Revista de Știinţe Politice.
Revue des Sciences Politiques
No. 66 •2020

Revista de Ştiinţe Politice.

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Revista de Ştiinţe Politice. Revue des Sciences Politiques is abstracted by / indexed in:

EBSCO

Political Science Complete (Database Coverage List) ●
Category Social Sciences & Humanities (accessed April 11, 2020)
https://www.ebscohost.com/titleLists/poh-coverage.htm
https://www.ebscohost.com/titleLists/poh-subject.htm

ProQuest Database: Political Science Database

ProQuest Political Science Database Title list accurate as of **11 April 2020 (position 1039)**
http://tls.search.proquest.com/titlelist/jsp/list/tlsSingle.jsp?productId=1005684&_ga=2.52655656.1051237904.1586630685-491238151.1586630685

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Social Research during Pandemic: Societal Expectations & Participation Gaps

EDITORS' NOTE

Social Research during Pandemic: Societal Expectations & Participation Gaps

Note of the Editors of the
Revista de Ştiinţe Politice. Revue des Sciences Politiques

Issue 66/2020

Anca Parmena Olimid[1],
Cătălina Maria Georgescu[2],
Cosmin Lucian Gherghe[3]

The current issue of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques* launched in June 2020 during the coronavirus disease (COVID-19) challenges a new dimension of the social research: the societal cleavages and the participation gaps focusing on complex thematic arguments, namely:

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(1) the type of the legal provisions;

(2) the historiographical analysis;

(3) the ecclesiastical institutions;

(4) the social movements;

(5) the legal contracts;

(6) the extremism and the post-communist transition;

(7) the study of volunteerism, the Romanian language as foreign language;

(8) the education challenges in post-communism;

(9) the social integration;

(10) the concept of security;

(11) the social and cultural approaches;

(12) the commercial law provisions;

(13) the cultural and emotional perspectives;

(14) the labour market etc.

The first article (Author: Dan Claudiu Dănișor, *The Historical Contextualization of the Ideal-Types of Modern Constitution*) launches an innovative perspective on the legal research by considering "the context of imposing a legal ideal-type of modern constitution" and the three types of the constitutional law: the historical perspective, the cultural dimension and the philosophy encounters.

The second and third articles (second article-Author: Florin Nacu, *The Hungarian Soviet Republic of 1919 and the Romanian Intervention. A Historiographical Analysis* and third article-Author: Marian Zidaru, *The Theodorian Carada' s Memorandum and the activity of Nunziatura Apostolica Wienn in Romania during 1918*) express a new area of the historical research: the historiographical analysis of historical events and the focused analysis of the historical documents at the beginning of the XXth century.

The fourth article (Author: Claudia Elena Ionaș, *The Rise of Social Movements in Romania*) displays a new research perspective of the social movements in Romania and focuses on the following approaches: the citizen' participation, the role of the civil society, the social media usage, the dimension of the social change nowadays.

The fifth article (Author: Sevastian Cercel, Ștefan Scurtu, *Some Considerations on the Effects of the Contract for the Carriage of Goods as Provided by the Romanian Civil Code*) enables a complex research of the legal aspects of "the effects of the contract for the carriage of goods as provided by the Romanian Civil Code" by mapping: "the obligation of the carrier", "the payment of the price" and "the accessory services".

The following seven articles pinpoint a various analysis of three thematic areas in current social research:

(1) the right-wing extremism in post-communist societies (Author: Mihaela Ivănescu, *Tales of Post-Communist Transition and Right-Wing Extremism. An Analysis of the 2000 Romanian Elections, 20 Years after*);

(2) the youth activities, the role of volunteerism, social and practical skills (Author: Gabriela Motoi, *Can We Empower Youth through Volunteerism? Results of an Empirical Study on Romanian Youth*);

(3) the research of the latest developments in the field of the study of Romanian as foreign language in the post-communist landscape (Author: Eleonora Olivia Bălănescu, *Romanian as a Foreign Language in Post-Communist Romania*);

(4) the particular aspects of "teaching and learning English for Specific Purposes (ESP) in Romania in the post-communist period" (Author: Diana Marcu, *The Post-communist Era: "the bloom" of ESP in Romania*);

(5) an in-depth analysis of the security concepts, risks and challenges (Author: Teodora Pîrșoi, *The Evolution of the National Security Concept in Romania in the Euro-Atlantic Environment*);

(6) the social and educational integration of foreign students (Author: Cristina-Eugenia Burtea-Cioroianu, *Problems of Social Integration and Correct Expression of Foreign Students in Romania*);

(7) "the modernity and actuality" assessments in literature (Author: May Hasan Srayisah Alkubaisi**,** *Jane Austin: Modern Supremacy*).

The next three articles develop a three-dimensional analysis of the democratic society and concurrent market:

(1) the legal provision of the Law no. 31/1990 (Author: Lavinia Elena Stuparu, *Inaccessibility to the status of founder of the companies regulated by Law no. 31/1990 for natural persons authorization in the forms regulated by O.U.G. no. 44/2008*);

(2) the analysis of the corporate reputation (Author: Dragoș Alexandru Bălan, *Corporate Reputation: Key Issues to Consider When Developing a Measurement Scale*);

(3) the jurisprudence, the fundamental rights and the role of free access to justice (Author: Mihaela Cătălina Scafeș (Opran), *Jurisprudence Regarding Free Access to Justice in the Democratic Society*).

The next two articles focus on a new approach to the cultural and emotional intelligence research:

(1) the cultural history and the artistic values (Author: Andreea Mihaela Stoian, *Cultural History – the Life and Art of Constantin Brâncuşi*);

(2) the role of the cognitive abilities and emotions (Author: Adrian-Florin Bușu, *Emotional Intelligence as a Type of Cognitive Ability*).

The last two articles point two considerations of the companies and labour market namely:

(1) the implementation of the ERP (Enterprise Resource Planning) integrated system (Author: Viorel-Costin Banța, *Major aspects encountered in the RPA projects implemented within Romanian companies with management based on ERP solutions*);

(2) the challenge of the Romanian labour market after the fall of communism (Author: Lucian Adrian Sala, *Can Romania's Labour Market thrive in the Age of Population Ageing? A Bayesian VAR Approach*).

The following article establishes a complex analysis of the legal translation, using a comprehensive approach to the linguistics elements and the intercultural communication (Author: Anca Păunescu, Mihaela Chirițescu, *A Reflective Approach to Legal Translation Issues*).

The current issue 66/2020 of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques* thus invites its readers and contributors to evaluate, focus and develop a comprehensive and extended analysis of the social research during pandemic period pinpointed on societal expectations and participation gaps.

Wishing you all the best,

The RSP Editors

The Historical Contextualization of the Ideal-Types of Modern Constitution

Dan Claudiu Dănișor[1]

Abstract:
The object of this study is the historical contextualization of the modern constitution. Its stake is primarily methodological. When we operate a historical contextualization of an object of normative study, this contextualization should not be confused with a ‹‹ concretization ››, which would situate the analysis in its field ‹‹ what it is ››, but, on the contrary, it means maintaining the analysis in its field ‹‹ what it must be ››, « building » a context. Thus viewed, the historical contextualization of law does not mean the objective analysis of the history of legal systems, but the construction, through utopian rationalization, of an « analytical grid », which we can apply retrospectively and prescriptively to the history of law, to (re) construct the context of imposing a legal ideal-type. The use of the ideal-type represents a paradigm shift because it is not considered a fixed framework of evaluation, but an evolutionary process. The process has begun to transcend the constitution of feudal societies and remains necessary as long as the constitutions of contemporary societies must separate themselves from it. From the application of this methodology results a type-ideal constitution that organizes a power that has several defining features: it is extra-patrimonial, anti-senior, political, institutionalized, civil, temporal, centralizing and ensures the arbitration between various social forces. The analysis of these characters reveals the second stake of the study: determining the extent to which it is necessary to maintain the legal reality within the framework prescribed by the ideal-type of the modern constitution.

Keywords: *modernity; constitution; ideal-type; political power; feudalism.*

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The constitutional law is not universal. On the contrary, it is context-dependent from at least three angles: the historical epoch in which it was created, the cultural space that supports it, and the dominant philosophy on the basis of which its principles are configured. These three forms of contextualization will be the subject of the cycle of studies opened by the one you are reading.

The first form of contextualization of constitutional law is the historical one. „«The historical context » aims, in opposition to more traditional approaches, to separate from the schemes, developed especially in the nineteenth century, favourable to spiritualist and nationalist visions on the development of the law: the idea that exists (and that subsists) a « spirit » of Roman law, French law, German law, Belgian law or the *Common Law* [...]. It is preferable [that instead of spiritualism and nationalism] to choose the technique of the ideal-type, periodically proposing changes in the formulation and use of this instrument [...]" (Halpérin, 2013: 120-121).

This is the methodological perspective from which I will try to show what it means that a constitution is ‹‹ modern »". Firstly, the modern constitution is a constitution that is no longer ‹‹ feudal ». Secondly, it is a (re) constructed constitution against the totalitarianisms of the twentieth century. For the time being, I will only analyse the implications of building the modern constitution in opposition to the feudal one, the second point of view, although it obviously also implies a historical perspective, I will be concerned with the study dedicated to philosophical contextualization.

The inflection point between feudalism and modernity is, from a constitutional point of view, the constitution of the absolute monarchy. From some points of view, it is already ‹‹ modern », although from other points it is not yet. Consequently, I will use the ideal-type of absolute monarchy, sometimes in opposition to feudalism, sometimes in opposition to modernity. From this methodological perspective results some ideal-typical features of the power organized by the modern constitutions, which will form the object of the following considerations.

1. *The modern constitution organizes an extra-patrimonial power*

In feudalism, the power was considered a property, a ‹‹ good » that was ‹‹ appropriate ». It bore a ‹‹ right » over it, which was in the patrimony of the holder. The holder of power could behave towards it as towards any other good of his; he could dispose of it: he could alienate it, he could give it up, and he could pass it on by inheritance, and so on. The modernity begins with the extra-patrimonialization of power. The characters of this new - extra-patrimonial - power are constructed by opposition to the feudal - patrimonial - conception of power.

The feudal seniors had the power, because they owned the land. By opposition, the first typical feature of power organized by the modern constitutions is that the holder of power no longer ‹‹ possesses » it. The power ceases to be the property of its holder. The royalty separates from feudalism and begins to constitute a modern form of organization of power, of constitution, when "the king's right over his kingdom is of a different nature than the right of an owner over his patrimony" (by Terre-Vermeille, quoted from Barret- Kriegel, 1986). The modernization of the monarchical constitution is accentuated when the power is no longer considered a right, but a competence. Juvénal des Ursins marks this evolution when he states that the royalty is "a way of administration and use that the monarch exercises throughout his life, but of which he is not the owner" (Quoted from Barret-Kriegel, 1986). The consequences of this transformation of royalty from patrimonial power into a system of public service

competencies are constitutive for the ideal-type of the modern constitution. The first consequence is that the power is inalienable, that its holder cannot unalienable it. This principle is formulated by the modern constitutions as the inalienability of sovereignty, territory (in the sense of physical support of sovereignty, not land ownership (see, for example, Article 3 of the Romanian Constitution of 1991) and the public domain. The second consequence is that the holder of power is obliged to exercise it. In the constitutions of the absolute monarchies this principle was formulated as the inadmissibility of the abdication. The ideal-type of the modern constitution assumes the establishment of a general obligation to exercise the competencies, which assumes that the state bodies cannot refuse to exercise the competencies conferred and that there must always be a way of resolving negative conflicts of jurisdiction. The third consequence is that the transfer of power from one holder to his successor is no longer done according to the rules of transfer of property rights, by succession, but according to rules different from the rules of private law, which is an autonomous public law. These rules are unavailable for the holder of power. This is, for example, the foundation on which the Paris Parliament decision was based when it cancelled the Louis XIV's ‹‹ will » because the king was "fortunately unable" to change any of the rules for the transfer of his power (Bart, 1999). All modern constitutions will apply this principle, because, even if the succession of holders of power is organized in various ways, its rules remain unavailable for the holder of the transmitted power. The fourth consequence is that the power is no longer a right. The state bodies have competencies, not rights, and their exercise is presumed to be limited, not, as in the case of rights, unlimited. The fifth consequence is that the patrimony of the holder of power and the public patrimony are separated: "The public domain and the patrimony of the Prince [are] different", wrote Bodin in 1583 (Bodin, 1993: 501-502). This separation is what creates the premises for the establishment of a legal personality of public power which is distinct from the person of the king: the state. The appearance of the state is, in fact, inextricably related to the extra-patrimonialization of power. The state, in the modern sense of the term, (in fact, the extension of the notion of state to pre-modern epochs is only retrospective) appears only when instead of the patrimonialization of public power the opposite phenomenon occurs: the nationalization of the king's patrimony. The owner of the public patrimony is, from now on, the state, which implies the existence of rules distinct from the rules of private law for the establishment, allocation and control of public finances. There is no modern constitution that does not include a system of these rules. A final consequence of the extra-patrimonial character of the modern political power is the prohibition to transfer the benefits from the economic sphere to the sphere of public power or vice versa. For example, the public positions can no longer be ‹‹ bought », as was the case with some of the public positions in the pre-modern era, and the holders of public positions can no longer exercise them in order to obtain economic benefits. Over time, these prohibitions have elaborated and diversified, turning into a real separation of the spheres of justice.

2. The modern constitution organizes an anti-senior power

The feudal lords were ‹‹ masters ». Because they owned the land, they had *dominium*, that is, a power of disposition exercised ‹‹ *in corpore vili* » over serfs (one who is attached to a senior's land), and *imperium*: military power, the possession of law and the right to judge the facts that could lead to the death penalty. Some people had a special legal condition, situated between slavery and freedom: ‹‹ servitude ». This

condition is far from being unitary throughout Europe and fixed throughout the Middle Ages (see, for the diversity of the modalities of the servile condition, for example, Mélanges de l'École française de Rome, tome 112: *Moyen-Age*, no. 2 / 2000), but what matters, for the needs of the argument I am trying to make here, is not the diverse and progressive substance of this servile condition, but the kind of power relationship that the special legal bond between serf and senior (master) has maintained, because the modern constitution will be built as a denial of it. The servitude assumed that the senior could ‹‹ dispose ›› of the serf as a good, even if the status of the serf was not identical to that of the ancient slave. Any man who was sold or ceded, who could be sold or assigned, alone or together with the land he ‹‹ held ››, was in a relationship of servitude, this condition being hereditary (Freedman, 2000: 1043). Between seniors, the power relationships were based on contract, being interpersonal relationships. Three fundamental ideas result from this type of power relationship, ideas that will be denied by the modern constitution: 1) the feudal political relationship was built as a personal relationship, either between the master and vassals, or between seniors; 2) the political conditions were hereditary; 3) the power relationship was not subject to an autonomous right, which would have had the ability to extend beyond the ‹‹ concrete ›› relationship regulated by it.

The modern constitutions will build, through opposition, an *impersonal* political relationship. This means, first of all, that in modern constitutions there is no longer a ‹‹ master ››. The people are subjects, not simple vassals, they are *sui juris*, which means that the right to which they are subject is impersonal, that they are not addressed *in personam*. The modern law is not an ‹‹ order ›› of any master, even if this master is conceived as sovereign. All people are subjects *of law*, which means that society exists only as a system of legal relationships between *free* people, any form of servitude being prohibited (the Romanian Constitution prohibits the forced labour in art. 42). Second of all, the modern constitutions build an impersonal political relationship in the sense that the power is no longer exercised in the name of its holder, but in the name of an abstract entity: the state. It is another reason why they will order that no person can exercise sovereignty in his own name (the Romanian Constitution provides for this in art. 2 (2)). The relationships between the holders of power are no longer personal either. They are no longer based on the agreement of their wills, but are independent of them, in the sense that what comes into the relationship are the competencies of the positions, and their holders cannot have the rules of their own competency. The public order is not *negotiated, but regulated*.

In the modern constitution, the social conditions are no longer hereditary and no longer constitute the foundation of the exercise of power. This is the reason why the ‹‹ social origin ›› is one of the criteria for non-discrimination (the Romanian Constitution provides for this in art. 4). The power relationships are no longer dependent on the social condition resulting from the membership to a group. Therefore, in modern constitutions no group can exercise sovereignty in its own name (the Romanian Constitution provides this in art. 2 (2)), regardless of whether the membership in the group is hereditary or political (therefore the Romanian Constitution lists among the criteria of non-discrimination and political affiliation). The modern social conditions are no longer political in themselves, that is, they no longer constitute the foundation of the competence to order and the obligation to submit, and the members of the deliberative bodies no longer represent the political group that supported them to be successful in the position, but the whole people (the Romanian Constitution provides in Article 66).

The Historical Contextualization of the Ideal-Types of Modern Constitution

The modern constitution is the constitution of a society in which the legal transcends the concrete relationship that it regulates. The modern social order is not ‹‹ concrete », and the ‹‹ concrete » legal relationship is always regulated by an ‹‹ abstract » norm. The law is the one who substantiates any power and any relationship, not the other way around. Extrapatrimonializing power means overcoming the idea that some people can be treated by this power as ‹‹ goods ». In the modern constitution all people are subjects who have mastery of their own ‹‹ body », of their own existence. Habeas corpus is defining for the ideal-type of the modern constitution. The punishments are no longer available to those who ‹‹ have » power (imperium). They can therefore no longer be arbitrary. The offenses and punishments must be created as ideal-types, apart from the concrete relationship between the holders of binding force and those to whom it can be applied. They must be ‹‹ created » by law (the Romanian Constitution imposes the principle of legality of punishments in art. 23 (12) and the principle of legality of offences, requiring the form of organic law, in art. 73 (3) h.), and their ‹‹ contextualization », their application to a determined person and in a concrete situation, must be made by a court independent of those in the concrete relationship, therefore independent of the parties and of the one who can execute the sentence, of «executive». Unlike feudal power, the modern power must no longer have the right to apply the death penalty. However, the prohibition of the death penalty is not won today either in all western liberal democracies. From this last point of view, Romania configured well, and early on, the ideal-type of the modern constitution, prohibiting the death penalty since the nineteenth century.

The modern order is not rational because it is « natural », but because it is « lawfully established », which is what it means by *law*. Consequently, the application of the law is a matter of « knowledge », not « of will », which inevitably leads to the professionalization of legal positions, primarily of judges. These transformations are already evident in England during the reign of King John I (1166-1216) (John I is the king who signed the Magna Charta Libertatum, in 1215): "During a session of the Upper House, [...] the king declared that he would protect always the common law [Common Law]. « No, Sir Edward Coke would interrupt him; it is the common law that protects the king ». Furious, the king immediately claims, waving his fist in Coke's direction, « that he thought that the law was based on reason and that he, and others, possessed the reason as well as the judges ». Coke calmly replied that the king was undoubtedly excellently endowed with nature, « but that his Majesty is not instructed in the field of laws of the kingdom of England, and that matters concerning the life, inheritance, property, or wealth of his vassals [subjects] are not decided by natural reason, but on the basis of an artificial reason and by judgment based on laws, for the knowledge of which long studies and experience are required "(unknown source) (Kantorowicz, 1995: 11).

3. *The modern constitution* institutionalizes *the political power*

The medieval society did not know the separation between political and social. The objective social divisions, such as classes or states, were directly political divisions. Some were born to lead, and others were born to obey. The modernity occurs when the political power separates from the social and transcends the division of society into groups whose criteria for constitution are unavailable to individuals. In order to understand the modern constitution, we must therefore see what the politicization of power means.

"Given the fact that there is power - wrote G. Burdeau - in any phenomenon where the ability of an individual to obtain from another a behaviour that he would not have adopted spontaneously is revealed, the deeds of power are innumerable. For them to take on a political character, it is necessary for their finality to be socialized". (Burdeau, 1970: 22) This socialized finality presupposes that the purpose of relationships is not exhausted in the inter-individual relationship, but must be appreciated in relationship to the global society". [..] Next to or beyond groups formed for a limited and specific purpose, the global society is a reality of a very different nature. It is not explained by a purpose beyond it; it is enough to exist in order to fulfil its purpose. It is its own finality, for it is, itself, the foundation of the values by reference to which the relations of Power occur within it. They are not determined by an external criterion (religious, economic, cultural or other); it results from their necessity as a condition of the existence of the collective being. Then there is a political society. The political connection ceases to have an instrumental value; it becomes an existential concept. It is important to understand, indeed, that only insofar as the global collectivity is composed of partial bodies of different essences, it is necessary to assert a value that is common to them, beyond the purposes of each of them. This value can only be the very existence of society. And the political society appears only when it is understood by the group, because the Power that externalizes its reality is afferent to a social purpose that transcends the finality of each secondary group" (Burdeau, 1970: 23). This type of society, which is both ‹‹ pluralistic ›› and ‹‹ unitary ››, was postulated as a necessary basis of the political society already by Bodin: "From several citizens [...] a Republic is made when they are governed by a sovereign power [...], even if they are diversified in terms of laws, languages, customs, religions or nations " (Bodin, 1993: 94).

We are, therefore, in the presence of a political society when the personal power is transformed into institutional authority, when the control of social roles takes the place of the arbitrary, when the social purpose transcends the individual roles. The institutionalization of power has precisely this role. It makes the transition from the head, so from the individualized and embodied power in a man who concentrates in himself not only all the instruments of power, but also the justification of authority, to a power that dissociates the authority from the individual who exercises it. "But, as the Power, ceasing to be incorporated in the person of the head, cannot subsist in a state of ectoplasm, it needs a holder. This support will be the state institution considered as the exclusive headquarters of public power. In the state, the Power is institutionalized in the sense that it is transferred from the person of the governors, who have only its exercise, to the state, which thus becomes, from now on, its sole owner "(Burdeau, 1970: 31). Therefore, the existence of the state should not be linked to the existence of the distinction of governed people/governing bodies, present in any political society, but to the existence of a separation between the position, role, institution of government and the people who exercise it.

The causes of this institutionalization of power are very complex and difficult to generalize for all cultural spaces, especially if we take into account that this process is not yet complete everywhere, but I will outline some of them, valid for the European society, following the considerations of George Burdeau. "Because the state is an idea," he wrote, "it is obvious that it presupposes spirits capable of thinking it." Or, for a long time, the governed people saw in the man invested with the attributes of power the head, that is, the one who commands because no one dares to challenge the opportunity of his orders, or because his strength is a sufficient justification for obedience. [...] In these

young societies ‹‹ entirely built of people ››, according to the formula of H. Bergson (Bergson, 1932: 138), the idea never goes too far without embodying itself in a concrete form. : God in an image and Power in a victorious warrior" (Burdeau, 1970: 39). In order to move from such a ‹‹ head ›› to a state, the ‹‹ power ››, that is, the possibility of being listened to must be doubled by the ‹‹ authority ››, that is, by the *qualification* to give an order. And this transition, which involves a change in the psychology of governed people, but also of governing bodies, far from being based on metaphysical considerations, is based on *practical* advantages.

For governed people, the advantage is overcoming the insecurity due to the perpetual confrontations for maintaining or conquering the power, but also the uncertainty regarding the succession to power or the content of its orders. Thus, the governed people "do not care too much about the issue of legitimacy, but it is easy for them to understand that as long as the title of princes depends on the victory of their armies, the peace remains in danger" and that without peace there could be no prosperous business or flourishing fields.

The insecure roads, the scorched fields, the paralyzed trade, caused by the personalization of power, make the vassals to want a legitimate power other than by force of arms. On the other hand, "a society progresses only by ensuring tomorrow, and it is precisely this safety that is compromised by the individualized power. If everything disappears with the head, what project will survive? But also, if everything is based on his will, who guarantees that it is not arbitrary? The reign of the head causes social instability, because it implies the uncertainty of the rule." (Burdeau, 1970:41). The stability and safety could, practically speaking, be ensured only by a legitimation of the external power of the prince. It is thus stated, as P. Pot does, for example, as early as 1484, that royalty is a function, not an inheritance, and that power comes from the people.

For the governing bodies, the advantage of institutionalization is to find a foundation of their power, of its legitimacy, after the weakening of the influence of the Catholic Church, as a result of reform and rebirth, deprives the power of its sacred character. The laicization of public power is naturally followed by its institutionalization, because the prince, who can no longer justify his power by divinity, is obliged, so that his orders do not seem arbitrary, to justify it on the basis of a common good outside his own interests, so on a laic transcendence, which is the position, the service for the benefit of the community and so on. In fact, the characters of the sovereignty of this laic power follow step by step the characters of the divinity: it is a power of law (right), original, which is caused by itself, supreme and absolute. On the other hand, the transmission of power to the heirs, no longer justified by divine grace, must be justified by the permanence of the institution: the dynasty, as an institution independent of its successive incarnations, is the one that ensures the permanence of power and its peaceful transmission from a holder to another. The dynasty never dies. In other words, the practical interest of institutionalization comes also from the impossibility of personal contact with the vassals, due to the geographical expansion of the area of power, the distance of the governing bodies from the governed people. The personal qualities of the warrior and the head must be replaced by a symbolism of power, with an idea in whose name he acts, an idea that makes obedience more tolerable, because it creates the impression that people are no longer subject to people, but to a disembodied force. The head thus tends to exercise legitimate power, using an idea of law as its foundation. Not the mere fact that he can command makes him to

command, but the fact that this command is necessary to his vassals. The search for legitimacy thus contributes to the genesis of the state and this is a distinctive feature of the state power: it is a force of law, because it is legitimate.

The state is a privileged framework of political power. Which automatically implies that he is not the only one. Not every politically organized society, that is, in which, according to the theory that has become classical, there is a distinction between governing bodies and governed people, is a state. There is a dissociation of the two notions, as there is a necessary complementarity. What reveals the existence of the governed people - governing bodies hierarchy is the existence of ‹‹ power ››. "Or, if the foundation of power is universal, there are many forms of its manifestation that are not state" (Burdeau, 1970: 21). The state is divided between these various manifestations of political power by certain "characters that we do not find elsewhere" (Burdeau, 1970: 21). The first of these is the institutionalization, not of any power, but of the political one.

The modern constitutions are centered on institutionalization. The meaning of this institutionalization is evolving. It is no longer just a question of the fact that the state replaces the heads, but also of a certain form of internal organization of the state. An organization that, in addition to being ‹‹ political ››, becomes ‹‹ legal ››. The theory of the legal institutions owes a lot to Maurice Hauriou, so I will follow him to explain how the institution should be understood in the modern ideal-constitutional type. Hauriou wrote that, "the main lines of this new theory are the following: an institution is an idea of work [in the sense of object of activity] or enterprise, which is realized and lasts in a social environment; to realize this idea, a power is organized that procures its organs; on the other hand, between the members of the social group interested in the realization of the idea, there are manifestations of communion directed by the organs of power and realized through some procedures."(Burdeau, 1970: 96). The idea of ‹‹ work ››, central to the existence of institutions, should not be confused with either the purpose or the function (Burdeau, 1970: 98). The difference between the idea of a work and that of a purpose is equivalent to the difference between a program of action and a result. Thus, the central idea of a legal institution that constitutes itself as a social ‹‹ body ›› synthesizes the purpose and the means necessary to achieve it (Burdeau, 1970: 99). The difference between the guiding idea of the legal institution and the idea of function is the one that is obvious when we differentiate, for example, the state as a political institution from state functions, because viewed as a political institution the state has "a part of indeterminacy and virtual that leads beyond the position", because the political government "works indefinitely", creating new rules while acting, while seen as a function the state appears as the "part [...] already determined of the joint venture", it appears as „administration and services ", which acts on the basis of rules determined in advance (Burdeau, 1970: 99). The guiding idea of the legal institution must rather be identified with that of the ‹‹ object ››. The institution has an ‹‹ object of activity››. Hauriou finds that there are two types of institutions: those that are personified, that form social bodies constituted as legal persons, whose central element is the internalization by group members of an ‹‹ object of activity›› of the joint venture, which are called person-institutions (the state, associations, and so on.) and those which do not personify, which are made up of legal rules already determined, which constitute an ‹‹ object of regulation ››, which the French jurist calls working institutions. The fundamental difference between the two types of institutions is that the personified ones are autonomous in fulfilling their social function, which makes them able to pursue their

goals and fulfil their functions as individuals, while those who do not access personification lack autonomy. Hauriou defines the first type of institution as "a social organization, in relation to the general order of things, whose individual permanence is ensured by the internal balance of a separation of powers and which has achieved within it a legal situation" (Hauriou, 1910 : 129). Due to the object of action distinct from the individual goals and its own independent organization, based on a separation of powers that makes the whole distinct from the will of the associated subjects, the legal institution is "true social reality separable from individuals" (Hauriou, 1910: 129).

If we change the angle of view, from the organic vision to the normative vision, the legal institutionalization has at least two meanings: 1) the sense of making unavailable the rules of one's own competence and 2) the sense of ‹‹ organic ›› grouping of the existing norms. For now, I will be concerned only with the first meaning, to show what is the difference between a modern legal institution and a pre-modern institution. The personified legal institutions exist as distinct ‹‹ realities ›› of social life. For example, no one doubts that the Government of a state ‹‹ exists ››. The problem is ‹‹ how is it? ››. Factually speaking, it is a ‹‹ assembly of politicians ››. Obviously, this description is too broad: not every assembly of politicians constitutes a Government. First of all, those politicians must have arrived at that assembly in a certain way. Before there was the assembly of politicians that we can consider a government, there was a procedure that serves to choose the politicians who will form the government from the wider mass of politicians. This procedure must not be changed by the assembly which is its result; it must be institutionalized in the sense that it is unavailable for the institution which is its result. Second of all, for the assembly of these politicians to constitute a Government, it must have a certain *object of activity*. They do not meet to make trade or to make laws, but to *govern*. It is not just about the purpose of the action, nor only of means, but of a unity of purpose and means, which, as we have seen, Hauriou calls the ‹‹ idea of work ››. When legal theories are unable to clearly situate the Government within the state institutions, stating that it is an executive body, that is, one that ensures the execution of laws, subsequent, therefore, to the ‹‹ work ›› of the legislative body, although even the most inexperienced analyst sees that he does much moreover, this incapacity is due to the fact that the analysis made is not institutional, even if it claims to be. The government is an institution in the sense that it is autonomous as a subject that achieves its object of activity. The government builds an ‹‹ idea of social work ››, that is, it directs the national policy towards a goal, making available certain means. These means include the law-making. From the Government's point of view, the Parliament is only a body that makes the normative means available for government. The national policy is directed by the Government. It is the one who chooses the policies that the legislature transposes into norms. Third of all, the politicians meet to govern constitute a Government only if they decide according to certain procedures and express their will in certain predetermined forms. The establishment of these procedures and forms limits the power of the Government. It may freely choose the policies by which it carries out the work which is its object of activity, but it may choose them and make them manifest only through procedures which are not at its disposal. It may make available all legal resources necessary for the implementation of its policies, but the procedures for such dismissal must remain unavailable to it. From this point of view, the competencies of the body are *limits* of its power, not just its *ability* to act. The institutionalization is this synthesis of the availability of legal resources and the unavailability of the procedures for setting up and exercising one's own competence. *The unavailability of the rules of*

one's own competence is what distinguishes an ‹‹ institution ›› from a ‹‹ power ››. When, for example, the state is seen as a power, it has the competence of its competences, when it is seen as an institution; it is no longer the master of its own competences. As a power it is sovereign, as an institution it is limited. The ideal-type of the modern constitution presupposes the institutionalization in this particular sense.

4. *The modern constitution organizes a civil power*

The medieval power indissolubly united the civilian power and military power in the senior patrimony. The accumulation of powers was due to the continuation of the Roman conception of the *imperium*, because "in Rome, the *imperium* was the usual word to describe the highest form of public power, which combined the military command and jurisdiction" (Barret-Kriegel, 1986: ‹‹ Jean Bodin et la naissance de l'Etat administratif (de l'imperium à la souveraineté, de l'Etat de justice à l'Etat administratif)››). The modern constitution of power differs from the feudal one in that it separates them. The modern power becomes ‹‹ civil ›› primarily because the jurisdictional function is autonomous from the military. Although the coercive application of the law presupposes the possibility of acting *manu militari*, those who have *jurisdictio* no longer have military power, and those who have the power to act *manu militari* no longer have *jurisdictio*. In modern constitutions, even if the law involves force, it never results from force.

Secondly, the modern power is ‹‹ civil ›› because the modern public order is no longer an order that results from military conquest, but from pacification. "Thus, there was a change of universe, because [...] the path was travelled from the power obtained through conquest, to the authority inscribed in the universe of peace. [...] The public power was endowed, according to the expression formulated later by Max Weber, with the monopoly of legitimate violence; *merum imperium* is no longer the prolongation of the war inside the fortress, made by magistrates, but an instrument of demilitarization of society through the civil power "(Barret-Kriegel, 1986).

Finally, the power arranged by the modern constitution is ‹‹ civil ›› in the sense that the army is subject to civil, political power. The army is not, and should not be, a deliberative body. It must be a *passive* instrument in the hands of civilian political power. The principle therefore excludes the possibility for commanders of the armed forces to refuse, under any pretext, to submit to government orders. If the political power loses the control of the military force, it loses the monopoly of coercion, hence the sovereignty. To prevent such a possibility, the modern constitutions require a civilian as the supreme commander of the army, usually the head of state, and the ministerial defense portfolio must also be occupied by a civilian. Regarding the bodies that ensure the *manu militari* application of the law in the internal order of modern states, a first option to guarantee their civilian character is to place the police and gendarmerie under the leadership of a civilian minister, and the second, preferably, involves their demilitarization. The police and gendarmerie are no longer, in this modern form of organization, composed of soldiers, but of officials, which has major consequences in terms of the law applicable to them and the control of their acts. The modern principle is, therefore, that the army cannot be used in internal repression. On the other hand, the fact that the power becomes civilian means that in modern states, the soldiers are not allowed to do politics and to be part of political parties.

5. *The modern constitution organizes a power of centralization*

The modern governments are centralized. Of course, there is a permanent concern for limiting this centralism, which, when it becomes excessive, is perceived as a danger to individual freedoms, but it does not deny, but rather it put in the light the centralist character of the power of modern states. There are many who, for several decades, have been trying to determine the origins and context of the organization of modern central government [...]. In addition to the historical interest inherent in this research, its importance lies in the idea that many of the problems of modern government are determined by the conditions present at the time of its creation. It also applies to the institutional origins of the governmental system. The institutional form and order created at the time of the organization's appearance is a predominant and determining factor in its subsequent life" (Groenveld, Wagenaar, Van Der Meer, 2010: 51-52). The fact that the power of modern states was created against the feudal system, which had ‹‹ divided ›› the power according to the land ownership, into relatively autonomous ‹‹ fiefs ›› and built a system that centralized only through war or feudal contracts, marks the later history of the system, in the sense that the centralist tendency is in its nature and that the struggle for decentralization must be permanent. This centralist tendency is not typical of monarchical regimes that have evolved into absolute monarchy, but also of republican ones (for the case of the republican Netherlands, see Groenveld, Wagenaar, Van Der Meer, 2010: 51-70). The legislative absolutism, that is, the system in which the law prevails over any alternative sources of law, is the legal form of this centralization. Its political form, even if it may vary from the point of view of the impersonal or collegial character, is the concentration of power in a single center of command. When I use the term ‹‹ centralization ›› I mean the synthesis of the two perspectives, that is, a system in which the law, as a priority formal source of legality, applicable throughout the territory of a state, emanates from a single political authority. Sometimes, the modern republican constitutions concentrate the power more than the monarchical ones, which were forced to share the legislative power between the national representation and the monarch (the Romanian Constitutions of 1866, 1923 provided that "the legislative power is exercised collectively by the King (Lord) and national representation". The one from 1938 provided that "the legislative power is exercised by the king through the National Representation"), because they state, as it does, for example, the Romanian Constitution of 1991, that " the Parliament is the *supreme* representative body of the people and the *only* legislative authority of the country "[unknown source] (Art. 61).

The modern state emerged as a separate form of political and legal power when all intermediate political powers related to feudalism were suppressed. It turns out that all local or territorial communities, usually former fiefs, no longer have, in fact, an autonomous power over the political power of the state. Even in regionalized or federal states, the power of intermediate communities is framed by the state. Therefore, it is difficult to accept that the federated states would be sovereign states in the true sense of the term. In the unitary states, this absolute political centralism is more obvious, the local collectivities having only an administrative vocation and the principle of free administration not questioning the political monopoly of the state. Centralism is therefore *tempered* by federalism, but it remains in the DNA of the modern state. This is why all federal states are evolving towards forms of centralization and unification of power, even those originally conceived as federal, such as the United States, which has rightly been said to be gradually turning into the United States.

The centralization of power implies the establishment of a direct political and legal connection between the state and its subjects. The liberation of dependent peasants creates this premise, because the central power (monarch or collective government) eliminates (at least partially) from the vertical structure of the exercise of power the intermediate level of feudal seniors, building a new category of subjects directly dependent on it. This direct connection between the state and the citizen is ideal-typical for the modern constitution. But this direct dependence sometimes means that the protection provided by intermediate levels is removed. It is the reason why the fact that the power of modern states is by nature centralist results from the need to structure it vertically in order to guarantee the freedom. The vertical separation of powers is, in turn, ideal for this type of state. Consequently, a state that does not know one way or another of a ‹‹ vertical ›› separation of power, to share it between a center and some peripheries, in order to guarantee the freedoms of the citizens located in these peripheries, is not a modern state.

6. *The modern constitution organizes a power of arbitration*

In the process of centralizing the power during the transition from the medieval to the modern constitution, one of the privileged means used by monarchs was the centralization of justice in its own competence or in the competence of the royal courts. In addition to the effect of the centralization of political power, this process results in its contamination with one of the fundamental features of the jurisdiction: its character as a power of arbitration. The fact that even today some heads of state have this type of power, in regimes in which they no longer govern directly, is due to the epoch in which the heads of state cumulated the political and judiciary power. Their power of arbitration places them in a position of neutral power or, as Montesquieu said about the judiciary power, "somewhat null" (Montesquieu, *De l'Esprit des Lois*, L. XI, Ch. 6.). Their power is impartial and negative, in the sense that they exercise only a power to prevent, not a politically active one.

But the contamination goes much further: the power of the modern state as a whole is considered to be one of arbitration between social forces. In order to be, therefore, in the presence of the modern state as a sovereign power, it must not be possible for this power to be exercised by any social group in its own name. The state of a class, an ethnicity, a race, and so on, is no longer a state. Only the equidistance from the social forces, which does not allow any of them to ‹‹ confiscate ›› the sovereignty, makes the state exist as a sovereign power. It is another reason why in the ideal-type of the modern constitution must be a provision forbidding groups from exercising sovereignty in their own name.

7**.** *The modern constitution organizes a temporal power*

The Middle Ages were characterized by two tendencies to unite the temporal power and the spiritual power: the one promoted by the papacy and the one promoted by the Holy Roman Empire. The modern state is being built in Western Europe on the basis of the denial of these two claims. Against the papacy, the absolute monarchs used two fundamental ideas: the king is independent of the Pope in terms of temporal problems (not about saving souls, but life in this world) and the power of the Pope is limited to holy canons, ideas that contradict the papal doctrine that it had been clearly formulated by the bubbles *Augusta, fili* (1301) and *UnamSanctum* (1302): the power of the Pope is

double, spiritual and temporal, because the temporal power is subject to the spiritual due to the need to save souls.

From this denial of the unity of the temporal and spiritual, the modern constitutionalism derives several principles that will become ideal-typical for the modern constitutions: 1) the separation of state and churches, which implies that churches cannot have a political role, that the state cannot interferes in the organization and functioning of cults and that it is equidistant from them, 2) the religious freedom, which implies that the state cannot impose any religion or atheism on its vassals and that the practice or non-practice of a religion cannot be legally connected, which is transposed in the inclusion of religion in the enumeration of the criteria of non-discrimination and 3) the separation of the legal from the moral doctrines.

The second form of unity of temporal and spiritual power, promoted by the Holy German- Roman Empire, was based on a metaphysical conception, which involved (in addition to the unity of laic and priestly power in the person of the Emperor, who was the Pope's competitor) the subordination the whole reality towards a single principle and the whole humanity towards a single center of power. The German-Roman Emperor did not conceive of himself as a monarch among others, but as the only legitimate holder of power, who must rule over the whole world, to be *Dominusmundi*. His laws were not conceived as the laws of a state, but as the laws of humanity as a whole, applicable to all men, which meant that the German-Roman Emperor was conceived as *Dominusuniversalis*. He claimed that he ruled independently of the passage of time, for *millennia*, that his power ruled not only the space but also the time.

The modern states are built by denying these Universalist claims. First of all, the legitimacy of the power of modern states no longer results from any metaphysics of religious or laic power, but from the use of law as the foundation of any state action. The *legitimacy* in modern states ultimately refers to *legality*, because, as Max Weber stated, "the [people's] willingness to submit to formally correct and customary prescriptions" has become "the most followed form of legitimacy." (Weber, 1995: 72.). The fact that the laws replace the sacrum as a form of legitimation of power is transposed into the transformation of obedience to the laws into a ‹‹ faith ››. People *believe* in the laws as they believed in God. The modernity begins when this belief is generalized and ends when it no longer exists. Here is what the author of a repertoire of definitions of the legal terms stated in the twelfth century: "There are holy things that are human, and these are the laws; there are other holy things that are divine and these are those that belong to the Church. And among the priests, some are divine priests, like the servants of the altars, others are human priests, like magistrates, who are called priests because they spread holy things, that is, the laws." (*Pétri Exceptionum appendices*, I, 95, ed. H. Fitting, Juristische Schriften des früheren Mittelalters, Halle, 1876: 164, quoted from Kantorowicz, 1995: 17). But, like any faith, the faith in the legitimacy of laws can degenerate. The modernity ends with the generalization of this degeneration, which translates into the ‹‹ mastery ›› of the legal over the social, in the idea that the law is ‹‹ the master, as the feudal nobles were the masters, in the idea that the use of law is the solution to any problem. From the point of view of the subjects, the modernity ends when people come to consider freedom "as a source of inequality and insecurity" (Henry, 1977: 1209), when they are more interested in security than freedom and, consequently, allow in normative form which would never have allowed a personalized power.

The modern states no longer have universality claims. Their power is applicable

to a particular community, not to all of humanity. The ideal legal community is, for modern constitutionalism, the ‹‹ nation ››. Consequently, the modern state is a nation-state. This preference for the nation is due, conjuncturally speaking, to the desire of the French and English monarchs to become autonomous from the German-Roman Empire, but also to a profound movement, situated at the level of the evolution of knowledge. The modernity changes the way in which the reality is approached in order to be known and, starting from here, the way in which the society is governed. If the domination of metaphysics in the field of knowledge (which presupposed that we must discover the unique, sovereign principle that explains the whole reality) inevitably led to the attempt to subsume all people to a single government, with the imposition of scientific knowledge (discovering various laws for various spheres of reality: laws of physics, different from chemistry, biology, and so on), a new type of relation of man to reality, science is established, and politics is forced to relativize itself (Kantorowicz, 1995: 5-22).

The new way of understanding requires that each human group that has a certain internal cohesion (such as spheres of scientific knowledge), which differentiates it from other human groups (ethnic, linguistic, religious, cultural cohesion, and so on) and thus transforms it into a collective being (the nation), to govern itself by its own laws and, therefore, to build a particular political system. Against imperial political universalism, the modernity promotes national particularism. On the other hand, the new states no longer claim to dominate time, but are more modest, thinking of power as *secular*, not *millennial*. The secularization of power in the modern age is built not only against the claims of power to distribute the salvation of souls on earth, but also against the perpetual character of a certain form of power. The power of the modern state is ‹‹ temporal ›› in the sense that it is limited in time. The modern human group can decide at any time to offer another form of self-organization.

8. *General conclusions*

The general conclusions of the previous considerations are based on the methodology. First of all, it should be noted that when we operate a historical contextualization of a normative object of study, as in this case the ‹‹ constitution ››, this contextualization should not be confused with a ‹‹ concretization ››, which would place the analysis in the field of ‹‹ what it is ››, but, on the contrary, it means maintaining the analysis in the field of ‹‹ what it must be ›› and it means ‹‹ building ›› a context. Second of all, the contextualization does not mean the prevalence of the objective social environment in relation to legal norms, but, on the contrary, it provides the premise for the right to remain normative in the conditions of objective social evolutions that constantly try to escape them. Thus viewed, the historical contextualization of law does not mean the objective analysis of the history of legal systems, but the construction of a ‹‹ grid of analysis ››, which we can apply, retrospectively and prescriptively, to the history of law, in order to (re) construct the context of imposing a legal ideal-type and to determine the extent to which it is necessary to maintain the legal reality within the framework prescribed by it. Third of all, the use of the ideal-type represents a paradigm shift because it is not considered a fixed framework of evaluation, but an evolutionary one. The ideal-type of the modern constitution is not a reality, but a process.

The method by which the ideal-type is created is referred to by generalizing the data. The ideal-type is "a mental image obtained [...] by utopian rationalization" (Grosclaude, *Introduction* to Max Weber's work, 1986. The citation is made after the

digitized edition in e-pub format, which is why the page cannot be indicated), that is, through a form of rationalization that involves the establishment of ideal principles, which represent ‹‹ guidelines ›› that help us to make intelligible a set of phenomena that are actually diffuse, confusing, sometimes irrational. The ideal-type ‹‹ modern constitution ››, which has been outlined above, does not exist as such in reality, but it is only an instrument for evaluating the constitutions actually in force in the various states that seek to be modern states. The ideal-type is, in this particular way, *normative*. It shows us *how a constitution must be built for the state it organizes to become modern*. It remains normative only as long as the need to eliminate the undesirable features of the model by opposition to which the ideal-type was built persists.

The ideal-type is always chosen as a reference for the concrete reality in an ideological way, because it is formed "unilaterally emphasizing one or more points of view and linking a multitude of isolated, diffuse and discrete phenomena, which we sometimes encounter in large numbers, sometimes in small numbers, sometimes not at all, which we order according to the mentioned points of view, chosen unilaterally, in order to form a homogeneous picture of thinking." (Weber, 1965: 81) A change of ideological perspective leads, therefore, to a change of ideal-type. The modern constitution, as we have outlined above, is therefore not the ‹‹ ideal ›› constitution and is not a form of constitution applicable to all cultural spaces. It has been and remains dependent on a cultural context, absolutely necessary to avoid constitutional imperialism, in the name of which a particular form of constitution would claim to be universalized. This type of contextualization will be the subject of the next study.

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The Hungarian Soviet Republic of 1919 and the Romanian Intervention. A Historiographical Analysis

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Abstract
The article reveals the moment and the implications of the Romanian intervention in Hungary, in 1919, after the proclamation of the Soviet Hungarian Republic, under the leadership of Bela Kun, an advocate and journalist with Jewish-Hungarian origin, born in 1886, at Cehu Silvaniei, then in Austria-Hungary, today in Romania. The issue was presented in the historiography with multiple senses. Romanian intervention was seen by the contemporaries as a defensive action of Romania to impose the decisions of December 1-st 1918 of Alba Iulia. Hungarian republican troops refused to retreat according to the international agreements on the Franchet D(Esperey Line. After Bela Kun seized power as a Bolshevik internationalist leader, on March, 21 1919, the great powers had seen an immediate danger for extending the Communism from Soviet Russia which was in the Civil War. For Romania, the attitude of Bela Kun was seen as a threat regarding Transylvania, because Bela Kun refused to admit the historical rights of Romania and declared war on Romania, on April 16, 1919. Romania succeeded to have Banat under complete Romanian administration on August 3, 1919, when Romanian troops entered in Timisoara. Romanian campaign in Hungary, started on passing Tisa on July 24 1919, had a double asset, as the researchers considered: on the main side, a communist government in Central Europe could be dismissed, on the other side; Romania could have more rights when the Treaty with Hungary will be signed. On August 4, 1919, Romanian Army entered in Budapest. After 1989, the Romanian Campaign from 1919 was seen as the first successfully anti-communist military action in Europe after the collapse of the democratic forces help against Russian Bolsheviks in 1921. Hungarian communists and also Romanian communists who respected Moscow political line considered the Romanian campaign as an "imperialist aggression".

Keywords: *Austria-Hungary dissolution; Bela Kun; Romanian Army intervention; Soviet Republic of Hungary; Communist revolution; Bolshevik agitations.*

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The moment of the victorious campaign of Romania in Hungary, in 1919, was treated differently in historiography. Regardless the pros and cons, this military intervention was justified by the international situation of the moment. Romania interfered due to the fact that it was directly threatened by Bela Kun, through his declarations and propaganda. The regime of Bela Kun was not one based on realism, this being the reason for not finding support, not even in his own country. Moscow used the failure of Bela Kun to show that where there is no consistency, "the class enemy" cannot be defeated. Romania acted in agreement with the allied powers. There was tried the accreditation of the idea that Romania would have tried to support the extremist right regime of Miklos Horthy, because it joined the fascist and Nazi ideology in the last decade of the inter-war period, after the European ascension of the Nazi Germany.

Romania lost territories in the summer of 1940, because of the incapacity displayed by the generation of politicians after the Great Union, who did not know how to create an efficient diplomacy, as that of their predecessors who had accomplished the Union and the Independence from the 19th century. Moreover, neither were the states as France or Great Britain too interested in having a decisive policy in the Balkans, allowing the Soviet Russia, Germany and Italy to launch themselves in a revisionist and revanchist policy, on the background of the appeasement towards Germany.

Bela Kun, Roza Luxemburg, Karl Liebnecht were the exponents of a type of revolutionary politicians that almost had not overcome the idea of anarchism. They were regarded by the communist leaders from Moscow as pawns of an experiment that was announcing the instauration of a new regime in Europe and in the rest of the world. The fact that Bela Kun and other communist leaders ended executed by Stalin, showed that their failure transformed them in the "guilty-by-default" ones, because the communist regime preferred the execution of the scapegoats instead of analysing its own weaknesses, this representing, in the communist vision, a kind of betrayal of the class ideology.

Introduction

Last year, there was registered the passing of a century from the moment the Romanian Army put an end to the Bolshevik regime of Bela Kun. The event was considered by the Romanian historiography, as expected, a necessary victory that consecrated the historic right of Romania on Transylvania, regulated and acknowledged officially through the Treaty of Trianon from the 4th of June 1920. The Hungarians have regarded this action as the compelling, coming from the Romanian side, of the agreements from the Peace Conferences of Paris, which were being carried out, meaning that, in the moment of the 1919 campaign, the Romanian Army entered where it did not have the right to do it, nonetheless. Yet, from the point of view of the treaties, in 1919, Romania had not reached an agreement with Hungary, where the legitimate government, installed after the collapse of the dualist regime, had been removed by the Bolshevik. It goes without saying that, both the legitimate government, circumstantial pro-Entente, and the revolutionary, by definition Bolshevik, had their plans on addressing Transylvania, and they were against the legitimate aspirations of Romania.

Moreover, the Bolshevik regime from Budapest had been installed, under the circumstances that were displaying the fact that the occidental democratic states were involved in the Civil War from Russia, where they were supporting the forces of Mensheviks and the Esers against the Red Army, made of the Bolsheviks grouped

around Lenin and Trotsky. Russia had left World War I in 1918 and was not participating to the Peace Conference. The Bolshevik government from Budapest had removed the government that had to participate to the Peace Conferences, thus, the crisis from Budapest could not be covered by the force of the international treaties. The occidental states did not have a legal foundation to interfere, owing to the fact that they not directly affected by the previous events from Budapest. Poland and Czechoslovakia became states, thus, it was difficult for these entities to intervene. Romania was an independent state in full process of accomplishing its territorial unification. This precise aspect was used by Ionel Brătianu, who was participating to some fearsome negotiations with the Peace Instance from Paris. Ionel Brătianu, Alexandru Vaida-Voevod and other people knew they had a leverage and it was called the nolens-volens circumstance, Romania was a winning state after it had declared war to the Central Powers on the 10th of November 1918, a day before the Armistice of Compiegne.

The strategical componence of the campaign was not considered in detail. Nor was the calendar evolution of the events insisted upon, due to the fact that the purpose of the present article was not to do it. The article intends the historiographic analysis of an event that took place a little over a century ago, along with its consequences.

The force of the law or *the law of the force*?

Nevertheless, what was the movement of Bela Kun representing and what was the signification of a Bolshevik republic in the Central Europe? It should not be forgotten that, in Germany, the "Spartacus League" movement generated a revolution in November 1918, the hostilities lasting until 1919. Hungary had also started to move on the same route, while the Bolsheviks, in Russia, were continuing against "the white" and their western allies successfully.

Thus, the Bolshevik danger from Russia had the potential of extending, due to the fact that Trotsky was planning a world revolution, in which the workers would live without the states. Basically, the situation from Hungary was similar to the case when the danger should be removed using a side participant. Ionel Brătianu said that when he participated to the Council of the Allies that "*Romania was the first ally state to fight the Bolsheviks*" (Spector, 1995: 107).

The historians that accuse Romania of having used the "law of force" in 1919 pretend to not see the fact that the winning states could not interfere through "the force of law", and Romania was the only one capable of doing it, precisely because it was the only one menaced by the Bolshevik republic from Budapest. Romania had observed the recommendations of not going beyond the Franchet d'Esperey line, for the Hungarian troops of the legitimate government to retreat, even if the Assembly of Alba Iulia had offered the *de facto* leadership of Transylvania to a Romanian Ruling Council (Constantinescu, 1971: 301; Spector, 1995: 108, 109), which had to make a peaceful transition of the power, from the former dualist authorities to the Romanian ones.

After the intervention of the Romanian Army, the Allies also took a stand, a fact that justifies the Romanian action. It is a fact acknowledged by Rado Șandor too, the well-known Soviet spy from World War II, himself a Hungarian Bolshevik activist, under the regime of Bela Kun, then the Soviet spy, working under the pseudonyms "Dora" and "Albert". This is what Rado Șandor was remembering about the intervention of the Romanian Army: "*The bourgeoise armies unleashed the offensive against the Hungarian Republic of the Councils, few weeks after it had been constituted. The*

intervention had begun. The first troops that started to move were the ones from Transylvania, the troops of the estate-owning Romania. Starting from Yugoslavia, the French occupied the cities next to the border; then, the Czechoslovakian army, a recently constituted bourgeoise state, began the attack, also under the French (and Italian) command" (Rado, 1974: 40).

The situation from Budapest, in 1919, seen from historiographic perspective

There are Hungarian historians, as Albert Kaas and Fedor de Lazarovics, who show that the Bolshevik regime from Budapest "had been dressed in nationalist clothing", a circumstantial one, (which meant that Bela Kun would not have tolerated the belonging of Transylvania to Romania), dreaming on a world revolution. Nonetheless, this thesis of the world revolution was menacing Romania directly, which Buharin was later considering "an imperialist state and the dungeon of the peoples". Thus, during the entire month of April in 1919, it had become obvious the fact that the government from Budapest, owing to "the situation", was moving on to military preparation: "*the situation was requiring the creation of an army, and, for this purpose, the communists had to be dressed in nationalist clothing, which they abandoned the moment they did not need it anymore*" (Kaas &Lazarovics, 1931: 171).

The violent change of the regime from Budapest, with a Bolshevik one, illegitimate, was representing a potential danger for Europe. The extreme-right movements were still in an incipient phase, because Europe was recovering after the war, and, until the Great Depression from 1929, there was a decade more to go. Romania was directly menaced by the change from Budapest. The historian Ioan Scurtu affirms that: "*The communist government from Budapest – acting by mutual consent with the Bolshevik one from Moscow – refused to retreat its troops from Transylvania and attacked the Romania army, from Apuseni mountains*" (Scurtu, 2007: 60).

The historian from Oradea, Gabriel Moisa, referring to the Bolshevik actions from Bihor County, notes the manner in which they were counteracted by the Romanian general Gheorghe Mărdărescu: "*On the 12th of June 1919, the commander of the troops from Transylvania, general Gheorghe Mărdărescu, was drawing the attention to the Police department from the city of Oradea, that, in the city, there is, most likely, a group of people who were adhering to the communist ideas that spread fake information about the Romanian army and the formation of the Romanian administration, information that has an obvious impact on the Magyar and Jewish population from that city. General Mărdărescu requested that the group to be identified, arrested and sent before the Martial Court. A week later, the Police was answering general Mărdărescu, underlining that the individuals are the same that the police had arrested repeatedly in the past, but the Commandant's Office had always sent them free. The solution offered by the police department of the city for stopping the communist propaganda was their arresting and hospitalisation*" (Moisa, 2016: 42).

"The Spanish influenza", called in this manner because only the Spanish press was mentioning it (Spain was not involved in the world war) led to the death of 100 million people, which was basically the same number of victims that the war had produced on the battle fields.

In Europe, "the roaring twenties" were beginning, the world was starting to feel the taste of peace. There had been created a manpower void, and the employers were trying to take advantage of it, while the workers, influenced by the socialist and

communist manner of thinking, had become more active, especially due to the fact that they were coming from the front, having military training and being influenced by the military organisation. Germany, Italy, Spain were starting to experience the wave of right nationalism, provoked by the economic shortcomings that increased after the beginning of the Great Depression (1929-1933).

Thus, Romania was the only one able to act through the "force of law" and Ionel Brătianu, along with the leaders of the winning powers, was aware of. Ionel Brătianu declared at Sibiu, in 1919, that "*today, the Romanian soldiers (…) have protected the European civilisation against the destructive wave of Bolshevism*" (Spector, 1995: 208). Although some historians try to minimise the role of the Bolshevik danger for Romania, they also acknowledge that Bela Kun was popular amongst the *Romanian* socialist and Bolshevik sympathisers from Transylvania (Mireanu, 2019:24). Keith Hitchins noted that the Romanian Socialist Party from Hungary was affirming that Romania was a reactionary state and it was asking the Romanian peasants, in 1918, to oppose against the Union with Romania (Hitchins, 1983: 221). In 1919, the same party qualified the actions of Romania as "*a criminal act, set in motion by an imperialist army*" (Hitchins, 1983: 221).

Gabriel Moisa studied the archives from Bihor and notes the manner in which the followers of Bela Kun were endangering the order installed by the Romanian authorities, before the beginning of the military action of Romania against the regime of Bela Kun: "*On the 13th of June 1919, a new note coming from the Commandment of the Romanian troops from Transylvania, sent to the Commandment's Office, and from there to the Police Department from Oradea, was asking him to stop the Bolshevik propaganda through films. At the city cinemas, there were still shown films from the Bolshevik period. Any cinematographic show was forbidden until it would obtain the agreement of the 4th Division of Oradea, for demonstrating the film. The note was sent as a consequence of the fact that there was information according to which the Hungarian Bolsheviks were preparing an intense Bolshevik propaganda through "cinematographic films" that they would send from Budapest. The most important reason was offered by the apparition, in a magazine from Budapest called Köpes Mozvslag (The world of films) of an article, The Literature of the Proletarian Films, in which there were mentioned the new films that would replace the old capitalism films from the cinemas*" (Moisa, 2016: 42) .

The propaganda of Bela Kun was done inclusively through the distribution of Bolshevik works or manifestos:

"*There was also insisted on an increases attention given to other types of Bolshevik propaganda, written or of any other nature. There was important a series of leaflets published at Moscow in Romanian, under the supervision of a communist committee led by Alexandru Nicolau. Among them there was: A Year of Revolution, author Alexandru Nicolau, Whose Land Is This, author Bela Kun, The Communist Platform, author Bucko, The Constitution, author Lenin, The Red Army, author Trotsky. This group also printed manifestos in the Romanian language, which could be thrown from a plane by the communist power from Budapest. The third point of the note from the 13th of June 1919 was requesting an increase attention of the police from Oradea for the eventual identification of three members of the communist group from Kiev, led by Cristian Rakovsky, who could have been hiding in Oradea since the times of the Bolshevik regime*" (Moisa, 2016: 42)

In the communist period, the subject of the Romanian military section, entirely justified in 1919, was completely passed over in silence. In the Romanian communist historiography, there was mentioned: "*The revolutionary enthusiasm of the masses, the consolidation of the working class movement (...) contributed to the tightening of the Romanian, German, Magyar, and other nationality workers brotherhood relation, in their fight against the reactionary regime (...) in order to obtain equal rights for all, regardless their nationality*" (Constantinescu, 1971: 304)."

In *The History of the Romanians* treaties, the historians Valeriu Florin Dobrinescu and Constantin Botoran assert that General Bandholtz, sent by the allies, misappropriated the truth on the Romanian troops and their actions from Hungary, in order to appear agreeable before the Magyar diaspora from the USA:

"*Not only did the Romanian troops, present in Hungary, choose to not set about to useless acts of repercussion or revenge, but they got involved, without any reservation, in the effort of re-establish the situation (...). Considering all this decent type of behaviour, also evidenced by the Magyar authorities, Romania had to endure the evident hostile attitude of some of the diplomats (...). By distorting the truth (...), in the wish of pleasing the Hungarian friends, General Bandholtz proved to be dishonest to his comrades...*" (Botoran&Dobrinescu, 2003: 19).

Today, there are historians considering that useless, because it would have encouraged the social inequity, and did not produce beneficial social transformations. The author excludes completely the just idea of Romania defending its national interest in this conflict: "*The war between Romanian and Hungary was not a heroic expedition for the saving of the country. It was not a crusade against the former oppressors who did not acknowledge the ancestral national rights of the Romanians. It was neither an operation to save Hungary and Europe from the claws of a despotic and criminal regime. It was a war rather similar to the ones from the past century: a clash between martial costly machines, led by generals that were living a luxurious life, and operated by soldiers who barely had any food. It was a war in which the politicians were inciting people to kill each other for abstract and poetically enounced ideals, who served only the further enriching of the already rich and to further ruin the already poor. It was a war that did not improve at all the social condition of those who fought it, but, on the other hand, made them hate each other. And finally, it was a war in which the enemy was permanently transformed into the "absolute evil", which had to be humiliated and destroyed (...). And, presumably, through such political friendships, over a hundred years from now, we would celebrate something else than an ineffective war*" (Mireanu, 2019:39).

Bela Kun and the temptation of a new "Anabasis"

We chose the syntagma of the subtitle, in order to illustrate, as accurate as possible, the actions of Bela Kun. Similar to "*The Expedition of the 10,000*" in the Antiquity, in which the Greek had to retreat from the northern Mesopotamia towards the Black Sea by the force of hazard, the Bolshevik Bela Kun chose to generate the revolutionary movement without any real support, because in Russia, the Civil War was continuing and the regime from the Soviet Russia could not offer him any support (Hajdu, 1979: 145). Bela Kun was a Trotsky supporter, an internationalist, and the revolutionary internationalism did not have any visibility in the concept expressed by the regime from Moscow, in the form that Trosky was dreaming of. Bela Kun was an opportunist. He enlisted as a volunteer, as a non-commissioned officer (unterofizier) in

the Austro-Hungarian Army from Cluj. He was sent to Galicia, where he distinguished himself on the front, becoming an officer. Being taken prisoner by the Russians, confined in the Camp from Tomsk, he adhered to the Bolshevik ideas, trying to take advantage, for his personal interest, on the Bolshevik's money. It was his ambitious nature and his opportunism that assured him, in Lenin's view, the quality of clandestine activist for Hungary, being sent there, although it was well known the fact that he took illegal possession of money belonging to the Communist Party, a deed for which he could have been executed without a trial.

On the 2nd of August 1919, Bela Kun was already in an armoured train towards Vienna, where, along with his similar-ideas comrades stayed in a camp, from where he was expelled in the Soviet Russia, in July 1920, when Austria exchanged prisoners with Russia. Then, along Bela Kun, there were expelled 414 communists.

In his last speech delivered in Hungary, Bela Kun was expressing his disappointment towards the attitude of the Magyar proletariat, who would have supposedly betrayed themselves: "*The Hungarian proletariat betrayed not their leaders but itself. [...] If there had been, in Hungary, a proletariat with the consciousness of the dictatorship of the proletariat, it would not collapse in this way [...] I would have liked to see the proletariat fighting on the barricades declaring that it would rather die than give up power. [...] The proletariat which continued to shout in factories, 'Down with the dictatorship of the proletariat', will be even less satisfied with any future government*" (Tokes, 1967: 112).

There was considered that the regime of Bela Kun fell not only because of the external intervention, but also due to the internal weaknesses of the regime. Obviously, a regime falls, primarily, when it is weak internally, nonetheless, there is a certitude saying that the foreign intervention had a decisive role, contrary to what the Italian diplomat says: "*Whereas the "dictatorship of the proletariat" could be proclaimed as a result of international political events which weighed heavily on the whole affair, the fall of "the Republic of Councils" did not occur because of the intervention of the reactionary circles of the Entente or of the "White" Hungarian counter- revolution (as a Communist legend maintains and is still affirmed by some partisan historians), but because of its inherent weaknesses, the consequence of its internal, social and economic policies*" (Indelicato, 2017).

Bela Kun remained a misfit. After he became member of the Comintern, he received the Soviet citizenship and the quality of member of the Communist Party, Bela Kun decided to continue his illusory international plans. In the universal historiography, there was considered that Bela Kun wanted that "*the European proletariat to prevent the attack against Hungary by the bourgeoisie from the origin country, and, thus, to extend the basis of the social revolution in Europe*", as the historian Alfred Low asserts (Low, 1971: 138).

An Italian article reads that Bela Kun had intended, idealistically, to create at Budapest what the Bolsheviks had succeeded at Moscow:

"*Soon after that Béla Kun went back to Hungary, where his mission and firm int ention was to repeat the feat that had been accomplished by the Bolsheviks in Russia. He was sure that, armed with "Marxist science" and following the example of Lenin, he wo uld seize power, not for himself but for the whole proletariat. The same day of his return to Budapest, the Republic was proclaimed (...). At that time, he did not yet have a strong Communist Party behind him. But he did not see that as a problem: in November of the previous year Lenin himself could not rely on a large party either, and yet he had*

proved that to take power one did not need great battalions, just a group of decided men.

The party Kun had founded with few companions in Russia the previous March was officially relaunched eight days after his return to Budapest. The real difficulty consisted, if anything, in the numerical strength of the Socialists" (Indelicato, 2017).

As for his capacity of delivering speeches, historian Rudolf Tokes notes that, for the many, Bela Kun, was an exponent of the Marxism: *"Yesterday I heard Kun speak… it was an audacious, hateful, enthusiastic oratory. [...] He knows his audience and rules over them… Factory workers long at odds with the Social Democratic Party leaders, young intellectuals, teachers, doctors, lawyers, clerks who came to his room… meet Kun and Marxism*" (Tokes, 1967: 111,112).

Leo Trotsky, would declare, after the failure of the Hungarian Republic of the Councils, in a speech made in the Common Meeting of the Soviet from Moscow with the Syndicate Delegations, on the 26th of August 1919: "*The Soviet Hungary, installed over a 78 kilometres width, has fallen only temporary. But what does the area of 78 kilometres around Budapest signify, compared to the thousands of kilometres that we took for the Soviet Russia. To our comrades from Hungary, we say: wait, brothers, wait! Your patience shall be rewarded!*"

Later on, Bela Kun received the task or organising a putsch in the central Germany, where the mine workers were dissatisfied, but the putsch from the 27th of March 1921 was an equally painful failure, which led to Lenin, the leader of the Soviet Russia, labelling him as "politic irresponsible person".

Finally, after the purge of Trotsky, Bela Kun was arrested as a Trotsky adept, along with his family. He was executed in a working camp (from the Soviet Gulag), on the 29th of August 1938.

He was rehabilitated by Janos Kadar, after the Soviet intervention from 1956, against the Magyar Revolution led by Imre Nagy, because the Soviet regime needed at least a feeble connection between the Magyar activists and the Soviet ones. Yet, the truth about the death of Bela Kun was officially known after 1991, when the Soviet Union fell.

The "Bela Kun" episode and the faith of Romania in 1921-1958 period

There ought to be analysed the avatars of the Romanian intervention from 1919, in Transylvania, in the inter-war period. The Magyar communist activists did not forget the Romanian intervention from 1919, preserving a permanent desire of revenge. Unsurprisingly, Romania had the faith of the state that helped and its help was forgotten. The intervention of Romania helped the regime of Miklos Horthy to seize power and it is well-known that Horthy received a "slice of Transylvania", after the Vienna Award. The Horthyst atrocities from the North-Western Ardeal terrified the world after the 30th of August 1940.

If it is to return to year 1921, the moment when the Communist Party from Romania (PCdR) appeared, banished in April 1924, it becomes obvious that Bela Kun used his entire influence in nurturing the Magyar irredentism, along with the appointing in PCdR's top positions some communists who were not Romanians. The only Romanian leader was Gheorghe Cristescu-Plăpumarul (in the period 1921-1924), after which period the leadership of the Romanian communists was taken by the Magyar Elek Köblös, former member in the Red Guards from Hungary, in 1919, a carpenter born near

Tîrgu-Mureș, (Tănase, 2016: 121), between 1924 and 1927. Vitali Holostenco followed, an Ukrainian communist activist, who led between activist 1927 and 1931 (Frunză: 1990, 50), Alexander Ștefanski (a Polish communist from Warsaw, who led PCdR between 1931-1936), Boris Ștefanov (a Bulgarian ethnic from Dobruja, between1934-1940), Istvan Foriș (1940-1944, a Magyar ethnic, born in Romania). Thus, during the entire period of illegality, PCdR was led by communist who did not have Romanian origins.

After the 25th of October 1944 and until the 6th of March 1945, the North-Western Ardeal was administrated military by the Red Army, the returning to Romania being possible after the installation, on the 6th of March 1945 of Dr. Petru Groza Government.

The Magyar communists wanted to get Transylvania as compensation for the attitude Romania had displayed towards Hungary, in 1919, only that Stalin reproached them that the Magyars did not have an act similar to that from the 23rd of August 1944, that is, the communist Magyars had not overthrown the Horthy regime by force, as the Romanian had done with Ion Antonescu. Stalin was content with the founding, in 1952, of the Magyar Autonomous Region, as factor for pressing the Romanians.

Stalin hated Bela Kun for being a Trotskyist. The PCdR leaders who did not have Romanian origins - Vitali Holostenko, Elek Köblös, Alexander Ștefanski ended executed because they were Trotskyists, Istvan Foriș was eliminated from the nucleus formed around Gheorghe Gheorghiu Dej. Boris Ștefanov experienced a narrow escape, in 1940, after helping Gheorghi Dimitrov. Gheorghe Cristescu, the first Romanian communist leader of PCdR died in 1973.

