de La Paz.

⁸² El título real era “Descripciones geográficas e hydrográficas de muchas tierras y mares del Norte y Sur en las Indias, en especial del descubrimiento del Reino de la California”, escritas en 1632 y dirigidas a D. Gaspar de Guzmán, Conde de Olivares, Biblioteca Nacional, Madrid, ms. 2468. Hay una edición crítica en Mathes, 1974.

⁸³ Descripción [82], p. 153.

⁸⁴ *Ibidem*, p. 179.

⁸⁵ *Ibidem*, p. 161.

⁸⁶ El proyecto de Ortega fue tratado por León-Portilla, 1970, pp. 83-128.

⁸⁷ Las peripecias de Ortega están reflejadas en AGI, Patronato Real, 30, r. 2: Testimonio de los autos hechos sobre las diligencias que el capitán Francisco de Ortega hizo en el descubrimiento de la California, a que le ayudó el capitán Juan García de Mercado (1633) y

r. 4: Testimonio de los pedimentos y autos hechos con Francisco de Ortega en razón del viaje que como cabo de su fragata hizo del descubrimiento y demarcación de la California (1636).

⁸⁸ Vid. Fuster, 1998, pp. 127 y 128.

de California. Por otro lado, resulta razonable pensar que la mencionada política de sigilo debió entorpecer o anular la posible difusión de los resultados cartográficos del segundo periplo de Vizcaíno (es probable que los mapas circularan sólo en un grupo reducido de cosmógrafos y altos funcionarios del Consejo de Indias o en cortesanos del máximo rango). Así, el error del fraile carmelita implicó la segunda gran paradoja de las empresas de la costa noroeste, pues si bien los levantamientos cartográficos efectuados durante la expedición de Vizcaíno fueron muy notables, acabó imponiéndose la idea –particularmente en Europa– de California como una isla, aunque en la cartografía ibérica permaneció latente la duda (como podemos observar claramente en el caso de Nicolás Cardona), reflejándose indistintamente las dos teorías (peninsularidad o insularidad del territorio): los ejemplares de Juan López de Vicuña de 1632⁸⁹ y el padre Eusebio Francisco Kino de 1683⁹⁰ y 1696⁹¹ (los tres regionales), así como dos anónimos (sin fecha específica pero de esa centuria)⁹² muestran una isla; como península aparece (tanto en planisferios como en mapas zonales) en los de João Baptista Lavanha de 1612⁹³, Antonio Sanches de 1623⁹⁴, João Teixeira Albernaz de 1630⁹⁵, la copia tardía de Antonio de Herrera y Juan López de Velasco⁹⁶ y los varios de Kino

entre 1698 y 1701⁹⁷. Mención aparte merece el delineado exterior de la península californiana, añadido a un mapa dibujado por Francisco Ponce de Orfila⁹⁸, pues es muy interesante y aunque porta un letrero alusivo (*La contra costa de la California según los mapas antiguos de Philipinas*), resulta difícil por su buen planteamiento técnico atribuir su resultado a pilotos de la ruta de Manila a Acapulco, y puesto que ni los Cardona, ni Ortega (ni más tarde Porter ni Atondo) navegaron por el litoral exterior californiano, es congruente pensar que la fuente principal del mencionado fragmento de costa debe atribuirse al segundo viaje de Vizcaíno (el Capitán, Martín Palacios o fray Antonio).

El hecho de que la navegación al norte del cabo Mendocino resultara particularmente dificultosa y peligrosa (al confluir varias circunstancias negativas: agotamiento o escasez de mantenimientos, propagación de enfermedades por el largo tiempo de navegación, problema de vientos y corrientes contrarios, acompañados de fuertes tormentas) provocó que, ante la ausencia de información sobre el territorio más septentrional y el efecto de la citada confusión de fray Antonio, se extendiera la sugestión sobre el estrecho de Anián y se aceptara la teórica condición insular de California, al menos con igual énfasis o convicción que quienes defendieron su peninsularidad⁹⁹.

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⁸⁹ Ese mapa fue el resultado de los viajes del mencionado capitán, acompañando su memoria (firmada el 5 de mayo de 1629 y validada ante la Audiencia de México el 19 de noviembre de 1632, dentro de los Autos sobre el descubrimiento de las Californias); se trata de un ejemplar muy tosco, pero interesante por la presencia de numerosos topónimos y los datos de latitud en California. Debido al límite del ámbito representado en la zona septentrional no se puede establecer la insularidad o peninsularidad del territorio; en la catalogación de archivo figura como península, pero observando el extremo noroccidental en el cabo Mendocino no conviene deducir tal representación (debería aparecer el límite norte del golfo de California, y algo más al sur de la latitud correspondiente al puerto de San Diego en la costa occidental). El mapa en AGI, Mapas y Planos, México, 56; la memoria en Gobierno, Guadalajara, 133, 16r-20r.

⁹⁰ AGI, Mapas y Planos, México, 76. *Delineación de la Nueva Provincia de San Andrés, del Puerto de La Paz y de las Islas circunvecinas de las Californias*.

⁹¹ Archivum Romanum Societatis Iesu, Roma, *Teatro de los trabajos apostólicos de la Compañía de Jesús en la América Septentrional*.

⁹² Ambos incorporados a sendos libros manuscritos, uno conservado en el Museo Naval de Madrid (*[Copia de la Planta [...] Cuando se vino a Reconocer la California por el Rey Phelipe quarto]*) y el otro en la Biblioteca Nacional de España, sign. GMg/1181: Derrotero de las costas del Pacífico desde California hasta el estrecho de Magallanes (en el interior figura el mapa con el título *La Ysla de la California y costa de Nueva España y todo el Reyno*).

⁹³ Prácticamente es una copia del de 1597, fruto de una reedición (vid. Nota 24).

⁹⁴ Se trata de un planisferio conservado en la British Library, Londres, Add. MS 22874.

⁹⁵ Figura en su *Taboas geraes ...*, Lisboa 1630, ms. conservado en la Biblioteca del Congreso de los Estados Unidos, Geography and Map Division, G1015.T4. En *Portugaliae* [24], vol. 4, lámina 464.

⁹⁶ Anónima conservada en AGI, Mapas y Planos, América Generales, 1, se le atribuye la fecha de 1650.

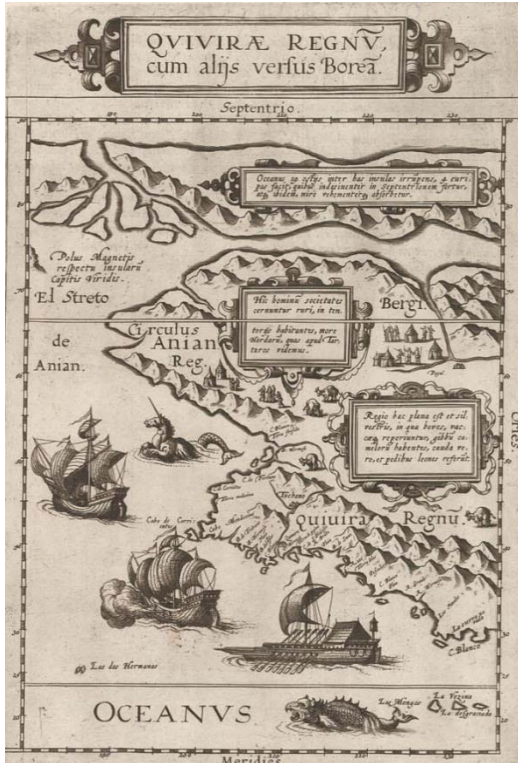
⁹⁷ AGI, Mapas y Planos, México, 95. *Paso por tierra a la California y sus confinantes nuevas Naciones y Misiones ... por el Padre Eusebio Francisco Kino, jesuita, desde el año de 1698 hasta el de 1701*.

