

An aerial, top-down view of a courtyard with a spiral path. The path is paved with reddish-brown stones and winds inward, creating a series of concentric circles. The courtyard is surrounded by multi-story buildings with light-colored facades and dark window frames. There are trees and a few people visible in the courtyard. The sky is blue with some light clouds.

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ORIGINAL PAPER

Court charges in the civil trial requested through a separate action

Raluca Lucia Paul¹⁾

Abstract:

Starting a civil lawsuit involves the parties incurring expenses that they must bear, expenses that consist of paying stamp duties where required by law, attorney's fees, expert's fees, travel expenses, accommodation, etc. In addition to the role of a procedural sanction of the person who loses the lawsuit, the court costs also have the role of compensating the party who won the lawsuit and who is not guilty of initiating judicial activity.

Court costs are granted at the request of the interested party and will be borne by the losing party. The basis for their award by the court being the procedural fault and the full coverage of the damage caused to the winning party.

The failure of the party to claim the costs does not lead to the extinction of the right or to cover the damage caused by initiating legal proceedings. The interested party, being entitled to exercise his right by way of a separate action based on tortious civil liability.

Keywords: *court charges, procedural fault, coverage of the damage.*

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An important principle underlying the granting of court charges in a civil trial is that they are granted only at the request of the interested party. If there is no such express request of the party, the court cannot order *ex officio* the obligation to pay court charges. The plaintiff is the one who formulates the summons request and he will also request, if he wishes, the granting of court charges, and the defendant can, in turn, request court charges through the counterstatement submitted to the summons request. The court charges can be requested later, throughout the trial of the first instance, but their proof must be made by the date of closing the debates on the merits.

In what follows, we will analyse the situation in which, within a summons pending before a court, or through the counterstatement filed by the defendant, court charges were also requested but, for various reasons, at the last court trial date, the parties decide that they will recover the court charges through an independent action formulated separately. The promotion of such a separate action for the recovery of court charges involves some important procedural consequences, among which we mention, first of all, the material and territorial competence to judge such a request will be determined according to the rules of common law provided by the Code of civil procedure, secondly, such an action can be exercised within the general limitation period of three years, the solution being the same also regarding the limitation of the right to demand enforcement.

Regarding the conditions under which court charges can be granted, judicial doctrine and practice (Ciobanu, 1996: 262-263) were consistent in meaning that they are granted – if the conditions of tortious civil liability are met – and if they were not requested during the trial or if they were requested and the court failed to rule, to the extent that the party did not waive the right to claim them. Therefore, the legal basis for awarding court charges is represented by the procedural fault of the party that lost the trial or that, even if strictly formally it did not lose it, is still at fault, since its imputable conduct generated the litigation. Thus, we can talk about a special type of tortious civil liability, because, although access to justice is free, if the procedural position of the party proves to be unfounded or due to its fault, a substantive solution is not reached, this is procedural fault and is responsible for the damage caused to the opponent who was determined to incur charges (Zidaru, Pop, 2020: 342)

According to article 453 paragraph 1 of the Code of Civil Procedure, the losing party will be obliged, at the request of the winning party, to pay the court charges incurred. Thus, at the basis of the obligation to cover court charges is exclusively the idea of *procedural fault*, the fault being proven by the very solution delivered by the court. At the same time, the court charges are also a procedural sanction for the unjustified exercise of appeals or other procedural prerogatives. That is why the doctrine considers that the obligation to pay court charges is the result of a culpable attitude of the party, from which the conclusion is drawn that they also represent genuine procedural sanctions (Les, 2020: 561).

According to the provisions of article 451 paragraph 1 of the Code of Civil Procedure, court charges consist of court stamp fees, the fees of lawyers, experts and specialists appointed in strictly specialized fields, in which there are no authorized experts, the sums due to witnesses for travelling and the losses caused by the need to be present at the trial, the transportation and, if applicable, accommodation charges, as well as any other charges necessary for the proper conduct of the trial.

In doctrine (Ciobanu, Briciu, Dinu, 2018: 411) it was shown that the scope of court charges and costs with pre-trial notice, designed to delay the debtor, the future

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defendant, and avoid the costs of a trial. At the same time, judicial fines or compensation to which one of the parties was obliged for delaying the trial are not included in the scope of court charges and cannot be imputed to the opponent. The proof of the existence and extent of court charges usually consists of the receipts issued following the collection of the lawyer's fee, the expert's fee, the payment of the court fee, the travel to reach the court's headquarters, etc. In order to be taken into account by the court, this evidence must be submitted to the case file at the latest on the date of closing the debates on the merits of the case according to the provisions of article 452 of the Code of Civil Procedure. There is an interpretation in judicial practice, according to which the legislator gave the possibility of separate recovery of court charges only to the extent that the analysis of the new action is based on the evidence already in the merits file, the basis of the new request. Through this interpretation, the situation is avoided in which the winning party is given the opportunity to arbitrarily set court charges, already knowing the solution, just out of a desire to burden the opposing party.

In order to be able to file an action for the recovery of court charges separately, it is necessary that, during the debates that take place in the file in which the charges were requested, the lawyer should mention that he will request court charges separately. This mention will be recorded in the conclusion of the meeting or in the content of the ruling.

With reference to the mention of requesting charges separately, the practice of the courts is different. Some courts record this request in the final part of the ruling, in its operative part, while other courts refer to this request only in the considerations of the ruling. These aspects complicate the party that won the trial and wants to recover the court charges separately, since it must prove that it mentioned that it will recover the court charges separately.

Therefore, the situation is simple when the judge records the mention of the request for charges separately in the operative part of the ruling, because then it is clear that the court has ruled on this aspect and the interested party will have grounds on the basis of which he will be able to form a new file, separately, by which to ask for the court charges due to him in case the solution is favourable to him.

The problem occurs when the mention of the request for court charges separately is not recorded in the operative part of the decision, but only in its considerations.

Thus, it can be considered that the court did not rule on what was requested by the party, especially regarding the charges, and it risks not being able to recover them separately.

In this situation, before trying to recover the charges separately, the interested party can make a request to supplement a ruling, based on the provisions of article 444 of the Code of Civil Procedure, by which to request the supplement of the ruling pronounced by the court with respect to the mention regarding the request for charges separately, reasoning that although at the last court term it was specified that the court charges will be requested separately and it was correctly retained by the court in the considerations of the decision, however, this was not retained also in the content of the ruling.

It is possible that the court, judging the request to supplement the decision, rejects this request, reasoning that it cannot rule, by means of the device, distinctly, on the accessory request regarding court charges, because in the initial request a small accessory was formulated of the request for court charges and, subsequently, at the last

court term, the party waives the initial request for court charges and decides that it will request them separately. Thus, the procedural position of the party will be mentioned in the considerations of the decision, so that it cannot be pronounced through the device.

Regardless of whether the court admits or rejects the request to supplement the judgment, so regardless of whether or not the provision of the judgment expressly mentions the request for charges separately, it will be possible to proceed to the formulation of the request for the recovery of charges separately, without the need to exist a mention even in the operative part of the decision that gives the right to the recovery of court charges, the mention being sufficient in the introductory part or the considerations of the decision.

Also, another condition that must be met in order for the request for separate court charges to be admitted, is that they be requested within the 3-year limitation period, which, according to the provisions of art. 2528 paragraph 1 of the Civil Code will run from the date of the definitive stay of the decision in the first trial, considering that only from this moment it is known with certainty who lost the trial, and the compensation claim becomes certain.

At the same time according to the interpretation of judicial practice in Bucharest Court of Appeal, fourth civil section, decision no. 395/R/15.05.2019 “with regard to the limitation period of the material right to demand the obligation of the party at fault procedurally to return the advanced court charges, it does not begin to run until the date on which the one who requests them was not in a position to know that he is entitled to request them, that is, until the date of the court’s decision. Only with the resolution of the case is the party in a position to know that the damage consisting of the advanced court charges results from the adversary’s fault; the request can be made earlier, i.e., in the case that caused the charges, but the limitation period does not start to run until the moment when the person responsible for the prejudice caused is confirmed.”

From a procedural point of view, depending on their amount, court charges can be requested in the main way through the common law procedure or through the simplified special procedure for low value claims provided by the provisions of article 1025-1031 of the Code of Civil Procedure, in the situation where the amount of charges does not exceed the amount of 10,000 lei. We believe that in this matter the simplified procedure for small claims can be used, since the law does not distinguish with regard to the nature of the right that can be evaluated in money that can be the subject of the procedure regarding small claims, in the sense that only the correlative claims of an obligation consisting in the payment of a sum of money or any right assessable in money (Boroi, Stancu, 2020:1052). Therefore, in the absence of such a distinction, with the exception of the matters referred to article 1026 paragraph 2 and 3 of the Code of Civil Procedure, through the special procedure regarding claims of low value, any rights that can be evaluated in money with a value of up to 10.000 lei on the date of notification to the court can be capitalized, thus the basis of the payment obligation is not strictly related to the matter that concerned the object of the respective file, but the separate application having a distinct character, thus having no relevance to the object of the file in which these court charges were generated. (Dinu, 2011:71, Tăbârcă, 2017:577)

The benefits in choosing the way of formulating the request with a low value would be several: the applicant will pay a stamp duty of 50 lei if the value of the request does not exceed 2,000 lei, and 200 lei for requests whose value exceeds 2,000 lei (according to article 6 of G.E.O. 80/2013 regarding judicial stamp duties), instead, if the

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plaintiff chooses the common law procedure, the stamp duty will be calculated according to the value of the request.

Also, the low-value claim has advantages from the point of view of the duration of its resolution, the entire procedure being carried out in the council room and in writing (except in cases where the court deems the presence of the parties necessary, in which case it can order their appearance).

Another important aspect of requesting charges separately is whether other court charges can be requested in the newly started trial. The answer is an affirmative one, the defendants can be charged including the court charges caused by the current trial subject to compliance with the requirements of art. 453 paragraph 1 Code of Civil Procedure, the circumstance that the object of the claim in this case is represented by the obligation of the defendants to pay the court charges generated by another trial. The judicial practice ruled that whatever the procedure chosen to recover court charges from a file, the court charges caused by this new file can also be requested, as decided by the High Court of Cassation and Justice in Decision no. 59/2017 according to which “the provisions of article 453 of the Code of Civil Procedure apply regardless of the subject of the litigation, the party that lost the case being obliged to pay the court charges related to this second trial which involves, in the overwhelming majority of cases, the resolution of some defences related to the establishment of procedural fault from the first trial, resolved definitively. Therefore, the fact that the object of the claims is the obligation of the defendant to pay court charges generated by another process has no relevance on the way of applying the provisions of article 453 of the Code of Civil Procedure in the second litigation”.

“Paragraph 80. The plaintiff in such actions cannot be criticized for the option of separately recovering court charges from a previous litigation, as he cannot be considered culpable for capitalizing on this legal possibility, nor can it be presumed that he is exercising an abuse procedurally manifesting in this sense.

Paragraph 88. As it was shown, the plaintiff cannot be at fault when he exercises his right, and the defendant, who loses the case and does not manifest himself within the limits of article 454 of the Code of Civil Procedure, cannot be considered innocent in relation to the litigation having as its object the payment of court charges related to a previous litigation.

Paragraph 89. As a consequence, he cannot be exempted from paying court charges once the plaintiff's action has been admitted. Bearing court charges does not have the meaning of double sanctioning him for the culpa in the first trial, but for that arising from his procedural manifestation in the second litigation.

Paragraph 92. This being so, the legal conclusion can only be that the provisions of article 453 of the Code of Civil Procedure apply regardless of the subject of the litigation, the party that lost the trial being obliged to pay the court charges related to this second trial which involves, in most cases the overwhelming majority of cases, the resolution of some defences related to the establishment of procedural fault in the first trial, resolved definitively. Therefore, the fact that the object of the claims is the obligation of the defendant to pay the court charges generated by another trial has no relevance on the way of applying the provisions of article 453 of the Code of Civil Procedure in the second litigation”.

If the interested party decides to request court charges separately, basing its action on the provisions of common law, both the pre-procedural provisions provided for in the Code of Civil Procedure in the matter of court charges and the provisions of

article 1349 of the Civil Code will be applicable refers to tortious civil liability and respectively those of article 1357 of the Civil Code which refer to the conditions of tortious civil liability.

According to judicial practices in the matter such as civil decision no. 4340/2015 pronounced by the Bucharest Court, the party in whose favour a case was resolved can separately request the court charges based on tortious civil liability, in the particular form regulated by article 453 paragraph 1 of the Code of Civil Procedure.

Tortious civil liability implies an obligatory legal relationship arising from an illegal act causing damages, a relationship in which the author of the illegal act has the obligation to repair the causal damage, and according to article 1349 paragraphs 1 and 2 of the Civil Code *“Every person has the duty to respects the rules of conduct imposed by the law or the custom of the place and not to harm, through his actions or inactions, the rights or legitimate interests of other people. (2) Whoever, having discernment, violates this duty is responsible for all the damages caused, being obliged to repair them in full.”*

Also, according to article 1357 of the Civil Code, *“He who causes prejudice to another through an illegal act, committed with guilt, is obliged to repair it. The perpetrator of the injury is liable for the slightest fault.”*

The two legal texts cited above enshrine the elements that must be met cumulatively to operate tortious civil liability, namely the existence of a damage; the existence of an illegal act; the existence of a causal relationship between the illegal act and the existing damage to the guilt of the one who caused the prejudice, consisting of the intention, negligence or imprudence with which he acted. Thus, the essence of tortious civil liability is the causing of damage by violating the subjective rights or legitimate interests of a person, objective conditions in the absence of which the obligation of reparation cannot be established on the responsible person. Guilt, defined as the subjective side of tort liability, has the role of delimiting the conduct that can be imputed to the person responsible for causing the damage in order to sanction it, by engaging the obligation to compensate the person who suffers that damage.

As a social and legal fact, tort liability represents society’s reaction to the actions or inactions by which the subjective rights and legitimate interests of other people were affected, by placing the obligation to repair the prejudice on the one who is guilty or who, by law, is obliged to answer (Boilă, 2008a:26-29). In the absence of a legal definition, the specific elements summarized in our doctrine can be derived from all the provisions as that “relationship of obligations under which a person is obliged to repair the prejudice caused to another by his act or, in the cases provided by law, the prejudice for which is responsible” (Albu, Ursa, 1979:23).

We note the general nature of the obligation that has been established for any person, referring to the observance of both the legal provisions, respectively the rules of the objective law, as well as certain rules of conduct that the custom of the place establishes, rules that have acquired, over time, legal value, being unanimously accepted and respected within society due to the moral valences they represent and their general, notorious and constant character.

It was expressly mentioned that tortious civil liability can be engaged, mainly, as a result of the violation of a person’s subjective rights, but it was recognized as a reparable damage and the harm caused only to the legitimate interests of the person, which represents a considerable expansion of the scope of compensable damages, on the basis of tortious liability (Boilă, 2008b:64-67).

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Our traditional doctrine has defined this hypothesis of civil liability as “the obligation of the one who caused damage to another, through an illegal extra-contractual act, which is imputable to him, to repair the damage thus caused”.

The prejudice represents the “cornerstone” of the entire legal construction, representing “not only the condition of liability, but also its measure, in the sense that the author is liable only within the limit of the prejudice caused” (Pop, 2000a:199).

The Civil Code does not contain an actual definition of prejudice, but the definition formulated in our traditional doctrine was adopted according to which the prejudice, damage or loss represent those “negative patrimonial (...) and moral effects that a person experiences as a result either of the illegal conduct of another person, or of a human act, an animal, a thing or an event that removes the tortious liability of the agent”. In order for the injured person to be able to obtain compensation from the person responsible, the prejudice must be certain, both from the point of view of its existence, current or future, as well as the concrete possibilities of evaluation, and must not yet be repaired.

Relating these notions to the basis of the award of court charges by the court that resolves this request, the first condition is considered to be met when the existence of the prejudice is certain, unquestionable, even if it occurs later, and its extent is not known, because the total removal of the effects of the illegal act by repairing the damage is the purpose of engaging in tort liability.

The damage caused is represented in the case most of the time by the value of the fee paid to the lawyer in the file, the payment of stamp duties and the payment of the fees of legal experts, the causal relationship between the act and the damage as well as the culpa being obvious.