In 1956, the Popular Romania supported the Soviet intervention in Hungary (in secret, many remembered the Romanian campaign from 1919), and Imre Nagy was arrested and confined at Snagov, in Romania, after he had sought refuge at the headquarters of the Yugoslavian Embassy from Bucharest, along with 38 communist Magyar activists and he was abducted by KGB. Imre Nagy was executed on the 16th of June 1958, in Hungary.

The Red Army retreated from Romania in 1958, and the Magyar Autonomous Mureș Region, which represented the reorganisation in 1960 of the Magyar Autonomous Region was abolished once with all the other regions in 1968.

Conclusions

What would have the faith of Romania looked like, if Bela Kun had renounced his internationalist vision and had abandoned the Trotskyist side of the Soviet ideology? It will remain an enigma, yet, we can notice that Bela Kun did not enjoy sympathy from the Trotskyist side either, and even less in the Stalinist group of the Moscow regime. The epuration of Leo Trotsky, through his exile at Alma Ata, then in Occident, and, finally, in Mexico, meant the removal of the group made of Zinoiev, Kamenev, Buharin, faithful to Lenin, and especially to Trotsky. Stalin had been chosen by Trotsky to become general secretary of the Communist Party because he was "*a hard-working mountaineer, resilient as a mule on the mountainous steep paths*". Apparently, his function was an irrelevant one, but Stalin, who had been a People's Commissary for Nationalities, knew how to bring everything to his own advantage.

Evidently, Bela Kun was a lawyer and a journalist with Marxist views, and Stalin was a former Orthodox seminary-school student, who had become a professional revolutionist. The unpardonable mistakes of Bela Kun affected his image before Lenin

and, consequently, before Stalin. Except for Gheorghe Cristescu-Plăpumaru and Boris Ștefanov, all the PCdR leaders were executed by Trotskyists.

Stalin rejected the Trotskyist internationalism. He considered useful to transform the Soviet Union into a force, in order to exercise the political influence through satellite governments. Stalin explained to Milovan Djilas that wherever the army of a state would go, there could be installed a political system, similar to that of the state that sent the army. Stalin knew that he would need the help of the capitalist powers, in the eventuality of a major conflict, this being the reason for not wishing to affect their integrity by exporting revolutions. It did not mean that he avoided initiating a vast espionage web in these states, trying to find their secrets. After World War II, Stalin gained half of Europe, imposing communist regimes. Later, communist regimes were also installed in states from Africa, Asia, Middle East, Latin America. The Trotskyism took the final strike after the assassination of Trotsky in Mexico, in 1940.

The attitude of Romania from the summer of 1919 brought it the right to own the control over the situation, when signing the Treaty of Trianon, on the 4th of June 1920, when Hungary had to acknowledge the union of Transylvania with Romania.

Little over a century after this campaign, the attitude of Romania as confronted to the regime imposed by Bela Kun is entirely justified. Bela Kun, menacing the integrity of the Romanian state, had initiated subversive actions against the natural order. Bela Kun followed without reasoning the indications from Moscow. The fact that Romania suffered more from the actions initiated by Miklos Horthy than from those of the Magyar communists generated the situation in which Bela Kun lost his credibility before his supporters from Moscow. The failure from Germany showed that Bela Kun was a reality disconnected politician. It was the worth of Ionel Brătianu, and the Romanian Army too, that unravelled the portray of an idealist irredentist, Bela Kun the Trotskyist communist, a politician lacking the sense of reality, but dangerous for his country, Hungary, too, not only for Romania.

Perhaps that it was exactly his incapacity to leave a consistent mark in the history of the world communism made Romania unable to bear even greater difficulties from Moscow, although there were voices that would punish Romania for removing him, in the inter-war period, and also after 1947, when the communism installed completely in the half East of Europe.

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The Theodorian Carada' s Memorandum and the activity of Nunziatura Apostolica Wienn in Romania during 1918

Marian Zidaru[1]

Abstract

On 12 December 1917, Archbishop of Bucharest, Raymond Netzhaummer, sent a report to Teodoro Valfre di Bonzo, Nuncio of Austria-Hungary which includes a Memorandum of Theodorian Carada a Romanian fervent Catholique. This Memorandum contained a proposal, in fact, a plan of action, in which he advised the Holy See to profit of the situation of Romania and realize the union of the Catholic Church and the Orthodox Church. In this article, we present the Theodorian Carada' s Memorandum and the attempt of Nunziatura Apostolica Wienn to realize the union of Romanian Orthodox Church with the Vatican during 1918.

Keywords: *Raymond Netzhaummer;Theodorian Carada; Memorandum; Romania; Vatican.*

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Introduction

On 12 December 1917, Archbishop of Bucharest, Raymond Netzhaummer, sent a report to Teodoro Valfre di Bonzo, Nuncio of Austria-Hungary which includes a Memorandum of Theodorian Carada a Romanian fervent Catholique. This Memorandum contained a proposal, in fact, a plan of action, in which he advised the Holy See to profit of the situation of Romania and realize the union of the Catholic Church and Orthodox Church.

Memorandum of Theodorian Carada (Mariu Theodorian Carada, 2018: 1)

According to Theodorian Carada, the Holy See has always been interested in Romania and Romanians. Unfortunately, precise information was almost always missing and they could not obtain the desired and possible results. Probably the next peace (The peace treaty of Buftea Bucharest, May 7th 1918.) presents the only opportunity for the Vatican to achieve Eastern Union. At the same time, it squeezed the best opportunity to make the Romanian union as well as to ensure the influence of Catholicism in Romania and among Romanians. Failure, it would have been a good thing to lose such an opportunity that probably will not be presented again, for centuries.

The Romanians were one of more than 10 million souls' people. More than 5 million lived in Romania, nearly 2 million lived in Bessarabia and the rest in Austria-Hungary. All are Eastern Christians. At the beginning of the eighteenth century, those who live in Transylvania left Schism and attached themselves to Rome. Unfortunately, the Empress Marie Teresa of Austria ceded to the solicitations of the Empress Elisabeth of Russia and found a Schismatic Romanian episcopate in Transylvania. This episcopate brings back to Schism more than half of Romanians, subjects of Habsburg. The Emperor Francisc Joseph, badly advised to transform this bishopric into a privileged archiepiscopal church, at the head of which was a metropolitan, archbishop of Hermanstadt / and several bishops.

Thus, almost nothing has been reduced to the results produced by the directing of the archbishop of Blaj / Blasendorf, directly dependent on the Holy See, and having three suffrages bishoprics. This Romanian and Catholic Church, founded by Pius IX, would have attracted Romanians to Rome if the Emperor Francisc Joseph had not to create for Andrei Saguna(AstraRomână, 2010: 1), an apostolic catechist, the Schismatic archbishop of Hermanstadt mentioned above. At Ballplatz all these Orthodox Churches have been more or less, but all without exception, real red-haired agencies because they are Orthodox. Theodorian Carada believed that it will be necessary to think about remedying this state of affairs. The only remedy in his opinion was union, which the state, whatever it may be, may impose on an Orthodox Church, which was only a creation of the state and which makes itself a dogma of its submission to the laws of the State.

Theodorian Carada thought that it was for this reason that one could easily reach the union of the Church of Romania by an article of the peace treaty or by a Romania will accept the union if the reason of State demands it. Everything depends on the secret protocol. It is possible to be sure that all the bishopric of Austria who must produce this reason of state, proposing this question as one of the conditions of his future friendship for Romania.

Vasile Mangra (see EnciclopediaRomâniei, 2019: 1), the metropolitan of Hermannstadt was quite at the disposal of State, and if he really wanted it, he would be

the instrument of the movement in Austria-Hungary. According to Theodorian Carada in Romania it was even easier: the Orthodox Synod of Bucharest was not a model in the hands of power, whatever it may be. He would have introduced the Gregorian calendar from the year 1917 if the Russophiles and the unconscious people of Bucharest would have misled Marshal Mackensen into false information.

The moment would be favorable to return to this concession; it would be the first step towards union.

The Greek-Catholic in Transylvania immigrating to Romania. They increase the number of Schismatic since the Romanians hold with obstinacy to the Eastern rite. In the kingdom, there was only one united church. In this way, Catholics have lost fewer miles, subject to Austria-Hungary. It would be for them to achieve union in Romania.

If the union cannot be made, that is to say, if Austria-Hungary does not want to take care of this question by determining the conditions of the peace, at least it establishes Romanian-United churches wherever it is first need; or Catholics must take four churches in Bucharest, one in Jassy, Botosani, Focsani, Galati, Roman, Braila, Ploiesti, Campulung, Ramnicu-Valcea, Turnu Severin, Craiova, Constanta, Harsova, Tulcea, Babadag, Macin, Medjidie, Sulina and one in all the villages of Dobrudja, where the Greek-catholic were forced by the Romanian state to find Schismatic parishes. Two convents, one for basilicas monks and the other for nuns, should at the same time be given to the Greek-Catholic. Empty churches and convents are everywhere in Romania, and such a concession would not cost anyone.

For the charge of souls of all these Greek-Catholic, he would hear give to the Latin archbishop of Bucharest assistance in the person of an auxiliary bishop of Eastern rite. The Greek-Catholic organization of churches would be maintained by the state, as well as that of the orthodox. For the charge of souls of all these Greek-catholic, he would hear give to the Latin archbishop of Bucharest assistance in the person of an auxiliary bishop of Eastern rite. The Greek-Catholic organization of churches would be maintained by the state, as well as that of the orthodox. There were no Romanians of Latin rite. The villages of Moldova, which depends on the Jassy dike, was sheltered by a population of foreign of Romanized origin over time. Catholics living in cities were Germans, Hungarians, Italians, Poles, or French.

If there were converts in Romania, they were all but Oriental. TheodorianCarada knew only one who has obtained the necessary dispensation of Rome to pass to the Latin rite. Of Oriental rite are also all the Transylvanian women, the girls of whom populate the religions of Wallachia and Moldavia. Justice demands that one defend them, and they can be defended from schism only by the union of all the Greek-Catholic of Rumanian Churches, or in the establishment of the Greek-Catholic Church everywhere in Rumania. The Holy See should, therefore, submit this question to Austria, asking it to resolve it as required by its interest and historical mission, both of which prescribe the same course.

In Theodorian Carada's view, it would also be a good time to take care of Armenian communities in Romania to unite them. This will take place without fault if all the Rumanian churches join together; because the Armenians in Romania, fully Romanized, constitute only Romanian communities of the Gregorian rite. In this way, the Schism also disappeared in the Armenian Church of this kingdom.

Theodorian Carada believed that Union and Catholicism are the two pillars that will more surely speak of the Austro-Romanian friendship than the possession of the Carpathians' crest.The Romanian people united with Rome will be a more faithful ally of

Austria among all the Balkan people if they have forgotten well his defeasance of 1916, of which others are more responsible than him. The author of these memoirs was convinced of this, just as he was in 1913 because Bulgaria would not unite and not follow the policy desired by France. He communicated his opinion - in this quality of adversary of the intervention of Rumania in the Balkan conflict with the director of "Cross", which led in 1913 a champagne Bulgarophile and Romano phobic.

By the peace treaty - or by a concordat - the Roman Catholic Church of Romania should be recognized legal person/parishes, chapter and bishoprics /. Legally, the two bishoprics of Bucharest and Iasi, some parishes and religious congresses of the institute "St. Mary" were Romanian legal persons; but it would challenge them as much as possible. As the Paris Convention of 1856 treats the Catholics of the principalities in the same way as the Orthodox, and the existence of the Catholic hierarchy has been enshrined in the Berlin Treaty, without it being respected, it was necessary that the Catholic bishops be recognized by the powerful international treaty of the same right and privilege as the Orthodox, especially with regard to their right to sit in senate. Theodorian Carada proposed the two dioceses of Romania should be united. The archbishops of Bucharest, assisted by a vicar with character Episcopal at Jassy, would be perfectly adequate; this archbishop could also fill the charge of an apostolic legate, like that of Athens.

For concluding it would be of the first interest:

1. That Austria to imposes the Gregorian Calenderer on the Roman Churches of the Archdiocese of Blaj / Unite of Hermanstadt and Czernowitz / Unity, requesting that the same calendar be imposed on the Romanian Church of the Kingdom;

2. that Austria is strengthening herself, impose union with the archbishoprics of Hermanstadt and Czernowitz, who find themselves within the limits of her states.

If Austria were to fulfill these conditions, it would be necessary:

1-That the Latin archbishop of Bucharest be reconverted apostolic delegate;

2 that the Latin Church enjoys the same rights as the Eastern Church.

If the general union could not be done, it would be necessary:

1. that the Romanian State recognizes, at least in the Latin and Roman Catholic Church/bishopric, parishes, convents, the legal personality and the same rights which it has accorded to the Romanian autocephalous Church;

2. that the Romanian State cedes to the Greek-catholic Church four churches in Bucharest and one in each city provided for in this memorial, and two convents;

3. that the Romanian State recognizes the right to the eighteenth to bring back to the union the Greek-Catholic peasants of Transylvania emigrated to Dobrogea, where the State itself has given them schismatic priests.

In all these villages of the Dobrogea, a church at least must be given to them with all the rights of a real parish (Archivum Secretum Vaticanum.*December 12th, 1917*, 241-246.).

Memorandum of Raymond Netzhammer (Alexandrescu, 2007: 211-228.) **Catholic Archbishop of Bucharest addressed to the count Ottokar Czernin (**William L. Mathes. 1996: 205f) **Minister of Foreign Affairs of Austria –Hungary on January 27th, 1918**

In the beginning, Netzhammer wanted, to the undersigned Catholic Archbishop of Bucharest, can bestow the following matters, some of which are baptized on his own, but parts of a general nature.

The experience which the Catholic Church has mowed in Romania in the last decades suggests to the institute of the so-called English Miss / Mother House in Nymphenburg near Munich / Bucharest. Netzhammer sent the desires and demands which had to direct the reorganization of the conditions in Rumania to the Rumanian government. Netzhammer has briefly summarized these wishes and developments in the following points:

1. The state recognizes in unequivocal form as juridical persons with all their good ones both the Archbishopric Ordinaries in Bucharest by the Catholic Archbishop of Bucharest as the Bishop's Ordinaries in Jassy, represented by the Catholic Bishop of Jassy.

2. The Catholic Archbishop of Bucharest and the Bishop of Jassy, represented in the last instance, for their dioceses, the interests of all the Catholics in the cities and in the countryside.

3. The Catholic parishes in the country enjoy the same rights and privileges as those of the Orthodox Lander Church.

4. The Latin Church with its branches was reclaimed as a juridical person. Likewise, the Institute Notre Dame de Sion.

5 The state makes it easier for the Catholic Archbishop of Bucharest, the Catholic bishop of Jassy and the Catholic diocesan priests to acquire the Romanian state bureaucracy.

6. Catholic seminaries in Romania receive study regulations and regulations agreed between the government and the Catholic bishops.

7, In the countryside, the state prepares teachers of Roman Catholic confession at the colleges, which are mostly attended by Catholic children.

8: The Government ensures that one of the existing state Teacher Training Centers has a special section for the teaching of Catholic Teachers; or she is hosting the two Catholic bishops of Romania, a state-controlled teacher training college for the education of Catholic full-time teachers. The result of such an exhibition was the same rights as the rest of the country's elementary school teachers.

9. As teachers of the Catholic religion can be employed only those who are authorized as a catechist with Catholic diocesan bishop.

10. In the Catholic colleges in the countryside, which are mostly attended by students of non-Romanian nationality, the facultative teaching of reading and writing in the mothers' section of the children is juxtaposed with the Romanian curriculum.

11. Catholic children of state schools have to stay away from orthodox religious education and have themselves instructed by the authorized Catholic teacher of reformation who is entitled to give the religious note.

12. The private Catholic schools and charities pay no higher taxes than the public schools and charities of the state and the municipalities.

13. The Romanian government does not oppose any obstacle in the cities and in the countryside; Catholic believers are pasted in their mother tongue.

14. The Greek-Catholics in Rumania, that is to say, believers of Oriental rites / Romanians, Ruthenians, Armenians / who are united with the Romanesque chairs, and who are under the jurisdiction of the Catholic Bishops of Bucharest and Jassy, are considered Catholics and claim all the rights of the Catholics of the Latin Rites.

15. The Romanian state supports the two Catholic Ordinariates each year with 200,000 lei / 120,000 Bucharest and 80,000 Jassy / whose use the bishops render to the state every year. Netzhammer took the following explanations for these points:

ad. 1. The open recognition of the Catholic Ordinariate of Bucharest and Jassy as juridical persons cannot impose any obstacles on the Romanian state because they have often been recognized as juridical persons by the probate court. Then their belongings to the churches of Campulung and Ramnic-Valcea / Archdiocese of Bucharest, as well as those of CotenariHorlesti and Bacau / Diocese Jassy / for centuries, the Catholic character of the archdiocese Bucharest in the brochure: Caracterul juridic al arhiepiscopieicatolice din Bucuresti. Bucuresti 1916.

Despite the acknowledged juridical character of the Diocesan, the government of Bratianu at the outbreak of the war in August 1916 ordered not only the archbishop's boys' schools belonging to the ordinariate / against them / with a letter of 25 Sept 1916. The old Dioceses of Campulung and Ramnicu also protested -Valcea sequester.

ad 2. That the Roman Catholic bishops in Romania could and should represent all Catholic Church guards before the authorities based on their papal nominations.

ad3. In part, the Catholic parishes in the country, too, have hitherto enjoyed the same excitement as the parishes of the Orthodox Church in the countryside, at least with reference to the land ownership. Repeatedly narrowed but again their rights, especially in the Dobrudja.

ad4. The legal basis for the recognition of the Institute of the English Fraulein / Mother House in Nymphenburg near Munich / as a juridical person is that this consensual settlement in Bucharest existed before 1804. The juridical persons who had been in existence until then remained so even after 1864.

ad5. The Catholic of Romania, which pay between 150,000 and 200,000 seals, belong to different nationalities and only a little more than half of them have the Rumanian state citizen right. Citizen is the 80,000 Hungarian Catholics who practice agriculture in the two districts of Roman and Bacau, especially in Moldavia, the 3,000 Catholic Bulgarians who live near Bucharest in the villages of Cioplea and Popesti, and the 2,800 Swabians of Dobrudja. The rest of Catholics lived in the cities and were Austrians, Hungarians, Germans, Italians, Poles and other Slavs, and very few Frenchmen.

For the most part, the Catholic clergy know how to recruit themselves from the Roman Catholic; but because the candidates for the priesthood are not always Romanian citizens, it would be desirable if they could acquire the right to citizenship, found in foreign countries, and at least the possibility had to be left to them, as Diocesan priests, to obtain citizen right. The same applies to the two bishops of Bucharest and Jassy, who were invariably foreigners. If the bishops and a greater part of the diocesan priests are Romanian citizens, they would be able to exercise their authority, and the Roman Catholic Church would be less than ever regarded as a foreigner in the state and can be treated as a foreigner.

Ad 6. On the other hand, the state escaped the statistic inspection of the private schools in Bucharest, Jassy, and Halaucesti. On the other hand, Netzhamer claimed that they always resisted, on the grounds that the seminaries were religious institutes and that the state had first to agree its own regulations with the country's Catholic, according to which state inspections could find state. The Catholic Church obtained for itself the same right granted to the Moslem seminary in Medgidie / Dobrudja, by giving it some rules.

ad7. It was certainly only cheap that the state, if possible, at the elementary schools which are mostly attended by Catholic children. Teacher catholic denomination has to make: this must be demanded because according to the Romanian school

program, the teacher on the religious education issued and on the hand of the reading in which also many religiose pieces are submitted.

ad 10. It is an undeniable fact that the religion of a people under other people preserved as long as he does not leave his native language. The preservation of the national language of every Catholic people was therefore extremely important from the point of view of the Church. It was, therefore, to be urged that both the 80,000 Hungarians of Moldavia and the 3,000 Catholic Bulgarians in Bucharest and the 2,800 Catholic Germans in the Dobrogea. The opportunity was offered that the children can at least learn to read and write in the mother's book.

Ad 13 The ration had even taken it very badly when the Bulgarians Catholic of Cioplea had had some side-pieces of beds pressed.

Ad 14 A special eye-remember must have been thrown to the Greek-Catholic. In Bucharest lived probably more than 7000 Greek Catholic / Rumanians from Transylvania: these were mostly orthodoxy, which was favored by the Romanian government in every way. In 1900, when Netzhammer set up a separate church/church/building for the Greek-Catholic Romanians in Bucharest and set up pastoral care for them, he heard harsh rebuke on the part of the Minister-President Bratianu, who accused the Catholic Archbishop of Bucharest of driving a wedge into the uniform Rumanian nation in Romania as well. The state, however, must recognize and concede Greek-Catholic Rumania as different from orthodox Romania, which are built or acquired in those in the larger cities of Romania, and which have their own pastoral care for them.

Ad. 15 In the last years, the Catholic Church of Romania has been assisted by the foreign secretary with 66,000 lei / 25,000 archbishop of Bucharest 41,000 bishop of Jassy / year. In the wake of the church's great need, this annual subsidy had to be at least 200,000 lei.

Netzhammer pointed out that it was his desires, as the Catholic Archbishop of Bucharest, in the reorganization of state affairs in Rumania, which he was professionally concerned. Only a few of the mentioned points were mentioned by the Rumanians. Therefore, Netzhammer was confident that he was interested in advising the Catholic Church in Romania on the peace negotiations with the Rumanians and on the reorganization of this situation. He dares please especially because the Habsburg Monarchy was a major advocate for its cultural interests in Rumanian Catholic Church has.

In the Archbishops of Bucharest hands were the Hungarian and Hungarian private schools, in which the numerous children of the Romanians live in the East and in Hungary. It was with thanks that the monarchy gave Catholic Church important university degrees for the schools. But these will have to be further increased if they not only in Bucharest but also in the province have been able to stand up to the competition with the German Protestant schools and have won considerable wages of occupation and stardom.

Netzhammer believed the Austrian diplomats would have to pay particular attention to the fact that the stock of Catholic private schools is not overly threatened and that in no hall more hours in the Romanian language are born on them than was the case until then.

The Austro-Hungarian monarchy was to pay special attention to the united Romanian, which was from the Rumanian Greek Catholic rite/diocese of Transylvania / Blasendorf Oradea, Lugosch and Szamos-Ujvar / to Rumania and here enter into servant

concessions. It would primarily concern that these Romanians do not forget about their homeland Hungary and perish in the Orthodox Kingdom of Romania. They have to be closed by a cast. This was certainly possible in ecclesiastical fields.

In Bucharest, Netzhammer has built himself in the Polona street a Romanian-unified Basil Church, which provided evidence that the Greek-Catholic Church can be gathered in church, which was very well attended every Sunday for liturgy and preaching. If instruction and icing rooms were still to be built on the grounds of the church, it would be possible to assemble the children there at least for religious instruction and adults. Netzhammer, himself was not able to carry out this whole program so far, he did not have the means to do it, and for that, he also needed the support of the local Eastern-Hungarian authorities, of whom the church has been confessed since the existence of the church / 1909 / nobody and the same. An ice-bound unified church was not enough in the very extensive Bucharest, but it must have been about four, but they can hold their own in modest proportions. Netzhammer said, he had already bought and paid for a construction site for a second united church in Bucharest; it is said to be built following a first-ever catholic hospital.

In all of the larger Romanian cities, there were so many united that they could form independent parishes. With a large number of Orthodox churches, it might have been possible to assign a church to the Greek Catholic in each city.

Undoubtedly, it had to be a win if the Hungarian-Romanian -united element in Romania asserted itself and if this was seen as being contaminated by Romanian Orthodox elements. From sight, as the Greek Catholics are somewhat strengthened, they were given their own suffrage bishop, who managed the whole organization under the leadership of the Catholic Archbishop of Bucharest.

Of course, all this was only possible if Austria-Hungary does not oppose the campaign, but supports it is in every baptism of tat rafting. It had to be possible because it was only a question of Hungarians.It cannot be denied, and the war has recently proved that the orthodoxy, of all the Russian orthodoxy and each other who tends to him, was an enemy of the Habsburg monarchy. Netzhammer, therefore, believed that the monarchy must support all aspirations that are intended to prevent the advance of and outreach of orthodoxy. For this reason, too, the Greek Catholics in Rumanian must be defended and protected against the overpowering Orthodoxy monarchy should set up as much as possible a change of regime against the Russian Orthodoxies. One such Netzhammer saw in the implementation of the Gregorian calendar among the Greek Catholic and the Orthodox of the entire monarchy, and not only politically and bureaucratically, but from all to ecclesiastical. The possibility of implementing this measure simply lies in the fact that the calendar question was not a church but a star. The state had introduced the Julian calendar in the Roman Empire, and the Gregorian calendar reform gradually received recognition and acceptance from individual countries. No dogma and no canons of the Oriental Church oppose the acceptance of the Gregorian calendar. The state can decree skipping of 13 days without difficulty at a suitable time, in which no great festivals and no, church fasting fall; then the rest of the calendar remains completely unchanged and the Easter calculation does not undergo any change contrary to the doctrine of the Church.

If the Orientals of the monarchy no longer celebrate the church festivals on the same days as the Russians, one of the most important points of contact with the Russian Church falls away; it was probably delicious, the Russian church was gone; It was well

known that the Russian Church will follow the civil introduction of the Gregorian calendar by the revolutionaries.

The German military administration in Rumania had publicly decried the introduction of the Gregorian calendar in the Romanian Orthodox state church during the year 1917, but it was said that the measure was not taken after Mr. P. P. Carp intervened with the Mackensen (Encyclopedia Britannica 2019: 1) High Command. In Netzhammer's opinion, it was a pity that also in Bulgaria the Gregorian calendar was introduced only for city life, but not also in the Orthodox national church.

Netzhammer praised Czernin to be good enough to go a little further. After the orthodoxy of the Habsburg monarchy scandalizes it should seek to exculpate those of the monarchies as far as possible. Theoretically, the unification of the Orthodox Church with the Roman one cannot encounter any unbreakable difficulties, because both churches have the same dogmatic powers, because both churches have the same dogmatic basis. The insignificant dogmatic distinction consists in the recognition of the Bishop of Rome as head of the Church and representative of Christ on earth, which the Orthodox does not accept. If one considers, however, that the non-acceptance of the pope as head of the church by the Orthodox, that is, the schism was not done for dogmatic reasons was politically special, one may well ask, if not the Union of political reasons, Netzhammer can almost bless, could be forced?

In practice, the monarchy's orthodox churches became e.g., the Romanian Orthodox in Hungary Greek-oriental called / Church of the Romanians in Hungary and those in the Bukovina in their organization, so to speak, nothing. One should only keep in mind the great frailties and the high degree of solemnity, which the Holy chair of the Romanian Uniate / Greek / Catholic / Hungarian Church respects. One of the most politically important things of the Union was that these Orthodox Churches today were deprived of the influence of the other Oriental churches, especially the Russian ones, and that they had to go to Rome after the Occident.

It could easily be said that the orientation towards the Vatican and Rome was one of a foreign power. This was only apparently correct, for the Holy See was not particularistic, but a world-encompassing power, and it is well known that the Catholic Church, though international, nevertheless became national and patriotic in every country and people.
Netzhammer believed that the Austro-Hungarian monarchy was justified and indeed called to help to form the union with Rome also among the Orthodox of those countries, which were in their special sphere of interest, such as, for example, in Romania and in Bulgaria. By the union in these countries, the biggest partition was set against the one river-rich Russianist

In Rumania, the Orthodox national church lies low, so that allies' ashes the fundamental reform. The most stubborn statesmen admitted that biting of the state is known only from the outside, and indeed only from Rome - and, as he knows, only from Rome through Austria-Hungary. Once upon a time, the Romanians became ruled by Rome, when, two hundred years ago, in Hungary, the Union was carried out with the Holy See, which has rendered the nation the most inestimable service. The reference to this example must also give the Romanians confidence in the Catholic Church. In addition, there was the rather generally accepted Latin descent of the people, which must naturally bring it to Rome.

If Rumania falls to the interests of the Habsburg monarchy after the conclusion of the peace, it had to be emphasized by the Rumanians that the Rumanian national

church had no reason to gravitate to St. Petersburg, Moscow, or Constantinople, but to Vienna and Rome. Since the Romanian people did not lack the religious sense, it could soon be exalted religiously, morally, and culturally by a well-led national church, which had to eliminate the necessary influence in the schools by granting the religious subordinate. What could not happen in this country crosses by the above all also the many and many- population men and women monasteries!

If, perhaps, the Romanian Hohenzollern dynasty would be removed and an occidental prince elevated to the throne of Rumania, then whether the prince would be Catholic or Protestant, it is to be removed from the constitution of the articles according to which the children of the heir to the throne were educated in the orthodox religion have to; This article was simply a concession to Russian Orthodoxies under King Carol.

For the Central Powers, it had to be of the highest political interest when Bulgaria joined the Union. This would be the surest means, and the Bulgarians, after the war, not to be completely ruined by the Russian influence. The czar of the Bulgarians should be very sympathetic to these thoughts and the Crown Prince Boris should have no greater concern than to get a good Catholic wife. This will probably not be possible otherwise, as he unifies Bulgarian-Greek-Catholic, so united with the Holy See, open and free. Such a declaration had to drag a large part of the Bulgarian clergy and people into the Union with Rome. Thanks to the efforts of the Father Lazzarists and Assumptionistene, both in Macedonia and in Bulgaria there were good beginnings for the Union of Bulgarians. In a certain sense, it will also be borne in mind that all Orientals, be it Greek-catholic or not united, signifies a journey for the monarchy; he often considered as a foreign body in the state and has tendencies to the outside. The Greek-catholic would be fewer foreigners if they were closer to the Catholic Church than they really were. Unfortunately, the unified churches are not even under universal church law, and they were bound by new ecclesiastical contexts only when it is said explicitly that the Oriental churches are also covered by the laws.

In Netzhammer's view, the Eastern Hungarian state had to support, in its own interest, all endeavors which, for The Romanian Greek-Catholics want to bring the Latin Church higher than they were. Above all, he reckoned on the gradual introduction of celibate. They already gave to the Transylvanian Romanians certain high benefice only to Celibate Priest. After the Greek Catholic Church professed in this way the principle that the ideal priest must be celibate, it was undoubtedly an injustice to do so, if only celibately priests could gradually be competing for the most important ministries and parishes.

If in the newly founded Hungarian- Greek-Catholic diocese Haydudorogh the liturgical language was not the ancient Greek, but the Latin one, the literature was easier to deduct these Hungarians from the Orientals influence and to supply them with Latinism. Netzhammer concluded these lines by expressing his wish that Rumania should be politically and culturally linked to the Catholic Great State of Austria. In particular, when Austria, in both Rumania and in the Balkans, openly advocates the religious Catholic idea through its representatives and professors, it can exert a great beneficial influence on the Rumanians and on the Christian folk of the Balkans. All these peoples, in spite of their extravagance, have a deep religious sense of religion. Austria-Hungary would be able, in conjunction with the Catholic Church, to guide this religiosity into the rightful paths of Catholicism (Archivum Secretum Vaticanum, January 27[th,] 1918, 261-267).

The provisions of the Buftea -Bucharest Treaty

At this stage of the research, we don't know if Count OtokarCzernin's answer at the Netzhamer's request. But what we are sure is the fact that Austria-Hungary didn't make any request during the negotiations with Romania to accept a Union of the Orthodox Church with the Catholic Church. They also didn't request any church in Bucharest or in another part of Romania to be ceded to Greek-Catholic Church. In the final form of the Treaty of Buftea Bucharest, there were two articles which guaranteed the liberties of the practice of the Roman-Catholic Religions, Greek-Catholic Religion and other religions (Manuel Stănescu, 2019: 1). We present the content of these articles, as follows:

Equality of Religions in Romania**.**

Article XXVII.

Equality of freedom is granted in Romania for Roman Catholics, Greek-United, Bulgarian Orthodox, Protestants, Muslims, and Jewish faiths, and each will receive the same legal protection as officially that the Romanian Orthodox Faith is granted. In particular, they have the right to set up parishes or faith communities as well a Few schools that are considered as private schools and cannot be intervened except in the case of a breach of national security or public order. In all public and private schools, students may not be required to attend religious education unless given by an authorized teacher of their faith. Article XXVIII.

The difference of religious faith must not exert in Romania any influence on the status of the inhabitants in terms of their rights, especially in terms of their political and civil rights. The principle expressed in paragraph 1 will also apply, to the extent that the naturalization of the Romanian population without nationality, including the Jews, so far regarded as foreigners. For this purpose, in Romania until the ratification of the peace treaty, a law will be decreed according to which all persons without citizenship who participated in the war either in the active military service or in an auxiliary service, or who are born in the country and are established there and whose parents were born there are immediately considered to be Romanian citizens with all the rights as such, and may have been registered as such in the courts, the acquisition of Romanian citizenship will also, extends to married women, widows and minor children (Source: the United States, Department of State, 1918: 5-28)

Conclusions

On 12 December 1917, Archbishop of Bucharest, Raymond Netzhaummer, sent a report to Teodoro Valfre di Bonzo, Nuncio of Austria-Hungary which includes a Memorandum of TheodorianCarada a Romanian fervent Catholique. This Memorandum contains a proposal, in fact, a plan of action, in which he advised the Holly See to profit of the situation of Romania and realize the union of the catholic church and orthodox church.

Carada also proposed that Austria to imposes the Gregorian Calenderer on the Roman Churches of the Archdiocese of Blaj / Unite of Hermanstadt and Czernowitz, requesting that the same calendar be imposed on the Romanian Church of the Kingdom; that Austria imposes union with the archbishoprics of Hermanstadt and Czernowitz, who find themselves within the limits of her states; that the Latin archbishop of Bucharest be reconverted apostolic delegate; that the Latin Church enjoys the same rights as the Eastern Church; that the Rumanian State recognizes, at least in the Latin and Roman

Catholic Church/bishopric, parishes, convents, the legal personality and the same rights which it has accorded to the Romanian autocephalous Church.

On 18th January Netzhammer sent to countOtokarCzernin the desires and demands which had to direct the reorganization of the conditions in Rumania to the Rumanian government. Netzhammer had briefly summarized these wishes and developments in the following points: the state recognizes in unequivocal form as juridical persons with all their good ones both the Archbishopric Ordinaries in Bucharest by the Catholic Archbishop of Bucharest as the Bishop's Ordinaries in Jassy, represented by the Catholic Bishop of Jassy, the Catholic Archbishop of Bucharest and the Bishop of Jassy, represented in the last instance, for their dioceses, the interests of all the Catholics in the cities and in the countryside.

The Catholic parishes in the country enjoy the same rights and privileges as those of the Orthodox Lander Church. The Catholic Archbishop of Bucharest with its branches was reclaimed as a juridical person. The private Catholic schools and charities pay no higher taxes than the public schools and charities of the state and the municipalities.

The Greek-Catholics in Rumania were considered Catholics and claimed all the rights of the Catholics of the Latin Rites. Netzhammer requested that the Greek Catholics in Rumanian must be defended and protected against the overpowering Orthodoxy monarchy should set up as much as possible a change of regime against the Russian Orthodoxies. Netzhammer praised Czernin to realize as soon as possible the unification of the Orthodox Church with the Roman which, he believed he cannot encounter any unbreakable difficulties, Austria-Hungary didn't make any request during the negotiations with Romania to accept a Union of the Orthodox Church with the Catholic Church. They also didn't request any church in Bucharest or in other parts of Romania to be ceded to the Greek-Catholic Church. In the final form of the Treaty of Buftea Bucharest, there were two articles which guaranteed the liberties of the practice of the Roman-Catholic Religions, Greek-Catholic Religion, and other religions.

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The Rise of Social Movements in Romania

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Abstract
Social movements have increased during the last decade all over the world, but mostly in Europe. In relation to the history of this phenomenon in the region, nowadays it has become an ordinary behavior to participate in a protest in the majority of EU-states, Romania included. Several issues regarding the rise of social movements are subject of interest in the field of social science: what determines people to participate in a protest, what are their expectations and what is the result of the social movements?
Are the most recent protests in Romania a sign of political participation? Through social media, antigovernment messages expanded quickly and numerous Romanians gathered in Victoriei Square to demonstrate against an emergency ordinance considered by many of the protestors to undermine the fight against corruption. Since then, two rounds of elections took place (presidential and European elections) and a change of power. Following a noconfidence motion that brought down the Social Democratic Government, the National Liberal Party formed a center-right minority government, but shortly after, it was dismissed as a result of a vote of no confidence.
The study of social movements in Romania is important to have a comprehensive approach about this phenomenon: is there a link between social movements and social media use, what triggers the people to mobilize and for what reason some stimuli have a greater impact than others on the individuals so that people act together for a common purpose such as social change.

Keywords: *social movements; social media; political participation; civil society.*

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The political situation in Romania

In November 2015, the Prime Minister of Romania resigns after street protests over fatal nightclub fire in Bucharest. This was the turnover moment in the Romanian social movements. Even if rallies against politicians took place much earlier than 2015 in post-communist Romania, the difference between those specific times and this period was the resilience of the protesters and their determination to be heard. Numerous issues regarding the Romanian society were out, outspoken, in the streets: non-compliance with laws, the negligence of those in charge with controlling the activity of the companies, the precarity of the health system and many more.

One year later, the Social Democratic Party won the elections with a very high score: 45,5% (The Permanent Electoral Authority, 2016). After five years since the Collective case, the President of Romania, Klaus Iohannis, was re-elected. Meanwhile, Romania had five prime ministers. Social movements increased both in magnitude and frequency.

The Social Democratic Party obtained 45,5% of votes, a score that offered the party the possibility to lead the country and form the government. Social Democratic Party won the general elections in 2016 with a bold government program. In other terms, the social measures included: raising the minimum wage, an unprecedented increase of the salaries in the health system, augmentations of salaries in the education system, stimulation of the tourism industry in Romania by granting holiday vouchers in the public sector and fiscal facilities for the private sector. Among the measures taken by the leftist Government was a major fiscal reform of the social security and tax system made to boost budget revenue and to prevent tax evasion. Other measures taken by the Government were in the Horeca industry: cutting the value-added tax rate from 9% to 5% for accommodation services and restaurant and catering services. Train transportation for all students throughout the country become free of charge.

The maternity leave with full benefits was extended from one year to two years and the allowance for childcare was limited at 8,500 ron and the minimum allowance increased at 85% of the country's gross minimum wage.

From the politic point of view, six months after winning the elections, PSD withdrew the support for the social democrat Prime Minister Sorin Grindeanu. It was the first motion of no confidence of a party against his own Prime Minister. The Parliament passed a vote of no confidence and the PM has been toppled. Mihai Tudose replaced Sorin Grindeanu, but six months later he resigned as his party withdrew its backing. In January 2018 European Parliament lawmaker Viorica Dăncilă became the first female Prime Minister of Romania.

The political instability during this period was due to the try of ruling coalition PSD-ALDE to promote a decree that would have decriminalised some corruption offenses. The PSD ex-leader Liviu Dragnea was considered the beneficiary of the decree. The Government's decision to weaken penalties to corruption cause mass protests all over the country, the largest rallies in recent history. After the fall of the communist regime, it was the first time when people mobilize and gathered in front of the government building, in Victoriei Square, for days to support the fight against corruption. Prime Minister Sorin Grindeanu repealed the decree, but the protests did not stop and reached their peak in February 2017, when 350,000 (Știrileprotv.ro, 2017) people - some say 600,000 (Ziare.com, Ghinea,2017) - rallied in Bucharest and all the big cities in Romania.

After two years and three Prime Ministers, the alliance PSD-ALDE lost the majority and after a no-confidence vote, the National Liberal Party formed a center-right minority government lead by Ludovic Orban. The new government was ousted by Parliament three months after taking the lead. The President of Romania appointed the Finance minister Florin Cîțu to try to form a majority in the Parliament, after a ruling of the Constitutional Court of Romania. Florin Cîțu stepped down minutes before the investiture vote in Parliament and the president of PNL Ludovic Orban was redesignated by the President Klaus Iohannis and voted by the Parliament.

Social movements in Romania, a component of political behavior

In the study of political behavior and social change, political participation is a key element in understanding the phenomenon.

Furthermore, in Romania in the last years, a form of political behavior is the participation at the protest, a civic activity perceived nowadays as desirable in Romanian society. An analysis of voting in the absence of this component would be insufficient.

Protests are a way of rethinking the relation between citizens and politicians and to have a *"more direct and unmediated relation"* (Flesher Fominaya, 2014: 1).

Even if the small protests (based on the number of participants) in Romania began over a decade ago, starting with the development of social networks, the increase of active users and the mobilization in the virtual space, protests reached large dimensions, a social fact that needs an exhaustive analysis.

The phenomenon of social movements is intensively studied and is more and more widespread. Whether we are talking about the Podemos movement ("We can") which started in Spain and has spread to other societies, about the Occupy Wall Street movement or about the Arab Spring, there is a social phenomenon that has had high visibility due to social networks.Nevertheless, is necessary to make a distinction regarding the new wave of contemporary movements. The social movements rose in countries with different political regimes were the socio-cultural background was quite different and also were the motives. In North Africa and the Middle East, there have been some change of power and different outcomes of the protests. At the core of the movements in this part of the globe stood mixed factors: economical and political ones such as poverty and the gap between the political elites who possess the wealth and the influence and the rest of the people (Acemoglu and Robinson, 2012: 2-5). In Europe, the Spanish movement Podemos became a political party in 2014 (TheGuardian.com, Tremlet,2015) and managed the same year to enter the parliament.In the last decade, several protestsin Romania have been successful since their objectives have been achieved.

Inglehart stresses that democratic values go beyond the right to vote and surpasses the redistribution of economic resources. The revised modernization theory underlines that economic development is strongly correlated with the increase of real democracy when the security of living is high (Inglehart, 2019: 183-184).

Globalization has a great impact on social movements and this influence is reciprocal (Flesher Fominaya, 2014: 25).

Defining social movement, Alain Touraine (1985:749) stresses that "*is an element of specific mode of constructing social reality*".

American sociologists Jackie Smith and Dawn Wiest (2012: 180) assert that *"It is clear that many social movement actors are following their instincts to seek out new forms of social political engagement that remedy the failures of states annd IGOs.*".

Sociologist Cristina Flesher Fominaya (2014: 8) states that social movements have in common many characteristics contained in the majority of definitions of this phenomenon such as:

"*collective or joint action*

some extra-institutional or non-institutional collective action

change-oriented goals or claims

a target towards which these claims are directed (states, the public, corporations, specific political groups, a cultural practice, etc.)

some degree of organization

some degree of temporal continuity

some degree of shared solidarity and/or collective identity".

Social movements are viewed as collective action with a common purpose (Giddens, 2001: 549) that intend to change the political and social structure (Chazel, 1997). Other perspectives assess the conflict is at the aim of social movements (Della Porta, 2006;Touraine, 1985;Oberschall, 1978).

The increasing number of rallies in Romania is a consequence of disapproval regarding some measures or even the entire activity of the Government or of the President. Political protests had better outcomes in Romania than the ones on environmental protection (such as Roșia Montană).

The participation at the protest can be understood as part of political behavior of Romanians, a new form of free speech.

In the light of the last years in which protests on political issues have intensified, direct consequences could be observed, starting with the withdrawal in January 2012 of the draft health law by the incumbent president at that time Traian Băsescu after the supportive protests for the SMURD founder Raed Arafat with which the head of state had been in conflict over the issue of the respective draft law and until the resignation of the Prime Minister in office Emil Boc a few weeks later.

Even if the size of the protests was small, the rallies took place in 52 localities from Romania, and the number was estimated at 13.000 (Mediafax.ro, 2012), they were marked by many violences (Rfi.ro, 2012).

The main objective of a social movement is to obtain the changes that the protesters want.

Serge Moscovici (1979: 123) asserted that "*Social change is the central process of influence in individual and collective manifestations*". The approach of Moscovici on social influence is based on the assumption that a minority can influence a majority. The majority can influence the minority through compliance, a process that involves the acceptance of norms publicly due to the group pressure, but their rejection in private. The social influence of a minority is possible when the minority views are consistent. Conversion suppose both public and private acceptance of the opinion or behavior.

In 2012 it was the first time during President Traian Băsescu mandate when Romania was confronted with important protests. The protests were aiming President Traian Băsescu and the Prime Minister Emil Boc. This movement became a violent one when the football hooligans came in the Square to fight the law inforcement. The results of the protests were exactly what the people militated for: the resignation of the Prime Minister Emil Boc and the cancelation of the project that had the purpose to reform the health system in Romania. What was different than before? The social and political context was an extension of the economic and a direct consequence of the major financial crisis started in 2008. The economic effects influenced the discontent of the

Romanians. The President Traian Băsescu won the elections in 2009 even if he announced drastic measures in the public sector. In hard times people need a leader to overcome the difficulties. After four years of deprivation, the dissatisfaction regarding the standard of living was high and the drastic reform of the health system was only the drop that filled the glass and an occasion to express dissatisfaction.

Is obviously that a minority managed to influence a social change: the withdrawal of the health reform proposal, a change of government and even a change of the political majority. After the no-confidence vote against the Prime Minister Mihai Răzvan Ungureanu, the Social Democratic Party came to power and Victor Ponta became the head the government.

Another major moment in the history of social movements in Romania is the Collective case, when 64 people were killed in a nightclub fire. Prime Minister Victor Ponta announced his resignation during the protests after the fatal fire from Collective Club: "*I am handing in my mandate as Prime Minister and implicitly my government too*", adding that "*During the years I was in politics, I have handheld all the fights with my opponents, but I never fought the people*" (The Government of Romania, 2015).

A question regarding the social movements is who are the people who participate in the protests? To which socio-professional category do they belong to?

In November 2015, during the protests against the Ponta Government following the fire at the Colectiv Club, the Sociology Department at SNSPA conducted an opinion poll among the participants in the protest on November 6th (Știripesurse.ro, Dumitrescu, 2015).

According to the authors of the survey the sample was made on gender and age quotas, by sampling on the map (University Square map), with 14 sampling areas defined and they interviews 300 people, almost 10% of the people at the protests in that evening.

The poll runned by SNSPA showed us that 78% of the people from University Square were young, beetwen 20 and 40 years old and they were almost equally split from the gender perspective (52% males and 48% females).

Obviously, looking at the age category of the people protesting, a conclusion is that the majority of the protesters were from the active people of Bucharest. So, according to the poll, 75% of the people from University Square were employees and 17% were students.

Also, the education of the protesters was higher than the education of the Romanian population. 71% of the people from the square had university or postgraduate studies and other 26% had the highschool. Furthermore, 61% of the protesters have participated in other street protests

Looking at the 2015 riots, the Romanian protester is a young working male or female with higher education.

The 2015 protests had a great impact on the Romanian people. It was the beginning of the unauthorized protests. This social movement can be defined by the willingness to participate in politics and for a brief period, it seemed to increase the political interest and engagement. But în 2016 parliamentary elections the voter turnout was 39,49% (The Central Electoral Bureau, 2016) lower than in 2012 when 41,72% of the Romanians voted (The Central Electoral Bureau, 2012). Furthermore, the Social Democratic Party winning in late 2016 – one year after the leftist Prime Minister Victor Ponta resignation – correlated with the tour out revealed that the protests after the

Colectiv fire were against the entire political class. During this year the country was ruled by a technocratic government led by Dacian Cioloș.

After the Colectiv fire, a Facebook page (Corupția ucide, 2015) managed to reunite the people protesting under the slogan "Corruption kills". 128.000 of people liked the page and 137.000 are following its activity (Coruția ucide, 2020).

In the new tehnology and social media era, the communication completely changed, Yascha Mounk (2018: 237) stresses that those realities redefined "*the structural conditions of communication*": "*Traditional gatekeepers have lost much of their power. Ordinary people with a knack for catchy content can now reach millions on a regular basis.*".

Comparing with the 2012 protests, the ones in 2015 were visible on social media, on Facebook and citizens succeeded to better organize and to reach the different public. Even if the gatherings were larger, the protesters were peaceful.

On social media, communication is happening through our "likes" (Bărgăoanu, 2018: 143).

The Facebook page "Corupția ucide" reached its pick of favorability during the protests after Colectiv fire but nowadays does not have an influence on the political and social life in Romania.

In 2015, the issue regarding the none appliance of the law had as background the corruption of public officials and an old habit of Romanian institutions not to modernize and to attract political management without any relevant skills.

Looking back to other protests all over the world (like Occupy in USA, or The outrage movement - Indignados - Spain) we can observe that usualy, in protests, the majority of the participants are young, with higher education. Usualy, they protest against the way that the Government is running the country and how the resources are redistribuited by the Government.

The American sociologist Cristina Flesher Fominaya (2014) argues that differentiation between a global social movement and a global wave of protest is needed in the light of the new wave of mass protest all over the world starting with Iceland in 2008.

A new type of social movement and the development of the culture of protesting in Romania was seen in 2017. The movement #Resist was the larger demonstration ever held before. Romanians rallied against the weakening of the fight against corruption and gathered in Victoriei Square in a tentative to stop decriminalizing the abuse of power offenses. The protests spread all over the country.

The 2017 #Resist protest started on January 2017 when the first information appeared in the press regarding the Grindeanu Government's intention to issue an emergency ordinance on justice laws. As a result, hundreds of protesters gathered in Victoriei Square for a long period. Everything took a considerable amplitude on January 31 when the Justice Minister Florin Iordache announced in a press statement that he sent the Ordinance for publication in the Official Monitor. Therefore, Romanians started to gather in Victoriei Square, in front of the Government, and minutes after the official briefing it was full of people. This situation lasted three months after the first rally.

Sunday, February 5, even if the Prime Minister Sorin Grindeanu informed that the Ordinance was repealed, over 600.000 protesters - according to some mass media estimations (Ziare.com, Ghinea, 2017) - came in the Victoriei Square to protest against the Government. It was the day with the biggest number of protesters all over the country.

The success of the protests was huge and it was possible mainly because some officials from the Justice Minister have included in the text of the Ordinance a period of ten days to entry into force. If the Ordinance became law at the moment it was published in the Official Monitor it would have produced effects impacting the justice system.

Regarding the demands of the protesters such as the resignation of the Prime Minister, organizing new general elections, PSD to make a step-down and leave the government, the conclusion is that none of these goals have been achieved. Even though the protests continued for almost two years, with a lower frequency, the ruling party did not give in and did not meet the protesters' expectations.

The outcomes of the protests of the previous two years have been observed in May 2019 when PSD obtained in the European elections the lowest score of the party, losing about 1.4 million votes compared to the 2016 elections.

The protests against the social democrat Government had some global characteristics: a symbolic place where people gathered: Victoriei Square, in front of the Government of Romania, a hashtag well known -#Resist -, multiple and different demands from the protesters, the use of signs with catchy messages and even a mise-en-scène: using the light from the mobile phones, singing the anthem, bringing banners and using the UE flag. The banners messages were diverse: Other question (related to the Minister of Justice error communication using this affirmation to avoid publicly responding to mass media questions), "We see you", "All for justice", "DNA (National Anticorruption Directorate) - come and take them" (AdrianGeorgescu.ro, 2017).

A cleavage between generations arose and this could be seen analyzing the protester profile and the messages that emerged during the uprisings.

The messages were against the political options of the elderly generation. The gap was seen on the banners caption such as "Yes, mother you are drunk" - in connection with a supposed vote for PSD (Instagram, 2017), "Old hooligan without kids. I am here for your kids" (the hooligan was a name used for the Revolutionaries in 1989)(AdrianGeorgescu.ro, 2017).

Several volunteers under the #Resit umbrella organized protests by using social media tools as planning an event, which made the process of coordination the meetings in Victoriei Square smoother. The riots we're the larger one in the post-communism history of Romania and the social media had its own role in the development of the #Resist social movement.

Regarding the protests of 2017 it is important to underline that the protesters, besides the fight with the Romanian Government, had a very defined enemy, namely the President of the Social Democratic Party, Liviu Dragnea. In the collective mind had been inoculated the idea that all the changes made to the laws of justice by the Government are made so that Liviu Dragnea could benefit and escape a possible conviction being known that he was criminally prosecuted and this modification might have allowed him to became Prime Minister of Romania.

Therefore, most of the messages during the protests were addressed directly to Liviu Dragnea, referring to the fact that he will not avoid prison anyway.

Usually, during a protest one of the greatest problems is to not have a leader or some leaders to represent the people in the streets. If the Prime Minister or the ministers, during the #Resist protests had had the idea to discuss with their representatives to understand exactly what are their demands, this thing would haven't been possible. And this is the main problem of any protest. If the people from the streets can't manage to make a precise list of requests and they can't succeed to authorize a team to represent

them in a possible negotiation is almost impossible to achieve something that will eventually lead to social change

Graphic 1 – Protests participation Rate in Romania (2012 – 2015 – 2017)
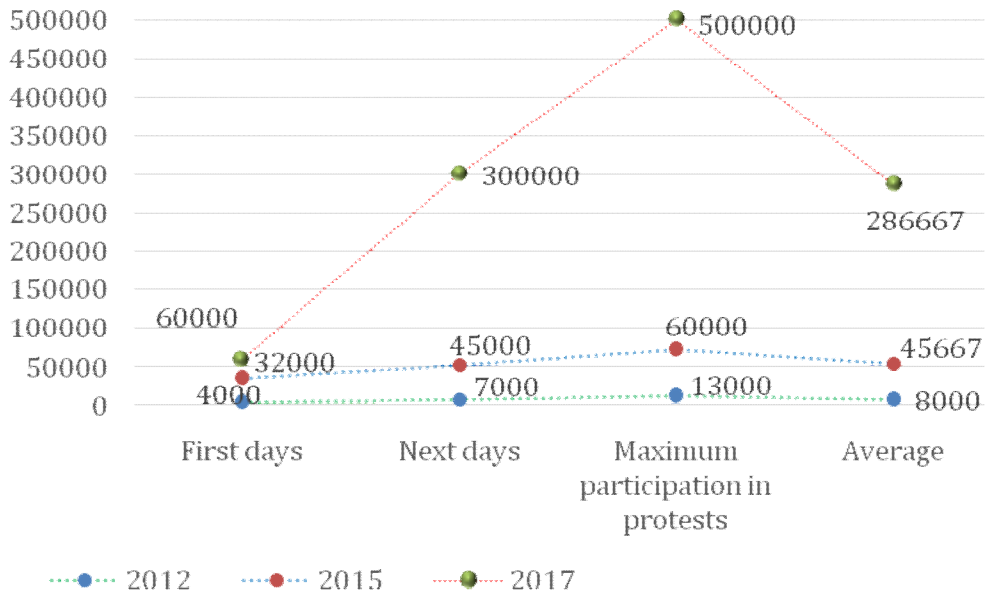
The participation rate at the protests is estimated based on the information made public by the national mass-media. Since the differences between televisions were very high, the numbers on *Graphic 1* are an average of the rate participation conforming to the sources mentioned above.

Conclusions

The protests from 2017 have the same root cause as the riots after the Colectiv fire. Only the trigger was different. In 2015 the reason was the fatal fire from the club, in 2017 the ordinance. Nevertheless, the problems of the Romanian society are the same and embedded in issues stemming from the society itself: the political class and the corruption phenomenon. These two problems can generate anytime an outbreak of the protests. The Romanians only need a spark. Both times the spark was in connection with the political class and with corrupted officials.

Both the 2015 and 2017 protests were against the Government, ruled by the Social Democratic Party, but only the recent ones were against the measures taken by

the Executive. All riots were linked to the fight against corruption, but in 2015 the main issues were related to the state incapacity to apply the laws.

Moreover, for large participation in a protest is important to have an opponent. The mass protests linked to the firein Colectiv club pointed outthe incumbent Prime MinisterVictor Ponta as the adversary of the people, the responsible for the chaos in the Romanian society: in hospitals, public institutions, schools and even restaurants and pubs. For the #Resist protests the adversaries were Liviu Dragnea, the PSD leader, and also PSD as an entity.The politicians were considered directly responsible for the failure to apply the legislation.The institutions in Romania had failed to modernize for the main reason that politics have a great influence on their management. Acemoglu and Robinson (2012: 323) underlines that: "*Inclusive economic and political institutions do not emerge by themselves. They are often the outcome of significant conflict between elites resisting economic growth and political change and those wishing to limit the economic and political power of existing elites*".

In Communism, the major capital was the political one and in post-communism the cultural capital has the highest value (Eyal, Szelényi andTwnsley, 2001: 31 - 45).InRomania, as in the formar Central European communist states, after 1990 the elites emerged from those who had political and economic capital before the Revolution. The pre-existing structure of the institutions and the cultural factors influenced the evolution of the democracy in Romania.

Both protests had the same *"tactic of occupation"* such as University Square or Victoriei Square and from this point of view Flesher Fominaya (2014: 184) stresses that *"occupation is much more than just a tactic, but also involves creating a new agora which extends beyond the actual physical site"*.Other characteristics identified as relevant for a global wave of protest are the use of *"master frames"*- common messages with certain symbolistic, prefigurative action, autonomy, a shared collective identity global communication and a global circulation of information (Flesher Fominaya, 2014: 184).

In the last years the collective action had a significat influence on the political agenda.In 2017 numerous people gathered to fight against corruption and managed to stay united to send a clear message to politicians. Romania had a socio-cultural transformation in a relative short period.

What was new in the political outcomes of the protests? A new party, Save Romania Union (USR) had a remarkable result at the European elections in May 2019.

The Alliance 2020 (Save Romania Union and the Freedom, Unity and Solidarity Party – USR + PLUS) managed to obtain 8 seats, almost the same number of seats in the European Parliament as the main two parties in Romania: PNL (10 seats) and PSD - 8 seats+1 seat after Brexit (European Parliament, 2019). During the #Resist protests in Romania the leaders of the USR Party were among the protesters and the real opposition to the leftist Government.

Romania until recently didn't have a culture of protesting so the contemporary social movements follow the global trends (and we can see the resemblance with the US Resist movement) and can be considered to follow the principles of New Social Movements. In fact, a comparison between uprisings in Romania and other EU countries is difficult due to the lack of one pattern in Romania.Globalization had a great impact on the rise of social movements in Romania.

During the last decade, Romania experienced an increase in the number of riots but in my opinion, had one single social movement: the #Resist protests.

The role of social networks (mostly Facebook) was essential in mobilizing masses and the participation at the protests attained new meanings and significance: it became a form of political participation. The engagement of protesters upheld the goal of the riots and continued for a long period even if the problem was settled: the repeal of the graft decree.And in the end, each of the participants at the riots in Victoriei Square had his motives to be there and to stand up for them.

Time will tell if the recent history of protests in Romania will shape a new form of political participation and if social change is possible in this country through social movements.

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Some Considerations on the Effects of the Contract for the Carriage of Goods as Provided by the Romanian Civil Code

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Abstract

The object of the carriage contract is the provision of services. Synallagmatic in nature, this contract gives rise to mutual and interdependent obligations for both contracting parties; as a result of the conclusion of the contract, the contracting parties become a creditor and a debtor at the same time. The obligation of the carrier to take the goods to the destination is considered the characteristic obligation of the carriage contract, according to which the contract is defined and qualified; the other obligations (to store the goods entrusted for carriage, to load or unload the goods, to ensure their protection, etc.) are accessory, being subordinated to the main obligation. The payment of the price of the carriage and of the accessory services provided by the carrier are due by the consignor and are paid upon delivery of the goods for the carriage, unless otherwise provided by contract or special law.

Keywords: *carrier; consignor; destination; characteristic obligation; accessory obligations; carriage of goods; payment of the price.*

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1. The notion of effects of the civil juridical act

In the doctrine, in an attempt to define the effects of the civil juridical act, it was stated that "the effects of the civil juridical act are precisely the rights and obligations forming the content of the concrete civil legal relation whose source is that juridical act" (Beleiu, Pop, 1975: 356). In other words, "there is an identity between the content of the civil legal relation and the effects of the civil juridical act, in the sense that both refer to the rights and obligations of the parties" (Dogaru, Cercel, 2007: 155).

Therefore, while analyzing the effects of the contract for the carriage of goods, we take into account the rights and obligations that this contract gives rise to for the carriage contract participants. The contracting parties (ie the carrier and the consignor) and the consignee are considered to be carriage contract participants if the latter is a third party to the contract concluded between the carrier and the consignor. Traditionally, the rights and obligations of the participants in the contract for the carriage of goods are analyzed in the light of the three important moments of the performance of the carriage contract: the dispatch of the goods, their movement to the destination, and the arrival of the goods at the destination. These rights and obligations can be divided as follows: a) rights and obligations of the consignor; b) rights and obligations of the carrier; c) rights and obligations of the consignee. We will focus on the most relevant of them.

2. Rights and obligations of the consignor at the point of dispatch of the goods

a) The consignor's obligation to deliver the goods for carriage. Pursuant to art. 1967 of the Civil Code, the consignor must deliver the goods in the place and under the terms agreed to by the contractual clauses or, in their absence, in accordance with the established practices between the parties or the customs.

The place of delivery of the goods differs depending on the technical particularities of the consignment; depending on these particularities, in the contract they conclude, the carrier and the consignor establish the place of delivery of the goods by the consignor so as to be transported to the destination. For example, in the case of rail transport, the goods are usually handed over at the railway station (by way of exception, if the consignor has a railway to the premises of its warehouse, the goods can be handed over there); in the case of maritime transport, the goods are handed over in that place of the port agreed to by the contracting parties; in the case of air transport, the goods are delivered at the airport; in the case of road transport, the goods are handed over at the consignor's warehouse.

The consignor is liable toward the carrier for the damage caused by a defect in the property item and, indirectly, toward third parties for the damage resulting from such a cause, as the carrier whose liability would be entailed for such damage has a right of recovery against the consignor.

b) The obligation of the consignor to fill in and hand over the transport document to the carrier. With the delivery of the goods, the consignor has the obligation to fill in and hand over the transport document to the carrier (art. 1967 of the Civil Code), as well as all additional customs, sanitary, fiscal and other similar documents necessary for the transport, as provided by law (art. 1961 of the Civil Code).

It should be noted that the Civil Code enshrined the generic name of "transport document" to designate the carriage contract. The transport document is regulated in the Civil Code, which constitutes the general regulatory framework, but also in various

special laws that regulate transports according to the modes of transport; these special laws establish the name and content of various types of transport documents.

According to content, the carriage contract is a bilateral or synallagmatic contract characterized by the fact that it gives rise, on the part of both parties, from the date of its conclusion, to mutual and interdependent obligations, as the obligation of each party has its legal cause in the obligation of the other party; as a result, the contract for the carriage of goods generates effects specific to synallagmatic contracts, such as: i) the right of either contracting party to refuse the performance of his obligation, as long as the other party does not perform his own obligations (the non adimpleti contractus exception); ii) the right of the party that has performed his own obligation to request the rescission of the contract, in case of non-performance of the obligation of the other party due to causes imputable to him; iii) bearing the risk of the contract by the party whose obligation becomes impossible to perform due to force majeure (Stătescu, Bîrsan, 2008: 27; Pop, Popa, Vidu, 2012: 73-74).

According to the Civil Code, the transport document is signed by the consignor and must include, inter alia, information on the identity of the consignor, the carrier and the consignee and, where applicable, the person who must pay for the carriage. The transport document also mentions the place and date of receiving the goods, the point of departure and destination, the price and time of the carriage, the nature, quantity, volume or mass and the apparent condition of the goods when handing them over for carriage, the dangerous nature of the goods, if any, as well as the additional documents that have been handed over and accompany the carriage. The parties may agree to insert other mentions in the transport document (art. 1961 par. 2 of the Civil Code).

These mandatory mentions of the transport document, listed by law, are of particular importance in the performance of the carriage contract.

Thus, the identification of the consignor enables the carrier to know the person who is entitled to exercise his right to dispose of the goods during the transport, namely to suspend the transport, to request the return of the goods or to change the original consignee, possibly to know the person from whom he must request instructions in case of impediment to the carriage of the goods; also, the identification of the consignee is necessary in order to know the person entitled to receive the transported goods, person that the carrier must notify about the arrival of the goods and then hand them over to.

Regulating the negotiable transport document (art. 1964 of the Civil Code), the law allows a carriage contract to mention only the place of destination (in the case of the bearer transport document), the carrier being obliged in such a case to deliver the transported goods to the person who will have the legitimate possession of the transport document (Cristoforeanu, 1925: 127).

The identification of the carrier is important because in this way the consignor/consignee will know the person whose liability is entailed in case of loss or damage of the goods handed over for carriage or in case of late delivery; knowledge of the headquarters of the parties is also important for determining the territorial jurisdiction of the court that decides on the possible disputes between the carriage contract participants.

Determining the date of reception of the goods by the carrier is important because it is then that the performance of the carriage contract usually begins, and the delay in the delivery of the goods gives the right to moratory damages.

The identification of the goods handed over for carriage (nature, quantity, volume or mass of the goods handed over for carriage) is of great significance in

determining the compensation for the loss or damage of the goods and for identifying the goods at the destination for their delivery to the entitled one.

The nature of the goods handed over for carriage will have a decisive role in choosing the means of transport to be made available by the carrier; for example, some goods must be transported under certain temperature conditions, flammable products require means of transport with certain technical characteristics, the transport of live animals requires means of transport with ventilation facilities. The consignor has the obligation to check whether the means of transport provided by the carrier corresponds to the carriage in proper conditions, in order to see whether it is appropriate in relation to the nature of the goods to be transported and whether the means of transport comply with safety rules (closing systems for shutters, tightness of the loading space, etc.). The shortcomings of the means of transport must be brought to the attention of the carrier, who assumes the risk of the loss, damage or theft of the goods handed over for carriage (Căpăţînă, 2000: 79).

The mention of the quantity of goods handed over for carriage is made showing the weight, volume, number of meters, number of pieces and any other specific elements.

If the nature of the goods requires that they be packed, the obligation to pack them lies with the consignor. The packaging must comply with the requirements of the carrier or national or international standards. Proper packaging is one that prevents the loss and damage of goods, facilitates their identification, handling and storage. Where goods are transported in parcels, each parcel must include information on the name/designation of the consignor and the place of dispatch, the name/designation of the consignee and the place of destination, the name, quality and quantity of the goods, the date of delivery for carriage, the route and other information useful for moving the goods to their destination; for example, for certain goods it is mentioned that they must be protected from moisture, or they must be handled or stored in a certain position (Ciobanu, 2000: 206-207).

The point of departure and the point of destination must be mentioned in order to establish the correct itinerary and to determine the time required for carriage; moreover, it is necessary to indicate the term of the transport so as to know whether the carrier has fulfilled its obligation to carry the goods within the time limit.

The consignor is liable toward the carrier for damage caused by any omission, inadequacy or inaccuracy of the particulars in the transport document or, where applicable, in the supplementary documents, and the carrier whose liability would be incurred by third parties for damage resulting from such a cause has the right of recovery against the consignor.

The transport document is drawn up in at least 3 copies, one for the carrier, one for the consignor and another that accompanies the goods transported to the destination (art. 1962 par. 1 of the Civil Code).

If a transport document has not been drawn up, the carrier must issue to the consignor, at his request, a receipt for the goods for carriage, which must contain all the information that the legislature has provided for the transport document to contain (art. 1962 par. 2 of the Civil Code). In the case of the road transport of goods, it is not accepted to draw up a receipt attesting the reception of the goods for carriage, but it is mandatory to draw up the transport document.

The transport document, respectively the receipt, proves until the contrary proof the reception of the goods for carriage, their nature, quantity and apparent condition (art. 1962 par. 3 of the Civil Code).

When the consignor hands over several packages for transport, the carrier has the right to request a transport document for each package (art. 1963 of the Civil Code). As a rule, the transport document is nominative, its content identifying the parties to the carriage contract and the consignee; the nominative transport document is not negotiable, so it is non-transferable.

The transport document may be negotiable if the contracting parties or the special law so provide. If it is negotiable, the order transport document is transferred by endorsement, and the bearer one by remittance (art. 1964 of the Civil Code). The negotiable transport document is found mainly in maritime and river transport.

By regulating the order or bearer transport document, the Civil Code takes over the provisions of the special law on bills of exchange and promissory notes. In this respect, it is provided that when the transport document is of the order or bearer type, the ownership of the transported goods is transferred by the effect of the transmission of this document. The form and effects of the endorsements, the cancellation and replacement of the transport document are subject to the provisions on bills of exchange and promissory notes. The last endorsee of a series of endorsements who holds the title is considered the owner. The debtor who fulfils his obligation resulting from the title is released only if there is no fraud or fault on his part (art. 1965 of the Civil Code).

c) The obligation to load the merchandise in the means of transport may lie with the consignor or the carrier.

If the loading of the merchandise lies with the consignor, he must take into account the capacity of the means of transport, both in terms of weight and volume; the failure to comply with the loading capacity of the means of transport results in the consignor being penalized, whether it is an overload or an underload.

With regard to the placement of goods in the interior space of the means of transport, it was said that this operation must meet several requirements: to make full use of the entire payload capacity of the means of transport, not to endanger its stability and to ensure the stability of the load. In order to meet these requirements, the consignor must follow the instructions of the carrier, the latter having the obligation to supervise and guide the operation of placing the goods in the means of transport (Căpățînă, 2000: 82-83).

Also, after the completion of the loading operation, the consignor has the obligation to take preventive measures to discover possible thefts of goods; for example, he will apply his own seals to closed means of transport, if they are used entirely by the consignor, or will mark the goods loaded in open means of transport; these measures will be mentioned in the transport document.

d) The consignor's obligation to pay the price of the carriage. According to the law, the price of transport and ancillary services provided by the carrier are due by the consignor and are paid upon delivery of the goods for the carriage; the contract or the special law may provide that their payment shall lie with the consignee (art. 1978 par. 1 of the Civil Code).

Instead, the price of ancillary services and expenses incurred during the transport is due by the consignee, unless otherwise provided by contract or special law (art. 1978 par. 4 of the Civil Code).

The transport price represents the payment due to the carrier for his service which mainly consists in moving the goods to the destination; although it is an essential element of the contract of carriage, the price is not an element of validity; in case there is no information on the price of the transport, the carrier has to administer evidence of its amount (Scurtu, 2003: 44).

Ancillary services may be provided by the carrier during transport-related operations, such as loading/unloading operations (if they were the responsibility of the carrier), storage of the goods, handling for customs clearance, transhipment, load checking, use of tarpaulins, approval, etc. (Cristoforeanu, 1925: 130; Căpățînă, 1995: 60).

The price may be set by the contracting parties or set unilaterally by the carrier; there are also situations where the price is established by law or by the competent authorities (for example, in the case of rail transport with the public transport operator).