⁹⁸ “Carta de Navegar que contiene la costa septentrional de la Nueva España”, ejemplar en la Real Academia de la Historia, Madrid, Ms. 9/4758; citado y reproducido como n^o 2 por Manso, 2014, p.39.

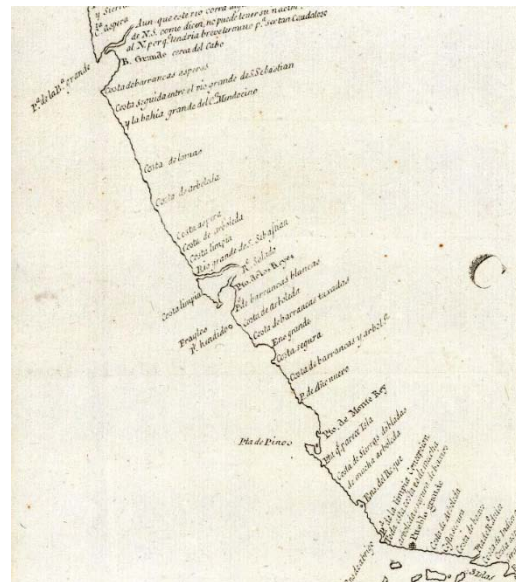
⁹⁹ Esa realidad se observa en un año tan tardío como 1701, en dos mapas del citado Ponce de Orfila, quien defendió la posición insular en el ya aludido “Carta de Navegar que contiene la costa septentrional de la Nueva España”, pero también recogió la peninsular en el “Mapa de las Californias según los mapas antiguos ...”, ambos ejemplares en Real Academia de la Historia, Madrid, Ms. 9/4758; citados y reproducidos como n^o 2 y 3, por Manso, 2014, pp. 33-44, cit. En 39 y 40.

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El estrecho de Anián en Jode



costa norte de California en Vizcaíno



Norteamérica en Briggs





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Strategy for Building the Organization of the Forest Management Communities around the Education and Training Area Sawala - Kadipaten-Majalengka, West Java

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Universitas Pasundan

Abstract- This research is based on the main problem regarding the community around the Forest Education and Training (ET). Generally, They do not only fully understand but also they have no sense of belonging, realize the importance of forests and forestry for human life and other living things. The community is one of the factors that causing disruption on forest areas and forest products, theft, forest fires, forests are used as landfills, and the economic conditions of the middle to lower classes, this can cause damage the Forest Education and Training area. The purpose of this research is to find out and illustrate more deeply about how the strategy build the community organization of forest management, then gaining the steps that can be obtained more effective and efficient so that community organizations are sustainable, and increase with the changing times, so that it is expected to be a solution to the problem solving that occurs towards Forest Education and Training.

Keywords: *strategy, building, community organization, forest management.*

GJHSS-H Classification: *FOR Code: 070599*



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Strategy for Building the Organization of the Forest Management Communities around the Education and Training Area Sawala -Kadipaten–Majalengka, West Java

Ian Maryana ^α, Soleh Suryadi ^σ, Ali Anwar Yusuf ^ρ & Makbul Mansyur ^ω

Abstract- This research is based on the main problem regarding the community around the Forest Education and Training (ET). Generally, They do not only fully understand but also they have no sense of belonging, realize the importance of forests and forestry for human life and other living things. The community is one of the factors that causing disruption on forest areas and forest products, theft, forest fires, forests are used as landfills, and the economic conditions of the middle to lower classes, this can cause damage the Forest Education and Training area. The purpose of this research is to find out and illustrate more deeply about how the strategy build the community organization of forest management, then gaining the steps that can be obtained more effective and efficient so that community organizations are sustainable, and increase with the changing times, so that it is expected to be a solution to the problem solving that occurs towards Forest Education and Training. The research method is a descriptive qualitative research method, data obtained through observation, in-depth interviews with informants or respondents from representatives of rural communities around the Education and Training Forest Area and representatives of employees of relevant agencies. And researchers conducted an in-depth analysis through case studies in the Sawala-Kadipaten Forest Education and Training area. The results showed that the strategy of building community forest management organizations in the field turned out to be a community organization, self-taught, members of the community around the Education and training Forest area, the process of building it through collaboration between the community and the Duchy BDLHK, The strategy of building community organization based on the theory of Michael Yacoby Brown consists of seven stages, that the results of the study stated agree and support, but effectively it must be ten stages, so three substances added, namely: 1) Invite a Joint meeting who is interested in becoming a member of the community. 2) Formulate of community and organizational structure, and 3) Discuss of community activity programs. Furthermore, based on the results of the study found a very important and fundamental substance that is community organizations in order to be sustained and sustainable existence is very necessary to empower community organizations through coaching of organizational components and those related to community life and welfare, and so that the community does not run in place, increasing to follow and adjust to the changing times, it is very necessary to develop community organization of its program activities through the monitoring and evaluation phases.

Keywords: strategy, building, community organization, forest management.

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I. INTRODUCTION

Many factors influence and cause problems toward the State Forest areas, one of them is the community living around the forest area, Those who live closest the areas do not fully know, understand, realize, sense of belonging to the importance of the environment, forests and forestry for their life, as well as a factor causing disturbance to forest areas, encroachment of forest boundaries, theft of timber and non-timber forest products, forest fires, forest areas being used as garbage dumps, it is alleged that the community around the area generally has a middle to lower economic level, this causes the damage that affects to the condition of forest areas. It happens not only found in developing countries such as Indonesia, but also occurs in developed countries. The community around the forest area is presumably in the middle to lower economic level, especially outside Java. The majority of the people living around the Sawala - Kadipaten - Majalengka - West Java Educational and Training Forest (Hutdik), most of their livelihoods are farming on relatively narrow land owned by arable land.

The specific problem above is that by building a forest management community organization around Hutdik Sawala, then forest management can be carried out together with community organizations so that it provides the contribution to solve problems that occur in forest areas and It is expected to increase income and reducing poverty for communities around the area of Sawala Training Forest.

The government through the Ministry of Environment and Forestry (Kemen LHK) issued Decree P.83 /MENLHK /SETJEN /RUM.1 /10/2016 concerning Social Forestry, one of the considerations is to reduce poverty, unemployment and inequality in the management and utilization of forest areas, Social Forestry activities are needed through granting legal access to local communities in the form of village forest management, Community Forest Business Permits, Community Plantation Forests, forestry partnerships or recognition and protection of customary law communities for community welfare and preservation of forest resources in State forest areas.