Regarding the amount of the lawyer’s fee, it must be proven that the lawyer’s fee charged was proportional to the work performed, it has a reasonable amount, proportional to the value of the object and the complexity of the case, and the extent of the prejudice consisting in the lawyer’s fee paid is proven by the documents that are the proof of payment. And as it results from the provisions of art. 453 paragraph 1 of the Code of Civil Procedure, the legal nature of the court charges is that of “compensation” granted to the party that won the trial, for the damage caused by the procedural fault of the other party.

The act of the party that “loses the trial” triggers a tortious civil liability, the content of which is the civil obligation to repair the prejudice caused, i.e., to return the sums that the party that won the trial had to pay.

Therefore, the legal basis for awarding court charges is represented by the procedural fault of the party “who loses the trial” and represents a procedural sanction for the party that will be guilty of starting the trial and a way of compensating the other party.

The payment obligation is based on the two cumulative requirements that emerge from the content of the procedural rules, respectively: the criterion of procedural fault, met in the person of that party in the trial that lost the litigation: the criterion of the final settlement of the process for which court charges are requested.

The illegal act represents the fact generating liability, which in the matter of awarding court charges can be one’s own act, that of being guilty of starting a litigation. In order to obtain full, fair and equitable compensation, the interested party must prove that the damage suffered is the consequence of the culpable commission of an illegal act

by the responsible person. Under these conditions, the “illegal act” triggers the mechanism of incurring the obligation to compensate the responsible person.

The provisions of article 1357 of the Civil Code refer to the “illegal act” without detailing the content of this phrase. Under these conditions, the main coordinates of the “illegality” of the act of the responsible person, as established by doctrine and jurisprudence, should be taken into account. Objective element of tort liability, the illegal act represents that action or inaction by which the subjective rights of other people or their legitimate interests were affected, likely to cause them harm.

The illegal act can be an action consisting of doing what should not be done according to moral and legal norms, for example to sue a person and oblige him to carry out certain charges in order to support his defence which are proven in an end to be useful considering that he will win the civil trial. The illegality of the conduct of the person who loses the trial is assessed in relation to the general rules of behaviour established in society through legal provisions and moral norms. Basically, they establish the imperative duty of citizens “not to harm or prejudice another person” by taking legal action with a case that will later be rejected. Violation of this general obligation is contrary to the norms of the objective civil procedural law, being an illegal act of such a nature as to engage in tortious civil liability. This represents the way of externalizing the attitude of conscience and will of the person who lost the trial regarding the deed and its harmful consequences.

The illegal act was committed by the party that lost the trial, since due to its action civil proceedings were triggered that were the subject of the file when the legal suit of the plaintiff is put on, that is, it opposed the introductory court action when we are talking about a defendant.

The causal link between the illegal act and the damage is an essential condition, of an objective nature, for the engagement of tort liability, contributing to the identification of the responsible person who “causes” another prejudice. The requirement of this condition requires that there be a link from cause to effect between the damage produced and the generating fact, so that, from the multitude of causal circumstances and conditions that contributed to a certain extent, those previous actions or inactions that have directly and necessarily determined the occurrence of the prejudice. The absence of the causal link eliminates the assumption of the engagement of a tortious liability regarding the damage caused. The theory that constructively synthesizes the positive values of these guidelines and removes the shortcomings found is the one regarding the indivisible unity between cause and condition, according to which, in the hypothesis where the cause of the prejudice cannot be precisely established, equal causal value is attributed to all the facts or circumstances that preceded it (Pop, 2000b:220-222). Our jurisprudence has the same orientation, which takes into account the premise of the coexistence of cause and conditions, including in the causal complex not only the facts that constitute “the necessary cause”, but also the “causal conditions”, i.e., the illicit facts that made possible the occurrence of the prejudice

Guilt is a distinct and essential condition of tortious civil liability, with an independent and precisely determined character. Thus, liability can only be committed to the person who is guilty of committing the prejudicial act (Boilă, 2008c:51-60). From a terminological point of view, we note that in the Civil Code in article 16 paragraphs (2) and (3) the notion of guilt is used, which, in a generic formulation, includes the two forms, intention and culpa. The legal literature in our country defines culpa as: “The

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mental attitude of the author of the illegal and harmful deed towards the respective deed and towards the consequences of this deed, at the time of its commission” (Pop, 2000c:225). The structural elements of guilt are the intellectual factor of conscience – which consists of an intimate psychological process of knowing the objective laws that act in nature and in society, the analysis of the possible consequences of an act, determined by certain goals, for which the appropriate means are prefigured for their achievement – followed by the action of a volitional factor, of will, embodied in the psychological process of deliberation and decision-making regarding the behaviour that will be adopted, which materializes in criminal conduct.

Conclusions

In the context of the recognition at the legal, doctrinal, and jurisprudential level of the possibility of separate recovery of court charges and the autonomous nature of such litigations, recognition that constitutes nothing but a right, the one that puts into practice a legal possibility or that exercises a right – as is the case of the plaintiff who requests the recovery through a separate action of the court charges determined by the support of a definitively won trial – cannot be considered in culpa.

The primary role of subjective liability will continue to be its sanctioning function, being directed only against the one who is guilty of committing a harmful illegal act. To the extent that his guilt cannot be proven, there is a danger that the person concerned will be unable to obtain reparation, which is an unfair solution.

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ORIGINAL PAPER

Politics of the Past: the Instrumentalization of Nicolae Iorga's Memory in the Romanian Parliament (1990-2000)

Georgiana Țăranu¹⁾

Abstract:

This article aims to shed some light on how Nicolae Iorga, one of his country's most important modern intellectual, was remembered by elected officials in the Romanian Parliament in the first post-communist decade. Through a qualitative analysis of parliamentary speeches and contextualisation, we look at how his legacy was used in a variety of manners by politicians acting as agents with quite different agendas. Most of the members of Parliament who engaged in memory politics in Iorga's case were representatives from the governing party FSN/FDSN and the two ultranationalist parties, PUNR and PRM. Two main patterns emerged in the discourses that made reference to Iorga in this first decade: on the one hand, discourses of collective victimhood by exploiting the historian's violent death and externalizing the blame, and on the other hand, discourses of xenophobia and antisemitism. Overall, the politics of memory of Iorga in the 1990s did not differ significantly from the national-communist narrative of the late communist decades.

Keywords: *Nicolae Iorga, politics of memory, Romanian Parliament, post-communist Romania, Romanian historians.*

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1. Introduction

Memory studies is a rapidly growing multidisciplinary field of research expanding across established disciplines, such as sociology, history, political science, psychology, literature, but also easily integrated by more recent disciplines such as cultural studies or media studies (Sturken, 2008: 73-74). In the Romanian political context following the end of communism, just as in most cases of regime transition from authoritarian rule, historical memories quickly proved “foundational to social and political identities” (Hite, 1078). After the overthrow of the communist dictatorship in December 1989, in Romania, just as in neighboring Bulgaria, “no neoliberals came to power” in 1990 (Iacob, 2020: 124). The new political forces and the former secret police, the Securitate, quickly rebranded, needing to portray themselves as rightful owners of the new regime. Nationalism once again offered a common language to rally Romanians against an internal or external enemy (Ioanid 1994: 173; Gallagher, 1992: 571). Historical memories thus quickly became “mobilized to challenge opponents.” (Hite, 1078). In the face of political and economic insecurity, the national past always serves as a powerful tool (Berger, 2007: 38-39). In post-communist Romania this was the case too, so national history was brought in to provide a sense of belonging to a worthy culture with a pre-communist pantheon of exceptional Romanians. It infused a degree of certitude in uncertain times. As Tom Gallagher has noted, the interwar period became the point of reference for the politics of memory of the government ever since 1990 (Gallagher, 1999: 141-142). Great personalities and significant events started to be celebrated or commemorated, either because they could trigger feelings of pride over being Romanian or fears of losing the national identity because of internal or external enemies.

Nicolae Iorga came as an obvious choice as he had been both the most important pre-communist historian to legitimize the nation-state and the dominant figure of the country’s cultural scene for over three decades, widely acclaimed both at home and abroad. Moreover, Iorga had informed Romanians about the glories and virtues of their past and had defined the nation against various enemies (Jews, Hungarians, Russians, Communists, Nazis). This meant that his legacy was read as a very versatile nationalism which could be used in a variety of manners by agents with quite different agendas. The politics of memory concerning Iorga thus became part of the identity politics of the Romanian nation in the post-1989 setting.

This article aims to provide a discussion of the acts of remembrance towards Nicolae Iorga (1871-1940) registered in the first post-communist decade in Romania through parliamentary speeches. It builds on the premise that parliamentary debates matter and are fundamental to democratic regimes, since they offer key valuable informations on the position-taking strategies of politicians on any topic (Proksch and Slapin, 2015). Thus, what the Members of Parliament (MPs) communicate on the past and on the great personalities sends a message to the public in terms of who and what deserves to be remembered and how.

Iorga is remembered as modern Romania’s most important and renowned historian and public intellectual (Pop, 2021). More specifically, the focus will be on who and why took the floor in both Houses of the Parliament to remember Iorga in the first post-communist decade. The narratives of the past are generally constructed by different types of agents of memory, all found in pursuit of legitimacy and identity. Three main categories of agents engaged in remembering Iorga can be identified as follows: the public institutions and the political establishment, the academe, and society at large,

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understood as comprised of non-governmental organizations, in general. Essentially, each of them engaged in remembering practices for different purposes, be it scientifically, politically or culturally motivated. This article deals only with the ways in which elected representatives, namely the MPs, were involved in works of remembrance towards Iorga. I will be looking at their political discourse when taking the floor and the respective context in which it was delivered. The current qualitative analysis is part of a larger research in which I am discussing the instrumentalization of Iorga's legacy by various regimes and actors starting from 1941 and up to the present.

By exploring how politicians acting within the most representative institution of a democratic regime chose to remember Iorga, I highlight how his work and biography were instrumentalized to legitimize various political agendas. I conclude by looking at how this contributed to the perpetuation of the cult of the exceptionality of Iorga which hinders fresh domestic critical reflections on his political biography.

While extensive research covered the interaction between Iorga's work and a myriad of narrow topics one can relate his massive scholarly output to, there is no published study specifically concerned with the uses of his legacy in the post-communist years. While the last thirty years have registered many ways of dealing with Iorga's memory, my attempt here is to sketch an overview of the most relevant uses of his memory by the elected representatives of the first post-communist decade, which saw the resurgence of extreme right-wing nationalism (Gallagher, 1999).

2. Why to remember Iorga?

The first section provides a historical background for understanding Iorga's profile and why would such a profile be tempting for MPs to associated themselves with. Why was there so much interest in remembering Iorga? To look at who he was and what he represented for modern Romania is a first step towards understanding why he continues to be so relevant to post-communist Romanian society and politics. Just a quick overview of his political biography will provide some answers.

Iorga was a polymath, a Renaissance-like figure who authored more than one thousand volumes and brochures and over 20,000 articles (Theodorescu, 1976: 11; Iorga was recently included in a list of 500 Western polymaths by Burke, 2020: 267). He is considered "the father of Romanian nationalism" and "the teacher of the Nation." His historical research, his university teachings, his journalism and writings were all meant to promote his nationalist dream. This dream was not only his own, but became the national project of most of the political establishment prior to the First World War: a single unified state for all Romanians living in the provinces neighboring the Old Kingdom of Romania, found under imperial rule: Austro-Hungarian Transylvania and Bukovina, and Russian Bessarabia. This dream came true in the wake of the Paris Peace Conference under the form of Greater Romania. Iorga became the most authoritative voice among the historians legitimizing the new nation-state, just as Konstantinos Paparrigopoulos was for the Greeks or Mykhailo Hrushevsky was for the Ukrainians (Berger, 2007: 38-39; Turda 2011: 352-53; Gazi, 2010: 208). While he was a mercurial personality, constantly involved in cultural and political debates, he was celebrated already during his lifetime as the country's most knowledgeable intellectual both at home and abroad. Many times his declarations were seen as having "delphic authority" (Pearson, 1988). His nationalism had started and finished by being antisemitic, with an interlude of exercising moderation in the 1920s and up until the mid-1930s. As a politician, he mainly held conservative views, supporting the monarchy even during the

royal dictatorship of King Carol II in 1938-1940, but his politics was full of paradoxes (Michelson, 1992; Ioanid, 1992; Nagy-Talavera, 1999: 242, 313-319; Țăranu, 2021b). On foreign affairs, he fiercely condemned both Nazism and Communism, while admiring Mussolini's Italy (Țăranu, 2018). He was assassinated in November 1940 by the Romanian fascist Iron Guard during its time in government alongside General Ion Antonescu, in the course of the totalitarian regime of the National Legionary State (September 1940 – February 1941). Overall, his life and work were put to the service of building and supporting the nationalist project and his most cited scholarship on the domestic front has to do with the question of national identity. Similar to Mihai Eminescu, the national poet, Iorga is praised as the national historian and his writings were and still are an important source for Romanian nationalist-chauvinist discourses.

3. Politics of memory up to 1989

Ironically, Antonescu was the first to recover Iorga's memory after the Iron Guard's removal from power and the establishment of his own military dictatorship. His regime revived some of Iorga's cultural initiatives and historical research institutions and used Iorga's antisemitism, anti-communism and nationalist historiography to support the wartime propaganda (Țăranu, 2021a: 145-46). Even more ironically, after a complete ban on his name and work of around two decades, a cult of Iorga emerged during national-communism. This was part of a strategy of legitimization, employed throughout Eastern Europe, by domestic elites in their attempt to adapt the Soviet model and root themselves nationally (Petrescu, 2009). It was Nicolae Ceaușescu, the communist dictator who ruled Romania between 1965 and 1989, who encouraged the reappropriation of key figures from the national pantheon as a way to legitimize his rule at home and his distancing from the Soviet Union abroad (Iacob, 2014). Thus, starting from the mid-1960s Iorga became remembered this time as a martyred anti-Nazi and a scholar who had dedicated his life to argue in favor of the rights of smaller powers in international affairs and their national sovereignty. Especially in the 1970s Iorga became the subject of a cult of personality meant to illustrate how exceptional Romania was and thus lay the foundations for the cult of personality of Ceaușescu himself (Iacob, 2014: 185-91). If the politics of memory towards Iorga (or any other great figure of the national pantheon) between 1940 and 1989 had been mostly a matter to be shaped and administered by the regime, the collapse of communism brought along a democratization of memory.

4. Agents of memory after 1989

In the post-communist period there was a plurality of competing actors who were no longer dependent on or inhibited by the monolithic political power and who could engage in different acts of remembrance. Broadly speaking, the agents of memory dealing with Iorga's legacy after 1989 can be grouped into three categories: the academic community (historians, scholars, editors, the Romanian Academy), political and public institutions (political parties and institutions such as the Romanian parliament, the government, other public institutions such as museums) and non-governmental organizations. Although each group had its own diverse ways of remembering Iorga, interestingly, in some cases, as we will see further on, the first and second group overlapped, meaning the historians entered politics and had access to more resources and a larger audience for their work of remembrance. Essentially, Iorga's memory was used to legitimize different narratives of the post-1989 context. Both

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political leaders and historians felt the need to tell Romanians who they were, where they came from and to whom they could look for a role model. While the former engaged in politics of memory towards Iorga in order to get votes, the latter had various reasons, of a scholarly and biographical nature. To put it briefly, they were all in pursuit of "a usable past" (Iordachi & Trencsényi, 2003). Before moving to the MPs as a case study, just a quick overview of how Iorga's legacy has been re-assessed by professional historians and scholars.

Historians were, for obvious reasons, one of the first groups interested to remember Iorga, who was seen as the epitome of their profession. This initially translated into honouring his legacy without the ideological constraints. Thus, in the first post-1989 decade, there were few domestic attempts to think critically about Iorga's legacy, published mainly by foreign academic journals or publishers (Ioanid, 1992; Volovici, 1991, translated in 1995 in Romanian, see Volovici, 1995). Starting with Lucian Boia's book (1997) on the founding myths of the history of the Romanian people, Iorga became one of the subjects of interest in the famous polemic which opposed the author's iconoclastic perspective to the iconophile one of Ioan Aurel Pop, a medievalist historian from Cluj (Pop, 2002). In short, it can be summarized as a dispute between the defenders of the nationalist grand-narrative of Romanian history and the deconstructionist school (Murgescu, 2003).