In any situation, the transport price is established taking into account objective elements, such as: the nature of the goods to be transported, their weight or volume, the distance to cover, speed, type and capacity of the means of transport (Cristoforeanu , 1925: 130; Căpățînă, 1995: 60).

As shown above, the contract for the carriage of goods being a synallagmatic contract, if the consignor does not pay the price of the carriage, the carrier may suspend the consignment.

The doctrine has emphasized that, in order for the carrier to be entitled to raise the objection of non-performance of the transport, the mutual obligations of the parties must be based on the same contract and even the partial non-fulfilment of the consignor's obligation must be sufficiently important. The exception of the failure to perform the contract, therefore the suspension of the performance of the transport, loses its meaning when the consignor fulfils his obligation to pay the price (Căpățînă, 2000: 86).

Also, if the consignor does not pay the price of the transport, the carrier may request the rescission of the contract and the payment of damages.

If the price is paid at the destination, the carrier will hand over the goods if the consignee pays (art. 1978 par. 3 of the Civil Code), therefore the law establishes in favour of the carrier a right of retention over these goods until the payment of the transport price, thus guaranteeing the realization of the retentor's claim; as a consequence, the carrier will have the possibility of enforcement for the realization of his claim and a right of privilege over the price obtained from the sale of the transported goods, since, pursuant to art. 2339(1)(b) of the Civil Code, in the case of movable property "the claim of the one who exercises a right of retention shall be privileged with respect to the goods over which the right of retention is exercised, as long as this right subsists".

Even if it has been agreed that the price of the transport should be paid at the destination, the consignor may pay the price provisionally, at the time of delivery of the goods for carriage, with the obligation for the carrier to ask the consignee, upon reception of the goods, to pay the transport price so that the amount shall be sent to the consignor; such a transport is called "cash on delivery" (E Cristoforeanu, 1925: 130).

The reimbursement may refer not only to the price of the transport, but also to the price of the transported goods; in this situation, the carrier has the obligation not to release the goods to the consignee until he pays the amount with which the goods are encumbered (Cristoforeanu, 1925: 131); if this obligation is not complied with, the

carrier must compensate the consignor. For example, art. 42 of the Regulation on rail transport in Romania (published in the Official Gazette of Romania, part I, no. 16 bis/9.o1.2008), having as a marginal title "Reimbursements and disbursements" provides that "(1) The consignor may load his shipment with a refund up to a value equal to the value of the goods. 2. The amount of the refund shall be made available to the consignor within 30 days of payment by the consignee. (3) If the goods have been delivered to the consignee without having received the refund before, the railway operator shall pay to the consignor the amount of the damage up to the maximum amount of the refund, retaining his right of action against the consignee".

If the goods are not of the same nature as those described in the transport document or their value is higher, the carrier is entitled to the price he would have charged if he had known these circumstances, the provisions of the special law being applicable in this case (art. 1978 par. 3 of the Civil Code).

3. Rights and obligations of the carrier during the carriage of the goods
During the movement of the goods to the destination, the carrier has the following essential obligations: the obligation to perform the transports in the order of receiving the goods for carriage; the obligation to move on the route established by the contract of carriage; the obligation to perform the transport within the set time limit; the obligation to preserve the goods during the carriage.

a) The obligation of the carrier to carry out the transports in the order of receiving the goods for transport. This obligation was expressly provided by art. 419 of the Romanian Commercial Code. The contemporary doctrine of those legal provisions showed that the legislator's choice was justified by reasons of social justice, ie by the need not to create a privileged situation for some consignors to the detriment of others (Scurtu, 2003: 51).

It was has been shown that this obligation of the carrier is justified both in the situation where the contract of carriage does not provide for a term of performance of the transport and in the situation where the contract provides such a term. The argument for the latter hypothesis relates to the fact that when establishing the term of performance of the transport the carrier took into account both the ideal time in which the transport can be performed and the delays that may be caused by various situations, such as congested traffic; for this reason, the carrier provides a maximum time limit for transport, and if the transport order is followed, the transport is more likely to be performed in a minimum time, thus earning the time difference usually included as tolerance in the calculation of the transport duration (Cristoforeanu, 1925, 140; Căpățână, 1995: 100-101).

The Romanian Civil Code does not expressly regulate this obligation of the carrier, but the doctrine promotes the idea that it is implied and can be deduced from the provisions of art. 1170 of the Civil Code, on the good faith in which the parties must act both when negotiating and concluding the contract, as well as during its performance (Stanciu, 2015: 123).

At present, if the carrier does not observe this implied obligation, the liability for damage to the beneficiary of the transport falls within the law of torts.

The carrier cannot be held liable if he changes the normal order of the carriage for justified reasons. The Commercial Code gave the following examples of such good reasons: if the nature of the goods to be transported justifies the derogation; if the derogation is based on the "destination" organization of the carrier's activity; if the

carrier was prevented by any fortuitous event or force majeure from performing a transport (for details, see Scurtu, 2003: 52-53). We consider that such cases still justify the breach by the carrier of the obligation to perform the transports in the order of receiving the goods for carriage.

b) The obligation of the carrier to move on the route established by the public conditions of transport or by the carriage contract. In the case of regular transport, the transport conditions are imposed by the carrier, who informs the public in various ways (for example, by posting them at the carrier's headquarters, by posting on the website), the beneficiary of such transport having the choice of accepting or not those conditions; in the case of such transport, the itinerary of the carrier is pre-established and the consignor accepts it when he agrees to the contractual conditions pre-established by the carrier.

In the case of occasional transport, the itinerary of the carrier is established by mutual agreement of the parties.

In the event that an itinerary has been set, either by the public transport conditions of the carrier or by the contract negotiated by the parties, the carrier is not entitled to unilaterally change the set itinerary, unless he has to follow another route for reasons of force majeure (Cristoforeanu, 1925: 140).

If he fails to comply with this obligation (derived either from the standard contract or from the negotiated contract), the carrier is liable toward the beneficiary of the transport only if, for that reason, damage has occurred.

In the event that no itinerary has been set and there are several practicable routes to the destination, the carrier has the obligation to make the transport on the shortest route, because it is assumed that the transport is thus faster and cheaper (Scurtu, 2003: 56).

c) The obligation of the carrier to perform the transport within the established time limit. Pursuant to art. 1961of the Civil Code, one of the mentions that the transport document must contain is the one regarding the term of performing the transport.

Art. 1969 of the Civil Code, on the term of transport, stipulates that the transport must be performed within the time limit set by the parties, and if the time limit within which the transport must be made has not been determined by the parties, the court will assess the duration of this term while taking into account the practices established between the parties, the customs applied in the place of departure and, in their absence, the circumstances under which the carriage took place (in the latter case, the court will take into account such elements as the particulars of the transported goods, of the transport operator, the concrete conditions in which the transport was performed, the regulations of other similar carriers (Cristoforeanu, 1925: 146; Căpățînă, 1995: 104).

Some carriers, such as CFR Marfã, have time limits for carrying out the transport established by the legislature or the competent authorities, applicable in the situation where the consignor and the transport operator have not agreed on the term of performance of the transport contract; in accordance with art. 2 of G.O. no. 7/2005 for the approval of the Regulation on rail transport in Romania, republished, and art. 5 of G.D. no. 367/2007 on the organization and functioning of the Ministry of Transport, with subsequent amendments, the Minister of Transport issued order no. 655 of 19 July 19 2007, published in the Official Gazette of Romania, Part I, of 9 January 2008, approving the Uniform Norms on transportation on Romanian railways (see http://legislatie.just.ro/Public/DetaliiDocument/88461); other carriers establish them

unilaterally and make them known to the public with the other contractual conditions (Scurtu, 2003: 56).

The doctrine has expressed the view that, on the basis of fairness, time limits should be the same for all consignors when they have been set by legal regulations or publications; the other carriers may set different time limits for the same type of goods, without being liable toward the disadvantaged, unless they act in bad faith (ie they intended to favour one consignor to the detriment of another); the basis of the carrier's liability, in this situation, falls within the law of tort (Cristoforeanu, 1925: 147).

Regardless of the fact that the term for carrying out the transport was or not set by the parties, it usually starts to run from the moment the consignor handed over the goods to the carrier (Cristoforeanu, 1925: 131; O. Căpățînă, 1995: 59.) If the carrier does not perform the transport within the established term, he is liable for the damage caused to the beneficiary (art. 1992 of the Civil Code).

d) The carrier's guard obligation. Traditionally, the obligation of the carrier to ensure the quantitative and qualitative integrity of the things received for carriage, throughout the transport, has been addressed in the doctrine as "guard obligation"; it has been shown that, from the point of view of the guard obligation that the carrier has for the goods entrusted to him for carriage, the Civil Code assimilates him with a depositary, invoking the provisions of art. 1473 of the old Civil Code, situation in which the rules of the necessary deposit were applied to the carrier.

After the entry into force of the new Civil Code, an opinion was expressed that a distinction must be made between the obligation to guard things, which lies with the carrier in the sense of art. 1377 of the Civil Code, and the obligation to preserve things (Stanciu, 2015: 127). We consider that it is inappropriate to extend the meaning of the "notion of guard", referred to in art. 1377 of the Civil Code to the carrier's guard obligation; art. 1377 of the Civil Code specifies that the notion of guard referred to by the legislature when regulating tort liability for damage caused by things presupposes that two cumulative conditions should be met, namely: the responsible person should independently exercise control and supervision over the thing and, secondly, he should make use of it in his own interest; or, in the case of the carrier, these conditions are not met.

It is obvious that the meaning of the carrier's obligation to guard the things that have been handed over to him for carriage is to ensure their preservation; therefore, the new Civil Code, while regulating the carrier's "impossibility of handing over the goods", specifies that the obligations of the carrier are those pertaining to the free deposit (art. 1981 par. 3 of the Civil Code). But, like a depositary, the same rules must be applied to the carrier, namely: i) the carrier shall be liable for any fault (similarly to the necessary deposit); ii) the carrier must also be liable for damage caused by the fault of his agents; iii) the carrier shall also be liable for damage caused by third parties.

4. Rights and obligations of the consignor during the carriage of the goods

a) The right of the consignor to renounce the carriage contract and to modify it. The general rule on the effects of the contract is that of the binding force of the contract, enshrined in art. 1272(1) of the Civil Code ("The validly concluded contract shall have the force of the law between the contracting parties"). The consequence of this rule is the irrevocability of the contract; in other words, the contract is modified or terminated only by mutual agreement of the parties or for reasons authorized by law (art. 1270 par. 2 of the Civil Code).

In the matter of the contract for the carriage of goods, the legislature derogated from the principle of the irrevocability of the contract, authorizing the consignor to renounce the contract or to unilaterally modify it. This right of the consignor is regulated under art. 1970 and art. 1973 of the Civil Code.

Thus, pursuant to art. 1970 of the Civil Code, the consignor may suspend the transport and request the return of the goods or their delivery to a person other than the one mentioned in the transport document or may dispose as he deems appropriate.

Such a derogation was enshrined in the Commercial Code of 1887, the doctrine bringing, in support of that derogation, convincing arguments, which can be reiterated to justify the provisions of art. 1970 of the Civil Code:

i) thus, it was said that by enshrining this right the interests of the consignor were better satisfied because he could change the destination, directing the goods to a better market or he might have the interest to stop the transport because the consignee died (respectively dissolved), or became bankrupt before the merchandise reached the destination; also, if the goods were alienated during the transport, the buyer subrogating himself in all the rights of the seller, he might be interested in changing the destination of the merchandise (Cristoforeanu, 1925: 148; O. Căpățînă, 1995: 107).

ii) Secondly, the existence of this right of the consignor does not affect the rights and interests of the carrier and does not increase his obligations (the carrier will retain the right to be remunerated for services rendered and the right of retaining the merchandise until the price of the transport is paid. His obligations remain the same: to carry the thing to its destination within the established time limit and to keep the merchandise in good condition during the carriage. Moreover, the carrier will only execute the counter-order if its execution does not cause any disturbance in the functioning of his service).

iii) It was also emphasized that the execution of the counter-order did not affect the rights of the consignee, because, under the law, the consignee has no right over the merchandise before it has arrived at the destination.

Pursuant to art. 1970(2) of the Civil Code, in order to exercise the right of counter-order, the transport document signed by the carrier or a receipt must be presented, if such a document has been issued; for the validity of the counter-order, the law requires that the changes resulting from the counter-order be entered in the transport document or on the receipt under a new signature of the carrier. In the absence of a distinction of the legislature, this rule is applicable both to the nominative transport document and to the order or bearer one. The carrier is liable for all damage caused to the consignee or endorsee by executing the counter-order that was given in violation of this rule.

The order given by the consignor by the counter-order is mandatory for the carrier; he can only refuse to execute the counter-order only on justified grounds, such as, for example, the following: i) the fact that the execution of the consignor's order would cause a significant disturbance to the carrier's activity; ii) if, in case he changed his place of destination, the increase in taxes and expenses was not guaranteed by the value of the goods or otherwise; iii) if upon receipt of the counter-order, its execution was no longer possible (in the same sense, see Stănescu, Stănescu, in Baias, Chelaru, Constantinovici, Macovei (coordinators), 2012: 1984). The carrier has the obligation to notify without delay the one from whom the counter-order emanates about the refusal of execution (art. 1975 of the Civil Code).

The consignor who has exercised his right of counter-order is obliged to pay the expenses and the value of the damage, which are the immediate consequence of this counter-order, to the carrier.

Pursuant to art. 1973 of the Civil Code, the consignor has the right, by a subsequent written order, to modify the carriage contract as follows: i) to withdraw before departure the goods to be transported; ii) to stop them during the transport; iii) to postpone the delivery to the consignee; iv) to order their return to the place of departure; v) to change the person of the consignee or the place of destination; vi) to order another modification of the conditions of performance of the transport.

The consignor may not give any further order which has the effect of dividing the transport, unless otherwise provided by special law.

The consignor who gave a subsequent order is obliged to pay to the carrier, as the case may be, the following: i) the price of the completed part of the transport; ii) taxes due; iii) expenses incurred by the execution of the subsequent order; iv) compensation for any damage suffered.

Pursuant to art. 1970(3) of the Civil Code, the consignor's right to counter-order ceases from the moment the consignee requested the delivery of the goods. From that moment, the right to give counter-orders to the carrier passes to the consignee.

Also, the consignor's right to modify the contract of carriage expires as soon as the consignee has expressed his will to exercise his rights resulting from the contract of carriage (the consignee acquires the rights and obligations arising from the contract of carriage by accepting the contract or the transported goods) or as soon as the consignor has handed over the duplicate of the transport document to the consignee. From that moment, the right to modify the carriage contract by subsequent order passes to the consignee (art. 1974 of the Civil Code).

b) The right of the consignor notified of the occurrence of an impediment to the performance of the transport to terminate the contract. According to the law (art. 1971 of the Civil Code), in case of impediment to the transport, the carrier has the right to ask the consignor for instructions or, in the absence of a response from him, to transport the goods to the destination, modifying the itinerary. In the latter case, if it was not an act imputable to him, the carrier is entitled to the price of the transport, to ancillary charges and to expenses, on the route actually covered, as well as to the modification, accordingly, of the term of performance of the transport. If there is no other transport route or if, for other reasons, the continuation of the transport is not possible, the carrier shall proceed according to the instructions given by the consignor through the transport document in case of impediment to the transport, and in their absence or if the instructions cannot be executed, the impediment shall be brought to the attention of the consignor without delay, and instructions shall be required. The consignor notified of the occurrence of the impediment may terminate the contract by covering the carrier' incurred expenses and the price of the transport in proportion to the distance covered.

Since art. 420 of the Romanian Commercial Code, currently repealed, had similar provisions, the legal doctrine has raised the question of whether the carrier has the right to terminate the carriage contract if the continuation of the carriage is not possible. The proponents of an affirmative answer have argued that if such a right is recognized to the consignor, it must also be recognized to the carrier, for reasons of fairness, so as not to have to keep his warehouses occupied with the consignor's belongings for too long. Others have objected, however, that by storing the thing in his warehouses, the carrier does not suffer any damage because storage fees will be paid to

him, as well as unloading expenses, etc. An opinion has emerged, namely that, in the absence of a provision of the law, this should not, as a matter of principle, be recognized to the carrier, too. However, if the reason for the interruption of the traffic tends to be permanent and the carrier is forced to close his warehouses, he may ask the consignor to rescind the contract, and if the latter refuses he may store the things in public warehouses under the consignor's responsibility or when there is not such possibility and the consignor refuses to take his goods by paying the expenses, to sell them by public auction in order to recover the expenses, and to make the resulting difference available to the consignor. Also, when the thing is subject to inevitable destruction or alteration, the carrier may sell the thing at the expense of the consignor, without notifying him, working as a negotiorum gestor (Cristoforeanu, 1925: 157-158).

Making valuable use of the opinions expressed in the specialized literature and the judicial practice in the field, the legislature provides in the new Civil Code that if within 5 days from sending the notification regarding the impediment of the transport the consignor does not give, under the special law, instructions that can be executed and nor does he inform him of the termination of the contract, the carrier may keep the goods in storage or may deposit them with a third party. In case the storage is not possible or the goods may be altered or damaged or their value may not cover the transport price, ancillary taxes and expenses, the carrier will capitalize on the goods, in accordance with the provisions of the law. When the goods have been sold, the price, after deducting the financial rights of the carrier, must be made available to the consignor, and if the price is lower than the financial rights of the carrier, the consignor must pay the difference. If the impediment to the transport ceased before the arrival of the consignor's instructions, the goods are transferred to the destination, without waiting for these instructions, the consignor being notified without delay (art. 1972 of the Civil Code); (regarding the regulatory differences between the provisions of art. 420 of the Romanian Commercial Code and the provisions of art. 1971-1972 of the Civil Code, see Stanciu, 2015: 113-114).

5. Rights and obligations of the parties at the destination

a) The obligation of the carrier to inform the consignee about the arrival of the goods. Once the goods have reached their destination, the carriage contract is not discharged; it is considered to be in progress until the transport is accepted by the consignee or until the expiry of the delivery term. In order to deliver the goods that have reached their destination, the carrier has the obligation to notify the consignee of the arrival of the goods and of the deadline for taking them over, if the delivery is not made at his domicile or headquarters (art. 1976 par. 3 of the Civil Code.).

The law does not require the written form of notification to the consignee, but the relevant customs require this form. By notifying the consignee, the carrier delays the taking over of the goods within a certain time limit; the failure to comply with this time limit has as a consequence the consignee's obligation to bear the costs incurred by the carrier for storing and preserving the goods.

b) The obligation of the carrier to identify the consignee. This obligation of the carrier is fulfilled depending on the nature of the transport document, which can be nominative, order or bearer.

In the case of the nominative transport document, the person of the consignee is indicated by name, and the carrier has all the necessary data (name/designation and domicile/residence) for his endorsement and identification for the purpose of handing

over the goods. As the person of the consignee is indicated by name, the carrier is not obliged to require the consignee to present the duplicate of the transport document to deliver the goods (as in the case of the order or bearer transport document), because no other person could subsequently use this document to request the delivery of the goods; even if the transported goods were the subject of an assignment, by the will of the consignor or consignee, the assignment is not enforceable to the carrier until the assignee has notified the carrier (Cristoforeanu, 1925: 170).

In the case of the order transport document, in order to identify the consignee, it is necessary for the carrier to verify the regularity of the endorsement by which the transport document was sent; in the doctrine it was stated that "in the absence of the endorsement, the person entitled to obtain the cargo is the initial receiver himself, nominated as such in the bill of lading. If the consignee, acting as an endorser, transfers the bill of lading to another person (endorsee), the acquirer will be entitled to claim the release of the goods from the carrier. The first endorsee may in turn transfer by endorsement the same bill of lading to a third party, which acquires the quality of endorsee, holder as such of the transported goods (...). The existence of an uninterrupted series of endorsements legitimizes the last endorsee to capitalize on the rights over the transported goods" (Cristoforeanu, 1925: 118-119; in the same sense, see Căpățînă, 1995: 118).

In the case of the bearer transport document, the person who is in the legitimate possession of the transport document is entitled to claim the goods at the destination, operating the presumption that the possession of the bearer title is legitimate; the carrier only has the obligation to identify by name and domicile the person who presents the bearer title so as to know to whom he must send the goods arrival notice and hand over the transported goods (Căpățînă, 1995: 118).

Both the holder of the order transport document and the holder of the bearer transport document is obliged to send it to the carrier when taking over the transported goods (art. 1976 par. 1 of the Civil Code).

According to the law, the carrier has the obligation to make the transported goods available to the consignee or holder of the order or bearer transport document, in the place and terms indicated in the contract or, failing that, according to the established practices between the parties or the customs. The delivery of the transported goods is made at the domicile or headquarters of the consignee, unless otherwise arising from the contract, from the practices established between the parties or the customs (art. 1976 par. 1 of the Civil Code).

The carrier is entitled not to deliver the transported goods to the consignee in the following cases: i) if the consignee does not pay to the carrier the amounts due under the contract (ie transport, storage, customs expenses, etc.) and any reimbursements with which the transport was encumbered, as provided by law; in case of disagreement on the amount due, the consignee may take over the transported goods if he pays to the carrier the amount he claims to owe to the latter and records the difference claimed by the carrier to a credit institution (art. 1980 par. 1 of the Civil Code); ii) if the holder of the order or bearer transport document refuses to transmit the document to the carrier (art. 1976 par. 1 of the Civil Code); iii) if the goods are seized at the request of a third party; iv) if the sanitary, customs regulations, etc. impose certain restrictive control measures and formalities, the carrier having the obligation to comply with these regulations (Cristoforeanu, 1925: 118-119).

According to the law, the carrier cannot hand over the transported goods in the following situations: if the consignee cannot be found, he refuses or neglects the taking over of the goods or if there are misunderstandings regarding the taking over of the goods between several receivers or for any reason, through no fault of his own; in any of these situations, the carrier must immediately request instructions from the consignor, who has the obligation to send them to him within 15 days, under the penalty of returning the goods to the consignor, at his expense, or of their selling by the carrier, as the case may be. When there is an emergency or the goods are perishable, the carrier will retransfer the goods to the consignor, at his expense, or will sell them, according to the law in force, without requesting instructions from the consignor. At the end of the storage period or at the expiry of the term for receiving the consignor's instructions, the obligations of the carrier are those characterizing the free deposit, with the obligation for the consignor to reimburse in full the costs of preservation and storage of the goods (art. 1981of the Civil Code).

For the damage caused by the delay of the consignee in taking over the transported goods, the carrier will be compensated by the consignee or consignor, as the case may be (art. 1981 par. 4 of the Civil Code).

c) The right of the consignee to verify the transport document. The legal doctrine has shown that the consignee has the right to request the transport document from the carrier, indicating that this aims to examine in advance the documents accompanying the transport to see if the formalities required by customs, health, police, etc. laws have been met, if the transport of the goods has been carried out in the conditions laid down in the transport document, as well as to examine the transport document to see if he agrees with all the conditions laid down therein. In this case, requesting the carrier to present the transport document in order to examine its content does not mean accepting the contract. However, if the consignee asked the carrier to submit the transport document, without pointing out the purpose, it is inferred that he accepted the contract of carriage (Cristoforeanu, 1925: 179; in the same sense, see Căpățînă, 1995: 129).

d) The right of the consignee to verify the goods that were transported. Pursuant to art. 1979 (1) of the Civil Code, upon receipt of the transported goods, the consignee has the right (not the obligation) to request to ascertain, at his expense, their identity, quantity and condition, for the purpose of pre-establishing evidence against the carrier for quantitative and qualitative deficiencies caused to the goods during the carriage and of verifying the observance of the contractual obligations by the shipper. According to the majority of the doctrine, this verification of the transported goods does not have the legal value of the acceptance of the carriage contract by the consignee; depending on the result of the verification, the consignee may or may not accept to receive the goods.

A doctrinal view shows that the carrier, too, has the right to verify quantitatively and qualitatively the transported goods; the argument relates to the fact that, since the law does not prohibit this right, it can be exercised, especially since it is in line with the carrier's right to check the thing when it is handed over by the shipper to see if the mentions in the transport document are accurate. The latter right can be exercised by the carrier during the transport or at the destination, whenever he has a suspicion that the mentions in the transport document are not real (Cristoforeanu, 1925: 176-177).

If the existence of some defects is established, the expenses incurred by the consignee lie with the carrier.

The verification of the goods by the consignee will be done in accordance with the mutual agreement of the parties. In case of disagreement between the consignee and the carrier on the quality or condition of the merchandise, the court, at the request of either party, may order, while observing the procedure provided by law for the presidential order, a declaration of its condition by one or more experts appointed ex officio. The same decision may order the seizure of the merchandise or its storage in a public warehouse or, failing that, in another place to be determined. If the storage of the merchandise could cause great damage or would cause significant expenses, it may even be ordered to sell it at the expense of the person to whom it belongs, under the conditions determined by the decision. The sale decision must be communicated, before its execution, to the other party or to his representative, if either of them is in the locality; otherwise, the decision will be communicated within 3 days from its execution (art. 1979 par. 4-7 of the Civil Code). The party who did not make use of the legal provisions relating to the ascertainment of the condition of the goods must, in the event of a contestation, establish both the identity of the merchandise and its defects.

e) The obligation of the consignee to pay the price of the carriage and ancillary services. Pursuant to art. 1978 of the Civil Code, the price of the carriage and ancillary services provided by the carrier are due by the consignor and are paid upon delivery of goods for carriage, unless otherwise provided by contract or special law, as appropriate. If the goods are not of the same kind as those described in the transport document or their value is higher, the carrier is entitled to the price he would have charged if he had known these circumstances, the provisions of the special law being applicable in this case.

As an exception, the price may be paid at the destination, in which case the carrier will deliver the goods if the consignee pays it. The price of ancillary services and expenses incurred during the carriage is due by the consignee, unless otherwise provided by contract or special law.

If the consignee pays the amounts due according to the contract and any reimbursements with which the transport was encumbered, the carrier has the obligation to hand over the transported goods (art. 1978 par. 3 of the Civil Code).

In case of disagreement on the amount due (the price, ancillary expenses or reimbursement are contested), the consignee may take over the transported goods if he pays to the carrier the amount he claims to owe to the latter and records the difference claimed by the carrier to a credit institution (art. 1980 of the Civil Code).

Pursuant to art. 1983 of the Civil Code, the carrier who delivers the transported goods without collecting from the consignee the amounts owed to him, to previous carriers or consignor or without claiming from the consignor the recording of the amount over which there are misunderstandings loses the right of recovery and is liable toward the consignor and previous carriers for all amounts due to them. This text of the law concerns the situation in which the carrier had to collect a refund for the consignor, or the carrier, the last in a row of carriers, had to collect the price of the carriage, ancillary services and other expenses even for previous carriers (Stănescu, Stănescu, in Baias, Chelaru, Constantinovici, Macovei (coordinators), 2012: 1993).

In all cases, however, the carrier has an action against the consignee, even if he has taken the transported goods.

Conclusions

Renouncing the dualism of private law, the new Romanian Civil Code establishes a unitary system of regulation, its norms aiming not only at the relations between simple individuals, but also those between professionals. On 1 October 2011, with the entry into force of the new Civil Code, both the old Civil Code and the Commercial Code of 1887 (or a large part of it) became history, even if some of their provisions survived for a while or others have not yet been repealed.

We do not judge the legislature's option, but it is meritorious that it took over in the new Civil Code a significant part of the solutions enshrined by the old codes, by case law and doctrine. It also adopted, in the regulation of some institutions, solutions that are enshrined in the international conventions to which Romania is a party.

One of the contracts generously regulated by the new Civil Code is the carriage contract; its provisions constitute the general regulatory framework in such complex matters of carriage contracts, which, given the technical particularities of different categories of transport, are regulated in detail by special laws.

In the matter of the carriage contract as well, the new Civil Code took over the viable ideas of the Commercial Code of 1887 and took into account the valuable solutions proposed by the legal doctrine and judicial practice.

As an example, we give the regulation of the carrier's obligation to carry the goods in the order of receiving these goods, the carrier's obligation to travel on the route established by contract, the carrier's obligation to perform the transport within the set time limit, the consignor's obligation to entrust the carrier with the transport documents, the consignor's right to unilaterally modify the carriage contract, the limited liability of the carrier in case of loss or damage of the transported goods or in case of late delivery.

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Tales of Post-Communist Transition and Right-Wing Extremism. An Analysis of the 2000 Romanian Elections, 20 Years after

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Abstract

In recent years, several European states have witnessed the emergence and / or intensification of the radical right, whose exponents have even managed to obtain very good electoral results in some cases. In Central and Eastern Europe, the success of right-wing extremism has been more visible in Poland or Hungary, but other states have also had their fair share of extremist movement in the years since 1990. Compared to the other states in the region, where political formations on the far right of the political spectrum became, in recent years, electorally viable, in Romania this trend did not take hold. Instead, the right-wing extremism has manifested itself outside the political class, within different groups or social movements. Of the Romanian right-wing political formations, the Greater Romania Party (PRM) had been the most successful, and the presidential election from 2000 represented the peak of the extremist political discourse in post-communist Romania. In this paper, we will analyze the Romanian general and presidential elections from 2000, with an emphasis on the PRM and its candidate, as the main center of right-wing extremism. PRM, as the analysis will show, had registered a double electoral success during these elections. On the one hand, it became the main opposition party in the Romanian Parliament; on the other hand, its candidate entered the second round of the presidential elections, managing to obtain, in the first round, almost one third of the valid votes cast. Consequently, the main thrust of the paper will be on discourse analysis, focusing, in particular, on the themes used in the electoral campaign for the presidential elections by the two candidates who qualified for the second round. Given that the incumbent president did not seek to be reelected, we argue that the right-wing surge witnessed during this period can be premised, in part, on the poor performance of the outgoing president and government from the 1996-2000 period. Similarly, electoral absenteeism also played a major role in PRM's electoral success to a certain extent.

Keywords: *Romania; post-communism; right-wing extremism; Greater Romania Party; presidential elections.*

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Introduction

The presidential elections from 2000, the fourth electoral contest held in Romania since the fall of the communist regime in 1989 and the third since a new Constitution was adopted in 1991, took place in a context where a significant majority of Romania's population was dealing with a complex economic situation. The political coalition that had been in power since 1996 and whose main political member was the Democratic Convention of Romania (CDR) had been catastrophically incapacitated by the disunity showcased by its members. Where the office of the prime-minister was concerned, it had undergone three successive changes: one by one, Victor Ciorbea, Radu Vasile şi Mugur Isărescu came, governed for a short amount of time and then they were replaced. President Emil Constantinescu recorded very low approval ratings at the end of 1999. In light of this, he declared his helplessness towards an entrenched political system that refused to reform itself and announced that he will not seek a second mandate.

Twelve candidates announced their presence in the presidential race from that year (by comparison, 16 had run in 1996). The main candidates were: former president Ion Iliescu (PDSR); the senator Corneliu Vadim Tudor (PRM); former Prime Minister Mugur Isărescu (independent candidate); Theodor Stolojan (PNL); György Frunda (UDMR); Petre Roman (PD) and last but not least, Graţiela-Elena Bârlă, the first woman to ever run for the presidential office in Romania.

By the second round of the presidential elections, the remaining two frontrunners were Ion Iliescu and Corneliu Vadim Tudor. The public opinion from Romania and abroad was shocked that Corneliu Vadim Tudor ended up being such an attractive political option for so many voters. On top of that, his political party, the Greater Romania Party (PRM), had just won a fifth of the parliamentary seats. These two political developments signaled the existence of a growing extremist threat in Romania. It was for the first time in Romania's recent history when a candidate that appealed to an extremist political discourse succeeded to attract to his side such a significant part of the electorate.

This paper proposes an analysis of the 2000 parliamentary and presidential elections that focuses on identifying the conditions in which the extremist parties gained visibility and viability on the political scene and also locates the factors which enabled their success. In this sense, the study will focus preeminently on PRM and the discourse of its presidential candidate during the electoral campaign.

The 2000 Electoral Year and the Evolution of the Legislative Framework and Economic Context

The Decree-law no. 8/1989 not only restored the much needed political pluralism in the Romanian society – an aspect so very important after the fall of the communist regime in December 1989 – but during the early 1990s, also gave everyone the possibility to establish their own political party ("Monitorul Oficial" [*Official Bulletin*], no. 9, December 31, 1989). Over 200 political parties appeared in Romania prior to the 1992 election. Since the majority of them were practically inexistent and had never participated in any election, subsequent legislative acts tried to dissuade this practice of party inflation. In this sense, the law regarding the political parties adopted in 1996 stipulated that in order to establish a party, the signatures of at least 10,000 founding members were required and those members needed to belong to at least 15 constituencies. Moreover, at the constituency level, another provision stated that there

needed to be 300 founding members at the very least (Law no. 27/1996, published in "Monitorul Oficial" [*Official Bulletin*], no. 87, April 29, 1996).

Prior to the elections held in 2000, the electoral threshold for entering the Parliament had been raised through an Emergency Ordinance (OUG). The Ordinance stipulated that the threshold would rise from 3% to 5% for political parties, and where political coalitions and alliances were concerned, the threshold would vary from 8% to 10%, depending on the number of members (two, three, respectively four or more than four) (OUG no. 129 from June 30, 2000, published in "Monitorul Oficial" [*Official Bulletin*], no. 311, July 5, 2000). If the 5% threshold for political parties was with the limits generally accepted at the international level, the one of 10% for political alliances was thought to be too restrictive. A report issued by the OSCE with regard to the 2000 parliamentary elections criticized both this aspect as well as the fact that the changes to the electoral law had been made by way of an OUG (OSCE, 2001: 5-6).

The 2000 electoral campaign had been gravely affected by a series of economic scandals like "Costea" and "FNI". Once again, these scandals brought the problem of corruption in the Romanian society to the forefront of the debates (European Commission, 2000: 5-6). The first of these scandals was centered around the controversial businessman Adrian Costea who was accused of money laundering through a scheme where funds from Romania would be deposited to a group of French enterprises for the purpose of printing electoral materials, images and posters. A scandal of such a magnitude could have seriously damaged Romania's image abroad, by reopening the discussions about corruption practices of which notable Romanian institutions and personalities had been accused before. The accusations against Adrian Costea were made in France and he was accused of embezzling public funds from Romania on behalf of various Romanian politicians. The fraud involved several members of the Party of Social Democracy in Romania (PDSR) and from the Alliance for Romania (ApR). Given the personalities involved, the scandal could have significantly affected the presidential electoral campaigns of the three main candidates: Teodor Meleșcanu, Emil Constantinescu and Ion Iliescu.

The second scandal regarding the National Fund for Investments (FNI) started a month before the local elections, when massive capital withdrawals from FNI began and the depositors started to worry after the payments were discontinued. FNI was a company owned by SOV Invest, a firm owned in turn by another controversial businessman, Sorin-Ovidiu Vântu, who held stocks and state banks like CEC (*Casa de Economii și Consemnațiuni*, Eng. version: Savings and Consignments House) or the Agricole Bank. The collapse of the Fund would have shaken the people's trust in the entire banking system. All across the country, the offices of CEC and BCR (*Banca Comercială Română*, Eng. version: Romanian Commercial Banks) were overrun by thousands of people who wanted to withdraw their money, for fear that in the near future these institutions will eventually struggle with their own financial problems (Stoica, 2010: 118-119).

Consequently, the local elections were overshadowed by this scandal especially when multiple FNI investors organized several protests at the national level, demanding to get their savings back and threatening to boycott the elections unless they would receive what was owed to them. One of the immediate effects of this social and economic instability was reflected in the massive wave of absenteeism that affected the local elections. The registered rate of participation had been of only 50.85% (Autoritatea

Electorală Permanentă [*Romanian Permanent Electoral Authority*], 2000a), reflecting the lowest electoral turnout up to that point.

How Was the Electoral Campaign Conducted and Who Won the Elections?

In the four years since it had been in opposition – from 1996 to 2000 – PDSR registered some political victories in the Parliament thanks to Corneliu Vadim Tudor and PRM, which they had let, on several occasions, take the lead in the opposition. In the 2000 election campaign, aided by the CDR-PD-UDMR government's disorganization, lack of vision, and dissapointing results, PDSR only tried to propose solutions that were more democratic than PRM's extremist ones. PDSR also put forth a much more pro-European national project than the xenophobic and extremist nationalism promoted by Corneliu Vadim Tudor. Therefore, as Teodorescu et.al. remarked, despite the negative campaign triggered by the Costea and FNI scandals, it seemed that PDSR was not negatively affected in the parliamentary elections (Teodorescu, Guțu & Enache, 2005: 91-92). CDR was hit, however, not only by the extremely poor results of its own government, but also by a new scandal, launched by Corneliu Vadim Tudor. The scandal focused on President Emil Constantinescu, who was accused of having extramarital relations with an actress, Rona Hartner. Despite the fact that the evidence presented by Vadim Tudor was disputed by all the media and that the PRM leader himself admitted, at one point, that he may have been misinformed, the scandal managed to generate some questions about the morality of President Constantinescu, which led to an even greater decline in his approval ratings.

Moreover, President Constantinescu's image was also negatively affected by his decision to support NATO military forces in Kosovo, strongly contested by PDSR and PRM. In three years, amid all these crises and scandals, the intention to vote for President Constantinescu had dropped from 70% in 1997 to about 10% in the summer of 2000 (Câmpeanu, 1999: 10-11). Immediately after the local elections, he announced that he would no longer run for a new term, which meant, in fact, the final breakup of CDR, the alliance that had managed to win the parliamentary elections four years ago, after gaining almost 10% more votes than PDSR. After the President's decision not to candidate, Ion Iliescu remained the only contender that the polls placed at 40% in terms of voting preferences, while the other main opponents – Petre Roman, Theodor Stolojan, and Corneliu Vadim Tudor – were far behind him (Teodorescu et.al., 2005: 100). Ion Iliescu's electoral campaign was a relatively quiet one. The tone of the messages transmitted and of the electoral spots was a calm and positive one, and the electoral slogan of Ion Iliescu, "Close to the people, together with them", offered the citizens dissatisfied with the government exactly what they wanted to hear: that the future president would be much more concerned about the citizens' problems, and that the decisions would be taken in collaboration with them.

We can assert that this way of constructing the discourse in the electoral campaign was based precisely on the premise that the citizens will balance the realities of the former government with a new way of making politics, promised by Ion Iliescu and PDSR. Basically, Iliescu relied for the electoral campaign on the power of the retrospective vote. According to Morris Fiorina, who theorized the explanatory model of the retrospective vote, the evaluations that voters make about the previous performances of governments have a particularly important role in constructing the voting decision and the only situation in which they are not considered by voters is the one in which the solutions (namely the public policy proposals) of the opposition are extremely

convincing (Fiorina, 1977: 601-625). Iliescu's slogan prompted a response from citizens that had been the result of such an "electoral calculation": they were invited to evaluate the gains they had benefited from as a result of the policies pursued by the former government (or the losses incurred in their standard of living), and to compare them with the promises of change that came with the PDSR and its leader.

At the opposite pole, the electoral campaign of Corneliu Vadim Tudor was a very agitated one, sprinkled with speeches in which he attacked in an extremely vehement manner all the candidates and offered only radical, extremist or racist solutions to the political problems of the moment. His electoral slogan, "Justice, prosperity, national reconciliation", came in clear contradiction with the type of speech practiced by the PRM leader, in which he uttered insults against the candidates and proposed extreme and immediate measures, which any moderate citizen could understand that they were not permitted in a democratic country. To the question of how to solve the problem of corruption facing the Romanian society, the PRM leader answered as follows: "by shooting the octopus right in the eyes" (Teodorescu et.al., 2005: 102). Although his main campaign themes were patriotism and the fight against corruption, his nervous outbursts, insults against other candidates, as well as racist or xenophobic statements determined Ion Iliescu to refuse any face to face debate before the second round of the presidential elections. This was the first time in post-communist Romania when there was no electoral debate between the two candidates in the second round of the presidential elections.

The big winner of the parliamentary elections was PDSR, which not only won after four years of opposition, but also improved its previous electoral performance by about 300,000 votes, given that turnout (and, therefore, the total number of votes) was lower than in 1996 (65.31% of the electoral body voted, compared to 76.01% in 1996). PDSR obtained the most spectacular increase in Bucharest (where it doubled its share of votes compared to the 1996 elections) and in Muntenia. The victory of PDSR did not shock anyone, while the rise of PRM was the surprising one: Corneliu Vadim Tudor's party ranked second and achieved the best score of his entire career. Vadim-Tudor's statements that he will "liquidate corruption in 24 hours", that he will shoot journalists, brought him, in the first round of the presidential elections, more than 5 times more votes than in 1996. The voting structure for the PRM candidate explains the drama of the political situation in 2000. It was voted by a large part of the young electorate, from the richest areas of the country, Transylvania and Bucharest. Moreover, according to the exit polls, 29% of Emil Constantinescu's 1996 electors voted for Vadim Tudor in 2000. The tables below, with the results of the parliamentary elections and the first round of the 2000 presidential election, reveal these aspects.

Table 1 – Distribution of votes at the parliamentary elections 2000, compared with 1996 (Chamber of Deputies)

Party / Year	PDSR	PRM	PD	PNL	UDMR	CDR 2000	CDR	USD	PUNR
2000	36.61%	19.48%	7.03%	6.89%	6.79%	5.03%	-	-	-
1996	21.52%	4.46%	-	-	6.63%	-	30.16%	12.92%	4.35%

Data source: Romanian Permanent Electoral Authority (2000b); (1996a)

Table 2 – Distribution of votes in the first round of the presidential election 2000, compared with 1996

Candidate / Year		I. Iliescu	C. Vadim Tudor	T. Stolojan	M. Isărescu	G. Frunda	P. Roman	E. Constan-tinescu
2000	**Votes**	4,076,273	3,178,293	1,321,420	1,069,463	696,989	334,8532	-
	%	36.35%	28.34%	11.78%	9.53%	6.21%	2.98%	-
1996	**Votes**	4,081,093	597,508	-	-	761,411	2,598,545	3,569,941
	%	32.25%	4.72%	-	-	6.01%	20.53%	28.21%

Data source: Romanian Permanent Electoral Authority (2000c); (1996b)

In the second round of the presidential elections, the regional distribution of votes was much more uniform than in the first round, as can be seen in Table 3 below. That the voters of the other main candidates that had lost in the first round, favored Ion Iliescu increased his advantage in areas where his opponents had obtained better scores in the previous round, respectively in Bucharest. The aversion towards Iliescu manifested by the Transylvanian electorate in all the previous elections was maintained, Corneliu Vadim Tudor registering in this region his best score, especially in the counties with a predominantly Romanian electorate. In fact, the largest variation in results was registered precisely in this province, where it ranged from 55% in favor of Corneliu Vadim Tudor, in Bistriţa-Năsăud, to 91% in favor of Ion Iliescu, in Harghita.

Table 3 – Distribution of votes in the second round of the presidential election 2000

Candidate / Province	Ion Iliescu	Corneliu Vadim Tudor
Transilvania	62.69%	37.31%
Muntenia	66.70%	33.30%
Moldova	69.97%	30.03%
Bucureşti	73.23%	26.77%
Total (votes)	**6,696,623**	**3,324,247**
Total (%)	**66.83%**	**33.17%**

Data source: Romanian Permanent Electoral Authority (2000c)

As A. Aldea observes, if the mass of Ion Iliescu's voters increased from the first to the second round by over two and a half million, in the case of Corneliu Vadim Tudor the increase was insignificant, below 150,000 (Aldea, 2001: 36). Moreover, Vadim Tudor's criticism of the media and his contempt for journalists generated a strong campaign against him. Thus, the majority of important parties and candidates who failed to enter the second round, as well as the most important newspapers and television channels called on citizens to vote for Ion Iliescu and against Corneliu Vadim Tudor (OSCE, 2001: 20).

The results of the first round of the presidential elections produced a real shock in the Romanian political life and triggered an alarmed response on the part of the international community. The example of Austria, where Jörg Haider, the extremist

leader of the Freedom Party won the elections and subjected the country to a European political boycott, sent a poor message given that Romania had been invited just one year before to start the negotiations for the accession to the EU. The mobilization of the society against the extremist danger, which was less premeditated and more conjectural in nature even on the part of old opponents of Ion Iliescu, decided the fate of the second round of elections; from his position as the "savior of the democracy", Iliescu had to make important changes in how he would conduct himself politically compared to the previous mandates.

Analyzing Ion Iliescu's and Corneliu Vadim Tudor's Political Discourses

The 2000 presidential elections were without a shadow of a doubt the height of Corneliu Vadim Tudor's political career. The electoral campaign that preceded these elections was the moment when Vadim Tudor's strongly nationalist and extremist political discourse succeeded to attract to his side many of the voters who had previously voted with right wing and center-right parties and which had grown disillusioned by the CDR's leadership.

According to the program adopted at the first Congress, on March 6, 1993, PRM defined itself as a center-left party, based on the values of social democracy and Christian democracy, even if some of the provisions courted the extreme left, promising a redistribution of national wealth along the lines of the principle that everyone should be treated in accordance with their needs. Externally, PRM was a supporter of nation states, clearly opposing the Europe of regions, even if it favored Romania's integration into NATO and the European Union. However, it had become very clear that, through its anti-Hungarian, anti-Semitic and anti-Gypsy attitudes, PRM was actually more of a far-right party. Moreover, elements of nationalism, identified in motifs evoking national greatness, historical injustices endured by the Romanian people or intolerance of national minorities were found in the party's platform, which identified the Romanian state with the dominant nation and visibly discriminated any other national groups. For example, in several of his speeches, Corneliu Vadim Tudor argued that the Democratic Union of Hungarians in Romania (UDMR) should be outlawed and that the attempt by Romania's former king, Michael I, to visit the country was an attack on the territorial integrity of Romania. Moreover, through the PRM strategy adopted following a 1996 national conference, Corneliu Vadim Tudor aimed to rebuild Greater Romania, change the country's political system and, therefore, the Constitution, which would have enabled him to create two vice-president positions (one of which would belong to Bessarabia), to set up a Ministry of Propaganda (!!!) and to outlaw the UDMR.

Of the political speeches analyzed in this paper, we consider that the most relevant was the one given by the PRM candidate at the launch of his candidature, entitled "Romanians, I order you: Cross the Century" [orig. ver.: „Români, vă ordon: treceți veacul!"]. Besides this speech, an interview given to the Public Television on November 14th, 2000 played a crucial role in gaining wide popular support. Most of Vadim Tudor's speeches were based on negative themes, the language used being characterized either by invectives or virulent attacks aimed at his political competitors (in one of these speeches, Vadim Tudor referred to President Emil Constantinescu as a "political cadaver") (Vadim Tudor, 2001: 359), either by excessive nationalist tropes, here and there even hitting tragic notes.

One of the recurrent themes present in Vadim Tudor's speeches was about Romania's ongoing problems with poverty, crime, and degradation:

"The Real Country is the womb of the woman who started to sell her babes ahead of being born [...] the children sold this way to the organ banks of the world's richest men, are sent to certain death. This does not mean that in Romania, people are not dying! They are dying [...] in some of the most horrific ways. Here, I am talking about [...] crimes and suicides. Never in the entire history of Romania, have so many of our peers been killed or have killed themselves on a yearly basis! [...] the weeds which make the life of Romanians' unbearable [are]: poverty, misery, anarchy, the organized crime" (Vadim Tudor, 2001: 344-347).

The "political and media Mob" was also a target in Vadim Tudor's speeches:
"This is one of reasons why the political and judicial Mob involved in the traffic of children, obtains billions of dollars in financial profits. My slogan is: "Down with the Mob! Up with the Motherland! [...] but the Mob has preyed upon us even during these Autumn days, some 280 million dollars on a so-called foreign medical technique that's for all intents and purposes, second-rate. [...] the Gypsy Mob ravages everything in its surrounding and the authorities shield it from facing any consequences!" (Vadim Tudor, 2001: 366-367).

The only positive theme of Vadim Tudor's speeches and of his overall electoral campaign was probably the one praising the greatness of the Romanian people and language. This topic was closely connected with his main stated political objective, namely that of forging the Great Romania by achieving the union with Bessarabia and Bukovina:

"Research the archaeological background of the Romanian language and you will see that the most important words – *Patrie* [Eng.: Homeland], *Popor* [Eng.: People], *Țară* [Eng.: Country], *Biserică* [Eng.: Church], *Armată* [Eng.: Army], *Pâine* [Eng.: Bread], *Muiere* [Eng.: Wife], *Soț* [Eng.: Husband], *Făt* [Eng.: Babe], *Frate* [Eng.: Brother], *Soră* [Eng.: Sister], *Sănătate* [Eng.: Health] – and even the glorious word that is *Dumnezeu* [Eng.: God] […] have Latin origins; We are dealing, in effect, with two aspects that each are unique in their particular way: The country is singular under the sun [...] while its People is absolutely brilliant""
(Vadim Tudor, 2001: 358); Peacefully accelerating the historical and irreversible unification project with Bessarabia and Bukovina, [which are] ancient Romanian territories, [is something] we will never give up on" (Vadim Tudor, 2001: 358).

The speech "Romanians, I order you: Cross the Century" published in the magazine „România Mare" (Eng: "Great Romania"), from October 6th, 2000 was structured around the idea that the Romanians are a passive people. The discourse was built on an enumeration of multiple quotes and affirmations with a religious bent. For the regular citizen, the main themes and ideas of this speech are quite difficult to follow due to the quick transitions and, in some places, due to the lack of eloquence and relevance: from the count of Salaberry (who was of the opinion that tyranny had made the Romanians timid) to Marmier (who considered that the Romanians pass their apathy

and fatalism from one generation to another), from the considerations on the philosophy of destiny and luck found with the Romanian peasant to Mihai Viteazul or Tudor Vladimirescu, finally arriving at Marshall Antonescu and Ceaușescu (Florea, 2005: 108-111). Throughout the speech, the political campaign is transformed into a military one, aimed at saving Romania and the Romanian people from those who had given up on their destinies up until that point. Electoral fraud, the recurrent theme in Vadim Tudor's political discourses, is invoked on this occasion as well. Vadim Tudor urged his supporters that they should not accept this fact lying down and that instead they should be proactive and counterattack ("Such a thing is not possible! Charge ahead!") (Florea, 2005: 112).

Despite positioning himself in the second half of the decade as a critic of the policies enacted by the European Union (EU) and NATO, especially from his position as a Member of the European Parliament, Vadim Tudor adopted a rather moderate stance towards these two entities during the analyzed period. This was likely attributed to the fact that most of the Romanians were very supportive of the idea that Romania should be included in the EU and NATO. In other words, an anti-integrationist speech would have had adverse electoral effects. In light of this, Corneliu Vadim Tudor sent a message to the U.S. President George W. Bush on November 29th, 2000 in which he declared his full commitment for the future inclusion of Romania in NATO and EU: "[The future membership was] a fundamental aspect of the party's politics given that it allowed [Romania] to share the benefits with all the other nations from within the geographical, political, economical, social, and multicultural frontiers of both the Euro-Atlantic organization and of the European Communities" (Gheorghiță, 2006: 124).

Vadim Tudor utilized a vocabulary riddled with archaisms, hyperbolas, and metaphors that were used in order to invoke an exacerbated form of nationalism and traditionalism. By doing this throughout the electoral campaign, Corneliu Vadim-Tudor tried to build for himself the image of a national savior or Messiah which was thought to resonate with a more traditionalist, rigid electorate that might even entertain authoritarian sympathies. These being said, as some authors have noted, this strategy would ultimately prove to be insufficient since throughout the electoral campaign, the PRM candidate neglected to convey to the wider electorate what were those political and managerial competences that set him apart from the other candidates and that made him the best choice for the presidential office (after all, one of the main constitutional attributes of the president is that of being a mediator between the various political and social forces present in a society) (Gheorghiță, 2006: 125). As such, he was not perceived as a veritable politician and because of this he failed to attract the electorate towards his side especially where the second round of the elections was concerned. This aspect coupled with Vadim Tudor's political discourse rooted in passé extremisms, cheap nationalist potshots and acerbic xenophobia made so that the gap in electoral support – reflected in the votes cast – be the highest ever registered in Romania's post-communist history.

Unlike his main counter-candidate, Ion Iliescu built his entire electoral campaign around the ideas of balance and unity as evidenced by his political slogan: "Together for Romania". Maybe the only topic that both Vadim Tudor and Iliescu had in common was the one concerning poverty and social degradation. These being said, Iliescu's speeches – even though they also cite this negative theme – are more nuanced and balanced than those of Vadim Tudor. One such example is seen in Ion Iliescu' televised address to the nation given at the National Television electoral headquarters:

> "We are all feeling the effects of an unprecedented poverty that
> affects a majority of our fellow Romanians. Every day we are
> learning about incidents where people have taken their own lives
> out of despair or because they could no longer deal with hunger,
> the lack of medicine, the extreme poverty" (Haineș, 2002: 156).

We can clearly see that Ion Iliescu's speeches have been neither as virulent or emotional, nor as traditionalist or dramatic as Vadim Tudor's. For the most part, Iliescu used the negative themes only as a modality to showcase his own political program, his speeches being preponderantly about socio-economic issues:

> "We will built a functional market economy, founded on fair
> competition and efficiency. On the short term, our economic
> recovery requires from us to develop the small and medium
> enterprises [...] a[nother] vital strategic objective concerns the
> recovery and development of the Romanian agriculture" […] "I
> will recommend to the future Parliament and government several
> measures aimed at combating extreme poverty and helping the
> families with numerous children as well as the single-parent
> families […] the social welfare system will become the backbone
> of our national solidarity" („Bună ziua Iași", October 5, 2000).

In the speech accepting his party nomination from October 5th, 2000, Iliescu talked about the "duty" that motivated him to seek another mandate, about the high degree of responsibility that the highest office in the state required from a leader: "I committed to this presidential competition for a new constitutional mandate by stating the firm belief that I will responsibly do my duty to the fellow citizens of this country" („Bună ziua Iași", October 5, 2000).

Obviously, the result of the 2000 presidential elections was one in which for the first time after 1989, the Romanian vote was a preponderantly negative one. In the second round of the 2000 presidential election, the Romanian voters found themselves between a rock and a hard place. Ion Iliescu had already been the president of Romania between 1990 and 1996 and had his fair share of negative issues to contend with (see for example "the mineriads").

Still, for Ion Iliescu it had been relatively easy to built himself a positive image given who was his competitor: Vadim Tudor was not perceived as a supporter of the democratic principles and, instead, was proposing an extremist, radical alternative which would remove Romania from its Euro-Atlantic journey at the end of which Romania was to become a member of both the European Union and NATO. Furthermore, it would also set her back in terms of the much awaited democratic consolidation (Gheorghiță, 2006: 127):

> "Unfortunately, I find myself in a situation where I am dealing
> with an extremist, xenophobic and Anti-Semitic politician which
> proposes a return to a totalitarian regime with all that it entails.
> Such a thing is unacceptable. We cannot allow for such thoughtless
> political adventurism to take roots. Democracy, citizen rights and
> liberties, tolerance, dialogue, the protection of minorities, the
> property rights are values that my counter-candidate either reneges
> or ignores altogether" (Haineș, 2002: 157).

Eventually, the political calculation made by the Romanian electorate was for the most part a rational one: instead of opting for Romania to distance itself from gaining the much awaited statute of a consolidated democracy – won with so many sacrifices during the Revolution – and maybe even risking "a fall" into a new type of authoritarianism, the Romanians preferred to give Ion Iliescu a new mandate. Though Iliescu was himself a contested leader, where he was concerned the voters were more assured that he will not pose such a great threat to the democratic future of Romania – both in terms of becoming a full-fledged consolidated democracy and of becoming a full member of the European Union and NATO.

Conclusions

At the end of 1999, it was clear to everyone that CDR would no longer have the strength to win the 2000 general election. One year later, Romania was struggling and the popularity of CDR had eroded so strongly that it even failed to exceed the electoral threshold. The only survivors who managed to enter the Parliament were PD and PNL, while PDSR won almost half of the seats in the Chamber of Deputies and the Senate. On the backdrop of the right-wing parties fall from electoral graces, the PDSR program proposed a viable alternative to revive the economy, combat poverty and unemployment, integrate into NATO and EU. The electoral strategy used was a very simple one, in the context of the political and social crisis faced by the country, PDSR presented itself as a stable political force, able to govern and avoid the mistakes of the former power.

The real surprise of the 2000 elections was the ascension of Corneliu Vadim Tudor and of the Greater Romania Party. The unexpected electoral success of Corneliu Vadim Tudor occurred amid an acute crisis in Romania. Among the factors that facilitated the presence of Vadim Tudor in the second round of the presidential elections we find a wide array of issues: divided opponents, popular dissatisfaction with the traditional political class, a depreciated standard of living, the uncritical promotion of the extremist electoral message by the media. Vadim Tudor was voted by the disadvantaged social categories, pessimistic about their own future, but in the decisive round he was easily defeated by his counter-candidate, who was the beneficiary of the anti-extremist media campaigns initiated between the two rounds. The electoral success of extremism had highlighted the relative influence of xenophobic, nationalist, and racist tendencies which, in the context of a difficult social and economic situation, could have blocked the processes of democratic and economic transformation.

Despite the limited alternatives that the voters had at their disposal and in light of the emergence of extremism, which brought back into public debate the fear of returning to an undemocratic regime, Romania continued to advance, albeit with considerable difficulties, on the path towards democratic consolidation and European and Euro-Atlantic integration. Although in recent years there have been many social, political and economic problems, the radical or extremist parties that emerged on the political scene in Romania have been unable to replicate similar levels of success. From this point of view, Romania remains in recent years a positive example among the Member States of the EU and, especially, in Central and Eastern Europe, where, increasingly, radical parties not only obtained very good electoral scores but they even managed to govern in some cases. As a final thought we could argue that either the memory of communism, still very present in the Romanian collective consciousness, or the adherence to the values of the European Union, have kept the radical currents at bay, on the fringes of the Romanian political scene. In today's volatile European and

international political context, this political achievement represents an extremely important victory in the struggle to maintain democracy as a political and social ideal.

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Can we Empower Youth through Volunteerism? Results of an Empirical Study on Romanian Youth

Gabriela Motoi[1]

Abstract
In today's society, involving young people as well as elderly in volunteer activities allows both individual development and the development of the communities in which they live. Volunteering has a positive impact both on the person who gets involved voluntarily, developing social skills and practical skills, and on the community and society as a whole, being a source of multiplication of social networks based on cooperation and mutual trust. The premisesof our research are the conclusions of different studies that show that involvement in volunteering is not influenced by gender or age. Instead, it has been shown that people with a better education are inclined to this type of activity. Thus, this article is presenting the results of an empirical study among persons aged between 18 and 35 years. The main objectives of our research were to identify: the importance of volunteering activities and the level of involvement in that kind of activities; the main areas that are preferred by Romanian youth; the advantages or inconveniences for involving in volunteering activities.

Keywords: *volunteer; social solidarity; volunteering activities; individual development; skills.*

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Context

In any society, regardless of its level of development, volunteers have a significant role in reducing "suffering" and improving the living conditions of people in vulnerable categories. The involvement of young people, but also of the elderly in these kinds of activities allows and facilitate for them individual development and also the development of the communities in which they live. The contribution of volunteering to individual development is reflected in the acquisition of knowledge, skills and abilities both in the labour market and on an individual level.The contribution of volunteering to the development of communities is highlighted in facilitating the social integration of individuals, especially those belonging to disadvantaged communities, as well as combating the risk of social exclusion of vulnerable social categories, thus contributing to "rising social solidarity" (Paceșilă, 2017: 19-29).

Involvement in various voluntary organizations allows the individual to learn (and to form) certain skills (Knepper, D'Aggostino, Levine, 2015: 211-212) through which he(she) can adapt more easily to the requirements of the XXI century society. Also, it can make him aware of certain qualities that he possesses and, thus, helps him to develop in a harmonious way, helping him to find the professional fields in which he can work in the future. Volunteers should be much more than just service providers, but rather they should participate in the decision-making process and to the development of the programs in which they are involved.

Defining volunteerism - a challenge

Volunteering represents "a free activity" (Ferrand Bachmann, 2000: 13), which is unpaid and which is for the benefit of the community and its members. According to R. D. Putnam (2000), an intense volunteer activity promotes "the development of a sense of social responsibility", the creation of strong social ties and, last but not least, contributes to social harmony and cohesion. Thus, volunteering is an important and popular mechanism that allows young people involved to participate and to generate positive changes in society; it is an activity that is becoming more and more "a mechanism to engage young people in global peace and sustainable human development" (Guzman, 2006).In Romanian scientific literature, volunteering is defined as a formal activity that the individual carry out "without any wage, by free choice, in a formal way, within an organization,working for the benefit of the others or of the entire community" (Voicu&Voicu, 2003a: 3).Thus, volunteering is an activity carried out voluntarily, following a choice and based on an individual motivation, which does not pursue financial gain (Handy et al[, 2000: 45]; Rochester et al. 2010[)], being often carried out through a non-profit organization or within a community initiative, but also informally, directly for the benefit of other people or of the community.

Volunteering is understood as a parallel career, a "hidden side of the professional career" (Simonet, 2010: 53), which leads to highlight unequal social relationships right down to the fond of associative activities. On the one hand, there are the volunteers who integrated into the world of work, who withdraw from their commitments new resources and, on the other hand, there are individuals in real difficulty with regard to employment, who really have no choice but to work for free. For potential employers, volunteering is a motivating alternative for vocational training, it increases the motivation of individuals for a company that promotes volunteering and

the individual is aware of his own identity and individuality, better due to the skills acquired through volunteering

Volunteering has a positive impact both on the person who gets involved voluntarily, developing social skills and practical skills, and on the community they belong to and society as a whole, being "halfway between individual and collective action" (Viallon, 2017: 11; Hustinx, Lammertyn, 2003: 167-187) and in the same time, being a source of multiplication of social networks based on cooperation and mutual trust. Youth volunteering is associated with "informal and non-formal learning opportunities"(Kiilakoski, Kivijärvi, 2015: 47-61) and the development of youths' personalities, abilities and skills to enable them to successfully meet the challenges they will face at different stages of their lives.

According to the European Union, voluntary organizations are defined by the following characteristics: a) have a formal or institutional basis; b) are either non-profit or do not bring profit for their members or managers; c) are administratively independent; d) their administration is carried out with "disinterest"; e) aims at promoting the public interest (Catalactica, 2011: 32).

Volunteering. A brief analysis on European and national data

An analysis carried out at European level, through a Eurobarometer carried out by the European Parliament, shows that involvement in volunteering is not influenced by gender or age. Instead, it has been observed that people with a better education are most likely involved in this type of activity (Eurobarometer, 2011).According to 2020 Strategy, volunteering contributes to sustainable human development. The 2020 Strategy further recognizes that the capabilities and effectiveness of a National Society are directly related to its ability to mobilize, manage and empower volunteers in all its communities. In addition, the Europe 2020 Strategy aims to develop the mobility of volunteers across the European continent "as one of the waysto train a mobile workforce for the fast-changing knowledge economy" (European Commission, 2018: 11).

In Europe, according to Eurostat statistics, at the level of 2015, the countries where the share of people (aged over 16 years) who carried out "formal voluntary activities" was very high were: Norway – 48.0%; Netherlands – 40.3%; Denmark – 38.7%; Luxembourg - 36.7%; Switzerland - 36.5%; Finland – 35.5% (Eurostat, 2018). These percentages confirm Inglehart's theory that "economic development tends to produce rising levels of volunteering" (Inglehart, 2003:69-70).At the opposite pole, well below the European average (19.3%), were the following countries: Cyprus - 7.2%; Hungary - 6.9%; Bulgaria - 5.2%; Romania - 3.2% (Eurostat, 2018).

Also, the scientific literature highlights the fact that "differences in participation and/or volunteering between countries were often explained by cultural or structural factors" (Voicu&Voicu, 2003b: 143). On the other hand, there are theories that state that"in Eastern Europe, the lower cross-border volunteering rate was largely attributed to the political past" (Kalyenska&Kaleynska, 2018; Pantea, 2015: 271; Kaleynska, 2019: 25-26), that there are some patterns specific to Eastern European countries which can explain mainly all social phenomena (Porumbescu, 2012: 268-274) and that poverty is not a determinant factor of prosocial behaviours, such as, for example, volunteering (Lichter, Shanahan and Gardnerim, 2002: 90).

And this aspect can be explained also by Inglehart's theory, also according to which there are two hypotheses about how values change, the assumptions arising from the *pyramid of needs*, developed by Abraham Maslow (stating that people act to meet a

number of different needs, which are pursued in hierarchical order, according to their relative urgency for survival): the socialization hypothesis and the scarcity hypothesis Inglehart, 1997: 22).If they are belonging to communities, or societies with a low standard of living, they will always be concerned with satisfying basic needs, lower levels, and less with self-realization needs (Inglehart, 1981: 881). Those who are part of societies where the level of development is above average are more concerned with meeting the needs of self-realization, having good health, a great interest in environmental issues, a high level of personal responsibility, participation in political and civic activity, tolerance of diversity, etc. Inglehart says that this assumption is "similar to the principle of marginal utility in economic theory" (Inglehart&Baker, 2000: 23-24).

In fact, Inglehart's model is the one that formed the basis of the "World Value Survey" waves, the results of which exemplify very well the arguments in the paragraph above. For example, in the case of the Romanian society, the results obtained in the survey from 2010-2014 highlighted the following conclusions: of the 1503 total people surveyed, only 1.8% were active members in charitable or humanitarian organizations; 1,3% - they were active members in organizations for environment protection; 2,5% - active members in self-help groups and mutual aid groups; 4,4% - active members in labour unions etc. (Inglehart et.al, 2014). Active involvement in volunteer activities can contribute, to a significant extent, to the development of a civic engagement, at regional and local level, determining people - in our case, youth, "to engage in society" (Olimid, 2014: 78).

Regarding "formal voluntary activities", the data provided by Eurostat in 2018 showed that the first three countries where the share was the highest were: The Netherlands (82.5%); Norway (74.5%); Finland (74.2%). At the opposite pole were: Bulgaria - 6.3%, Romania - 3.2%; Malta - 0.9% (Eurostat, 2018).Statistical data provided by Eurostat show that the rate of volunteering is higher among those with a higher level of education, usually more than a third of those who volunteer being graduates of tertiary education. All age groups participate in volunteer activities, but studies have shown that, most often, "the age group most committed to volunteering are young people aged under 30 (Rigman, 2009). At European level, there are a number of measures and actions that are being implemented to encourage citizens to get involved in volunteering. The best known of these are: the Volunteering Database, the European Youth Portal (where young people can look for and find volunteering opportunities at European level) and European Solidarity Corps.

Beyond the statistical data, which illustrate a better or poorer development of this sector in the EU economies, the general conclusion that emerges is that volunteering leads to increased civic engagement and contributes to social development, increased social solidarity and, on long-term, to social inclusion, which represents important topics and themes strongly related to "social action and social praxis within the process of European integration" (Olimid, Georgescu, 2017:43).

In Romania, the legislative framework that regulates the volunteering activity is represented by the Law on Volunteering (195/2001), amended by Law 78/2014 and Law 175/2016. Within the Law 195/2001, volunteering is defined as "the activity of public interest carried out on his own initiative by any person, for the benefit of others, without receiving a material consideration"(Law 195/2001). This activity must be carried out within a non-profit organization (public or private), called *volunteer benefit* and based on a written contract, which stipulates the rights and obligations of the volunteer, but

also the specifics of the volunteer activity provided. In the Law no. 78/2014, which regulates the volunteer activity in Romania, article 23 specifies the main benefits that this type of activity can have. Thus, in competitions organized for positions, if two or more candidates obtain equal scores, public authorities and institutions and employers of may award additional points to candidates who present one or more volunteer certificates obtained from volunteer activities, issued under the conditions provided by this law, in the situation where they constitute selection criteria (Law 78/2014).

From a statistical point of view, the involvement of Romanian youth in volunteer activities was relatively low during 2000-2010. For example, the data of a study developed at European level highlighted the fact that, in 2011, Romania was among the group of European countries with the lowest level of involvement in voluntary actions (together along with Greece, Italy, Hungary, Poland and Sweden) - less than one in five young people carrying out such activities (Eurobarometer, 2011).After 2011, the share of young people who have volunteered has started to increase, both as a result of civil society projects, programs of the European institutions to raise awareness of the importance of this activity, and also as a result of newly introduced legislation regulating the benefits of volunteering.Thus, according to a study conducted in 2018, only 12.4% of Romanian youth have volunteered in the last 12 months, compared to 31% of youth from European Union. However, the younger they are, the more involved they are in volunteer activities: 15.7% in the age group 14–18 years, compared to 9.4% in the age category 27–29 years (Bădescu et. al, 2019: 46), most of those involved in voluntary associations, at a relatively young age, carrying out these activities as pupils and / or students.

Methods

In order to verify the hypothesis that we have constructed within our theorical research (mainly starting from Inglehart's hypothesis, presented above) we have conducted a field quantitative research, using as a research tool the questionnaire. The questionnaire was applied to a group of 186 people aged between 18-35 years. Among them, the largest share is held by people aged 18-25 years - 74.1% followed by age between 26-35 years with a percentage of 25.9%. Regarding the structure by sex, 60.7% were women and 39.3% men. To perform binary analyzes and to outline a profile of the young volunteer, our respondents were graduates of middle school, high school and university. Of their total, the highest share was held by high school graduates - 45.7% (of these total 76.8% were students), then graduates of higher education - 49.3%, and the remaining 5% were graduates of the gymnasium. Regarding the environment of residence of the respondents, 68.2% were young people from urban areas and 31.8% from rural areas.

Results

In this part of our article we are presenting some of the main important results of our research, mainly focused on:*What means to be a volunteer? What comes in mind when they hear the term volunteering? What means to be a volunteer? What benefits can volunteer have for a person*?*To what extent do they think it would help them find a job?*It was very important for us to find out what is the perception of our respondents on volunteering and its benefits. One important question was having as an objective the identification of the relation between volunteering and jobs. Actually, one of the hypothesis of our study was that volunteering can help a young person to personally and

professionally develop, to achieve transversal skills - the so-called "soft skills" – which are valued a lot by employers or recruiters.