The Sawala Education and Training Forest is one of the state forest areas with a special purpose (KHDTK), It's for educational and research purposes, its

function also is as a Production Forest (HP) which surrounded by communities, however, this often occurs fires, encroachment of area boundaries, timber theft and so on. Possibility, the education and training forest has not provided direct benefits to the community, so it is necessary to allocate the community the cultivated land to participate in managing part of the training forest area.

Based on the specific problem indicators above, the researchers formulated problems (problem statements) that by a strategy of building a forest management community organization, The activity of forest management with the community provide a solution contribution or solve problems that cause damage that affects the condition of the forest area, increasing people's income. and it is expected to reduce poverty around the Sawala Kadipaten-Majalengka, West Java Training Forest area.

Based on the background above, the researcher intends to research by the title "Strategy For Building The Organization Of The Forest management Communities Around The Education And Training Area Sawala - Kadipaten-Majalengka, West Java".

II. THE FRAME OF THEORITICAL THINKING

The theory used in his dissertation research is that public administration theory as the main theory, according to John M Pfiffner and R.V Presthus (1960: 14) in Syafie (2009: 31) as Grand Theory. State Administration Theory According to Dwight Waldo (1946) in Syafri (2012: 10) as Middle Range Theory. Meanwhile, Operational Theory uses the theory of building a community organization by Michael Jacoby Brown (2006: 23-25). The thinking framework can be described as follows:

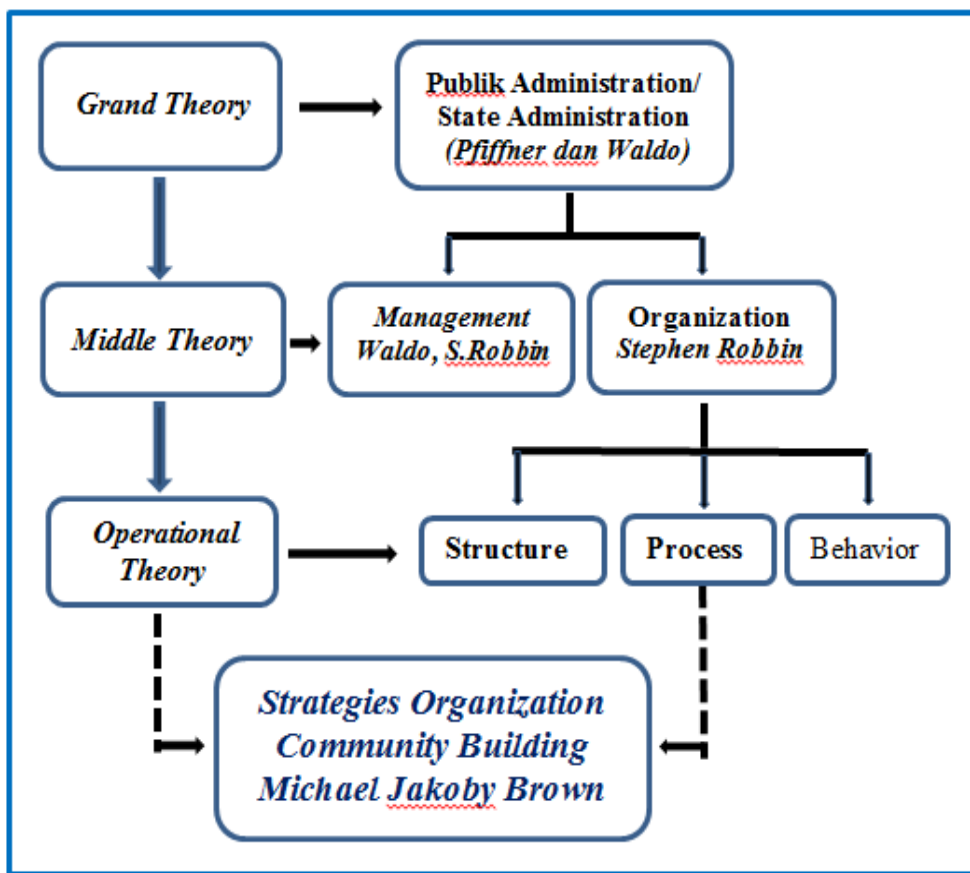


Figure 1: Diagram Theory

III. RESEARCH METHOD

The research method is a qualitative descriptive research method. It is to examine the strategy of building forest management community organizations around the Sawala Education and Training Forest, its approach is a case study in the Training Forest to understand the social problems and condition of the

community related to build community organizations, it is expected to help manage the area in Arable land which has been allocated and it is expected to help resolve problems that occur in the Training Forest. Researchers learned the overall social situation, including the place aspects, the actors and activities integrated synergistically. Data collection was carried out on natural conditions, primary data sources, and

data collection techniques were more on participant observation, in-depth interviews, and documentation. The activities of data analysis in this research are reduction data and displaying data, and concluding drawing verification. To test the level of credibility and validity of the data, researchers used triangulation techniques. Bogdan and Taylor in Moleong (2007: 3) suggest that qualitative methodology is a research procedure that produces descriptive data in the form of written and spoken words from people and observed behavior. It is performed in natural conditions and discovery character.

The Research used operational parameters that its function is as a strategy for building forest management community organizations. It referred to the seven stages according to the theory of Michael Jacoby Brown (2006: 23-25), which become the basis for asking questions to the respondents or resource persons about the seven stages. namely: The ideas appears, Developing a vision, Start with yourself- what makes you Tick, Listen to Others, Put your Organization out writing, Developing a committee of sponsoring, Discussion between the core group. After building community

organizations, the next step is how to maintain and improve community forest management organizations.

IV. THE RESULT OF THE RESEARCH AND DISCUSSION

a) *The Community Organizations Around the Training Forest Sawala*

Based on the results of the participant's research, they were built to become members of community organizations, that is the community that consist of four villages which are directly border to the Diklat forest.

BDLHK Kadipaten allocate arable land for each KTH by the aim of being able to manage forest areas on the arable land. It is hoped that it can help conserve the Education and Training Forest and it is hoped that programmed activities can produce useful products for the relevant community organizations, the land is cultivated and planted with types of forest plants with Multi Purpose Tree Species (MPTS), namely multi-use plants and other plants, according to mutual agreement among the members community, the cultivated land as on the indicative map of social forestry is as follows:

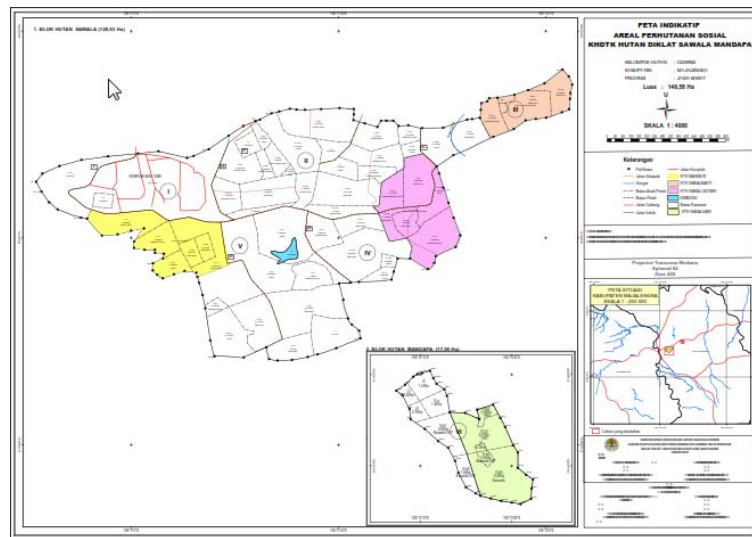


Figure 2: Indicative map of social forestry land, Forest Training Diklat Sawala Kadipaten.