The following two decades have not seen too many critical approaches of Iorga appearing in Romania (Stanomir, 2000; Iacob, 2014; Țăranu, 2015, 2016, 2018; Adam, 2018; Bărbulescu, 2020), while such endeavours were already the norm abroad since the 1970s (Oldson, 1973, 1991; Pearton, 1988; Michelson, 1992; Gazi, 2010; Turda, 2011). On the homefront, the hagiographic monographs and sympathetic editions flourished after 1989 (see the only post-1989 biography by Nagy-Talavera, 1999; a few examples in Țurlea, 2008, 2001, 2016, Iorga, 1999, 2009, 2015). Overall, there is little doubt that there is still a cult around Nicolae Iorga's figure, both in society and in the historical literature in post-communist Romania. By this I mean that his complex biography and massive output are constantly celebrated, but hardly ever critically engaged with. This fact is increasingly underlined by recent scholarly contributions, especially abroad (Daskalov, 2015: 278; Schmitt, 2017 [2016]: 24; Țăranu, 2018). With this background on the general trends within the historical literature regarding Iorga, we can now address our case study regarding the MPs.

5. The MPs as agents of memory

This section looks at how the elected representatives inside the Romanian Parliament approached Iorga's legacy. For this purpose, the main data were collected from the legislative institution's website, which hosts parliamentary records starting from 1992 onwards. Through a qualitative approach, I will underline here the most important themes that have emerged in the speeches of the Members of Parliament when referring to Nicolae Iorga. I will do so in a chronological order since this enables us to observe how references to Iorga changed over time as governments and political agendas changed.

Due to the instable political environment and the costs of the economic transition, scapegoating of foreign models of political and economic change and xenophobic messages (anti-Hungarian and antisemitic) were used to mobilize voters in the first post-communist decade. Among modern Romania's great personalities exhibiting such stances at some point in the previous century, Iorga had one of the

highest intellectual authority and the most complex cultural identity. Unsurprisingly, the MPs praising Iorga when taking the floor came, during the late 1990s and until the mid 2000s, from the ranks of the main ruling party, National Salvation Front (FSN), the largest post-1989 political party and a direct successor to the former Communist Party, but especially from its ultranationalist satellites, the Party of Romanian National Unity (PUNR) and the Greater Romania Party (PRM). These were the parties of 'radical continuity' with the old regime (Shafir, 1994: 350-5) which used much of same people and rhetoric.

6. Politics of victimhood

One of the first tropes to be found in many of the parliamentary speeches regarding Iorga came under the form of commemoration. The mourning of Iorga's violent end at the hands of a death squad, composed of members of the fascist Legionary Movement, in November 1940, was the first act of remembrance organized by Parliament fifty years later. Thus, on 27 November 1990, the newly elected post-communist Parliament held a special session to pay homage to Iorga and Virgil Madgearu, another interwar political leader assassinated by the same death squad and on the same day as the historian (Parlamentul României, 1991). Such type of public usage of history turned into a great occasion for populist political actors to produce discourses of victimhood nationalism. There is a growing body of literature addressing how this type of victimhood identity narratives can prove powerful tools to mobilize populations (Lerner, 2020). As already discussed, this did not represent an innovation since the communist dictator Nicolae Ceaușescu had already initiated the recovery of Iorga, among other leading figures of the past, starting from the mid-1960s (Zavatti, 2016: 199-204). Thus, the historian's status as the most famous victim of the communist regime's arch-enemies, the Romanian fascists and Nazi Germany, continued to provide legitimacy in the post-1989 period just as it did in the previous decades for Ceaușescu's propaganda.

Among all speakers taking the floor in November 1990, the one who probably best exemplified this continuity in the politics of memory, or rather of commemoration, was Alexandru Bîrlădeanu. An old Communist and a former high rank party official, Bîrlădeanu became after the Revolution a prominent member of the FSN and a President of the Senate between 1990-1992. In opening the November 1990 session, Bîrlădeanu stated that Iorga's "martyrdom of 50 years ago (...) continues to feel to this day as alive in the hearts of our people as it did back then" (Parlamentul României, 1991: 5). Not only a significant part of the old elite was also the new elite, but the same was true for the neo-Communist interpretation of the past during the early transition process. And yet this discourse was not the monopoly of the governing FSN as one might think. Echoing the same legacy was the poet Ioan Alexandru, a MP from the opposition National Peasant-Christian Democratic Party (PNȚ-CD). Alexandru's lyrical speech referred to Iorga's assassination as "the stabbed heart of the Romanian people," the final blow delivered at a moment when the country had been crucified by its neighbors, i.e., territorially dismembered in 1940 (Parlamentul României, 1991: 39).

What was different in the politics of memory regarding Iorga in the post-1989 period was that, this time, the victimizers changed. While the communist tradition of commemoration of Iorga elaborated on the Fascist perpetrators, both foreign and domestic, in post-communism some of the elected officials in the Romanian Parliament blamed the globalized West, not for the crime, but for rendering the historian's work no

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longer relevant (which seemed to be a crime in itself). At the same parliamentary session of November 1990, while all of the speakers, representing a full spectrum of political views, stood in awe of Iorga's many achievements, one intervention distinguished itself. The flamboyant nationalist senator Gheorghe Dumitrașcu, from the governing FSN, delivered a speech which advanced a sense of fear over the loss of national identity. It was in fact an prejudiced reference to the West, which supposedly tried to lecture Romanians on different issues (Parlamentul României, 1991: 12-13). Most probably, the reference was to the firm reactions of condemnation by the United States of America and other major Western European states of the coalminers' violent march to the capital, in June 1990. The miners had been summoned by Ion Iliescu, then head of the FSN and the first president of the country, against his opponents. The bloody clashes led to the regime's international isolation and the frozen of agreements with the International Monetary Fund and the Council of Europe. Coming back to senator Dumitrașcu, he further argued that Romania had had two truly outstanding "professors," since they were the only great personalities who were self-taught, meaning they did not need lessons from abroad to excel. The two were Iorga and Mihai Eminescu, the national poet. This rhetoric was bounded to that of national exceptionalism which had dominated the 1980s official discourse. Dumitrașcu, who was also a nationalist historian, added to his anti-Western attitude another typical warning: the Romanian people were in danger of having their latinity "erased," meaning the very core of their national identity. Guilty of such an unfeasible act were all those (unnamed) trying to "melt us into an amorphous continental or world mass", again an implicit reference to those expressing their aspirations for Romania to join international organizations. Whoever held such views was accused to commit "an attack on Iorga," meaning on the historian who had worked so hard to highlight the Latin origins of his people (Parlamentul României, 1991: 13). Iorga's status as a victim became instrumentalized in the MP's speech to project feelings of collective victimhood in face of a perceived external danger: the "patronizing" West. In fact, the move was political and it helped deviate the attention from the West's critical scrutiny of the dubious actions of the governing FSN. The same type of attitude would be pursued later on, receiving even more xenophobic tones.

At the end of the decade, in June 1999, a parliamentary intervention by a deputy from the extreme right-wing Greater Romania Party (PRM), Nicolae Leonăchescu, was illustrative of the same pattern. Formally, the intervention was meant to mark Iorga's 128 anniversary (Leonăchescu, 1999). In fact, the core of the MPs' message delivered the same kind of demagogical anti-West warning: "Globalism, Americanism, Europeanism, National Socialism, Internationalism, Sovietism are different names of the same danger: the loss of national identity." Such a striking juxtaposition reflected the deputy's degree of xenophobic fanaticism, in concord with the rhetoric of his party. Yet it had another, highly political, motive. The speech was meant to show support for the PRM's president, Corneliu Vadim Tudor, who had been stripped of his parliamentary immunity few months earlier and was at that very moment facing prosecution for libel (Mocanu, 1999). Vadim had been one of the most turbulent and intemperate of the ultra-nationalists of the first two decades. At times close to those in power, namely with the successor of the FSN, the Party of Social Democracy in Romania (PDSR), at times attacking them, Vadim was known to face many libel suits as he rabidly attacked most of the opposition leaders (Shafir, 1997). Against this background, Leonăchescu used Iorga's position as a political victim of the Fascists to warn about Vadim, without explicitly naming him:

the political persecution of valuable people, of our great national values, the planned destruction of formidable political opponents is a heinous act (...). The rulers should pay attention! The country's valuable people are to be defended, not killed, not persecuted!" (Leonăchescu, 1999).

It was thus an interesting example of how an agent of memory can abuse memory, employing a victimhood narrative to excuse a perpetrator type of behaviour.

7. Holocaust denial and the rehabilitation of Ion Antonescu

Iorga was constantly invoked, just as Mihai Eminescu, as a powerful authority behind most nationalist claims, and all the more so by populist political actors in times of crisis (for Eminescu see Bot, 2001). In the case of the Romanian Parliament, it is easily noticeable how, after the anti-communist democratic opposition gained power in 1996, the references to Iorga multiplied in the following legislative assembly in the ranks of the extremist parties. Their main discourse revolved around the fact that Romania's territorial integrity needed to be defended against external or internal danger (mainly Hungarians and Jews) and that the ruling coalition, the Romanian Democratic Convention (CDR) was influenced by foreign powers. Most of the interventions came from MPS who were also historians and who backed their expertise by frequent references to Iorga only to carry out attacks against political competitors and to promote their own agendas. This is an important overlap between the agenda of some from the academic community and a part of the political establishment.

The most important and productive of the historians-politicians acting as agents of memory of Iorga in the first post-communist decade were also Holocaust deniers and admirers of Ion Antonescu, the country's dictator during the Second World War and Hitler's close ally. Antonescu is a controversial figure in Romanian history, with the record of a war criminal, who yet refused after Stalingrad to send more Romanian Jews to the death camps (Deletant, 2006: 2). Two such cases are worthy of attention, those of Petre Țurlea and Gheorghe Buzatu. Both were historians and editors of Iorga's works, Holocaust deniers and champions for the cause of the rehabilitation of Ion Antonescu (for Buzatu, see Shafir, 2014: 942-64; for Țurlea, see Ioanid, 1994: 175; also Țăranu, 2021a). Furthermore, both MPS were members of small populist neo-communist satellite parties, providing between 1992-1996 a parliamentary majority for the Democratic National Salvation Front (FDSN), the main successor of the FSN, led by Iliescu (the present day Social Democratic Party, PSD).

From the early 1990s onwards, Iorga's name was on the lips of some Transylvanian nationalists advancing a fierce chauvinistic and particularly anti-Hungarian rhetoric. One of the most representative such politicians was Petre Țurlea, a knowledgeable historian, scholar and editor of Iorga. He was also a MP on behalf of FSN between 1990-1992, then of its main successor, the FDSN, moving to become a member of the PUNR, the ultra-nationalist anti-Hungarian party based in Transylvania, in 1996. In the Romanian Parliament, Țurlea dedicated much of his interventions to the three following points: condemn the Hungarian minority in Romania for different so-called irredentist actions, honour Iorga's memory and advocate for the rehabilitation of Antonescu. In fact, the last two overlapped in many of his parliamentary interventions. Such was the case on June 4, 1997, when Țurlea used the intervention dedicated to Iorga's 125th anniversary to respond to a political opponent, without missing the opportunity to express his conviction that Ion Antonescu was a hero, and the Romanian people would not forget that (Țurlea,

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1996). He acted likewise in 1999, when he wished to send “a thought of gratitude” for the two greatest personalities of twentieth century Romania, Iorga and Antonescu, one as a cultural figure, the other one as a political and military leader (Țurlea, 1999). Similarly, in 2000, Țurlea took the floor to ask the House to observe a moment of silence in the honour of three Romanian personalities, “the true and greatest heroes of the Romanian people”: Mihai Viteazul, a medieval prince who ruled simultaneously, for a short time, Wallachia, Moldavia and Transylvania, and is seen as the symbol of Romanian unity, Iorga and Antonescu (Țurlea, 2000). To place Iorga in the company of the two was strange in many respects, but what was obvious was Țurlea's efforts to whitewash Antonescu's criminal record and increase the legitimacy of his agenda.

Another MP involved in the politics of memory regarding Iorga was senator Gheorghe Buzatu (1939–2013), an influential professor and historian from Iași, editor of volumes on Iorga since the communist era. Buzatu was also a member of parliament on behalf of the extremist and antisemitic Greater Romania Party (PRM), of which he was also a deputy chairman. He was mostly concerned with denying Romania's involvement in the Holocaust and rehabilitating Ion Antonescu (Shafir, 2007: 173-197). He tried to obtain legitimacy for this agenda in many ways. One of the methods was through his parliamentary speeches. One of the most illustrative interventions by Buzatu was as a reaction to the Emergency Ordinance no. 31/2002, which outlawed fascist, racist and xenophobic organizations, symbols, statues, or commemorative plaques, and banned the naming of streets or foundations after personalities condemned for war crimes and crimes against humanity (OUG 13/2002). The normative act was meant to put a quick stop to Antonescu's cult as a national hero as Romania was negotiating membership of NATO. The country's reluctance to reckon with the past, especially concerning its participation in the Holocaust, had alarmed so much its Western partners that U.S. officials listed it as a condition for the country's accession to the Alliance (Shafir, 2007: 181-82). Buzatu took the floor in May 2002 to criticize the ordinance for opening the way for the labeling of many interwar Romanian personalities as fascist, Iorga included (Buzatu, 2002). He stated as follows:

I believe that the apotheosis of this ordinance will come when Nicolae Iorga, our foremost historian and one of the world's greatest, will be placed - as in the 40s-60s, about which we have developed amnesia - in the ranks of fascists and nationalists. (Buzatu, 2002).

This was ironical because Iorga's relationship with fascism, especially with fascist Italy, was indeed a taboo subject (Țăranu, 2018). Such warning coming from a senator who was also a well-known historian was not meant to further encourage honest research. Buzatu's political statement clearly showed how politics and academia mingled and how historians got involved in memory politics and used their knowledge to promote who got to be remembered and how. History was called upon to maintain a certain collective memory of the great personalities, of whom Iorga and Antonescu were the foremost figures for the nationalist historians and politicians of the 1990s.

After four years of amendments and procrastination, the Law no. 107/2006 approved the Emergency Ordinance no. 31/2002, two years after an international commission set up by President Ion Iliescu and chaired by Elie Wiesel, a Nobel Laureate and Vice-Chairman of the Yad Vashem Council, issued a report on the history of the Holocaust in Romania (International Commission on the Holocaust in

Romania, 2004). While the law did provide sanctions, in practice there were no such cases registered and popular antisemitic stereotypes remained high for a country of with only 3271 registered Jews (Fati, 2021).

8. Conclusions

As Romania experienced her security, political and economic aspirations coming true by joining NATO in 2004 and the EU in 2007, the extreme right-wing parties of the 1990s gradually lost their vigor. The two main political parties engaged in memorializing Iorga's legacy failed to enter Parliament: PUNR in 2000, PRM in 2008 (Preda, 2013: 54), while other minor radical right-wing groups appeared and disappeared (Cinpoș, 2013). A plurality of arenas and agendas emerged, more focused on the fight against corruption, economic growth, modernization, and dealing with the communist past, which polarized the political establishment and society at large (Tismăneanu & Stan, 2018: 52).

While in the legislative body the references to Iorga became scarce, the MPs and other main political actors moved their speeches to other arenas, namely in Vălenii de Munte. A place of memory associated with Iorga's nationalist legacy, Vălenii de Munte is a town where the historian initiated, among other cultural institutions, a nationalist summer university dedicated to promoting the cause of political unity of all Romanians in a single state, dedicated especially to those living in the neighboring empires, starting from 1908. The informal summer university has been reestablished in the 1990s, replicating on a smaller scale some of the activities that used to be held every August under Iorga's leadership: a series of lectures by well-known academics, book launches, celebrations etc. When observing those taking part in the events and their discourses, a tendency can be easily noticed: less and less honest critical and valuable debates and more and more nationalist politics. Savvy political actors participated to the summer school held in the so-called "University of the Whole Nation" and "the Mecca of Romanianness" (Țurlea, 2008: 100) to gain symbolic and political capital. Only a few more recent examples will suffice to understand how the politics of memory of Iorga attracted and still attracts top officials. In 2009, it was during the summer university that the former President Ion Iliescu, who is also an honorary citizen of Vălenii de Munte, launched an attack in the press against the president in charge, Traian Băsescu (Ziarul Valea Prahovei). In 2013, the same Iliescu, alongside the Prime Minister, the President of the Senate, and the Minister of Culture, to name but a few high-ranking government and elected officials, participated to the summer courses. Another participant was a former general, Mircea Chelaru, who had founded a party using the same name as Iorga's party, The Romanian Kin (Neamul Românesc). A last example meant to show how relevant Iorga's nationalism still is for Romanian politics is the fact that he is also used by the new populist and anti-system party, the Alliance for the Union of Romanians (AUR), which entered parliament suddenly following the elections of December 2020. In one of their local headquarters, a picture of N. Iorga is hanging on the wall, next to other national political figures (Ziua de Constanța, 2022).