Figure no. 1: *What means to be a volunteer?*
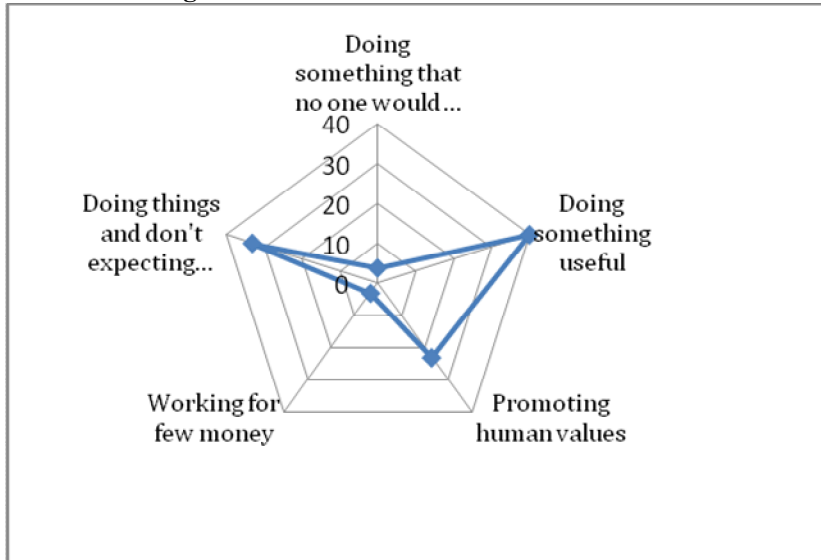
When asked *What do you think it means to be a volunteer?*, 38.3% of respondents said that volunteering means "doing something useful", 35.5% answered that volunteeringmeans "doing something and waiting nothing in return", 21.9 % believe that volunteering means "promoting human values" and 4.3% "working for little money".

Figure no. 2: "Volunteering": w*hat association with this term?*
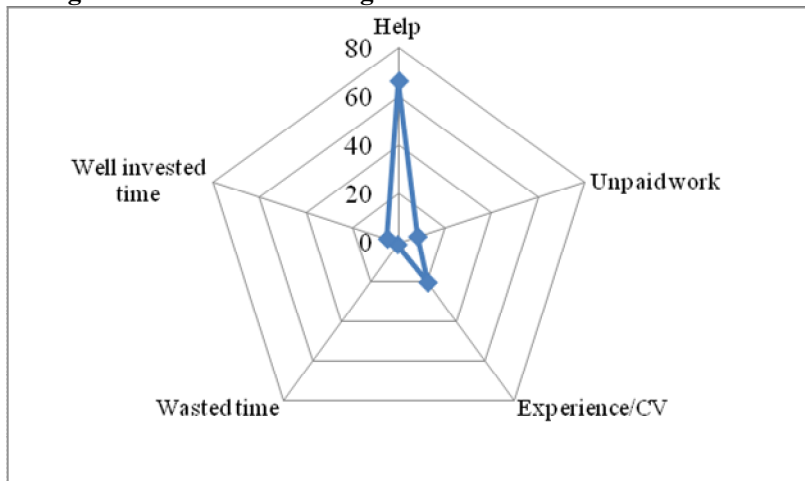
To this question, 63.8% of the respondents answered that they associate the term volunteering with the help received, 21.3% consider that it helps them for a

stronger CV, 8.1% associate it with "unpaid work", a percentage of 4, 0% stated that it represents time invested and a percentage of 2.8% considers it a wasted time.

Table no. 2: "Volunteering": *what association with this term?*
(Bivariate analysis - by level of education)

	Lower secondary school	High school	Higher education	Total
Help	11,8%	32,7%	55,5%	100,0%
Well invested time	17,1%	35,4%	47,5%	100,0%
Unpaid work	53,5%	43,7%	2,8%	100,0%
Experience/CV	4,8%	38,5%	56,7%	100,0%
Wasted time	75,0%	25,0%	0%	100,0%

As we may observe from the table above, from higher education graduates, volunteering is associated mostly with "experience/CV" (56.7%) and "help" (55.5%). For youth whom attained level of education was high school, the term "volunteering" is associated mainly with "unpaid work" (43,7%) and "experience/CV" (38,5%). 75% of youth who indicated that volunteering represents a waste of time were young people who have attained lower secondary school. The percentages from the tables above, show us that students or university graduates are more preoccupied by helping others and by developing their career, so they are most likely involved in voluntary activities. For young people who have achieved lower education, values of survival are more important, so, most likely they are associating volunteering with unpaid work and wasted time (this could be an explanation to their low degree of involvement in volunteering activities). On the opinion of our respondents, the top 5 benefits of the volunteering are: achieve important skills (38,9%), experience in a certain domain of professional activity(29,3%), increase of cooperation with other organizations (17,7%), making new friends/meeting new people (9,8%), personal development (4,3%).

Figure no. 3: The most important (top 5) benefits of volunteering
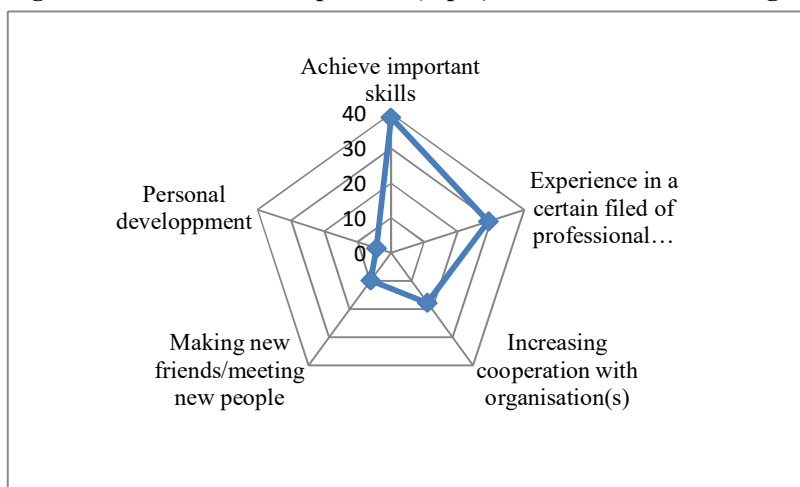
Even if there are no big differences on gender, we may observe that achieving new skills is more valued by males (55,7% indicated this response). Women (girls) are preferring to be involved in volunteeringactivities because they are thinking first at "personal development", secondly at "experience in a certain filed of activity" and "making new friendsor meeting new people". The percentages, by gender analysis, are presented in the table below:

Table no. 3: Top 5 of volunteering benefits
(Bivariate analysis - by gender)

	Male	Female	Total
Achieve important skills	53,7%	45,3%	100,0%
Experience in a certain field of professional activity	40,2%	59,8%	100,0%
Increasing cooperation with organization(s)	50,0%	50,0%	100,0%
Making new friends/meeting new people	47,5%	52,5%	100,0%
Personal development	20,0%	80,0%	100,0%

But one of the most important benefits of volunteering is achieving skills (mostly practical skills) that helps a person to get a job. And there are studies which are confirming the fact that "employers give more importance to practical skills in detriment of the theoretical ones acquired by students" (Nița, Ilie Goga, 2014: 114). In order to see if this situation occurred also to our respondents, we have addressed a question (with responses based on Likert scale) to youth that were having a job at the moment of our research. As we may see in the figure below, for 54,9% volunteering work helped them ("strongly agree" and "agree") to get a job. Of course, they were also youth for whom there is no connection between volunteering and obtaining a job, most likely they are high school graduates or lower education graduates (as we may observe in the Table no 4, below)

Figure no. 4: To what extent do you agree thatvolunteering helped you getting a job? * (*this question was addressed only to respondents who indicated that they have a job at a filter question – "Do you have a job now? (Y/N***)**
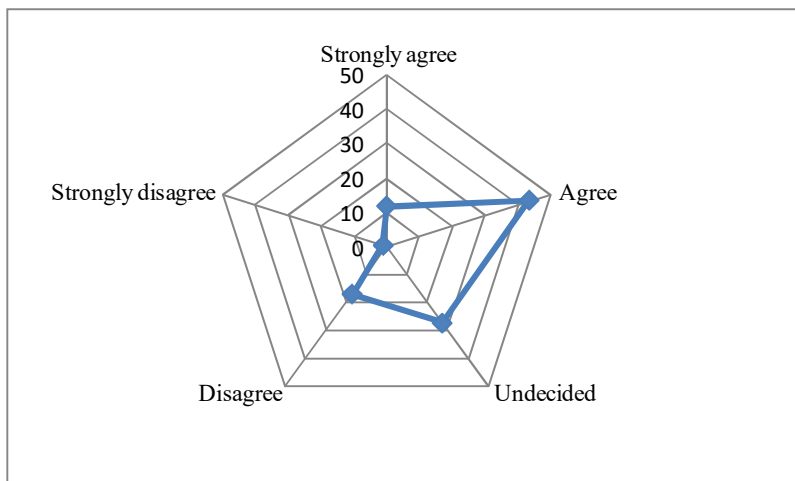
Table no. 4: To what extent do you agree that volunteering helped you getting a job?
(Bivariate analysis - by level of education)

	Lower secondary school	High school	Higher education	Total
Strongly agree	1,0%	24,2%	74,8%	100,0%
Agree	11,0%	21,5%	67,5%	100,0%
Undecided	53,8%	22,1%	24,1%	100,0%
Disagree	50,0%	50,0%	0,0%	100,0%
Strongly disagree	82,7%	16,2%	1,1%	100,0%

Thus, from the table above we may observe that volunteering has helped a lot of higher education graduates to have a job (78,8% of higher education graduates indicated this response). In the same time, 82,7% of lower secondary graduates did not agree that volunteering helped them in getting a job. In fact, practical skills achieved throughvolunteering are strongly linked to the skills formed especially in universities, where teachers provide to their students "multiple skills, both professional and cross-cutting and also a great capacity to adapt to new situations" (Popescu, Stefan, 2014: 332).These percentages confirm also the fact that higher education graduates have a more positive attitude towards volunteering, than youth whom did attend only high school or lower secondary school.

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ORIGINAL PAPER

Romanian as a Foreign Language in Post-Communist Romania

Eleonora Olivia Bălănescu[1]

Abstract
Following the collapse of the communist regime, Romania entered a process of globalisation which has greatly influenced many sectors of life, including education. For over 30 years now, researchers, institution leaders and organisations have addressed the issue of the internationalisation of higher education. In this context, an increasing number of foreign students is attracted by the study programmes and courses offered by Romanian universities. Some of these courses are available in foreign languages, but most of them are in Romanian, hence the growing demand for teaching and learning Romanian as a foreign language. The aim of this paper is to analyse the major components of internationalisation and their impact on higher education in Romania, focusing on the latest development of the study programme called *The Romanian Language Preparatory Year (Anul pregătitor de limba română)*. As a method, we resort to official facts and figures to analyse how the main strategies of internationalisation have been implemented into the Romanian higher education system. Our research concludes that the preparatory year instills international, global, and comparative dimensions not only in the classroom, but in the entire academic life, leading to a higher respect and tolerance for other nations, cultures and life-styles.

Keywords*: higher education; internationalisation; multiculturalism; Romanian language; teaching.*

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Romanian as a Foreign Language in Post-Communist Romania

Introduction

The end of the communist regime in Romania was followed by the opening of borders, both political and cultural, which inscribed the country into a process of globalisation. A widely-spread, yet controversial term, "globalisation", has given rise to numerous ideological debates. Our discussion, for the purpose of this article, adopts a nonideological point of view, and starts from Jane Knight's perspective on globalisation as "the flow of technology, economy, knowledge, people, values, and ideas... across borders". (Knight, 2015: 3) As Knight points out, each country is affected differently, depending on its historical background, culture, traditions and priorities.

Globalisation, with its range of challenges and opportunities, has a great impact on education. For over 30 years now, researchers, institution leaders and organisations have addressed the issue of the internationalisation of higher education. But what does this mean? First of all, many different terms have been used in connection with the international dimension of higher education, such as "global studies", "international studies", "intercultural education", "multicultural education", "transnational education", "borderless" or "cross-border education", "education abroad", "academic mobility", etc. The most commonly used definition of the process of internationalisation is the one formulated by Jane Knight in 1994: "a process of integrating an international and cultural dimension into the teaching, research and service functions of the institution." (Knight, 2008: 19). It is clear that, since the 1990s, the international dimension of higher education has grown and gained broader attention due to the new realities and changes brought forth by globalisation: the advent of information and communications technology, the increasingly integrated world economy, the role of the English language, and so on. As internationalisation impacts higher education, globalisation impacts internationalisation. Starting from this assumption, Knight has updated her definition: "Internationalization at the national sector, and institutional levels is defined as the process of integrating an international, intercultural, or global dimension into the purpose, functions or delivery of postsecondary education." (Knight, 2015: 2) By "purpose" she means the "role and objectives that higher education has for a country or the mission of an institution"; "functions" include the primary elements of a national or institutional postsecondary system, such as "teaching, research, and service to society"; "delivery" refers to the education programmes and courses offered by higher education institutions or multinationals. (Knight, 2015: 3). The process of internationalisation has two major components: one is internationalisation at home, the other is internationalisation abroad (Knight, 2008: 22-24). In what follows, we shall see what these components refer to, what kind of activities they involve, and how Romanian universities have adapted to these latest trends in higher education. This study will highlight the unprecedented importance and development of Romanian as a foreign language in the context of the internationalisation of higher education.

Internationalisation of Romanian higher education: facts and figures

Internationalisation abroad refers to all forms of education across borders: "mobility of students and faculty, and mobility of projects, programs and providers" (Wit, 2010: 9). Nowadays, mobility, as the main feature of the process of internationalisation, is widely spread. We are now going to scrutinise four forms of mobility which are relevant to the process of internationalisation in Romania: international credit mobility; full degree mobility; staff mobility; other types of short-term mobility.

International credit mobility ("short-term mobility"), facilitated by the Erasmus programme, enables students or doctoral candidates to study abroad for a short period of time (three to twelve months), to obtain credits, and then to return to their sending institutions in order to complete their studies. In Romanian higher education, there are both incoming students, i.e. foreign students who have a short mobility in Romania, and outgoing students, i.e. Romanian students who study abroad under international credit mobility. In 1998 Romania joined CEEPUS (Central European Exchange Program for University Studies) and, according to the *Report on the State of Higher Education in Romania* in the academic year 2017-2018, published by the Ministry of National Education, 422 scholarships were offered to incoming students, most of them being from Slovakia, Serbia and Hungary, while 561 outgoing students received scholarships to study mainly in Hungary, Austria and Slovakia.

The full degree mobility ("long term mobility") gives students the possibility to complete a full cycle of studies (Bachelor, Master, or Doctoral Programme) in a foreign country. In Romania, the number of incoming students, who are internationally mobile for a whole study programme, is constantly rising. Thus, according to the same *Report*, in 2018, the foreign students who were studying in Romania represented 6.1% from the total number of public university students (7,759 students from 28 EU and EES countries, and 21,085 students from 99 non-EU countries). The great majority of the incoming students were enrolled in undergraduate programmes. Judging by the statistical figures of the previous years, the number of foreign students is steadily increasing in public universities, and is relatively stable in private higher education institutions.

Table 1. The evolution of the number of students enrolled in Bachelor degree programes, on forms of property

	Number of students			Rate by country	
	Total	Romanian students	Foreign students	Romanian students	Foreign students
Academic year 2014/2015					
Total	411,229	389,545	21,684	94.7%	5.3%
Public	345,336	326,105	19,231	94.4%	5.6%
Private	65,893	63,440	2,453	96.3%	3.7%
Academic year 2015/2016					
Total	410,697	388,110	22,587	94.5%	5.5%
Public	351,450	330,873	20,577	94.1%	5.9%
Private	59,247	57,237	2,010	96.6%	3.4%
Academic year 2016/2017					
Total	405,638	381,952	23,686	94.2%	5.8%
Public	350,149	328,593	21,556	93.8%	6.2%
Private	55,489	53,359	2,130	96.2%	3.8%
Academic year 2017/2018					
Total	408,179	383,364	24,815	93.9%	6.1%
Public	352,299	329,531	22,768	93.5%	6.5%
Private	55,880	53,833	2,047	96.3%	3.7%

Source: *Report on the State of Higher Education in Romania* (*Raport privind starea învăţământului superior din România*) *2017/2018*, Ministry of National Education, 2018: 10.

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Out of the 24,815 foreign students enrolled in the academic year 2017-208, 14,670 came from third countries (non-EU and not part of the European Economic Area and the Swiss Confederation) to study on their own expense, paying the tuition fees set by each university.

The most attractive study fields for a third of the non-EU students were general medicine, dental medicine and pharmacy. These domains are mainly required by students from Israel, the Republic of Moldova, Tunisia, Syria, Morocco, Lebanon, Albania, Jordan, and Iran. According to the above mentioned report, a third of the EU students came from France, and three quarters of the EU and EES students also chose a medical field of study.

If before 1989 the influx of foreign students was insured by Arab and African countries that had a strong ideological connection to Ceaușescu's regime, the present-day foreign students are attracted by the quality of Romanian study programmes and their affordable price. In the field of medicine, for instance, the education offer is comparable to that of more prestigious universities in the West, but at considerably lower prices. At the same time, after successfully completing their study programmes, foreign students receive a diploma that gives them the right to practise medicine, stomatology, or pharmacy in any of the European Union countries.

Regarding staff mobility, which refers to both teaching and non-teaching staff, this is also an important component of internationalisation. John Hudzik points out that: "Mobile students without mobile faculty and staff creates dissonance in the attempt to internationalize. Unless faculty and staff are mobile, connections to what happens abroad to students and what happens to them on campus will be weak." (Hudzik, 2011: 9) In Romania, much of the external mobility is enabled by European programmes such as Erasmus+ and CEEPUS. The above mentioned report indicates that, under Erasmus+, 3,716 university staff members benefitted from teaching or training mobility in 2017, the number growing to 4,200 in 2018, which led to a general rate of fund absorption of 98.8%.

Other types of short-term mobility include programmes such as international summer schools, or international conferences where teachers or researchers are invited as keynote speakers. According to the data presented in the *Report on the State of Higher Education in Romania*, in June-July 2018, 70 foreign students registered for the Summer Courses in Romanian language, culture and civilization, organised by West University Timișoara, "A.I. Cuza" University of Iași, University of Craiova, and Ovidius University of Constanța, under bilateral agreements with 14 states: Bulgaria, Czech Republic, China, Croatia, Greece, Italy, the Russian Federation, Portugal, Poland, Republic of Moldova, Slovakia, Spain, Turkey, and Vietnam. The Department of Modern Foreign Languages, University of Craiova, has been the organiser of "Constantin Brâncuși" Summer Courses since 2013, when the courses were resumed after a break of several years. In July 2019, the department welcomed 13 students from Czech Republic, Greece, Italy, Poland, Slovakia, Spain, and Turkey.

The large presence of foreign students enrolled in different study programmes has prompted Romanian universities to embrace an international dimension of the academic life, or, in other words, to create the framework for internationalisation at home. John Hudzik explains how this process impacts higher education: "comprehensive internationalisation is a commitment, confirmed through action, to infuse international and comparative perspectives throughout the teaching, research, and service missions of higher education. It shapes institutional ethos and values and touches the entire higher education enterprise. It is essential that it be embraced by institutional leadership, governance, faculty, students, and all academic service and support units. It is an institutional imperative, not just a desirable possibility." (Hudzik, 2011: 6)

A strategic approach to internationalisation at home should take into consideration the following components:

- the number of local and international students enrolled;
- the number of programmes or courses taught in a foreign language;
- the number of teachers trained to teach their subjects in a foreign language;
- the number of foreign teachers involved in teaching and/or research;
- redesigning the curricula and the content of courses;
- teaching in a foreign language;
- academic facilities;
- support services, especially for international students;
- extracurricular activities designed to enhance the international exposure of students in campuses;
- improvement of future employment/career prospects.

The pressure on universities to raise their global profile has led to the increasing importance of foreign languages; hence, students are encouraged and enabled to develop multilingual and intercultural knowledge and skills.

Romanian language in the process of internationalisation

Mastering a foreign language is the main requirement for the success of internationalisation, not only abroad, but also at home. In order to set up study programmes in a foreign language to attract incoming students, universities must rely on academic staff and students who can speak that language. Moreover, linguistic competences facilitate access to international learning sources and databases, and give individuals the possibility to apply for a learning, teaching, training or research mobility.

After 1989, Romanian universities were quick to respond to these linguistic needs, and the study of at least one foreign language has become compulsory in all academic programmes for the past 30 years. At the same time, a series of universities have introduced whole study programmes where teaching is conducted in English, French, or German, and both Romanian and foreign students can benefit from these opportunities. However, the number of "degree mobile" students exceeds the study places offered in these programmes, or, as it is often the case, foreign students are interested in programmes that are not taught in foreign languages, hence, the need to study Romanian.

This context was favourable to the development of the studies in Romanian as a foreign language which have a long tradition, dating back to the 18th century: "Teaching Romanian as a foreign language was prefigured in *Elementa linguae daco-romanae sive valachicae*, the work of Samuil Micu and Gheorghe Şincai, which was published in Vienna in 1780, and, in the following 200 years, was approached more or less programmatic. In the last decades of the 20th century, as a direct result of a favourable politico-economic situation, teaching Romanian as a foreign language entered a phase of maximum development." (Moldovan, 2012: 9, my translation)

As we mentioned earlier, the communist regime welcomed students from "friend" countries in Africa and the Arab world. As Victoria Moldovan points out, this political decision, backed by the communists' ideological reasons and economic purposes, had positive linguistic consequences as it raised the specialists' interest in approaching Romanian language from the perspective of a foreign language (Moldovan, 2012: 9). The research area, belonging to the field of applied linguistics, attained significance in the 1970s. Reputed linguists such as Marius Sala, Mioara Avram, Ion Coteanu, Boris Cazacu, Tatiana Slama-Cazacu, Maria Iliescu, Flora Şuteu were interested in this field, and encouraged the applied research of Romanian language.

Higher education promptly reacted to that new trend in linguistic research and to the needs of foreign students, and thus Romanian language began to be extensively taught in universities.

After Romania signed the Bologna Declaration in 1999, and later joined the European Union, Romanian language has gained visibility, and has become increasingly more attractive to linguists and to professionals in multicultural communication, such as interpreters, translators, or business men. Internationalisation, as discussed above, has further contributed to the development of Romanian as a foreign language since more and more long-term mobile students need to first learn the language, and then register for their specific study programmes. The official site of the Ministry of National Education states that foreigners are enrolled in higher education study programmes in Romanian only after graduating from the preparatory year, during which they acquire knowledge of language, as well as specific knowledge related to the profile of their future training (anatomy, physics, chemistry, drawing, etc.). The duration of preparatory studies is one academic year for undergraduate studies, and at least six months for Master studies, doctoral studies and postgraduate medical residency.

In 2018, through ministerial order, the legal framework was created to allow the accreditation of the study programmes related to the preparatory year for foreign students. Thus, starting with the academic year 2018-2019, the preparatory year, for the candidates who wish to enrol in study programmes taught in Romanian, is organised in higher education institutions that are accredited, following an evaluation by the Romanian Agency for Quality Assurance in Higher Education. Today, there are 27 accredited universities which organise one-year preparatory courses in Romanian language.

Being designed for international students, the preparatory year becomes a linguistic support, and also a distinctive feature of the process of internationalisation at home in Romanian higher education. At the same time, the teaching of Romanian as a foreign language has to adapt to the requirements of this process. Hans de Wit explains that: "Under the impetus of the 'internationalisation at home movement' the attention has become more focused on the internationalisation of the curriculum and the teaching and learning process... " (Wit, 2010: 9-10). After the fall of communism, preparatory year teachers had easy access to new trends in language methodology, and since then they have paid tremendous effort to implement modern approaches in the Romanian studies, which meant updating the curriculum, the teaching materials and the teaching methods.

Developments in teaching Romanian as a foreign language

Before 1989, the materials used for teaching Romanian as a foreign language focused mainly on grammar and the acquisition of grammatical structures. A great number of grammar books, collections of grammar exercises, and bilingual dictionaries were published.

During the 1960s and 1970s, there appeared numerous conversation guides, such as *Guide de conversation français-roumaine*. *Ghid de conversaţie francez-român,* (*French-Romanian Conversation Guide*) written by Silvia Kerim, and published in Bucharest, in 1966. In the same period, universities encouraged the publication of course books to satisfy the learning needs of an increasing number of foreign students. For example, at the University of Bucharest, Adriana Ionescu, Melania Florea and Ioana

Boroianu, published in 1968 *Manualul de limba română pentru studenţii străini* (*Course Book of Romanian Language for Foreign Students*).

The course books written in the 1980s began to approach language from more modern teaching perspectives. A reference publication from those years remains *Limba română. Manual pentru studenţii străini* (*Romanian Language. Course book for Foreign Students*), published in 1981 by Grigore Brâncuș, Adriana Ionescu and Manuela Saramandu, from the University of Bucharest. This book, conceived on large methodological principles, combined modern and traditional approaches to language learning, aiming at "a simultaneous acquisition of language compartments: phonetics, vocabulary, grammar, phraseology" (Brâncuș, 2003: 3). Edited five times, this course book remains a valuable teaching material due to the fact that grammatical structures are very well explained and organised.

The end of communism enabled teachers' access to the latest trends in language teaching methodology, and the results were quick to appear. Thus, the course books published in the 1990s, no longer relied solely on image and text, but came with audio tapes, as it was the case of Liana Pop's second edition of *Româna cu sau fără profesor. Le roumain avec ou sans professeur. Romanian with or without a teacher,* published in 1993 in Cluj-Napoca. After 2000, the audio tapes were replaced by CDs and CD-ROMs.

Technological innovations gave teachers the possibility to use recorded materials in their teaching, and to design a wide range of listening related tasks, which meant that all four language skills (reading, listening, speaking, and writing) could be worked on and improved in the Romanian language class. Universities, in their turn, soon understood the importance of adding the audio dimension to language classes, and provided language departments with multimedia laboratories. Teachers can now record their own materials, such as songs, TV news, advertisements, etc.; they can record students and group work activities, and use the recordings for feedback purposes and further learning. Videos can also be valuable teaching tools, and on the internet there are various short films and documentaries in Romanian that can be used in class for teaching purposes. Browsing the Internet has become not only a daily pastime activity for learners and teachers alike, but also a means of improving language skills. It can be used as a reference source since, for instance, good Romanian dictionaries or encyclopaedias are available online. Students can read articles on virtually any topic; therefore, almost any site can offer a valuable language input.

These new teaching aids, provided by audio/video materials and the Internet, have broadened the horizon of Romanian teaching in an unprecedented way, and have also given the study programme of the preparatory year an international dimension. It may be worth mentioning that universities in Romania have invested much in technology, facilitating students' access to virtual learning resources and encouraging their interaction with the teaching staff members. John Hudzik underlines the importance of technology in the process of internationalisation: "The use of technology in higher education has the capacity to make the world a virtual campus and blurs the notion of a campus as being in a particular place and an institution as being only in a particular geographic location. In these ways, the globalization of higher education provides a non-campus based frame of reference or context for internationalization." (Hudzik, 2011: 9).

In the era of global communication and unlimited access to information, the traditional paradigm of instruction had to be replaced by a more holistic approach. The curricular reform and the revision of course contents have been backed by a rethinking

of the methodology used in language teaching and learning. If before 1989 the focus was on grammatical accuracy, nowadays fluency is considered far more important. Many course books are currently designed from the perspective of Communicative Language Teaching, a methodology that became popular around the world in the 1970s, marking a significant shift in second language education.

According to this methodology, students need the right skills to communicate in the target language; hence, great emphasis is placed on communicative activities, such as: dialogues, debates, games, role-plays, etc., which require the use of both linguistic structures and language functions. This kind of activities were virtually absent from the teaching materials produced during communism. Encouraging students to speak has clear advantages:

- Romanian ceases to be solely the object of study, and becomes a vehicle for classroom communication. This aspect is very important for the preparatory year where the groups consist of students who speak different languages and belong to different cultures.
- The focus shifts from linguistic forms to language functions. One function, such as inviting or requesting, can be expressed by several linguistic forms which are presented together. Grammar and vocabulary derive from the function and the situational context.
- Language is practised in real-life contexts. For this purpose, teachers select or devise activities that engage the learner in meaningful and authentic language use. Thus, students have the possibility to build the communicative skills they need to perform in the world outside the classroom.
- Since teachers devote more time than in the past to teaching elements of phonology, communicative activities provide the right setting for learners to practise their pronunciation and intonation. Consequently, students acquire the skills they need in order to make themselves understood, and also to understand words in connected speech.
- Students are encouraged to express their opinions and feelings, a fact meant to boost their self-confidence, and also their learning motivation. If their voice is heard, then they will feel valued not only in relation to their Romanian language performance, but also as individuals and representatives of their cultures. Critical thinking in a multicultural classroom is essential. Exposing students to more than one cultural viewpoint on a given topic leads them to a better understanding of that topic. At the same time, critical thinking creates less prejudicial behaviour and greater empathy among students.
- Communicative activities are based on pair or group work; therefore, the emphasis is on student-student interaction. In the preparatory year, these activities also help students overcome cultural differences and build personal relationships based on mutual understanding and tolerance.
- The teacher acts as a facilitator who sets up communicative activities and as an advisor during those activities. He/she does not intervene much in students' dialogues, and the mistakes are recorded and corrected some time after the activity.

Teachers' endeavour to keep up with the latest trends in language teaching methodology represents a major shift in Romanian language education. This shift "is aided by the appearance of global ranking schemes, the search for common standards, and the creation of multilateral policies that break down impediments to the flow of

faculty, students, collaborative education (e.g., joint degrees), and joint research." (Hudzik, 2011: 9)

The entire process of learning, teaching and assessing Romanian is based on the Common European Framework of Reference for Languages that describes what learners need to study in a language course in order to use that language for communicative purposes. The Common European Framework also presents the knowledge and skills that learners must acquire and develop in order to be linguistically efficient. The description takes into account the cultural context which constitutes the base of a language. Finally, the Common European Framework clearly defines the levels of linguistic competence, which enable learners' performance to be measured at any stage during the learning process and at any stage in life. By offering a common reference base, which comprises extensive descriptions of objectives, content, and methods, the framework grants transparency to courses, study programmes and qualifications, enabling thus the international cooperation in the field of modern languages.

In higher education, Romanian language is taught in accordance with the fundamental principles described in the framework, and at the same time each course takes into consideration the learners' needs, motivations, particularities, resources and cultural heritage. In the last years, course books of Romanian as a foreign language have been designed according to the levels of language proficiency agreed internationally (see Platon, El., Sonea, I., Vîlcu, D., 2012, *Manual de limba română ca limbă străină A1-A2 / Coursebook of Romanian as a Foreign Language A1-A2*, Cluj-Napoca: Casa Cărţii de Ştiinţă; Bălănescu, O., 2019, *Limba română ca limbă străină. Nivel B1-B2 / Romanian as a Foreign Language. Level B1-B2,* Craiova: Sitech). Course book contents reflect the linguistic requirements of each proficiency level, yet these contents may be altered in class, depending on the analysis of the learning/teaching situation of each group of students. It is the teacher who, starting from such an analysis, sets the course objectives and chooses the right way to achieve those objectives.

The Romanian teacher in the preparatory year has numerous tasks and responsibilities: professional, institutional, or personal. Apart from the traditional roles of activity controller, organiser, assessor, prompter, observer, participant, resource, or tutor, the teacher is also an 'initiator'. For the foreign students, the preparatory year represents their first contact with the essence of Romanian culture which is the language. Studying Romanian becomes, in this context, the first and the most important step in their integration into the Romanian society, where they will have to function for a long time. As Ulrich Teichler points out: "Student mobility is by no means viewed as beneficial only in regard to academic progress as well as to subsequent employment and work of graduates. Rather, mobility during the course of study is likely to affect the whole personality and the subsequent life of formerly mobile students." (Teichler, 2017: 204-205) From this perspective, the Romanian language teacher has a major role in these young people's cultural and professional training. Language teaching crosses the borders of subject knowledge which must be taught and acquired; it impacts individuals and shapes their emerging personalities.

Teachers of Romanian as a foreign language are also involved in promoting the language and culture abroad; in so doing, they continue a tradition which began in 1863, when the first Romanian departments/ lectureships were established: one in Torino and one in Budapest. Since 1999, the Romanian Language Institute has coordinated the activity of an increasing number of lectureships (over 40 today) which offer language classes and promote Romanian higher education in universities around the world. It is

one more instance of higher education internationalisation to which Romanian language greatly contributes.

Conclusion

Since 1989 Romanian universities, aided by the Ministry of National Education and the Government, have made tremendous efforts to integrate and infuse international dimensions into the ethos and outcomes of higher education, and to involve the academic community in global networks and partnerships.

The preparatory year for Romanian language is one of the best examples of internationalisation: it welcomes large numbers of students every year; the teaching approach is in line with the methodology used in language studies worldwide, with an emphasis on communicative tasks and activities; the curriculum and course contents have been revised as to provide learners with the competences (knowledge, skills, attitudes) which enable them to meet the challenges of communication across language and cultural boundaries; learners' performance is assessed according to the levels of linguistic competence described by the Common European Framework of Reference for Languages. At the end of the day, perhaps the most valuable contribution that the preparatory year brings to the internationalisation of higher education remains the plurality of vision, the multicultural stamp that it puts on Romanian studies, and the academic life on the whole.

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The Post-communist Era: "the bloom" of ESP in Romania

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Abstract
In the last 30 years since the Romanian revolution, there have been a lot of changes occurring at the level of acquiring foreign languages, especially English, trends which have grown hand in hand with the changing needs of the learners. More and more students in higher education as well as adults working for different international companies are becoming aware of the importance of learning English at a professional level so that they might become proficient speakers of the language. Thus, the present paper aims at discussing some of the important aspects of teaching and learning English for Specific Purposes (ESP) in Romania in the post-communist period. ESP has evolved a lot in our country, starting from its spread at the academic level and continuing with an increased demand on behalf of the professionals working for different international entities. Structured in five sections, the paper intends to present the background of ESP in general, focusing on the needs analysis of the learners, their motivational factors and expectations and continues with enhancing the language skills necessary for both teaching and learning ESP. A review of the materials and textbooks used throughout years is also brought into discussion in order to highlight how much the learning process has evolved. Of all the branches of ESP, special emphasis is offered to Business English as well as to Technical English and English for medical professionals. Undoubtedly, when it comes to ESP in general, the goal of any teacher/trainer is to select the proper materials which meet both the needs and expectations of their learners.

Keywords: *ESP; Post-Communist era; needs analysis; goals; expectations.*

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ESP – Background

English for Specific Purposes (ESP) is a branch of English as a Foreign Language, being perceived as an approach of teaching and learning a foreign language rather than an area of its own. The general knowledge of a language is the foundation of ESP since, on this root we start building the skills necessary to the future professional life of learners. ESP refers to the teaching and development of certain skills, specific to different areas of activity such as Business, Medicine, Technical Language, etc., its goal being the formation of professionals ready to work for multinational companies and perform well on the international market. To meet this goal, learners do not necessarily need to posses a high level of the general language, teachers and trainers being able to help them develop their skills based on an elementary level. As it happens to General English, students and learners start building their knowledge step by step, in time, focusing on their final target – that of being able to perform well in their future careers.

Throughout time, several definitions have been given to ESP, some simple, yet comprehensive, others developed, including a lot of elements to be taken into account. For example, Hutchinson and Waters define ESP as "an approach to language teaching in which all decisions as to content and method are based on the learner's reason for learning" (Hutchinson & Waters, 1987a: 19). At the same time, Anthony (2018), in the Introduction of the book, defines it as "an approach to language teaching that targets the current and/or future academic or occupational needs of learners, focuses on the necessary language, genres and skills to address these needs, and assists learners in meeting these needs through the use of general and/or discipline-specific teaching materials and methods" (Anthony, 2018: Introduction).

ESP has experienced a great evolution worldwide, starting with the 1960s, the reference year for its beginning, though it is quite difficult to mark a precise moment due to the lack of materials published in different parts of the world. There were journals, scientific papers or meetings in the past which are not known at the international level, therefore to mark a certain starting moment becomes a very difficult task to be achieved by researchers in the field. When it comes to its review, or the drawing of a certain type of evolution, the study conducted by Johns (2014) emphasizes specific periods worth to be mentioned: "The Early Years (1962-1981), The Recent Past (1981-1990), The Modern Era (1990-2011), and the Future (2011 plus), principally citing the articles in ESPJ as evidence, but drawing from a number of other sources as well" (Johns, 2014: 7).

At the same time, in the chapter called *The Origins of ESP,* Hutchinson and Waters mark its beginning at the end of the 1960s, identifying three main reasons for its emergence. First, they point out the year 1945, the end of the World War II, when people have experienced an "enormous and unprecedented expansion in scientific, technical and economic activity on an international scale. This expansion created a world unified and dominated by two forces – technology and commerce- which in their relentless progress soon generated a demand for an international language. […] as English became the accepted international language of technology and commerce, it created a new generation of learners who knew specifically why they were learning a language – businessmen and -women who wanted to sell their products, mechanics who had to read instruction manuals, doctors who needed to keep up with developments in their field and a whole range of students whose course of study included textbooks and journals only available in English" (Hutchinson & Waters, 1987b: 6). The second reason mentioned refers to the evolution of linguistics, where scientists and researchers have proved that a specific area of activity needs a specific language, valid for English as

well. So, at the end of the 1960s and the beginning of the 1970s, it was established that language should be used in real communication which leads to the conclusion that it differs from one context to another. The last, but not the least important reason mentioned, refers to the developments in educational psychology which emphasize the learners and their attitude to learning. Thus, "Learners were seen to have different needs and interests, which would have an important influence on their motivation to learn and therefore on the effectiveness of their learning. This lent support to the development of courses in which 'relevance' to the learners' needs and interests was paramount" (Hutchinson, Waters, 1987c: 8).

In the case of Romania, one cannot speak about an extension of ESP at the same time with the level of Western European countries because of the political and social situation existing in our country during the communist era as well as in the first years after the Romanian Revolution in 1989. It is well known that, during the communist era, special attention was offered to foreign languages such as Russian and French, countries which were closer in relationships to our country. Russian was broadly studied in schools, especially at the secondary level, due to ideological reasons. There was an attempt of openness towards the Western culture and civilization in the late 1960s when Romania's foreign policy seemed to get closer to the democratic countries in the West but this event had no significant impact on the studying of English language in our country. Once the Revolution in 1989, Romania really shifted its attention towards the West, and so, step by step, its educational system started its curriculum reform. Specialists became aware of the need to produce highly qualified people, prepared to face the challenges of the new, democratic, western-oriented market. So, ESP gained its role both at the academic level (in university centers) as well as at the level of multinational companies which appeared all over the country. The trend went hand in hand with the need of the Romanian population to shorten the distance to the Western culture and civilization, being drawn especially by the American model. As a result, the English language has become more and more influential not only at the level of the educational system but also at the level of communication since many English words and expressions have been adopted by our native language. Once the integration of our country into the European Union, the Anglophone trend has become even more extended, making the influence of English on the Romanian language a complex process, which integrates not only linguistic but also social, cultural and commercial features. At the level of universities, once they were offered an autonomous status, they realized they needed to become competitive on the market and form future professionals in various fields of activity. ESP has become part of their study programmes, many students studying it during the first two years of faculty, others continuing the process throughout four years. Companies search for professionals in the field and, many times, the knowledge of English is a must. Therefore, especially after 2000, the acquisition of English knowledge and the improving of skills have known a real 'bloom'.

Learners' needs, motivations and expectations

One of the distinctive features of ESP is the fact that it is learner-centered, that is the purpose of the teaching/training process is to meet the needs of the learners, be them students (the academic level) or adults working for different companies who need to improve their English skills in order to perform well in their careers. Long (2005) calls the language instruction of ESP a "one-size-fits-all approach" (Long, 2005: 19). Many researchers in the field were interested in students' motivations such as Gardner

(1985), Gardner and Wallace (1972), Basturkmen (2006; 2010), Nation and Macalister (2010), Huhta, Vogt, Johnson and Tulkki (2013), Brown (2016), etc. When it comes to learner's needs and how to best meet these needs, the teacher/trainer has to bear in mind that this is somehow a compulsory process which should be established from the beginning, taking into consideration the fact that these needs vary depending on age, area of study/work, the frequency of using English for communicative purposes. The needs analysis of any ESP class or group represents an essential stage when preparing to deliver such a course, since priorities are to be found and defined. The course in itself has to meet the requirements and expectations of its learners/ attendees. It has a subjective side but also an objective one which relies on questionnaires or interviews with the interested parties. The needs analysis is linked to "the core mission of preparing students to use English in their target contexts" (Hyon, 2018: 3).

ESP is considered being a general term since, according to the needs and purposes, it is divided into two main categories: English for Academic Purposes (EAP) which includes different specialisations according to students' training, that is the English needed for science and technology, English for humanities or the English for social sciences, each having its own subcategories and English for Occupational Purposes (EOP) which includes categories of people who work in a specific domain, like medical English or the language needed in Tourism.

Considering the latter category, "EOP may occur in different settings. It may happen in universities and training institutions or in the workplace. Needs in such settings will differ: in universities and training institutions the present-situation needs of the students will differ greatly from the target-situation needs as students are in the process of learning about the subject and need to fulfill course requirements. As the students are also likely to be pre-experienced, they will be less able to contribute to needs analysis as they have limited knowledge of the communicative situations they will experience in the workplace. In workplace ESP needs analysis can be very focused as the content field may be narrow. Typically, a workplace needs analysis involves the analysis of authentic tasks through on-site observations and ethnographic research" (Woodrow, 2018: 45).

Based on the general knowledge of the language, the teacher/trainer, having previously discussed and debated with the participants, tries to tailor the course so that it covers as much from the learners' expectations. At the same time, it becomes somehow very difficult to create a course which restricts itself to the specialisation of the participants, since, in many cases, one specific domain is part of a larger one and many topics have a common core. To be more specific, I will give the example of teaching English at the Faculty of Electrical Engineering. Under this 'umbrella', we find students having different specialisations – such as the Engineering of Electro-energetic Systems, Electrical Engineering and Computers or Aviation Equipment and Installations, areas which have a common ground, yet with peculiarities for each specialisation. So, especially during the first year of study, teachers choose to work with the general terminology of electrical engineering, becoming more restrictive from the second academic year. Thus, the course suits not only the needs of the students but also their general knowledge of the subject itself.

As a result of various studies on English for Science and Technology (EST), it's been shown that "The initial interest of EST teachers and researchers was on linguistic forms, with later emphasis on skills, a more recent focus has been on disciplinary

socialization, and most recently, a critical perspective, which considers how literacy practices express societal or disciplinary power differences" (Parkinson, 2014: 155).

Different specialisations rise different needs and expectations on behalf of the students. So, at the academic level, some students are eager to develop their language skills, being focused on the acquisition of vocabulary specific to their field of study. It's the case of the technical students. For example, students who study engineering show an interest in the technical vocabulary since their target is to easily understand instructions when reading manuals or certain texts which describe processes. They feel confident once they acquire as many technical terms and especially when they are able to make their own technical presentations. They show little motivation when it comes to language in use, since the grammatical part of the language does not appeal to them if we talk about an upper-intermediate or advanced level. They consider that the use of general English at an elementary or even pre-intermediate level is sufficient for their future careers. They are able to understand and make themselves understood once the mentioned levels are reached. Yet, no matter their specialisation, it's been proved that, during the course, students may change their needs when learning the language (Nunan, 1988; Richards, 2001; Robinson, 1991).

Unlike them, the aim of the Business students is different since, in their case, they will need a better mastering of the language in their careers. They are aware of the fact that, at their future work places they will face a lot of challenges such as attending meetings (face to face or online), speaking on the phone, participating in negotiations, etc., a variety of activities which involve a higher degree of knowledge. So, here, it's not only about the business vocabulary which they are interested in, it's also about the use of English in a variety of contexts and situations. As a result, students studying Economics seem to be motivated on improving the skills necessary to them, at the same time with acquiring the needed English knowledge.

Considering an example from EOP, a special case is that of Medicine, where, due to their specialisation, students, doctors and other stakeholders have frequent contact with documents and studies conducted in English. In this case, apart from the general knowledge needed, they focus on the specific terminology which can help them better understand the cases explained. It is well known that, nowadays, most of the specialised studies in the domain are available in English and students, doctors and all the other parts involved frequently use the language to update to the latest information or to communicate their own findings to the outer world.

At the level of companies, it is well known that after 1989, a lot of social, economic and scientific changes have occurred which have lead to a constant demand of English trainings, most of them being incorporated in the purview of ESP. On the one hand, the multinational companies present in our country need English-speaking personnel who are able to fluently communicate with their partners around the world. Then, there are the Romanian companies which also have contacts with the exterior world, be it for contracts, partnerships or simply for accessing the information available on web sources which are in English. As a result, a series of companies specialised in language training have emerged, trying to fulfill the needs of companies and their personnel. In their case, special attention is given to developing the communicative skills in the foreign language. It's been proved that it is not enough for one to possess general knowledge of the language, that is grammar, vocabulary, etc., if the person does not feel confident into expressing him/herself freely and accurately. Improving communication skills becomes, thus, the target of both the learner and the trainer.

In all the above-mentioned cases, and not only, one aspect is clear: the role of the teacher/trainer is fundamental in setting the goals and reaching the target an ESP course presupposes. On the other hand, Huckin recommends teachers not to forget their role of "language experts not technical insiders" (Huckin, 2003: 16). Based on information gathered from the learners, taking into consideration their level of English, discussing and establishing the preferred methods for teaching and learning, both parties – teacher/trainer and learners embark on a journey with a specific end – that of becoming fluent speakers/users of the language.

Teaching resources

The reform of the Romanian society after the political and social changes which occurred in the period after 1989, led to a series of reconsideration of the educational system as well. The academic life changed in time due to the movements of the educational system in the European Union. Universities, and thus faculties, became autonomous so, they modified and adapted studying programmes in order to align them to the European demands. The curriculum was reformed in order to produce professionals who are able to be integrated on the international markets. According to the needs and motivations of students, each faculty has the freedom to integrate ESP in their programme, most of the faculties integrating this subject as a compulsory one during the first two years of academic studies. There are, of course, specialisations which continue the studying of ESP throughout their entire academic years since their students will use the language at a large level in their future professions. Yet, the most common pattern is that of acquiring ESP knowledge during the first two years of studying.

The features of each specialisation, together with the demands existing on the local, national and even international markets offer enough linguistic criteria for the teacher to create and work on a specific syllabus which meets the above-mentioned needs. The selected contents together with the used methodology need to be adapted to this syllabus. The teacher faces the challenge of selecting and adapting materials in the domain, rely on textbooks issued from prestigious publishing houses in the field and even work on in-house materials to provide the necessary knowledge and help students in the quest of becoming efficient users of the language. So, "Many ESP teachers have direct involvement in designing courses and materials as published courses and materials tend not to be directly relevant to the needs of their specialised groups of learners. However, studies of how ESP teachers develop such materials have been scarce" (Baştürkmen & Bocanegra-Valle, 2018:14). The purpose is to create a vivid atmosphere in the class, to increase students' interest in this field and use, as much as possible, authentic texts and situations to ease the future integration of students on different markets. When it comes to authenticity, it is recommended to use the texts available in the specialised magazines to improve the reading skills and audio extracts from radio shows, interviews, video recordings in the field to improve their listening skills.

At the same time, "In a study by Ajideh (2009), he aimed to present the influential role of teaching methodology and learning strategies as a result of teaching and curriculum reform in his article. He intended to highlight the differences between ESP and General English study through stating that although choosing language specification and teaching content is necessary for ESP course, instruction on learning strategies which leads to autonomous learning should be considered as fundamental for ESP course" (Kashef, Pandian & Khameneh, 2013: 93).

The Post-communist Era: "the bloom" of ESP in Romania

With regard to the present textbooks and materials on the market, one can easily observe a tremendous change in the quality of the teaching resources. First, the option of selecting textbooks from prestigious international publishing houses, such as Cambridge, Oxford or Pearson Longman, which have issued specialised materials for the studying of English for different specialisations, and secondly, the work of teachers/ body of teachers specialised in ESP who have created in-house textbooks specially adapted to the needs of the students they work with. In the past, these resources, especially the in-house ones, were rather dull, focusing on vocabulary explained into the mother-tongue, on translation from English into Romanian and vice versa, without any authentic input for the improving of listening or speaking skills. Nowadays, the textbooks offer a balanced integration of reading, listening, writing and speaking skills, all based on original input, i.e. the use of authentic materials.

Out of the numerous materials available on the market, I will pause on two examples of textbooks, of different specialisations, which represent a great extra resource to be used in class. First, in terms of Technical English, precisely English for Engineering, my attention was drawn by the Cambridge Professional English series called *Cambridge English for Engineering* (2008) which focuses a lot on the possibility of students to speak in English, through activities which request descriptions and discussions on the presented topics. Language is introduced in context, texts offer a variety of topics relevant to the field of activity while listening materials rely on authentic discussions or interviews. A lot of real-like situations are presented to the learners, pushing them into imagining the situations and making them speak on the subject.

Considering the realm of Business English, the series *Market Leader* of Pearson Longman (various editions from 2000 on), is a great example of how ESP works at different levels of knowledge. The series includes textbooks ranging from the elementary level to the advanced one. It is a blend of business vocabulary, authentic input and language focused on levels which develop all the skills necessary to the future specialist in the field. A difference needs to be mentioned in comparison to textbooks specialised in technical English. In the case of Business English, special emphasis is offered to the improvement of writing skills, since this area of Business presupposes a lot of instances where students face the challenge of dealing with written pieces such as e-mails, reports, action minutes or summaries.

A very interesting study was lead by M.ª del Carmen Lario de Oñate (2007) from the University of Cadiz, Spain, referring to a number of sixty-five Business English textbooks published between 1963 and 2006, drawing attention on the evolution and organisation of textbooks throughout time. As presented in the article, textbooks have evolved in terms of formats with current complete packages for students, teachers and even self-study formats, they are designed for interactive use, being more visually appealing, with a different organisation, i.e. "starting the unit with a warm-up activity to elicit vocabulary, introduce the topic, and heighten learner awareness and interest has been gradually incorporated since the 80's being nowadays an essential section. Texts have been shortening and, frequently, draw on authentic sources chosen to motivate students with little or no exposure to the business world" (Carmen Lario de Oñate, 2007a: 26). The study also shows the trend of current textbooks to use the practical communicative method with vocabulary presented and tested in context. Concerning content it's been observed that, apart the long-term topic of management, marketing, advertising, etc., "cultural awareness has been progressively introduced into Business

English coursebooks since the 80's. The assumption behind is that learning about other cultures, attitudes and behaviours will enable students to develop competent international careers, and this knowledge, together with the suitable linguistic competence, will prepare them to communicate effectively in the business environment" (Carmen Lario de Oñate, 2007b: 27).

Therefore, due to the present situation worldwide, the opportunity to access international and on-line resources, the task of the teacher remains a very important aspect of the ESP course. He/she needs to select the proper materials, out of a variety of sources, materials which ease the process of language acquisition for their students. The aim remains unchanged: that of meeting the desires and needs of the learners and help them in their voyage to become professional users of English.

Language skills for teaching and learning ESP
The present section does not intend to fully demonstrate the features and approaches of teaching and learning language skills of ESP, yet, due to their importance in the process, they couldn't be left overlooked. The aim of any language course, be it of General English or ESP, is to enhance the development of language skills necessary to the learners. Teachers/trainers need to identify "the specific skills the group of language learners will need" (Basturkmen, 2010: 15) and focus on those where students prove a lack of competence. One skill cannot eliminate the others in the order of importance, especially in ESP where we deal with future professionals who will use these skills all the time in their careers, all the four skills having the same importance in the formation of the individual. Productive skills (speaking and writing) as well as receptive skills (listening and reading) are intermingled during a course, of course, not in equal amounts and not at every session of training. Some courses or parts of them rely mostly on reading and speaking skills for example, while other sections offer priority to listening or writing tasks and activities. The purpose is for the teacher to try to integrate the practice of all these skills since they will be present in their future professional requirements.

At the same time, these skills are part of learning tasks and activities, which integrate them and, it is the role of the teacher to make sure that one task involving a certain skill naturally leads to another, so that learners have a smooth process in acquiring them. Tarnopolsky uses the term "naturalness of transitions from one learning tasks to the others connected with developing skills in different target language communicative activities" (Tarnopolsky, 2012: 180).

Though teaching grammar or focusing on grammar skills is not the target of an ESP course, "Where students have grammatical difficulties that interfere with the essentially productive skills of speaking and writing, or the essentially receptive skills of listening and reading, it is necessary to pay some attention to those difficulties. How much priority is paid to grammatical weakness depends on the learners' level on English and whether priority needs to be given to grammatical accuracy or to fluency in using the language" (Dudley-Evans, St John, 1998: 74).

Teachers have to make sure that the tasks chosen involve the practice of all essential language skills, they are graded according to the level of students and, they are motivating for the learners to try to solve. The aspect that shouldn't be forgotten is the authenticity of the input which ease the process of understanding native -like language. "[...] it is of vital importance to assist learners to 'elbow' their way through the

disheartening experience of the 'real' language by giving them enough cues, so that the sense of achievement outstrips the sense of failure" (Georgieva, 2015:21).

Conclusions

All in all, ESP is perceived as an approach of teaching and learning a foreign language, with a great evolution worldwide, which marked the extension on the Romanian territory after the Revolution in 1989. Once the integration of our country into the European Union, we can speak about a real 'bloom' of ESP in our country. One of the distinctive features of ESP is the fact that it is learner-centred, that is the purpose of the teaching/training process is to meet the needs of the learners, be them students (the academic level) or adults working for different companies who need to improve their English skills in order to perform well in their careers. Different specialisations rise different needs and expectations so, in order to have a successful teaching act, these are to be established from the beginning. The task of the teacher remains a very important aspect of the ESP course. He/she needs to select the proper materials, out of a variety of sources, materials which ease the process of language acquisition for their students. The aim remains unchanged: that of meeting the desires and needs of the learners and help them in their voyage to become professional users of English.

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The Evolution of the National Security Concept in Romania in the Euro-Atlantic Environment

Teodora Pîrșoi [1]

Abstract

The present article aims to provide a distinct approach of the concept of national security in Romania, since the term has been used with an increasing frequency after the communist regime was abolished in December 1989. From the structural point of view, the study follows the classic pattern of reviewing the previous research reports within the field, in order to analyze the available data corpus and establish useful connections in anticipating the new security challenges.Thus, our main purpose is to contribute to the understanding of the national security's evolution in our country, relying on both the development of intelligence and security culture and on the attempt of predicting the future risks and threats. Using the scenario method as the main research methodology, the current paper emphasizes the fundamental transformations that have taken place within the Romanian intelligence, the improvement of the national defense strategies, the high level of adaptability and the recently adopted transparency policy, in order to establish three possible scenarios.Moreover, it outlines the main improvements that have occurred during the last 30 years, in terms of the Romanian diplomatic relations and geopolitical status, considering its integration into the North Atlantic Treaty Organization, in 2004 and European Union, in 2007. Consequently, the reader would be able to understand the main concepts associated to the national security, intelligence and security culture, while learning which are the main security risks and threats, as well as the legal framework in force and national defense strategies. In other words, one would comprehend the fact that, nowadays, in order to guarantee a stable environment from the economic, political and social point of view, the Romanian Intelligence Service founds its activity on protecting the democratic values, respecting human rights and ensuring the rule of law, each of us being able to support its activity towards a common goal: national security.

Keywords: *national security; diplomacy; intelligence; security culture; cooperation.*

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Introduction

Since the outburst of the 1989 revolution, Romania came to know an entirely different perspective, in terms of the methods used in order to maintain a secure environment of its people. From the historical, political and social point of view, the fall of the communist regime represented the end of an era characterized by terror, oppression and constant atrocities committed by the ruling political party, but, at the same time, a new beginning for the Romanian politics' representatives, who have written our recent history through the decisions they made and the strategies that they implemented. Thus, for Romania, the informational era associated with the dawn of the 21st century represented a multitude of new opportunities and development directions, in close connection with the emergence of several unfamiliar risks and threats.

In order to genuinely understand the transformations which have taken place since the removal of the dictator Nicolae Ceaușescu from our country's leadership, the reader has to be firstly aware of the actual meaning of a few essential concepts, such as: national security, security culture, intelligence and intelligence services, opportunities, vulnerabilities, risks and threats, national defence strategy or intelligence strategy.

Despite the fact that, throughout the history, one country's ability to assure its integrity,security and independence was mainly perceived as its capability to efficiently react against any military threats, in order to defend its people's freedom and rights, after learning the continuos evolutions of the geopolitical context, the researchers have given a much more complex significance to the concept itself. Accordingly, nowadays when talking about the defense capability of a country, we are actually talking about the specific procedures that are used by the responsible authorities in order to achieve and maintain the state of national security. Being a complex process, the achievement of the state of national security can be defined, in short, as the the whole assembly of the means and measures that the institutions in charge use with the aim of preventing and counteracting not only the military, but also the economic, political, cyber or hibryd, internal or external threats, approached either individually or partially combined.

At the present day, in Romania, the National Defense Strategy of the Country represents the main official document to specify the applicable mechanisms for realizing and protecting the national security status. The program is based on the existence of the constitutional democracy and the mutual respect relationships established between the State and its people (Presidential administration, 2015:5). Also, the strategic document is characterized by a multidimensional and holistic approach, aiming to reach the common objective of ensuring the state of equilibrium within areas such as defense, public order, intelligence, counterintelligence and security, education, health, economy, energy, finance, environment or critical infrastructure. Since, in order to reach such a complex goal, the authorities must collaborate, the specific means and methods involve the participation of all the above-mentioned activity sectors' representatives, backed by the diplomatic relationships and the crisis management principles.

Besides a whole new range of advantages and opportunities, the beginning of the 21st century also brought along quite many unfamiliar challenges in regard to the risks and threats in terms of national security. Therefore, the *actors* responsible for their prevention and counteraction were forced to adapt to the new realities. Nowadays, in acordance to the legal framework in force, the main institutions responsible for realizing and preserving the state of national security in Romania are the intelligence services and the specialized internal structures of the Ministry of National Defense, the Ministry of

Internal Affairs and the Ministry of Justice, their activity being organized and coordinated by the Supreme Council of National Defense.

During the last thirty years, the majority of the research studies conducted on this subject revealed the fact that the intelligence services have experienced certain transformation phases, in order to overcome the emerged challenges. The Romanian Intelligence Service, for instance, switched its paradigm from the *need to know* to the *need to share* pattern (Coldea, 2016).Its first approach towards the data's usage might have been based on the classical belief that the right piece of information known by the right person, at the right place and at the right time would guarantee its optimum management and results. But, did this stipulated *path* really lead to the best potential outcomes? Since they have recently changed the working pattern, it seems it did not.

Under the given circumstances, the current article aims to conduct a detailed research in terms of the evolution of the concept of national security in Romania, as a democratic country, within the Euro-Atlantic environment. Thus, establishing the emergence time of the term and emphasizing the key-moments of our country's development as a full member of the North Atlantic Treaty Organization and, later on, of the European Union, the author tries to answer to some of the most frequently asked questions in regard to the national security issues.

After consulting a wide proportion of the research works that have been conducted during the last 30 years on this subject, as well as the legal framework in force and the official specific documents, we will use of the scenario method in order to both understand the fundamental concepts and to try to predict the future changes and challenges in terms of national security. Will the responsible authorities be able to predict the potential challenges with plenty of time ahead, so that the Romanian citizens would not be exposed to the materialization of any major risks? Which ones could be the future threats that we must focus on at most? How *blind* should our confidence be and how much can we expect from the intelligence representatives?

1. **Literature review**

In Romania, the concept of national security was comprehensively defined for the first time within the law No. 51/29.07.1991, which describes it as the condition of legality, equity, social, economic and political stability. Accordingly, these are the essential factors to guarantee the existence and development of the Romanian national state as a sovereign, unitary, independent and indivisible state, as well as the maintenance of the rule of law and a climate of unrestricted exercise of the fundamental rights, freedoms and duties of citizens, according to the democratic principles and norms established through the Constitution. The stated legal framework in force stipulates the fact that the state of national security in Romania is achieved through the means of identifying, preventing and eliminating any of the internal or external threats that could bring any harm to the national values or interests of our country. Moreover, the Romanian citizens have the moral duty of contributing to the process of attaining the national security, as an expression of their loyalty towards our country (Law no. 51, 1991).

The main internal and external risks and threats to the Romanian national security were established within the same law, and, later, completed by the Law no. 14/24.02.1992 regarding the activity and organization of the Romanian Intelligence Service. In accordance with the legal framework and the National Defense Strategy of the Country, among the internal threats that could have significant repercussions on

Romania's state of equilibrium, were listed the following: the plans and actions aimed at suppressing or undermining Romania's sovereignty, unity, independence or indivisibility, the incitement of war or civil war, the support of a foreign military occupation, the betrayal by cooperating with the enemy or thearmed actions / any other violent actions aimed at weakening the state power.

As respects the external challenges, the authorities noted the espionage, transmission of state secrets, documents or data to foreign organizations or their agents, sabotaging or any other actions that can threaten the life, physical integrity or health of the persons who have important responsibilities towards the state or initiating, organizing, committing / supporting in any way totalitarian or extremist actions. Nevertheless, there were added the terrorist acts, as well as the initiation or any kind of activities aiming to commit such acts or attacks on a community, the theft or smuggling of weapons, ammunition, explosive or radioactive, toxic or biological materials, their production, possession, alienation, transport or use in conditions other than those provided by law.

Aiming to fully meet their objectives, the Romanian intelligence services became aware of the fact that since 1991 a lot of things have changed, especially the challenges that they had to face and overcome, by embracing the right approach and using the most appropriate means and methods.Beyond the fact that the number of the newly identified transformations kept growing, they have also developed into more complex ones. Therefore, in addition to keeping under control the risks and threats that they were familiar with in the nineties, the authorities had to adapt and develop new strategies to surpass the contemporary ones and also to try to predict any possible dangers which could bring any harm to the state of national security.

Therefore, in regard to Romania and its post communism evolution, besides a multitude of development benefits and opportunities, the beginning of the 21st century has also been characterized by a completely different perspective in regard to the security risks and threats. Under the given circumstances, after 1989, the newly established Romanian Intelligence Service (March, 26, 1990) has started to increasingly adopt the American model, to the detriment of the Soviet one, which had been previously followed with a remarkable strictness.

The decision to change its allies represented a great challenge for both Romania, as a democratic state, and its people (simple citizens, entrepreneurs, politicians, diplomats, military, international organizations or businesses), not only from the economic, financial or political point of view, but also in terms of its ability to ensure the protection against the newly emerged dangers, out of which some proved to be inherent even for the most developed countries. The *echo* and significance of the terrorist attack from 9/11, when two hijacked airplanes were flown into the twin towers of the World Trade Center, in New York and a third one hit the Pentagon (Onion, Sullivan and Mullen, 2010) represents one of the strongest arguments of this statement. In opposition with the plain and short name which defines it within the world's recent history, the so-called suicide bombing led to dramatic and unforgettable consequences that completely terrified dozens of states and shook the whole globe from the grounds.

Thus, even for this only reason alone, one can easily ascertain the fact that September, 11, 2001 definitely represented the moment when the American secret services realized how important the data and information and its appropriate usage was. Under the given circumstances, they also became aware of the benefits of the civic and security culture's development on the safety of the local community and, further on, on

the security environment. For sure, there were not only the Americans the ones who understood the huge significance of these elements, but the whole world, through every single nation who realized the fact that a similar disaster could be, one day, theirs. Therefore, in our opinion, the above mentioned incident answered at least three questions, that is to say: when,why and how the concepts of intelligence and security culture were born.

Similar to the development stages which were experienced within the pioneer states, in Romania,the emergence and evolution of the concept of national security was fundamentally based on the progress of the intelligence and the expansion of the security culture. At first, the concept of *intelligence* was defined as one's ability to learn and to think, completed by the process of putting all the known pieces of information together, as in the technique of building a puzzle for getting the big picture. Subsequently, the meaning of the term became that of the whole assembly of data and information classified as *secret*, respectively of the secret services' workers who carried out specific activities in order to reach the established tactical or strategic objectives. Some of the experts within this field believe that *intelligence* can be also understood as the information processing with the purpose of obtaining an informational product or even the final informational product itself.

Tănase (2009) considers that *intelligence* represents a complex concept, since it can be perceived from at least three perspectives, that is to say: as a process, whole organization with everything that it implies or as simply an informational product. As a process, the intelligence brings together the operations of collecting, filtering and analyzing the relevant data and information so that to disseminate value-added intelligence products which should meet the needs of a specific consumer. As an organization, it refers to all the structures, units and agencies which are responsible for implementing the above mentioned processes and developing the final informational product. And last, but not least, as a product, intelligence represents the outcome of the procedures and entities involved in collecting, selecting, evaluating, analysing, integrating and interpreting the pieces of information (either secret or originating from open sourses), for providing the political or military leaders with needed the information in order to make decisions of national interest.

The intelligence process is considered to have two different components, being analyzed from the strategic or operational point of view. Strategically speaking, its main role is to support the legal beneficiaries in defining the national policy, taking decisions on the long-run or carring out forecasts and analitical studies. On the other hand, the operational component represents the process of continuos and immediate information of the political or military leaders, through the means of the newletters or short-term analysis reports.

In NATO terminology, intelligence is defined as „the final product derived from surveillance and reconnaissance, fused with other information" (NATO, 2018), more precisely the outcome of processing the information regarding hostile or potentially hostile nations, forces, elements or regions where operations take place or may take place. Yet, according to the provisions of the National Doctrine of Security Information, the informational product is still defined as the result of the security information processing carried out by specialized analytical structures and finally materialized and individualized within specific documents which are put at the disposal of the decision-makers established by law (The Supreme Council of National Defense, 2004).

The latter basic pillar of the process of maintaining the national security, namely the security culture can be defined as the volume of knowledge related to a state's security issues and the active involvement of the society in solving them, by supporting the actions of preventing and counteracting the risks and threats to the national security. Giorgi and Raicu (2017) consider that the security culture is founded on a cognitive approach, actually representing an „anssembly of information, attitudes, beliefs and values through which the individual relates to the political, military and economic system that characterizes society." Moreover, they suggest the fact that the security culture within a society oughts to be a moral, educational and formative landmark, as well as an example of civic conduct.

Calangea (2017) believes that intelligence activity needs to be tailored in order to cope with and, in particular, prevent the newly emerged challenges through the means of the early warning techniqueon the long run. Since security represents an asset that all the nations should benefit from, the analyst claims that „developing a strong security culture among the civil society and political decision-makers alike and by increasing transparency within the national security realm" could be the key to achieve the major common goal.

Further on, in order to fully comprehend the dramatic changes which have taken place in terms of the challenges that the intelligence services decision-makers have to come up against nowadays, let's simply consider the amplitude of the impact and probability which were/ are connected to the occurrence of a cyber-attack, then and now. Since the bases of the Internet as we all know it today were established only in the late eighties, it is quite easy to imagine that, in the following (at least) 10 years, the likelihood of a cyber-attack to take place was very little. Of course, on the other hand, its impact could have been huge. And so it proved to be. According to the history of cyber-attacks (Rog and Condruț, 2019), the very first such case was registered in 1988, in the United States of America, when the so-called Morris worm reached its objective and attacked almost 6000 systems (representing approximately 10% of the total number of the computers connected to the internet). That was the first malware application which successfully carried out a Denial-of-Service (DoS) attack and it caused the complete shutdown of the entire global Internet network for several days in order to be neutralized.

Following the chronological axis of the subsequent cyber-attacks, the NATO Review magazine places the earliest event of this kind within the European borders, in April 2007, in Estonia. At that time, the Estonian government networks "were harassed by a denial of service attack by unknown intruders, following the country's spat with Russia over the removal of a war memorial", which had as immediate repercussions the temporary disruption of the government online services, as well as the interruption of the online banking services, both of the mentioned dysfunctions being resolved efficiently over the next few days. In the years to come, this recently emerged type of threat started to become more and more persistent at a global level and has developed to such a high degree, one of the members of the US Secretary of Defense emphasizing the fact that nowadays "a cyber-attack perpetrated by nation states or violent extremists groups could be as destructive as the terrorist attack on 9/11".

In these circumstances, on 23 May 2013, the the Romanian government the adopted the Decision no. 271/2013 for the approval of the Cyber Security Strategy of Romania and the National Action Plan regarding the implementation of the National Cyber Security System.The stragetic document has set among the main objectives the

substantiation of the efforts regarding the development of our country's own capabilities to counteract any potential cyber-attacks, the establishment of the framework for action, the improvement of the cooperation relationships which could possibly be developed between various governmental entities and, last, but not least, the highlighting of the non-governmental measures that could be applied in order to decrease the probability of registering any destructive consequences (Romanian government, 2013). According to its contents, the sum of the worldwide nations' joint efforts generally focus on implementing certain security measures which could improve the cyber infrastructures' protection, especially of those that support the critical national infrastructure.

A second example of the recently emerged threats to our national security is represented by the actions or inactions that harm Romania's strategic economic interests or have the effect of endangering, illegally managing, degrading or destroying natural resources, forestry, hunting and fishing funds, water and other such resources, as well as monopolizing or blocking their access. According to some of the previously conducted research works in regard to the economic resources of our country, the percentage value corresponding to the forested areas has followed an obvious descending trend in the recent years. Practically, the measurements carried out in 2010 revealed the fact that the actual forested area represented only 26.7% from the entire country's territory, more precisely a number of 6.38 million hectares, in comparison to the one that we had at our disposal during the communist regime, that is to say 7.7 million hectares representing a percentage of 32.3% (Sigheartau, 2020).

The latest Greenpeace report on the Romanian forested areas and their evolution during 2016-2017 certifies the fact that, in the mentioned period, our country has been losing its forest potential at a rate of 3 hectares per hour, the authorities registering approximately 62 cases of illegal logging per day. Overall, it was established that the region of Transylvania has been the most affected area, with a percentage of 80% of the total damage created (Greenpeace CEE România, 2018). Thus, the legal framework which establishes the attributions and the limits of action of the intelligence workers was modified on January,17, 2016, in order to include this new threat on the list of the classic ones and establish the proper means and methods of preventing its occurrence or dimish its consequences. Even though the Romanian Intelligence Service does not represent the main institution responsible for the environmental orthe illegal logging issues (legal duties of the Forest guards or the police), the ilicit deforestation represents an actual threat to the national security, therefore a helping hand of the intelligence services is always useful.

Given all these multidimensional transformations, it has become obvious that living within a global community is much more different compared to the one that the Romanian citizens were familiar with during the communist period. The recently emerged political, military or socio-economic challenges require higher qualified and more experienced intelligence workers, capable of performing all sorts of activities, in order to support a competitive economy, legal and equitable working conditions, as well as to ensure a high cross-border security and the required protection against any terrorist activities or cyber-attacks.