The existence of community organizations or KTHs around the Education and Training Forest area. Detailed research results from each KTH community and their discussion are as follows:

i. *KTH Wana Bhakti*

The KTH Wana Bhakti community is a community located in Gandasari Village, Kasokandel District, with a total of 31 (thirty one) members. The area of his cultivated land is 3.96 ha and is located border to the Gandasari Village area.

ii. *KTH Wana Lestari*

The KTH Wana Lestari community is administratively located in Cipaku Village, Kadipaten

District, Majalengka Regency West Java, with a total membership of 30 (thirty) people. The area of the cultivated land is 4,362 ha.

iii. *Komuniy of KTH Makmur*

KTH Community Makmur a community is located in Liang Julang Village, Kec. Kadipaten with a total of 30 (thirty) members. The land is 14.2 hectares, along the boundary of Pal 85-104. However, this cultivated land is not managed like the other 2 KTHs, because the distance to the cultivated land is quite far, then more of the members keep sheep in pens near their respective houses. The position of the arable land and the village of each KTH village is as follows:

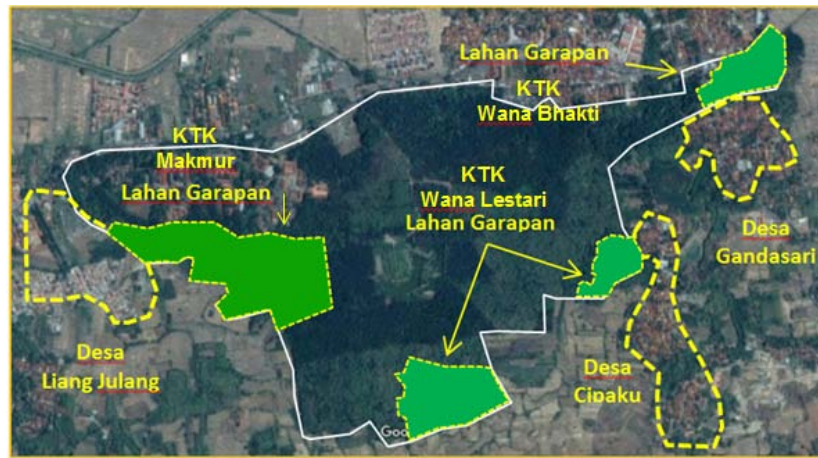


Figure 3: Cultivated Land Map for Three KTH

b) *Strategy stages for building community organizations*

Based on the results of the research, on strategies to build community organizations, the process mechanism and its stages are in accordance with science refer to the theory of experts or based on the combination between the results of analytical research and scientific research, it must be planned to get the change for the better one. If there is already a community organization, the next analysis is comparing to the expert theory. The strategy to build a forest management community organization is more effectively and efficiently through the appropriate stages, planned according to the situation and conditions as well as the environmental supporting capacity of the community organization. Based on the research results and referring to the theory of building a more effective community organization, according to Michael Jacoby Brown (2006: 25-60), it is necessary to pay attention to the seven stages. The detailed process of building a community organization from each process, the stages and the explanation are as follows:

i. *The appearance of Idea*

Good ideas based on broad thinking, knowledge and owned experience, facing problems, unfulfilled needs, information coming whoever. Check if the idea is in line with the rules, societal norms and mastery of technology, the most appropriate and suitable idea being an upcoming program that can be implemented, may be starting from the problems faced. Ideas are used as goals or objectives expected by community organizations. the initial idea is as a reference to carry out community formation activities; ideas need to be accommodated and discussed together which ideas can be realized.

ii. *Developing a vision*

Realizing to the fast of the era changing, it is necessary to develop a vision, the vision of a community organization which is the idea of a community, so all efforts will be focused on the developing of the vision;

the vision is also useful as a management tool in providing direction, community goals and what should do to achieve future goals; an effective vision is a vision that can come up inspiration, equalizing the goals and perceptions of all members of the community, it must be developed always based on the main mission or objectives; and targets to be achieved in accordance with the vision, details appearance activities will be implemented and developed in the community.

iii. *Starting from Yourself- What Makes You Motivated*

Understand why, how about the history, family, background or experience to be reference. Doing and starting from the smallest that we know about its benefits. The best motivation comes from yourself, do the best, never give up whatever happens for goodness, be grateful and appreciate what you have, enjoy and appreciate changes in your life. Always make small changes for being the better, Stay away from, avoid and do good habits, always follow the prevailing norms, be polite and good in life, dare to get out from your convinien zone for improvement, always think positively and be grateful, don't be quick to feel satisfied what you gained or obtained.

iv. *Listen to Others*

Take the time to hear other people's opinions about ideas, issues, information. it can accept things we never know before. The characteristic of modern and forward-thinking people is they have a willing to listen to other people's opinions, of course it needs to be analyzed logically and rationally. Everyone needs advices warnings, guidance, direction and suggestion. The results of listening information from other people will be a consideration in developing community organizations.

v. *Put Your Organization out Writing*

Problems, solutions and written vision can be promoted and disseminated widely and clearly, it can increase the legitimacy of the coming ideas. The importance of inclusion of community organizations in

writing in order to be known by the community and the government especially relating to license of these community organizations. Furthermore, which is no less important in writing is it will remind the missed commitment and forgotten and the more advantages are another people interested and had the willing to work together to improve the welfare of members of community organizations.

vi. *Developing a Committee of Sponsoring*

Get the support in writing and commitment in developing a Sponsoring Committee. It's community governance, its content must contain Ethics, Controls, Risks and Accountability Reporting. it is necessary to share roles in the preparation of resources because the principle is cooperation according to the rules and benefits all parties. Members of community organizations always need encouragement from their environment both morally and materially, in their work, they need encouragement and guidance, social, financial, in achieving optimal work results. community commitment can be realized.

vii. *Discussing between the Core/ together of Group*

The discussion needs a lot of people, based on the interview, it is stated that the discussion needs ten to fifty people who share the vision and mission, this will make a change for the better for community organizations. Discussions with the core group are an effort to form mutually beneficial cooperation, overcome problems, facilitate work, reduce large and difficult work so that it can be resolved quickly, effectively and efficiently. Core group deliberations try to be carried out at a specified time, at least at the end of each year, a large meeting must be conducted as an evaluation of community activities in that year, which is discussed to be understood, known for the causes, analyzed, sought for solutions or solutions, the most appropriate decisions are taken. and the best.

