

Postmodern Openings

ISSN: 2068-0236 | e-ISSN: 2069-9387

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2021, Volume 12, Issue 2, pages: 233-245 | <https://doi.org/10.18662/po/12.2/305>

The Development of a System of Local Self-Government in the Countries of the Visegrad Group in the Conditions of Postmodern Society

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Abstract: The development of the countries of Eastern Europe as a democratic legal state is primarily determined by how rational and efficient the organization of state power is. Recently, one can observe a tendency for riveted attention to change from central to local government, which is represented by local authorities. Local self-government is one of the fundamental democratic foundations of the constitutional system in postmodern society. That is why its modern transformation is being updated by the role of the most important factor in the development of the entire system of Ukrainian statehood. And having chosen the European direction as the vector of external integration, it became expedient to study the experience of countries that have gone through a complex, but progressive, path of reform in a postmodern society. Comparing the European integration aspirations with the program of changes that Ukraine needs, one should choose the right benchmark on which one can or must rely on in the process of modern institutionalization of the power system. In our opinion, the option of choosing a country of permanent democracy, which have gone the path of many years of change, containing revolutionary upheavals, and have a specific historical development, is erroneous. But neighboring European countries, not only bordering Ukraine, but have also gone through similar stages of development, can set the basic vector for domestic institutional changes. For a long time, the Interstate Association of the Visegrad Four Countries has been a partner and conductor of Ukraine's foreign policy.

Keywords: *local government, visegrad group, postmodern, society, system.*

How to cite: Marchuk, V., Hladiy, V., Holubiak, N., Dudkevych, V., & Melnychuk, V. (2021). The Development of a System of Local Self-Government in the Countries of the Visegrad Group in the Conditions of Postmodern Society. *Postmodern Openings*, 12(2), 233-245.

<https://doi.org/10.18662/po/12.2/305>

1. Introduction

Countries united by geographical proximity, shared historical experience and long-term prospects, traditionally focused on active diverse cooperation. Different kinds of similarities, involvement of interests and aspirations are the basis that determines long-term prospects for mutually beneficial coexistence and interaction.

A qualitatively new period of development in postmodern society of Visegrad began since 2004 - as a test of system viability multilateral international regional project in a new format and a new geopolitical situation. A characteristic, if not the main feature of this period will be the harmonization of interests of the Visegrad Four countries not only among themselves with the aim of achieving certain goals, but also in the new format of relations between the WEU and separately with the EU member states. In fact, since 2004 the format of bilateral and multilateral relations of the Visegrad countries with the "Outside World" has been extremely narrowed, since these countries already delegate part of their authority over EU state institutions.

Despite the fact that the Visegrad group is a regional level grouping, the results of its activities triggered the beginning of cardinal transformations of both European and world politics in postmodern society.

2. The problem of democracy deficit in the system of local self-government of the Visegrad group countries as the main challenge to postmodern society

An analysis of the functioning of the local government system in the Visegrad group countries shows that one of the main disadvantages of the local government system in the Visegrad group countries is the "democratic deficit", which primarily consists in the insufficient participation of citizens in the process of developing the local government system policy in the Visegrad group countries, in turn, casts doubt on the devotion of the Visegrad Group countries to democratic values.

The "deficit of democracy" is a phenomenon inherent in both modern democratic regimes and interstate associations, which is characterized by an insufficient level of democratic legitimacy of their institutions and a certain mismatch between their activities, mechanisms and procedures with modern democratic standards. Thus, a situation arises when citizens can speak out "for" or "against" the draft self-government system, but cannot affect the specific content. The gap is growing between the

consensus of the political elites of the Visegrad group countries regarding the feasibility of developing a system of self-government and skepticism of the population about the effectiveness of pan-European institutions of the self-government system.