To conclude, the use and abuse of Iorga's one century-old ideology by MPs prove how nationalism is a versatile and mobilizing ideology. It also shows how figures from the national pantheon are easily remembered and instrumentalized by different political actors to legitimize various agendas. Those who engaged in remembering Iorga in the Parliament in the first post-communist decade – mostly MPs cultivating a

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narrative of extreme nationalism, holding xenophobic and antisemitic views, denying the Holocaust and praising Antonescu – and how they chose to remember Iorga speaks about themselves and how memory is political (Mauratonia, 2014). Another conclusion to be drawn from this study on the parliamentary interventions of the 1990s is that the majority of them did not mark a separation from the past discourses on Iorga of the late communist decades. There is a clear continuity of the cult of national exceptionalism emerged during communism only with different actors.

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ORIGINAL PAPER

Developing Intercultural Competence in Romanian Language Courses for International Students

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Abstract:

After 1989, Romania was faced with the challenge of integrating increasing numbers of foreigners who arrived in the country to work or study, in other words, to live for shorter or longer periods of time. Without any colonial past and deprived of contacts with the world abroad for many decades, the post-communist Romanian society has had to acquire the necessary skills to handle interaction with people of diverse cultural, historical, linguistic or religious backgrounds. The social need to efficiently communicate and work with foreigners rapidly became more stringent in the higher education system, as a result of international academic mobility. Starting from the assumptions that culture and language are closely linked, and developing intercultural communicative competence is an educational goal in itself, the aim of this paper is to address certain cultural aspects that are involved in the process of teaching and learning a foreign language. It briefly reviews the literature on the topic, and focuses on practical suggestions that teachers can make use of in the multicultural classroom of Romanian as a foreign language. The presentation leads to the conclusion that the acquisition of intercultural competence is an on-going process that will continue long after the language course has been completed.

Keywords: *cultural diversity, foreign language teaching, intercultural communicative competence, intercultural learning, training.*

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Introduction

The increasing speed of globalisation has turned the world into the now famous “global village”, thus succeeding in bringing people and places closer than ever before. Borders of any sorts – geographical, political, social, ethnic, racial, gender, religious, personal – are being negotiated and renegotiated to the point of becoming irrelevant. Giroux underlines the positive dimension of this phenomenon, arguing that “the borders of our diverse identities, subjectivities, experiences, and communities connect us to each other more than they separate us ”precisely because“ such borders are continually changing and mutating within the fast forward dynamics of globalization” (Giroux, 2005: 21).

Border crossing, be it physical or ideological, has led to more interaction among people of very diverse backgrounds, who need to communicate and develop relationships based on mutual understanding of their diversity. Lee Wilberschied stresses the idea that communication skills and cultural awareness are crucial in building relationships not only on a personal level, but also on national and global levels, since a wide range of activities in the fields of commerce, education, diplomacy, national and international security, or challenges such as pandemics, wars and subsequent migration, environmental issues, or poverty, require rapid and intense cooperation among countries (Wilberschied, 2015: 2).

In the field of foreign language teaching, the introduction of the cultural dimension is obviously challenging traditional teaching, and consequently teachers must find ways to face this challenge and adapt their methods, classroom materials, and even their own thinking to the new demands of our globalised world. In this article, we briefly review the literature on the topic in order to outline the aims of intercultural education, and examine the knowledge, skills and attitudes that an intercultural speaker should acquire, according to the *Common European Framework of Reference*. Next, we shall consider the particular case of the study programme called the “Preparatory year of Romanian language” (*Anul pregătitor de limba română*) which offers one-year language classes to international students who wish to pursue their academic studies in Romania. The discussion will outline the main challenges of teaching in multilingual classes, and offer examples and practical suggestions to Romanian teachers with the aim of increasing their awareness regarding the challenges of intercultural education.

The cultural dimension of language teaching

Communication across cultural boundaries intrinsically depends on individuals’ ability to speak foreign languages. In the field of language teaching, the learners’ need to efficiently use the language in real life communication has marked a shift in focus from grammar accuracy to language proficiency. This idea informed the Communicative Language Teaching, a methodological approach initially designed for English language teaching. Since the 1970s the communicative approach has introduced a set of “principles about the goals of language teaching, how learners learn a language, the kinds of language activities that best facilitate learning, and the roles of teachers and learners in the classroom” (Richards, 2005: 1). The method, deemed universal, emphasises that learners need to acquire not only grammar knowledge of the target language, but also knowledge of social contexts and norms (Larsen-Freeman, 2003; Farrell and Jacobs, 2010; Harmer, 2001). However, Kramsch and Hua outlined that: “The negotiation of meaning that formed the core of the communicative approach applied to referential or to situational meaning, not necessarily, as was later argued, to cultural or to

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ideological meaning.” (Kramersch & Hua, 2016: 38) It is clear that culture influences language, or any language is the quintessence of a culture, the “mirror of a particular culture” (Wei, 2005: 56); therefore, being competent in a foreign language means understanding the culture of that language. This is the reason why, over the past years, researchers have argued that the communicative approach is less practical than other approaches based on developing learners’ intercultural communicative competence (Pegrum, 2008).

In the 1990s, the language teaching profession started to take into consideration the fact that there is a close connection between language and culture, or as, Perkins pointed out, “language doesn’t exist outside a cultural context” (Perkins, 1988: 25). As a result, the goal of language teaching and learning is the development of intercultural communicative competence which enables learners not only to interact with speakers of the target language, but also to build human relationships based on intercultural awareness. This shift in the paradigm of language teaching and its goals has also been adopted by the Council of Europe’s *Common European Framework of Reference* which, apart from describing what learners need to study in a language course and defining the levels of linguistic competence, acknowledges the importance of intercultural awareness and intercultural skills. Thus, this document includes sections which stress the necessity of promoting intercultural communication.

The process of teaching Romanian as a foreign language at the preparatory year has greatly benefited from the introduction of the cultural dimension into the aim of language teaching and learning. Coming from various countries around the globe, the students have different nationalities, different linguistic, cultural, social, ethnic, religious backgrounds. In this multilingual, multicultural learning context, promoting mutual understanding and acceptance of difference are main requirements in the process of developing learners as intercultural speakers.

Intercultural communicative competence: aims and content

Reviewing the research in the field of intercultural communicative competence in search of a definition, Moeller and Nugent came to the conclusion that there is no “precise” definition in the literature (Moeller & Nugent, 2014: 4). The reason lies perhaps in the fact that intercultural competence consists of “a cluster of capabilities” (Wilberschied, 2015: 1), such as empathy, flexibility, tolerance etc. as the basis of the recognition and appreciation of people’s diversity, and of the role it plays in human interaction. In broad terms, intercultural competence implies “the ability to put yourself into someone else’s shoes, see the world the way they see it, and give it the meaning they give it based on shared human experience” (Kramersch & Hua, 2016: 44-45). Byram makes a distinction between *intercultural competence* which focuses on people’s “ability to interact in their own language with the people from another country and culture”, and *intercultural communicative competence* which takes into account language teaching and learning and refers to one’s “ability to interact with people from another country and culture in a foreign language” (Byram, 1997: 71). Liddicoat et al. offered a definition of *intercultural language learning* which “involves developing with learners an understanding of their own language(s) and culture(s) in relation to an additional language and culture. It is a dialogue that allows for reaching a common ground for negotiating to take place, and where variable points of view are recognized, mediated, and accepted” (Liddicoat, Papademetre, Scarino, & Kohler, 2003: 46).

The aims of focusing on intercultural dimension in language teaching are:

- to help learners acquire both linguistic and intercultural competence;
- to prepare students for future interaction with people of different cultures from theirs;
- to encourage students to understand and accept that people from other cultures may have different ideas, values and behaviours;
- to make students perceive interactions with other cultures as enriching experiences. (Byram, Gribkova & Starkey, 2002: 10)

Intercultural teaching parts with the traditional assumption that learners should focus on acquiring a native speaker's linguistic competence, because this objective is utopian and potentially harmful. It aims instead "to develop learners as **intercultural speakers** or **mediators** who are able to engage with complexity and multiple identities and to avoid the stereotyping which accompanies perceiving someone through a single identity" (Byram, Gribkova & Starkey, 2002: 9). From this perspective, learners need to be trained to treat their interlocutors as individuals with their own identities, not as representatives of a cultural category.

In order to help learners become intercultural speakers, teachers should encourage them to acquire specific *knowledge*, *skills* and *attitudes*, which constitute the components of intercultural competence (Byram, Gribkova & Starkey, 2002: 11). We believe that the appropriate intercultural attitudes are the basis or the starting point in the process of teaching/learning a foreign language. They refer to one's willingness to accept that his/her values and beliefs are not necessarily the only ones or the correct ones, and also to one's ability to understand how his/her culture might be seen from outside, through the eyes of someone from another culture (Byram, Gribkova & Starkey, 2002: 12). Houghton discusses the outcomes of having an intercultural attitude based on respect, empathy, tolerance and openness towards people from different cultures: "Genuinely taking the perspectives of others into consideration while critically reflecting upon themselves can enhance the quality of learners' evaluation of self and other insofar as the standards of the base culture are not automatically and ethnocentrically applied without critical self-reflection coupled with the careful consideration of alternative viewpoints." (Houghton, 2012: 45) Consequently, personal development in terms of intercultural communicative competence can be seen as "internalization of other cultural frames of reference through empathy, which can transform identity and equip people to mediate between cultures" (Houghton, 2012: 45).

Knowing the target language culture has been considered essential in the process of learning a language because, even though there is not an "essentialist language-culture duality", no one can deny a "close connection, an interdependence, a complex relationship between language and culture" (Risager, 2007: 162, 163). The challenge for teachers is to decide which cultural aspect to focus on, since certain stereotypes, promoted by mass-media, do not necessarily stand for the essence of a culture. Romania, for instance, is associated with Dracula, but this is just Bram Stoker's fiction, not a representative myth of Romanian culture. According to Sandra López-Rocha, stereotypes can be used in class in order to prompt cultural awareness, insofar as they are deconstructed and misrepresentations addressed (López-Rocha, 2016: 108). On the other hand, in recent years, the focus in teaching culture has shifted from literature, history, philosophy and the arts, to "culture as a shared way of life" (Byram, Gribkova & Starkey, 2002: 9). From an intercultural perspective, the focus should be on knowledge of "how social groups and identities function and what is involved in intercultural interaction" (Byram, Gribkova & Starkey, 2002: 12).

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Another difficult issue related to teaching cultural knowledge refers to the fact that cultures are constantly changing and there are different cultures and languages within one particular country. It is therefore virtually impossible for teachers to predict the knowledge that learners will need in their interaction with other people whose values, beliefs and attitudes anyway change in life, depending on everyone's personal evolution, life experience etc. Learners need to prepare themselves for the unexpected and be ready to deal with uncertainty and even ambiguity. As a result, teachers should seek to develop learners' skills of observation and discovery, of "finding out new knowledge and integrating it with what they already have" (Byram, Gribkova & Starkey, 2002: 13). Based on what they find, learners should be helped to acquire the skills of comparing ideas or events from different cultures by putting them side by side, along with the skills of interpreting their findings and relating them to what they already know. Skills are therefore "as important as attitudes and knowledge" (Byram, Gribkova & Starkey, 2002: 12-13) in the process of becoming a successful intercultural speaker and mediator.

Incorporating culture in the Romanian language class

The preparatory year of Romanian language features a palimpsest of cultures as it brings together learners from various countries on different continents. It is a learning context in which intercultural dialogue is the only possible interaction, as opposed to an ELT classroom in Romania, for instance, where such a dialogue can only be simulated and role-played. Studying in a multicultural environment per se, it is not to be assumed that students will acquire the skills they need by simply being exposed to different cultures. The exposure leads to learners' "development of a positive cultural identity and their respectful interaction with the cultures and languages of others around them" (Csillik & Golubeva, 2020: 19); yet, it is the teacher's role to guide the learners and help them build the intercultural skills and attitudes that will enable them not only to interact efficiently with each other in the classroom, but also to establish relationships with people outside the classroom.

There are two main aspects of the preparatory year that should be taken into consideration:

1. The target language, i.e. Romanian, is studied in the target country, i.e. Romania; consequently the students are "immersed" in the local culture and are likely to acquire cultural knowledge and skills in a relatively short period of time. Pourkalhor and Esfandiari outline researchers' findings that study programmes abroad are "the best experience second language students can have if they want to become acculturated and communicatively competent in the second language" (Pourkalhor & Esfandiari, 2017: 30).
2. Given the multilingualism of the learners' groups, the language of tuition is English. Their competence levels in English vary; therefore, misunderstandings occur at times in the process of teaching/learning. Despite this drawback, English has a cultural advantage in the sense that, since very few native speakers register for the preparatory year, English is not the "dominant language" (the language spoken by the majority of students); it remains "neutral" in the sense that it is neither the native language of the students, nor of the teachers.

Overwhelmed by the learners' linguistic diversity as they may be, the teachers must show that they respect the languages and cultures of all students. They could learn greeting words in different languages, or prepare the classroom with welcoming notes written in the languages spoken by the learners, thus creating a culturally friendly learning environment. Students can also be encouraged to bring printed materials from their countries, such as newspapers, magazines, or projects they had worked on (Csillik, 2019: 10, 11). Unlike an ELT classroom, for instance, where learners are expected to speak English as much as possible, in the case of multilingual/multicultural classrooms, the use of maternal languages is not completely discouraged because it gives students freedom, the possibility to express their own individuality and their belonging to a particular culture or social group. This pedagogical strategy of "translanguaging" (using different languages interchangeably) helps learners "to overcome language constraints, to deliver verbal utterances or written statements effectively; and to ultimately achieve successful communication" (Csillik & Golubeva, 2019: 170).

In order to build skills of observation and discovery, and promote cultural awareness and mutual respect in the classroom, teachers should openly address the issues of similarities and differences between languages and cultures (Csillik, 2019: 11). Sharing cultural experiences is very important in the process of outlining differences in a constructive way. At the same time, the more the students discover about the others' values, beliefs, tastes, the more refined their skills of thinking, negotiating and finding solutions will be. Thus, the learners can be asked to present themselves in front of the classroom, to talk about their families, preferences etc., or to write projects on their countries, local traditions, music festivals, national personalities. The students certainly have many things in common that they can discover through a series of classroom activities. For example, the teacher can ask them to work in pairs, to discuss together, to find five things they have in common, and then to report back the five similarities.

Discussing similarities and differences also proves to be a good strategy for overcoming prejudice. Byram, Gribkova and Starkey stress the idea that pre-judging "a particular group or individual based on their own stereotypical assumptions or ignorance" involves "feeling rather than reason" (Byram, Gribkova & Starkey, 2002: 27); therefore, teachers should ensure that discussions challenge ideas, not the people who express those ideas. The Romanian language classroom typically requires careful management to ensure that conflicts of view do not turn into personal conflicts. Tensions may occur among the class participants, generated by the political, social, cultural, racial conflicts which exist in their home countries. At times, students may bring to classes stereotypes and prejudices about certain cultures, which hinder relationships with their colleagues who come from those particular cultures. A useful classroom activity, designed to challenge stereotypes, is the critical analysis of an authentic text on sensitive issues, such as migration or xenophobia. The students are asked to look for certain discourse features, such as perspectives, arguments, connotations, or implications, and then to compare the text with similar ones in their countries (Byram, Gribkova & Starkey, 2002: 27, 28). This strategy aims at "distancing" the readers from the text, i.e., prompting them to move beyond feelings and critically analyse the sensitive issue of the text from different perspectives.

It is certain that the multilingual/multicultural context of the preparatory year can be a very sensitive ground, and it is the teacher who has the key role in making this ground stable for learners to be able to develop their intercultural communicative competence. Researchers agree that teachers need quality training in order to cope with

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the challenges of multicultural students. Byram, Gribkova & Starkey consider that first of all teachers need classroom management skills - they should know how to organise the classroom and the activities, paying particular attention to group work and team-building. Then, they should seek or design learning materials that do not merely inform, but stimulate learners' curiosity to explore and analyse discourse, since cultural understanding is not necessarily about factual information, but about processes (Byram, Gribkova & Starkey, 2002: 33-34).