The process mechanism and stages of building community organizations refer to the theoretical reference through seven stages, while based on the results of the study, the results are ten stages because the seven stages are still in the planning aspect, need to add three more substances related to implementation and follow-up. Although the results are different, in principle, they support all the seven stages theory. The three additional stages of building community organizations are points D.2.8, D.2.9 and D2.10. as follows:

viii. *Inviting and holding the meeting among the people community of organization*

The core group determines the location, time, administration, permits by taking into account the situation and conditions according to the number of interested people, then invites a meeting to the people who interested to become the members of forest management community organizations, aims to discuss

and common perceptions of their interests or desires, common goals in order to build a forest management community organization. so that it is expected to produce an agreement of understanding on the substance and process of the next steps.

ix. *Developing the organization community and the structure Management*

The implementation mechanism of building community organizations follows the concept of sustainable development, the implementation of building community organizations can be sustainable, if the income of community organization members increases, there is an integration between equity and growth or an increase towards a better direction according to common expectations. Then at the meeting, the action is building community organizations and formatting the management according to the members present. This meeting invited and be attended by local officials or related agencies, then the chairman conveyed the rules of the game regarding community organizations, their rights and obligations, legality, community organization activity programs, receiving suggestions and suggestions and opinions from all members present. It is expected that a decision will be made, the result of a mutual agreement, an official report and report will be made.

x. *Discussion the activity programs of community*

The meeting discussed the activities of forest management community organizations that will and must be carried out, namely the types of activities, time, process, total cultivated land area and arable area for each member. The program of activities referred to the framework of developing regulations and working mechanisms, namely: preparing guidelines, work procedures or work instructions, Standard Operating Procedures (SOP), technical guidelines as well as access and information on the handling of problems related to the management and use of arable land in the Training Forest area.

c) *Strategies to maintain the existence of community organizations*

Maintaining the existence of community organizations, the strategy alike anything that is built, created, formed, held and realized, in normal situations and conditions, in principle, its existence must be maintained, including forest management community organizations. Based on the research results, this is a very principle and fundamental existence must be maintained by enabling or empowering the organizational components and those related to life and efforts to improve the welfare of the community. the impact is if it is not functioned or not empowered, it will be redundant, useless, vacuum, and then dissolve by it self.

Functioning or empowering community organizations through guidance to components of

community organizations and those related to community life and welfare, by doing so the community organizations can be functioned optimally, sustainably and continuously. The detailed empowering carried out as follows:

i. *Human building, empowering the bargaining value of human resources*

The members of forest management community need developing to improve their knowledge, experience, skills, attitude suited to the validity norms then will be functioned and empowered maximally according to their competency. It will make the community management efficiency, efectivity, economically and usefully.

ii. *Institutional empowerment*

Community organization Forest management is one of the institutions required to develop an institutional structure which is clearly and easily understood by all parties (both members and non-members of the community). especially in terms of the regeneration of the board members of the Community. Institutional empowerment, among others, through strengthening community resources, directly community members become subjects and drivers of the progress of community organizations.

iii. *Asset empowerment or owned resources*

Asset Development is a resource that controlled or owned by an organization to generate economic value or income at present or in the future. The resources above can also take variety forms, starting from cash money, production machines until the buildings and alright or objects, both tangible and intangible, whether movable or immovable things.. The entire of them include assets which are called assets or assets of an agency, organization, business entity or individual or thing or anything that has economic value, commercial value or exchange value owned by community organizations.

iv. *Environment empowering, empowering community of environment management.*

The duty of people or community organization in keeping environment balancing need to understand about the cleaning environment and healthy, useful and dignified. Forest Management is environment management. It influences to the our life. We live in good environment both physical and social, we will live in healthy and own the good of point view and large as well. So, in maintaining a good environment need empowerment.

v. *Relationship empowerment, Relationship empowerment to the stakeholder*

In order to build a good relationship, it is necessary to establish a relationship, namely the continuity of interaction between two or more people which facilitates the process of recognizing one another.

Relationships can be differed into relationships between community members and the social environment. In the structure of aspects of life, the relationship is broadly divided into two, namely a positive positive relationship occurs when the two interacting parties feel mutually benefiting from each other and there is a harmonious reciprocity. Meanwhile, a negative relationship occurs when one party feels very benefited and the other party feels disadvantaged. In this case, there is no mutual harmony between the interacting parties.

vi. *Business empowerment, empowerment in the business*

Business development must be done so that all businesses in all program activities of community organizations achieve the expected successful together. In any aspect, human factor has the most basis and plays a very important role in increasing the capacity and providing motivation for the efforts of community organizations. It is expected to meet the livelihood needs of members of community organizations, they must develop their business as part of increasing community income to fulfill their daily needs.

d) *Strategy to upgrade the of community organizations*

Based on the results of the research, the method of improving forest management community organizations is an effort to improve, promote, and or develop the quality and quantity of the community organization activity programs carried out, through the planning, monitoring, evaluation, assessment, solving or solving problems and implementing its development phases. so that community organizations can develop, compete and compete with other communities. The strategy to improve community organization is based on research results, namely through the development of a program of community organization activities carried out, in general through monitoring evaluation and assessment. This is very principle and fundamental in increasing community organization effectively and efficiently through six phases. The detailed development phases are as follows:

i. *Planning development phase*

Making a direction as a goal or direction must be achieved appropriate to the target, community organizations aim to create strategies to achieve shared goals, and develop an organizational activity plan. So there must be planning, which is the process of determining what community organizations should do, how best to do. Establish a plan and select several activities according to existing resources and decide the most appropriate steps, then what to do, when, how and by who will handle it.

ii. *Monitoring phase*

Monitoring what has been done, by the planned activities programs of community organizations that will be improved through the development process,

one of them is through monitoring as monitoring which can be explained as awareness of what you want to know, more in-depth monitoring is carried out so that it can measure through the time of movement to destination. Monitoring provide information about the status and the likelihood that the completed measurements and evaluations are repeated over time. Monitoring provide basic data to answer problems, monitoring is also a routine process of collecting data and measuring progress on program objectives. Or monitor change, which focuses on processes and outputs.

iii. *Evaluation phase*

Evaluation is comparing what accomplished to what the targete or plan. Meanwhile, the evaluation held at the end of the evaluation phase is very important to declare a community organization successful or not. evaluation is carried out by the competent and responsible department; evaluation also should be carried out by parts outside the community who have the competence according to their fields; Activities carried out in connection with the process of determining the value of something being assessed;

iv. *Assessment phase*

Assessment is as a control tool for community organizations. the process of activities to determine the quality or quality of something that is assessed based on the specified standard includes the preparation stage, the implementation stage of the assessment, and then the processing stage of the assessment results. The assessment is always carried out on going the process so its implementation is continuously, must use various assessment tools and comprehensive, the results of the assessment should also be used to make the program perfect to improve the weaknesses of the community organization program process and to provide guidance to community members who need it;

v. *Problem solving phase*

Making decisions based on the findings in the assessment phase determine what concrete improvements are required and the costs required. The results of the assessment which are deliberated with all members of the forest management community organization. for the improvement of community organization. Deliberation or community organization meetings are prioritized to find solutions to any problems faced; A planned process that needs to be carried out in order to obtain a certain solution to a problem, or as an effort to find a way out of a difficulty.

vi. *Development of implementation phase*

The process of implementing the development of activities carried out by community organizations based on the vision and mission to achieve the goals of community organizations; The implementation phase of the development of assessment results from problem solving carried out by community organizations. This

phase is carried out in accordance with a previously prepared plan which contains: what activities, where is the location, the time of implementation, whose implementation and so on; this phase is carried out when the activity will begin by looking at the planning that has been prepared in advance and the implementation phase is used to develop community organizations.