This is a serious obstacle to the further evolution of the local government system in the Visegrad group countries. The original resource of trust, which ensured the consent of the population on the development of the system of local self-government in the Visegrad group countries, is gradually decreasing. According to some experts, eliminating the deficit of democracy in the system of local self-government in the countries of the Visegrad group can be realized by strengthening public participation in the process of reforming and establishing a system of local self-government.

Undoubtedly, the introduction of mechanisms for public participation requires an integrated approach, and the process of developing direct democracy has two general sources:

- firstly, the active and directed activity of the authorities in the formation of a policy of involving citizens in the decision-making process, its regulatory support;

- secondly, the willingness of the population, civil society institutions to take a direct part in the solution of local affairs.

So, the main task is the legal regulation of various forms of exercise by citizens of the right to participate in local self-government in the countries of the Visegrad group, should be based on a theoretical justification and understanding of the legal status of a person precisely as a member of a local community, a resident of a particular settlement. Public participation in resolving issues of local importance should be based on the principle of subsidiarity and should consist of several aspects (Kratochvíl & Sychra, 2019):

- 1) the availability of a set of mechanisms, tools and procedures for public participation in local self-government provided for by regulatory legal acts and legislation;

- 2) establishing dialogue and the formation of social partnership at the level of the territorial community between local authorities, local executive authorities, socially responsible business and the public;

- 3) the manifestation of the initiative, activity and self-organization of the inhabitants of the territorial community. The institutionalization of democracy is the process of establishing new institutions of democracy that meet certain conditions of the socio-economic and political development of the state.

According to Clark (2018), the process of institutionalization of democracy in the countries of the Visegrad Group must be considered on the basis of their three aspects as:

- firstly, the process of formation and adoption by society of new democratic rules (laws, regulatory structures, traditions, rituals)

- secondly, the creation of organizational structures responsible for the articulation and order of compliance with these rules and which create the social infrastructure of institutionalized behavior;

- thirdly, the formation of citizens' attitudes towards democratic rules and organizational structures that reflect their full agreement with the relevant institutional order. The institutionalization of democracy, according to scientists, it is advisable to consider through the effectiveness of new institutions that ensure the effectiveness of the functioning of national public administration systems in the framework of various research approaches. Such institutions include:

1. Elected public positions (modern models of democracy come from the fact that direct control over the adoption of normative acts and the implementation of state and administrative decisions is carried out by people elected by citizens) (Westphal, 2018).

2. Free, fair and regular elections, in which every citizen has the right to participate as a candidate and a voter, entering into open competition between citizens and their associations.

3. The sensitivity of public authorities to the needs and interests of society, so their policy always depends on its requirements.

4. Freedom of expression, according to which citizens have the right to express their thoughts, sometimes harshly criticize the authorities, the political system, the socio-economic order and the leading ideology.

5. Access to alternative and independent sources of information ensures proper citizens to receive certain data from alternative sources that are accessible to them and are not controlled by the state.

6. Absolute autonomy of public organizations, providing for the right of every citizen to create and participate in independent public structures

7. The universal coverage of citizenship, in accordance with which every citizen residing within a certain state and obeys its laws, must be provided with full rights of citizenship. These main institutions of democracy of the Visegrad group countries are aimed at ensuring competition in the political and state-administrative life of society, ensuring the rights and interests of citizens to participate in public administration. This contributes to a certain extent to the pluralization of state policy and

the effectiveness of the process of developing the state's strategic course. Therefore, in order to ensure the development of national systems of public administration, it is necessary to strengthen the role of democratic institutions, which will maintain the parameters of its balance in accordance with the needs of public practice of participation in government. We are convinced that the fundamental role of participatory democracy is not only to replace representative democracy based on the principles of separation of powers, a multi-party system and free elections, but to complement it and make it more functional. To achieve this, participatory democracy has several important functions (Takács & Szalma, 2020):

- provides citizens with the opportunity to be involved in political life on a regular basis, and not only during elections, and creates the necessary conditions for this;

- creates a platform through which citizens defend their legitimate interests and thus participate in the development of a dynamic democratic society;

- makes the activities of state and local authorities more transparent and close to voters;

- helps to improve the quality of public policy in its unhindered implementation and the controlling role of civil society organizations in the implementation of adopted policies

Municipal reform of the local government system of the Visegrad group countries, which today is one of the priorities of state policy in the field of ensuring stability and functionality of the public administration system of the Visegrad group countries, should take into account that the means that allow citizens to directly exercise public power are of exceptional importance.