Last but not least, it is essential that teachers keep in touch with the latest methodological approaches and educational trends, by participating in workshops, training sessions, international projects, or teaching exchange programmes. The training in intercultural teaching will make them understand that their own ideas, convictions and value systems are not the standard ones, that they should enquire about the linguistic, social, ethnic, or religious particularities of their students (by using questionnaires, interviews, formal and informal discussions), and be ready to accept different points of view, in order to avoid statements or practices which may not be adequate or beneficial in the multicultural context in which they work (Gay, 1994: 11). Teachers must learn to be aware of their personal biases and prejudicial judgements about other people and cultures, exhibit patience and tolerance, try to remain neutral, and take into consideration all students' views. In other words, it is important for teachers to develop their own intercultural skills in order to be able to handle multicultural learners and help them become competent intercultural speakers.

Conclusion

The preparatory year of Romanian language is an academic study programme which, by bringing together people from various countries, epitomises all the major cultural issues of our globalised world. It stands proof of the necessity of introducing intercultural education in the process of teaching and learning a foreign language, since the main objective of the course is to make learners true intercultural speakers. The success of the programme depends, to a great extent, on the teachers' skills of teaching in a multicultural/multilingual context, hence the importance of appropriate teacher training.

By respecting diversity, by cultivating empathy and tolerance, teachers and learners alike will create the premises for the development of their intercultural communicative skills, which will help them to interact and build relationships with people outside the classroom. It is worth remembering that societies develop, individuals progress, cultural identities are reconstructed, borders are drawn and redrawn, migration goes on, hence intercultural learning is a lifelong process, and individuals' skills will all the time need to be refined and readjusted to different people, different cultures, different contexts. It can therefore be inferred that the research on the topic of intercultural education is just at the beginning.

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ORIGINAL PAPER

Language acquisition – English nouns

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Abstract:

In every language, nouns represent the most important grammatical category. In English, nouns form the biggest category of words from the English vocabulary. In fact, English nouns represent the most frequent lexical word class. This means that in English, every fourth word that is being used is a noun. The acquisition of as many English nouns as possible is essential for those who desire to learn English.

English nouns are as important as English verbs. Nouns are used in the construction of sentences and phrases; nouns offer us a clear view of *the performer* of a certain action. *The performer – the noun* stands for: a person, an animal, a place, an object, an idea or an event. In fact, according to many linguists, identifying and retaining English nouns does not create problems to English learners. Nevertheless, "... learning how to use nouns with other words (especially determiners) in noun phrases is an important source of difficulty. Learners of English need to recognize nouns and to know what other words they go with, e.g. they need to know they can say *this pen* and not *this write*. "(Kennedy, Graeme, 2003:142)

English nouns can be analyzed from a semantic, grammatical and phonological point of view. In English we can distinguish the following categories: common, proper, collective and abstract nouns. Moreover, English nouns are also divided in countable and uncountable nouns. This article will offer a detailed description of the English nouns.

Keywords: *English language, language acquisition, nouns, grammar, perspectives.*

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English nouns form the biggest category of words from the English language vocabulary. Due to the fact that English nouns are so numerous, English learners should know how to form their plural and how to use them in sentences or phrases (word order). Even though: “Today’s generation talks in hyperlinks, greets and video calls on WhatsApp, shares pictures through Facebook or talks face to face using Skype and basically all and any of the technological resources accessible today: iPhones, iPads, digital textbooks, social media, blogs, vlogs, wikis.” (Bărbuceanu, 2021:70), it is important to insert grammar rules in writing as well as in free speeches.

Moreover, the teaching process should be able to adapt to different situations – some of them even extreme. An extreme situation took place in 2020 when the entire world had to face a new and dangerous pandemic. COVID-19 was the cause of major changes worldwide. Factories, companies and institutions were closed and people had to stay indoor – to work and study from home. School and universities transferred their classes and courses in the online environment. Web applications were used by teachers and pupils in order to connect themselves. Information and knowledge was transmitted via the Internet. English classes and courses also went online and grammar was explained through PowerPoint presentations. Therefore, English teachers could agree with the fact that: “ If, before the pandemic, we focused chiefly on books, courses and other hardcover materials, now, we are sending tremendous amounts of linguistic and cultural data at the click of a button to students living thousands of kilometers away. Online teaching has opened the doorway not simply to our versatility and resourcefulness as language educators, it has also improved the professional competence of our students.”(Lăpădat, Lăpădat, 2020:140)

Teaching English nouns

Even if teaching English nouns has a quite straightforward approach considering that visual materials can be used. These materials had a perfect adaptation during the pandemic because English teachers had the opportunity to use them online. To distinguish between a singular and a plural English noun is quite simple in English because in most cases we normally add an ‘s’ at the end of the singular noun (e.g. boy-boys, house-houses, mask-masks, etc). Of course, there are exceptions to this rule. Nouns that end in ‘sh’, ‘ch’, ‘s’ or ‘x’ tend to form the plural like this: bush – bushes, church – churches, bus-buses, class-classes, box-boxes, etc). Another important exception is represented by irregular nouns (e.g. man-men, woman-women, tooth-teeth, sheep-sheep, child-children, mouse-mice, foot-feet, person-people, fish-fish, etc).

Another interesting thing is that most English nouns do not have grammatical gender. The nouns that refer to people do not have separate forms for men and women (e.g. we say *teacher* even if it is a male or a female, we say *student* for male and female, we say *doctor, lawyer, hairdresser*, etc, for male and female). However, there are some nouns that have two versions – for male and female (*actor/ actress, chairman/ chairwoman, steward/ stewardess, waiter/ waitress*.)

When it comes to class and material management, English teachers have different ways of organizing the curriculum. Nowadays, English teachers have access to many books, manuscripts and other materials that are meant to help them in the classroom and to offer reliable models in the process of teaching. For a better understanding, English teachers can teach grammar in a structured way with key information and many examples. In fact, grammar can be compared with logic and

mathematics. Teaching English grammar develops certain skills for the learner. The learner first listens to the information, takes notes, communicates with the teacher based on the new information that he receives reads and afterwards writes in English. To write even the shortest sentence in English, the learner has to be familiarized with the English grammar. Correct sentences led to correct paragraphs and these led to correct essays in English. In order to reach this point, the English learner has to be active during English classes. This way, the teacher can test his accuracy and correct possible errors so that they do not turn into bad habits.

Even if some scholars view “language as a meaning-based system of communication, not an abstract structural conceptualization....Communicative approaches reasoned that because most L2 students are learning a language for purposes of communication, the content of a communicative language course should be organized around semantic notions and social functions (Wilkins, 1976) and not around linguistic structures and grammar”(Celce- Murcia, 2015:7), English grammar remains important for a good communication.

As other parts of English grammar (beside the verb), nouns can be taught in one or two English classes and they can be tested through different activities. “Exercises play an important role in teaching. They are the means by which a teacher can conduct learning processes by focusing on certain language elements such as grammatical structures, vocabulary, etc. through giving a suitable exercise.”(Griese, 2005:3)

Categories of English nouns

Like in any other language, in English, each word from a sentence has a function. Depending on the work that words do in a sentence, they are divided into different categories. These categories are called *parts of speech*. In English, the most numerous part of speech is represented by the noun. English nouns are classified in various ways and sometimes these classes contrast with one another. We encounter:

- **Proper Nouns** – they name a specific person, place, institution, organization, name of a publication, etc (e.g.: Mary, Tom, Albert, John, England, Stonehenge, etc). Proper nouns are always capitalized. However, in English, we say: the USA (United States of America), the People’s Republic of China, the United Arab Emirates and the URSS (this last one is the abbreviation from French: *Union of Socialist Republics*). A particularity of English proper nouns is that the days of the week are considered proper nouns (Monday, Tuesday, Wednesday...), the same goes for the nationality of a person (French, Italian, Portuguese...). This is an important particularity and English learners should adapt to it. If, for example:

e.g. (in Romanian) Voi termina articolul acesta martea viitoare. / În seara asta am mâncat la un restaurant *italienesc*. → (in English) I will finish this article next Tuesday./ This evening we ate in an *Italian* restaurant.

- **Common Nouns** – they refer to things and not to people. They can be concrete or abstract (e.g. *man, woman, desk, computer, book, article, chair, furniture, kitchen, seaside, mountain, valley, country, fruit, grape, seed, cat, dog, etc.*)

English nouns can also express intangible things – **Abstract Nouns** – that express feelings, processes or activities. **Abstract Nouns** define the things that we can not touch, see or hear: (e.g. *happiness, work, friendship, compassion, determination, communication, motivation, etc*). In fact, in English some *abstract nouns are created*

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from *concrete nouns* (child-childhood, king-kingship, brother-brotherhood, friend-friendship, man-manhood, member-membership, neighbor-neighborhood, etc).

From verbs we can also obtain abstract nouns (think- thought, behave-behavior, know-knowledge, laugh-laughter, marry-marriage, etc)

Other abstract nouns are created from adjectives by adding the suffix -ness (sad-sadness, happy-happiness, kind-kindness, weak-weakness, great-greatness, etc). Some abstract nouns can, in some cases, be difficult to recognize because they can function as other parts of speech.

Abstract nouns have the same rules as all the other nouns. They can work as subjects and objects and they can take the possessive form (*childhood's innocence, anxiety's signs, maturity's test, etc*). Abstract nouns can have singular and plural forms, the English learner has to pay attention if the abstract noun is countable or uncountable. Generally, if an abstract noun refers to an entire system or process, it is uncountable:

e.g. *Information is the key to success. / Knowledge has such a vast meaning that it is difficult to define it. / Progress is necessary in our society.*

English abstract nouns are mainly used in philosophical conversations, in books, quotes, etc. *Defining abstract nouns* is a challenging process because unlike a concrete noun like chair (we can see it, describe it, touch it), abstract nouns like happiness, sadness, pride, etc – all of them are difficult to define and the feeling that they stand for can only be described in quotes, complex sentences or even short paragraphs.

Another category is represented by **Concrete Nouns** and they name the things that we can touch, see, hear or smell: (e.g. *car, table, spoon, landscape, movie, actress, etc.*).

e.g. *with concrete nouns: Their movie was released in March 2001. / After the storm we saw a rainbow in the sky. / Your soup was very tasty. / His classmates encouraged him to take part in that activity. / The engine of your car makes a terrible noise.*

However, distinguishing between an abstract and a concrete noun may be difficult at times and English learners should pay attention to the entire context:

e.g. The painter said that his last work of art required many hours and hard work. (in this case the noun work in the beginning is a concrete noun because it refers to a piece of art that can be seen, touched; the noun work at the end of the sentence stands for the effort of the artist and therefore is an abstract noun).

We can also distinguish **Collective Nouns** which stand for "... a name given to a group (or collection) of persons or things as a single group or entity." (Ace, Subbotin, 2014:24) in the category of collective nouns we can include words like: *crowd, team, army, police, family, herd, etc.* Usually, collective nouns take a singular verb, but in some cases, depending on the context, they can take a plural form. A singular verb is required when the group/ entity act together and a plural verb is required when the members of the group/ entity act separately.

e.g. *with collective nouns: The team of players was disappointed by the result of the match. / Everyone in the audience applauded his amazing performance. / The band of musicians sang their latest single. / They family is concerned about his reaction. / The family are taking separate decisions on this matter.*

However, in general, collective nouns require a singular verb and a singular pronoun if we refer to the collective noun in another sentence:

e.g. *The jury deliberated on that case. It asked for many testimonies in order to take a final decision. / The Romanian team is decided to win. It wants to prove its performance. In addition, in English, collective nouns can take the plural form – we can say: teams, families, juries, crews, clubs, audiences, classes, etc.*

Most of the collective nouns exercises are those *fill in the blanks* type. The English learner has to get accustomed with expressions like:

e.g. *choir of singers*, *flock of sheep*, *fleet of ships*, *class of students*, *basket of fruits*, *army of soldiers*, *litter of puppies*. Of course, there are multiple combinations depending on the context.

Countable and Uncountable English Nouns

At the same time, all English nouns are divided in two categories. This is the most important grammatical distinction for English nouns:

- Some English nouns can be counted (**Countable Nouns**). Most of these countable nouns are regular meaning that they express the singular by the stem form and the plural is formed by adding +s to the stem.

e.g.: *one house-two houses*, *one mirror – two mirrors*, *one ring- two rings*, *one driver-two drivers*, etc.

- We have to mention that some countable nouns have a totally different form for the plural so they have to be learnt separately.

e.g. *a mouse – some mice* ; *one child – two children* ; *a leaf – some leaves* ; *one tooth – two teeth* etc.

Countable nouns have a plural form, they can be accompanied by determiners like: *few*, *several*, *many*, *these*, *those*, etc. For the singular form, countable nouns should be accompanied by the article or a determiner. For example, the following sentences are wrong:

She is woman. - *She is a woman* (the correct version) or

She is woman who came yesterday – She is the woman who came yesterday. (correct version)

You open book at page 193. – *You open that/ this/ the book at page 193* (the correct version).

Nevertheless, English nouns can function by themselves without a determiner. This happens when they refer to the entire category that they define:

e.g. Cats sleep more than 5 hours per day. / Roses can be found in most Romanian gardens. / Dogs are wise animals. / Women like flowers.

- Other English nouns cannot be counted (**Uncountable Nouns**). These nouns are always considered to be singular because they have no plural form. This rule applies even to those uncountable nouns that end in s (news, physics, progress or aerobics). We do not use the articles *a* or *an* with uncountable nouns and we do not use numbers because English uncountable nouns are not easily divided. Uncountable nouns are viewed as an entire mass.

e.g. of uncountable nouns : *advice*, *progress*, *furniture*, *news*, *money*, *food*, *milk*, *sugar*, *honey*, *meat*, *salt*, *rice*, *chaos*, *homework*, *butter*, *oil*, *tea*, *spaghetti*, *thunder*, *cheese*, *hair*, *flour*, *pepper*, *weather*, *wood*, *traffic*, *money*, etc. *These examples of uncountable nouns can be included in separate categories: groups or collections of things, abstract nouns, food and drinks, materials and substances and words for weather.*

Sentences with uncountable nouns: Water is essential for human life. / The weather is perfect for a summer holiday. / Her hair is long and curly. / - Can you pass me the sugar, please? / Fish is healthy when eaten with salad.

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In fact, this is the most important distinction for English nouns: countable and uncountable.

e.g. If for a countable nouns we say : In this house there aren't as many chairs as in yours. For the uncountable nouns we say: In this house there isn't as much furniture as in yours. The differences between these two sentences are in term of verb (aren't, isn't) and the determiner (many, much). The type of noun plays an important role and affects other parts of speech. The same happens in the next example:

Your biscuits are in the schoolbag. / The food is excellent in this restaurant.

In the case certain uncountable nouns we can measure them by using: *a liter of milk, little/ more/ some/ any sugar, a teaspoon of honey or a bottle of juice*. The same situation applies for: oil, tea, spaghetti, meat, salt etc; the determiner differs depending on the context and on what the speaker wants to communicate.

Due to the fact that we cannot count these nouns, we can measure them in other ways. Uncountable nouns can be measured in quantities, containers and units – *a liter of water, a kilo of meat, one piece of paper, a lot of patience, a slice of bread, a piece of furniture*, etc. Nevertheless, in most English texts there are four times more countable nouns than uncountable nouns. Another tricky situation is that in English many nouns can be used as countable nouns and they can also be used as uncountable nouns depending on the context and meaning:

e.g. He like coffee in the morning. / He drank two coffees yesterday.

He drinks orange juice in the morning. / I bought some juices. (Different type of juice)

(*Change of meaning*) There is too much light in this room. / We have four lights in the bedroom (*lamps*).

He told us some of his experiences (things that happened to him) from his last travel. / She had a lot of experience when she applied for that job.

Conclusions

English nouns represent a vast field for study and practice. The most important thing is that English learners have to pay attention to the context before analyzing or using a certain noun. We can consider that English grammar's aim is to turn skilful pupils into skilful users of English language. Learning English grammar means to achieve the skill of building personal correct structures in English.