V. CLOSING

a) *Conclusions*

Based on the research results, it concluded that the "Strategy to Build a Community Forest Management Organization" around the Sawala Kadipaten Majalengka West Java Education and Training Forest Area, the most appropriate method is using qualitative descriptive, in-depth analysis through case studies, obtaining an overview of in-depth phenomena from the research object, The results of this study obtained two types of data, namely primary data from the field and secondary data from conducting literature studies, both data are interrelated. The conclusions of the research results are as follows:

i. *The Community Organizations around the Training Forest*

The members of community organizations are those who interest to the organization, the mechanism to build community organizations is through collaboration between BDLHK Kadipaten and the community. The existing community organization is called the Forest Farmers Group (KTH), namely:

1. KTH Wana Bhakti;
2. KTH Wana Lestari;
3. KTH Makmur;

ii. *Strategy to build community organizations*

The results of the most appropriate and effective strategy research in building community organizations related to the mechanisms, methods, stages and its processes scientifically (expert reference) and based on research results, based on the research results obtained ten stages of research, but in principle fully support and refer to the theory of experts, according to Michael Jacoby Brown (2006: 25-60) the mechanism of stages and processes takes into account the following seven stages:

1. The ideas appears
2. Developing a vision
3. Start with yourself- what makes you Tick
4. Listen to Others
5. Put your Organization out writing
6. Developing a committee of sponsoring
7. Discussion between the core group

Based on the seven-stage analysis, according to Michael Jacoby Brown, it is still in the planning aspect, it needs additional aspects of implementation

and follow-up. so that to be more complete, effective and efficient, there are ten stages, as in points 8, 9 and 10 below:

1. Inviting and holding the meeting among the people interesting to be the member of the community of organization.
 2. Developing the organization community and the structure Management.
 3. Discussing the activity programs of community
- iii. *Strategy to maintain the existence of community Organization*

The existing community organization needs to maintain its existence, this is very important and fundamental by empowering it so the community organizations do not stay in place and it is functioned and empowered. This empowerment is through fostering components or elements of community organizations and those related to the life and welfare of the community to become more functional or empowered to the maximum, sustainable and continuously. The community organization coaching is carried out as follows:

1. Human empowerment,
2. Institutional empowerment,
3. Asset empowerment,
4. Environment empowerment
5. Relationship empowerment.
6. Business empowerment.

iv. *Strategy to Improve the Community Organization*

Improving community organizations is efforts to improve, and advance, (develop) the quality and quantity of the community organization program activities carried out, this is very principal and fundamental through six phases, so that the community can develop and compete with other community organizations and / or other fields, are expected to be able to follow and adapt to the times. The development of program activities for community organizations will increase effectively and efficiently through the following six phases:

1. Planning development phase.
2. Monitoring phase.
3. Evaluation phase.
4. Assessment phase.
5. Problem solving phase.
6. Implementation development phase.

b) *Suggestions*

Based on the research results proposed academic and practical suggestions as follows:

i. *Academic suggestions*

Academic suggestions in this study are as follows:

1. For scientific development, especially in the study of public policy, it is recommended to pay attention to

the implementation of empowerment and development of community organizations.

2. It is necessary to conduct research or study of empowerment and development of forest management community organizations.
3. It is necessary to carry out further research on strategies to build forest management community organizations around State Forest areas.

ii. *Practical Suggestions*

Practical suggestions in this study as follows:

1. It is necessary to establish regulations or agencies that specifically handle Training Forests at least Echelon III level at the head office, in the regions or in the field, it is necessary to add special functional officials namely the Forestry Police (Polhut) and Forest Ecosystem Management (PEH), the number of personnel is proportional to the area of the area Forest.
2. Being used as a reference for community organizations nationally or more broadly in other aspects or fields.
3. Building or forming a new community organization in another forest area in proportion to the number of village communities and the forest area.
4. It is necessary to maintain the existence of community organizations so that they are sustainable and sustainable with empowerment through fostering components of community organizations and those related to the welfare of members of community organizations and society.
5. It is necessary to improve community organizations so that they do not walk in place, can follow and adapt to the times.
6. It is necessary to be efforts to increase and improve the quality and quantity of existing forest management community organizations.
7. Helping formulate and develop program of community organization activities, empower components and elements of community organizations.
8. Seeking stimulant funds from the government and investors, so that the community is motivated to spend independent and more productive funds so that community organizations are effective, efficient and efficient.
9. It is necessary to have additional government apparatus for certain functional positions which are required proportionally according to the area of the forest area.

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Transgender Law in India: A Legal Conundrum

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Abstract- The apathy of the transgender community in India is no exception to the general state of affairs across the world. Yet, the irony here is that India that has had a glorious history of the transgender community who commanded respect is now reduced to treatment worse than 'lower animals'. The colonial history has contributed significantly to this hatred and the historical injustices have not been done away with even today. The present day government has enacted a legislation that attempts to provide a sigh of relief. But, it has immense flaws underneath its glossy cover. The paper attempts to take a critical perspective of the law that points at missed opportunities that the law could have addressed and hence the ignorance of the government of the ground realities bothering the transgender community. It is unfortunate that the legislature failed to incorporate the demands of the community that it addresses. It also failed to acknowledge the sensitiveness of the issue and applied the same formulae that it adopts for all other laws without realizing that this will ultimately collapse the objectives of the law.

Keywords: transgender, reservations, criminal acts, law, bill, policy.

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Transgender Law in India: A Legal Conundrum

Somabha Bandopadhyay

Abstract- The apathy of the transgender community in India is no exception to the general state of affairs across the world. Yet, the irony here is that India that has had a glorious history of the transgender community who commanded respect is now reduced to treatment worse than 'lower animals'. The colonial history has contributed significantly to this hatred and the historical injustices have not been done away with even today. The present day government has enacted a legislation that attempts to provide a sigh of relief. But, it has immense flaws underneath its glossy cover. The paper attempts to take a critical perspective of the law that points at missed opportunities that the law could have addressed and hence the ignorance of the government of the ground realities bothering the transgender community. It is unfortunate that the legislature failed to incorporate the demands of the community that it addresses. It also failed to acknowledge the sensitiveness of the issue and applied the same formulae that it adopts for all other laws without realizing that this will ultimately collapse the objectives of the law. Thus, the paper shall attempt to understand whether a generally worded law as it is will be sufficient to protect the so-called welfare of the transgender community trying to analyze the effectiveness of the legislation!

Keywords: transgender, reservations, criminal acts, law, bill, policy.

I. INTRODUCTION

The mini constitution within the Constitution of India- Art. 21 (Right to life and personal liberty) comes in rescue for recuperating almost all the evils the Indian society comes across in the process of evolution of the society. Such is the case with the subject-matter of the transgender persons. The human rights derogations have been and are obviously covered under Art. 21. The famous *NALSA vs. Union of India*¹ judgement (hereinafter NLSA judgement) of 2014 was pronounced taking into account the tenants as enshrined through expansive interpretation of the provision as interpreted by the Court. The guidelines pronounced by the Apex Court came handy and the recognition of the transgender was a milestone achieved by the diverse country.