It is precisely because of the form of direct (participatory) democracy that citizens take an effective part in public administration. The development and optimal balance of these forms is a prerequisite and factor in democratic governance at the present stage of transformational transformation in the countries of the Visegrad group. (Sonwalkar, 2019).

Indeed, the constancy of the democratic development of the state depends on the institutionalization of civil society, quite often acts as a condition for the existence of a democratic regime and is one of the main signs of the consolidation and preservation of democracy. Based on the fact that democracy is a kind of space for the formation of civil society, a modern democratic state can function qualitatively only under the condition of a developed civil society, which today is responsible for ensuring the

development of the institutions of the rule of law in the countries of the Visegrad Group

3. Polish experience in the formation of a local government system in a postmodern society

The historical path of the countries of the Visegrad Group came to a turning point in political modernization in 1989-1990. - one year before Ukraine gained independence. These countries carried out comprehensive reforms, at the beginning they envisaged a departure from socialist forms of government, and as a result, imitated the European traditions of the formation of a political strategy. One of the leading and strategically important links in the reform has become a system of local self-government and delimitation of spheres of influence of the state and local government.

To analyze and evaluate the system of delineation of the spheres of influence of the central government and local authorities, we have selected a number of criteria:

- prerequisites for the transition to decentralization of political power;
- directions for the implementation by local authorities of their powers and their limits;
- the prerogative of the formation of the local budget and the possibility of its use;
- opportunities and procedures for influencing central authorities.

Of course, important indicators of the functioning of local authorities and the quality of their activities is the system of formation of such bodies and the participation of civil society institutions in the implementation of their functions. Given the significance of these indicators, a study of their essence will be covered in separate units (Bezemyuk, 2008).

The Polish experience in the functioning of local government has a history of more than 300 years (Kowalski, 2016). The active stage of administration of the local government system began in the 70s of the twentieth century. And the period of improvement of the legislation on the system of local self-government is considered to be 1997, when the norm was fixed in the new Constitution of the Republic of Poland, the territorial structure of Poland ensures decentralization of public authority (Bilyk, 2020).

So, experts consider the first administrative reform to be the reform of the 1970s, when significant changes took place in the structure of local authorities. In the context of this reform, a network of 300 counties was

liquidated, the number of voivodeship increased from 17 to 49. Instead of the previous communities, the number of which reached 4313 by the reform, 2394 were created significantly more than a unit, including 247 cities, 26 urban areas, 1546 rural communes and 575 entities mixed character (Grobova, 2015). The reform led to an increase in the influence of central authority on territorial units and organizationally dispersed governance.

People's councils functioned in territorial units and were elected every four years through general elections. The voivodeship was headed by the voivods, the city administration was headed by the burgomaster, or presidents, the city administration and the commune - the burgomaster, and the commune administration - by. According to the 1952 Constitution, people's councils were constituted as local bodies of state power and the main bodies of public self-government of working cities and villages (Glazunova, 2019).