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ORIGINAL PAPER

Electing the Mayors in Romania's Big Cities in 2020: Voter Turnout, Legislative Changes, and the COVID-19 Pandemic

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Abstract:

Local elections have been theorized by many scholars as lower rank or second-order national elections: they are less important, less relevant, and just not as interesting as national elections. In Romania, turnout in local elections was, until the mid-2000s, quite high, even if lower than in parliamentary elections. Since 2008, however, turnout in local elections has been consistently higher than in parliamentary elections.

The electoral reform that started in 2011 had, over time, a negative influence on the electoral process in the local elections. In this paper, we argue that the transition from the election of mayors using a majority electoral system in two rounds to a single round has contributed to the decline of citizens' interest in local elections, exerting a detrimental influence on the quality of political representation in general. Despite the arguments used by many of the supporters of this electoral reform, that electing the mayors in just one round will generate an increase in turnout because the competition will be fiercer, the effect was the opposite.

The year 2020 marked a historic low in terms of turnout in local elections in Romania. Analyzing the official electoral data at county level and for each county capital, we will show that the health crisis generated by the COVID-19 pandemic had a minor influence on voting turnout. Instead, the specifics of the electoral law meant that, in the vast majority of county capitals, the turnout was significantly lower than the county average and the mayor was elected without reaching 50% of the votes (in many cases, the winning candidate failed to obtain more than 30% of the valid votes cast), which poses a major problem regarding the representativeness of elected mayors, as well as the stability and political balance within local political institutions.

Keywords: *local elections, turnout, mayor, electoral laws, COVID-19 pandemic.*

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Introduction

The literature on local elections usually defines this type of electoral contests as lower rank, less important, not so relevant, second-order national elections (Reif and Schmitt, 1980; Miller, 1998; Heath et. al., 1999; Berry and Howell, 2007; Clark and Krebs, 2012; Kjaer and Steyvens, 2018). This tendency to award less importance to local elections is not, as it might seem at first sight, a marginal one, but a phenomenon found in many consolidated democracies. In fact, in the last decades, most of the studies on local elections have analyzed the trend of declining voting participation from various perspectives, trying to propose possible solutions to slow down this phenomenon (Reif et. al., 1997; Kostadinova, 2003; Blais and Rubenson, 2013; Fenwick and Elcock, 2014; Breux et al., 2017). When tackling this issue, most studies address single-case studies (Heath et. al., 1999; Blais, 2014; Fenwick and Elcock, 2014; Breux et. al., 2017) or comparisons between two countries (Hoffman-Martinot et al., 1996; Boulding and Brown, 2015). More recently, cross-national comparative research has sought to analyze the “institutional sources of low turnout” and to propose possible solutions for increasing citizens’ interest in local elections (Kouba et. al., 2021).

As Daniel J. Hopkins suggestively put it, low turnout in local elections “is something of a paradox since cities control a variety of policy levers that can have major impacts on citizens’ day-to-day lives” (Hopkins, 2021: 4). But the low interest in local elections and, therefore, the low rate of participation in these elections also negatively affects the quality of political representation. Although focusing mainly on the case of the United States, various research demonstrated that there is a clear connection between low turnout and the favoring of certain interest groups or certain categories of citizens (Oliver, 2012; Anzia, 2014; Fraga, 2018). Moreover, turnout can influence policymakers’ decisions and priorities (Hajnal and Toronstine, 2013). On the other hand, when local communities find themselves in financial troubles, as it was the case during the pandemic, “city officials are unlikely to prioritize communities with low levels of turnout” (Hopkins, 2021: 3).

However, local elections are of particular relevance for local communities, for the way in which public policies are constructed and implemented at the local level, but also, more generally, in terms of the quality of democracy. This last element becomes an important topic of debate especially where the quality of representation at the local level suffers, either because of low participation or because of uninspired electoral reforms. In the case of Romania, this should not be ignored, because after 2011, the electoral reform that changed the way of electing mayors contributed to accentuating the decline in electoral turnout. Despite the arguments used by the supporters of this electoral reform, who insisted that the election of mayors in a single voting round will simplify the voting procedure and increase participation in the polls because the electoral competition between the candidates will be fiercer, the reform had the opposite effect. This could be seen especially in large cities, where voter turnout was already lower than in small towns or in the countryside. As Alexandru Radu and Daniel Buti noted, the electoral reform of 2011 “weakened the representativeness of the minority winners of the competition and affected the equal opportunities of the competitors by favoring incumbent mayors” (Radu and Buti, 2015: 10-11). Analyzing the results of the local elections from 2012 in all the county capitals of Romania, plus Bucharest with all its six sectors, the two researchers observed that 20 of the 48 winning candidates for the mayor position have won their seats with a relative majority and 23 of those winning candidates were mayors who renewed their mandates (Radu and Buti, 2015: 11).

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The aim of this study is to analyze Romanian local elections from 2020 in order to see how much the COVID-19 pandemic influenced this process. Our main research question is whether the safety measures taken during the pandemic and the social context generated the lower turnout or whether this drop in turnout (compared to the previous Romanian local elections, from 2016) is influenced by other factors (such as the electoral legislation) and was not a direct consequence of the pandemic context.

The specific of Romanian local elections is somewhat different from the cases of other European countries: since the fall of the communist regime, turnout has been relatively high in these elections over the last three decades, and until 2016 it had not dropped below 50%. Also, for the last four electoral cycles, turnout in local elections has also been visibly higher than in the general elections, registering a difference between 8.68 and 14.68 percentage points – with the bigger difference being registered most recently, in 2020 (Romanian Permanent Electoral Authority, 2022). If in the Romanian local elections from 1992, almost two-thirds of the population participated in the polls (65%), in the following local elections the turnout decreased, though for a longer time, it remained around 50%: 56.47% in 1996, 50.85% in 2000, 54.23% in 2004 (Romanian Permanent Electoral Authority, 2022). In 2008, voter turnout in the local elections dropped for the first time below 50%, to 48.81%, but in 2012 it exceeded this threshold again and Romania recorded one of the highest turnout rates in the local elections after 1990, namely 56.26% (Romanian Permanent Electoral Authority, 2022). In the last decade, however, a new downward trend can be observed, the last two rounds of local elections registering the lowest turnout rates in the recent history of Romania: 48.17% in 2016, respectively 46.62% in 2020. Essentially, the Romanian political parties seem to be unable to mobilize the population to vote in local elections, despite the fact that these elections are always given increased importance since both the media and political leaders consider them the best tool to predict the performance of the parties in general elections, which usually take place several months after the local elections.

In this article, we begin by presenting the main legislative changes that were adopted for the Romanian local elections in 2020 in the context of the COVID-19 pandemic; secondly, we compare the turnout for those elections with the one from 2016, for all the counties and county capitals of Romania. Then, we take into consideration the specifics of the pandemic context (measures taken and the cumulative incidence of infections on the elections day) in order to assess the influence of those elements on the electoral turnout. All the electoral data we used was retrieved from the Romanian Central Electoral Bureau and the Permanent Electoral Authority; for the data regarding the cumulative incidence of infections we used daily information provided by the authorities.

Pandemic-related changes in the electoral legislation for the local elections

In accordance with Law no. 115/2015, the mayors and presidents of the County Councils are elected by uninominal majority vote in a single ballot, while the members of the local, municipal councils and of the General Council of Bucharest – are elected by proportional vote, on closed lists (Law no. 115/2015: art. 3-4). The 2020 local elections were also held based on this law, even though then Prime Minister of Romania, Ludovic Orban, wanted to amend it, so that the elections of mayors were organized in two rounds. In January 2020, Orban presented the Parliament a modified legislative act even though he intended to pass the law through the government's unilateral decision-making mechanism. This change was the result of a series of debates in recent years advocating

for a return to the two-round election system, which had previously been in use from 1990 and until the law was amended in 2011. At that time, the Social Democratic Party (PSD) threatened to file a no-confidence motion in the event that the law would be amended, but it never came to this since the prime minister's request was rejected by the Constitutional Court (Europa Liberă, 2020). The Court ruled that the electoral legislation could not be changed on the eve of an election, arguing that these measures should be taken a year in advance.

Since late February 2020, more than 80 countries worldwide postponed national, regional, or local elections due to the unexpected global crisis generated by the COVID-19 pandemic. The International Institute for Democracy and Electoral Assistance (IDEA) showed, in a report issued in 2020 and continuously updated since, that most of the elections that were supposed to take place in the first half of 2020 were postponed (IDEA, 2022). At that time, most countries were trying to implement what they considered to be the most efficient measures to manage the upcoming health crisis and, lacking the experience with such situations, they imposed a state of emergency and forbade all types of public events. Things started to improve over the summer and in the fall of 2020 – on the back end of the first wave of the pandemic – the adoption of various legislative measures enabled the states to start and reschedule the previously canceled electoral contests.

The health crisis generated by the COVID-19 pandemic meant, on the one hand, that governments had to adopt new legislative provisions regarding the conduct of electoral processes and, on the other, that parties and candidates had to adopt new election campaign strategies that focused more than before on the online environment. If, however, the pandemic decisively influenced the results of the elections or the voting participation rates, this must be analyzed by referring to the national or local specificities, to the time when the elections were organized, as well as to the restrictions faced by citizens, as well as politicians.

The 2020 Romanian local elections were postponed given that in the epidemiological context of the first half of 2020, it soon became clear that it would be unfeasible to hold them as originally scheduled (in the May of that year). Several notable measures were adopted through a government emergency ordinance from early April: (1) elections were postponed; (2) local public authorities' terms were extended until 31 December 2020; and (3) the minimum number of supporters required to run was halved (Government Emergency Ordinance no. 44/2020). Such a decision was to be expected, given that in mid-April, when the electoral campaigns were due to begin, Romania was under a state of emergency, which would remain in place over a period of two months, from March 16 until May 15, 2020 (Romanian Presidency, 2020). Afterwards, Romania moved to a state of alert. During this two-month period, 12 military ordinances were adopted which restricted several rights. The movement of the population outside their homes was allowed only on the basis of a sworn declaration which contained provisions regarding the type of (limited) activities that could be carried out.

Law no. 135 of July 16, 2020 set a new date for the local elections (September 27, 2020) and included a series of measures related to the organization and conduct of the electoral process in the context of the pandemic. These were subsequently the subject of a joint Order of the Ministry of Health and the Ministry of Internal Affairs, which imposed social distancing, mandatory temperature checks and masks in polling stations, and also limited the number of voters who were allowed to be in the polling station at the same time to no more than five (Order no. 1594/140/2020).

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The 2020 Local Elections in Romania: Electoral Turnout, Results, Comparisons. Did the Pandemic Collapse Electoral Turnout?

Although seen as the most relevant electoral test before the general elections, the local elections in Romania have often failed to predict the winner of the general elections or to build political alliances that will subsequently endure at the national level. More often than not, the Romanian parties adopted different strategies in the local and general elections, but even when they took into account the results of the local elections when adapting the strategies for the general ones, some developments in the electoral behavior still could not be accounted for. However, local elections remain the most important test that political parties must pass before the general ones. That was the case for the 2020 local electoral contest also.

Maybe the most relevant aspect is that the results of the local elections validated the drop in the Social Democratic Party's (PSD) earlier political dominance, against the backdrop of an election campaign rife with attacks on this party, both from the part of the National Liberal Party (PNL) and the Save Romania Union (USR-PLUS), which led to PSD losing the first position in voters' preferences. PNL managed to obtain more mandates of mayors and county council seats than back in 2016, steadily outpacing PSD. Thus, in the 2020 local elections, PNL obtained 34.58% of the votes cast for the election of mayors, compared to 31.50%, obtained back in 2016. On the other hand, PSD lost a few percentage points compared to 2016, receiving only 30.34% of the votes, compared to the 34.84% score from 4 years ago (Romanian Permanent Electoral Authority, 2020; Central Electoral Bureau of Romania, 2016).

Notably, while electoral turnout registered a drop compared to 2016, the difference between the two electoral contests was less than 2%: 46.67% of the voters participated in the local elections from 2020, compared to 48.17% in 2016 (Romanian Permanent Electoral Authority, 2016; Romanian Permanent Electoral Authority, 2020). From these figures it can be inferred that the COVID-19 pandemic and the health measures instated did not have an alarming effect on electoral participation. In support of this statement come the data on the cumulative incidence of Sars-Cov-2 virus infections, which on the day of the local elections was below the threshold of 1‰ at national level (in 17 of the 42 counties it exceeded the threshold of 1 ‰ - the highest incidence being 1.77 ‰ - and in other 25 counties it was between 0.37 ‰ and 0.97 ‰) (Graphs.ro, 2020). Also, the lack of a clear link between low turnout and the pandemic situation is further underlined by the fact that in several counties with a cumulative infection rate above the national average, turnout was higher than in some counties that recorded an infection rate below the national average.

**Table 1 – Romanian Local Elections, 2020 and 2016
(Turnout rate + COVID-19 incidence of infections in the election day)**

No.	County	Turnout (%) local elections 2016	Turnout (%) local elections 2020	Cumulative incidence of infections (Cases per ‰ inhabitants in the last 14 days)
		5 Jun. 2016	27 Sept. 2020	27 Sept. 2020
	National average	48.17	46.62	0.91
1	Bucharest	33.23	36.76	1.67
2	Alba	53.03	49.69	1.10

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3	Arad	48.90	44.64	0.96
4	Argeș	50.85	49.78	0.39
5	Bacău	44.98	41.34	1.32
6	Bihor	53.52	51.82	0.85
7	Bistrița-Năsăud	52.90	51.59	0.59
8	Botoșani	50.29	44.19	0.53
9	Brașov	45.33	41.68	1.33
10	Brăila	46.46	41.39	1.05
11	Buzău	54.55	52.89	0.44
12	Caraș-Severin	49.82	47.83	1.07
13	Călărași	55.89	53.88	0.54
14	Cluj	44.83	42.64	1.07
15	Constanța	49.42	46.34	0.97
16	Covasna	43.60	40.46	1.05
17	Dâmbovița	56.84	52.87	0.86
18	Dolj	51.79	49.35	0.92
19	Galati	45.88	40.15	0.97
20	Giurgiu	61.87	57.79	0.62
21	Gorj	55.58	53.64	0.65
22	Harghita	43.47	41.98	0.48
23	Hunedoara	50.72	45.57	0.80
24	Ialomița	53.49	50.12	0.59
25	Iași	42.22	37.40	1.23
26	Ilfov	56.49	51.75	1.17
27	Maramureș	47.26	45.82	0.95
28	Mehedinți	52.95	53.37	0.69
29	Mureș	51.55	48.64	0.37
30	Neamț	47.69	42.82	1.16
31	Olt	59.42	56.55	0.77
32	Prahova	51.18	47.65	1.04
33	Satu Mare	47.71	44.71	0.61
34	Sălaj	53.84	52.50	0.82
35	Sibiu	44.35	42.18	0.84
36	Suceava	49.82	44.87	1.04
37	Teleorman	59.37	56.09	1.13
38	Timiș	40.64	43.03	1.02
39	Tulcea	48.21	47.68	0.92
40	Vaslui	45.11	37.14	1.44
41	Vâlcea	55.86	52.02	1.77
42	Vrancea	50.92	49.84	0.44

Data sources: Romanian Permanent Electoral Authority, 2016; Romanian Permanent Electoral Authority, 2020; Graphs.ro, 2020

As it can be observed from the table above, in counties such as Ilfov, Teleorman, Vâlcea, Caraș-Severin, or Prahova, where the infection rate exceeded the national average, some of the highest turnout rates were registered. Also, if we compare the turnout rates in the 2020 local elections with those in 2016, we will see that turnout was higher in 2020 mainly in those counties where interest in local elections is

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traditionally higher. In all 14 counties where in 2020 the turnout in local elections was over 50%, the situation was similar in 2016; those counties are Bihor, Bistrița-Năsăud, Buzău, Călărași, Dâmbovița, Giurgiu, Gorj, Ialomița, Ilfov, Mehedinți, Olt, Sălaj, Teleorman, Vrancea. Based on this observation, we argue that the decline in interest in elections at the national level is more in line with a trend encountered in all elections in Romania from the last two decades (especially the parliamentary ones), and less of a byproduct of the COVID-19 pandemic. Additionally, the highest turnout in the local elections was recorded, both in 2020 and in 2016, in Giurgiu County (57.79% vs. 61.87%) while the lowest turnout was in Bucharest (36.76% vs. 33.23%, with the higher turnout being in 2020). Moreover, in two counties (Mehedinți and Timiș) the turnout was higher in 2020 than in 2016, and in the vast majority of the counties the differences in the two turnout rates were below 5 percentage points, all of which support our conclusion that the impact of the pandemic on turnout was minor.