India has newly passed and brought into effect the 'only' *sui generis* law for the protection of the transgender community in India. This newly enacted legislation (Transgender Persons (Protection of Rights) Act 2019- hereinafter Act) and its Draft Rules 2020 (not yet in force) is in furtherance to the court decision and

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¹ AIR 2014 SC 1863.

the international obligations on the subject- matter and apparently in consideration of the abuses faced by the community. However, the Act suffers from major irregularities and the attempt in this paper aims is to bring to light two of the glaring inconsistencies in the Act that has the possibility of undermining the utility of the Act in its entirety.

II. ACHIEVEMENTS OF THE LAW

The law while does little than expected or anticipated or is needed, the same cannot be casually let go off with criticisms because irrespective of the legal issues pertaining to the Act, there are a few interesting achievements that this law undertakes which to certain extent is trans-friendly and are quite progressive. Before delving into the missed chances of ensuring better lives to the transgender persons of the diverse nation- India, a short list is provided herewith.

First, Recognition to all the different communities, especially socio-cultural communities within the transgender communities in India like *hijra*, *kothi*, *kinne*, *aranvani* and *jogta*. This is very essential considering the fact that there is a social stigma and that protection henceforth would be accorded to all these communities as well.

Secondly, Self-employment has been recognized in furtherance to the job opportunities that must be made available to the community has been mandated under this Act. This is remarkable for the recognition of self-employment is empowering and gives an idea of capabilities of the transgender communities (similar to any other human being in the society) much beyond the prevalent perception that they are useless and uncouth. This is definite to bring in the adequate confidence and faith amongst the members of the community. At the same time, emphasis on the vocational training within the provision asking for empowering of the transgender community members is aimed at upliftment to the mainstream society. Section 14 in this regard is quite progressive, but, usefulness is a difficult question as shall be explained below.

Thirdly, Sex Reassignment Surgery (SRS) has been finally legally recognized in India with this law under section 15² asking to provide facilities and benefits for such treatments. Until this provision, the only legal attestation was the famous NLSA judgement that sought

² <http://socialjustice.nic.in/writereaddata/UploadFile/TG%20bill%20gazette.pdf>.

to protect and ensure SRS be conducted with ease. So, with this provision in place, the fear amongst the transgender community members of atrocities by officials or citizens will hopefully be eased out. At the same time, another pathbreaking feature of Act with regard to SRS is the Insurance scheme for SRS and hormonal therapy envisaged under section 16³. Until recently, the process of SRS was life threatening and difficult, so an insurance coverage is very essential for the protection of the transgender persons. Furthermore, the insurance coverage will ensure lessening of unnecessary financial burden on the transgender persons who are in dire need for help.

Fourthly, Protection and participation in the cultural activities is yet another element looped into the Act under section 8 that legitimizes the involvement of the communities with the several rituals and ceremonies of the Indian diaspora. This will ensure lessening of the harassment they face whilst pursuing these activities which are the only sources of income and livelihood for them. Thus, atrocities by police and civilians will to a great extent be curbed through this who would not be manhandled or driven out by committing atrocities. Such acts would henceforth be liable to be penalized. But, there are nuances to this criminalizing aspect of such atrocities and it is not that encouraging as shall be detailed out later.

Finally, HIV camps have been conceptualized under section 15 to be set up by the government that will surely enable in curbing the major setback to their lives endangering them to a life of danger by restricting openly discussing about it. Thus, such a move will definitely come in aid of their life situations. At the same time will there be any mitigation of the stigma arising out of being first a transgender person and then HIV positive and will there be any effective remedy in dealing with this irrational stigma?

This draws light to the plethora of issues underlying this Act that gives an idea of the ignorance by the government of the transgender community and the unfamiliarity with the realities and grass- root issues faced by the community.

III. UNADDRESSED ISSUES IN THE LAW

The transgender community's movement dates back to the 1970s and 1980s in the world and almost the same time in India. Of the issues flagged during the movement, the same took decades after the independence and the beginning of the movement to confer any kind of right or even legal recognition of and for the community. While some of the major concerns

have been attempted to be addressed as elaborated, two major and substantive issues have remained unaddressed and as a result the completeness is compromised with. Without redress of these two aspects, in the opinion of the author, the entire Act will not be fully effective allowing for the best results in protection of the rights and preservation of their existence of the transgender community persons in India.

IV. RESERVATIONS POLICY

The Bill introduced by Tiruchi Siva in 2014 and passed in Lok Sabha in 2015 provided under clause 22, 2% reservation for posts for the Transgender persons in every sector under the appropriate government⁴. The NLSA judgement also declared the community as a Socially and Educationally Backward Class and was of the view that reservation is quintessential for their protection and to finally give them the most desired-*equality of opportunity*.

Taking a holistic view of the reservation policies or determinants legitimizing reservation policies from the catena of judgements of the Supreme Court of India from *M.R. Balaji vs. State of Mysore*⁵ to *K.C Vasanth Kumar vs. State of Karnataka*⁶ to finally the *Indra Swahney vs. Union of India*⁷ judgements, then the following determinants could be identified all of which are applicable to the transgender community.

The criterions laid down is the abovementioned groundbreaking judgements of the apex court of the country are as follows:

- a. Social and not necessarily educational backwardness of the community concerned;
- b. Poverty;
- c. Comparable backwardness;
- d. Economic backwardness identified through occupation or income;
- e. Occupation related backwardness and
- f. Habitation

All these determinants undoubtedly cast grave responsibility on the legislature for recognizing the transgender community as a socially and educationally backward community liable for reservations and the benefits therefrom.

Moreover, taking inspiration from the *Indra Swahney* judgement referred above- *reservation should not be reservation 'simpliciter' but other forms of special provisions like concessions, exemptions and preferences*. These are considered the lower forms of reservation as per the judgement and the policies usually followed. However, sections 8 to 10 of the Act

⁴ Clause 22 Bill of 2014.

⁵ AIR 1963 SC 649.

⁶ AIR 1985 SC 1495

⁷ AIR 1993 SC 477.

³ <http://socialjustice.nic.in/writereaddata/UploadFile/TG%20bill%20gazette.pdf>.

providing for opportunities to be conferred upon the community does not explicitly detail out the lower forms of reservations. Thus, the concern here is whether such parameters or determinants are not really met while analyzing the transgender community that the legislatures did not find it prudent to have some minimum reservation for them.

Lastly, an important consideration here is with regard to the *vertical or horizontal reservation* as per the *Indra Swahney* judgement. Though, initially analysis suggests adopting horizontal reservation in- depth research portrays that it is the vertical reservation that will do more justice for the community and the historical injustices that they have been victims of will only then be slowly faded.