The next step in the reform was marked by the post-communist period. Along with the liberalization of the political system, more open public discussions about the need to reform the territorial organization of power became possible. In particular, the reform plan for the restoration of local self-government was the basis for semi-legal research in the field of local democracy. He is reasonably considered the author of self-governing Polish transformations. The reform that took place in 1989 became possible only thanks to ten-year planning. E. Regulsky (as cited by Gorlenko, 2020) demonstrated its first prerequisites as far back as 1981. In his opinion, then only society could positively influence the system, because the elite could not change anything. "There must be the support of a political force, and this force was exclusively the civic activity of society" (Regulsky, as cited by Gorlenko, 2020). When there was a chance to implement the planned intentions, the program of action was ready. That is why the reform took place in a fairly short time. In July 1989 after the first parliamentary elections, the Senate took the legislative initiative to revive self-government. Then, the government of T. Mazowiecki was created, in which E. Regulsky took the post of commissioner for the reform of local self-government. By March 1990, a legislative framework was created to optimize the steps of the reform, which entailed a change in 94 laws (Bodrova, 2020).

An important issue that determines the self-sufficiency of local governments and the level of decentralization of political power as a whole is the formation of funding sources and budget-filling areas of the regions. It is precisely on the material self-sufficiency of the communes that the emphasis is made in the system of self-government reform in Poland. In addition, the Basic Law determines that the revenues of self-governing

territories comprise their own revenues, general subventions and targeted subsidies from the state budget. Constitution provides local governments with the right to establish local taxes. The Law on Territorial Self-Government also notes the possibilities for making a profit, its use, planning and augmentation (Irha, 2019).

One of the prerogatives of local governments in Poland, enshrined in the Constitution and laws, is the ability to communicate with the central government and, accordingly, influence it in the public interest. So, state bodies are obliged to respond to decisions of local referenda. In addition, the commune administration, which forms and implements public policies on its own behalf and without government administration, is part of the state regional policy. The state is an intermediary link between EU grant projects and local budgets (Golovaty, 2014).

Poland, which today is a full-fledged member of the European Union, has gained many advantages over its neighbors who were left without a united Europe. Polish cities and villages are changing right before our eyes. And this is not about elite construction, which is enough in Ukraine, but about beautiful roads, illuminated streets and globally restructuring infrastructure: sewage systems, water supply systems, traffic interchanges, Internet networks and the like. A significant part of these works, regardless of whether they are the responsibility of the Government or local self-government, is carried out at the expense of the European Union, Poland receives from its structural funds. For example, in the Masovian Voivodeship during 2004-2006. Approximately 300 million EU Eurocosh was spent, accounting for 10.8% of the total funding for the Integrated Operational Regional Development Programs for Poland over the years.

4. The Hungarian experience of local government in a postmodern society

The fourth country of the Visegrad Group, which has a common border with Ukraine with a length of 135 km, is Hungary. The local government system of this state is undergoing a protracted reform process (Veto, 2016). Despite the confident successes, it still cannot be called completed. First of all, because the reform took on constitutional form only with the adoption of the new Constitution, which entered into force on January 1, 2012.

If we retrospectively analyze the progress of the implementation of the reform of local self-government, we can distinguish eight of its stages:

- The new local government system is based on the traditional principles of Hungary and the European Charter of Local Government;

- 1998-2003 - the preparatory stage for further reforms, which should contribute to the self-sufficiency of the regions. The program for the implementation of the IDEA regional reform group has been launched;
- 2004-2005 - Introduced a system of micro-regions, based on funding from EU grants;
- 2006-2009 - A Discussion Forum on Government and Local Government Representatives (DFGLGR) was created. Four working groups were formed to implement further reforms. The Forum still functions as an advisory and deliberative body of the Government;
- 2010 - ratification of the Additional Protocol to the European Charter of Local Self-Government, regarding the right of the community to participate in the activities of local authorities;
- since 2011 - adoption and entry into force of the new Constitution of Hungary, adoption of the new Law "On Local Self-Government". These documents completed the process of constituting the system of local self-government in the state, but did not become the final stage of the self-governing reform itself (Gulak, 2019).