In our opinion, one of the most important characteristics of today's society is given by its facility to both create and benefit from the security culture developed within the local communities, each of us having the opportunity to become either a producer or a consumer of intelligence. Generally, one could easily become part of the basic intelligence-creating process, starting by simply exploiting the handy options of

developing his / her individual or collective civic culture. During the last years, there were plenty of situations that proved the fact that the civic culture development of each citizen has a major role to play within the process of creating and ensuring the security culture of a community, and further on, of a country.

Yet, being an ex-communist country, Romania needed a longer time to adapt to the new challenges that came along with the free trade and frontiers or the global markets in comparison to the Western countries. On the other hand, after more than 30 years from the communist revolution and almost two decades since the tragic event of 9/11, our country is still focusing on finding better and more efficient ways to adapt to the new realities in terms of threats such as: money laundry or *skimming* activities, fake news campaigns or cyber-attacks, hybrid wars conducted by Russia or fighting the risk of the economic exploitation within the European market or the global trade (by importing way more goods and services than the exported ones, at a higher price, despite our national production capacity). Even if the post-communist leaders succeeded in improving our country's geopolitical status and enriched the spectrum of its development opportunities, it is still highly recommended that, alongside with the resulting benefits, the authorities responsible for the national security issues should closely keep an eye on the potential risks and threats.

Undoubtedly, the official acceptance of Romania as a full-fledged member of the North Atlantic Treaty Organization in 2004 (Ministry of Foreign Affairs, 2020), in the context of the new global-scale conflicts paradigm, represented our country's undeniable separation from the ex-Eastern Bloc states and, especially, from the Moscow' politics. It goes without saying that once belonging to the above mentioned political and military alliance, Romania started to benefit from an extra guarantee in terms of freedom and security as, from the political point of view, the alliance "promotes the democratic values and enables the members to consult and cooperate on defense and security related issues" and in the military perspective, it is "committed to the peaceful resolution of disputes" (NATO Basic points, 2020).

Likewise, afterwards Romania's admittance within the European Union on January 1st, 2007 (Chamber of Deputies, 2005), alongside with the entire range of advantages and opportunities, our country's political shift is out of question. Moreover, taking over the idea of a well-known historian (Burduja, 2016), we strongly consider that our country's reconsidered diplomatic strategies definitely represented a huge step forward in terms of economic, financial, political, social and environmental opportunities or better anti-corruption mechanisms available, their whole assembly representing a cornerstone in strengthening the Romanian democracy.

2. Research methods

The fundamental informational resources engaged in completing the present article are represented by the data and information available within the official documents regarding the national defense strategies, the legal framework in force, the official websites of the unions and alliances that Romania is part of and, for an enhanced insight and prognosis, we also considered the research work that have been previously conducted by several experts within the field of interest. From the temporal point of view, the sources corpus exploited within the current report date back to1990, revealing and emphasizing the most significant aspects connected to Romania's national security up to the present day.

The main research methodology used in order to foresee any potential evolutions of the security environment within Romania, challenges in terms of risks and threats that could harm the state of national security or the best means and methods that should be utilized by the Romanian Intelligence Service was the scenario method. This particular data analysis instrument involves running a prospective analysis in the aim of carrying out a probabilistic modeling of the possible implications generated by both validated experiences and present knowledge on the future (Popa, 2015: 157).

The methodology's main purposes are to minimize the degree of uncertainty that hovers over possible and/ or probable future events, as well as to substantiate the knowledge needed in order to make operational or strategic decisions. In order to reach correct and relevant results using this method, the exploited data and information is also analyzed from the point of view of its credibility, objectivity, accuracy and significance. At the same time, the analysis performed through the scenario method assumes the existence of two components, namely the descriptive and the predictive analysis, so that the interpretation of the obtained results can lead to a better understanding of the present situation, but also to the mapping any potential future developments.

3. **Results and Discussions**

Based on the evaluated data and information, as well as on and previous research work performed in regard to the Romanian national security means, methods, legal framework in force and the intelligence's evolution, the present publication outlines the following scenarios to consider:

The worst case scenario corresponds to the pessimistic evolution of events which can take place in regard to a certain event or phenomenon. Considering the whole data and information gathered on both the subject of the national security of Romania and its evolution and on the development of the Romanian Intelligence Service, its means and methods used to achieve an economic, political, social and military equilibrium, we believe that the worst case scenario which could materialize in this field would be the uncontrollable growth of the number of security related risks and threats, as well as their complexity.

Yet, in our opinion, this first scenario is characterized by a medium level of credibility, as the Romanian Intelligence Service has all the essential resources at its disposal in order to achieve the established objectives, whether operational or strategic. This evaluation is validated by the permanent correlation which exists between the intelligence activity and the Intelligence Strategy of the Romanian Intelligence Service established every four years, in accordance with the provisions of the current National Defense Strategy of the Country and subjected to the control procedures of the Supreme Council of National Defense.

Moreover, we consider that our assumption is equally objective and accurate, as the increasing number and complexity of the security related issues has an actual high probability of occurrence on the medium or long term, but the risks and threats could never get out of control of the institutions with responsibilities in this field. In addition, another reason why this sequence of events is objectively and accurately analyzed is the fact that Romania is part of some of the most important political-military alliances and political-economic unions, status that guarantees the support of the other member states in any emergency cases. Also, we appreciate that the examined scenario would have a great relevance in terms of national security, because it could dramatically affect the ordinary state of equilibrium that Romania enjoys at the present day.

To conclude, the worst case scenario is characterized by a low probability and a very high impact of occurrence, within a hypothetical map of the potential risks to harm Romania's state of national security, being situated at a medium to high level.

The most probable case scenario (also called the basic scenario) represents the situation in which the risks and threats related to the economic, politic, social, military or environmental issues are distinguished by a moderate and predictable evolution, being easily counteracted through the particular means and methods used within the intelligence work. In other words, this scenario is characterized by maintaining the current parameters. Thus, it has a high level of credibility and objectivity, as, up to the present day, the main authorities responsible for promoting the national values and interests and preventing or counteracting the security related risks and threats managed to fulfill their mission and achieve the established goals, at least on a satisfactory level.

Its high ability to adapt to the recently emerged security challenges, especially in the Euro-Atlantic environment, as well as to predict their future evolutions, gave the Romanian Intelligence Service the opportunity of generally being one step ahead of the potential critical situations and enabled its agents to fully counteract or diminish the consequences of the critical situations. Taking into consideration the whole corpus of data and information, the official documents, legal framework and the activity reports of the Romanian intelligence, we credit the basic scenario with a high level of accuracy, highlighting the fact that its occurrence would have a pretty low level of relevance, since it does not involves major changes in comparison to the current state of affairs.

Summing up, the most probable case scenario has a really high probability of occurrence and quite low impact on the Romanian state of national security, as it mainly implies maintaining the same parameters of the specific intelligence activities that are efficiently performed at present, the proof being the relevant outcomes achieved over the years.

Best case scenario is characterized either by the diminishing of both the number and complexity of the current risks and threats to Romania's national security, or, at least, of their complexity. Considering the studied evolution of the types of the risks and threats that were registered during the last 30 years, as well as the one of the impact that their materialization could have on our country state of equilibrium, we anticipate the fact that this scenario has a medium to low level of credibility.

For instance, since in the nineties, Romania neither experienced any cyber-attacks, nor did have this type of threat defined by the legal framework or within any official documents or strategies, and nowadays the authorities keep investing considerable amounts of money in research and development programs designed to ensure the ability to prevent and counteract this type of danger, we appreciate that, on the long run, the probability of having to deal with way more complex threats or even with completely new ones (almost impossible to predict at present), is quite high. Therefore, this scenario has a medium level of objectivity, as it relies on several examples of the unpredictable evolutions of the current threats. From the relevance point of view, this particular situation is quite significant, because, although at first its occurrence could generate a potential will of softening the security measures, the intelligence representatives must remain cautious and highly prepared for any possible development. The scenario is not quite accurate though, as the transformation of the current threats is almost impossible to predict, while, on the long run, there can emerge some new ones that nowadays we are completely unware of.

In respect to the aspects detailed above, the best case scenario has a low probability and a low impact of occurrence, showing us, once again, that intelligence represents the type of commitment that requires not only a thorough and punctual training within the specific field, but also utter and permanent dedication, even when the things seem to take a good turn.

Conclusions, limitations and future research

The practical contribution of the current research is provided by the synthesis of the official or open source data and information, as well as of the research contributions within this domain from 1990 up to the present day, fact that highly strengthens the reliability of the study. In a nutshell, the paper provides an objective point of view regarding the concept of national security in Romania in the Euro-Atlantic environment, as well as its evolution and potential transformations on the short, mid or long run. Moreover, it defines the two fundamental elements that had and enormous contribution to the achievement of the economic, politic, social, military and environmental current state of equilibrium, namely the intelligence and the security culture.

By the means of revealing the essential factors that led to the adjustment of the legal framework or to the creation of the national defense and intelligence strategies, in the context of the security challenges which have evolved during the last 30 years, the current article also points out the most important strategic decisions made by the Romanian leaders, from the point of view of its accession to the political-military alliances (NATO, 2004) or to political-economic unions (EU, 2007).

However, the main limitation of our research consists of the fact that, given the unpredictable evolutions of a significant number of the potential security risks and threats, it is quite impossible to establish which would be the most suitable approach to completely avoid their occurrence. Yet, we can certify that the Romanian authorities responsible for the security issues have put a lot of effort in developing the intelligence strategy, adapting its capabilities and adjusting the legal framework to its needs, so that they can achieve the established operational and strategic goals at the highest level. Intelligence representatives may not be completely sure of the current security environment's evolution, but they certainly gather, analyze and interpret a wide range of informational resources so that they have a *lucky ace* in any situation.

In close connection with a future research direction, on the long run, the author considers that it could be both necessary and useful to extend the present research in terms of the managerial transformations demanded within the intelligence services in order to cope with the new upcoming challenges. Still, it remains her strong belief, that, no matter the chances to come, the intelligence activity represents a completely distinct profession, since any fiasco means a loss, but, any success stays totally anonymous, the same way as its author.

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Problems of Social Integration and Correct Expression of Foreign Students in Romania

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Abstract

In this article we brought into attention the status of foreign students from the preparatory year, and also some issues regarding their capacity of integration into the Romanian social, cultural and linguistically space, without missing the aspects concerning the difficulties related to the integration of the foreign students in the new environment. Therefore, the problem that most foreign students face is that of the Romanian language barrier. Thus, it was concluded that the need for Romanian language courses is imperative, because the language allows access to all areas of daily life of the student residents in Romania. Consequently, we want to highlight the reality that, the lack of knowledge of the Romanian language of the foreign students, their impossibility of communicating or understanding the message of the written texts, leads to the absence of the informational support regarding the rights and obligations or services to which they can access. The lack of information, the linguistic and cultural barriers they face lead to the non-accession of rights and the inefficiency of the integration programs.

Keywords: *foreign students; integration; linguistic; preparatory year; Romanian language.*

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Problems of Social Integration and Correct Expression of Foreign Students in Romania

Introduction

The Romanian language preparatory year that has been taking place for many years as well at the University of Craiova, which has been among the first universities housing a department for teaching Romanian as a foreign language, is necessary for the foreign students not only for acquiring the linguistic notions of the language but also for the discovery of the notions of Romanian culture and civilization which would help them integrate more easily. The necessity of the socio-cultural integration of the foreign students originating from sometimes entirely different linguistic, cultural and religious environments becomes essential. Once in Romania, the foreign students in the Romanian language preparatory year face a new and sometimes totally unknown society. Thus they go into a socio-cultural shock they must overcome as soon as possible to be able to integrate and socialize.

One of the main reasons of the accommodation issues might be the switch in the symbols the students formerly knew, which now have changed due to the new cultural environment, and the fact that some of the students refuse – consciously or not – this new life in a foreign country which causes them discomfort and determines them to isolate themselves, to avoid contact with representatives of the new culture in the end leads to failure. Each foreign student coming to study in Romania has certain socio-cultural values belonging to the country and traditions he has acquired through education, which represents a cultural nucleus, therefore understanding the cultural values of the others with whom he comes in contact is the most important moment of the process of communication and its socio-cultural integration (Râmbu, 2006: 336).

The foreign people's access to education, both in the university and pre-university mediums, is guaranteed in equal conditions as the Romanian citizens by the Law of the National Education no. 1/2011. Beyond the formal equity, ensuring the migrants' effective participation to education is not a priority for the public authorities. According to existing data, in the 2014-2015 academic year the Romanian education system accounted for 7,110 migrants from third party countries. The vast majority of these (6,713) took university classes while only 397 took pre-university classes, many of the foreign students opting for private schools (Voicu et al, 2015: 58-59).

The main obstacle to the integration and socio-cultural communication of foreign students is their tendency to interpret the foreign cultures (of the country in which they are from and of the countries of origin of their colleagues) through the prism of their own cultural values and not to be neglected, of the language of the people you want to assimilate, or at least recognize. We hardly understand the meaning of words, facts and actions that are not specific to us, especially if we do not have basic language knowledge. Therefore, the assimilation in good conditions of the notions of Romanian language by the foreign students is a very important aspect for their socio-cultural integration.Consequently, the assimilation of the notions of Romanian in good conditions by the foreign students is an important aspect in the view of their socio-cultural integration.

The socio-cultural integration and the correct assimilation of the linguistic notions by the foreign students

The socio-cultural environment, through the components and nuances it can have at different times, influences each segment of the learning process for foreign students. This aspect becomes significant and easier to notice when you learn a foreign

language in its country of origin, in our case Romania. Foreign students who come to study in Romania experience a series of interactions both during the learning of the Romanian language and in their social life.

To this aspect are added their linguistic and cultural experiences lived in their countries or in another context, which only interfere with the new experiences lived in the country where they will pursue their studies for 4-6 years or more. Teaching and learning the Romanian language as a foreign language cannot be dissociated from the characteristics of the socio-cultural environment in which it takes place. Therefore, foreign students' linguistic and cultural diversity has a special importance in teaching the Romanian language as a foreign language.

Without ignoring the real needs of socio-cultural integration of foreign students, methodological solutions must be found in accordance with the learning situations and the real needs of those who learn Romanian as a foreign language. Motivation and empathy are two qualities that should not be missing from each participant's learning process.

The language barriers constitute an important obstacle for obtaining useful information in each and every case. The clerks responsible with the public relations and directly interact with immigrants mostly speak only Romanian, the posters and the documents displayed in the bulletin board are elaborated in Romanian, and can also be translated into English in the best-case scenario (Popescu & Toth, 2009: 19). The lack of information and obstacles when accessing relevant information are found on all levels. There have been cases of administrative issues, such as the difficulty of obtaining a dormitory room by a foreign student.

The integration does not occur in a static society, the foreign students integrate into a fluid, dynamic, ever changing society. Integration is a long-term process, non-linear, on multiple levels, that requires a capacity for adaption both from a multitude of factors of the host society and from the foreign students. In the absence of better information regarding the rights and obligations that arise from the right of residence on the Romanian territory, the participation of the foreign students from third-party states to the process of integration and implicitly to the social, economic and cultural life of the society they live in is greatly hindered. The linguistic and cultural barriers lead to a lack of information that has as a main consequence the non-fructification of the rights granted by the law to this category and thus their and the integration programs' inefficiency. The foreigners with a permit to stay in Romania represent a category of persons which, despite the fact they benefit from a statute similar to that of the Romanian citizens, often encounter obstacles when accessing these rights, caused by the lack of knowledge of Romanian language, the lack of information concerning the rights and obligations or the services they can access, the impossibility to communicate or to understand the message of a written text, the absence of the informational support (Popescu & Toth, 2009: 7).

A non-speaking Romanian foreigner's issues related to language or cultural differences are big enough and this only makes it more difficult to interact with the Romanian authorities, with the University's administrative employees, with the owners of an apartment they would rent or whom will offer them a place in the dormitory, etc. Taking into account this aspect it becomes very important to group the foreign students according to ethnic and cultural similarities criteria. For the Muslim communities, for example, it is preferable to constitute a specific group, due to cultural particularities.

As all the information, including that related to the documents the students have to prepare in order to be accepted to different faculties or to obtain certain facilities they

should benefit from is written in Romanian, the students are constrained to resort to Romanian people, speakers of Romanian they most frequently meet, such as: foreign students who have lived in Romania for a long time and already speak Romanian, teachers from the preparatory Romanian year, English speaking clerks from the administration, etc.

Sometimes, along with the language issue, the students have invoked a reserved, discouraging attitude of the personnel who ought to provide information. Obtaining the necessary documents for the legal stay in Romania as well as the workaround for certain real-life situations suppose the interaction with several Romanian public institutions. Thus, the language barriers become a consequence of the fact that the personnel involved in public relations mostly speak Romanian and the information displayed at bulletin boards are not translated into international languages.

The lack of coherence when providing the foreign students with information regarding the procedures they must abide to once on Romanian territory, the administrative thicket that traps the foreigner is probably the most important problem and, furthermore, the most frequently mentioned. The proposed solutions assert the direction of a better corroboration of the procedures and the synchronization of the activities of the involved institutions. The lack of synchronization of the involved institutions, the deficiencies of collaboration and communication regarding the approach and the terms for elaborating and presenting the documents have important consequences on the foreign students' adaptation to a new socio-cultural environment. The delay and the postponing of certain terms lead to situations when the necessary documents expire before others are issued. The foreign students in Romania have an acute need of information. The general perception is they are trapped in the administrative thicket and that generally they need to figure it out themselves. The lack of information generates a series of problems on all levels of life, ultimately leading to isolation and exclusion. There also arises the issue of knowing the rights of the persons who have a legal permit to stay in Romania, namely the foreign students, by the clerks in the public institutions they interact with.

The information regarding the stay permit represents in the opinion of all interviewed nationals is the fundamental right through which the foreign student has access and from which follow all the other rights during his stay in Romania. However, obtaining the stay permit is a confusing and complicated experience for all the foreign students. The difficulties identified underline the lack of coherence of the procedures to be followed in order to obtain the documents necessary to the file and the multitude of the institutions that issue them. The course for obtaining the documents is sinuous and discouraging.

The problem is not the people at the counter, when you submit the file. If it's not complete, they give it back, if it's complete, they take it. The problem is to go there and find there's a document missing, that the law has changed… My permit was valid for one year, then in the first year I had a permit, then when I started the second year, they gave me a three-year permit, because the law had changed in the meantime. I was lucky they had told us at the faculty the law had changed, that we have to submit the permit for all the years of study, for the scholarship. (student, Senegal) (Popescu & Toth, 2009: 23)

Another problem of social integration of the foreign students in Romania is the medical system, though the medical exam in case of emergency is free for a student, the medical system does not offer them another advantages, such as discounts or subsidies in case of serious health issues; also, this system should offer discounts for the medicines prescribed by the doctor. Nevertheless, in this domain of the medical services the situation is not more disadvantageous then that of the Romanian citizens.

The difficulties related to the language are a major impediment for the socio-cultural integration of the foreign students, this being caused by the fact that almost all activities conducted by the Romanian institutions are almost exclusively in Romanian, though the access to the opportunities for studying Romanian is high. It is a known fact that the preparatory year of Romanian as a foreign language has taken place in several university centers around the country since 1974, the University of Craiova being one of the first centers to teach Romanian as a foreign language. In the context of the integration of the foreign students into the Romanian society, the domain of the social connections becomes very important, underlining the importance of creating and maintaining social relationships along the integration process. It is the social dimension of the integration, among the facilitators of the integration being: the language and the knowledge of the host culture, that is the cultural dimension of the integration; safety and stability, feelings that determine a sense of continuity and identity, regarding the identity dimension of the integration (Mircea & Necula 2009).

The knowledge of Romanian and the cultural orientation represent the major landmarks for defining a better integration of the foreigners into the host society. The language barriers and the lack of information regarding the culture and the traditions of the host society constitute the most frequent difficulties that the authorities need to confront and that is why the knowledge of Romanian by the foreign students constitutes the nucleus of the integration itself.

Moreover, the linguistic obstacles, the information mostly available in Romanian, the reserved, discouraging attitude of the personnel who ought to provide information represent the main obstacle in the relationship between the foreigners and the public institutions, and, as a consequence, against a smooth integration process (Alexe & Păunescu, 2011: 36).

The statistical data reveal a year per year increase of the number of foreign students who benefitted from Romanian language classes, the tendency being ascendant for the years to come. Within the Department for Applied Modern Languages at the Faculty of Letters at the University of Craiova, for the preparatory year of Romanian as a foreign language are signed up around 150 foreign students.

The classes of Romanian as a foreign language also integrate the cultural component, so the A1, A2 level knowledge – that can become B1, B2 until the end of the year, depending on the involvement of the foreign students in the process of learning and the connection that can be created between the teacher and the student at the communicational level – is added the study of Romanian culture and civilization. The necessity of Romanian classes is imperative, as the language allows access to all the domains of the residents' everyday life as students in Romania. The knowledge of Romanian is also necessary for the medical students' internship in Romanian hospitals, for their direct contact with patients that most often do not speak English. In the assimilation of Romanian as a foreign language one starts from language classes based on everyday life problems, then moving to specialized language classes, such as medical language classes in the case of the medical students or technical language classes for the

automation students. Within the Department for Applied Modern Languages at the Faculty of Letters at the University of Craiova, for the preparatory year of Romanian as a foreign language we have a basis of educational materials, partly created by the teachers of Romanian as a foreign language, partly already found in the department's library. As it is a known fact that one the resident foreign students' problems is they cannot borrow books at home unless they have the residence in the city where they live, the students can buy, photocopy or borrow them from the department's library.

The classes of Romanian as a foreign language bring together students from different cultural environments, originating in European, Asian countries, etc. Thus, one of the issues that arise for all the participants to the classes of Romanian as a foreign language and that may be a challenge for the teachers also, is the inter-cultural adaptation, which may be defined as: "the process of adaptation to the requirements of the new cultural environment (Kim, 1988)" referring to "the way the emigrants or the newcomers to the foreign culture resist to the stress provoked by the difference between the original and the host culture" (Kaiter & Buzera & Dimitrova & Panea, et al., 2012: 114). The foreign students who come to study in Romania need to learn to experiment, to accept and respect the alterity (Nedelcu, 2008: 42). Between the condition of Romanian as a maternal language and Romanian as a language assimilated by the foreign citizens who come to Romania for studies there are difference we should take into account now and in the near future, though we are part of a European Union where bilingualism predominates and where English has become the second maternal language. But we should not forget that the traditions of a country are comprised and described in the language of that country. For historical reasons, of long-lasting tradition, in Europe the national and linguistic diversity shall persist, no matter the force of the unifying tendency.

Therefore, for a better integration of the foreign students eager to learn the language of a country that would adopt them for at least 4-6 years, it is very important to appropriately approach the process of teaching-learning Romanian as a foreign language and the instilment of the idea that without a solid knowledge of Romanian the social integration process will be much more difficult. The final goal of the classes of Romanian as a foreign language is to train good users / speakers of Romanian who use it both as a means of communication and a method for knowledge. Man, the more languages he knows, the easier he can communicate with people belonging to different cultures and linguistic environments, he learns to be tolerant, flexible, his linguistic "legacy" spiritually enriching him (Norel & Sâmihăian, 2011: 2).

The implicit or explicit knowledge of grammar rules is undoubtedly essential for mastering a foreign language, for we cannot use words without knowing how to put them together. In a formal class of study of Romanian as a foreign language, the learning must be organized in order to be efficient. This supposes the preparation of a study program, of an analytical curriculum, so that segments of the overall body of knowledge are one at a time presented for a systematic and gradual assimilation of the matter, rather than the whole. These segments could be matters of vocabulary, grammar, pronunciation or writing.

Thus, grammar may provide the basis for a set of activities in the classroom, period for which it temporarily becomes the main objective. On a long term, the learning of grammar must be considered one of the means of mastering the language on its while, not a purpose in itself. For that reason, though it is possible at an early stage to ask the students to assimilate a certain grammatical structure through exercises that focus on

possibly incomprehensible manipulations of the language, we should quickly move on to activities that make an understandable use of the language. Even these activities will be eventually replaced with tasks that should stress on the acquisition of a general fluency, where the main emphasis is on the successful communication (a successful transmitting-receiving of messages) and where the acquisition of grammar is only an episode towards reaching a major goal. In the groups formed by beginner students it is necessary to use the maternal or the English language as a transition language for translating, generalizing or using analogies for a proper explanation of the respective grammatical structure. The more advanced groups or in the cases of a more difficult structure, this stage could take longer.

Despite all this, in the case of a simple structure or one resembling to a structure from the maternal language, the students tend to intuitively acquire the foreign language. The purpose of the practical exercises solved in the classroom or given as a homework is to make the students assimilate the entire structure or to transfer their knowledge from the short-term memory to the long-term memory. The purpose of such exercises is to help understanding the explanations and to thoroughly assimilate the correct forms, which ensures the linguistic competence accepted by the native speakers.

An important stage during the assimilation of Romanian as a foreign language is that of producing and understanding of messages by the foreign students, in the context of their use for non-linguistic purposes, keeping in mind the way in which the lexical-grammatical structures are used in this process. Such activities are based on exchanging communicational messages, within certain dialogues or stories which practice the forms of verbal tenses or are brought into discussion dilemmas that impose the use of modal verbs, the conditional, etc. This stage is the most valuable as it imposes on the students the use of lexical-grammatical structures in coherent sentences, like they would it in real life situations. At the end of cycle of study of Romanian as a foreign language, the students take tests in order to prove themselves and to the teachers how well they assimilated the studied matter. The purpose of taking a test is to ensure the necessary feedback without which no progress would be made.

The acquisition of the Romanian grammatical elements will allow the students to face the difficulties encountered in real life situations and automatically to more easily integrate at the social level. An assimilation of Romanian as a foreign language has uncontestable advantages, as "communication represents the totality of the interaction phenomena and the totality of the processes through which people are exchanging information in society and they relate to the environment" (Șerbănescu, 2007: 15). Besides developing the means of expression of the foreign students, learning Romanian as a foreign language also reveals to them new ways of life and other cultural values conveyed by the assimilated language. Hence, in order to efficiently communicate with the members of a different culture, the foreign student is obliged to develop his competence of inter-cultural communication, which "represents the capacity of the individual to adapt to the communication style specific to another culture, to efficiently, successfully, handle the situations of inter-cultural communication" (Șerbănescu, 2007: 287).

The assimilation of Romanian grammar is important, but the cultural education is important as well, for it allows the foreign student to learn the things he needs in order to properly function within the cultural environment of the country he resides in. Culture designates a socially inherited ensemble and transmitted, of behaviors and symbols bearing meanings, a system of representations and a system of language, which is

expressed through symbolical forms, a means through which for the people communicate, they perpetuate and develop their knowledge and attitudes towards life (Dasen, 1999: 85).

The main obstacle in the inter-cultural communication is each people's tendency to interpret the foreign cultures through his own cultural values. This is not equivalent to the annihilation of the maternal language, the non-practice and lack of respect for the customs, traditions and personal professional beliefs, but on the contrary, it demands their cultivation in the value system of the respective society (Mâciu, 2006: 115). A clear example of social conduct is the salute. In many Western cultures, a handshake and the direct visual contact are considered adequate, while in other parts of the world, the salute consist of a bow, without visual contact. It is difficult to avoid the imposing of the cultural norms on other persons, such as the case of the foreign students who come to study in Romania, even at a time when there is a frequent contact with other cultures (Gavreliuc, 2011: 43).

Learning is a dynamic and individual process. A teacher must seize the rhythm and efficiency of this process, must always analyse and compare the results, and also adjust the teaching methods in order to quickly reach higher standards from a qualitative point of view. It is essential to be aware of the learning dynamics, according to the intellectual abilities, educational needs, as well as interests and goals each learner has. This is a matter which depends on the teacher's authority, responsibility and personality. We find these even more important when foreign language learning is involved, especially in order to reach the required competence and performance parameters.

Ioan Neacsu, a Romanian professor, researcher in the pedagogical and educational field, notices that all the subsumed learning processes "lead to education" (Neacsu, 1990), or in other words, "to train means to effectively apply knowledge, experiences and skills of pedagogical, psychological, logical, physiological, ethical and psychosocial nature for the organization of an environment liable to generate learning" (Neacșu, 1990: 71).

For another Romanian researcher in the field of education, learning appears as "a set of new results produced by procedural activity and refers to knowledge, skills, concepts, ways of thinking, attitudes and behaviours" (Iucu, 2001: 34). As far as the learning methods are concerned, meaning the techniques and strategies used by teachers in the Romanian foreign language class, we find significant the principles Slama - Cazacu distinguishes ever since 1973, as being fundamental in the learning process, with particular reference to foreign language learning; she defines one method as "dynamic" (Slama – Cazacu, 1973: 36), involving role play inspired form real life situations, as well as contexts with interesting and useful topics, which can eventually be interpreted and commented right along. Another method which results from the one previously mentioned, is the method of dialogue, and the last, but not least refers to error correction.

Nevertheless, no matter which language learning theory we bring into question, all of them lead to the same directions to follow: first comes the process and then comes the result or the product.

In conclusion, the interactive methods of teaching-learning Romanian as a foreign language, focused on the student and based on the receiving theories, undoubtedly contribute to the formation of a solid knowledge of the language and to an easier integration of the foreign students to a new social and cultural environment, through an organized and systematic process of transmitting and assimilation of knowledge.

Sometimes the low quality of Romanian classes offered by universities leads to a superficial assimilation of the Romanian language and culture by the students and to a much slower social integration. A solution would be the adaptation of the methodology of teaching Romanian as a foreign language and its imposing on all the educational institutions; the adaptation of the curriculum to the right learning needs of the foreign students, according to age categories and the level of training; the teaching of Romanian language and culture in the preparatory year to groups comprising a maximum of 15 foreign students; the use and development, by the universities, of the network of teachers having inter-cultural competences, specialized in teaching Romanian as a foreign language.

Conclusion

An intercultural educational situation may require a selection of the pedagogical objectives, of the teaching methods and activities or of certain communication patterns. The foreign students of different nationalities may prove to be more vulnerable and insecure, which triggers the need to adopt amn empathic teacher behaviour, which should give more care and support than in a usual unicultural classroom (Pricope, 2012: 491The easiest assimilation of Romanian as a foreign language by the foreign students is necessary for their integration to a society that would adopt them for a few years or maybe for life.

Thus, the language barriers, consequence of the fact the personnel involved in public relations mostly speaks only Romanian and the information displayed at the bulletin boards is not translated into international languages constitute the main obstacle for the foreign students and not only for them, when communicating with public institutions. The incapacity of the public institutions to respond to the needs of the foreign students who live in Romania may lead to a series of problems. From an economic point of view, Romania would miss the opportunity of benefitting from the training and the working capacity of the foreign students who, after graduating the faculty, wish to work in our country, thus contributing to the tax system. At a political level, the incapacity of the Romanian state of integrating legally staying foreigners on its territory may lead to the creation of tensions at a regional, UE and international level.

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Jane Austen: Modern Supremacy

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Abstract

Two hundred years after the publication of *Pride and Prejudice*, Jane Austen's work surprises with an unexpected modernity and actuality. Her novels have been adapted for TV and the big screen, and sequels have been written by enthusiastic followers. This study is conducted to assess the effects of the importance of Jane's thoughts in modern community, such as social injustice, power of hope, accuracy, challenge, loyalty, free will, self-improvement and honour, and how her fiction affected the audience till nowadays. Her modernity is seen through the mirror of realism, feminism, morality, and postcolonialism.

Keywords: *Austen; feminism; modernity; morality; postcolonialism; realism.*

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Jane Austin: Modern Supremacy

Introduction: Education and Training of a Woman Writer

In chapter 5 of *Persuasion*, we find the following comment about the Musgrove family: "The Musgroves, like their houses, were *in a state of alteration*, perhaps of improvement. The father and mother were in the old English style, and the young people in the new. Mr. and Mrs. Musgrove were a very good sort of people; friendly and hospitable, not much educated, and not at all elegant. Their children had more modern minds and manners." (*Persuasion*: 27-28) It seems that Jane Austen has captured the essence of modernity, its elusive nature, and ambivalence. It is a certain degree of anxiety, or even discontent about the nature and value of modernity which is not easily discounted, despite the dominance of positivistic approaches to it.

There is no doubt that art is a source for a right lesson, an attempt to answer important questions about life and human nature in relation to particular individuals. So at that period the propensity was to read dramas and novels. Actually, the bright time of Jane Austen's early life helped her to face an agreeable variety of society. And these sources of pleasure stirred her talent and she began to write short stories in the simple, pure and idiomatic English in which they are composed, quite different from the over decorated style. Recently, Jane Austen was crowned as queen of comic romantic, and her six novels, reflect many kinds of man-woman relations, and various personalities, although they all split in their passionate stories.

After Jane's experience of life at Godmersham, amongst rich landowners as her brother and his neighbours, the novels of her maturity – *Mansfield Park*, *Emma* and *Persuasion* – are written much more from the point of view of that rank of society: the domestic lives of the men who have the responsibility of managing large estates and leading their local communities. Women novelists had been increasing in number throughout the eighteenth century and they actually formed a majority towards the end, and Jane Austen exists in our consciousness in a liminal historical space between the eighteenth and nineteenth centuries.

It was a time when religious education began at home as the foundation for everything else. Some critics have argued that Austen's Aristotelian ideas were the result of her reading accepted philosophical, didactic, and religious works of the seventeenth and eighteenth centuries.

They suggest that there is a process to learning virtue and becoming moral; and they view ethical life as teleological in nature, with the practice of virtue aiming towards a higher good, her fiction aiming to develop the difference of vice and virtue within the society. Janett Todd, in her volume *Jane Austen in Context* has the following comment on the relationship between Austen's construction of linguistic models and the social conventions of her time:

"Jane Austen's concern with constructing appropriate linguistic models to reflect social and moral conventions manifests itself to reflect social and moral conventions manifests itself in her use and refinement of various stylistic techniques. A fundamental issue in Austen's fiction is the importance of conversation, owing to the fact that a woman's sphere of action was considerably restricted in the nineteenth-century gentry world" (Todd, 2005:28).

Austen's novels revolve around the basic issue of the female protagonists' education which is/should be directed towards personal moral improvement. The keyword of her six published novels – *Sense and Sensibility* (1811), *Pride and Prejudice* (1813), *Mansfield Park* (1814), *Emma* (1815), *Northanger Abbey* (1818, posthumous),

and *Persuasion* (1818, posthumous) – is morality, which includes the observance of manners, fulfilling one's duty to society, and living according to the religious norms.

Regarding the writer's religious education, Fergus Jan underlines the importance of religious education in Jane Austen's family, and the religious content of her works: "Religious teaching began at home as the foundation for everything else.… For Austen, religion was an essential part of daily life… Her works are deeply religious in this sense, although she deliberately avoided overt religious instruction" (Fergus,1991:36).

Along the same reasoning, Janet Todd stresses the role of the Anglican Church in the society of Austen's novels, and her acceptance of the traditional values preached: "These would encompass both piety and social realism: a man's entering the Church could result from vocation or simply family tradition and simply access to patronage. Austen accepted the divine mission and implication of the Church but also its worldly function as a national institution" (Todd,2015:16).

If religion is part of women's education, then Austen acknowledges the extant traditional perceptions, and contributes a comparatively progressive outlook regarding the content of women's education – a way to improve their own individual status and regard in society, rather than marrying to advance in class. The progressive note is better reflected in her later novels, in which she demonstrates the women's ability to take charge and change the situations they find themselves in. According to Barry Roth, "education's aims include instilling a sense of one's duty and the ability to behave rationally, as well as inculcating wisdom, good breeding, and learning . . . she identifies self-knowledge as education's primary end" (Roth,1993:112).

The Realism of a Romantic novelist

Jane Austen's realism has been the subject of extended debates, due to the scarcity of realistic physical descriptions. Thus, Norman Page, in *The Language of Jane Austen* notes not only the "conspicuous absence of words referring to physical perception, the world of shape and colour and sensuous response," but also finds some defining qualities of Austen's use of language, such as "the recurrence of a relatively small number of frequently-used words, mainly epithets and abstract nouns indicating personal qualities – qualities, that is, of character and temperament rather than outward appearance" (Page 1972:54-55). Again, the physical description is at its lowest. It is her choice of language that allows readers to feel a personal attachment to the characters, which they seem to know "intimately as a *mind*" (Page,1972:56-57).

Jane Austen, as a novelist, could not possibly avoid the concreteness of the world around – a novel is about concrete human beings performing their daily duties in the material world. It explains why her characters are "particular people in particular places," and she is less interested in the "material solidity and circumstantiality of this world" (Page,1972:56). Janet Todd considers the connection that the writer establishes between her readers and the characters in her novels as a clear mark of realism: "Austen creates an illusion of realism in her texts, partly through readily identification with the characters and partly through rounded characters, who have a history and a memory" (Todd 2015:28).

When the analysis moves to the depth of Austen's characters, critics disagree. Marilyn Butler, for instance, does not define Jane Austen as a realist simply because she has no intention to portray the female protagonists' psychology. To her, Austen is a polemicist against sensibility, arguing that she "chooses to omit the sensuous, the irrational, [and] the involuntary types of mental experience because, although she cannot

deny their existence, she disapproves of them." (Butler 2002:294-95) Actually, before Jane Austen published her first novel, the realist tradition in English literature had already been initiated by Sir Walter Scott and Mary Edgeworth. According to Gary Kelly,

"Novelists such as Maria Edgeworth, Sydney Owenson (Lady Morgan), Jane Porter, and Walter Scott appropriated elements from historiography, popular literature, social studies, and political economy in order to represent various kinds of relationship between 'national' history, identity, and destiny and the individual and the local community" (Kelly 1997: 152).

William Scott even wrote a laudatory review of *Emma*, in which he greatly appreciated Jane Austen and situated it in the new novelistic style, entirely different from the previous one, replacing the pictures of romantic affection and sensibility: "The substitute for these excitements… was the art of copying from nature as she really exists in the common walks of life, and presenting to the reader, instead of the splendid scenes of an imaginary world, a correct and striking representation of that which is daily taking place around him" (Scott,1968:67). However, Galperin's opinion is that Austen could not have been a realist writer in the nineteenth-century assumption of the term because "such practice was by no means stable at the moment that Auden is believed to have ushered it into full being" (Galperin,2003:19). To him, Austen is a picturesque writer on the peak of realism. In her narratives, "reality and temporality are admixed so that Austen's status as an historian of the everyday […] turns out to be an unusually precise description of her achievement" (Galperin,2003:31).

One further argument is offered by John Wiltshire who, in his *Jane Austen and the Body: The Picture of Health* (1992), argues that the references to illness and death in Austen's novels differ from the realist tradition: whereas in a realist text the health of the protagonist is "an absence" while the "eccentrically ill (or injured, or deformed) are articulated into prominence" (Wiltshire 1992:8), in Austen's novels "the physical well-being of her figures is, on the contrary, at issue: embodiment … is an important given of their life-worlds" (Wiltshire 1992:8-9).

Literary Agency and Social Vision

Jane Austen's novels are more depth than her contemporary, she structures her social mechanics around the concept of ideal family communities, a pioneering social and moral power to coexist and guide each other through life. Austen addresses educated minds and who to build a better future.

In the nineteenth century, critics noted the connection between feminine and feminine intent. That is, Jane Austen arranged her novels with a kind of romance and accurately worked out.Scientists were able to prove that Austen, through her analysis of the character, was able to demonstrate that Emma likewise reported on her own experience, as well as demonstrated that her free and indirect style of consciousness reveals the importance of personalities with inner thoughts.

Different scholars evaluate the way in which Austen helps to use the free, indirect method in its display of ridicule, and others demonstrate that Austen reflects the individual and collective opinion through gossip in the novel.

In *Emma* and *Pride and Prejudice* some interpreters see Austen's awareness of feminine equality in thought and the place of deprivation in society, the masterpiece *Pride and Prejudice* is a special societal creative writing exposes social themes, like pride, prejudice, love and marriage, the unity of family, interdependence, wealth, and

social status. Pride is a persistent attendance in the attitudes of the characters, especially in the treatment of each other through the central man character, Darcy. Darcy's social status make him pride and look down on anyone not in his class, he demonstrated this during his proposal to Elizabeth, he struggles against his feelings because he shame of Elizabeth's family, but by the events the couples Darcy and Elizabeth overcome and help each other to realize their faults. Jane Austen uses Darcy to show how pride can damage even love, and at the same time there is a deep massage not to be dependent greatly on our own verdicts. Prejudice refers to the tendency to change the character's faith and verdicts into prejudgment and harm. The theme is presented mostly through Elizabeth, her early judgements on Darcy and Wickham are wrong, at the beginning, she thinks Wickham as charming and handsome, but through the time, she finds him diverse of what he seems. In spite of Darcy's self-exaltation, and prideful, Elizabeth sees him superior. Jane Austen presents prejudice as stage in one's moral development, and this person can vanquish it by considerations.

Pride and Prejudice is straightforwardly about marriage –this theme determines the novel structure and drama even more than in the case on other novels. It is the most classical love story of all the novels, and marriage are presented in different ways, and exposes the problem of how to accommodate love within conventions of marriage, the opening line introduce marriage with its conventional terms of money and situations, but by the novel's events, Austen can prove that money and wealth cannot change a person's passions, and neither passion nor conventional suit abilities alone are sufficient for lasting love and happy marriage. Austen's technique for allowing the reader to become intimately acquainted with her main characters illustrates by Darryl Jones

"Austen structures her fiction according to circulating novels' formulas and strategies. In libraries and their catalogs, these novels become part of a public literary collection featuring tales of love in elite settings, a happy ending in the form of a marriage, and the fulfillment of readerly expectations. In her plots, characterization, organization, and narrative strategies of intertextuality, tonal fluidity, and self-consciousness, Austen underscores her obedience to them." (Jones,2004:12).

Austin's Feminism – not yet theoretical

To a modern readership, the feminist approach to her works seems to be the most suitable when one considers the extent to which feminist themes are easily discernible: the extent to which some her women characters have the power to confront the society they live in and finally take charge of their own fate, while others are narrowed down – both physically and spiritually – to the general accepted norms. Actually, in her posthumous novel Northanger Abbey she explains her position as a writer as follows:

"I will not adopt that ungenerous and impolitic custom so common with novel writers, of degrading by their contemptuous censure the very performances, to the number of which they are themselves adding – joining with their greatest enemies in bestowing the harshest epithets on such works, and scarcely ever permitting them to be read by their own heroine, who, if she accidentally takes up a novel, is sure to turn over its insipid pages with disgust" (Northanger Abbey:30).

On a theoretical level, Jane Austen's belonging to feminist literature has preoccupied the critics since the beginnings of theoretical feminism in the 1970s.

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At a closer analysis, eighteenth-century feminism had two main components: one conservative component, according to which "women were treated as an inferior class in a man's world" (Butler,2002:23), and an Enlightenment component. According to the representatives of the former, such as Mary Astell and Dorothy Wordsworth, "women are urged to counter this discrimination through moral and spiritual self-cultivation and charitable service to the family and community" (Butler,2002:23). Butler's argument in favour of Austen's belonging to the conservative (or Tory) feminism is her stylistic and thematic affinity to the writings of Maria Edgeworth (Butler,2002:23)

Catharine Macaulay and Mary Wollstonecraft belong to the Enlightenment feminism which, according to Margaret Kirkham, claims that "women share the same moral nature as men, ought to share the same moral status, and exercise the same responsibility for their conduct" (Kirkham,1983:84). Contrary to Butler's previous statement, Margaret Kirkham brings arguments against it, contending that Austen's protagonists "do not adore or worship their husbands, though they respect and love them. They are not, especially in the later novels, allowed to get married at all until the heroes have provided convincing evidence of appreciating their qualities of mind, and of accepting their power of rational judgement, as well as their good hearts" (Kirkham,1983:84).

Austen's women are women thinking and living in a shared domestic space, not very much different from the living room in her family home where she wrote her novels, which was quite unusual, according to her nephew James who wondered: "How she was able to effect all this is surprising, for she had no separate study to retire to, and most of the work must have been done in the general sitting-room, subject to all kinds of casual interruptions" (Austen-Leigh, 2009:128-29). As a result of this lack of privacy, Jane hid her manuscripts from the eyes of visiting relatives or friends. In their influential feminist readings, Sandra M. Gilbert and Susan Gubar argue that this surreptitious gesture speaks to Austen's "ladylike" guilt about authorship (Gilbert& Gubar,1984:101). It is a surprising behaviour, that may be better understood as a desire for privacy that is not unconditionally opposed to the presence of others; that speaks to the self's ability to match varying degrees of withdrawal into itself with varying degrees of hospitality toward others.

While many of the claims of Gilbert and Gubar's influential *The Madwoman in the Attic* have been contested by more recent poststructuralist feminist criticism, their study nonetheless clearly exemplifies a historical and continued investment by feminist criticism in the symbolism of solitude. As the title of *The Madwoman in the Attic* suggests, for Gilbert and Gubar it is Charlotte Brontë rather than Jane Austen who anticipates later feminist sensibilities, by directing us away from the conformity of the drawing room and into the mysteries of the secluded attic, a symbol of untraversed female psyche.

Seclusion is also a theme of a still earlier text of feminism, Virginia Woolf's *A Room of One's Own* (1929), the title of which refers pointedly to Austen. Yet for Woolf, unlike many later feminist readers, Austen's place in a tradition of writing by and about women is profoundly unclear – since she exemplifies at once the absence of a room of one's own and the possession of a sentence of one's very own, described by Woolf as a woman's sentence.

While Woolf treats Austen as a peculiar exception in a tradition where the demands of authorship and sociality would appear to be widely divergent, her insight

that the woman artist's "sensibility had been educated for centuries by the influences of the common sitting-room" (Woolf 1929:116) anticipates a feminist reading of Austen's work that does not too readily dismiss the culture of the drawing room. This culture includes not only the constraints of politeness but also training in "attention" to others: learning to see others as participants in a dialogue, representatives of standpoints that are not identical to one's own but that are productively engaged in determining one's standpoint.

For example, in *Sense and Sensibility* Austen is keen to establish connections not only between one's own standpoint and those of others, between private and public reason, but also between the seemingly distinct vocabularies of love and judgment. Elinor's speech about Edward Ferrars reveals not only Elinor's judgment of Edward's character and her appreciation of his looks but also her feelings for him. The vocabularies of love and judgment coexist side by side because the kind of judgment she is concerned with is the judgment exercised in the context of intimate relationships. Elinor and Marianne show themselves to be good judges primarily insofar as they choose their husbands wisely.

While Austen, unlike feminist theorists today, does not articulate a clear role for women outside the family, she does reinscribe family relations as relations requiring both love and justice. Her understanding of marriage in particular as companionate marriage rather than the "elective affinity" of the culture of sensibility imports the vocabulary of reason, judgment, and justice into the private sphere, complicating in the process the dualism of separate spheres.

Commenting on the dialectic of reason and emotion brought into play in Austen's understanding of marriage, Julia Prewitt Brown suggestively argues that Austen reinscribes romantic love as "cognitive love" (Brown,1979:43). Given the cognitive dimension that Austen attributes to love, her understanding of marriage can be compared to that of Mary Wollstonecraft; as Susan Mendus observes in her *Feminism and Emotion: Readings in Moral and Political Philosophy* (2000), Wollstonecraft questioned the doctrine of separate spheres through her inscription moral relations, requiring both reason and emotion.

While Austen, unlike feminist theorists today, does not articulate a clear role for women outside the family, she does rein scribe family relations as relations requiring both love and justice. Her understanding of marriage in particular as companionate marriage rather than the "elective affinity" of the culture of sensibility imports the vocabulary of reason, judgment, and justice into the private sphere, complicating in the process the dualism of separate spheres. Marianne's marriage to Colonel Brandon, for instance, is represented by Austen as compatible with a widening of the sphere of her influence beyond the home. In marrying him, she becomes not only "a wife" and "the mistress of a family" but also "the patroness of a village" (*Sense and Sensibility*:333). This more public role for her would appear to be a token of her greater maturity – her greater willingness to treat with politeness strangers or those she feels different from. And the narrator explicitly contrasts this role with Marianne's earlier denial of her social potential – the denial both before her illness, when she felt superior to most of her acquaintances, and after her illness, when she felt superior to most of her acquaintances, and after her illness, when she felt so humbled by her earlier lack of civility that she vowed not to risk any future encounters with strangers. The novel's ending, therefore, gives Marianne a much larger role than the circumscribed domestic role that she claims for herself after her illness ("I shall now live solely for my family" (*Sense and*

Sensibility:333), because she is perceived by the narrator as having a considerable and unexploited fund of talent for membership in the larger community.

Jane Austen's novels are all about the female protagonist becoming a woman. Gubar and Gilbert explain the process as following: "Whereas becoming a man means proving or testing oneself or earning a vocation, becoming a woman means relinquishing achievement and accommodating oneself to men and the spaces they provide" (Gilbert&Gubar,1984:154). For Mary and Louisa, two of the female characters of *Persuasion*, the process of growing up is "a fall from freedom, autonomy, and strength into debilitating, degrading, ladylike dependency" (Gilbert&Gubar,1984:177). The two critics are categorical in this respect: "While Louisa's physical fall and subsequent illness reinforce Anne's belief that female assertion and impetuosity must be fatal, they also return us to the elegiac autumnal landscape that reflects Anne's sense of her own diminishment, the loss she experiences since her story is "now nothing" (Gilbert& Gubar,1984:177).

A Postcolonial perspective: Austen's "dead silence"

Analyzing Jane Austen's work, postcolonial critics found relevant instances in *Mansfield Park* and *Pride and Prejudice* that allowed for a wide palette of interpretations of the role of colonialism. Here is an excerpt:

"'…You are one of those who are too silent in the evening circle.'

'But I do talk to him more than I used. I am sure I do. Did not you hear me ask him about the slave-trade last night?'

'I did – and was in hopes the question would be followed up by others. It would have pleased your uncle to be inquired further.'

'And I longed to do it – but *there was such a dead silence!* (*Mansfield Park*:136)

No one but Fanny has the courage to ask a question about the slave trade, with all its connotations for the Mansfield Park property. Nobody of the family circle present is able or willing to offer an answer; Austen does not go any further, and Fanny does not possess the stamina necessary to pursue her question and break the "dead silence" that followed. The harmony and cohesion of the domestic circle is not disturbed. Said interpreted the silence as evidence that "one world [the overseas possessions] could not be connected with the other [the quiet British countryside manor] since there simply is no common language for both" (Said 1994:96).

Irrespective of his seemingly unending conversations about the West Indies, Sir Thomas is in reality unable and unwilling to answer her question simply because his possessions in Antigua ensure the safety and comfort of the family in Mansfield Park, eager to gather in the tranquillity of the drawing room and listen to his stories. Even Fanny acknowledges his gift as a story teller: "The evenings do not appear long to me. I love to hear my uncle talk of the West Indies. I could listen to him for an hour together." She also observes of her uncle that "he values the very quietness" and that "the repose of his own family-circle is all he wants" (Said 1994:135). As things stand, any unwanted questions about colonization and the slave trade would surely disturb such repose.

With the authority of his position, Edward Said – in his *Culture and Imperialism* (1993) – demonstrates that Austen's *Mansfield Park*, in its insistence on the relationships between the British and Antiguan estates, is suggestive for the relation between periphery and the centre of the British Empire:

"[In *Mansfield Park*] Thomas Bertram's slave plantation in Antigua is mysteriously necessary to the poise and the beauty of Mansfield Park, a place described

in moral and aesthetic terms well before the scramble for Africa, or before the age of empire officially began" (Said 1994:56).

The critics' reactions were not late to follow. Ferguson, for instance, draws a parallel between the women of Mansfield Park and the slaves in Antigua: "…gender relations at home parallel and echo traditional relationships between the colonialists and colonized peoples: European women … mark silent African-Caribbean rebels as well as their own disenfranchisement, class and gender victimization" (Ferguson,1991:118). On the other hand, Susan Fraiman challenges Said when she identifies elements anti-imperialism in Austen's criticism of provinciality, and concludes that, "As a symbol … slavery in *Mansfield Park* is far less incidental and inadvertent than Said suggests", and she considers a certain "imagined commonality" between Austen's English women and the African slaves, which is "a potentially radical overlap of courage" (Fraiman,1995:813).

On the other hand, if imperial colonialism had a distinct geographical form and well defined borders, winning the independence generated a series of ambiguities. Even if the former colonies won their own governments and administration, the break with the past was far from final.

They preserved that peculiar mixture of continuity and change that connects the pre-colonial, colonial, and post-colonial periods in one single area of investigation, to which the difficulty to recognize, integrate and reflect their own ethno-cultural diversity was added. The frontiers of the postcolonial world are no longer political or linguistic only; they have become imaginative, based upon imagologic stereotypes. Said himself provides the answer to the "dead silence" when he concludes: "In time there would no longer be a dead silence when slavery was spoken of, and the subject became central to a new understanding of what Europe was" (Fraiman,1995:813). It is a remark which, two years later, at a conference of the Jane Austen Society of North America, prompted Kuldip Kaur Kuwahara to add: "That time is now. At this conference we do indeed have the language to discuss slavery, property, the British Empire, and Antiguan and British readers of *Mansfield Park.* I would argue that if Jane Austen were writing *Mansfield Park* today, she could not have resisted or avoided making ironic connections between Antigua and Mansfield Park of which she was so aware in 1814" (Kuwahara,1995:107).

Conclusions

There are different approaches to the modernity of Jane Austen's work. Her narratives revolve around the daily life of the late eighteenth-century English gentry, offering a woman's perspective on a patriarchal society through the lens of Romanticism. Austen's novels provide a succinct social history not without comment, critique and humour. Her female characters in particular broke traditional moulds and continue to be some of the most celebrated in literary history. Despite the strict social constraints imposed on them they are strong, funny, clever, bold, brave and ultimately flawed in their own way, yet they are all, generally, rewarded with the greatest triumph women of the time could enjoy, a happy marriage.

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MAY HASAN SRAYISAH ALKUBAISI

Inaccessibility to the status of founder of the companies regulated by Law no. 31/1990 for natural persons authorization in the forms regulated by O.U.G. no. 44/2008

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Abstract
The natural persons authorized in the forms regulated by O.U.G. no. 44/2008 (in particular as PFA and as holders of individual enterprises), who wish to set up commercial companies, raise the question regarding this legal possibility. The answer is not explicitly offered by the Romanian legislator. However, the analysis of the various legal provisions allows the identification of a solution and its argument.

Keywords: *founder; trading company; O.U.G. no. 44/2008; Law no. 31/1990.*

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General considerations regarding the relevant regulatory sources

In regulatory terms, the interrogation theme regarding the possibility of the self-employed persons according to the legal forms regulated by the Government Emergency Ordinance no. 44/2008 to be founders of the companies are exclusively subject to the special legislation. We take into account the Companies' Law no. 31/1990 and the Government Emergency Ordinance no. 44/2008 regarding the performance of economic activities by self-employed persons, unincorporated enterprises and family undertakings.

A. Law no. 31/1990 is the framework-law in the matter of the companies, the legal regime which they establish as being overall applicable for any such legal entity.

For the companies established in fields of activities or state-owned (e.g.: Government Emergency Ordinance no. 99/2006 regarding credit institutions and the capital adequacy; Government Emergency Ordinance no. 109/2011 regarding corporate governance of the public enterprises) which are with priority applied, and their supplementation is performed with the provisions of the Companies' Law as common law in the matter. Irrespective of the companies' type, both certain subsidiary regulations (e.g.: Civil Code, Civil Procedure Code, tax law, criminal law, labour and social security law, etc.), and also the European legislation (e.g.: EU Directive 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of Company Law) are relevant for them (for details see Tuleașcă, 2018: 27-28).

In terms of terminology, the Law no. 76/2012 for the implementation of the Law no. 134/2010 regarding the Civil Procedure Code (Art. 18 point 1 and 3 and Art. 77) has removed the term "commercial" from the phrases "commercial companies' law/commercial company/commercial companies". This regulatory approach is classified into the trend of commercial de-regulation initiated by the lawmaker once with the implementation of the current Civil Code and supplements the approach in terms of the company forms nominated by the Art. 1888 Civil Code where the companies had already been re-named "companies". However, the phrase *commercial companies* continues to be used in practice, in the literature and in the current language. The justification results from the fact that the use of the previous terminology does not alter the content of the legal institution (Angheni, 2019: 120), instead it facilitates the delimitation of the commercial companies from other types of companies.

In the absence of a regulatory definition of the commercial company, in the literature (Cărpenaru, 2019: 119 et seq.; Bălan, 2000: 43; Țăndăreanu, 2003: 79) different versions have been formulated. In all cases, the starting point is the definition of the articles of association assigned by the Civil Code (currently Art. 1881 para. 1) as common law in the matter of the companies. In turn, although it does not contain a definition of the commercial companies, the Law no. 31/1990 devotes the persons' right to associate for establishing companies with legal personality, setting-up specific conditions and formalities necessary in the matter.

We deem that the *commercial company* is that legal entity resulting from the willing manifestation of generally minimum two natural entities and/or legal entities, materialised in a memorandum of association, based on which contributions are made for the performance of a lucrative activity (production, trade or service supply) in order to achieve and share the resulting benefits.

The companies regulated by the Law no. 31/1990 can be set-up only in one of the forms expressly and exhaustively determined by the imperative norms, namely as: a) general partnerships (SNC); b) limited partnership (SCS); c) joint stock company (SA); d) limited partnership with a share capital (SCA); e) limited liability company (LLC). Usually, the legal form of this type of legal entity is the founders' options, but it can be also imposed by the lawmaker, as an exception.

Regarding the resumption of the constitution principle of the freedom to associate within the Law no. 31/1990 (Art. 1 para 1) we deem that certain delimitations are imposed. Although doctrinally (Cărpenaru, 2019: 154) the idea according to which the freedom to associate (established by Art. 40 from the Romanian Constitution) guarantees the set-up of commercial companies, is claimed, we remind the fact that the constitutional standardisation and the determined jurisprudence of the Constitutional Court in the matter (e.g.: Decision no. 333/2002; Decision no. 38/2000) approach the freedom to associate as „being a fundamental right of the citizens (....)", and the „rights and freedoms of the legal entities, irrespective of their form of organisation or the fact that they are under the private or public law, do not represent the object of the regulations contained in the provisions of the Title II from the Constitution" (Smarandache, 2008: 131-132). However, this restrictive vision from the constitutional norms does not preclude, at other levels of the positive law, the explicit acknowledgment of the capacity of holder of the freedom to associate, including for legal entities (for details see Smarandache, 2012: 143-155; Răduleţu, 2012: 137-142).

B. Government Emergency Ordinance no. 44/2008 regulates the access to business activities from the national economy, the procedure to be recorded in the Trade Registry, to authorize the operation and legal regime of the self-employed persons to perform business activities (PFA), as well as the individual undertakings and family undertakings.

Government Emergency Ordinance no. 44/2008 practically acknowledges the legal forms under which the natural entities can perform the business activity, namely: self-employed person (PFA), individual undertaking and family undertaking. These three legal types of legal status are defined as business undertaking, the legal subject being the natural entity which organizes the business undertaking and which holds the title of entrepreneur (Art. 2 letter g)-i) from the Government Emergency Ordinance no. 44/2008).

In line with the Government Emergency Ordinance no. 44/2008 (Art. 2 letter f), *the business undertaking* is the business activity performed in an organized manned, permanently and systematically, combining financial resources, labour, raw materials, logistical means and information, on the entrepreneur's risk, according to the cases and under the terms provided by the law. Regarding the business activity, the regulatory meaning is the one of lucrative activity, consisting of manufacturing, managing or alienating goods or service provisions (Art. 2 letter a) from the Government Emergency Ordinance no. 44/2008), being able to be performed in all the fields, jobs, occupations or professions which the law does not forbid expressly for the free enterprise.

The self-employed person (PFA) is the business undertaking, without legal personality, organized by a natural entity which mainly uses its own manpower and professional skills.

The individual undertaking is the business undertaking, without legal personality, organized by a natural entity entrepreneur.

The family undertaking is the business undertaking, without legal personality,

organized by the members of a family. The family undertaking consists of 2 or more members of a family. The notion of a family concerns the husband, the wife, their children who have reached the age of 16 upon the authorization date of the family undertaking, the relatives and in-laws up to the fourth grade inclusively. (Art. 2 letter d and Art. 28 para. 1 from the Government Emergency Ordinance no. 44/2008)

Capacity of a founder in view of the Law no. 31/1990

In its essence, any commercial company is a contract (represented by its articles of association setting it up and determining its characteristics) and a legal entity (the assignment of the personality being the corollary of the legal procedure covered after the draw-up of the articles of association).

In all the cases, the company's articles of association must observe the *substantive conditions and the formal conditions* provided by the law (Art. 1179 from the Civil Code, with the particularities resulting from the Law no. 31/1990), in order to be deemed validly concluded, must materialize *the elements specific to any memorandum of association* (the shareholders' contribution, *affectio societatis*, achievement and distribution of the profit) and must contain *the minimum mandatory clauses* imposed by the Law no. 31/1990 (Art. 7-8), in consideration of the specificity of each company form.

The answer to the question regarding who can set up a company is given by the provisions of Art. 1 para. 1 themselves from the Law no. 31/1990, which determine the possibility of natural entities and legal entities to associate and to set up companies with legal personality in order to perform lucrative activities.

The phrase „founders" designates, according to the Law no. 31/1990 (Art. 6 para.1), *"the signatories of the articles of association, as well as the persons that have a determining role in setting-up the company"*. The last category of founders is regulated only for the companies with capitals set-up by subscription by the public. These persons can decide, either to remain only as promoters of the company's set-up (preserving the status of non-signatories founders of the articles of association), or to participate in the subscription by the public and to acquire, if applicable, the capacity of subscribers (if they subscribe shares for the building-up of the share capital), accepting entities (if, based on the subscription, they paid-up the social contribution according to the law) and subsequent to the set-up the capacity of shareholders.

After the set-up, the signatories founders are assigned as associates (in individual undertakings and in limited liability companies) or shareholders (in joint stock companies) (for details about the differences between these two capacities, see: Minea, 1994: 42-43; Bratiş, 2008: 153 and 162). However, the used terminology is generically the one of *associates*.

The natural entities and/or legal entities founders, signatories of the articles of the association for a company, must have the capacity to contract. This substantive condition is deemed fulfilled if the future associates hold the full legal capacity. The provisions of the Civil Code (Art. 40) regulated inclusively the anticipated legal capacity of the minor who has reached the age of 16 which can be recognized by the family court for good cause.

The need for the legal capacity to contract to exist is deducted from the company's specificity, in the sense that through its articles of association the signatories founders assume the obligation to contribute whose performance implies mainly an act of disposition, with effects on the personal patrimony.

In the matter of the incapacities relevant for the founders, the Law no. 31/1990 (Art. 6 para. 2) was not limited only to taking over the rules of common law, but also set-up specific rules.

Regarding the incapacities of common law, their source is the current Civil Code (art. 43 para. 1) which determined that "except for other cases provided by the law: the minor who did not reach the age of 14 and the interdict do not have the legal capacity". Capitalising on the civil law in the matter, the company's law expressly forbidden the access to the capacity of a company's founder for the persons who, according to law, are lacking the capacity.

In the literature, the participation of the uncapable minors in the conclusion of an articles of association is one of the themes still under dispute. The doctrinal opinions, if applicable, support this possibility either through the legal guardian (under the terms of Art. 41 and 43 Civil Code), as form of investment (Cărpenaru, 2019 :147), or only as associates in an existing company, through inheritance or legal deeds, *inter vivos* entrusted by the legal representative (e.g.: donations, purchase agreement) (Piperea, 2012 : 156), or reject the version of participation based on the impossibility to cover a special incapacity through the norms of common law in the matter of capacity (V. Găină, 2017: 216).

As a particularity, the special incapacities are regulated both by the Law no. 31/1990, and also by certain special laws. Therefore, considering Art. 6 para. 2 from the company's law, those persons also cannot be founders for whom, although capable, there is a final court resolution through which they are forbidden the right to exercise the capacity of founder as a complementary punishment for the crimes expressly and exhaustively determined by the legislative act 9crimes against the patrimony by infringing the trust, corruption crimes, embezzlement, false statements, tax evasion, crimes provided by the Law no. 129/2019 for the prevention and fighting against money laundry and financing of terrorisms, as well as for the amendment and supplement of other legislative acts, the crimes from the company's law0.

In addition, certain special incapacities are established also by other legislative acts for different categories of persons considering the exercised profession or the held title. As an example, the Law no. 303/2004 regarding the status of judges and prosecutors forbids for the judges and prosecutors to hold the capacity of associates (...) in „companies, credit or financial institutions, insurance/reinsurance companies, national companies" (except for those who acquire it following the law regarding mass privatisation), and in case of acquiring of this capacity through inheritance the magistrates are obliged to take the necessary measures, so that the analysed capacity would end within maximum one year since its actual acquirement date (Art. 8 para. 1 letter c, para. 1[1] and para 2).

Until the amendment of the Law no. 31/1990 repealing the provisions of Art. 14 para. 1-2 enters into force, we remind that in the case of the limited liability company with sole shareholder, the capacity of founder must observe also the following two special interdictions, namely: a natural or legal entity can be sole shareholder only in one limited liability company, and a limited liability company cannot have as sole shareholder another limited liability company composed of a single person.

Therefore, the capacity of founder for a company is exclusively accessible to natural and legal entities (irrespective of their citizenship or nationality) who fulfil the conditions provided by the lawmaker for this status (including the type of restrictions)

and legally expresses the consent for the purpose of participating in the set-up of the company.

Usually, for the set-up of a company the will manifested at least by two natural and/or legal entities is necessary. In the limited partnership and in limited partnership with share capital there must be at least a general partner and an active partner. As an exception, the Law no. 31/1990 (Art. 4) admits the possibility of setting-up a company also by the will manifested by a sole person, embodied only in the memorandum (in the case of the limited liability company with sole shareholder). Regarding the maximum number of signatories for articles of association, the company's law imposes such a restriction only for the limited liability companies, which cannot have more than 50 shareholders.

Inaccessibility of the founder status to the forms regulated by the Government Emergency Ordinance no. 44/2008

Related to the provisions of the Government Emergency Ordinance no. 44/2008, the self-employed person (PFA), the individual undertaking or family undertaking are business undertaking organized by natural entities under the terms of this legislative act. To start the business activity under the forms of PFA, individual undertaking and family undertaking, the natural entities have the legal obligation to request the recording in the Trade Registry and the authorization to operate (Art. 7 from the Government Emergency Ordinance no. 44/2008 and Art. 1 para. 1 from the Law no. 26/1990), context in which the conditions related to the access to the business activity are verified (for details Stuparu, Ognyan, 2018: 27-29; Smarandache, 2011: 61-62; Stănescu, 2019: 96-99).

The lawmaker enables the access to the three legal statuses regulated by the Government Emergency Ordinance no. 44/2008 for any natural entity, Romanian citizen or citizen of any other member state of the European Union or the European Economic Area, based on the right of free initiative, the right of free association and the right of establishment.

For the natural entities recorded and authorized as self-employed persons, individual undertaking or family undertaking, the Government Emergency Ordinance no. 44/2008 makes certain capacities (employer, employee, cumulation of legal statuses) accessible and sets-up as restriction the impossibility of cumulating the statuses of self-employed person with the status of holder of an individual undertaking (Art. 17, Art. 25 and Art. 28 para. 2 and 4 from the Government Emergency Ordinance no. 44/2008).

The interpretation of these rules in terms of the analysed theme points out the following cases. On the one hand, irrespective of the legal form according to which it is set up (self-employed person, individual undertaking or family undertaking), the natural entity can cumulate the relevant capacity with the capacity of employee of a company which operates in the same field or in other field of business activity than the one for which it is authorized. On the other hand, the family undertaking and the natural entity entrepreneur authorized as self-employed person or individual undertaking can determine contractual relations (even exclusively) inclusively with companies for the performance of the business activity, without changing their legal status (for the argumentation that "shall not be deemed an employee of third parties with whom it collaborates", see Decision of the Romanian Constitution Court no. 425/2019).

However, neither the Government Emergency Ordinance no. 44/2008, nor the Law no. 31/1990 contain explicit regulations regarding the cumulation of the capacity of

founder of a company with any of the statuses of self-employed person, individual undertaking or family undertaking. In other words, in none of the two legislative acts there is any explicit interdiction (e.g. as in the case of the legislation relevant for the magistrates), or in the sense of a direct permission (e.g. in the case of associates, foundations and federations for which Art. 47-48 from the Government Ordinance no. 26/2000 regarding associations and foundations enables the set-up of companies). Therefore, the answer can be formulated and argued only through the interpretation of the body of these two special laws.

As above mentioned, at the basis of setting-up any company there lies the exercise of the freedom of association acknowledged by the Law no. 31/1990 exclusively for the natural entities and legal entities. Regarding the three legal forms under which the natural entities can perform the business activity according to the Government Emergency Ordinance no. 44/2008, both their framework law (Art. 2 letter g-i), and also the national jurisprudence (e.g.: Decision of the High Court of Cassation and Justice (CDC/P) no. 1/2016), assert for them the lack of the legal personality.

Therefore, the strict reporting to the principle of free association points out clearly the idea of impossibility for the self-employed person (PFA), individual undertaking or family undertaking to be, taking into account these statuses, founders of a company. The subject of law, such natural entity, is the entrepreneur and not the business undertaking which the entrepreneur organizes under the legal terms as self-employed person, individual undertaking or family undertaking. To sum up, the status of forms to perform business activity for natural persons and the absence of a legal personality, explicitly established by the Government Emergency Ordinance no. 44/2008, excludes the self-employed person, the individual undertaking and family undertaking from the category of natural or legal entities and implicitly from the category of potential founders of companies.

For the founders of companies, exclusively natural entities and legal entities, the mutual element is holding the legal personality.

In the case of natural entities, the legal personality is inherent to them, being assigned, without exception since its birth and is preserved until its death (Ungureanu, Munteanu, 2005: 180-189; Voirin, Goubeaux, 2003: 45).

In the case of legal entities, their existence claims the set-up only under the forms and under the methods of set-up established by the lawmaker. According to the provisions of the Civil Code, the elements granting the legal personality are the standalone organization, own patrimony and legal and moral scope, in line with the general interest. When for the legal entities the authorization of the set-up deed is mandatory, this procedure completes the component attributes of the legal personality (Art. 187-188, Art. 190 -191 or Art. 194 from the Civil Code).