V. CRIMINAL ACTS - SECTION 18

The greatest disadvantage of the Transgender Persons (Protection of Rights) Act 2019⁸ amongst others fails to identify, recognize, criminalize and prosecute for varied kinds of acts committed against the community and restricts itself to four kinds. As a result of this, there is blatant disregard of human rights violations that underlie their existence. Chapter V (Sections 9 and 10) definitely casts obligations on establishments and persons to act in adherence to Arts. 14 to 16 of the Constitution⁹ and administrative law principles of internal complaint officers. But, the Act fails to protect the Right to life and liberty of the members of the transgender community despite its apparent outlook on extending protection to them because it is disproportionate to the harm that is caused.

Furthermore, there has been utter dilution of the reality whereby offences and penalties, with varying degrees of severity grouped together for all the acts of derogations under one category (section 18). The dilution makes all such awful actions, seem mere injuries endangering the life, safety, health or well-being of transgender persons and accordingly suggest meagre penalties. So, whether rape of transgender persons or denial of basic amenities to them, the penalty envisaged is same- maximum being 2 years! Also, the verbal abuse is peculiar and of a much higher threshold for the transgender community as compared to verbal abuse a woman faces. In this context, the 2014 Bill¹⁰ gave recognition to the sensitive age- old issue of verbal abuse against the community and accordingly provided for punishment in the form of imprisonment (clause 50). But, the same goes unpunished in the present legislation.

⁸ <http://socialjustice.nic.in/writereaddata/UploadFile/TG%20bill%20gazette.pdf>.

⁹ https://www.india.gov.in/sites/upload_files/npifiles/coi_part_full.pdf.

¹⁰ http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/210_2016_LS_Eng.pdf.

Another glaring issue in this section is the fact that the maximum punishment available being 2 years of imprisonment makes the offence a non-cognizable offence as a result of which a warrant from the Magistrate is needed. In other words, police is not mandated to take a First Information Report (FIR). So, no matter how gruesome the atrocities be there can be no FIR! Thus, instead of making the law a 'special law' which in every sense of the term it should have been and was thought and expected to be the intention of the legislature, all such expectations have failed and what we now see is an ineffective law giving no scope for welfare or benefit of the transgender community.

With this kind of a straight-jacket formula¹¹, the special character of the law is lost and the law even though is not in derogation with any other laws (section 20), the same will prevail in the normal course of interpretation owing to the principle of *generalia specialibus non derogant* with an implied repeal effect which then undermines the utility and efficacy of the Act. Similarly, unlike the effect of a *non- abstante clause* that would have asserted Since, it does not have such a clause, there is doubt as to whether the interpretation with the greater or lesser punishment prevail like Section 42 of another special law- Protection Of Children against Sexual Offences 2012 specifically lays down that the greater punishments out of all the similar legislations providing for such offences (mainly Indian Penal Code) will prevail, but such is missing in the present legislation.

Additionally, the law grossly ignores incorporation of other criminal special statutes that have relevance to every stage of lives of the transgender persons like the Domestic Violence Act 2005¹² at their household from the childhood days and the Sexual Harassment at Workplace Act 2013¹³ when they manage to find a job. Even though sections 5 and 12 make reference to the atrocities of transgender children, strict punishments are not prescribed. So, a robust comprehensive mechanism sensitive to the causes of the transgender community is missing.

Thus, unless, safety is assured to the transgender community in India primarily from protection against criminal acts like sexual assault, outraging modesty, rape and *others* the realization of civil rights granted in furtherance to human rights obligations, from international agreements as well cannot be realized and effectuated adequately!

¹¹ Somabha Bandopadhyay, *The Trans Discrimination: Expanding the Legal Horizon of Gender*, 7(11) Journal of Critical Reviews (2020).

¹² <http://legislative.gov.in/sites/default/files/A2005-43.pdf>.

¹³ <http://legislative.gov.in/sites/default/files/A2013-14.pdf>.

VI. CONCLUSION

Unless, safety is assured which primarily comes down from the protection against acts criminal in nature, the realization of the civil rights being granted in furtherance to human rights obligations (from international agreements) as envisaged in the law cannot be realized and effectuated adequately. The Act has failed to take note of the moral failure of the society in respecting these fellow human beings that the earlier Bill could have attempted to dissuade. This has been an exercise in futility that has done very little to redress the grievances of the most vulnerable and mostly forgotten community existing amongst the civil society. While certain provisions can be considered as wonderful achievements- the same is overshadowed by the vagaries inherent in them. Thus, the only law of the land, as it stands now has in totality demeaned the cries of the community as well as the Supreme Court and the same is required to be rethought of a better future for the community and humanity at large.

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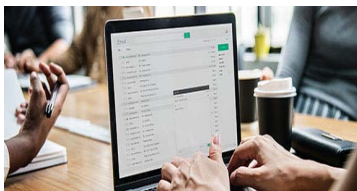
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Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.

Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.



20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium through which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

INFORMAL GUIDELINES OF RESEARCH PAPER WRITING

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.



Mistakes to avoid:

- Insertion of a title at the foot of a page with subsequent text on the next page.
- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.



The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

This part is supposed to be the easiest to carve if you have good skills. A soundly written procedures segment allows a capable scientist to replicate your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order, but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt to give the least amount of information that would permit another capable scientist to replicate your outcome, but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section.

When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

What to stay away from:

- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
- Do not include raw data or intermediate calculations in a research manuscript.
- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
- Never confuse figures with tables—there is a difference.

Approach:

As always, use past tense when you submit your results, and put the whole thing in a reasonable order.

Put figures and tables, appropriately numbered, in order at the end of the report.

If you desire, you may place your figures and tables properly within the text of your results section.

Figures and tables:

If you put figures and tables at the end of some details, make certain that they are visibly distinguished from any attached appendix materials, such as raw facts. Whatever the position, each table must be titled, numbered one after the other, and include a heading. All figures and tables must be divided from the text.

Discussion:

The discussion is expected to be the trickiest segment to write. A lot of papers submitted to the journal are discarded based on problems with the discussion. There is no rule for how long an argument should be.

Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implications of the study. The purpose here is to offer an understanding of your results and support all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of results should be fully described.

Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact, you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved the prospect, and let it drop at that. Make a decision as to whether each premise is supported or discarded or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."



Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work.

- You may propose future guidelines, such as how an experiment might be personalized to accomplish a new idea.
- Give details of all of your remarks as much as possible, focusing on mechanisms.
- Make a decision as to whether the tentative design sufficiently addressed the theory and whether or not it was correctly restricted. Try to present substitute explanations if they are sensible alternatives.
- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

When you refer to information, differentiate data generated by your own studies from other available information. Present work done by specific persons (including you) in past tense.

Describe generally acknowledged facts and main beliefs in present tense.

THE ADMINISTRATION RULES

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BY GLOBAL JOURNALS

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| | A-B | C-D | E-F |
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| <i>Introduction</i> | Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited | Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter | Out of place depth and content, hazy format |
| <i>Methods and Procedures</i> | Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads | Difficult to comprehend with embarrassed text, too much explanation but completed | Incorrect and unorganized structure with hazy meaning |
| <i>Result</i> | Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake | Complete and embarrassed text, difficult to comprehend | Irregular format with wrong facts and figures |
| <i>Discussion</i> | Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited | Wordy, unclear conclusion, spurious | Conclusion is not cited, unorganized, difficult to comprehend |
| <i>References</i> | Complete and correct format, well organized | Beside the point, Incomplete | Wrong format and structuring |



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