The Hungarian Constitution, which entered into force on January 1, 2012, has become an almost revolutionary legislative act (Nagy, 2016). On the one hand, it contained all the positive achievements of the political and economic sphere of the state, on the other, it selectively took into account the requirements of the European Community and the European Charter of Local Self-Government. When checking the Basic Law of Hungary, the Venice Commission indicated a small amount of norms that would regulate local self-government in the new text of the Constitution provides that “in Hungary local self-government is established for the management of public affairs and the exercise of public authority at the local level”. However, there is no mention of the principle of local government. The Venice Commission recalls that the ECMC, which is binding on Hungary, requires compliance with a minimum number of principles that form the European basis of local democracy, including, as a starting point, the principle of local self-government (Bavrak, 2013).

In an explanatory note to the CLXXXIX Cardinal Law “On Local Self-Government”, the authors of the Law directly refer to the Charter (drawing a parallel with the traditions of local self-government in Hungary), but the Law does not mention the principle of local self-government (Simonovits & Bernat, 2016).

The Constitution, first of all, fixed the course on stabilization of local self-government, removing the system from debts, reducing its fragmentation and strengthening control by state authorities. So, for

example, under the new law, local governments can take loans only after obtaining the consent of the central authorities (Ministry of Economy). In addition, it is planned to take measures to reduce the number of cases of third parties participating in the execution of subcontracts of national importance. Thus, it is planned to increase the stability of budget revenues and reduce optional costs.

The Hungary is divided into seven regions, including 20 administrative units (19 municipality and the city of Budapest), and municipality - only 173 districts, one of which is the capital. Local governments represent mayors and municipal fees, are formed by elections with a term of office of five years (until 2014 - four years). There are also 23 cities with media rights (Batanov, 2019).

Despite the fact that Hungary began the path of European integration back in 1998, the requirements for decentralization of power were not fully implemented by the state. The reform of local self-government was based on the motive for satisfying the domestic economic needs of Hungary. As a result, the main principle of the reform of local self-government (in addition to preserving funds) was that local governments should solve only local issues and provide services of local importance, and everything else should happen only under the supervision of the central government. An even greater reduction in delegated authority occurred in January 2013, when they were transferred to 198 "district administrations," which are subordinate to the district central government units. As a result of the reform, municipalities lost most of their staff and a significant amount of financial resources.

Thus, it can be stated that the reform of local self-government in Hungary was somewhat more radical than in other countries studied, and less oriented towards decentralization. Moreover, a number of specialists characterize the steps of reform as re-centralization. First of all, because of the budget policy, which deprived the regions of revenue independence. Now the country has reformed both lower and higher levels of local government, completed the definition of the functions and property of the communities, introduced the structure of financial relations between the central and local levels.

5. Conclusions

Therefore, an important conclusion of the study is the identification of common and distinctive features in the process of constituting the distribution of powers of the central and local authorities in the Visegrad Four countries in postmodern society. First, a common feature is the

subordination of the reform steps to the overall European integration trend, which determined the vector of the external and internal components of the state policy of the countries in the post-socialist period. The very implementation of reforms, their content and intensity had their own specifics. Poland carried out cardinal changes in order to carry out a decentralized government of power. This is probably due to the fact that the government, and not the parliament, took responsibility for the reform of local self-government. When forming the reform program, Hungary identified economic interest as a priority, and the main initial goal was to reduce debt and control regional spending. Despite criticism from European structures, including the Venice Commission, the Hungarian Constitution nevertheless entered into force and identified key aspects of the development of a system of regional self-government.

To eliminate the fact of democracy deficit and increase the effectiveness of forms of direct participation of the population in local self-government, it is urgent to clearly establish and legislate their status, procedures for their implementation, legislative determination of the place and role in the system of both constitutional and current legislation. The existing problems and obstacles in the issue of cooperation between local authorities and the public require an active regional and local policy in the organizational, legal, institutional, managerial and methodological support of the transformation of the forms of direct participation of territorial community members in resolving issues of local importance, taking into account foreign experience of participatory democracy.

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