Regarding the legal forms for the performance of the business activity such as self-employed person, individual undertaking and family undertaking, these cannot be deemed natural entities or legal entities. The capacity of natural person is reserved exclusively to the entrepreneur who organizes them as business undertakings (Art. 2 letter e) from the Government Emergency Ordinance no. 44/2008). Regarding the capacity of legal entity, its absence is grounded, on the one hand, by the express will itself of the lawmaker not to assign to them the legal personality (Art. 2 letter g) -i) from the Government Emergency Ordinance no. 44/2008), and on the other hand by the non-fulfilment of the component elements of legal personality determined by the Civil Code. In other words, the current legal framework does not enable the inclusion in the sphere

of legal entities for self-employed person, individual undertaking or family undertaking, being deprived by the capacity of legal entity within the meaning of the theses Art. 187 and Art. 188 Civil Code. Regarding this last aspect, the cumulative elements generating legal personality, we deem appropriate certain clarifications.

Common for these three legal forms regulated by the Government Emergency Ordinance no. 44/2008 is the permanent absence of the element "standalone organization", the reminded framework-law not mentioning in any disposition about the existence of certain own bodies, with clear attributed, which would intervene in the performance of the business activity specific for the analysed business undertakings or about the possibility of a subdivisions of the performed activities.

There is a tone only in the case of the family undertaking, imposed by the specificity of this business undertaking in which two or more members of the same members must participate. In this case, the lawmaker determined the obligation to appoint a representative, through the consent of setting-up the family undertaking, which will manage its interests based on a special proxy, under the form of a private deed, signed by all the members of the undertaking who have the legal capacity and the legal representatives of those with limited legal capacity (Art. 27 para. 1-2 from the Government Emergency Ordinance no. 44/2008). The thus appointed representative shall make the decisions regarding the current management of the family undertaking, fulfilling under the terms of the Government Emergency Ordinance no. 44/2008 (Art. 31) acts of disposition on the assets affected by the activity of the family undertaking, and also acts through which the assets are acquired for its activity. We deem that this representative cannot receive the capacity of own body of family undertaking, such as own bodies of a legal entity (e.g.: companies benefit from a deliberating and decision-making body, a management and leadership body, as well as management control body)(for the meaning of the phrase "standalone organization" see Baias, Chelaru, Constantinovici, Macovei, 2012: 171-172). The difference from the legal treatment is justified by the different cases in which there are the categories subject to analysis, the family undertaking - as business activity organized under the legal terms by a natural entity - and the company- as subject of law for the legal entity. Within the legislative limits imposed by the Government Emergency Ordinance no. 44/2008 and the will of the family undertaking's members, the representative of a multivalent role. This acts, if applicable, at the decision-making, administrative and representational level, without excluding the participation in the actual performance of the business activity and in supporting the liability for the contracted debts, besides the other members, under the legal terms and according to the set-up agreement.

In return, the business activity performed by the self-employed person, individual undertaking and family undertaking always has a "purpose", namely a lucrative purpose (Art. 2 letter a from the Government Emergency Ordinance no. 44/2008).

Regarding the "patrimony", the natural entities recorded in the Trade Registry and authorized under any of the legal forms regulated by the Government Emergency Ordinance no. 44/2008 have the ability, at this point or subsequently, during its operation, to decide the set-up of dedicated assets (with the legal regime outlined by the provisions of Art. 20, Art. 26 and Art. 31 from the Government Emergency Ordinance no. 44/2008). According to the provisions of Art. 2 letter j) from the Government Emergency Ordinance no. 44/2008, the dedicated assets are "the trust within the entrepreneur's patrimony, representing all the dedicated rights and obligations, through

written statement or, if applicable, through the set-up agreement or through an addendum hereto, for the performance of a business activity". To the extent of setting-up by the will of the natural entity entrepreneur, this professional patrimony becomes a general pledge only for professional creditors, who have "professional" receivables (Piperea, 2012: 564) resulting from the exploitation of the business undertaking, the competition of the personal creditors of the debtor entrepreneur being excluded. In the case of the insufficiency of the asset elements from the dedicated assets, the professional creditors shall be able to pass to the pursuit of the debtor's personal patrimony in order to capitalize on its receivables, the rules of the common law in the matter of the creditors' competition being to be applied (to criticize this legislative solution which prevents the entrepreneur to protect his personal patrimony from the pursuit of the professional creditors, see Tuleașcă, 2012).

In conclusion, the interpretation in corroboration with the provisions integrated within the content of the Government Emergency Ordinance no. 44/2008 points out that the three component elements of the legal entity, provided by the Art. 187 Civil Code are not fulfilled in none of the case of the three legal forms whose regime they are setting. The self-employed person to perform the business activity in any of the legal forms determined by the Government Emergency Ordinance no. 44/2008 is the one remaining as subject of law, but acquires a special status, with all the legal consequences resulting therefrom. The holder of the rights and obligations resulting from the relevant legislative framework is the natural entity entrepreneur himself, separate subject of law, and by no means his undertaking. Therefore, only the natural entity, irrespective of its enterprising status within the meaning of the Government Emergency Ordinance no. 44/2008, can be founder of a company regulated by the Law no. 31/1990, under the terms set-up by it.

However, we consider in the sense that in the future the lawmaker could resort to a legislative amendment in the matter of the capacity of founder of a company so that the natural entities could participate in the set-up of the company, including in taking account their entrepreneur status recorded and authorized as self-employed person, individual undertaking or family undertaking. In the case of such a possible legislative amendment the access to the capacity of founder would be allowed, for example, to an entrepreneur (within the sense of the Government Emergency Ordinance no. 44/2008) who has dedicated assets set-up, among which there are ownership rights on certain assets (which enables him to perform the mandatory contribution imposed by the Law no. 31/1990 to each future associate, necessary to build up the patrimony and social capital) or when the object of his business economy consists of acquiring mobile assets (including such as stocks, shares or equity stakes).

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Corporate Reputation: Key Issues to Consider When Developing a Measurement Scale

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Abstract
While the concept of corporate reputation has increasingly attracted the attention of both academic and business scholars in the last few years, a precise and collective agreement upon its measurement is still lacking. This research paper hypothesizes that the measurement of corporate reputation is dependent on the correct understanding attributed to this notion: what it is not completely understood will fail to provide a proper reputation measurement framework. Consequently, there will always be gaps in ensuring the effective management of reputational risk. Against this background, the purpose of the article is to review the existing body of literature and examine a series of issues in measuring the reputation. To grasp the complex nature of this concept, six categories of challenges in the construction of the measurement scale have been reviewed: (1) the fragmented definitional landscape of corporate reputation, (2) reputation from a multi-stakeholder approach, recognizing the differing expectations of multiple groups of stakeholders gravitating around the company, (3) reputation as an attribute-specific assessment – one reputation or many reputations of the same company, (4) reputation as an industry-specific assessment, (5) reputation measurement in a reflective or formative approach, and (6) the multidimensional nature of corporate reputation.

Keywords: *corporate reputation; measurement challenges; stakeholders; multidimensional.*

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Introduction

Corporate reputation has become a key topic on the growth agenda on top management of any company. In the past two decades, reputation has acquired a complex significance, emerging from a pioneering stage and becoming a dynamic concept, described from the perspective of numerous research disciplines (Fombrun and van Riel, 1997; Chun, 2005; Chen and Otubanjo, 2013; Bălan, 2015; Chen, Nguyen, Melewar and Dennis, 2015). Academic scholars and business practitioners alike agree on the fact that a favourable reputation generates increased value for the company that holds it (Dolphin, 2004; Walsh and Wiedmann, 2004; Bontis, Booker and Serenko, 2007). More than ever, being better regarded than competing peers has been associated with long-term corporate success (Barney, 1991; Fombrun and van Riel, 1997; Fombrun and Shanley, 1990; Roberts and Dowling, 2002; Walker, 2010; Helm and Tolsdorf, 2013).

Despite the importance and growing interest in the field of corporate reputation, the existing academic literature is very fragmented and fails to offer a consistent and unambiguous theoretical background (Gotsi and Wilson, 2001; Barnett, Jermier and Lafferty, 2006; Walker, 2010; Bălan, 2015). The absence of a well-grounded theoretical framework is creating challenges for academic researchers and practitioners in their attempts to define and measure the concept of corporate reputation. While most scholars would agree that in order "to be managed, corporate reputations must be measured" (Gardberg and Fombrun, 2002: 303), little research has been dedicated to examining the best practices regarding the development and validation of reputation measurement scales. Similarly, Larkin (2003: 5) suggested that "the biggest hurdle in making the case for building, maintaining and managing reputation is how to measure it effectively". In other words, what cannot be fully and consistently understood will fail to provide a suitable reputation measurement framework, therefore there will always be gaps in ensuring an appropriate management of reputational risk.

Against this background, the purpose of this paper is to explore a series of critical issues in measuring corporate reputation. The theoretical approach taken in this research will address the following gaps: (1) the fragmented definitional landscape of corporate reputation, (2) reputation from a multi-stakeholder approach, recognizing the differing expectations of multiple groups of stakeholders gravitating around the company, (3) reputation as an attribute-specific assessment – one reputation or many reputations of the same company, (4) reputation as an industry-specific assessment, (5) reputation measurement in a reflective or formative approach, and (6) the multidimensional nature of corporate reputation.

Key Issues in Measuring Corporate Reputation
Fragmented definitional landscape

The first challenge that any research effort is faced with when measuring corporate reputation is the ambiguity generated by a continued lack of consensus about the elements describing this concept. Wartick (2002) drew attention upon the need to review and address several problems related to the process of reputation measurement. According to the author, the first aspect refers to the lack of a multi-disciplinary approach in describing this intangible organizational asset. The second element reflects how the term of reputation has been operationalized in research studies, either qualitative or quantitative, and the attributes used to describe it. The third aspect

corresponds to the need for a continuous investigation and theory building in the field of corporate reputation.

As noted by Fombrun (1998: 338), "a true reputational index – if it is to provide managers and researchers with an accurate barometer of corporate reputations – can only result from sampling a representative set of stakeholders on a conceptually relevant set of criteria". Despite a general agreement on the importance of corporate reputation in securing the long-term success of any company, many researchers in various academic disciplines have underlined the need for a more robust and unified theory surrounding this concept (Schwaiger, 2004; Chun, 2005; Barnett, Jermier and Lafferty, 2006; Brown, Dacin, Pratt and Whetten, 2006; Walker, 2010; Vlašić and Langer, 2012).

First, corporate reputation is a term of a great multi-disciplinary richness that has inherently determined a fragmentation of its meaning. Over the past decades, corporate reputation has gradually transitioned toward a very complex notion defined in numerous ways by many researchers representing different academic perspectives – *economics, strategic management, sociology, financial-accounting, organizational management* or *marketing* (Fombrun and van Riel, 1997; Chun, 2005; Burlea-Schiopoiu, 2013; Chen et al., 2015, Burlea-Schiopoiu, 2019). The various scholars examining reputation have been divided in offering an integrative theoretical framework and a universal definition has not been found yet (Chen and Otubanjo, 2013). The theoretical perspectives featuring diverse, and sometimes contradictory interpretations of the same concept, have hindered the research efforts aiming at capturing, in one definition, the full spectrum of complexity surrounding corporate reputation. Describing this concept in a multi-disciplinary and inter-disciplinary approach has resulted in a variety of definitions, becoming, paradoxically, a source of ambiguity (Chun, 2005; Bălan, 2015, Bălan and Burlea-Schiopoiu, 2017).

Second, the lack of consensus on the true meaning of reputation can be partially attributed to the interchangeable use of the term with other organizational concepts such as *company image or identity* (Abratt, 1989; Gotsi and Wilson, 2001; Brown et al., 2006; King and Whetten, 2008), *corporate personality* (Davies, Chun, Da Silva and Roper, 2001; Love and Kraatz, 2009; Burlea-Schiopoiu and Idowu, 2016) or *corporate brand* (Hatch and Schultz, 2003; Abratt and Kleyn, 2012). Dolphin (2004: 81) added to the debate and pointed out that the issue of assigning different interpretations to the same construct is far more complex. The author indicated that, in the last decade, several other terms such as *prestige*, *goodwill*, *esteem,* or even *positioning* have been used, to some extent, with the same meaning as that of corporate reputation. Walker (2010: 363-369) concluded that not all academic practitioners make a clear distinction in how they relate to corporate reputation, and this is only contributing to the growing confusion about what is a complete and correct understanding of this concept.

Multi-stakeholder perspective

Another major issue in the study and measurement of corporate reputation that warrants a special discussion is the decision to investigate this concept, either from a perspective involving all groups of stakeholders (Fombrun and van Riel, 1997; Fombrun, Gardberg and Sever, 2000), or in a more narrowed approach in which the measurement scale will reflect the differentiating characteristics of various categories of audience (Saxton, 1998; Lewellyn, 2002; Wartick, 2002; Mahon, 2002; Walker, 2010; Puncheva-Michelotti and Michelotti, 2010; Puncheva-Michelotti, McColl, Vocino and Michelotti, 2014; Wepener and Boshoff, 2015; Burlea-Schiopoiu and Remme, 2017).

The dilemma according to which an organization has as many reputations as the number of stakeholder groups is not a recent one and it has been intensively discussed in the literature for the past few years (Fombrun and Shanley, 1990; Bromley, 2002; Helm, 2007). Central to this debate are the different stakeholder groups – *employees, investors, customers, business partners, suppliers or media*, and the corresponding set of dimensions that stands behind the formation process of their perceptions and impressions about any given organization (Burlea-Schiopoiu, 2008; Ali, Lynch, Melewar and Jin, 2014). For example, it may be assumed that a company can hold a poor reputation among its suppliers or investors and, at the same time, to be regarded in high esteem by its customers due to the quality of its products and solutions. Moreover, the hierarchy of importance of the attributes used by each category of stakeholders in the assessment can vary significantly.

A review of the existing body of literature revealed that numerous academic scholars agree on the perceptual nature of reputation, underlying the cumulative assessments, judgments, or beliefs of individuals or observers over time. According to Fombrun and van Riel (1997: 10), corporate reputation is a "collective representation of a firm's past actions and results that describes the firm's ability to deliver valued outcomes to multiple stakeholders". Following a similar line of thinking, Eberl and Schwaiger (2005: 844) defined the concept as an "attitude-like construct that exists and operates in the general public's minds". Ou and Abratt (2006: 243) expanded on these definitions and indicated that corporate reputation "is relatively stable, long-term, collective judgments by outsiders of an organization's achievements". From this perspective, the measurement of corporate reputation relies upon a comparable set of indicators used by distinct groups of stakeholders to form their perceptions about a company. The observation that merits further attention is that the criteria considered in evaluation can however vary in importance between the various categories of audience (Helm, 2007; Puncheva-Michelotti and Michelotti, 2010).

Taking on a distinct perspective, other group of authors have argued that different stakeholders may not hold similar perceptions of the same company, or the set of dimensions used to evaluate it can differ and, therefore, a separation between stakeholders is necessary. Gotsi and Wilson (2001: 29) summarized numerous reputation definitions and concluded that it can be interpreted as being "a stakeholder's overall evaluation of a company over time. This evaluation is based on the stakeholder's direct experiences with the company, any other form of communication and symbolism that provides information about the firm's actions and/or a comparison with the actions of other leading rivals". Bromley (2002: 36) converged to this idea and stressed that "commercial and industrial companies, like political candidates and other reputational entities, have as many reputations as there are distinct social groups (collectives) that take an interest in them". Chun and Davies (2006: 143) highlighted that "different dimensions of corporate character appeal to different stakeholders". Walker (2010) stressed the importance of clarifying the group of stakeholders according to which the reputation is investigated. Moreover, he has questioned the managerial impact of any research effort attempting to measure corporate reputation as a cumulative perception of all groups of stakeholders. In this view, the author highlighted that "it is next to impossible for one paper to measure the perceptions of all stakeholders, and any measurement of reputation is likely to represent only a portion of overall corporate reputation" (Walker 2010: 372). The main observation noted after reviewing all these theoretical perspectives and the managerial implications is that stakeholders form their

perceptions of a company based on their social, cultural, and economic background. Therefore, these perceptions can vary significantly among the diverse groups of stakeholders.

Reputation as an attribute-specific assessment

Another element to consider when developing the measurement scale is reputation viewed as an attribute-specific construct. Herbig and Milewicz (1995: 24) interpreted corporate reputation as "an estimate over time of the consistency of an attribute or entity". This estimate relies on the availability, but also on the ability of the entity to perform an activity in a comparable way, while an attribute is a specific part of the entity – price, quality, or marketing skills. Moreover, the authors suggested that a company may be perceived differently by its stakeholders depending on the organizational attribute evaluated, and consequently may hold multiple reputations. Walker (2010: 370) described corporate reputation as "a relatively stable, issue specific aggregate perceptual representation of a company's past actions and future prospects compared against some standard". The main implication outlined here is that any company may hold multiple and different reputations, depending on what *attributes* are investigated. These attributes can range from the portfolio of products and services to environmental and social responsibility conduct or regard the profitability and the corporate governance of the company.

The idea stating that corporate reputation is an attribute-based construct, has also been emphasized by other academic scholars. For example, Lewellyn (2002: 451) pointed out that a central question that the top management responsible for building the reputation of a company is required to address is "Reputation for what?". In an effort to catalogue the reputation definition and capture the similarities and differences between the approaches, Rindova and colleagues (2005) concluded that the two facets of corporate reputation are *the perceived quality* of the company and its *prominence*. While the prominence dimension corresponds to being known in the market place, the perceived quality aspect reinforces "the degree to which stakeholders evaluate an organization positively on a specific attribute, such as ability to produce quality products" (Rindova, Williamson, Petkova and Sever, 2005: 1035). In line with this thinking, Lange, Lee and Dai (2011: 155) interpreted corporate reputation under three distinct types of conceptualizations: *being known*, *being known for something*, and *generalized favourability*. Jensen, Kim and Kim (2012: 144) enhanced this point of view by adding that "reputation is best defined as an attribute-specific and audience specific assessment of an actor because it allows for more nuanced assessments". The main argument supporting this observation is that a reputation definition encompassing cumulated evaluations of all organizational attributes and groups of stakeholders will only provide vague and meaningless assessments failing to accurately inform the decision-making.

Reputation as an industry-specific assessment

Another essential element to consider when evaluating corporate reputation is the industry where the company conducts its business operations (Caruana and Chircop, 2000; Podnar, Tuškej and Golob, 2012; Burlea-Schiopoiu and Bălan, 2018). Winn, MacDonald, and Zietsma (2008) define the reputation of an industry (or business sector) as the collective judgments of stakeholders. This definition takes into consideration the assessment of the economic, social, and environmental impact attributed to the industry

over time. Basdeo and colleagues (2006) indicated that corporate reputation should be assessed in connection to the industry in which the organization operates. The authors concluded that the reputation of any company is shaped through its own market conduct, but at the same time, it is highly influenced by its peers' actions.

Following the same line of thinking, Mahon (2002) pointed out the need to investigate corporate reputation by first establishing the context of the research. In other words, the author highlighted that the reputation of the business sector should be understood as an "umbrella" reputation. Therefore, it is possible for an organization to benefit from an improved perception only because of the more favourable reputation of the industry in which it operates. On the other side, the author questioned the extent to which a company can differentiate itself from other competitors performing the same activity through its own efforts or, in the end, its reputation remains captive to the overall reputation describing that economic sector (Mahon, 2002). In other words, reputation is an industry-specific assessment, and regardless of the actions taken by the company, it cannot completely differentiate from its peers. To some extent, the reputation of the business sector defines the company-level reputation.

Reflective vs. formative measurement scales

Another key problem related to the development of a measuring instrument is the method used to operationalize the concept. Helm (2005: 95) stressed that "the growing body of literature in this area has led to a wide variety of measurement approaches, albeit most publications do not point out the epistemic nature of reputation as a construct". The author added that "it is not clear if reputation is a formative or reflective construct" and raised the concern that an "incorrect specification of the construct would produce misleading results, which in turn would provide no solid basis for reputation management" (Helm, 2005: 95). Congruent with this observation, Jarvis and colleagues noted that "the choice between formative and reflective models, which substantially affects estimation procedures has hitherto received only sparse attention in the literature" (Jarvis, Mackenzie and Podsakoff, 2003: 200).

As depicted by Figure 1, the existing literature features two methods used to operationalize a concept: the reflective measurement models and formative measurement models (Edwards and Bagozzi, 2000).

Figure 1. The relationship between constructs and measures in a reflexive & formative approach
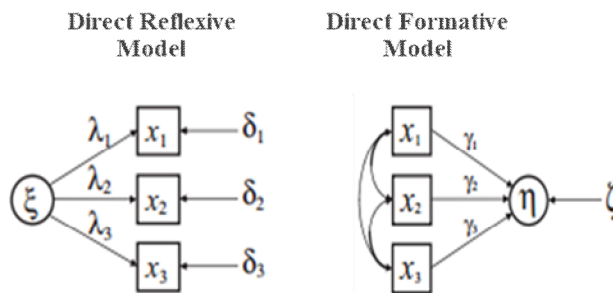
Source: Adapted after Edwards and Bagozzi (2000: 161-162)

Corporate Reputation: Key Issues to Consider When Developing a Measurement Scale

The main distinction between reflective and formative approaches relies on the nature and direction of the relationship established between the construct or latent variable – corporate reputation in our case, and the observable variables or measures used to explain it (Edwards and Bagozzi, 2000). In reflective measurement scales, the construct underlies its dimensions, and each observable variable is a manifestation of it. According to this method, the latent variable is specified as cause of its measures. Therefore, the removal of any variable from the measurement model will not affect the overall significance of the construct (Edwards, 2011). At the same time, in a reflective approach, it is essential to test the latent variables regarding the level of internal consistency and, since it starts from the premise that all observable variables represent indicators that equally explain the construct, they can be viewed as being interchangeable (Jarvis, Mackenzie and Podsakoff, 2003). In contrast, in a formative measurement model, the measures determine the latent variable (Edwards and Bagozzi, 2000). The main implication regarding the measures forming the construct is that the removal of any dimension used to model the construct would significantly change the meaning that can be assigned to it (Jarvis, Mackenzie and Podsakoff, 2003; Edwards, 2011). Consequently, the set of observed variables forms a composite or aggregate score, which can be interpreted as an index (Diamantopoulos and Winklhofer, 2001).

The dilemma over the correct epistemic nature of corporate reputation – whether a *reflective or formative* construct, continues to remain a controversial discussion in the existing literature. Moreover, the progress made in the assessment of corporate reputation and its dimensions has been divided by the lack of consensus upon the appropriate measurement approach. On one hand, there is a group of researchers who claimed that corporate reputation should be measured using a reflective method (Fombrun, Gardberg and Sever, 2000; Walsh and Beatty, 2007; Ponzi, Fombrun and Gardberg, 2011). The arguments supporting this perspective suggest that the use of reflexive measures is consistent with the theory of intangible strategic resources that are recognized to create corporate value. Still, they are not directly observable (Bergh, Ketchen, Boyd and Bergh, 2010), are rare, difficult to imitate, or to replace (Barney, 1991). In the case of intangible assets, the body of evidence suggested that it is impossible to capture their whole meaning by using formative indicators. Godfrey and Hill (1995: 523) noted that, only by assuming it is possible to completely observe or measure an intangible asset, its ability to enforce a barrier for other players in the market place would be eroded. Following this stream of thinking, corporate reputation is not fully described by the various organizational measures (the observable variables) – for example, the quality of products and/or services, but instead, they capture only a portion of its complex meaning (Bagozzi, 2007: 231). On the other side, other authors considered that the reflective approach is a suitable method to describe the consequences of corporate reputation and a less appropriate technique to highlight its formation process (Caruana, 1997; Helm, 2005).

Single-item vs. multi-item measurement

Another critical issue is represented by the underlying multi-dimensional nature of corporate reputation. Multidimensionality of the construct has remained an underexplored territory and continued to pose challenges to researchers in their attempts to develop a reliable and robust reputation measurement tool. Netemeyer, Bearden, and Sharma (2003: 18) argued that the goal of developing an effective measurement scale could not be achieved "without knowledge of the construct's dimensionality". Thus,

establishing the dimensionality of the construct represents a crucial step in the scale development process. In this view, it becomes critical to address a set of two elements. The first element that needs clarification is reputation viewed as a single-item construct that can be measured by means of a single score. Or, reputation is rather a multi-item construct (it has multiple facets) and it is important to identify and measure each dimension of it to obtain an accurate assessment of the perceptions that various groups of stakeholders have about an organization? Secondly, the multi-dimensional structure of reputation requires further attention. In other words, is corporate reputation a higher-order latent construct, described through its multiple facets or dimensions? (Jarvis, Mackenzie and Podsakoff, 2003; Agarwal, Osiyevskyy and Feldman, 2015).

Numerous academic scholars have answered the call to add more clarity around the appropriate method to measure the reputation. One group of researchers has postulated that corporate reputation should be interpreted as a multi-item construct (Fombrun, Gardberg and Sever, 2000). Diamantopoulos and colleagues converged to this line of thinking and pointed out that „establishing predictive validity of measures is a major concern in marketing research" (Diamantopoulos, Sarstedt, Fuchs, Wilczynski and Kaiser, 2012: 434). Moreover, the authors went into greater detail to investigate the issue of adopting a certain type of scale in the measurement process. The findings obtained have revealed that, in most cases, under normal practical circumstances, multi-item measures are most indicated to be used because of their higher level of predictive validity compared to single-item scales. This observation is aligned with Churchill's approach (1979: 66), who also noted that the multi-item method offers better results compared to single-item measurement. Nunnally and Barnstein (1994: 67) stressed that multi-item measures provide more accurate results because when individual scores are summed up to obtain a total score, the measurement error tends to decrease. In addition, the authors suggested that the assessment of psychological and perceptual elements, such as corporate reputation, could not be achieved by employing unidimensional scales because they cannot capture the entire amount of complexity. Thus, using multiple items to measure a construct provides support to reduce these issues and simplify the research efforts (Nunnally and Barnstein, 1994).

Bergkvist and Rossiter (2007) compared the level of the predictive validity of single- and multi-item scales of the same construct (for example, the attitude toward ads and attitude toward a brand). They concluded that there are no differences between them, although a large majority of academic practices would have indicated the need to use multiple items. The approach was based on the C-OAR-SE procedure proposed by Rossiter in 2002. According to this procedure, if "the object can be conceptualized as concrete and singular, it does not require multiple items to represent it in the measure, and if the attribute can be conceptualized as concrete, it does not require multiple items either" (Bergkvist and Rossiter, 2007: 175). The findings indicated that single-item measures are equally valid to measure theoretical, abstract constructs and provide a comparable level of reliability in the measurement process. This observation is however challenged by Helm (2005: 95), who outlined that the use of a direct, single-item measure "does not lead to practical insights for reputation management because the sources of a good or bad reputation do not become evident".

Besides measuring corporate reputation based on a single-item or multi-item approach, it is important to clarify the multi-dimensional structure of the construct. As noted above, in most of the research studies, the epistemic nature of reputation as a construct remained unclear (Helm, 2005). Moreover, little attention has been paid to

correctly define the relationship between the construct and its dimensions. This supports the observation made by Agarwal and colleagues who stressed that "while conceptually scholars agree that corporate reputation is a higher-order latent (unobservable) construct with first-order directly observable dimensions, there still remains a gap between its conceptualization and corresponding operationalization" (Agarwal, Osiyevskyy and Feldman, 2015: 488).

Conclusion

Today, corporate reputation has acquired a great level of complexity, moving beyond the pioneering stage and becoming a dynamic notion described from the perspective of numerous academic disciplines. Despite a collective agreement that a favourable reputation generates increased added-value for the company, an appropriate management is not possible in the absence of a common interpretation and definition of this concept. Under these circumstances, an effective measurement remains an elusive strategic organizational goal.

Most of the research studies conducted in this field of interest have outlined the positive economics generated by holding a good reputation. Corporate reputation has quickly turned into a vital organizational resource for companies worldwide. This intangible asset is enabling access to sustainable competitive advantages which is rapidly becoming a prerequisite for competing in the global market place. The capability to build, maintain, and enhance a favourable reputation is a major area of research for both the academic and business community. Therefore, the interest in the notion of corporate reputation and how it can be best measured has acquired increased attention. Although much attention has been devoted to deepening the understanding of this concept, the multiple perspectives and theoretical approaches proposed over time in different disciplines of study have led to fragmented measurement efforts.

The theoretical review undertaken in this research paper aimed to bring together several challenges that require a special attention when developing an appropriate corporate reputation measurement scale. The scope of the article is to enhance companies' understanding of the construct of reputation and facilitate the measurement efforts. Developing an accurate reputation knowledge is thought to be crucial to the company's ability to identify the reputational risk. It lays the foundation for good management of a potential crisis which is not possible in the absence of a clear and unified definitional landscape.

Specifically, it is critical to address the issue generated by the interpretation of corporate reputation from a multi- and interdisciplinary perspective. How corporate reputation is conceptualized has an impact on the process of establishing, formulating, and implementing a viable and coherent research framework. The multi-dimensional nature of corporate has been identified in this research as another critical issue to address by researchers when developing an effective measurement tool. The analysis has also revealed that there is a contradiction between how reputation is conceptualized, having multiple dimensions, and how it is measured in practice. Establishing the dimensionality of the construct is a key step of the scale development process, but this methodological element has remained an underexplored territory and continues to challenge the research efforts. From a more practical perspective, it becomes essential to recognize the multiple and divergent interests and expectations of diverse groups of stakeholders. Taking into consideration the impact of the overall reputation of the economic sector where the company runs the business operations is equally important when establishing the context

of the research, especially in the case of cross-sectorial research studies. From a methodological viewpoint, another common issue is represented by the method to operationalize the concept. Finally, without providing a correct specification of the corporate reputation – either a formative or reflective construct, the findings obtained would offer a misleading basis for a proper reputational risk management.

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Jurisprudence Regarding Free Access to Justice in the Democratic Society

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Abstract:
Starting from the purpose of establishing justice within the state constructions, the concept of free access to justice must be understood as a right attributed to the person. Continuing the reasoning, the law is a fundamental one, because it arises from the need to protect the essence of the legal character of the person. First, the European Convention on Human Rights, as well as other international instruments of protection, either earlier or later, recognized this right as requiring greater protection, especially in relation to material rights. Therefore, art. 6 paragraph 1 of the Convention refers to the right of the person to the trial of his case, which implies the possibility to bring his claims before a court. As a result of this, most European constitutions and national laws guarantee a person's right of free access to justice. Second, the international and national courts have been called upon to protect an individual's right of free access to justice both in civil and in criminal proceedings.
The national and international jurisprudence is the instrument through which the additional framework of protection of the right of free access to justice is created, being situations in which the pronounced decisions rule on new interpretations in relation to this fundamental right.

Keywords: *free access to justice; ECHR; jurisprudence; fundamental right; fair trial.*

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The need to open justice to all legal subjects arises from the guarantor of its social order, namely the arbitrator who decides to whom the legal relationship inclines in order to protect the social position of each person. Thus, the existence of a social order as a component of the modern state is ensured (Dănișor, 2007:46-61). Moreover, the foreign authors have identified in the composition of the common good two components: a static one, respectively the social order and a dynamic one, respectively the justice, which are complementary and support each other (Burdeau, 1980:103 and Dănișor, 2007:48). So, on the one hand, the social order is sustained through justice, while the latter is desired precisely by the people who seek to maintain the social order.

We consider that the most important function of the state in order to materialize social order is developed of justice, which has the obligation first of all to ensure the establishment of the social order, and secondly that of guaranteeing its existence through the measures in favor of that subject of law that justifies the protection of its subjective civil rights within the legal relationships in which it is engaged.

Justice is thus a public power (Dănișor, 2007: 424-448) created by persons for persons, in the sense that its legitimacy results primarily from the confidence offered by the population through the different forms in which its will is manifested in the formation of the powers and institutions of the state, and the purpose of its establishment is precisely the protection of the people and their rights. Thus it can be stated that justice performs a service of public interest, because even if in each case particular factual situations are analyzed, this analysis is done on the basis of general principles of law and accepted by the society as being established for the common good of its components.

However, there should be no confusion between the protection of the social order and the protection of the state's interest. Justice must ensure that the legal framework for conducting the current activities of persons within the state is protected, but on this occasion it must not unjustifiably incline the balance of its judgments in the interests of the state. There is no equivalence between the notions of state interest and public interest or between those of state interest and social order. We appreciate that although, in general, the state interest should subordinate to the public one and the social order, a rule should not be established in this respect, and the justice should censure the state skids that lead to the violation of the rights and freedoms of the people in an unfounded way. Precisely because the role of justice is so important, it must be generally accessible to all legal subjects to whom it is addressed. Justice is not limited to a certain category of persons unless fully justified and with the certainty that there is the possibility of the other categories to address an equivalent court.

Free access to justice is therefore a fundamental right applicable to all persons, both under active aspect, respectively for those persons who have the initiative to formulate legal actions for the protection of their rights and passively, for those persons who are called in justice and thus have the opportunity to defend themselves effectively. It was previously stated that free access to justice is an individual freedom (Chiriță, 2007:261).

The right of free access to justice is therefore part of the category of fundamental rights, as recognized by international protection mechanisms, such as the European Convention on Human Rights or the European Charter of Human Rights, but also by national laws. Free access to justice is analyzed in relation to the fundamental right to a fair trial, since we cannot discuss the fairness of a judicial procedure when the subject of law does not have access to such a procedure. In these conditions, in order to

enjoy all the procedural guarantees of national law, the person must have the effective possibility to invoke the violation or the protection of his rights.

As previously established in both doctrine and jurisprudence, rights, as well as fundamental freedoms, are not absolute, but may impose certain limitations based both on the necessity of their coexistence, but also on attaining other objectives of the state (Răduleţu, 2006:43).

The state is the authority that has to ensure the protection of fundamental rights and freedoms by framing in appropriate legal norms (Dănișor, 2007: 542) but also by creating a judicial system that allows the analysis of potential violations. The obligation of the state to guarantee the protection of fundamental rights is also realized to guarantee the existence of the rule of law, respectively a concept that expresses the modern state, a state to which the law is indispensable, and, also, to the law the state is indispensable (Deleanu, 1996:103).

It has been shown that the impossibility of the judicial system to repair any possible damage caused by violations of fundamental rights has been covered by international courts, such as the European Court of Human Rights, through judgments of states that have failed to achieve such a mechanism. From the point of view of the jurisprudence regarding the protection of the right of free access to justice, we propose to analyze the following decisions which subject the legal examination to some situations considered defining for the affirmation of the protection of the right of free access to justice as part of the right to a fair trial.

1. ECHR, Kudla v. Poland - Case no. 30210/96, judgment on 26th October 2000

The European Court of Human Rights has considered in the judgment of the *Kudla* case the need to establish an effective remedy in the event of a breach of the reasonable time limit for resolving the case.

The Court took into consideration the potential breach or articles 6 and 13 of the European Convention on Human Rights. Article 6 provides: "*In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.3. Everyone charged with a criminal offence has the following minimum rights: (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;(b) to have adequate time and facilities for the preparation of his defence;(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court*" (Article 6 of the European Convention on Human Rights). Article 13 provides: "*Everyone whose rights and freedoms as set*

forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity" (Article 13 of the European Convention on Human Rights).

Thus, in this case the applicant had been arrested in August 1991, being accused of committing several offenses, the procedure for judging the remedy of the appeal being still before the court at the date when the judgment of the Court was pronounced. The Court considered that the duration of the procedure had been up to nine years, of which more than seven years after the date on which Poland had ratified the provisions of the Convention. It was thus considered that such a period cannot be considered to be reasonable and justified in relation to the concrete circumstances of the case. From the point of view of the legal basis, the Court had already ruled in previous judgments that it is no longer necessary to examine an end of claim by which the violation of Art. 13 of the Convention if there is a violation of Art. 6, considering that there can be no legal interest that justifies the review of the same question of law from the perspective of less strict protection of Art. 13. However, between the two texts of the Convention there is no relation of overlap or absorption, the best example being the one in the case in which, the violation of the provisions of Art. 6 regarding the length of the procedure is different from the fact that there is an effective remedy in national law by which it can be denounced. Although in its previous jurisprudence the Court refused to rule on that end of claim by which the violation of Art. 13 under the conditions of an infringement of Art. 6, it decided that a reversal of its legal approach was necessary, given that a considerable number of applications were registered for its role in breach of the speed of the procedure.

The court started from the idea that Art. 13 and 35 of the Convention represent a subsidiary protection mechanism, the first of the articles explicitly stating that there is an obligation of the state to protect all fundamental rights and freedoms, especially in its own system of law. In these conditions, as regard to the duration of a judicial procedure, there is the obligation of the states to create and effectively manage a legal system by which the sanction of the state's obligation can be requested. Although at the time of the decision, none of the European signatory states of the Convention had implemented such a system, examples have been found that have shown the possibility of creating these internal remedies and their actual functioning. The Court concludes that for a correct interpretation of Art. 13 it must be taken into account that the purpose of the rule is to guarantee the existence of an effective remedy in the order of national law by which the person who considers himself injured by a violation of his right to solve the procedure in which he is involved within a reasonable time, can obtain the sanction state.

Thus, the Court found that in the Polish law system, the applicant did not benefit from such a legal instrument and could not obtain on the domestic basis the recognition that the judicial procedure had been carried out in an excessive period or that the damage thus caused would be repaired, conditions in which there was a violation of Art. 13. Also, we may add that these is a clear limitation of the right of free access to justice, as the applicant had no internal procedure in which to state his claim on the breach of his fundamental rights.

The Court therefore establishes, by analyzing two elements within the right to a fair trial, that in case of violation of the requirement of the reasonable term by the unjustified delay of the procedure, the party considered prejudiced must have the opportunity to file an appeal seeking to sanction the attitude the state to violate this guarantee of the fair trial.

At the time of the ruling, in the year 2000, the Court noted that there are no such sanctioning systems in the law of the Contracting States, but considers that they could work successfully. Therefore, the conclusions of the Court have a real legislative proposal for all the signatory states, which subsequently chose to legislate in this regard.

The effects of the *Kudla* ruling impose an additional obligation on states to guarantee in favor of all persons the possibility of filing a separate application, before another court, as part of the right of free access to justice, by which they can obtain the sanction of unjustified delay of the trial in a file in which it is involved.

2. ECHR, Langborger v. Sweden, Case no. 11179/84, judgment on 22nd June 1989

Mr. Langborger was a Swedish national born in 1922. He was a consultant engineer and resided at Solna, a town in the immediate vicinity of Stockholm. On 1 October 1982 he rented an apartment. The lease contained a "negotiation clause" that stated that during the running of the lease the parties undertake to accept, without prior termination of the lease, the rent and other conditions agreed upon on the basis of the negotiation agreement in force between, on the one hand, a landlords' union affiliated to the Swedish Federation of Property Owners and a landlord, who with his property is affiliated to such a union, and, on the other hand, a tenants' union affiliated to the National Tenants' Union. Because Mr. Langborger was dissatisfied with both the amount of rent and with the fact that he was represented by the Tenants' Union of the Greater Stockholm Area he gave notice of his intention to terminate the lease and he proposed to the landlord the conclusion of a new agreement with a fixed rent and no negotiation clause. The landlord rejected his offer, and thus the applicant he brought the dispute before the Rent Review Board for Stockholm County. In accordance with the legislation in force, the section of the Rent Review Board which examined the case was composed of a chairman and two lay assessors. At the time of his appointment, the chairman of the Board held a non-permanent judicial appointment as an associate judge in the Court of Appeal. The two assessors, who were nominated respectively by the Swedish Federation of Property Owners and the National Tenants' Union. Mr. Langborger challenged the two lay assessors stating that they had been nominated by a landlords' association and a tenants' organization and thus they could not be objective and impartial because the Tenants' Union depended for its existence on the sums paid to it for conducting the rent negotiations and the Landlords' Union also derived a major part of its purpose from its participation in these negotiations (ECHR, Langborger v. Sweden, Case no. 11179/84, judgment on 22nd June 1989, para. 8-10).

The Rent Review Board dismissed both Mr. Langborger's challenge of lack of impartiality and objectivity of the members of the Court as well as his full claim. According to Swedish legislation this decision could be challenged at the Housing and Tenancy Court, which rejected Mr. Langborger's appeal without a public hearing and with no public pronouncement of the its decision. In these conditions, Mr. Langborger filed an application to the European Court of Human Rights for violation of Art. 6 of the ECHR as there was no public hearing and the Housing and Tenancy Court was not an independent and impartial tribunal.

The European Court of Human Rights stated that in order to establish whether a judicial body can be considered independent, we should look into the manner of appointment of its members as well as their term of office. Also, it is importance to observe the existence of guarantees against outside pressures and to the question

whether the body presents an appearance of independence. To this extent, the Court ruled that "as regards their objective impartiality and the question whether they presented an appearance of independence, however, the Court notes that they had been nominated by, and had close links with, two associations which both had an interest in the continued existence of the negotiation clause. As the applicant sought the deletion from the lease of this clause, he could legitimately fear that the lay assessors had a common interest contrary to his own and therefore that the balance of interests, inherent in the Housing and Tenancy Court's composition in other cases, was liable to be upset when the court came to decide his own claim" (ECHR, Langborger v. Sweden, Case no. 11179/84, judgment on 22nd June 1989, para. 35) and for this reason there has been a violation of Art. 6 para. 1 of the ECHR.

In order to analyze the independence of the courts, we must refer to several elements (Bîrsan, 2010:471), respectively: the way in which the magistrates are appointed and their term of office, the protection of the courts against the external protections and the possibility of verifying an appearance of independence. These conditions were also stated by the Court in the *Cooper* Case (ECHR, Cooper v. United Kingdom, Case no. 48843/99, judgment on 16th December 2003).

Of course, the independence of the courts must be related to the actors of the political and social life as they influence the environment in which they operate and determine the emergence of the litigious situations. Therefore, it is important that the courts do not work for the realization of the interests of the state power, of the international bodies or of the components of the civil society. In other words, independence must be total in order to achieve the objectivity of the presented logical-legal reasoning and the final decision.

Independence implies the absence of any subordination links with any of the litigating parties or any relations of interests with one of them. The courts must be able to render the judgments they consider in accordance with international laws and conventions, without pursuing the satisfaction of the interest of a particular party and without fear of reprisals or any other negative effects on the part of the party for which the solution is unfavorable.

Free access to justice cannot be effective, inter alia, unless it is made to an independent court, because the purpose pursued through the initiation of the judicial procedure is precisely to obtain a decision that expresses the legal provisions in the matter, and therefore an objective one. The premise that there is a relationship of subordination to the other party in the trial will undermine the will of the person to promote the desired action and thus limit the free access to justice.

The European Court of Human Rights considered that independence represents the effective manifestation of the jurisdictional function of the courts, namely to be the arbitrator of the litigation brought before it, for which it will rule on a solution under the applicable legal provisions (ECHR, Stojakovic v. Austria, Case no. 30003/02, judgment on 9th November 2006).

3. ECHR, Weissman and Others v. Romania, Case no. 63945/00, judgment on 4th May 2006

In this case, by the request made, the applicants claimed, as heirs and old owners, the restitution of a building and related land located in Bucharest, occupied at that time by the Embassy of the German Federal Republic. The court granted the applicants' request and ordered the restitution of the building and the related land.

Subsequently, the plaintiffs filed a new action requesting the reimbursement of the amount of 30,609,289 euros as compensation, resulting from the rents received for the respective building by the state for the entire period until the restitution to the plaintiffs. The court established that in this case the applicants must pay the amount of 5,333,215,000 lei (the equivalent of 323,264 euros). Failure to comply with the obligation to pay the tax caused the application to be annulled, according to the national legislation.

ECHR ruled in favor of the applicants, because the main criterion that needs to be analyzed in determining the limitation of free access is the amount of the sum constituted as a judicial fee. The mere provision of a payment obligation, as long as it is in a fixed amount, which represents the value of the procedural costs and for the support of the court compartments, would be a fair restriction, proportional to the purpose pursued, precisely to guarantee the good administration of the court. justice.

In the situation where the amount that is required to be paid as a judiciary tax is excessive, compared to the situation of an ordinary justice in the respective state, to the type of action, as well as to the national socio-economic situation, it means that the aim pursued is no longer that of good administration of justice but a hidden one of obtaining funds for the national budget or of unjustified inhibition of the free access to justice.

As other authors state, "the amount of the tax, assessed in the light of the particular circumstances of a case, including the applicant's solvency and the procedural phase in which the restriction is imposed, are factors that must be considered to determine if the claimant has benefited from the right to access to justice" (Bogdan, 2009:46).

In conclusion, the proportionality test of the measure does not apply to the obligation itself, but to the extent of the obligation. The amount of the tax owed must be established in an amount commensurate both with the material possibilities of an ordinary person in the respective state but also with regard to the procedural phase and the type of application made. Free access to justice must effectively guarantee the possibility of a person to achieve his right without unjustified limitation aimed to discourage him from promoting the action, because in this case we were in the situation of illusory protection and ineffective.

4. ECHR, Bacev v. former Yugoslav Republic of Macedonia, Case no. 13299/02, judgment on 14th February 2006

In a lawsuit against the plaintiff, the first court delivered a judgment on November 28, which was communicated on March 2. The term for the appeal was 15 days after the communication. The applicant's appeal was dismissed as tardy, the courts considering that he had filed it on March 23. However, both before the domestic courts and before the Court, the plaintiff had submitted a copy of the appeal on which the stamp of receipt of the court was dated March 15, that is to say, but the courts took into account the data entered in the court's entry register and another stamp appearing on the plaintiff's appeal indicating the date of entry, March 23.

In this case, the ECHR has shown that the 15-day deadline for filing the appeal was aimed at the legitimate purpose of good administration of justice, but that does not mean that the courts can ignore the examination of the merits of the appeal only on the basis of the records in the court register, not even indicating a sufficient reason for which the copy dated March 15 was not accepted, the applicant having thus been infringed the right of access to justice.

As for the term to file an appeal, there are not many issues raised, the Court ruling in various cases that the applicant's situation of filing an appeal with the postage stamp, thus demonstrating that he filed the appeal within time, it is a proof that the deadline has been respected, and the domestic courts cannot invoke the delay of the request only on the basis of the court records.

5. EHCR, Golder v. United Kingdom, Case no. 4451/70, judgment on 21st February 1975

Summarizing the factual situation, petitioner Golder was a prisoner who had sought assistance from a lawyer to prosecute a slander case against one of the guards at the detention facility where he was incarcerated. Mr. Golder asked the Minister of the Interior to be allowed to consult a lawyer in order to file a civil action against the guard, in order to apologize for the accusations made by the latter, from his position as guardian, on 25.10.1969, which caused to him adverse consequences whose effects had not been removed until 20.03.1970. The alleged civil action involved an incident inside the prison, during which the applicant was in detention and was directed against an employee of the penitentiary who had made an accusation against the applicant during the exercise of his function and who was subordinated to the Ministry of the Interior. The old Commission, predecessor to the Court, unanimously held that there is a violation of Art. 6 point 1 of the ECHR under the aspect of free access to justice, analyzing in particular the limitations that can be brought to it.

Mr. Golder's request for a lawyer to consult and draft the complaint to the court is a legitimate one. It was found by the Court that the Minister of the Interior could not legitimately be able to assess the chances of winning the potential action, since its solution was exclusively within the jurisdiction of the courts. By the refusal given to the applicant in the sense that he is not allowed the right to consult a lawyer, Mr. Golder's right to address the courts was affected, under the conditions of Art. 6 par. 1 of the Convention.

The judgment of the Court is particularly important, because it establishes with a principle value that there should be no institutional obstacle to the possibility of the person to address the courts. In other words, the decision of the person to address the justice cannot be the subject of decisions of administrative bodies, such as the Ministry of Interior. Specifically, the decision to address justice must be exclusively of the respective person, and cannot be subject to the approval of another institution. The connection between the person and the justice is thus direct.

The interference with the fundamental law was particularly serious, because a category of persons, the detainees, could be prohibited access to justice even by the state institutions, in this case the Ministry of Interior, through an unjustified analysis of the chances of winning in the complaint. However, only the court can rule on the merits of a claim, this being the attribute of the jurisdictional power, in no case the representative of another power.

Last but not least, even if the petitioner could be opposed, the idea that there is no guarantee that he would have filed the civil action after consulting the lawyer he had asked for, is not an aspect of the control of an institution without jurisdictional powers. Thus, access to justice also implies the right to legal aid in order to promote applications, all the more so since national law prohibits its formulation without consulting the lawyer, which in itself represents another unjustified limitation of the law.

6. ECHR, Airey v. Ireland, Case no. 6289/73, judgment on 9th October 1979

Mrs Airey, from a modest family, wanted to separate from her husband for reasons of physical and mental cruelty. In Ireland, the divorce was not recognized by the Constitution, but spouses can still be authorized to cohabit either by an act concluded by them in this regard, or by a separation decision in fact which can only be pronounced by the High Court. Ms. Airey tried for more than eight years to obtain the separation agreement from her husband, but he refused. Following the second possible way, she tried to obtain a decision to confirm the separation in fact, for the reasons indicated. She tried to persuade more lawyers to provide her representation but did not find anyone to accept because in Ireland public legal aid is not regulated for this category of separation actions in fact, and Mrs Airey did not have the necessary amounts of money to cover the costs of the procedure.

In the decision, the ECHR refers to the imperative character of the establishment of a system of functional judicial public aid, which would allow all persons to address all national courts, with any type of action provided by law, with the real possibility of obtaining the effective analysis, without those costs of the procedure which may prove burdensome to become so excessive. As a legal obstacle may violate the provisions of the Convention, so can the factual one, and the obligations assumed by the Convention require positive measures of the state for the effective protection of rights (Berger, 1997:131).

Lack of the financial resources necessary for access to judicial procedures, representing the lawyer's fees, court fees, costs of administering the evidence, etc. is an impediment to a factual circumstance, which must be taken into account by law in order to eliminate those natural discriminations which, however, affect the equality of persons.

Therefore, states have a positive obligation to establish a set of rules to protect the rights of persons without material possibilities to address the courts, because justice is performed equally for all persons, and otherwise it would become a pressure instrument of enriched social classes. People without material possibilities have the same rights as any other person, so for reasons of equity the state must intervene and eliminate these initial impediments, to guarantee that their rights can be recognized through the courts. Also, legal assistance should extend to all categories of actions, without limitations, because partial protection would not be effective and would also give rise to discrimination and a violation by the state of the provisions of art. 6 point 1 of the Convention.

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ORIGINAL PAPER

Cultural history – the life and art of Constantin Brâncuși

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Abstract

On 19th February 1876 *the Patriarch and Father of modern sculpture, the Titan from Hobiţa* was born. The man who changed the history of world's sculpture was Constantin Brâncuși. Brâncuși was a Romanian sculptor who impressed everyone with his masterpieces. He became one of the most important, major artists who influenced the art of the twentieth century. His art is spread around the world either in private collections or in famous museums. His works are worth a fortune and some of them are involved in ambiguous situations in which institutions, states or wealthy people fight to gain the rights over them. Such situations have appeared with *The Kiss or Miss Pogany* – both of them have been in the middle of several controversies regarding their ownership. The sculptures of Brăncuși are so valuable because they represent the basis of modern sculpture and they define the style of the artist who has created through his art a way of seeing life in simple shapes that defy time. Constantin Brăncuși was an artist of his time – a man who hypnotized the world of art with his works as well as with his unique way of being. Brâncuși was the sculptor who left an impressive number of works that have contributed to the transformation of world sculpture from traditional to modern. He placed his country – Romania – on the world's map of art giving it an important place and making it known as a fountain of inspiration for artists. This article is dedicated to the importance and significance of Constantin Brâncuși both as an artist as well as a personality who remained a major inspiration for each generation of artists.

Keywords: *Constantin Brâncuși; Romania; sculpture; major artist; art.*

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My paper is dedicated to the impressive art and personality of the Romanian sculptor Constantin Brâncuși. I choose Brâncuși because he has truly had an impact in the world's cultural history. He was considered the greatest Modernist sculptor because he " saw reality in terms of a few basic, universal shapes: the egg, the smooth pebble, and the blade of grass. Whatever the subject, from 1910 he simplified its form – in wood, marble or metal – into these elemental shapes." (Strickland, Boswell. 2007:133)

Coming from a simple and modest family, Brâncuși has succeeded in becoming *the Titan of Sculpture*, *the Prince, the Visionary of art* through his huge collection of sculptures made of stone, wood, bronze, metal or gypsum. Brâncuși is one of the greatest sculptors of the twentienth century – being known as the artist who brought new shapes and concepts in sculpture. Brâncuși's uniqueness resides in the fact that "unlike most sculptors before and since, he executed all his works himself by hand. He believed in old-fashioned hand-craftsmanship. Direct carving, he said, was the 'true road to sculpture'. Yet not only did he frequently have his marble works cast in bronze- thus denying the autonomy of the medium – but the extremely subtle and refined surfaces, on which he worked for days and weeks in solitude like a secular monk, carefully conceal all trace of his hand so that they look as if they have been machine-tooled" (Honour&Fleming, 2005 Chapter XX/ part 5)

As an artist, Brâncuși distinguishes in his beginnings with a realistic period in which he creates remarkable works like: *The Bust of Doctor Carol Davila, The statue of a man* – in which the artist shows the muscles of a human body.

Through his traditional methods, Brâncuși has reached perfection as his sculptures although carved by hand are so precise that they look like those made by machines. This is why the Romanian sculptor is so appreciated worldwide. Moreover, his desire to improve and refine his sculptures made him create more versions of his sculptures. His talent was unique and his dedication to sculpture was supreme.

"Sculptor Jacques Lipchitz, whose studio was below Brancusi's, recalled a constant tapping like a dripping faucet that kept him awake. It was Brancusi, continually chipping away until he reached and absolute bedrock image. *Create like a god, command like a king, work like a slave*, Brâncuși said." (Strickland, Boswell. 2007:133)

Romania – Brancusi's National Day

On 19th of February 2020, Romania celebrated 144 years from the birth of the most important sculptors in the world - the Romanian Constantin Brâncuși.

The recognition for Brâncuși's work has gone beyond the Romanian boarders, his vision and art is well known worldwide.

Since 2005, Romania declared the 19th of February of each year – a National Day – the day of Brâncuși. This gesture represents a moral gratitude and a way of asking for forgiveness for the communism years when the art of Brâncuși was refused and barely known by the Romanian public. In 1951, the Romanian academicians turned down Brâncuși's offer – that of donating the works from his Parisian workshop. They considered that "the artist does not respect the classical patterns of the field in which he was active and accused Brâncuși that he had made contact with the Parisian artistic world about which they said that it influenced him negatively."(Padurean, 2017, online article: *History Page: Brâncuși, decorated by the king, humiliated by communists*)

Cultural History – the Life and Art of Constantin Brâncuși

The refusal of the Romanian authorities made Brâncuși give up his Romanian citizenship and ask to become a French citizen. After he obtained his rights in the country that adopted him, all his works where donated to France.

After the fall of communism, Romania tried to repair several faults of its past. This is also the case of Brâncuși and since the 1990's our country has constantly tried to regain and promote among its teenagers the huge personality and work of the sculptor Constantin Brâncuși. It has succeeded but it has also failed to restore or to bring back some very important parts of Brâncuși's art or heritage.

For example, the memorial house of Constantin Brâncuși - from his native village Hobița – has crashed and the authorities have not yet found a solution to restore it and to make it available to the general public. Brâncuși's house was the place from which he took most of his inspiration, it was the place that defined his childhood and shaped the future sculptor.

Another example of poor management was represented by the entire prolonged discussion over the fact that the Romanian state had to buy – to bring back home – "Wisdom of Earth" - an important sculpture of Brâncuși. The entire process involved both the Romanian state and its citizens who were asked to donate for the acquisition of the sculpture. The campaign *Brâncuși is mine* was a failure and the masterpiece – until today – although it has Romanian owners; they have not reached an agreement with the authorities in order to expose this work of art in a Romanian museum.

Despite all the controversy and difficulties, the Romanians recognize and are proud of Brâncuși's work.

The rise of one of the greatest sculptors in the world

In 1876 on 19th of February, in Hobița village – Peștișani commune from the county of Gorj, Romania, the great sculptor Constantin Brâncuși was born. His childhood house was entirely made of wood and he was the sixth child of his family. The image of his natal village marked his entire work, as he said: " I would have been nothing and I would have carved nothing without Hobița, without its gates and fountains, which meant , for me, a real Belle- Arte Academy" (Iliescu, 2019, online article: *Constantin Brâncuși: I would have been nothing without Hobița*)

In fact his entire work is a combination between the Romanian popular art and the Parisian avangarde. His genius as a sculptor resides in the mixture of simple shapes which were embellished by the refinement of the Parisian époque.

Brâncuși's spirit was that of an artist who, since early childhood was rebellious and restless. Although his mother wanted Brâncuși to become a priest, he had other plans. At 7 years old he decided to run to Târgu-Jiu and got a job as an apprentice in a local joinery. Afterwards, when he was only 13 years old he came to Craiova where he enrolled in the School of Arts and Crafts. He had a thirst in learning the secrets of carving and he practiced his talent on different materials including wood. Here, at Craiova, he created his first works and he also took part, for the first time at an exposition. Brâncuși declared that: "in Craiova I was born for the second time" (Rezeanu, 2008: 33).

In Craiova, Brancusi "spend the following ten years, initially working crushingly long hours in cafes and restaurants washing glasses and dishes or waiting on tables. For a country boy, Craiova must have appeared awesome…. It has been supposed that Brancusi's first experiences of sculpture must in fact have been the fin-de siècle traditional funerary monuments he would have encountered locally, for in Craiova in

those days, apart from the wayside crosses of the fountains situated at the outskirts of the town, not even a single public monument existed."(Miller, 2010:.21)

In 1898 he successfully finished the School from Craiova and decides to move to Bucharest as he wanted to study at the National School of Beau Arts.

Brâncuși was a hard-working, disciplined student who quickly attracted the attention of his teachers. His talent comes to light during his studies and from that period we have works like: *Vitellius* – the bust of a well-known politician from the region of Craiova – Gheorghe Chițu, the *Laacoon Head* as well as an *Ecroseu*.

At the age of 27 he receives his first order as an artist: to make the bust of the general Carol Davila. Brâncuși receives a first tranche of money at the beginning of the project and he was supposed to receive the second part after he presents his masterpiece. When the sculpture is ready, it is presented in front of a council. Unfortunately, the result is unsatisfactory because most of the members from that council disagree with the way Brâncuși reproduced the figure of Carol Davila.

Upset and disappointed by the fact that the council could not see and understand his talent, Brâncuși made a drastic decision – to go to Paris where he remained until the end of his life.

The Parisian Period

Having no money, Brâncuși set out for Paris on foot. He went through Budapest, Vienna, Zurich, and Munich, and after two years he arrived in Paris. Before arriving to Paris, Brancusi worked in Munich as a stone carver.In 1904 he settled in Paris for good. He studied at the Ecole des Beaux Arte.

Brâncuși began to exhibit his sculptures in Paris and was very successful

In 1906, at the Autumn Salon, in Paris, Brâncuși exposed *Pride* which was created in 1905 and *Boy's Head* created in 1906. During this event he met the French sculptor Auguste Rodin who asked him to came and work in his workshop. Brăncusi accepted his offer although it was not for a long period of time as he said: "in the shade of the big trees, nothing grows"(online website of the Romanian Cultural Institute, 2017: Beginnigs: Constantin Brâncuși and Auguste Rodin)

Brâncuși decided to leave Rodin's workshop in order to find himself as an artist and to be able to create independently without any type of influence that he could have had if he continued to remain in the presence of his fellow-sculptor. After refusing to work with Rodin, Brancusi decided to develop, study and recreate the Romanian peasant sculpture.

Therefore: "The great merit of the Romanian artist consists in the fact that he did not follow an already existing direction, he wanted a new one in the modern sculpture, detaching himself from the models and percepts that he had followed in the beginning of his career and, on the contrary, he made a cohort of artists worldwide follow him. And, his innovative approach is all the more relevant since he has been alienated from any nihilistic approach fact which caused a reconsideration of the essence and valuable resources of sculpture."(Turcanu, 2007: chapter IX/ 3.Sculpture)

After this important moment that marked the future of Brâncuși's art, the artist decided to rent his own workshop in Paris. This was the place in which he had created the majority of his masterpieces, but we have to take into consideration that he had kept a close relation with his native country – Romania. There were moments when the artist was asked by Romanian authorities or private personalities to create a certain piece of art. As an example we can take the great ensemble from Târgu - Jiu. It was realized

while Brâncuşi was in Paris but the works were thoroughly monitored by the artist. He created the sketches with the exact dimensions, ordering the material from which they had to be assembled. This great ensemble from Târgu-Jiu comprises three sculptures: *the Endless Column, The Gate of the Kiss* and *the Table of Silence.*

The Endless Column is one of Brâncuşi's most famous works. "Depending on how you regard it, the column either consists of stacked identical elements or of a single element with identical indentations – yet in either case it is an accumulation. With neither a below or an above, without beginning and without end, rising skyward like Jacob's ladder, it gathers together ground and sky"(Hertzberger, 2000:103)

Brâncuşi achieved through his masterpiece – *the Endless Column* "… accumulations of elements, each bearing and borne by the other, every one a plinth for the next, each a base and a sculpture for another. Unlike classical sculptures placed on a pedestal to elevate then to a higher plane, here all the elements are equals, relating to one another as dependent yet autonomous components."(Hertzberger,2000:103)

The monumental ensemble from Tărgu Jiu (the *Endless Column, The Table of Silence and The Gate of the Kiss* – this last masterpiece is also entitled *The Gate of the Heroes)* which wass finished in 1937 has dedicated to the honor of the Romanian heroes killed for the defense of the homeland in the First World War.

Brâncuşi's private life

"For much of his life Brăncuşi was in the habit of jotting down his thoughts on random pieces of paper, some of which had been published here and there, but it was not until the catalogue of the exhibition La Dation Brăncuşi 2001 (Dessins et archives) was published in 2003". (Miller,2010:1)

At his birth**,** Brâncuşi's mother dreamt that he would become a priest. Her dream did not come true as her son was going to become the *Father of Modern Sculpture.* He did not follow the common steps in life: get married and have kids. He left his native place Hobiţa since he was a young boy and followed his dreams. Paris was the place where Brâncuşi met many women who would often visit him in his workshop from Montparnasse. Women were impressed by his strong personality and it did not matter if they were female-aristocrats or princesses, writers or sculptors. Some of these women have inspired Brâncuşi in creating sculptures like *Miss Pogany* or *Princess X.* The sculptor *Miss Pogany* was named after Margit Pogany – a young Hungarian artist. *Princess X* is a sculpture that represented the princess Maria Bonaparte who had a relationship with the sculptor.

Nancy Cunnard- a British aristocrat was the muse of many personalities among which Constantin Brancusi. He created two sculptures that were dedicated to Nancy: *A sophisticated young girl* and *The Blonde* Black *Woman.*

The Irish woman *Eileen Lane* was the one who is said to have come with Brâncuşi in Romania. He took her to his native village, serving her with traditional Romanian food and showing her the places of his childhood. She was also the one who inspired him to create a sculpture named Eileen Lane. Unfortunately, there was a difference of 20 years between them so marriage was impossible.

Leonie Ricou was a rich woman who belonged to the high Parisian society. She inspired Brâncuşi for the work *Madame L.R.* The value of this sculpture was estimated to 20 million Euros

Renee Irana Frachon was The Sleeping Muse (1910) for Constantin Brâncuşi. This sculpture has several versions because the artist wanted to create the image of the

woman by using different materials like: bronze, marble or wood. We can see versions of these sculptures in museums from New York and Paris.

Agnes and Florence Meyer

Agnes Ernst Meyer was a journalist who met Brâncuși in 1910; she inspired him to create his work *La Reine Pas Dedaigneuse*. This sculpture is entirely made of black marble. Moreover the daughter of Agnes – Florence Meyer is said to be the inspiration behind Brâncuși's sculpture *Miracle.*

Vera Moore

Vera Moore – a talented pianist - was, probably, one of the most controversial women from Brâncuși's private life. She is said to have been the mother of Brâncuși's only child – a boy named John Constantin Brâncuși Moore. He was never recognized by his famous father but the story behind this mystery remains.

Therefore besides other themes, women were also an inspiration for Constantin Brâncuși.

Brâncuși's works

Brancusi's works are displayed in "the foremost museums of Europe and the USA and some of his sculptures, such as the famous Mlle Pogany, have achieved iconic status. Less well known is his reconstructed studio complex in Paris, part of the Beaubourg district's Centre Pompidou. A veritable Gesamtkunstwerk that encapsulates Brancusi's life and work, the 'Atelier Brancusi' is his most enduring legacy"(Miller, 2010: 8).

Brancusi was appreciated for his works although he had a reluctance "to allow his friends to write about him, or to furnish them with photographs of his works he himself took after being taught the rudiments of photography by Man Ray, explains why only one monograph was published on him immediately after his death in 1957, by the English architect David Lewis". (Miller, 2010:10)

Brâncuși's work reveals his passion "of rough-hewn wood, his tendency to conjoin wood with polished metal or stone, and his infusion of metaphysical significance into simple, reductive forms" (Wilmarth, 1989:10)

Brâncuși was a very creative sculptor leaving an impressive collection of sculptures. He started creating from an early age and he defined his talent by using and achieving perfection while working with different materials like: wood, marble, bronze and metal. His works represent animals, people or objects and each piece of art is remarkable when it comes to its simplicity and accuracy. Although his art can be perceived as abstract, Brancusi disagreed and " he insisted on the representational nature of his works, asserting that they disclosed a fundamental, often concealed, reality"(online presentation of Constantin Brâncuși)

"Though his sculptures do admittedly have titles, these do nothing to inhibit the observer from seeing them as something else. They can often be birds, wings and propellers but also objects conceivably from another planet or materialized from outer space: aquatic creatures, dug-up parts of some machine, perhaps agricultural implements, primitive art, objects found on the beach, lots of those. And because there is no longer a distinction between ancient and futuristic, organic, fossilized, solidified, eroded and cast, the notion of time in extinguished" " (Honour&Fleming, 2005 Chapter XX/ part 5)

Cultural History – the Life and Art of Constantin Brâncuși

Brâncuși's sculptures achieve a touch of modernism through simple forms without any type of ornaments and the sculptor himself can be compared to a "ballet dancer who controls the most prodigious tension of so many muscles and tendons, to transform it into a single elegant gesture. In the way that they still have to attain an explicit form, so to speak, his objects are in fact protoforms which become what they are through interpretation. They are concepts that are a summation of the complex ides which reside in them as layers, to be evoked by association rather than being explicit." (Honour&Fleming, 2005 Chapter XX/ part 5)

Brâncuși's works are divided in three periods that define the sculptor's life. In the first period we find the works that were created during his education – his becoming as an artist. Sculptures like: The bust of Gheorghe Chițu (1897-1898), Vitellius (1898), The Head of Laocoon (1900), Corner Chair (1900), The bust of Ion Georgescu (1902), The bust of Carol Davila (1903-1912), Pride (1905), The Child (1906) and so on.

The second period is made up of works that were created in the point when the sculptor was defining his talent. Works like: The Ordeal (1906-1907), The Sleeping Child (1906-1908), The head of a young girl (1907), Wisdom of Earth (1907), the Kiss (1907-1908), the Sleep(1908), Danaida (1908), Wisdom (1908), Maiastra I (white marble -1910), The Prayer (1910) and so on.

Maiastra is the first sculpture in which Brâncuși focuses on one of his dominant themes of his career that will reappear constantly until the end of his life. This idea is represented by birds – the messengers of freedom. Brâncuși " presents his mythical birds in highly stylized three-part division; whether seen frontally or in profile, the legs and plumage are a rigid vertical relief, the breast above them is an ovoid swell, and its upper curve bends inward to delineate the arch of the neck, which terminates in an open beak". (Lanchner, 2010:.5)

Maiastra is a masterpiece and Brancusi has made several versions of this theme: the bird. In each version he wanted to have a " unified conception of the bird form, however his realizations of it might differ in material and shape" (Lanchner, 2010:.5)

Maiastra has rendered suggestively and symbolically the search for an ideal to be achieved by the man in general and the artist in particular. In Maiastra the artist created the feeling of jerking up, of lifting and overtaking emerges (the bird does not have a beak and wings, it only has an elongated body).

The third period which is also the last one is represented by his mature works. Sculptures like: Prometeu (1911), Maiastra II (bronze) 1911), The Muse (1012), Maiastra III (1912), The Muse (1912), Miss Pogany I (1913), The Sorceress (1916), The Column of Kiss (1916), Princess X (1915-1916), Miss Pogany II (1919), Birds in the sky (1922-1923), Miss Pogany III(1933), Flying Turtle (1940-1945) and so on.

Between 1913 and 1923, Brâncuși also "carved and sculpted wooden figures that were almost ungainly, additive, bizarre and notched. They evoked a dissonant counterworld to the purity of form that predominates in his oeuvre. Such titles as Adam and Eve, The Prodigal Son, Chimera or Witch indicate that we are dealing here with an animalistic, grotesque, dark and even demonic world, from which Brancusi was to withdraw in 1922."(Ruhrberg, Schneckenburger, Fricke, Honnef. 2000: 424-425)

Miss Pogany is another important motif of the sculptor. He has several versions of this sculpture, each of them representing a young Hungarian woman by the name of Margit Pogany. She visited Brâncuși in his workshop in Paris and the sculptor took her as a muse: "Each time he began and finished a new bust (in clay). Each of these was beautiful and a beautiful likeness, and each time I begged him to keep it…. But he only

laughed and threw it back into the box full of clay that stood in the corner of his studio." (Lanchner, 2010: 9) This desire for precision shows, in fact, the greatness of Brâncuşi who was not afraid to create the same sculpture over and over again until he gained full satisfaction.

All this impressive collection of sculptures is spread around the world in several museums or private collections. Part of his works can be found in Craiova, Romania – the city in which Brancusi started to cultivate his talent. The Museum of Art from Craiova hosts Brâncuşi's sculpture. The Museum itself has a great history: it was owned by the wealthy Jean Mihail. He built the palace (1900-1907) according to the plans of the French architect Paul Gottereau. The palace was designed to be a private property. Inside, there have been used high –quality materials: chandeliers made of murano crystal, carrara marble stairs, upholstered walls with Lyon silk, paneling, style furniture; all these give the palace elegance and refined taste. Over the years, in the palace, there were hosted Carol I with his family in 1913 and 1915, King Ferdinand, personalities from the Polish, German and Russian army.