Who Won the Mayoral Race in the Big Cities?

Annex 1 contains all the data regarding the electoral turnout at county and county capital level for the 2020 local elections, including the calculated difference between the two turnout rates and the results obtained by the main candidates for the mayor position. When looking at the election results for the big cities, in particular the county capitals, the first thing that can be observed is the big gap between the turnout rates at county level and in the county capitals. With no exception, in all of the 42 cases (41 counties and Bucharest), the turnout in the county capital was lower than the county average. In some cases, the differences were by more than 15 percentage points: in 12 county capitals, the difference was over 15%, while in 13 county capitals the difference was under 10%. The largest differences – above 20% – were registered in three counties (Caraș-Severin, Giurgiu, and Vaslui), while the smallest differences, under 3%, were registered in Buftea and Târgu Mureș.

As the results show, in only 17 of the 42 constituencies analyzed did the winner obtain more than 50%+1 of the validly cast votes. Most of the winning candidates come from the two largest political parties: PSD (with seven of these candidates) and PNL (with five candidates). Aside from those, other five mayor seats obtained an absolute majority split between candidates from the Democratic Alliance of Hungarians in Romania (UDMR) (three seats), USR-PLUS (one seat), and one independent candidate.

When looking at the turnout rate, we can see that there was just one case (Ilfov county – Buftea) where turnout was higher than 50% at both county and county capital level. At county level, there were just 14 cases with turnout higher than 50%: Bihor, Bistrița-Năsăud, Buzău, Călărași, Dâmbovița, Giurgiu, Gorj, Ialomița, Ilfov, Mehedinți, Olt, Sălaj, Teleorman and Vâlcea (compared with the 2016 local elections, when the turnout exceeded 50% in 22 counties and there was one case – Giurgiu – where the turnout exceeded 60%). At the other extreme, the lowest turnout rate, at both county and county capital level was registered in Vaslui, one of the poorest counties in Romania.

Conclusions

As in 2016, the 2020 local elections showed that most of the Romanian electorate opted for traditional parties, while smaller or newly formed parties failed to gain its trust, despite the many debates about reforming the party system that have taken place in the Romanian society in recent years. Therefore, the observation that the Romanian researchers Alexandru Radu and Daniel Buti made while analyzing the results

of the local elections of 2012 and 2016, applies to those of 2020 as well: “the Romanians legitimized the classical parties and validated their dominant position in the political system” (Radu and Buti, 2017: 10).

Aside from this, the pressing issue that persists concerns the already institutionalized disinterest that voters show towards the electoral process in big cities. The lack of trust in the quality of political leaders at the local level has become more acute in recent years – a phenomenon to which the electoral reform that proposed the election of mayors in a single round of voting contributed. Therefore, beyond the challenges (not to be ignored) brought by the COVID-19 pandemic or other crises (economic, social, or geopolitical) a major priority of the Romanian government in view of the next elections should be the return to the election of mayors in two rounds of voting. Such a political decision could contribute to a better mobilization of the electorate in the big cities and would give better chances to those candidates who are suitable to occupy certain positions, but who are not supported by the big parties. In a country with a multi-party system, elections in two voting rounds represent, in our opinion, one of the basic conditions to ensure a fairer representation of citizens’ political preferences, while also providing political parties with the opportunity of forming alliances between the two voting rounds. The latter would show, on the one hand, that politicians have in mind the public good and not care only about the outcome of the elections and, on the other, would contribute to increasing the representativeness and legitimacy of the elected candidates and, in this way, to increase the quality of local democracy.

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Annex 1 – Romanian Local Elections, 2020 – Turnout Rates and Mayor Seats in County Capitals

No.	County	Turnout (%) local elections 2020 – County average	County capital	Turnout (%) local elections 2020 – County capital average	Difference % (percentage points)	Results
1	București	36.76	-	-	-	NICUȘOR DANIEL, INDEPENDENT CANDIDATE (WITH THE SUPPORT OF PNL-USR-PLUS) – 42.81% FIREA GABRIELA, PSD – 37.98% BĂSESCU TRAIAN, PMP – 10.99%
2	Alba	49.69	Alba-Iulia	36.21	-13.48	PLEȘA GABRIEL, USR-PLUS – 36.81% PAUL VOICU, PNL – 33.73%
3	Arad	44.64	Arad	29.92	-14.72	BIBARȚ LAURENȚIU, PNL – 33.68% WIENER ADRIAN, USR-PLUS, 27.37% FIFOR MIHAI, PLATFORMA SOCIAL-LIBERAL CREȘTINĂ – 16.38%
4	Argeș	49.78	Pitești	34.19	-15.59	GENTEA CRISTIAN, PSD – 34.82% APOSTOLICEANU SORIN, PNL – 26.03% MOȘTEANU LIVIU, USR-PLUS – 23.31%

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5	Bacău	41.34	Bacău	31.05	-10.29	STANCIU-VIZITEU LUCIAN, PNL-USR-PLUS – 29.32% SECHELARIU SERGIU, INDEPENDENT CANDIDATE – 20.32% NECULA COSMIN, PRO ROMÂNIA – 18.98%
6	Bihor	51.82	Oradea	37.39	-14.43	BIRTA FLORIN, PNL – 70.13% CSEKE ATTILA, UDMR – 11.4%
7	Bistrița-Năsăud	51.59	Bistrița	37.57	-14.02	TURC IOAN, PNL-USR-PLUS – 41.84% NICULAE CRISTIAN, ALLIANCE FOR BISTRITĂ-NĂSĂUD – 25.34% SIMIONCA IONUȚ, PMP – 15.25%
8	Botoșani	44.19	Botoșani	30.68	-13.51	ANDREI COSMIN, PSD – 37.18% FLUTUR CĂTĂLIN, PNL – 37.12%
9	Brașov	41.68	Brașov	34.46	-7.22	COLIBAN ALLEN, USR-PLUS – 42.05% SCRIPCARU GEORGE, PNL – 37.63%
10	Brăila	41.39	Brăila	31.24	-10.15	DRAGOMIR VIOREL, PSD – 63.2% CĂPRARIU LUCIAN, ALLIANCE PNL-BRĂILA NOUĂ – 17.24%
11	Buzău	52.89	Buzău	36.28	-16.61	TOMA CONSTANTIN, PSD – 78.07% ZOICAN ADRIAN, PNL – 7.38%
12	Caraș-Severin	47.83	Reșița	27.82	-20.01	POPA IOAN, PNL – 74.41% CHISĂLIȚĂ IOAN, PRO CARAȘ-SEVERIN – 12.48%
13	Călărași	53.88	Călărași	39.50	-14.38	DULCE MARIUS, PSD – 43.44% DRĂGULIN DANIEL, PNL – 32.96%
14	Cluj	42.64	Cluj-Napoca	35.60	-7.04	BOC EMIL, PNL – 74.76% UNGUREANU EMANUEL, USR PLUS – 8.26%
15	Constanța	46.34	Constanța	38.23	-8.11	CHIȚAC VERGIL, PNL – 28.49% ION STELIAN, USR-PLUS – 24.30% FĂGĂDĂU DECEBAL, PSD – 24.19%
16	Covasna	40.46	Sf. Gheorghe	27	-13.46	ANTAL ÁRPÁD, UDMR – 76.49% TATÁR IMOLA, HUNGARIAN ALLIANCE FROM TRANSYLVANIA – 7.61%
17	Dâmbovița	52.87	Târgoviște	35.04	-17.83	STAN DANIEL, PSD – 65.62% COTINESCU ILIE, PNL – 17.78%
18	Dolj	49.35	Craiova	35.76	-13.59	VASILESCU LIA-OLGUȚA, PSD – 34.29% GIUGEA NICOLAE, PNL – 24.56% SOLOMON ANTONIE, PER – 20.75%
19	Galați	40.15	Galați	31.27	-8.88	PUCHEANU IONUȚ, PSD – 59.19% RODEANU BOGDAN, USP-PLUS – 16.30%
20	Giurgiu	57.79	Giurgiu	35.75	-22.04	ANGHELESCU ADRIAN, PNL – 42.54% MĂROIU MARIAN, PSD – 26.89% BARBU NICOLAE, PRO ROMÂNIA – 22.09%
21	Gorj	53.64	Târgu-Jiu	35.40	-18.24	ROMANESCU MARCEL, PNL – 45.44% FLORESCU CIPRIAN, PSD – 28.18%
22	Harghita	41.98	Miercurea Ciuc	32.03	-9.95	KORODI ATTILA, UDMR – 73.78% TÓKE ERVIN, HUNGARIAN ALLIANCE FROM TRANSYLVANIA – 12.24%

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23	Hunedoara	45.57	Deva	36.57	-9	OANCEA NICOLAE, PNL – 37.45% CORBU PAULA, EUROPEAN ROMANIA PARTY – 19.77% MOȘ OVIDIU, PSD – 11.07%
24	Ialomița	50.12	Slobozia	37.27	-12.85	SOARE DRAGOȘ, PNL – 31.09% POTOR DĂNUȚ, PSD – 30.41% MOCIONIU ADRIAN, PRO ROMÂNIA – 21.25%
25	Iași	37.40	Iași	27.70	-9.70	CHIRICA MIHAI, PNL – 42.01% CHICHIRĂU COSETTE, USR-PLUS – 30.31% GAVRILĂ CAMELIA, PSD – 13.04%
26	Ilfov	51.75	Buftea	50.31	-1.44	PISTOL GHEORGHE, PNL – 64.60% TOBĂ BOGDAN, INDEPENDENT CANDIDATE – 20.35%
27	Maramureș	45.82	Baia Mare	35.33	-10.49	CHEREȘ CĂTĂLIN, COALLITION FOR MARAMUREȘ – 41.54% CIRȚ MIRCEA, PNL – 28.28% IVAN DAN, USR-PLUS – 12.78%
28	Mehedinți	53.37	Drobeta-Turmu Severin	36.50	-16.87	SCRECIU MARIUS, PSD – 40.38% CÎRJAN DANIEL, PNL – 34% GHERGHE CONSTANTIN, PRO ROMÂNIA – 12.33%
29	Mureș	48.64	Târgu Mureș	45.92	-2.72	SOÓS ZOLTÁN, INDEPENDENT CANDIDATE – 50.54% MAIOR SERGIU, PRO ROMÂNIA – 17.07% BENEDEK THEODORA, PNL – 13.52%
30	Neamț	42.82	Piatra Neamț	32.28	-10.54	CARABELEA ANDREI, PNL – 26.27% CHITIC DRAGOȘ, PMP – 21.97% CUC ALEXANDRU, ALLIANCE FOR PIATRA NEAMȚ 2020 – 20.88% IRIMIA MARIUS, USR-PLUS – 11.88%
31	Olt	56.55	Slatina	37.52	-19.03	MOȚ CONSTANTIN, PSD – 49.65% VOICULESCU LIVIU, PNL – 27.37%
32	Prahova	47.65	Ploiești	33.33	-14.32	VOLOSEVICI ANDREI, PNL – 57.52% GANEA CRISTIAN, ALLIANCE FOR PRAHOVA – 15.44% ENESCU RĂZVAN, USR-PLUS – 14.17%
33	Satu Mare	44.71	Satu Mare	36.87	-7.84	KERESKÉNYI GÁBOR, UDMR – 51.94% PANAIT RADU, USR-PLUS – 16.62% COICA COSTEL, PSD – 12.47% ALBU ADRIAN, PNL – 10.27%
34	Sălaj	52.50	Zalău	37.03	-15.47	CIUNT IONEL, PSD – 50.94% IORDACHE REMUS, USR-PLUS – 29.52% FAZAKAS NICOLAE, UDMR – 11.43%
35	Sibiu	42.18	Sibiu	34.05	-8.13	FODOR ASTRID, DEMOCRATIC FORUM OF GERMANS IN ROMANIA – 43.05% BIBU ADRIAN, PNL – 31.13% APOSTOIU RAULI, USR-PLUS – 10.25%
36	Suceava	44.87	Suceava	30.05	-14.82	LUNGU ION, PNL – 31.92% ANDRONACHE MARIAN, PMP – 19.67%

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						CUȘNIR IOAN DAN, PSD – 16.90%
37	Teleorman	56.09	Alexandria	36.23	-19.86	DRĂGUȘIN VICTOR, PSD – 50.56% MITRAN-PITICU VALENTINA, PNL – 29.22%
38	Timiș	43.03	Timișoara	34.17	-8.86	FRITZ DOMINIC, USR-PLUS – 53.25% ROBU NICOLAE, PNL – 29.87%
39	Tulcea	47.68	Tulcea	36.66	-11.02	ILIE ȘTEFAN, PNL – 40.36% LUCA ANDALUZIA, PSD – 30.35%
40	Vaslui	37.14	Vaslui	15.42	-21.72	PAVĂL VASILE, PSD – 62.02% POLAK TUDOR, PNL – 19.03%
41	Vâlcea	52.02	Râmnicu Vâlcea	35.25	-16.77	GUTĂU MIRCIA, PER – 47.81% PÎRVULESCU VIRGIL, PNL – 35.09%
42	Vrancea	49.84	Focșani	41.26	-8.58	MISĂILĂ CRISTI, PSD – 47.10% ȘTEFAN ION, PNL – 39.99%
National average						
46.62%						

The data presented in this table was compiled from official electoral data available at: Romanian Permanent Electoral Authority, 2020; Central Electoral Bureau of Romania, 2020.

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ORIGINAL PAPER

Turkey's Identity Crisis and Its Reflections on the Turkish-Russian Relations

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Abstract:

This study examines Turkey's western identity constructed during the early republican era following the westernization movements in Turkey that started more than 200 years ago, the identity crisis occurred in Turkey with its western identity losing power after the cold war and its reflections on Turkish-Russian relations. The aim of this study is to demonstrate that Turkey, a 'torn country' according to Huntington's popular definition, pragmatically built interest-based relations with Russia, another torn country seen considered as an outsider by the West, trying to reconstruct its identity owing to domestic dynamics after facing with the identity crisis. This study demonstrates that Turkey developed its relations with Russia as a regional power by reading Turkish-Russian relations through the lenses of Huntington's torn state syndrome.

Keywords: *Westernization, Torn Country, Turkish Identity, Cold War, Turkish-Russian Relations.*

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Introduction

It is possible to mark the beginning of the westernization process in Turkey with the military modernization the Ottoman Empire started after the military defeats in the 17th century. Together with the military modernization, western ideas that flourished important values as equality, freedom of thought, human rights and modernization in the western world began to enter into Turkish intellectual life. Western way of thinking deeply influenced many significant developments in the modern Turkish history. Some of them are the Imperial Edict of Reorganization (*Tanzimat Fermani*) in 1839, the Edict of Reform (*Islahat Fermani*) in 1856, Young Turk (*Jeunes-Turcs*) movements and the westernization process started with the comprehensive reforms of the early Republican Era under the leadership Kemal Atatürk following the war of independence between 1923 and 1938. The dissolution of the Ottoman Empire brought along the emergence of a new nation state. Identity issue was one of the top priorities of this new-born nation state. Westernization was accepted as a path to modernization during the early Republican Era in the 1920s and 1930s. Westernization movements that came along with top-down reforms show the efforts of Turkey to gain a western identity and to have herself accepted in the West as a western (probably a European) country.

Turkey continued the westernization process after the Second World War (WWII) by standing together with the triumphant Western powers. The Cold War Era also marks the continuing efforts of Turkey to have her western identity accepted by the western states. Turkey assuming a western identity preferred to stand with the western world in a bi-polar world system. However, the end of Cold War made Turkey to question her western identity for the first time. Besides, the rejection of Turkey's membership application to the European Economic Community (EEC) created an identity crisis in Turkey, which was already a member state of the Council of Europe and the North Atlantic Treaty Organization (NATO). The changes in the western perception of Turkey's identity – the United States (USA) was dealing with the issue of non-proliferation of nuclear weapons based in the former Soviet Republics and the European Union (EU) was busy with taking care of the Eastern European countries – led Turkey to turn her face to the East, the Middle East and Muslim countries by developing new identities like Turkish-Islamic identity together with the effects of domestic dynamics in late 1980s.