The palace was donated by his owner and in 1954 it was inaugurated as the Museum of Art from Craiova. The museum shelters numerous works of art from the Dutch, Flemish, Italian and French schools. Inside the museum, the Brâncuşi's collection covers an important surface at the ground floor and at present a special – separate construction for Brancusi's collection is under construction.

Brâncuşi's works that are exposed in the museum from Craiova belong to the first period of creation. More precisely there are six works:

1. *Vitellius* (gypsum 1898) which is the oldest sculptor from Brancusi;
2. *Pride* (1905) cast in bronze;
3. *Boy's Head*;
4. *The Kiss* (1907) made of stone.
5. *Woman's thigh or torso* (1090) made of marble. This sculpture was highly appreciated by the public each time it was exposed.
6. A version of Miss Pogany – casted in bronze.
   The Museum of Art from Craiova is only an example of public place where we can admire Brâncuşi's works. The rest of his sculptures have in exposed in museums from: Germany, Italy, Spain, France or America.

Conclusions

The Romanian Constantin Brâncuşi was one of the most important sculptors worldwide. His talent consisted in the fact that " he eliminated all decorative elements from his work and simplified forms to an extreme degree, in works which range from the bulky and powerful to the graceful and elegant, for example Fish, Maiastra, Sleeping Muse and Bird in Space. Quite apart from the works themselves, Brâncuşi's achievement was to make other sculptors once more conscious of pure form as an end in itself, and this marks him out as one of the most influential artists of the twentieth century." (Wenham, 2003:118)

Brancusi was considered an artisan who knew nothing of "pupils, assistants, stone-pointers, polishers or cutters. He does everything for himself. His materials are always true to him, always faithful. He has approached them from every angle. Brancusi, as we know, is a Romanian of the old peasant stock of that beautiful country…. He works on without masters nor disciples, without advertising, without toadying art

critics."(Miller, 2010: 16) Through his Parisian period, Brancusi was often called as the last Parisian sculptor and artist who had Romanian origins.

Therefore, starting from the Romanian folk art, using the elements that are specific to the peasant art, Brancusi's innovative art achieves its universal artistic values which are unanimously recognized worldwide.

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ORIGINAL PAPER

Emotional Intelligence as a Type of Cognitive Ability

Adrian-Florin Bușu[1]

Abstract

Defined as the capability of individuals to recognize their own emotions and those of others, Emotional Intelligence first became popular thanks to Daniel Goleman's *Emotional Intelligence* (1995). Up until then, the term "Intelligence" was equated with a high Intelligence Quotient, or IQ. Goleman's research theorized that humans are made up of different kinds of intelligences and claimed that Emotional Intelligence was just as important as Intelligence Quotient, in creating functional well-balanced people.

Students with high Emotional Intelligence abilities tend to be more agreeable, open to new ideas and conscientious. They are more likely to be mentally and physically healthier, create less interpersonal drama and function more effectively than students with low EI. Studies indicate that Emotional Intelligence can be inherited or partly learned in early life. However, students can improve their EI skills by tuning into their own feelings, learning about how they function and how to manage them.

Early education is essential, as emotions are crucial to effective thoughts, helping students to make wise decisions and allowing them to think clearly. A student with a low EI has poor impulse control and may feel agitated, troubled and anxious. This type of student is at risk for academic failure or relational problems. In order to avoid such an outcome, students should learn how to master mindfulness practices, that is moment-by-moment awareness of thoughts, feelings, bodily sensations and surrounding environment, characterized by what is called "acceptance". Cooperative learning is another way of EI development, as it offers students plenty of practice in the benefits and the challenges of working with others. Taking turns, having different opinions, different goals, different personalities, all require lots of practice in cooperation, but positively correlate with good social interactions and negatively correlate with deviance from social norms or anti-social behavior, measured both in and out of school, as reported by students, their own family members or teachers.

Keywords: *education; Emotional Intelligence; interaction; skill; practice.*

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Emotional Intelligence as a Type of Cognitive Ability

Introduction

It may come as no surprise the observation that feelings and emotions affect people's conduct and actions. The world that we are living in has the valences of an extraordinary motivator when we are at ease with ourselves, when we feel good about who we are or what we do. This is what encourages us to express our personality in a more advanced manner, to become innovative, creative and optimistic people. This result can be accomplished by personal and social awareness and proper emotional feedback in specific circumstances. As a consequence, a person that can be classified as emotionally intelligent can mould his attitude in relation with himself and others with the purpose of producing better results in inter-human relationships and at work.

Awe, gratitude, trust, pride, delight and so on are human emotions that can vary in intensity or nuances. These are positive emotions which, according to Cohn and Fredrickson (2009:64), include pleasant or desirable responses to various situations. These reactions run from enthusiasm to satisfaction and can be considered as indicators of people's level of happiness. They additionally give hints on the future development, career or achievements of a person. Emotions of this kind greatly influence people's work, relationships, mental and physical wellbeing and, ultimately, life span. Positive emotions will occur in safe environments or controllable circumstances and lead to the quest for new assets or consolidation of what has been already acquired. When these resources are found, they outlast the temporary emotional state and add to progress. Positive human emotions such those already mentioned at the beginning of this paragraph expand perception, attention, inspiration, critical thinking and social cognition and the ways in which these may be interconnected with the effects of positive emotions on significant life results.
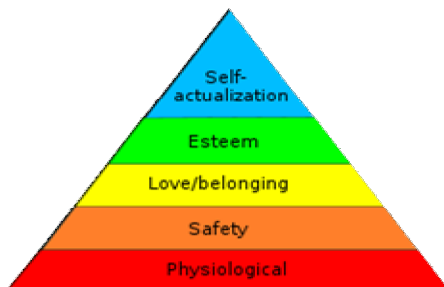
Figure 1. Maslow's Hierarchy of Needs
Source:
https://commons.wikimedia.org/wiki/File:MaslowsHierarchyOfNeeds.svg

Abraham Maslow and Carl Rogers were among the pioneers in analyzing people as having many assets for their prosperity, instead of treating them as "a bag of symptoms". Maslow's "Hierarchy of Needs" (fig. 1) still serves as a point of reference when we consider the fundamental needs of the human being. Maslow claimed that successful fulfillment of each layer of needs plays an essential role in the advancement of human personality.

The highest need presented in his hierarchy of needs, which is self-actualization, represents the accomplishment of our maximal capabilities. Those individuals who finally achieve self-actualization are believed to represent the best psychological and mental condition of health. Developing self-awareness is a process that implies spending time to reflect, to observe, to comprehend one's reactions, emotions and conduct.

The more individuals know about themselves, the more they are able to respond in a more suitable manner. It is the so-called "Emotional Intelligence". The origins of Emotional Intelligence can be encountered in Darwin's work on the importance of emotional expression for survival. As early as the beginning of the XXth century,

commonly used definitions of intelligence as human intellectual ability highlighted cognitive concepts such as memory and the ability of finding solutions to problems. However, a number of analysts in the domain of intelligence started to acknowledge the importance of the non-cognitive aspects. Thorndike (1920) coined the term of "Social Intelligence" and defined it as **"**the ability to understand and manage men and women, boys and girls, to act". When psychologists started to give importance to this new concept, they essentially centered their attention on cognitive aspects such as memory and problem-solving, although other researchers asserted that the non-cognitive aspects were likewise significant components of intelligence as human mental ability.

Emotional Intelligence was defined as the human ability to recognize one's own emotions and those of other people, discern between different feelings and label them appropriately. The concept of Emotional Intelligence implies the coexistence of two different notions: "emotion" and "intelligence", so it is essential to define these components that form Emotional Intelligence. Various definitions have been given to the concept of emotion by psychologists, but it has been commonly agreed that emotions are psycho-physiological reactions to environmental stimuli (Gerrig, & Zimbardo, 2002:4). Keltner, Oatley & Jenkins (2013: 27) defined emotions as "multifaceted responses to events that we see as challenges or opportunities in our inner or outer world, events that are important to our goals –particularly our social goals". However, intelligence implies intricate mental processes implying mental abilities such as problem-solving, reasoning, learning and comprehension, which can also be defined as "the ability to understand complex ideas, to adapt effectively to the environment, to learn from experience, to engage in various forms of reasoning, to overcome the obstacles by taking thought" (Neisser et al., 1996: 1). The research on Emotional Intelligence found out that the aspects involved in the abilities to manage one's own behavior have direct connections with the ability of understanding the behavior of other individuals. It also emphasizes the importance of non-cognitive skills in human intelligence.

A special consideration in Emotional Intelligence research should be given to the ways in which emotions influence reasoning and to whether reasoning about emotions can be considered intelligent (Salovey, Brackett, & Mayer, 2004). In light of these considerations, Mayer, Salovey and Caruso (2004: 197) revised their definition of Emotional Intelligence as "the capacity to reason about emotions, and of emotions, to enhance thinking. It includes the abilities to accurately perceive emotions, to access and generate emotions so as to assist thought, to understand emotions and emotional knowledge, and to reflectively regulate emotions so as to promote emotional and intellectual growth". As a consequence, exhibiting appropriate emotions in certain circumstances requires high intellectual skills that allow people to understand, analyze, process and evaluate situations in given conditions. It is worth mentioning that Emotional Intelligence assesses the impact of emotion and intelligence, as this evaluation helps to understand the interaction between Emotional Intelligence and the components of cognition.

Emotional Intelligence also deals with inter-human relationships and the perception and analysis of other people's reaction and emotions in certain situations, conducting to proper response in the thinking process and the human interaction. Moreover, a connection between social and emotional intelligence is set, as both constructs are somehow intertwined. Wechsler (1940:116) highlighted the intellective and non-intellective factors of intelligence as general human ability; the concept of "non-intellective" refers to personality traits that can have an impact on success to the

similar extent as the intellective constituents do. The researcher claimed that non-intellective components, which include cognitive and affective abilities, play an essential role because they can influence the way in which human beings behave. Wechsler also emphasized that affective cognitive abilities have an important role in the human intelligence, therefore Emotional Intelligence should be considered a constitutive part of general intelligence. He used the term "social intelligence" to describe non-cognitive aspects as components of intelligence, while Gardner (1983: 88) divided the concept into intrapersonal and interpersonal intelligence, which are basically two fields of intelligence dealing with communication skills and self-analysis. Gardner's concept of "intrapersonal intelligence" is quite similar to the idea of Emotional Intelligence: "the ability to use, understand and regulate one's emotions", as it explicity features the role of self-analysis on our own personal conduct and the impact that it has on emotions. Fundamentally, specialized literature on the topic of Emotional Intelligence has identified two main perspectives: researchers that are a lot more extensive in their definitions and incorporate a variety of traits; researchers that refer to it as to an ability-based model that is specific in its focus. Goleman (1995: 60) conceptualized Emotional Intelligence as a set of personal and social competencies necessary for survival and adaptation, whereas other researchers consider Emotional Intelligence to be an inferior personality trait (Petrides & Furnham, 2006: 41) or a mental ability (Mayer-Salovey 2000: 83). Due to the fact that emotional abilities are regarded as distinct from other components, any relationships identified are less likely to be connected to these other components. In light of these reasons, the Mayer-Salovey perspective has been considered to be the best model to be used in research, as it is placed at the crossroads of emotions and cognition.

Types of Classification

Emotional Intelligence first became popular thanks to psychologists John Mayer and Peter Salovey, who coined the term "Emotional Intelligence" and classified it in four branches:

- Emotional Perception, which is the ability to be self-aware of emotions and to communicate emotions and emotional needs in an accurate manner. Emotional Perception also incorporates the capacity to distinguish between honest and dishonest expressions of emotion;
- Emotional Assimilation, which is the ability to distinguish among the various emotions, such as feelings which identify those that have a representative impact on their cognitive processes;
- Emotional Understanding, which is the ability to comprehend complex emotions and the ability to perceive changes in specific circumstances;
- Emotional Management, which is the ability to engage or disengage from an emotion, depending on its usefulness in a given situation.

Daniel Goleman's *Emotional Intelligence* (1995) broadened Mayer's and Salovey's four-branch system to a five-level domain of Emotional Intelligence. The first three dimensions (self-awareness, self-regulation and motivation) described personal competencies related to acknowledging and managing emotions in oneself. The remaining two dimensions (empathy and social skills) described social competencies related to knowing and managing the emotions of other people:

- emotional self-awareness - knowing what one is feeling at any given time and understanding the impact those moods, emotions and feelings have on other individuals;
- self-regulation - controlling or redirecting one's emotions; anticipating consequences before acting on impulse;
- motivation - making use of emotional factors to the purpose of achieving goals, enjoying the learning process and driving forward notwithstanding obstacles;
- empathy - sensing the emotions of others;
- social skills - managing relationships, inspiring others and inducing desired responses from them.

Up until these classifications, the term "intelligence" was equated with a high Intelligence Quotient, or IQ. Goleman's research theorized that humans are made up of different kinds of intelligences and claimed that Emotional Intelligence was similarly as significant as Intelligence Quotient, in creating fully functional, well-balanced people. The key to such an outcome is the focus on Emotional Intelligence, more exactly on what is right to do. Martin Seligman (1990:292) stated: "What we want is not blind optimism – optimism with its eyes open. We must be able to use pessimism's keen sense of reality when we need it, but without having to dwell in its dark shadows". As the founder of Positive Psychology, Seligman theorized that people get more motivation, feel better with their lives and have more succes simply by concentrating on what is working and what is right, as opposed to fixing what is wrong. However, Seligman is rather cautious praising optimism, as he reckons that optimism has its limits, referring to its selective application to culture, potential to function as a mask and as a possibility to encourage responsibility bypassing. For Seligman (1990:291), limitations of this kind "don't nullify the benefits of optimism; rather they put it in perspective". Seligman draws attention that there is a difference between the so-called "learned optimism", acquired during one's lifetime, and the power of positive thinking. He claimed that the power of positive thinking involves a prone-to-error way of thinking, whereas learned optimism involves realistic consideration of all situations encountered. This is supported by research, which has showed that perseverent rehearsal of positive statements has no bearing on long-term positive outcomes.

Optimism and Emotional Intelligence are intertwined. Perceiving, understanding, managing and using emotions are the four key components of Emotional Intelligence (fig. 2), which basically deals with the ability to identify your own and others' feelings so that one can interpret and manage them effectively. People with high levels of Emotional Intelligence tend to be more agreeable, open to new ideas and conscientious. These types of people are generally mentally and physically healthier and function more efficiently in their careers and even personal lives than people with lower Emotional Intelligence levels. Emotions are present in every

Figure 2. Emotional Intelligence
Source:
https://medium.com/@anubhalifecoach/emotional-intelligence-is-the-skill-of-perceiving-understanding-and-managing-ones-own-emotions-16126c936c8b

aspect of what people generally do, following the acquiring information - analysis - decision making pattern. Emotionally intelligent people identify and recognize this pattern and use their intellect and cognitive processes to manage their feelings and emotions, as opposed to granting them control over the human conduct. The concept of Emotional Intelligence has become a very important indicator of a person's knowledge, skills and abilities in workplace, school and personal life. The results of the studies conducted in this field suggest that Emotional Intelligence plays a significant role in job performance, motivation, decision making, successful management and leadership. As a consequence, applying Emotional Intelligence methodology in education can have lots of benefits for students. It does not only accomplish their desire, but also increases their efficiency in their field. Everyone experiences and relates their feelings and emotions in their lives. Emotions contain valuable information about interhuman connections, behavior and every aspect of the human life around us. The latest researches show that emotions are constructive and have an essential contribution to enhance performance and better decision making both at job and in private life. There are several important advantages of Emotional Intelligence: it improves interpersonal relationships, it enhances communication with people, it creates better empathy skills, it helps acting with integrity, it helps you to get respect from others, it helps improve career prospects, it helps one feel confident and positive in attitude, it helps reduce stress levels, it helps increase creativity and it helps individuals learn from mistakes.

Emotional intelligence joins in itself two separate terms: "emotion" and "intelligence", so it is very important to begin by defining these components of Emotional Intelligence. Psychologists describe the term of "emotion" in various manners, yet commonly conclude that emotions are psycho-physiological reactions to environmental boosts (Lazarus, 1991), thus the following definition can be proposed: "emotions are multifaceted responses to events that we see as challenges or opportunities in our inner or outer world, events that are important to our goals – particularly our social goals" (Keltner, Oatley, & Jenkins, 2013:27). However, intelligence is a intricate phenomenon including numerous abilities such as critical thinking, problem-solving and learning (Lynn & Vanhanen, 2002:74) which can likewise be characterized as "the ability to understand complex ideas, to adapt effectively to the environment, to learn from experience, to engage in various forms of reasoning, to overcome the obstacles by taking thought" (Neisser et al., 1996:1).

The connection between emotion and intelligence has been an interesting topic for researchers, as emotion is a psychological phenomenon being solidly linked to thinking process because of its capacity to have impact on cognition (Mohanty & Suar, 2014:99). However, it is critical to take note that Emotional Intelligence is not about the impact that emotion has on cognition, but rather about increased mental and emotional capacities that people possess (Salovey, Brackett, & Mayer, 2004).

Emotional Intelligence and the Cognitive Processes

Emotional Intelligence has a great contribution to cognitive processes. Cognition is commonly defined as the mental action or process of acquiring knowledge and understanding through, experience and senses. It refers to a series of particularities of intellectual functions and processes such as attention, forming of knowledge, memory, judgment, evaluation, reasoning, problem solving, decision making, comprehension and production of language. Cognitive processes use information already acquired and creating new knowledge. They consist of a series of mental capabilities or

procedures that are part of almost all human actions. Cognitive abilities are brain-based aptitudes we need in order to perform task from the easiest to the most intricate. Cognition deals more with the mechanisms of how we learn, find solutions or focus on specific issues, rather than with any actual knowledge. For example, picking up the phone implies perception (hearing the ring tone), making choice (whether to answer or not), motor skill (the physical action of lifting the phone receiver), language aptitudes (using language as a communicative channel) and social skills (deciphering manner of speaking and interacting with another individual).

To the moment of this present study, research exploring the association of Emotional Intelligence as a mental ability with other elements, such as cognition, has been quite inconsistent. Higher Emotional Intelligence has been linked to improved interpersonal relationships (Lopes et al., 2004) ot to a higher degree of self-sufficiency and ability to select partners with more positive attributes (Amitay & Mongrain, 2007). Dunn, Brackett, Ashton-James, Schneiderman and Salovey (2007) identified aspects of Emotional Intelligence to be a critical indicator of determining accuracy in various emotional circumstances, leading to a superior decision-making ability.

As a sort of cognitive ability, Emotional Intelligence represents a larger structure than any particular model currently described and hence can be analyzed from a multitude of perspectives (Austin & Saklofske, 2005). In any case, the broader utilization of the concept "intelligence" assumes that Emotional Intelligence as a cognitive structure should match the nomological network that most scientists would recognize and comprehend. In order to be considered as intelligence, there must be a general agreement that minimum three criteria must be met (Mayer, Salovey & Caruso, 2000). Firstly, intelligence must show mental capacity instead of non-intellectual feature or character descriptors. This implies the ability to take part in abstract thinking, to learn and to find solutions to problems so as to adjust to the environment (Sternberg, Lautrey & Lubart, 2003). Secondly, intelligence must have the option to be psychometrically connected to a comparable set of capabilities. Features of intelligence such as verbal understanding or perceptual association, for instance, can be recognized by measures that seem to indicate the processing of knowledge of a particular type (Carroll, 1993:107). The ability to take part in this sort of critical thinking can be evaluated and analyzed from a psychometrical perspective. In the same time, a dimension of Emotional Intelligence must be recognizable by the ability to perform emotionally related to critical thinking. Thirdly, there ought to be a formative direction for intelligence; more exactly, it should span from early childhood to adulthood as the consequence of experience.

Despite the fact that there is solid proof that Emotional Intelligence can have the valences of a cognitive ability, perspective that was proposed by Goleman (1990:51), he was criticized by Eysenck (2000), who argued that Goleman's description of Emotional Intelligence contains unverified suppositions about intelligence in general and that it even demonstrates the opposite of what researchers have come to expect when analyzing types of intelligence. Similarly, Locke (2005) claimed that the concept of Emotional Intelligence is in itself a distorted interpretation of the intelligence construct, and he gives an alternative interpretation: it is not another form or sort of intelligence, but pure intelligence, that is the ability to interpret and comprehend abstract notions, applied to a particular life domain - emotions. He proposes that the concept should be renamed and referred to as a capability. The core of this criticism is that scientific research relies on the use of valid and steady constructs and that before the coining of the term Emotional Intelligence, psychologists had established theoretical qualifications between elements

such as skills and accomplishments, attitudes and values, personality traits and emotional states. In addition, Locke (2005:52) views the concept of Emotional Intelligence created by Goleman as misconception of general intelligence and suggests that Emotional Intelligence is basically the same type of general intelligence defined as mental ability to think abstractly.

The link between cognitive ability and general intelligence is consistent, and evidence also suggests that Emotional Intelligence and Cognitive Intelligence are related, but they can also influence each other. It is therefore important to develop both types of intelligence, allowing emotions and cognitive abilities like attention, memory, reasoning abilities and planning to co-exist. Both aspects are essential to give the most appropriate response in specific situations. Emotional education is the key for the development of Emotional Intelligence but, at the same time, it is essential to develop cognitive abilities. There are various types of possibilities to improve abilities such as cognitive stimulation, a strategy that is being used more and more and allows the cognitive abilities and skills of different profiles of the population to work in different contexts. Cognitive stimulation refers to the preparation of cognitive abilities or skills. These are defined as a group of mental activities that have as purpose the processing of the information our brains acquires. By using specific methods, cognitive processes tend to enhance the performance of mental capabilities such as memory, attention, perception, or logical reasoning. The cognitive ability has been depicted as a psychological component spanning to various degrees that can be found in individuals. This ability deals with learning, acquiring information, gaining knowledge and making logical decisions based on the information previously acquired. Moreover, it deals with the capacity of problem-solving in situations where previously acquired knowledge is not available. The cognitive ability also can be viewed as one's capacity to adjust to the environment. Adaptability includes a series of subcomponents such as learning from experience, problem-solving when faced with unexpected situations and controlling one's internal and external environments by shaping them whenever necessary. (Sternberg, 2003:90). Apart from dealing with the challenges of newly-encountered situations, adaptability should also incorporate goal-directed coordinated conduct (Newman & Just, 2004:34).

The main focus of Emotional Intelligence research is how emotions make critical thinking more efficient and whether reasoning about emotions can be considered intelligent (Salovey, Brackett, & Mayer, 2004). Mayer, Salovey and Caruso (2004) revised the definition of Emotional Intelligence as "the capacity to reason about emotions, and of emotions, to enhance thinking. It includes the abilities to accurately perceive emotions, to access and generate emotions so as to assist thought, to understand emotions and emotional knowledge, and to reflectively regulate emotions so as to promote emotional and intellectual growth" (2004: 197).

Starting from this definition, creating emotions to match a specific framework is not the only objective of Emotional Intelligence; it requires high intellectual abilities that would permit people to decipher, comprehend, analyze, process and assess emotions in different circumstances. It is important to specify that Emotional Intelligence evaluates the contribution of emotion and intelligence components, the role of each are similarly significant, while in the field of emotional impact on cognition, emotions have a prevailing role.

Models of Emotional Intelligence

Ability model, mixed model and trait model have been identified as the three main constituents of Emotional Intelligence. The ability model was identified by Salovey and Mayer (1997) and defines Emotional Intelligence as a set of various capacities that can make people react in different ways in their emotional understanding and critical thinking. The ability model is similar to the mixed model, as these two models have in common the same idea by stressing the management of one's own emotions and understanding the emotions of other people. The trait model can be defined as "a constellation of emotional self-perception located at the lower levels of personality hierarchies" (Petrides, Pita, & Kokkinaki, 2007:79). Emotional Intelligence is dictated by individual comprehension of self-abilities, subsequently turning Emotional Intelligence into a matter of subjective experience.

Studies indicate that Emotional Intelligence can be inherited or partly learned in early life. However, students can improve their Emotional Intelligence skills by tuning into their own feelings, learning about how they function and how to manage them. Early education is essential, as emotions are crucial to effective thoughts, helping students to make wise decisions and allowing them to think clearly. A student with a low EI has poor impulse control and may feel agitated, troubled and anxious. This type of students is at risk for academic failure, relational problems, even future alcohol and drug abuse because they have an inconsistent emotional control.

Improving students' Emotional Intelligence can lead to improvement in their academic performance. Teaching emotional skills at school can trigger an upgrade in students' relations other individuals at work and in career, compared to those who have a lower level of Emotional Intelligence. This will result in the progress and the improvement of job related decision making process, as Emotional Intelligence has direct effect on the rate of efficiency and the success of individuals. Vernon et al. (2008) concluded after extensive research that Emotional Intelligence has a significant effect on the students' academic progress as well as on the individuals' conduct. Salovay et al. (2002) studied the relation between Emotional Intelligence and dealing with stress among the students and concluded that there is a significant positive relation between understanding the Emotional Intelligence and psychological performance.

The level of Emotional Intelligence from the legacy perspective is not changeable and varies throughout life, being learned and moulded by learning experiences. Studies that analyze the degree of Emotional Intelligence during one's lifetime show that people gain more abilities and skills by efficient management of their emotions. Adults become better than others in Emotional Intelligence skills as Emotional Intelligence is doubled by the increase in age and experience from childhood to adulthood. (Goleman, 2000: 16). All types of emotional experiences from fundamental feelings to emotions are the result of intellectual meanings. In addition to Emotional Intelligence as cognitive ability, social tolerance is also important in career and academic progress, as social tolerance is intertwined with academic progress. Educational systems all over the world have to deal with teaching challenges and creation of emotional skills in children. Only by adding supplementary information to the standards of educational programs will the development of emotional skills be encouraged.

Methods of Teaching Emotional Intelligence to Students

Teaching Emotional Intelligence to students can be done by performig a set of activities as follows:

- Active listening

The skill of active listening is an essential method of helping students to create a two-way oriented communication flux. It involves following dialogue and giving answers to other pople and demonstrate the comprehension of the notional content by oral summarising of the messages that have been received.

- A vocabulary oriented towards feelings and emotions

Interhuman relationships can be improved by aiding students develop and enhance their emotion vocabulary. Encouraging students to understand the difference among words denoting emotions and feelings represents a new tool for developing future Emotional Intelligence abilities.

- Developing self-awareness

If students display low levels of self-awareness, they can be considered at risk of dealing with interpersonal relationship in an inappropriate manner, so developing this type of ability is an important factor in order to overcome such an inconvenience. Probably one of the most appropriate method of helping students develop self-awareness include teaching metacognitive strategies by requesting to ask self-reflective questions or even by using communication self-evaluation questionnaires, which may prove useful in helping students understand their interpersonal skills.

- Teaching empathy

Empathy is the ability to take the perspective of another person while being non-judgemental, acknowledging the emotions other people might be experiencing. It can be defined as a mental ability to perceive the thoughts and feelings of others and the ability to feel or understand the context of a person's situation. Evidence suggests that reading is a great way to develop this skill, as it helps developing critical thinking as well as reflecting on other people's perspective. Empathy is developed mainly throught observating how other people show empathy.

- Managing emotions and self-regulation

Helping students improve their self-regulation represents one of the most efficient ways to support students, as it deals with impulse control and emotions management. Elements such as compromise, dealing with anxiety and public attitude are Emotional Intelligence components that can be improved as a result of self-regulation.

Benefits of Emotional Intelligence for Students

Developing Emotional Intelligence can have a lot of benefits for students:

- Managing emotions

When students have good Emotional Intelligence skills, they can deal with this competitive world in a far better way. Students can face the toughest circumstances and they can adjust to people with different nature and temperament. Most importantly, they can control their emotions and take practical decisions anytime.

- Better communication

People experience all kinds of emotions and feelings: anger, anxiety, fear, jealousy, happiness, sadness and the list may continue. An Emotional Intelligence test will help students communicate better in this world by controlling their emotions in specific situations. Emotional Intelligence will help them improve their linguistic skills and will also help students express their views and ideas without hesitation.

- Build new relations

A good management of emotions leads to a better way of building new relationships. Students can exchange their opinions and get or offer help in the academic field.

- Reduction in stress

Not only adults are victims of stress, but students also have to cope up with the same situations in school and colleges. Stress can have a negative impact on people and it is the biggest problem to overcome when students want to do something new. Emotional Intelligence will help students to manage stress and to perform well even in stressful conditions.

- Sympathy towards others

Emotional Intelligence will help students to sympathize with other students. They can understand others and help them solve their problems. Emotional Intelligence can help students set a perfect example for other students in the school, college and universities.

Conclusion

All things considered, Emotional Intelligence plays an essential role in the improvement of academic progress, in interhuman relationships and in professional careers. Students should learn how to master mindfulness practices, that is moment-by-moment awareness of thoughts, feelings, bodily sensations and surrounding environment, characterized by what is called "acceptance". Cooperative learning is another type of Emotional Intelligence development, as it offers students plenty of practice in the benefits and the challenges of working with others. Taking turns, having different opinions, different goals, different personalities, all these aspects require a lot of practice in cooperation, but positively correlate with good social interactions and negatively correlate with deviance from social norms.

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Major aspects encountered in the RPA projects implemented within Romanian companies with management based on ERP solutions

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Abstract:
One of the fiercest disputes encountered in Romania after 1990 was to adapt the business environment in our country to the changes that took place worldwide, and not only. The business environment has undergone major changes, from privatizations to the sale or acquisition of important assets, from an economic point of view, regarding the future design of the activity that will be carried out in the respective company. One situation that many companies faced was the acquisition of an ERP (Enterprise Resource Planning) integrated system - like SAP, Oracle Application, EMSYS, etc. More and more companies in our country have been acquired by large concerns from abroad, from Europe and beyond. Thus, the adaptation of the legislation in our country to ERP type information systems, with the minuses and pluses that came with them, was a very difficult one. Many projects have failed precisely because of the ignorance of such integrated ERP systems. This article aims to provide some results collected by the author, from the implementation projects in which he was part of the implementation teams, more how the new RPA (Robotic Process Automation) technologies were received in the Romanian business environment.

Keywords: *RPA; ERP; SAP; implementation; project; business environment.*

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Introduction

The majority of the companies which activate in nowadays digital world are dependent of ERP IT intelligent systems which will provide to the customers fast and efficient services, at a competitive value and with guarantee products and quality, this is done in order to have a good visibility on the market and to have good results (Lin, C.C. & Shih, D.H., 2009). Everything related to competitiveness can be improved with state-of-the-art IT systems, the entry of ERP systems leading to a much more intelligent and efficient business management. The results are seen from the first month of go-live, and its long-term profitability is one of the advantages of such an implementation / system.

After 1990, a lot of integrated systems (SAP, Oracle Applications, SCALA, etc.) entered in Romania, those who created them coming with all kinds of abortions regarding how these can add to business processes, in the knowledge that modeling these processes, can bring a major benefit to the environment. business. The business environment has always wanted an application that would help from the point of view of data collection (a single entry point), of applying algorithms (Adams, D.J., 2016-2) that would satisfy the wishes of business administration (in accordance with the laws of our country, with the accounting methodologies applied, etc.), as well as the interpretation of the data existing in the computer system existing at the enterprise level.

What we saw during the implementations made in Romania after 1990, many companies changed their ways of working, new technologies, little by little they were adopted. Without adapting to new trends in IT and ERP, their struggle in this global market would have been lost from the beginning (Antolovic, M., 2015). In this article, the author summarized, it is true that for a large company, everything that meant risks, problems, discussions, solutions, initiatives (RPA part), developments, modifications and adaptations of SAP objects that did not fold on the business in our country. Moreover, what can be seen from here is the fact that the business environment in our country did not know from the very beginning what to expect from the point of view of new technologies, we are talking here about prices, process modeling , adapting people to new trends, learning how to work with such ERP - integrated systems.

In this case study the authors want to analyze a series of problems that have appeared throughout the project, the countless difficulties resulting in a difficult way of implementing a computer system in Romania. The author also wants to consider the fact that a high risk constituted, from the beginning, the appointment as PM project manager of a person who did not know SAP. The implementation of such a project, brings with it a series of problems and risks to which those who do such things are exposed (Banta, V.C. & Cojocaru, D., 2013), so that, with the help of this article, the authors wish to answer the following types of questions:

R1. defining the type of risk, its membership (team, SAP module, Project itself), priority of this, degree of difficulty

R2. defining the possibility of solving, escalating and redefining the solution plan within the project during the implementation and after that

R3. defining the closest way and mitigation strategy using the entire management teams

R4. defining ways to combat risks and problems using the possibility to manage them with team leaders, project manager and management of both teams: client and the team from the implementation company

The authors have used it as a methodology a qualitative data collection by conducting some interviews with key end-users, key-users, service managers, head of

departments, heads of divisions, at the level of the production, sales and distributions company (located in Romania) reading the risks, issues, difficulties of the ERP rollout installation/adaptation (Banta, V.C. & Cojocaru, D., 2014), likewise a small questioner concerning the level of risk for implementing a new technology, like SAP system. In the following section we review the relevant literature on global ERP systems' implementation in context with the Romanian market and, also, on rollout implementation process. Next, we present the case study and analyze data extracted from the results of the ERP implementation process, discussions with parties involved in the process and respondents to the questionnaire and present results (Banta, V.C., Cojocaru, D., Moisescu, M.A. & Sacala, I.S., 2014). The author ends this paper with conclusions, limitations and future perspectives about ERP implementations.

Literature review
Romania - ERP implementation – rollout vs green field implementation - RPA introduction
Many companies in Romania are implementing these days an ERP system. A lot of companies are expanding to another country, for example in our country - Romania, acquiring organizations from different fields of activity (Banta, V.C., 2019). Therefore, if these companies have subsidiaries in several countries, so they run globally, are already familiar with the issues that can arise from running a separate ERP system and they need to implement a strategy in this regard (Davenport, T.H., & Lawrence Prusak., 1998). As stated by Oracle, such a global ERP system provides a single transparent view into operations across multiple locations, meaning fewer teams are required to manage information and information flows more swiftly through the business. In this way, the decision-making process is going smoothly (Albu, C.N., Albu, N., Dumitru, M. & Dumitru, V.F., 2015).

Several articles refer to all kinds of cases studied over the years regarding the implementations and the multitude of cases and problems that have arisen in this field of ERPs (Chen, S.G.G., & Lin, Y.K/K., 2008). What the authors want to bring new to this article is that the initial discussions regarding the implementation in Romania were conducted in the direction of a rollout, but in the end, it turned out to be a green field implementation (Banta, V.C., 2019). The implementation of integrated ERP systems in Romania, after 1990, meant an enormous financial effort, the infrastructure here, not coping with the new technologies (Brandall, B., 2018). But one thing was certain, during this period, the addition of RPA solutions together with ERP systems. The robots created are meant to help humans replace repetitive things. From a social point of view, this was not necessarily a beneficial one, but people quickly reoriented themselves towards parts of the system that accepted them (Gesteland, G., & Richard R., 1996).

Project SAP implementation: rollout vs green field / RPA
The notions that came with the implementation of complex computer systems, rollout, for example, were often misunderstood. So, this would lead to the fact that a business is expanding in another geographic area, and the necessity of adopting an IT solution (to manage the business) is proving to be very severe (Banta V.C., & all., 2014). As we discussed, a company, especially a big one, global one, which is expanding their activities to other countries, follows a rollout (this may be a solution, but if it is not accepted, it goes from implementation from scratch - here the costs are much higher).

Right selection of rollout model is very important for a successful deployment of the solution (Albu, C.N. & all, 2015).

Very important thing in today's economy is the transformation of ERP-type IT solutions to the growing needs of the business environment in the country where this IT system is chosen to be implemented. It is very important that the employees of the company are comfortable with the new solution (new ERP system), so that the employees will see, in the new solution implemented, a series of advantages and benefits, so that it is good to have a very well developed strategy regarding the implementation mode: rollout vs green field (Brandall, 2018).

As we explain, the authors of this article, were part of many implementation projects, reading also in the specialized literature, they found to be viable three major axes, in terms of such international implementation: rollout vs green field (Delaney D.W, & Fahey L., 2000):

- *parallelization*: the necessity to rollout in more than one country at once rather than sequentially. This requirement is due to time restraints, similarities between countries or other specific needs.
- *localization*: the necessity to adapt a product for specific countries, which involves additional development work, resource allocation and expenditure.
- *adaptation*: the possibility of adapting the existing business model in the parent company, but also the relationship with the business environment in the respective country (the country where this rollout vs green field implementation takes place).

Thus, in order to draw any relevant conclusions, the analysis made refers to projects carried out in several countries, the similarities between them, as well as how the implementation in Romania faced such a challenge. It will be seen throughout the article that, here in Romania, implementation proved to be extremely difficult, all the factors mentioned by the authors, having a contribution to this analysis. The implementation in our country had a series of impediments, exposed from the beginning to those who decided to carry out such a project, but these were mitigated, step by step, however, they created a series of frustrations within international teams.

ERP Implementation - the case study.
Implementation of the integrated system of type ERP - SAP: the purpose, motivation, working environment, adoption RPA solution

The present case study was conducted in a company located in Bucharest, having as object of activity the production and sale of proud paints type, this being the market leader in this sector of activity. After the success registered and after being in the attention of the press a lot of imp, due to the exceptional results, it was purchased (80% of the shares) by a large company, worldwide, located in the USA. This happened in 2019, of course, the strategy of the new owners of the company, being to adapt the existing ERP type solution, to the specific required by the mother company. It could not do so, so it was decided to roll out an existing SAP solution at the mother group level (Leu, J.D., & Huang, L.T., 2009).

At the acquisition moment, in the company located in Bucharest, there were two systems are active in area of sales and distribution and accounting area as well, with several areas of customers, with whom this company has business. At the time of creating the company code, for the location in Romania, version ECC 6.0 Ehp7 package was used, using the HDB database (HANA database), adding the entire area of sales and distribution module, material management, warehouse management and production

planning module, part of the business environment existing in this type of company. The decision to bring the business environment, its activities, in SAP, was taken in 2019, using core SAP system from the company "mother". The decision generated a series of sessions to understand the SAP system, how to work with it, whether an installation in Romania should have been done or if the business environment in our country can be activated in the system installed at the mother company level.

Finally, after countless calculations of studies performed it was decided to be a company code inside SAP of the company "mother". Within this huge SAP system there were others company codes (location from other countries – branches), from Spain, Bulgaria to Poland and Slovakia and others. Another decision that had to be made was how the new company code in Romania will look and what model will be implemented, knowing it that will be an SAP roll-out and they will need a template. After a research work regarding the legislation, the way of working, the specificities in Romania, and the way of adapting the software solutions found here, it was decided to use the template found in Poland (with a customization part in Slovakia).

The Romanian company, located in Bucharest, has a series of activities that are in its portfolio, from production of paints products (interior, exterior paints, adhesives & sealants), to packaging and distribution of these products throughout the country. Throughout our country, and beyond, there are a lot of collaborations with smaller distributors and large chain stores, even with warehouses. First problem that was solved with the implementation of SAP was that of establishing the connection with most clients and suppliers in the country and abroad in terms of paints products, links that are outside the system work area.

Most of the requirements coming from the business environment had to be handled by the SAP system, one of the big demands of the management in our country, being to have in one database (a single data entry point) all the information that helps the business environment, for a harmonious development (Gahm, H., Schneider, Th., Swanepoel, C. & Westenberger, E., 2016). The requirements from the SAP system were to have reports on-line, to connect all branch customers, clients, vendors and service providers to be made in the best possible time so that their activity is not disturbed.

ERP enterprise system SAP is used at maximum capabilities, from the accounting area (the one that solves all reports to the Romanian state - preparation of statements required by the state - here is also the export of data to the state institutions) to the production area and then sales and distribution of paints products. All economic departments have accountants; they work in a lot of teams with different roles well defined in the organization chart of the company (Goebels, C., Nepraunig, D., & Seidel, T., 2016). The IT department is also part of the company, with four IT consultants working here (one SAP specialist), some foreign-language speakers, others not.

The implementation of the ERP - SAP type system had a number of difficulties (Keller, E.L., 1999), among them being listed the difficulty of collaboration with the SAP provider in Romania (the headquarter of SAP is in Germany), this leading to the conclusion of the implementation contract with a company located in The Netherlands, in turn subcontracting its subsidiary in Romania. The main requirement of the Romanian client was that those who came to the project (70%) should be Romanian speakers. This was initially an impediment, the times in which they had to be provided being only one month from the conclusion of the implementation contract. Another impediment that is worth discussing was the organizational culture and the way of perceiving something new in the Bucharest branch, which is at an average level of understanding. SAP comes,

as each time, with its own methodology, which if respected, the system implementation success being maximum.

ERP SAP Rollout vs green field implementation: risks, issues, difficulties encountered during the project phases

The discussions with the Romanian company regarding the change of the IT solution - in accordance with what the company that had purchased it wanted - proved to be very difficult. It has been presented at the beginning of the discussion that this change of IT solution activity will not be easy (Jardim-Goncalves, R., Grilo, A., Agostinho, C., Lampathaki, F. & Charalabidis, Y., 2012), it will be long, the preparation of such a process of change, with different scenarios to follow, the choice of one solution being difficult to reach that date. In the process of changing the IT solution, even if it is scheduled to be achieved by 2025, the difficulties that have arisen have kept the price demanded by the implementing company as well as the number of days allocated to this change (adoption period). So, at the end, they chose to make a rollout in existing SAP system. This means that the acquired Romanian company will be a company code in the existing SAP system located in Netherland.

The big problem for the Romanian company regarding the change of the IT solution was the budget allocated for this activity, it had to be reduced (the initial requirement being to work with external consultants), the way this was accomplished by allocating internal resources within the SAP Competence Center from Netherlands, France, Poland, Hungary and Poland. In the contract that was signed between the parties it was mentioned that the ECC Ehp7 SAP solution needs a powerful IT Infrastructure, the servers to be the powerful ones. There have been mentioned a series of actions that the Adopter (RO company) must solve in a very short time. The existing infrastructure does not meet the new challenges of the software solution provider. Another issue was the ability of employees to use new technologies and their ability to adapt to new requirements as quickly as possible - knowing that SAP is not a lightweight software solution (Peter, M., & Pohl, T., 2009).

In addition to the above details, an employee who knows the company's processes well will help the provider in the customization and testing of new solutions that come with the change from SCALA to SAP. Another point (issues) to be considered is setting targets for implementing new solutions, so if the adopter does not know exactly what to ask from the vendor, he cannot help in such a change. Another issue was the solution offered by SAP, this is totally different from the previous solution - SCALA, so adapting the employees to this one was very difficult for the consultants which were on the rollout project (Weidmann, C. & Teuber, L., 2009). Employees had to learn the new system, besides the fact that they had to do their daily tasks as well. The author wants to mention some other difficulties / risks / issues encountered throughout the project (there are a lot of information collected 197 positions (Table 2 / Figure 1), in this article, we will show only 12 - we will try to highlight the impact that such an implementation had on the team in the company where the case study was done – as is described in the Table 1):

Table 1. The results of risks, issues collected (December 2019)

Id	Stream raising the concern	SAP team	Issue / Risk / concern description	Issue / Risk	Priority	RPA impact (1 -YES, 0 -NO)	Mitigation strategy
1	IT	FI	Coaching session to be planned for new IT system based on modules and procedures	A	2	0	Identify and have a local SAP FI/CO consultant and replace the French consultant
2	IT	MM	Different version of environment in RO locations (it's about MM module, materials settings)	A	2	1	Find a proper time to add these missing configurations in the systems (DEV, QAS, PRD)
3	IT	FI	Adapting settings for FI module, accounts, groups for them – according with Romanian low)	A	3	1	Improve the collaboration with SAP FI consultant in order to have these setting quickly in the system
4	IT	MM	SAP objects (reports) belonging to MM modules, must be verified - do not correspond to the business in RO	A	3	1	Discussions with the developer in order to check / modify the correct layout for Romania
5	IT	MM	Being a rollout, untranslated SAP objects were copied, they must be adapted to RO	B	3	0	Small correction to be done by SAP MM consultant of these objects
6	HR	HR	Finding a strategy to keep people in the company after the SAP IT solution is implemented - knowing that if people know SAP, they can easily find another job	C	2	1	Discussions with the company's management (PM will be involved here) to find ways to keep very good employees: bonuses, salary increases, job promotions.
7	Procurement	MM	The implementation of an ERP system will bring the part of limited responsibility: segregation of duties	A	1	1	Highlighting in a matrix, clearly, the responsibilities, the RACI matrix

8	Procurem ent	MM	IT + Business Processes redone, adapted to the responsibilities, come with the integrated SAP system	C	1	1	Teams of people will be formed, who will do intensive training + training plan
9	HR	HR	New processes, new IT SAP system, what resources will be reallocated and what resources will be engaged from outside	C	1	0	A proposal on streams and teams + employment plan will be presented to the management
10	Finance	HR	Certain costs were not included in the proposed budget (certain activities were underestimated), the allocated budget will be exceeded	A	1	1	Information will be provided to the Steering Committee, on processes, activities (+/-), concrete plan to cover the activities that do not exist in the initial project plan
11	IT	MM	From a legal point of view, an extremely necessary report must be developed:" *White spirit report* – Z report (RO+India)	D	1	1	Extremely specific report, FC (MM / WMS /SD /PP SAP consultants involved + developers from India
12	IT	MM	Custom: "*Packaging report*" – legal report must be developed	D	1	0	Functional Specification done in – Romania + India developers

Notes: A - *Operational*; B - *X / functions*; C- *People/HR X-functions*; D-*Strategic*

Table 2. The results of risks, issues collected (December 2019 – total 197)

ID	STREAM	NO. OF RISKS/ISSUES COLLECTED	RPA IMPACT (TOTAL)
1	Operational	59	13
2	X / functions	38	14
3	People/HR X-functions	58	21
4	Strategic	42	2
	Total	197	50

Figure 1. The results of risks, issues collected (December 2019 – total 197)
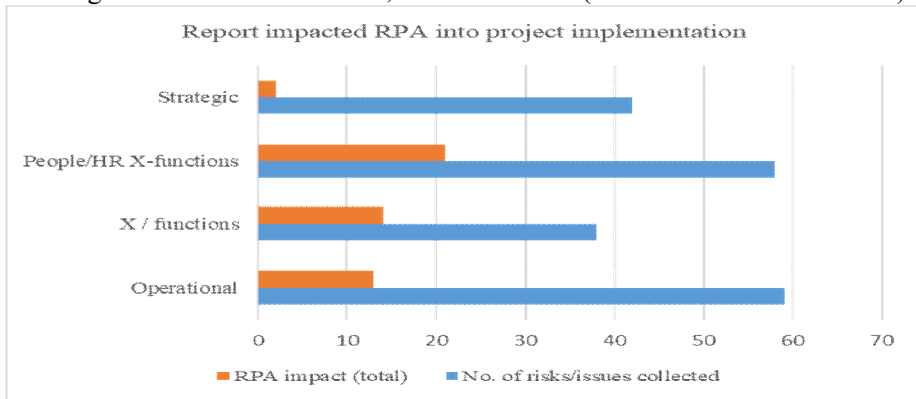
Bringing an information system of ERP - SAP type, involved a series of measures that companies had to take, we mention here some of the things that happened during and after the implementation of the project: retention measures for the key people and talents; hand-over and takeover measures; involvement of these employees in championing activities for the company, giving them responsibility to promote, explain and take leadership of the acquisition transition; assessment of real engagement levels and intention to stay with the organization of the talented people (to avoid apparent commitment to the organization, followed by resignation once a better offer appears, with major implications for key role coverage). Another social problem encountered by those who led the implementation project, together with the existing management in the company, was that of bringing and promoting people in the new structure offered by these ERP system, so that : they had to choose, with the guidance of the top management, on the philosophy of the human resources transition: are we offering the first chance to the internal candidates (positive discrimination in favor of the current employees) or we would rather get the best person for the job (and what is the impact for the staffing team workload – or would we rather contract a recruitment company?).

Of course, all this data presented by the author above was collected by him, he being part of the implementation team and then the support (another article based on the support phase - a series of problems appearing there as well) from the point of view having a major impact on the lives of people who subsequently had to deal with the maintenance and operation of this type of ERP), so that questionnaires were created, minutes of meetings from which were extracted a series of data that had an impact from a social point of view. Thus, the technical consultants as well as the functional ones, the project manager, the service manager, the company's employees participated in these data collections.

Conclusions and future research

This research aims to highlight the disadvantages and advantages that were encountered in the implementation of integrated ERP solutions in Romania after 1990. Many implementations started from a very small budget and in the end very large amounts were paid. Why? It was never considered that the adaptation of Romanian companies, after 1990, to everything that meant foreign management, was very difficult to achieve. The fact that implementation teams from Romania were used every time, plus from other countries, led to communication problems, comprehension problems,

highlighting the fact that we come from different cultures. The very way of understanding the issues in Romania, regarding the law, was not understood as it should be. The author participated in many implementation projects, the main problems arising in the area of communication, understanding, employees who were past an age, now it is very difficult to readjust them, all existing software in companies were made in-house, the transition to a new integrated product, being a very difficult and lasting one. The Romanian translations of the integrated ERP system products were very difficult to do - knowing that those who will work with the system are citizens who did not know a foreign language. Communication with them was very difficult, in some places, impossible in others. The companies had to hire young people who knew a foreign language, but unfortunately without experience. The adaptation of the RPA type solutions was chosen so that certain economic processes can be automated, most of the times, the repetitive ones. In future research, the author wants to see how several our compatriots have adapted to new technologies and how much the dropout rate has been, after such implementations / adaptations of the business in our country.

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Article Info

Can Romania's labour market thrive in the age of population ageing? A Bayesian VAR approach

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Abstract
After the fall of communism and the transition to a democratic and open society, Romania has been making significant progress adapting its economy to rising demands from internal and external forces with the goal of becoming an integral part of a much larger system of trade and commerce within the European Union. As many Member States, Romania is undergoing a severe demographic transformation, defined by decreasing birth rates, a higher life expectancy known as population ageing. Similarly, due to harsh economic conditions and social factors, a large number of capable young adults have migrated to other Member States in search of higher wages and better conditions resulting in challenges for labour market efficiency. Romania's current labour market requirements for employees are covered by a slowly shrinking group of adults, leading to shortages of labour resources, with significant consequences for economic growth. This paper aims to evaluate future employment trends under current economic and demographic conditions. To these ends, a VAR model will be employed to assess the effects that economic and demographic factors have on the employment rate. The expected results are of a slowing down of economic growth due to the expected decline in labour resources.

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Introduction

In the last few decades, a series of phenomena have transformed the demographic landscape in Romania, where due to the decline in birth rates and the increase in life expectancy, the population started getting older. *Demographic ageing* is a complex phenomenon, which results in changes in the working segment of the population (ages 15 to 64 years old), affecting economic growth and development in key areas due to capital transfer to social programs.

The decline in the active share of the population on the labour market will lead to a reduction of the tax base, where the public revenues collected for state and local budgets (especially for social insurance schemes) will be lower. Thus, governments will be forced to increase taxes and duties to cover the rise in expenditures or contract funds from external sources to cover payments for social protection and retirement schemes.

Concerning the labour market, demographic ageing tends to result in an acute shortage of active qualified personnel, due in part to lower numbers of young employees and high retirement rates causing an imbalance between inflows and outflows of human capital. Similarly, this results in a skill disruption where experienced employees leave the labour market failing to pass valuable knowledge to younger generations taking their place thus contributing to the knowledge gap.

Ageing populations tend to have different preferences regarding consumption and saving, causing shifts from in capital from one sector of the economy to another. For instance, elderly individuals in western nations hold accumulated capital in financial assets (stocks, bonds, indices) thus pushing valuations higher and out of reach for younger generations. Elderly individuals are less prone to travel, to buy new clothes and electronics thus lower consumption needs, in favour of healthcare and medical expenditures. This in effect creates an environment of hostility between generations where the possibilities for younger individuals to invest in financial assets decrease due to high valuations. A similar concern has been expressed by several authors when due to the retirement of older generation and the decline in income where most are forced to liquidate assets in order to cover current living expenses, thus collapsing asset prices across the board (Cristea and Mitrica, 2016; Hsu, 2017).

The focus of this paper is the analysis of the effects of population ageing on labour market indicator of growth, through the implementation of vector autoregressive models or VAR. The current paper introduces an element of originality, providing a window into how the rising share of elderly might influence the labour market trends. The main aim of implementing a VAR model is to assess how a sudden innovation to the share of the population age 65 years and older might impact nominal wages, the employment and unemployment rates over an 8 year period. For this purpose, we employ impulse response functions where the main causal variable is the share of the population age 65 years and older. The model is assessed for autocorrelation and normality of residuals. Similarly, the model is evaluated for stability using Eigenvalue stability test.

Theoretical framework

A generally accepted consensus is emerging among demographers and economists regarding population, due to its potential to become a fundamental factor determining the development of societies in current times and the decades to follow

(Rios and Patuelli, 2017). The ageing process can be observed at a regional level, with estimates published by the OECD that show an increase in the share of elderly individuals (65 years and older), a rise in life expectancy and a decline in birth rates leading to a shift in population trends, transfers of wealth and technology and changes in how human capital is allocated (OECD, 2015, 2019).

In a study publish by the United Nations, estimates show that by 2030 older individuals are expected to outnumber children under 10 years old and by 2050 the share of the population age 60 years and older will overtake generation between 10 and 24 years old (United Nations, 2019). The European Union member states are also following along the same lines, mirroring trends that are taking place in industrialised nations around the globe. Between 2017 and 2070 it is estimated that the EU28 population will increase slightly from 511 million to 520 million but with a severe decline in the age group between 15 to 64 years old from (European Commission, 2017).

Demographic trends in Romania

In Romania the demographic landscape is projected to take a negative turn, with the total population expected to decline from 19.3 million in 2015 to an estimated 18 million in 2030 (Figure 1.), with the main indicators of population growth, most notably fertility, holding a steady level of 1.81 children per woman (European Commission, 2018).

The decline in the overall size of the population will continue to shift downward reaching an estimated level of 17 million by 2040 with a slight increase in fertility to 1.85 children per woman, being lower then the general replacement level of 2.1 children per couple, as it is stipulated in the literature (Parr and Guest, 2014). Toward the end of the projected period, it is estimated the population in Romania will hit an all-time low of around 15.7 million by 2060, with fertility rates hovering at 1.88, well below an adequate population replacement level (European Commission, 2018).
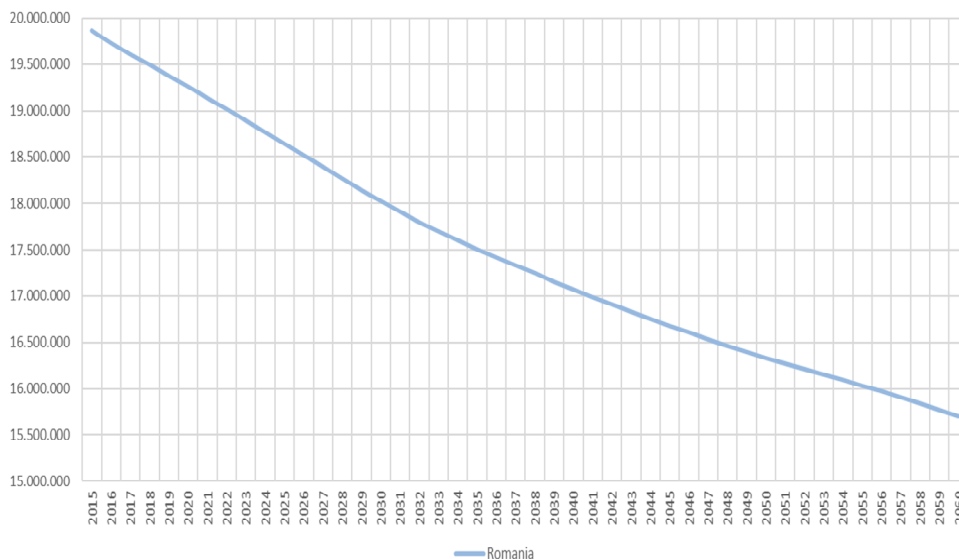
Figure 1. Population projection in Romania (2015-2060)
Source: Authors own creation based on Eurostat data

Between 2016 and 2020, the population structure in Romania will change in a gradual manner, declining primarily within the age groups between 0 to 14 years old and 15 to 64 years old, and expand in the age groups where individuals are older than 65 years as can be observed in Figure 2. In 2020, the age group of 0 to 14-year-old is estimated to represent 15.5% of the total population while individuals between the ages of 15 and 64 represent 67.1%.

The share of individuals ages 0 to 14-year-old will continue to decline reaching by 2060 a level of 15.2% within the total population and for individuals in the 15 to 64 years old group will reach 54.1%. The decline is more significant in the case of individuals with an age between 15 and 64 years old.
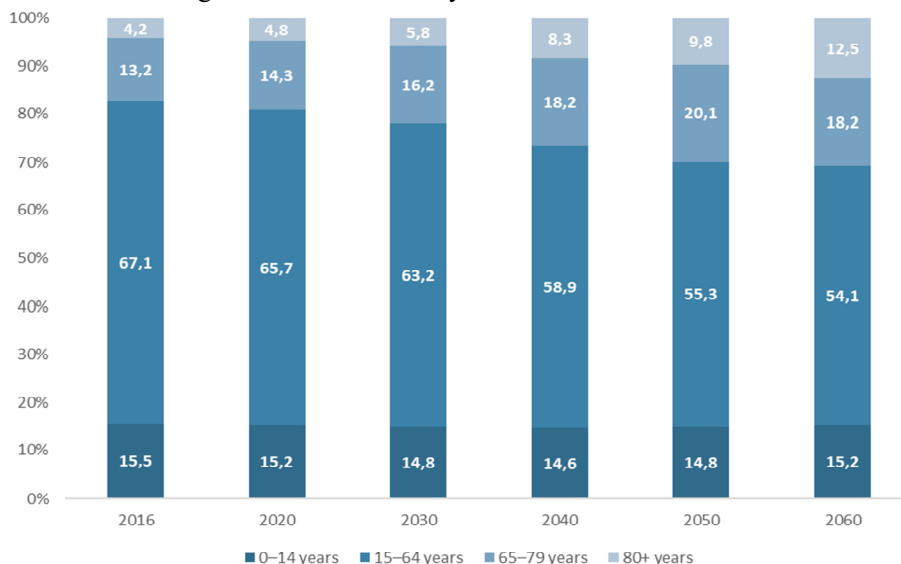
Figure 2. Population structure changes by age in Romania (2015-2060)
Source: Authors own creation based on Eurostat data

For the groups of elderly individuals ages 65 to 79 years old and 80 years and more, the increases can be observed for the entirety of the projected period rising from 13.2% for individuals ages 65 to 79 years old to 18.2% and for individuals that are older than 80 years it is estimated to climb from 4.2% in 2016 to 12.5% in 2060.

Regional demographic trends analysis

To help get a clearer picture of how *population* as a whole evolved at a regional level between 2000 and 2017 we can observe the changes as highlighted in Figure 3. In 2000, based on the colour coding utilised to group respective counties, we can observe that the counties with the lowest population figures between 233 and 356 thousand inhabitants are coloured with red and are comprised of the Caraș-Severin, Mehedinți, Giurgiu, Călărași, Ilfov, Ialomița, Tulcea, Sălaj, Bistrița Năsăud, Harghita and Covasna.
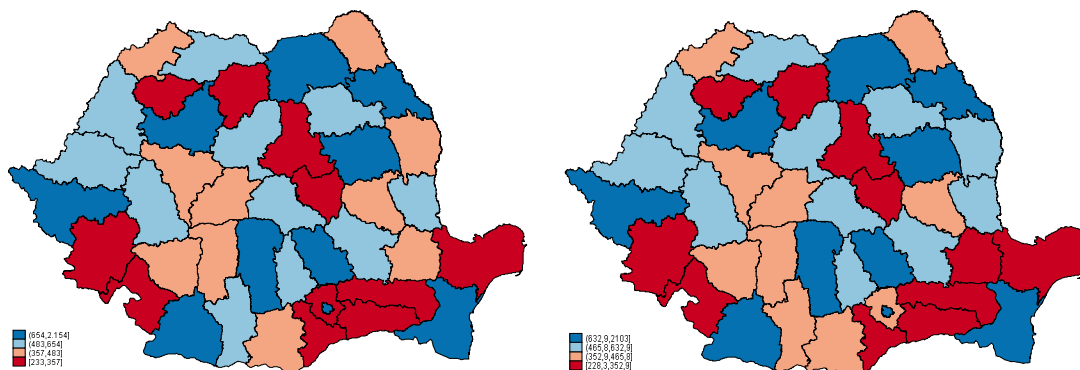
Figure 3. Total population changes by region in Romania between 2000 (left) and 2017 (right), thousands
Source: Own creation based on National Institute of Statistics data

The next group is colour coded orange and contains counties that have a population between 357 and 483 thousand inhabitants and is comprised of Gorj, Vîlcea, Sibiu, Alba, Sibiu, Teleorman, Satu Mare, Botoșai, Brăila, Vrancea and Vaslui. The group coloured light blue contains populations between 483 and 654 thousand and is comprised of Olt, Dâmbovița, Buzău, Galați, Braov, Mureș, Neamț, Maramureș, Bihor and Hunedoara. The group that contains the counties with the largest populations with values between 654 and 2154 thousand people are Timiș, Dolj, Argeș, Prahova, Bucharest, Constanța, Bacău, Iași, Suceava and Cluj.

In 2017 when compared to groups in 2000, the only counties that registered an increase in population numbers are Suceva, Iași, Vaslui, Sibiu, Timiș, Brașov, Constanța and Ilfov. Thus, out of the 42 counties, only 8 registered population growth mainly due to internal migration patterns and 34 have seen declines in the number of residents.

The *birth rates* in Romania between 2000 and 2017 at a regional level have decrease in all counties. In 2000, the lowest birth rates, regions colour coded red, with values between 7.2 and 9.7 births per 1000 individuals have been recorded in Teleorman, Brăila, Cluj, Brașov, Timis, Arad, Caraș-Severin, Hunedoara and Cluj. Values between 9.7 and 10.2 births per 1000 individuals, have been recorded in Olt, Mehedinți, Vâlcea, Argeș, Giurgiu, Buzău, Bihor, Sibiu, Giurgiu, Ilfov, București, Prahova, Constanța and Tulcea. Values between 10.2 and 11.1 births per 1000 individuals, colour coded light blue, have been recorded in the year 2000 in Dolj, Gorj, Dâmbovița, Călărași, Ialomița, Galați, Vrancea, Harghita, Mureș, Bihor and Satu Mare (Figure 4).
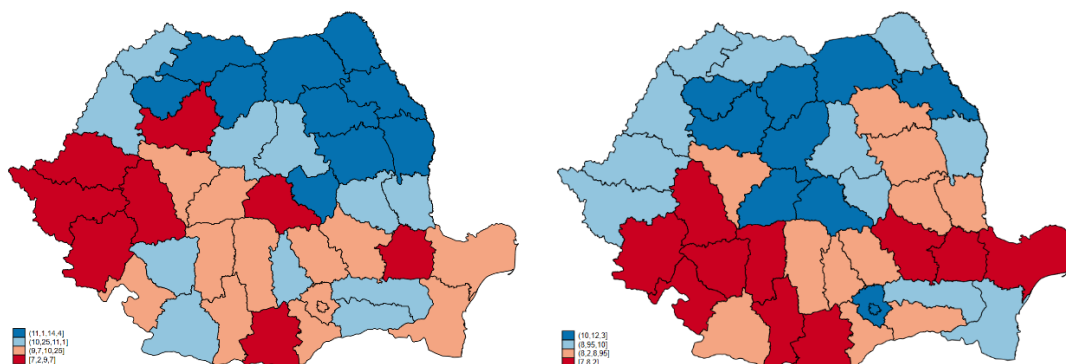
Figure 4. Crude birth rates changes by county in Romania between 2000 (left) and 2017 (right)

Source: Authors own processing in Stata 16

The highest birth rates with values between 11.1 and 14.4 births per 1000 individuals, colour coded blue, have been recorded in 2000 in Covasna, Vaslui, Bacău, Iași, Neamț, Suceava, Botoșani, Sălaj, Maramureș and Bistrița-Năsăud. In 2017, the birth rates, have decreased to a higher extent in Botoșani, Vaslui, Bacău, Vâlcea, Gorj with values between 7.1 and 7.7 births per 1000 individuals, marking a drop of close to 50%. The lowest drops in birth rates have been recorded in 2017 in Brașov, Timiș, Ilfov, Sibiu and Arad with between 0.5 and 2.3 births per 1000 individuals.
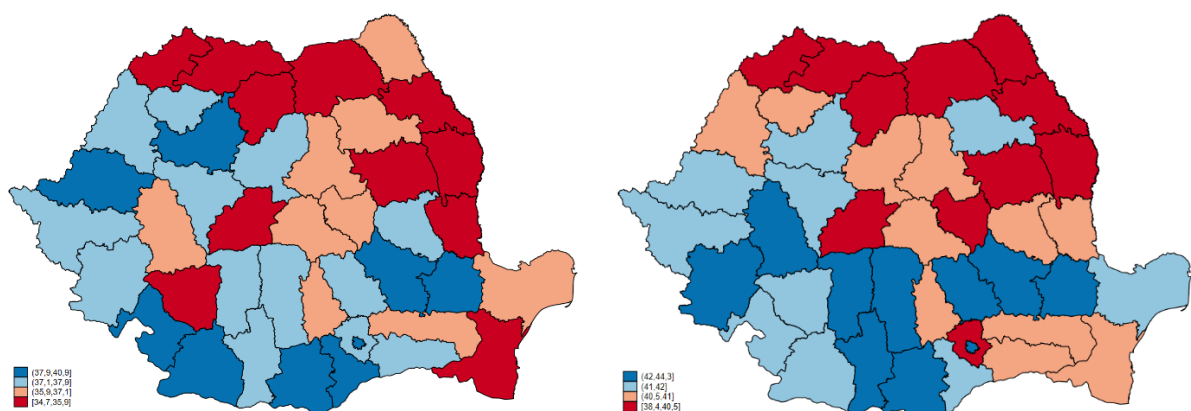
Figure 5. Median age by county in Romania between 2000 (left) and 2017 (right), years

Source: Authors own processing in Stata 16

The *median age* has seen gains between 2000 and 2017 in all 41 counties in Romania for both men and women (Figure 5). In 2000 the counties that recorded the lowest median age with values between 34.7 and 35.9 years, colour coded in red, were Gorj, Sibiu, Constanța, Galați, Vaslui, Bacău, Iași, Suceava, Bistrița-Năsăud, Mureș and Satu Mare. Values between 35.9 and 37.1 years, were recorded in Tulcea, Ialomița, Dâmbovița, Hunedoara, Brașov, Covasna, Hargita, Neamț and Botoșani. Values between 37.1 and 37.9 years, colour coded light blue, were recorded in Olt, Vîlcea, Arges, Prahova, Ilfov, Călărași, Vrancea, Timiș, Craș-Severin, Alba, Bihor and Sălaj. Finally,

the counties with the highest median age, with values between 37.9 and 40.9 years, colour coded blue, have been recorded in Buzău, Cluj, București, Călărași, Giurgiu, Teleorman, Olt, Dolj, Mehedinți and Arad. When comparing on a county by county level, between 2000 and 2017, the highest gains in terms of median age, were recorded in Constanța, București-Ilfov, Tulcea, Gorj, Vâlcea, Brăila, Galați, Brașov, Sibiu and Hunedoara with net gains between 3.6 and 5.8 years on average. The lowest gains to the median age were recorded in Ilfov with 0.9 years and Giurgiu with 2.2 years.

The *share of the population between the ages of 0 and 19 years old* represent younger generations that will replace working-age adults and take an active role in Romania's economic development at a regional and national level. Between 2000 and 2017, noticeable shifts at a regional level can be observed in Figure 7, that will lead to structural imbalances in the labour market over a longer period of time. In 2000, the share of the population between 0 and 19 years old had the lowest values between 22.5% and 25.1% of the population in Dolj, Teleorman, Giurgiu, București-Ilfov, Prahova, Buzău, Brăila, Timiș, Arad and Cluj. The regions where the population age 0 to 19 years old are between 25.1% and 26.5% were Olt, Vîlcea, Arges, Brașov, Mureș, Alba, Hunedoara, Caraș-Severin, Mehedinți and Bihor. The third group, colour coded light blue, where the share of the population age 0 to 19 years old registered values between 26.5% and 27.5% were Sibiu, Sălaj, Harghita, Neamț, Vrancea, Galați, Dâmbovița, Ialomița, Călărași, Constanța, and Tulcea. The regions that presented the highest share of individuals between the ages of 0 and 19 years, colour coded blue, were Gorj, Covasna, Bacău, Vaslui, Iași, Botoșani, Suceava, Bistrița-Năsăud, Maramureș and Satu Mare.

In 2017, however, the share of individual between 0 and 19 years shifted lower in all regions with varying speeds. The highest declines registered in the population age 0 to 19 years old, occurred in Gorj with a decline of 9.9%, Galați with a deline of 8.7% and Olt with 8.3%. Declines between 8% and 7% occured in Mehedinti, Dambovita, Brăila, Alba, Caraș-Severin, Satu Mare, Bistrița-Năsăud, Iași, Tulcea, Neamț and Bacau. More moderate declines between 5% and 6% occurred in Giurgiu, Arad, Cluj, Ialomița, București, Bihor, Teleorman, Dolj, Buzău, Sălaj, Călărași, Brașov, Prahova, Vrancea, Timiș, Covasna, Suceava, Harghita, Sibiu, Constanța, Argeș, Botoșani. Lastly the regions with the smallest declines are Ilfov with a decline of 3% of individuals ages 0 and 19 years old, and Mureș with a decline of 4.9%.
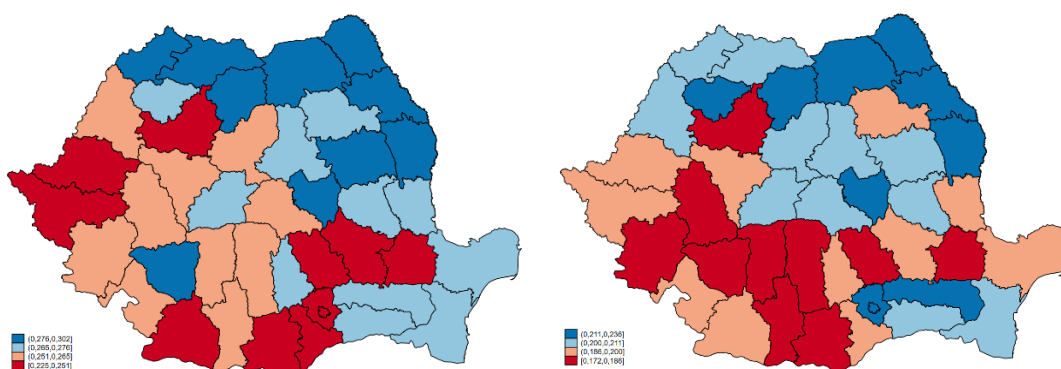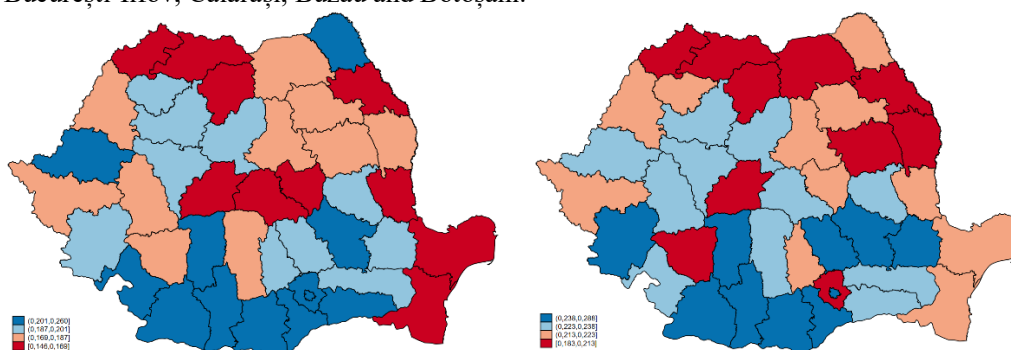

Figure 7. Share of population age 0 to 19 years old, by county in Romania between 2000 (left) and 2017 (right)

Source*:* Authors own processing in Stata 16

The elderly segment of the population that have exited the labour market consists of *individuals age 65 years and old*, they rely to a great extent on financial services accrued through pensions and on social security services and health-related services. At a regional level the share of people age 65 years and older, as can be observed in Figure 8, was the lowest with values between 14.6% and 16.9%, colour coded red, in Satu Mare, Maramureş, Bistriţa-Năsăud, Iaşi, Sibiu, Braşov, Covasna, Galaţi, Tulcea and Constanţa. The second category of regions, colour coded light red, with values between 16.9% and 18.7% were Timiş, Hunedoara, Gorj, Bihor, Suceava, Neamţ, Bacău, Harghita, Vaslui and Arges. The third group of regions with values between 18.7% and 20.1%, representing the share of individuals older than 65 years, colour coded light blue, were Caraş-Severin, Zalău, Cluj, Alba, Dâmboviţa, Prahova, Vrancea, Brăila and Ialomiţa. Finally, the regions with the highest share of elderly, colour coded blue, were Arad, Mehedinţi, Dolj, Olt, Teleorman, Vîlcea, Giurgiu, Bucureşti-Ilfov, Călăraşi, Buzău and Botoşani.

Figure 8. Share of population age 65 and older, by county in Romania between 2000 (left) and 2017 (right)

Source: Authors own processing in Stata 16

When comparing how the share of elderly evolved at a regional level in 2017 (Figure 8), an increase in all regions occurrent in the share of elderly ages 65 years and older, with increases of 7% in three regions (Hunedoara, Brasov, Constanta), 6% in four regions (Maramures, Galati, Tulcea, Bucuresti), increases of 5% in 9 regions (Cluj, Alba, Valcea, Braila, Sibiu, Harghita, Covasna, Arges, Caras-Severin), increase between 4% and 2% in 22 regions (Suceava, Calarasi, Iasi, Dolj, Vrancea, Teleorman, Mehedinti, Arad, Ialomita, Salaj, Buzau, Dambovita, Bihor, Gorj, Bacau, Olt, Bistrita-Nasaud, Mures, Satu Mare, Neamt, Prahovam and Timis), Vaslui and Botoşani registered a small increase of 1% and Ilfov was the onlz region that recorded a decreased from 20% to 18%.

Methodology and data

Vector autoregressive models or VAR are considered one of the most accurate, flexible, and easy to use models, being applied mainly in multivariate time series analyses. The VAR model is a natural extension from a univariate to multivariate autoregressive model in dynamic time-series analyses (Stock and Watson, 2001; Rubio-Ramirez, Waggoner and Zha, 2010).

Vector autoregressive models have proven to be particularly useful for describing the dynamic performance of time series and for forecasts in time-series driven fields. The high degree of utilisation resulting from the high predictive power, when comparing results to traditional univariate models (ARMA, ARIMA), even when using small data sets (Sims, 1980; Lütkepohl and Saikkonon, 1994; Rubio-Ramirez, Waggoner and Zha, 2010). The VAR model is very popular among researchers, as well as decision-makers from banking and financial institutions to demographic research centres and medical institutions, due to the possibility of involving structural inferences and policy analysis. Within the structural analysis, certain hypotheses regarding the causal nature of the data are the subject of an investigation where the evolution is tracked under the impact of unexpected shocks or innovations on the variables included in the VAR model. The vector autoregressive model (VAR) can be written as the following equation (1.1) (Phillips and Loretan, 1989; Hansen and Phillips, 1990; Rios and Patuelli, 2017):

$$v_t = c + \sum_{i=0}^{N} \beta_i v_{t-i} + e_t \tag{1.1}$$

where:

v_t – represents an *M x 1* vector comprised of exogenous variables;

c – represents an *M x 1* vector comprised of constrains;

β_i – represents a variable that is comprised out of an *M x M* matrix of coefficients,

that take values from *i = 1* to *N*;

e_t – where $e_t \sim (0, \Sigma)$, Σ is a *M x M* matrix of covariations.

The reduced form VAR presented in Equation 1.1 does not serve as a starting point for structural analysis, because the cross-correlations between the reduced error forms suggest that the interpretation of the influence of a change in one variable on another variable, when the other variables remain constant is no longer valid (Hand, 1999; Fernandez-Villaverde et al., 2007). Thus, we can employ a reduced structural form of the VAR model as an autoregressive structural vector (SVAR), as shown in equation (1.2) (Gottschalk, 2001):

$$A_0 z_t = A_0 \sigma + \sum_{i=0}^{N} A_0 \beta_i v_{t-i} + \varepsilon_t \tag{1.2}$$

where:

A_0 – represents a matrix where the diagonal values are one;

σ – represents a vector of constraints;

β_i – represents a *k x k* matrix (where *i=0....p*)

ε_t – represents shocks with a null mean that signifies the lack of serial correlations between shocks or innovations.

When comparing equations 1.1 and 1.2, we can observe that $e_t = A_0^{-1}\varepsilon_t$ și $E[\varepsilon_t', \varepsilon_t] = \sum = (A_0'A_0)^{-1}$. Thus, matrix A_0 allows us to find structural shocks that our research is focused on (Rubio-Ramirez, Waggoner and Zha, 2010). Hence, dynamic models can be seen as stochastic process restriction, that allows for the mapping of structural shocks like ε_t and y_t, written as $y_t = C\varepsilon_t$, where ε_t represents the dynamic evolution of shocks or innovation until time t. The construction of the mapping variables can be interpreted as a structural reply to shocks in period t. A basic representation of an impulse response function (IRF) can be written as follows (1.3) (Gottschalk, 2001; Ronayne, 2011):

$$y_t \quad C_0\varepsilon_t + C_1\varepsilon_{t-1} + \ldots + C_n\varepsilon_{t-n} \tag{1.3}$$

where C_n – represents the *n*th response to an impulse that can be written as y_{t+n} to ε_t in such a manner that $C_n = D_n A_0^{-1} = D_n C_0$, where $C0 = A_0^{-1}$ and D_n are the *n*th response to a y_{t+n} impulse, to a change of one unit in e_t ($D_0 = I_n$) (Ouliaris, Pagan and Restrepo, 2018).

Evaluating the stationarity of time-series data sets
The order of integration within time series falls into the category of descriptive statistics and specifies the minimum number of differences or lags to convert a time series into a stationary form (Adhikari and Agrawal, 2013). In statistical and econometric analysis, stationary time series are ideal, because the changes brought about by variations over time of the variables do not alter the form of the distribution (Etuk and Mohamed, 2014).

The order of integration in the case of time series is denoted by *I(d)* and represents the state of the time series that can be either (Etuk and Mohamed, 2014; Zhang et al., 2014):

- stationary, being represented by a process denoted by *I (0),* and
- non-stationary being represented by a process that is denoted by *I (1)*.

In the case of non-stationary time series, the standard procedure is to transform the series with successive differences of order *d* to bring it into a stationary form. Transforming the time series by means of logarithms helps to stabilize the variation, and by means of differentiations helps to stabilize the average of the series, leading to the reduction of the trend or seasonality (Zi-Yi, 2017, p.). The unit root test is a very common procedure used to determine whether a time series has the characteristics of a random walk (Saikkonen & Lütkepohl, 1999; Zi-Yi, 2017). The most common form of unit root test is the Augment Dicky Fuller test, that can be written including a trend and constant element, as the following equation (1.4) (Dickey and A. Fuller, 1979; Dickey and Fuller, 1981):

$$\Delta y_t = (\theta_1 - 1)y_{t-1} + \sum_{i=1}^{p-1} \delta_i \Delta y_{t-i} + \varepsilon_t \tag{1.4}$$

where:
$\quad$ y – represents the autoregressive process;
$\quad$ θ_1 – represents the autoregressive parameter;

ε_t – represents the non-systematic component of the model, that equates to a white noise process;

τ_0 – represents the constant;

$\tau_0 t$ – represents the trend.

Determining the optimal number of lags

In determining the optimal lag length, the most used approach is to apply the information criterion (IC) tests. The most reliable IC tests are the Akaike Information Criterion (AIC), the Hannan-Quinn Information Criterion (HQIC) and the Schwarz Information Criterion (SIC). An important issue in the use of a group of informational criteria is related to the decision of choosing a viable result, where each informational criterion may suggest a different lag length.

A similar scenario was presented by Lütkepohl (1990), where he was forced to choose an outcome, although he was faced with different suggestions for an optimal lag length as a result of using three informational criteria (Lütkepohl, 1990). Thus, it is possible to speak of a predisposition on the part of the researchers to favour the results offered by a criterion to the detriment of others. In an autoregressive process of dimension Z and order p_0, which may represent a VAR model, the informational criteria used to determine the order of the lags can be calculated using equations (1.5) - (1.7) (Dickey and Fuller, 1981; Arltová and Fedorová, 2016):

Schwarz Information Criterion (SIC):
$$SIC(p) = \ln\left|\vec{\Sigma}(p)\right| + \frac{\ln N}{N}(Z^2 p) \qquad (1.5)$$

Hannan-Quinn Information Criterion (HQIC):
$$HQIC(p) = \ln\left|\vec{\Sigma}(p)\right| + \frac{2\ln\ln N}{N}(Z^2 p) \qquad (1.6)$$

Akaike Information Criterion (AIC):
$$AIC(p) = \ln\left|\vec{\Sigma}(p)\right| + \frac{2}{T}(Z^2 p) \qquad (1.7)$$

where:

N - represents the data set dimension;

$\vec{\Sigma}$ - represents the quasi-maximum probability to estimate the covariation matrix of innovations Σ (Leon-Gonzalez, 2003; Pearson and Samushia, 2016);

$\hat{p}$ – is utilised to estimate the lag value, by minimising the output of the informational criterion $\{p:1 \leq p \leq \bar{p}\}$, where $\bar{p} \geq p_0$ (Tjøstheim and Paulsen, 1985; Ventzislav and Kilian, 2005).

The data utilised in the econometric analysis have been collected from official sources (Eurostat and the National Institute of Statistics) for the period from 1998 to 2018, depending on their availability. The data sets present no gaps, with small adjustments for nominal net wage in accordance with guidelines approved by the National Bank of Romania(BNR, 2018). The data were collected at the national level, according to the information presented in Table 1.

Table 1. Variables utilised in the econometric model

Abbreviation	Description	Unit of measure	Source
empl	Employment rate	% of the active population	Eurostat
wages	Nominal wages	RON	National Institute of Statistic
unempl	Unemployment rate	% of the employed population	Eurostat
pop65	Share of population 65 years and older	% of the total population	Eurostat

Source: own creation based on collected data

The collected data can be group into two categories, namely demographic indicator (Share of population 65 years and older) and labour market indicators (Nominal wages, Unemployment rate, Employment rate). The main goal is to assess by way of econometric analysis how a sudden shift in the demographic indicator might influence the labour market indicators. The employed analysis revolves around vector autoregressive models that will allow us to observe the changes in the selected labour market indicators (Nominal wages, Unemployment rate, Employment rate), to an impulse or an innovation within the demographic indicator (Share of population 65 years and older).

Results and discussion

The descriptive statistics for the variables used in the VAR model contain the number of observations, the mean, the standard deviation, minimum and maximum values for all variables (Table 2). From the descriptive statistics, we can infer a normal distribution of the data, with a significant deviation from the mean on behalf of salaries due to economic policy.

Table 2. Descriptive statistics of selected variables

Variable	Obs	Mean	Std.Dev.	Min	Max
empl	21	65.129	2.179	62.2	68.9
wages	21	1145.524	743.556	104	2642
pop65	21	15.29	1.635	12.7	18.2
unempl	21	6.757	.98	4.2	8.3

Source: Authors own processing in Stata 16

The demographic trend between 1998 and 2018, is represented by the *share of the population age 65 years and older*, that presents an increase in the number of elderly individuals in the total population from 12.7% to 18.2%, signalling an accelerating trend in the population ageing phenomenon (Figure 9 (a)). This trend is significant due to the changes it has on the structure of the population where elderly individuals are on track to overtaking young adults within the next decades (European Commission, 2017).

Nominal wages have had an upward trajectory during the timeframe in question, from 104 lei in 1998 to 2642 lei in 2018, as a result of economic expansion, but also due to monetary policies adopted at a national level (Figure 9 (b)). This trend reflects the rise

in the standard of living and the rise in the specialisation of labour that has taken place over the past few decades since Romania has transitioned to open market economy.

The *unemployment rate* showed a rising trend between 1998 and 2002, from 6.3% to 8.3%, but, starting with 2003, gradually decreased to a value of 4.2% recorded in 2018 (Figure 9 (c)). It's important to note the effects of the economic crisis that culminated in 2008 where a reversal of the previous trend moved the unemployment rate from 5.6% in 2008 to 7.1% in 2011.

Share of population 65 years and older (a)

Nominal wages (b)

Unemployment rate (c)

Employment rate, 15-64 years old (b)
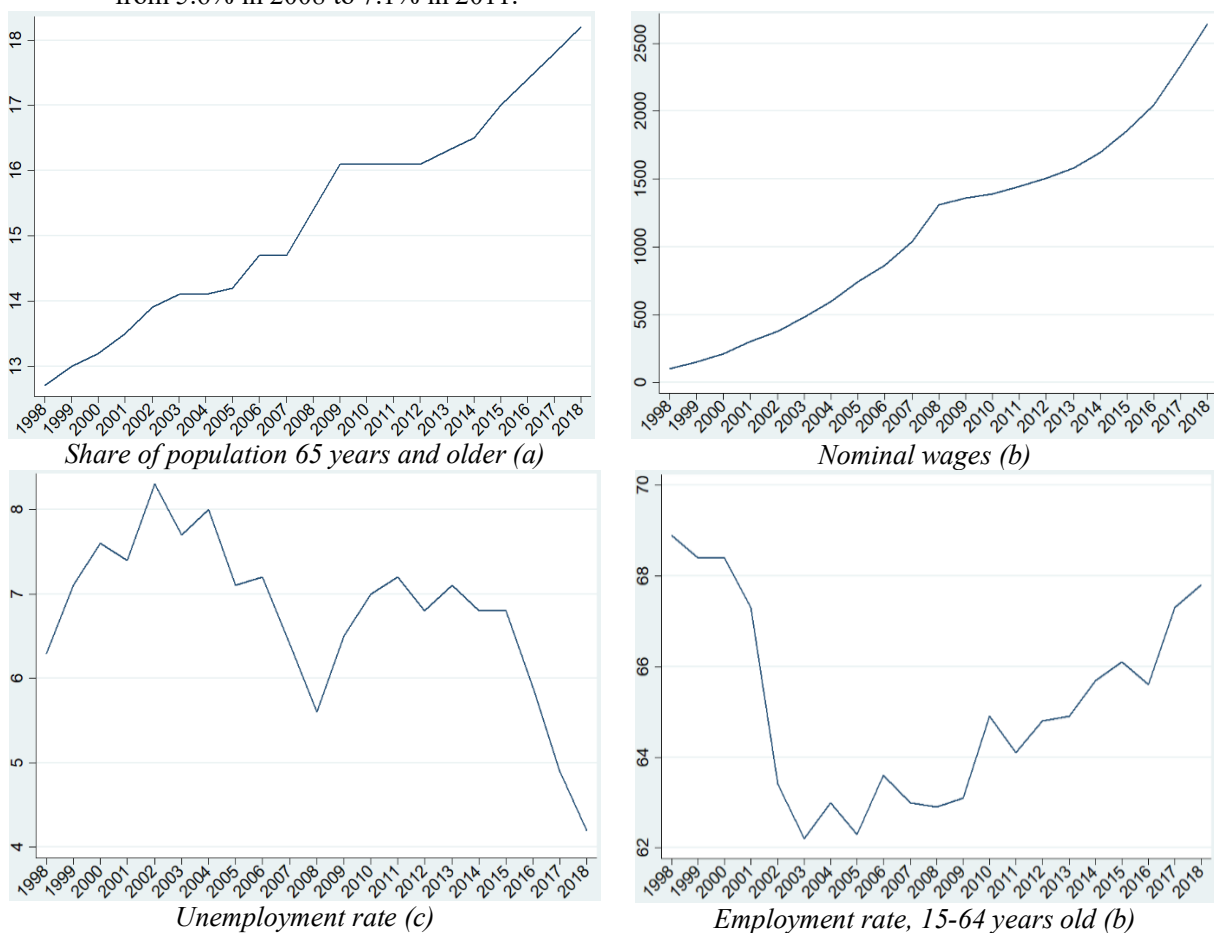
Figure 9. Changes between 1998 and 2018 in demographic and economic variables
Source: Authors own processing in Stata 16

The *employment rate* for individuals between the ages of 15 and 64 years old in the period from 1998 to 2003 decreased by about 6.7%, from 68.9% to 62.2%. Similarly, the effects of the decline in growth due to the economic crisis of '08 resulted in a period of consolidation between 2008 and 2009, followed by a sharp increase to 64.9% in 2010. Between 2003 and 2018, the employment rate gradually increased to 67.8% (Figure 9 (d)).

The next step is to evaluate the time series employed in the VAR model for stationarity, by applying the Dickey-Fuller Augmented test, using the Stata 16 econometric package. Following the initial evaluation for stationarity, by applying the

ADF test at level, the time series is determined to not be stationary. Thus, a new series will be generated, by logarithmic and first differential transformations, where appropriate.

Table 3. Augmented Dicky-Fuller test for log_wages

	Interpolated Dicky-Fuller		
Test statistic	**1% Critical Value**	**5% Critical Value**	**10% Critical Value**
-8.339	-3.750	-3.000	-2.630
MacKinnon approximate p-value for Z(t) = 0.0000			

Source: Authors own processing in Stata 16

For the *nominal wages*, we proceeded by transforming the series using a logarithm function and running the Augmented Dicky-Fuller unit root test with the option of trend (Table 3). The value of the test statistic is of -8,339, being higher in absolute terms than the critical values for the intervals of 1%, 5% and 10%. Thus, the null hypothesis is rejected (H_0: θ_1 = 1). The P-value indicator is less than 0.05 (5%), so we can talk about the alternative hypothesis of the form H_1: | θ_1 | <1, which is a process that does not contain a unit root and is stationary I (0).

Table 4. Augmented Dicky-Fuller test for dlog_pop65

	Interpolated Dicky-Fuller		
Test statistic	**1% Critical Value**	**5% Critical Value**	**10% Critical Value**
-8.339	-3.781	-2.567	-1.333
MacKinnon approximate p-value for Z(t) = 0.0007			

Source: Authors own processing in Stata 16

For the transformation of the time series, which includes *the share of the population aged 65 years and older*, in a stationary form, we proceeded to testing in a successive manner for stationarity, using the ADF test with the option of drift, after transforming the series by logarithm and by applying the first differential. The null hypothesis (H_0: θ_1 = 1) was rejected by obtaining a value of -8,339, which is, in absolute terms, higher than the critical values of 1%, 5% and 10%. The p-value of the test is less than 0,05 or 0,5% so the series meets the stationary conditions (H_1: | θ_1 | <1) or the lack of unit root (Table 4)

Table 5. Augmented Dicky-Fuller test for dlog_unempl

	Interpolated Dicky-Fuller		
Test statistic	**1% Critical Value**	**5% Critical Value**	**10% Critical Value**
-3.376	-2.567	-1.740	-1.333
MacKinnon approximate p-value for Z(t) = 0.0018			

Source: Authors own processing in Stata 16

The time series for the *unemployment rate* was transformed by the application of the logarithmic function and by the first differential, where, after each transformation, the null hypothesis was tested (H_0: θ_1 = 1), namely, the existence of a unit root with the ADF test.

Stationary (H_1: |θ_1| <1) or lack of unit root was obtained after applying the first difference and testing with the inclusion of the drift option in the ADF test. The null

hypothesis was rejected, by obtaining a value of -3,376, which is in absolute terms higher than the critical values of 1%, 5% and 10%. The p-value for the test is less than 0,05 or 0,5% so the series meets the stationary conditions (H_1: $|\theta_1| < 1$) and lacks a unit root (Table 5).

Table 6. Augmented Dicky-Fuller test for dlog_empl

Test statistic	Interpolated Dicky-Fuller		
	1% Critical Value	5% Critical Value	10% Critical Value
-3.585	-2.567	-1.740	-1.333
MacKinnon approximate p-value for Z(t) = 0.0011			

Source: Authors own processing in Stata 16

For the *employment rate*, we proceeded correspondingly, by testing the time series at level for the existence of a unit root and subsequently transforming the series by logarithm and by applying the first differential. The lack of unit root or the stationary state (H_1: $|\theta_1| < 1$) resulted from the final transformation of the series. The ADF test was used with the trend and drift options, and the value obtained (Statistical test: -3,585) was higher in absolute terms than the critical values of 1%, 5% and 10%. The or p-value of the test is 0.0011, being less than 0.05 or 0.5%, thus, the series meets the conditions of stationarity (H_1: $|\theta_1| < 1$) or the lack of a unit root (Table 6).

Table 7. Optimal lag selection criteria

Selection-order criteria (lutstats)
Sample: 1998-2018   Number of observations = 21

lag	LL	LR	df	p	FPE	AIC	HQIC	SBIC
0	-155.212	-	-	-	1603.39	6.90875	6.90875	6.90875
1	-94.4969	121.43	16	0.0000	8.93805	1.64813	1.72608	2.43233
2	-71.321	46.352	16	0.0000	5.77664	**-213.19***	**-212.878***	**-210.053***
3	17.4174	177.48	16	0.0000	0.004791*	-7.75356	-7.51971	-5.40096
4	1779.63	3524.4*	16	0.0000	-	0.803909	0.959811	2.37231

Endogenous: log_wages dlog_empl dlog_pop65 dlog_unempl
Exogenous: _cons
Source: Authors own processing in Stata 16

Assessing the appropriate number of lags for the VAR model is done by applying the *varsoc* function in the State. The *varsoc* function reports for the Final Projection Error (FPE), the Akaike Informational Criterion (AIC), the Hannan-Quinn Informational Criterion (HQIC) and the Schwarz Bayesian Informational Criterion (SBIC). The resulting test statistics used in estimating the order of the "true" lag for an autoregressive vector of size *n*. In Table 7, the optimal lag length of two lags is marked with an asterisk for three of the four tests.

After determining the optimal lag length for the VAR model, the next step in to estimate the VAR model for the selected variables followed by the construction of the impulse response function (IRF). The order of the variables within the VAR model is important and will start with the representative variable of demography (dlog_pop65), to assess the effects of population ageing on the labour market variables (log_wages, dlog_empl, dlog_unempl), as can be seen in Figure 10.

```
Vector autoregression

Sample:  2001 - 2018                        Number of obs   =          18
Log likelihood =   195.0685                 AIC             =  -17.67428
FPE            =   3.68e-13                  HQIC            =  -17.42874
Det(Sigma_ml) =   4.54e-15                  SBIC            =  -15.89354

Equation          Parms      RMSE      R-sq      chi2     P>chi2

dlog_pop65           9     .010229    0.7623   57.72106   0.0000
log_wages            9     .054723    0.9960    4453.08   0.0000
dlog_empl            9     .019708    0.5023   18.16633   0.0200
dlog_unempl          9     .109828    0.3277   8.774614   0.3617
```

Figure 10. Estimated VAR model results

Source: Authors own processing in Stata 16

The impulse response functions estimated in Figure 11, are used to observe how a 1% shock in the share of the elderly population (dlog_pop65) will cause fluctuations within the selected labour market indicators, including the direction and the intensity of the responses. The time interval on which the analysis is performed is equal to 8 periods or the equivalent of 8 years, starting in 2018.
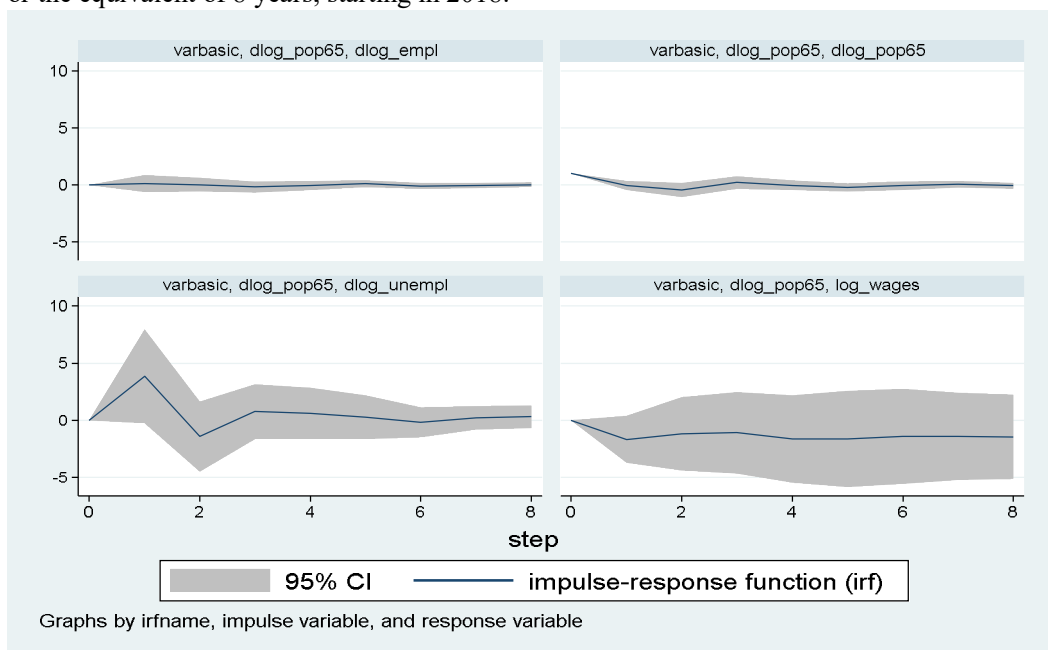
Figure 11. Estimating the effects of a shock in dlog_pop65 on dlog_empl, log_wages and dlog_unempl (IRF), for an 8-period timeframe

Source: Authors own processing in Stata 16

The effects of a 1% increase in the share of elderly individuals age 65 years and older (dlog_pop65) will generally tend to have a negative impact on the unemployment rate (dlog_unempl) during the proposed timeframe. A gradual short-term decrease can be observed, followed by a period of consolidation and a continuation of the previous

trend, defined by a slow but steady rise in unemployment due to demographic ageing. The long-term influence of increasing the share of the population age 65 years and over is perceived as negative, due to a myriad of causes from economic and financial to social (Pissarides, 1989; Biagi and Lucifora, 2008; Akanni and Čepar, 2015; Axelrad, Malul and Luski, 2018).

As the share of elderly increases, the perceived costs associated with social security and pensions systems will increase causing more pressure on working individuals that are confronted with an increase in the dependency ratio. Thus, a rise in taxes from business will take place to offset the rising expenditures experienced by social security schemes. This will have the undesired effect of taking vital resources form medium and small enterprises, leading to bankruptcies and higher unemployment. In financial terms, as individuals approach the retirement age and retire, they tend to liquidate holdings of assets (stocks, bonds, real estate) to cover for the decline in living expenses resulting from retirement. This will drive asset prices down, resulting in a loss of funds for many businesses, slow economic growth, and a decline in the rotation of capital. This sudden drop in asset prices will have the effect of increasing the cost of capital over the short term, resulting in higher costs for struggling business and in layoffs of reduces work hours. On a social level, it can be argued that the rising share of elderly individuals tends to create tensions between generations due to the flow of resources and the social responsibilities that come with caring for elderly individuals as opposed to focusing on raising children.

The effects of a one percent rise in the share of elderly individuals above the age of 65 years old (dlog_pop65) on the employment rate tends to produce low fluctuations in the first part of timeframe, followed by a stabilization due to demographic constraints (Serban, 2012; Radović-Marković, 2013; Kühn, Milasi and Yoon, 2018). In this scenario, a jump in elderly individuals may be linked to a huge jump in retirement claims that will cause the employment rate to rise in the short run, but as the need for employees rises, employers will be forced to take action by rising wages and attracting back into the workforce recent retired individuals. Thus, due to monetary stimulus, the effect of this shock would be short and of low intensity.

Nominal wages (log_wages), tend to respond along similar lines to an increase of 1% to the share of elderly individuals (dlog_pop65), but with a slight decrease in the first periods, after which a steady but stable rise will follow, returning nominal wages to equilibrium. The first drop may be attributed to the desire of employers to attract younger talent for less capital, but as the supply is smaller, wages will have to climb to at least to previous levels. Higher increases in income will motivate greater employability on the part of the elderly and will motivate a delay in retirement, thus reducing the unemployment rate and maintaining a stable level of employment rate (Papadopoulos, Patria and Triest, 2017).

Table 8. Lagrange-multiplier autocorrelation test results

lag	chi2	df	Prob>chi2
1	48.8777	16	0.00003
2	28.9574	16	0.02422

H0: no autocorrelation at lag order

Source: Authors own processing in Stata 16

The final part of the VAR analysis consists of evaluating the model for autocorrelation, normality, and stability. To evaluate for the autocorrelation of residuals (Table 8), we used the *varlmar* test with two lags, similar to the number of lags used in the VAR model. The *varlmar* test refers to the Lagrange-multiplier (LM) test for autocorrelation in the residue of the VAR model. For our particular model, we can confirm that we have no autocorrelation of residuals, confirmed the null hypothesis (H_0: no autocorrelation at lag order) for the model, as can be observed in Table 8 (Johansen, 1995).

Table 9. Jarque-Bera normality test

Equation	chi2	df	Prob>chi2
dlog_empl	0.995	2	0.60812
dlog_wages	1.101	2	0.57672
dlog_pop65	0.103	2	0.95004
dlog_unempl	0.742	2	0.57672
ALL	2.940	8	0.93807

Source: Authors own processing in Stata 16

The Jarque-Bera test is computed individually for each equation, but also for the compound equation, being built on the basis of kurtosis and skewness indicators (Table 9). In our case, for the VAR model, the value of the Jarque-Bera test at the compound equation level is 0.93897, which is higher than the critical value of p for 0.05, so that the null hypothesis (H_0: the error term is distributed normally) cannot be rejected (Lütkepohl, 2005).

The last test applied to the VAR model is the stability test, that verifies the stability condition of the eigenvalues following the estimation of the parameters of the autoregressive vector model (Hamilton, 1994; Lütkepohl, 2005).
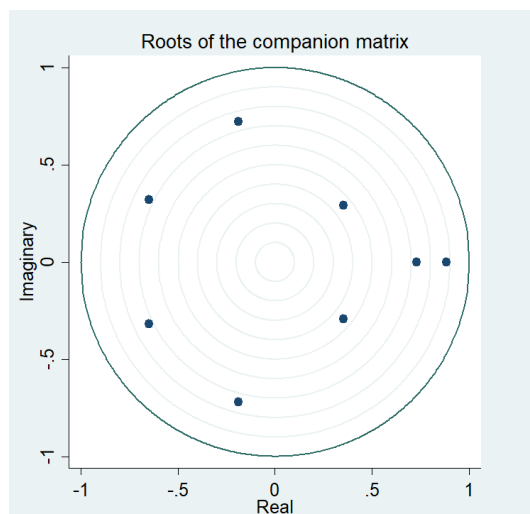

```
Eigenvalue stability condition

|        Eigenvalue          |  Modulus  |
|----------------------------|-----------|
|  .8826484                  |  .882648  |
| -.1889906 +   .7217161i    |  .746051  |
| -.1889906 -   .7217161i    |  .746051  |
|  .7275113                  |  .727511  |
| -.6487734 +   .3189194i    |  .722922  |
| -.6487734 -   .3189194i    |  .722922  |
|  .3526529 +   .2920939i    |  .457911  |
|  .3526529 -   .2920939i    |  .457911  |

All the eigenvalues lie inside the unit circle.
VAR satisfies stability condition.
```

(a)   (b)

Figure 12. Eigenvalue stability test

Source: Authors own processing in Stata 16

The test results are presented in a visual form using the Roots of the companion matrix and in a tabular form where the Eigenvalue stability condition is verified. Following its application, the results in the Modulus column are lower than the critical level of 1, so the VAR model satisfies the stability conditions (Figure 12 (b)). Similarly, in the graph in Figure 12 (a), the points are inside the circle, so the VAR model is considered stable.

Conclusions

The study of demography is a complex topic, which takes place over long periods, and aims to assess the natural transformations that take place within a group of individuals, to provide solutions that can reduce undesired social and economic consequences. A population, by its nature, is subject to universal laws that govern its transition over time, resulting in fluctuations in its size, in the median age and in the age composition for different groups of individuals.

Demographic changes tend to take place in a similar manner where there are homogeneous groups of regions, due to socio-economic, cultural and political trends, that have a tendency to spread from one group to another. The demographic changes, that are taking place in Romania are referred to as population ageing. This phenomenon is intensively studied in the scientific literature and in academic circles, but also in government decision-making groups. The interest stems from the need to develop approaches aimed at remedying the social and economic effects produced by the phenomenon of population ageing.

The effects of population ageing are represented by declining birth rates and increasing life expectancy, which have led to the erosion of the share of individuals ages 0-19 years old and the growth of the elderly individuals age 65 years and over. These changes put pressure on social security schemes, which are designed to serve a population with a relatively balanced demography, where the number of youths outweighs the number of the elderly. In an equal manner, the number of active individuals that work and that are counted in the labour force is declining. Thus, the labour market will be faced with a declining number of young individuals that will join a productive life and an increasing share of elderly individuals approaching individuals approaching age that will exit the labour market. Population ageing trends through the rise in the share of individuals of age 65 years and older will inadvertently result in a labour market friction with the possibility of slowing down economic growth in key sectors of the economy. Thus, careful action must be taken by governing bodies to prepare and to transition to an economy where the elderly are still active and involved in labour market in a direct or indirect manner.

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A Reflective Approach to Legal Translation Issues

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Abstract

The paper features an interdisciplinary landscape of the complex topic of legal translation, successfully combining linguistics (both diachronic and synchronic), sociolinguistics, pragmalinguistics, intercultural communication and, last but not least, translation studies. Therefore, the investigation is carried out at the theoretical and applied level in order to derive an in-depth understanding of the multilayered competence of the legal translator within the framework of the EU. The research hypotheses, validated throughout the paper, are centred around the need to define: the functional characteristics of legal language, more particularly, of English as a legal *lingua franca* at the level of the European Union; the evolution of English legal language in relation to translation effectiveness and efficiency; the status and dynamics of legal translation (perhaps, playing the most important role among specialised translation branches); the legal translators' competence (in line with the all-encompassing EMT framework); recurrent problems in the translation of legal texts (more precisely, our corpus-based approach involves directives on culture, media and audio-visual matters) alongside general lexical features and stylistic specificities of the texts in question, and the frequency rate of translation procedures used.

Keywords: *translation of legal texts; lingua franca; dynamics of legal translation.*

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Introduction

The relationship between language and law has been the concern of many scholars. According to Salmi Tolonen (Tolonen, 2001:505) this is not only due to the fact that law would not exist without language, but also because legal language is regulated by the pragmatic aims of the text. Furthermore, legal matters and the related legal language have pervaded the social arena.

Axiomatically, law has a linguistic form; there would be no law without language. Law is mediated through language, partially through spoken language, partially through written language. Legal practitioners and laypersons always ask for the precise meaning of a certain piece of law as engaged in the process of understanding the law. In linguistics, the researcher aims at investigating the meaning of the text, thus contributing to a correct understanding of the law.

Translation particularities in terms of legal language have led to a series of theories within the field of linguistics and translation studies, while interrelated dimensions of these main areas of research have been systematically focused upon. Within the present thesis our research analysis focuses on the specific lexical particularities and translation procedures frequently encountered in the translation process of legal language and a corpus-based analysis.

The nature of legal language: a translation – oriented approach

The concept of *international legal English* in any specific legal field is controversial and it demands specific approaches based on socio-cultural contexts, i.e. specific legal systems. In this respect, the learners should start from "the essential elements of a contract under English law [...] to use the language they have learnt in order to compare their own country's contract law" (Chartrand, Millar and Wiltshire, 2003:10-11). According to Tiersma "Legal English means the language of the law of England, America" (Tiersma, 2008:7), of other countries whose official language is English and of most of the countries who internationally interact within business and international affairs and trade.

Earlier, Trosborg (1991) advocated that law reflects society, and a legal system of a particular nation or a speech community is a reflection of its culture and its institutional traditions and regularities. Because of this close interaction between the legal system and the culture of a nation, legal translation becomes more difficult. Therefore, sustaining the importance of the cultural variable in all kinds of translation, in general, and in legal translation, in particular, linguists and sociologists "emphasize the importance of cultural awareness on behalf of the legal translator beside his ability to manipulate over the linguistic barriers of the two languages" (Trosborg, 1991:78)

Though there is no single answer to the question of how legal language came to be what it is. According to Tiersma, the British Celts has a less significant the impact o on the English legal system, while the Germanic invaders who spoke Anglo-Saxon or Old English grounded the basis of a type of legal language, the remains of which have survived until today, examples such as "bequeath", "theft", "guilt", and "land" can attest this historical reality. Furthermore, the Anglo-Saxons made extensive use of alliteration in their legal language, which survived in today's legal language expressions such as "aid and abet", "any and all" (Tiersma, 2008:8).

Later on, the spread of Christianity played a significant role in the evolution of language and law of England in 597 AD, as it promoted writing in Latin. Thus, the influence of the Roman Catholic Church and, implicitly, of the Latin language had

obvious effects on England's legal matters; as the use of Latin as legal language introduced terms such as "client", "admit" and "mediate" (Tiersma, 2008:8).

The time span after the Duke of Normandy had claimed the English throne and invaded England in 1066 indicates further linguistic and social influences the Norman Conquest had on the written legal language that replaced English with Latin. Even though, beginning with 1210, the language of statutes was French, t it was not until two hundred years after the Conquest that France became the language of oral pleadings in the royal courts and it remained so for the next one or two centuries. A reversed situation occurred starting with 1417, when King Henry, while fighting the French, dissolved the Norman linguistic bonds and ordered that most of his official documents to be written in English.

At this point we could identify two main influences upon legal English historical development, i.e. the traditional Latin influence that developed across centuries and the emergence of France, both languages functioned alongside within the field of legal language, especially in its written form. We can still encounter evidences of the fact that the writs were drafted in Latin for so long - even nowadays many of them have Latin names. Moreover, Latin is still present in expressions relating to the names of cases and parties; for example in England the term for the crown in criminal cases is "Rex or Regina" (Tiersma, 2008:8).

After the era of Anglo-French as a living language, French became extensively used within the legal profession, especially by lawyers and judges. A series of French terms are still highly frequent in current legal English, such as "accounts" "payable/receivable", "attorney" "court martial" (Tiersma, 2008:7). Similarly to early Anglo-Saxon era, where structures containing the association of two words with closely related meaning, such as "to have and to hold'", this type of repetitions are to be encountered in legal French as well, often containing a native English word together with the equivalent French term, for as most of the inhabitants at the time were partially bilingual and thus at least one of the terms could have been easily understood, for example, "acknowledge and confess", "had and received", "will and testament", "fit and proper". (Tiersma, 2008:8)

Historical researchers within this field testify the fact that during Middle Ages, the legal profession made use of three different languages, while throughout the rest of the 17th century, the influence of Latin and legal French decreased, and in 1731, the Parliament permanently ended the use of French and Latin in legal proceedings. However, it became difficult to translate many French and Latin terms into English, taking into consideration that the exact words of legal authorities mattered very much to the profession.

Cumulatively, legal English stems from Latin and French and therefore has got several layers. Most of the technical vocabulary in legal English derives directly from French or Latin and not from Anglo-Saxon; Latin and Norman French terminology still exists side by side in legal texts:

Anglo-Saxon	Norman French
bed	offer
freedom	liberty
land	country
worth	value

Starting with the 18th century, Tiersma (2008) mentions a slow simplification of the legal language. The author equally discusses the efforts of "plain legal English Campaign" within the 19th century. But despite these efforts at simplification and clarification, the gap between legal language and everyday language is still very wide. The complexity of the legal register is highly obvious in written documents, which are often not easily understood by the general readership.

On 26 April 1998 the legal language and traditions that characterised British courts for decades were swept away in a set of rules published in an 800-page document by Lord Chancellor´s Department (Woodhouse, 2001:42). Old Latin and French law terms such as writ or plaintiff were replaced by "plain legal English" terms.
Despite of these efforts to make legal language easier for understanding, the present day legal English continues to be a highly specialised and distinctive field of English.

Moving forward in the attempt to explain the phenomenon of an international English Language, we share Salmi Tolonen's perspective, based on the views advocated by Fairclough and Foucaultin that "technologisation" is the process of the authorities to bring changes in society (Tolonen, 2001: 506). Thus, as suggested, these changes are generally imposed by the most *powerful players*, who manage to change or influence the social reality by means of language.

According to Luttermann, within Europe and within European Union, "legal language is multilingual". This entails numerous language relations regarding the protection and distribution of language, as well as procedural questions. Formal language law distinguishes between *treaty languages*, *official languages*, *working languages* and *language of a case* (Luttermann, 2009: 318-319).

Treaty languages are of main importance as they are the languages used for the interpretation of the Constituting Treaty of the European Union. They are regulated by primary law Treaty establishing the European Community. This first denotes the original text in German, French, Italian and Dutch. The wording of each version is authentic. This regulation was extended in the respective accession documents to the official languages of the joining member states.

Official Languages are those languages used externally by the Community organs. At the moment there are 24 official languages: Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Irish, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Croatian. Regulations and documents of general validity have to be written down in these languages and published in the Official Journal; the respective language version is concurrent with the versions in other languages. In the same way, collections of decisions of European jurisdiction must be published in all official languages.

Furthermore, a member state may address a document to a Community organ in one of the official languages and demand and answer in this language. An organ must answer a member state in the language of this state (Lutermann, 2009: 318).

Working Languages are languages in which the Community organs work internally in communication with one another. They are also set down in the Council Regulation. In this respect, Lutermann mentions Article 1, Regulation no.1/58, where working languages are treated equally like the official languages. It is only regarding details that the Community organs can decide for themselves within the autonomy of their own rule of procedure. Yet, he reveals the fact that "in practice languages are no longer treated in identical fashion. For instance the Commission has officially determined that all internal documents must be published in German, English and

French" (Lutermann, 2009: 318-319). But even this regulation is not always adhered to as commission staff regularly use only English or French.

Languages of a case denote the language used in legal proceedings before the European Court of Justice. In his work, *Multilingualism in the European Union Status Quo and Perspectives: The Reference Language Model*, Lutermann states that all official languages and Gaelic can be languages of a case (Lutermann, 2009). According to Lutermann, the plaintiff has the privilege of language choice and may choose of the 24 languages as the language of a case. This language then dominates all the stages of the court case. The parties have to submit their documents in it. The closing arguments and the sentence are binding only in the language of the case, not also in the other languages. This means that the European Court is the only Community organ in which procedures are not legally binding on a multilingual level. The sentence must be published in the official collection of the Court in all official languages.

During the last two decades the interdependence between modern societies has increased political and economic cooperation between countries in Europe and brought legal, political and language systems into closer contact. Today ordinary citizens are required a higher level of institutional literacy in order to participate with full standing. Therefore, a speaker of a language other than English would choose English as a language of communication and publication and this can be understood as an integrating effort of one's own writing into the cultural and stylistic conventions of an Anglophone tradition.

The fundamental assumption is that a person with knowledge of the source and target languages has basic *translation ability*. This basic ability to translate derives from knowing more than one language, if there is a sufficient degree of functional overlap - this means that he/she is able to perform the task of translating from one language into the other, naturally subject to the constraints posed by the extent of the individual's knowledge of the respective languages, most notably the second language (Toury, 2012: 190).

What is also at stake is the translator's metalinguistic ability to analyse and compare the meaning of different linguistic structures and to switch to another mode of expression in order to express "the same thing" in other words (Toury, 2012: 189) or to paraphrase it.

Likewise, Newmark (1981) sees a good translator as having developed and proven mastery of reading comprehension ability in a foreign language, knowledge of the subject (in other words, a specialized language as well as encyclopaedic knowledge about the topic), sensitivity to language (source language and target language alike), ability to write in the target language clearly, concisely, resourcefully and effectively.

According to Shreve (1997), the translator's competence is communicative in nature - the translator mediates communication by converting the source language text into the target language text to be used by the target readership in another culture, showing appropriate language use and a correct construction and organization of the discourse. Microscopically, we detect *grammar competence* (also termed *formal competence*), *sociolinguistic competence* (also socio-cultural competence; context-embeddedness or knowledge of the relationship between language and its extra-linguistic context, awareness of language variations - intraspeaker variation as identity markers - geographical, temporal, social dialects; interspeaker variation with regard to level of formality/tenor, field and mode), *discourse competence* (ability to combine form and meaning to achieve unified spoken or written text in different genres), *strategic*

competence (mastery of communication strategies to improve communication or to avoid or compensate for breakdowns), and intercultural competence (roughly equated to awareness of cultural specificities).

Vîlceanu links these sub-competences to the task of the translator, i.e. to the deconstruction and construction of a text, and puts forward a threefold perspective: the traditional *areas of activity* (technical, literary, religious, medical translator, etc.), the *modes of translation* (oral or written) and the translator's choice or focus depending on the text type (mainly, *semantic vs. communicative translation*). (Vîlceanu, 2004: 294).

Growing aware of professional specialisation and lifelong learning requirements to meet the contemporary market demands, translators undertake considerable efforts to answer both general and specialised translation loads. Under the circumstances, special attention has been attached to the current collaborative work across Europe with a view to defining a common framework of translator training programmes. Thus, based on the EMT (European Master's in Translation) framework, a partnership project between the European Commission and the relevant academic community in Europe that aims to establish a quality label for university translation programmes at master's level that meet agreed standards in education, Vîlceanu (2011: 343-344) advocates that the translator's competence harmoniously combines multidimensional complex features which, according to the author, can be characterised as follows:

➢ the interpersonal dimension: the translator's work is not self-contained; it interrelates interactively, being shaped by internal and external factors alike. Translators initiate and maintain socio-professional relations; they network and accomplish tasks on translation events via cooperation.

➢ the product dimension: the end product as the translation deliverable seemed to be attached overriding importance as readily available for assessment and use. The translator is committedly-oriented to quality assurance as a career management prerequisite;

➢ language competence as twofold: language mastery (L1 and L2) as well as specialised knowledge acquisition in order to secure a smooth, natural and an error-free version of the original;

➢ the sociolinguistic dimension: translation is context embedded; therefore, the translator has to channel resources and perform accommodation work with respect to language variation, more specifically in what concerns field-related variation, dialectal variation, etc.

➢ text dimension: the translator should be able to recognise, internalise and produce a variety of texts in a variety of formats;

➢ thematic competence: the translator should acquire encyclopaedic or protocol knowledge so as to enhance functional adequacy. In this respect, literature recommends the organisation of information into thematic maps via top down or bottom up processing of information;

➢ technological competence: undoubtedly, the mastery of IT tools will secure the translator's professional growth-orientation and career management alongside membership to virtual communities of practices (forums, chat rooms, associations) and interconnectivity.

With a view to the process of translation, we need first and foremost to highlight the two major categories, i.e. literary and non-literary translation. While the first category is strictly connected to the translation of serious imaginative literature, the second category comprises all the other text types, which starting with the last decades

of the previous century started to increase in number, constituting an overwhelming translation body with whom translators are daily faced in an attempt to meet the requirements of the clients and the quality assurance conditions imposed by this market.

A landmark in the theory and practice of translation is certainly represented by Vinay and Darbelnet's epoch-making work "Stylistique comparée du français et de l'anglais", where the two influential authors within the field of Translation Studies dicuss the idea of conceptual unit (unité de pensée), lexicological unit (unité lexicologique) and translation unit (unité de traduction), and referred to the unit of translation as a compound lexicological unit that conveys one single concept (Vinay and Darbelnet, 1995: 37-43).

The two authors (Vinay and Darbelnet, 1995: 37-43) divide the units of translation into three main types:

- *functional units* (*unité*s *fonctionnelles*) - a set of elements that display the same syntactic function, though do not always sharing the same conceptual unit, thus not suitable to be regarded as units.

e.g*. Il habite / Saint-Sauveur / à deux pas / en meublé / chez ses parents.*

- *semantic units* (*unité*s *sémantiques*) - a conceptual unit:

e.g. *sur le champ:immediately / on the spot* (Ro. *pe loc*)

- *dialectic units* (*unité*s *dialectiques*): pinpointing a way of rationalising:

e.g. *en effet: actually* (Ro. *într-adevăr*)

- *prosodic units* (*unité*s *prosodiques*): in close connection to intonation:

e.g. *Ça alors! You don't say!* (Ro. *Nu mai spune!*)

A further classification of translation units indicates the following grouping:

- *simple units* (*unité*s *simples*) – there is correspondence between the number of translation. Units and the number of words/lexemes:

e.g. *Il gagne 5000 dollars. He earns $ dollars.* (Ro. *El câştigă 5000 de dolari*).

- *diluted units* (*unité*s *diluées*): compound lexemes that form a conceptual unit

e.g. *simple soldat : private* (Ro. *soldat*)

- *fractional units* (*unité*s *fractionnaires*)> where the lexeme comprises several conceptual units:

e.g. *re/couvrir – re/cover* (*Ro. a acoperi din nou*).

According to the degree of internal internal cohesion we can distinguish between:

- *idioms* (*idiotismes*):

e.g. *l'échapper belle: to have a narrow escape* (*Ro. a scăpa ca prin urechile acului*)

- *collocations* (*groupements par affinité*):

e.g. *un refus catégorique : a flat denial* (Ro. un *refuz categoric*)

As postulated by prominent translation theorists such as Newmark (1981), no clear-cut rules can indicate a clear characterisation of translation units, for as it depends on the translator's skills and competences as well as on his/her experience and expertise.

Generally speaking, when referring to translation units we can regard them as the linguistic units which the translator uses when translating.

An array of translation units classification and grouping has been proposed by scholars, ranging from individual word and group to clause and sentence and even higher levels such as *text* and *intertextual* levels (Beaugrande and Dressler, 1981). However, even if most of the time a translator is mainly focused on shorter structures at clause and sentence level, special attention should be attached to context and the *function* of the whole text.

Translation units and translation procedures are to be seen as interrelated concepts, considering the fact that we use translation proceeds to investigate of formal elements which will be interpreted semantically and pragmatically (language in use).

Starting with Vinay and Darbelnet who first proposed and described seven fundamental translation methods or procedures, well known researchers such as Newmark (1981), Delisle *et al.* (1999), Bassnett (2002) or Toury (2012) established further taxonomies and particular features of translating procedures. We shall focus on the classification proposed by Vinay and Darbelnet's (1995) , considering at the same time remarks and recommendations proposed by Newmark (1981), while attempting to define and classify the translation procedures as methods applied by translators when they formulate equivalence for the purpose of transferring elements of meaning from the Source Text (ST) to the Target Text (TT) (Delisle, Lee-Jahnke and Cormier, 1999: 81-83).

Vinay and Darbelnet identify two basic translation modes: *direct translation* *traduction directe*) and *oblique translation* (*traduction oblique*), the former covering structural and conceptual parallelism between the two languages (Vinay and Darbelnet, 1995: 46). Each mode encompasses a number of procedures, although not in equal proportions.

According to Vinay and Darbelnet (1995: 1-41) we can categorize the translation procedures in:

- *borrowings:* the simplest method used mainly for the realization of a stylistic effect;
  e.g.   En. *Job: Responsible retail customers*
  Ro. *Loc de muncă: responsabil clientelă retail*
- *calque*: each of the elements in a borrowed expression are translated literally;
  e.g.   En. *European Commission; NATO (The North Atlantic Treaty Organisation)*
  Ro. *Comisia Europeană; NATO*
- *shift*: the replacement of one word class with another word class;
  e.g.   En. *The documents must be compliant with the new requirements*
  Ro. *Documentele trebuie să fie în conformitate cu noile cerinţe*
- *modulation*: a variation of the message due to a change in the point of view;
  e.g.   En. *The documents must be in compliance with the new requirements*;
  Ro. *Documentele trebuie să respecte noile cerinţe*
- *literal translation*: the word for word translation;
  e.g.   En. *The law applies without exception*
  Ro. *Legea se aplica fara excepţie*
- *equivalence*: applied especially in translating idioms, clichés and proverbs;
  e.g.   En. *high school, Law School*
  Ro. *liceu, Facultatea de Drept*

- *adaptation*: when the situation referred to by the original message is unknown in the target culture and therefore the translator must create an equivalent situation.

  e.g.   En. *mile*

          Ro. *kilometru, leghe*

The classification provided above and most of the terminology used by Vinay and Darbelnet were further mentioned, adapted and reinforced by Newmark (1981), Chestermann (1997) and Bassnett (2002) in specialised scientific research studies within the translation studies field. The prevailing analysis method that defines each of the previously mentioned procedures reveals that the linguistic units of the source language are compared to those of the target language in order to obtain general operative solutions for the translator.

In *Routledge Encyclopedia of Translation Studies*, Baker and Saldanha (2009: 117) describe another fundamental approach to translation, the *skopos* theory. Presented by the authors as *Vermeer's Skopos theory* after its initiator, the German linguist Hans Vermeer (2000), *skopos theory* regards translation as "a specific form of human action which is determined by its purpose" (Baker and Saldanha 2009: 117). The term *skopos*, derived from Greek, is used as a technical term for the purpose of the translation. According to the authors, *skopos* must be defined before translation can begin, as "to translate means to produce a text in a target setting for a target purpose and target addressees in target circumstances" (Baker and Saldanha 2009: 117).

Skopostheorie allows for different translations of one and the same text according to the purpose of translation, which is target language text-oriented, which engenders variability. Reiss (2000) and Vermeer (2000) enlarge on the principles shaping translation:

In the translation process the phase of analysis means considering the function of the texts. First the translator should establish the *text type* and therefore should ask – and answer questions such as: which basic communicative form is realised in the concrete text with the help of written texts? – Is it:

a. The communication of content – information type

b. The communication of artistically organized concept – expressive type

c. The communication of content with a persuasive character – operative type.
(Reiss, 2000:163)

The second stage is to establish the *text variety*, "i.e. the classification of a given text according to specifically structured socio-cultural patterns of communication belonging to specific language communities". (Reiss, 2000:165)

The third stage of the analysis means the analysis of style, "where strategy and tactics are directed by type and variety." (Reiss, 2000:166)

After analysing the function of the text, text type and text variety, comes the phase of reverbalisation. The theory behind this is: "The text type determines the general method for translating; The text variety demands consideration for language and text structure conventions." (Reiss, 2000:166)

Cozma emphasises that besides the previously defined prescriptive translation strategies one should take into consideration translation norms which are regarded rather "as reflections of the preferences towards certain textual practices" (Cozma, 2008: 19).

Within this context ambiguities may occur due to various factors which influence the translation process. Additionally, we have to take into consideration that apart from norms, procedures and techniques, translation implies the translator's choice

"to decide what kind of relation is appropriate in each particular case" (Chesterman 1997: 69).

Regulations have a general scope and are directly applied to each Member State. According to Vîlceanu "a Member State has no power to apply a regulation incompletely or to select only those provisions of which it approves as a means of ensuring that an instrument which is opposed at the time of its adoption or which runs counter to its perceived national interest is not given effect." (Vîlceanu, 2014: 44)

We cannot speak thus of an overlapping legislative sphere between regulations and national laws. The Council of the European Commission is responsible with the issuance of these documents, which, based on these grounds, they lack the essential features of legislation of this king (Vîlceanu, 2014: 45). However, if Regulations are enacted in cooperation of the European Parliament, they are described as legislative acts.

A regulation stars entering into force even from the day it is laid down. If the officials do not establish a date, the regulation is validated at latest on the twentieth day following its publication in the Official Journal of the European Union (OJ).

As Regulations are meant to substitute national law, they are considered the most effective legal instruments provided by the Treaty.

Having defined the professional dimension of translators and the contemporary requirements of the translation market within the theoretical framework of Translation Studies, we further propose a corpus-based analysis in order to highlight specific features and particularities of legal translation issues. We propose a close investigation of a particular type of legal instruments within the EU, our investigation choice being motivated by actual tendencies imposed to each Member State to rally to European polices and common goals.

The translation of European legal documents was and continues to stand as a steadily rising domain of activity, because of the constant expansion in the Commission's areas of activity and since more official EU languages were added when new members joined the EU in 2004 and 2007, as stated by the Directorate-General for Translation, the European Commission's in-house translation service.

Within this context we sought to design and implement a corpus-based analysis in order to emphasize particular features of legal translation issues. Without claiming completeness and due to space limitation requirements, we aimed at designing a bilingual English-Romanian specialized corpus, which can be quickly constructed for specific purposes. Thus, by means of our corpus we aim at investigating legal translation particularities of EU legal instruments, i.e. of EU Directives issued in the sectors of Culture and Audiovisual and Media. With respect to the field of analysis, i.e. culture and media, our investigation is motivated by the fact that the European Union (EU), within the framework of the Maastricht Treaty, is enabled to take action in the field of culture in order to safeguard, disseminate and develop culture in Europe. Based on the he primary focus of directives, i.e. the unification of the law, we aimed at investigating translation issues of such legal instruments which do not imposing obligations to the citizens ofthe EU, but address directly the Member States, in our case in order to implement EU measures in support of cultural initiatives such as the Culture Programme and the European Capital of Culture initiative.

Conclusions

In conclusion, we state that English contract language is part of the English legal language and it can be considered a sub language which serves to specific purposes

within a certain domain. Considering this approach a linguist or legal translator could evolve by examining the linguistic nature of legal texts, how they are constructed, the use of vocabulary, the meaning of legal utterance, how these aspects change over time.

Thus, based on the theoretical investigations and grammatical analyses undertaken, we have reached the following conclusions:

✓ Diachronically, legal language is highly complex, dominated by various strata of loans and borrowings displayed at various linguistic levels.

✓ Most of the technical vocabulary in legal English derives directly from French or Latin.

✓ Nowadays legal language reveals complex lexical features, and despite the efforts at simplification and clarification, the gap between legal language and General English is still very wide.

✓ Within the *ESP* framework *the* concept of *international legal English* becomes controversial, as it demands specific procedures based on certain socio-cultural contexts.

✓ The multilingual setting of the EU gives rise to the so-called *community paradox*, i.e. the intense use of a language - that becomes *a lingua franca*, which, paradoxically, has to be further translated into different languages.

We sought to outline the specificity of legal language and its particular translation-related features. Current tendencies with a view of translation competences in the field of legal language are framed within the EMT framework: the interpersonal dimension; the product dimension; language competence as twofold; the sociolinguistic dimension; text dimension; thematic competence; technological competence.

Consequently, specialisation, especially in legal translations and documents drafting, could not function without knowing the social and cultural background of the language, as legal translations reveal meanings within certain situations or contexts. All these complex facets of the specific contract language are to be taken into consideration when drafting or translating a contract as more than perhaps in any other domain the threat of misunderstanding is hiding within each paragraph.

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http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en_US

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http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CI0%2CB9000%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=OmwA_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1

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https://copac.jisc.ac.uk/search?&isn=1584-224x
ACPN Catalogo Italiano dei Periodici, Universita di Bologna
https://acnpsearch.unibo.it/journal/2601620

Bibliothèque Nationale de Luxembourg
https://a-z.lu/primo-
explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL1000000000726583&context=L

National Library of Sweden
http://libris.kb.se/bib/11702473

Harold B. Lee Library, Brigham Young University
http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-
2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-
8&ctx_ver=Z39.88-
2004&rfr_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000
000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes

Catalogue of Hamburg Libraries
https://beluga.sub.uni-
hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=15
84-224x

Edith Cowan Australia
https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X

University College Cork, Ireland
https://ucc.summon.serialssolutions.com/?q=1584-
224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=

York University Library, Toronto, Ontario, Canada
https://www.library.yorku.ca/find/Record/muler82857

The University of Chicago, USA
https://catalog.lib.uchicago.edu/vufind/Record/sfx_1000000000726583

The University of Kansas KUMC Libraries Catalogue
http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields

Journal Seek
http://journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1584-
224X

State Library New South Wales, Sidney, Australia,
http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-
224X&searchscope=1&SORT=D&extended=0&SUBMIT=Search&searchlimits=&sear
chorigarg=i1583-9583

Electronic Journal Library
https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736

Open University Malaysia
http://library.oum.edu.my/oumlib/content/catalog/778733

Wayne State University Libraries
http://elibrary.wayne.edu/record=4203588

Kun Shan University Library
http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

Western Theological Seminar
https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991001225541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0

Swansea University Prifysgol Abertawe
http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELF_SWA_VU1&reset_config=true#.VSU9SPmsVSk

Vanderbilt Library
https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschftszentrum Berlin fur Sozial
https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2

Radboud University Nijmegen
https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=

Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)
http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736

The University of Hong Kong Libraries
https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic
https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25
University of the West Library
https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367

Elektron ische Zeitschriften der Universität zu Köln
https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Pulications
https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

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Impact Factor Poland
http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques

Universite Laval
http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rfr_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000000000726583&rft.object_portfolio_id=&svc.fulltext=yes

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https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22

BSB Bayerische StaatBibliothek
https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838

Deutsches Museum
https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=dmm&Language=de
Technische Hochschule Ingolstadt
https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+[2]

Hochschule Augsburg, Bibliothek
https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22

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Freising, Germany
https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de

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Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany
https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+[2]

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-Universität zu Berlin
Berlin, Germany
https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X

Hochschulbibliothek Ansbach, Ansbach, Germany
https://fanoz3.bib-
bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)
Frankfurt/Oder, Germany
https://opac.europa-
uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22

University of California Library Catalog
https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&sea
rchArg1=ucoclc469823489

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visit the journal website at the following address:

http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2020)

CEPOS Conference 2020
The Tenth International Conference After Communism. East and West under Scrutiny (27-28 March 2020) was evaluated and accepted for indexing in 7 international databases, catalogues and NGO's databases:

Scichemistry
http://scichemistry.org/ConferenceInfosByConferenceTopicId?conferenceTopicId=57

Oxford Journals
https://academic.oup.com/jcs/advance-articlepdf/
doi/10.1093/jcs/csz078/30096829/csz078.pdf

Conference alerts
https://conferencealerts.com/show-event?id=215370
https://www.sciencedz.net/en/conference/57625-10thinternational-
conference-after-communism-east-and-west-underscrutiny

Intraders
https://www-intradersorg.
cdn.ampproject.org/v/s/www.intraders.org/news/romania/10
th-international-conference-after-communism-east-and-westunderscrutiny/
amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#a
oh=15737604302246&referrer=https%3A%2F%2Fwww.google.co

m&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.i
ntraders.org%2Fnews%2Fromania%2F10th-internationalconference-
after-communism-east-and-west-under-scrutiny%2F

10 times
https://10times.com/after-communism-east-and-west-underscrutiny

The conference alerts
https://theconferencealerts.com/event/46428/10th-internationalconference-
after-communism-east-and-west-under-scrutiny

Scirea
https://www.scirea.org/ConferenceInfosByConferenceCountryId?c
onferenceCountryId=75

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under
Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and
accepted for indexing in 6 international databases, catalogues and NGO's databases:

> Oxford Academic Journal of Church & State https://academic.oup.com/jcs/article-
> abstract/60/4/784/5106417?redirectedFrom=PDF
> 10 Times
> https://10times.com/after-communism-east-and-west-under-scrutiny
> Conference Alerts
> https://conferencealerts.com/show-event?id=205682
> Researchgate
> https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATI
> ONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER
> _SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl
> %5Bcontexts%5D%5B0%5D=publicationCreationEOT&_iepl%5BtargetEntityId%
> 5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA
> The Free Library
> https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTE
> R+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701
> Science Dz.net
> https://www.sciencedz.net/conference/42812-9th-international-conference-after-
> communism-east-and-west-under-scrutiny

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under
Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and
accepted for indexing in 15 international databases, catalogues and NGO's databases:

> Conference Alerts, https://conferencealerts.com/show-event?id=186626

Sciencesdz, http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny

ManuscriptLink,
https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event

Maspolitiques,http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny

Aconf, https://www.aconf.org/conf_112399.html

Call4paper,https://call4paper.com/listByCity?type=event&city=3025&count=count

Eventegg, https://eventegg.com/cepos/

10 times, https://10times.com/after-communism-east-and-west-under-scrutiny

Biblioteca de Sociologie, http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/

Science Research Association
http://www.scirea.org/topiclisting?conferenceTopicId=5

ResearcherBook http://researcherbook.com/country/Romania

Conference Search Net, http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny

SchoolandCollegeListings,
https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS

Vepub conference, http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHN0ZmpkYU9nTHJzUkRmdz09/

Geopolitika Hungary, http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/

CEPOS Conference 2017
The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases:
Ethic & International Affairs (Carnegie Council), Cambridge University Press-https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/
ELSEVIER GLOBAL EVENTS LIST http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny

CONFERENCE ALERTS-http://www.conferencealerts.com/show-event?id=171792

10TIMES.COM-http://10times.com/after-communism-east-and-west-under-scrutiny

Hiway Conference Discovery System-http://www.hicds.cn/meeting/detail/45826124

Geopolitika (Hungary)-http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/

Academic.net-http://www.academic.net/show-24-4103-1.html

World University Directory-http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769

Science Research Association-http://www.scirea.org/conferenceinfo?conferenceId=35290

Science Social Community-https://www.science-community.org/ru/node/174892

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/

Oxford Journals – Oxford Journal of Church & State-http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract

Conference Alerts-http://www.conferencealerts.com/country-listing?country=Romania

Conferences-In - http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/

Socmag.net - http://www.socmag.net/?p=1562

African Journal of Political Sciences-http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk

Researchgate-https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism._East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania

World Conference Alerts-http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442

Edu events-http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/

Esocsci.org-http://www.esocsci.org.nz/events/list/

Sciencedz.net-http://www.sciencedz.net/index.php?topic=events&page=53

Science-community.org-http://www.science-community.org/ru/node/164404/?did=070216

CEPOS NEW CALL FOR PAPERS 2021

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

THE ATLANTIC COUNCIL OF CANADA, CANADA-http://natocouncil.ca/events/international-conferences/

ELSEVIER GLOBAL EVENTS LIST-http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf

GCONFERENCE.NET-http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CONFERENCE BIOXBIO-http://conference.bioxbio.com/location/romania

10 TIMES-http://10times.com/romania

CONFERENCE ALERTS-http://www.conferencealerts.com/country-listing?country=Romania

http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf

http://sdil.ac.ir/index.aspx?pid=99&articleid=62893

NATIONAL SYMPOSIUM-http://www.nationalsymposium.com/communism.php

SCIENCE DZ-http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny

ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/

CONFERENCE WORLD-http://conferencesworld.com/higher-education/

KNOW A CONFERENCE KNOW A CONFERENCE-http://knowaconference.com/social-work/

International Journal on New Trends in Education and Their Implications (IJONTE) Turkey http://www.ijonte.org/?pnum=15&

Journal of Research in Education and Teaching Turkey-http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum

CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see http://natocouncil.ca/events/international-conferences/

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA-http://www.apsanet.org/conferences.cfm;

Journal of Church and State, Oxford-http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html;

NATO Council of Canada (section events/ international conferences), Canada, http://atlantic-council.ca/events/international-conferences/

International Society of Political Psychology, Columbus, USA-

http://www.ispp.org/uploads/attachments/April_2014.pdf

Academic Biographical Sketch, http://academicprofile.org/SeminarConference.aspx;

Conference alerts, http://www.conferencealerts.com/show-event?id=121380; Gesis Sowiport, Koln, Germany, http://sowiport.gesis.org/; Osteuropa-Netzwerk, Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism_:_East_and_West_under_scru tiny_:_Fourth_International_Conference

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References:
The references cited in the Article are listed at the end of the paper in alphabetical order of authors' names.
References of the same author are listed chronologically.

For books
Olimid, A. P. (2009a). *Viaţa politică şi spirituală în România modernă. Un model românesc al relaţiilor dintre Stat şi Biserică*, Craiova: Aius Publishing.
Olimid, A. P. (2009b). *Politica românească după 1989,* Craiova: Aius Publishing.
For chapters in edited books
Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles
Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Ştiinţe Politice. Revue des Ştiinţe Politice*, 39, 49-58.

Tables and Figures
Tables and figures are introduced in the text. The title appears above each table.
E.g.: Table 1. The results of the parliamentary elections (May 2014)

Proposed papers: Text of the Article should be between 4500-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.
All submissions will be double-blind reviewed by at least two reviewers.