Huntington explains the rupture emerging with the identity crisis after the end of the Cold War and the historical reflections of this rupture in his esteemed article published in 1993. He defines Turkey, Russia and Mexico as 'torn countries' mentioning his three basic criteria to determine a country's identity: (1) political and economic elites of that country should support the new movement, (2) the people should be eager for this redefinition and (3) the dominant groups of a civilization welcoming this country should be willing to accept this country in transformation (Huntington, 1993: 44). In addition, Huntington states that the process of redefinition of an identity is a long one with ups and downs and a difficult one in terms of politics, culture and economy (Huntington, 2002: 139). He also thinks that Turkey is a deeply torn country and gives Turkey as the most appropriate sample for this definition (Huntington, 1993: 22-49).

This study deals with the reflections of the identity crisis of Turkey – a torn country – on her relations with Russia – another torn country – depending on Huntington's definition. Hence, this study assumes that Turkey, which has developed new identities apart from the western one following an identity crisis, has built up

strategic relations with an anti-western state, Russia, as part of her pragmatist interests. The study consists of two main parts. The first part briefly focuses on the westernization process and western identity construction in Turkey. The second part discusses the Turkish-Russian relations following the end of the Cold War until the invasion of Ukrainian territory of Crimea by Russia in 2014.

Turkey's Westernization Process and Western Identity

The westernization process in Turkey starts with the military modernization in the Ottoman Empire. This part of the study briefly discusses the historical development of the modernization movements in Turkey. The historical background demonstrates how Turkey constructed a western identity and how withdrew from it.

Westernization Movements in the Ottoman Empire

The Ottoman Empire had kept the channels open with the western civilization, but considered the Islamic civilization above the western one when at the peak of its power. For this reason, the West was not recognized as a model by the Ottomans until the 17th century (Bozdağlıoğlu, 2001: 35). The Ottoman Turkey first met with the standards of the western civilization during the Siege of Vienna in 1683. Following the siege, a radical transformation came into the scene in the Ottoman Empire's attitude to the Europeans, which brought along westernization reforms in the army, education, administration, political and civil rights to survive against the expansionist movement of the great powers of the West (Rumelili, 2011: 243). Starting from the 17th century the Ottoman Empire began losing military dominant power and fell behind the western states. Therefore, the Empire started the modernization process to regain its power and took the West as a sample (Müftüler-Bac, 2000: 28).

The westernization movements gained momentum with the Sultan Mahmud II with the wide-range reforms initiated a social transformation before the Imperial Edict of Reorganization in 1839 (Bacık, 2001: 58). Transferring the western technology and western values like liberalism, nationalism and constitution; Young Turk movements and the Constitutional Monarchy during the Sultan Abdul Hamid II followed these reforms (Bozdağlıoğlu, 2001: 41-45). Hence, the westernization, as a notion and program to transform the state and the society, acquired an identity-constructing orientation (Dağı, 2005: 22). Turkish diplomats and scholars enjoying a western-type education started to import the European values, western ways of life and schools of thoughts to Turkey and these people also helped various movements of thought like nationalism, patriotism and freedom into the Turkish life of thought (Müftüler-Bac, 2000: 28). These thoughts laid down the keystones for constructing the western identity in Turkey.

Westernization Process in the Early Republican Era and the Western Identity of Turkey during the Cold War

The new elites of the Republic of Turkey were determined to have the Europeans to recognize the western identity of Turkey (Müftüler-Bac, 2000: 28). The new nation-state brought along a transformation on the basis of political legitimacy and on the symbols of the political community (Bozdağlıoğlu, 2001: 36). During the early Republican Era, the main objective was to westernize Turkey and the term 'westernization' had also been used for decades to express the foreign policy orientation of Turkey. The westernization reforms initiated by Atatürk set forth the western identity of Turkey and this also

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influenced the foreign policy making during this period (Oğuzlu and Kibaroglu, 2009: 578). Along with these reforms, Turkey began constructing a new identity, a western one instead of the dominant Islamic identity in the Anatolia in order to facilitate the integration of the country into the West and the western movements became a scientific ground for Turkish reforms (Bozdağlıoğlu, 2001: 47). Following the social and political reforms, Turkey stepped into a comprehensive economic development in the 1930s and the westernization became a tool for modernization (Huntington, 2002: 144).

Turkey was able to stay neutral during the WWII and did not lose time to define herself together with the Western world. Following the western democratic models, Turkey managed to conduct a multi-party-political system (Huntington, 2002: 144). Turkey found her place within the western institutions established for protecting the common values of the West after the WWII, which offered her the legitimacy to become a European country (Müftüler-Bac, 2000: 29). In addition, Turkey showed a significant willingness to become a member state of NATO together with the other western states and became one of the first member states of NATO in 1952 (Oğuzlu and Kibaroglu, 2009: 578). NATO membership brought along economic and security aids from the West and Turkish army was trained and equipped by the West. Besides, Turkey was included in the command element of NATO and welcomed the US military bases. Hence, Turkey was considered as a fortress of the Western bloc preventing a possible expansion of the Soviet Union towards the Mediterranean (Huntington, 2002: 144). During the Cold War, the western identity of Turkey was mostly based on security perceptions of the West.

Turkey wanted to join the EEC as a western state and applied for membership in 1959 later signing the Ankara Agreement with the EEC in 1963 to integrate into the political, economic and military institutions of the West and to balance her relationship with the USA. This was a gesture of recognizing Turkey's Europeanness and her potential to achieve political and economic developments demanded by the EEC (Bozdağlıoğlu, 2001: 69-71). This association agreement was affirming Turkey's western identity created with the westernization process and the member states were welcoming a country that transformed its identity into their civilization. Turkey's western identity was seemingly accepted by the West for economic and security reasons during the Cold War. Turkey's participation into security associations formed to protect the western values also shows that the West recognized the western identity of Turkey.

The reforms introduced in the early Republican Era and political elites of the country together with the support of the society could transfer the western identity to the younger generations after the WWII. However, the military coup in 1960 restructured Turkish political life and demands for political Islam were in the rise in the 1970s (Dağı, 2005: 24). The emergence of government-supported Turkish-Islamic synthesis and a new elite group in favor of liberal economy but conservative politics started to form domestic and international perceptions of Turkish state and society (Yavuz, 1998: 29). The embargo imposed on Turkey following the Cyprus Crisis and the letter of the US President Johnson created an anti-western campaign in Turkey demanding to leave the western oriented foreign policy (Bozdağlıoğlu, 2001: 63). The rising demands for political Islam brought along the Islamic identity, which Turkey carefully enjoyed after the end of the Cold War along with her western identity, and helped Turkish-Islamic identity – a creation of the Turkish-Islamic synthesis – to gain power when re-establishing relations with the Central Turkic states following the collapse of the Soviet Union. These identities gained strength in the coming decades and Turkish political

elites started to prefer these identities instead of the western one, which also brought about the discussions regarding Turkey's Atlanticist stand in foreign policy. The following section discusses other identities of Turkey that were the determinants of her foreign policy and deals with Turkey's western stand in foreign policy.

Identity Crisis after the Cold War

The end of the Cold War is widely considered as a milestone marking the end of the ideological clashes. It is also seen as the beginning of a new world order. Considering Turkey's westernization process and her relations with the West, it is obvious that Turkish identity was subject to several transformations with different ideologies and security perceptions. Turkish elites were in favor of keeping the western identity and the NATO membership to stay within the western society even after the end of the Cold War. However, NATO membership was a fruit of the Cold War. The end of Soviet threat caused Turkey to reconsider her relations with the West and this also weakened them (Huntington, 2002: 145). The discussions regarding Turkey's western identity with the end of the Cold War also induced changes in Turkish foreign policy and interest-based assessments began to become important items in Turkish foreign policy-making processes (Oğuzlu and Kibaroglu, 2009: 579).

Two different ideologies emerged at the beginning of the 1990s in Turkey: political Islam and conservative nationalism (Sakallioğlu, 1998: 9). Political Islam influenced the identity issue in Turkey during this period. Capitalist development flourished in Turkey hand-in-hand with westernization and democratization was able to bring the dominant and traditional Ottoman-Islamist world view and Turkish-Anatolian culture to the center from the periphery, which also introduced the first prime minister (PM) enjoying an Ottoman-Islamist identity (Yavuz, 1998: 20). The newly-appointed PM Erbakan stated that Turkey should go back to her real friends and Muslim siblings in the Middle East blaming Europe for imperialism and reflected an anti-western attitude by contacting Iran, Iraq and Libya (Müftüler-Bac, 2000: 32; Sakallioğlu, 1998: 10). Neo-Ottomanism movement was another reaction against the West that appeared during the same period. According to Yavuz, there were several reasons behind the rise of this movement: domestic social developments emerged thanks to the liberal political and economic environment, end of the bi-polar world system, rejection of Turkey's membership application by the EEC, the silence of European states over the ethnic cleansing in Bosnia-Herzegovina and ethnic Kurdish nationalism in the south-eastern part of Turkey (Yavuz, 1998: 22).

Following the end of the Cold War, Turkey's western identity was especially influenced by two factors: end of the Soviet threat and the rejection of Turkey's membership by the EEC. These two factors led Turkey into an identity crisis in the 1990s and resulted in new identity creations. These new identities also helped Turkey to reorient her foreign policy and for example, Turkish-Islamic identity created in the 1970s was useful for Turkey's foreign policy for the Central Asia and Caucasia.

Turkey's Western Identity in the Early 21st Century

This part of the study deals with transformation of Turkey's western identity between 2002 – when Justice and Development Party (AKP) gained most of the seats in the parliament in 2002 general elections – and 2014. Turkey kept warm relations with the EU till 2005 benefiting from her western identity. Turkey's western identity was affirmed with the accession negotiations, yet it was taken under question during the Iraqi

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Occupation by the USA and when Turkey set relations with Islamist countries like Sudan, Iran and with Islamist organizations like the Hamas. Besides, Turkey's NATO membership became an important discussion topic when Turkey was reluctant, only at the beginning, of an armed operation against the Islamic State of Iraq and Syria (ISIS) in 2014 for domestic security reasons (Schanzer, 2015). The EU accession negotiations started in 2004 almost came to a full stop in 2005. The souring relations with the EU and the rising tensions in the US-Turkish relations following the Iraqi Occupation caused a second wave of identity crisis in Turkey leading her to have cooperative relations with non-western countries. Turkey was slow in implementing the reforms related to the EU membership after October 2005 and started to give some signs that she would have an Islamic social agenda, which demonstrated the signal that Turkey's western oriented foreign policy might change (Baran, 2010: 126).

Turkey's foreign policy interest focused mostly on the Middle Eastern issues starting from 2008 and political, economic, commercial, cultural relations were increased with the Arab world. Turkey facilitated the negotiations between Israel and Syria and took active steps for the resolution of the crisis regarding the Iranian nuclear program in 2009 (Tezgür and Grigorescu, 2014: 257). The doctrines of neo-Ottomanism came to life in Turkish foreign policy assigning Turkey a mediator role for the regional conflicts and making her a significant regional player (Murinson, 2006: 953). It might be possible to explain this new orientation in Turkish foreign policy with the rise of historical and cultural factors since contrary to the former governments, the Turkish government started to give an emphasize on the Islamic and Middle Eastern characteristics of Turkey as the inheritor of the Ottoman Empire (Oğuzlu, 2008: 12-13). However, Turkish elites were previously thinking that western identity would become prominent by less emphasizing Islamic and eastern characteristics of Turkish identity and this would rise the hopes of getting the EU membership (Oğuzlu, 2008: 13). Nevertheless, Turkey's increasing relations with the Middle Eastern countries and cooperation with anti-western states and organizations – also contacts with the Hamas leaders and Sudanese President al-Bashir in 2006 and 2008 – put a noticeable distance between Turkey and her western identity. Turkish foreign policy's changing orientation created reactions in the West, where Turkey's western identity is supposed to be affirmed, and Turkey's weakening western identity resulted in fading relations with the West while building up relations and cooperation with the states following an anti-western policy like Russia.

Turkish-Russian Relations after the End of the Cold War

Turkey stayed on the track of a western-oriented foreign policy during the first years of the 21st century until the relations began to sour with the EU in 2005. However, Turkey's change of a track in foreign policy that resulted in turning towards the Muslim countries and cooperating with states and organizations considered as the enemies of the western values brought along the concerns over Turkey's withdrawal from western oriented policies. Along with the increasing relations with the Muslim countries of the Middle East and the Balkans in particular, Turkey turned to Russia – another torn country – for cooperation despite the West. Even though Turkey kept warm relations during the Independence War in the early 1920s, that did not take so long because Turkey chose to be a part of the western bloc during the Cold War years following the WWII. The relations were kept at minimum level with the Soviet Union until its collapse. When the relations with the West got tense with the western embargoes in the

1970s especially after the intervention of Turkey into Cyprus in 1974, Turkey sought ways to develop cooperation with the Soviet Union to establish state economic enterprises in particular (Kazgan and Ulçenko, 2003: 151). The relations with Russia gradually began to flourish in the 1990s depending on cooperation at a pragmatic basis after the collapse of the Union.

The collapse of the Soviet Union also terminated the threat on the eastern border of Turkey. This also made significant changes in security perceptions in the region ending the 400 years-old Russian threat (Aktürk, 2006: 340). Within the first six months of 1992 Turkish and Russian ministers of foreign affairs paid reciprocal visits and 15 different agreements were signed for scientific, technological, educational, cultural and economic cooperation (Aktürk, 2006: 340). On the other hand, Turkish-Russian relations witnessed rivalry in the Central Asia and Caucasia during the same period (Kınıklıoğlu and Morkva, 2007: 534). Turkey's activities in the region made Russia to consider Turkey as a proxy of the USA (Hill and Taşpınar, 2006: 83). Nevertheless, this rivalry did not prevent the relations from progressing. Turkey and Russia paid mutual importance in deepening relations. Turkey and Russia signed Eurasia-Action Plan in 2001 to increase dialogue in commerce, culture, tourism and cooperation in trade, energy – following the rising dialogue two countries decided to have close cooperation in energy sector – and defence and they announced a joint declaration to fight terrorism (Dışişleri Bakanlığı, 2015). Together with the increasing relations, high-level meetings started, and Putin and Erdogan came together for four times in 2005 (Kınıklıoğlu and Morkva, 2007: 535).

Following these high-level visits in 2005, it is possible to find out some changes in general foreign policy. Turkey's regular disappointment by the EU for the membership despite the start of accession negotiations also reduced Turkey's willingness for accession as an unwanted country. On the contrary, both Turkey and Russia wanted the EU to recognize them as European Great Powers with an important imperial past and roles in the Middle East and the Eurasia trying to revive their imperial state traditions (Hill and Taşpınar, 2006: 84-85). Not different from Turkey, Russia had declared 'Near Abroad' doctrine stressing the differences of interests between Russia and the West in 1993 (Yapıcı, 2010: 284). The failure of the Atlanticist school objecting to the imperial past resulted in the rise of Eurosianists denouncing integration with the West and westernization (Yapıcı, 2007: 17). It is remarkable that Turkey and Russia have developed pragmatic relations during the same period when two countries started to leave the Atlanticist stand, which also affirms Huntington's thesis of torn countries.

According to Warhola and Bezci, Turkey's getting closer to Russia was the result of the worsening relations with the West and the USA in particular and it came to the scene when the relations got worse between them and the West. They also stress that the quality of their relations with the West determines the course of events between Turkey and Russia (Warhola and Bezci, 2013: 3-4). It could be claimed that Turkey's relations with Russia were way better than her relations with the USA between 2002-2014. One of the reasons behind these better relations with Russia could be anti-western discourses of Turkish and Russian governments and increased Western stress on Russia following the invasion of Ukrainian territory of Crimea by Russia in 2014 (İdiz, 2015). Trenin mentions that both Turkey and Russia have an imperial past, fought with each other in destructive wars in late 19th century, experienced revolutions in their homelands at the beginning of the 20th century and both were excluded by the Europeans owing to their Muslim and Orthodox Christian identities. He also asserts that despite their

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different political views and differences in their regimes – Russia an authoritarian one and Turkey a liberal and democratic one – these two countries are giving efforts to define their new identities as the two largest neighbors of Europe and are subject to serious social transformations (Trenin, 2015).

The cooperation in tourism, investment and trade between the two countries increased dramatically between 2005 and 2014 and Russia became the second biggest trading partner of Turkey after the EU starting from 2008 (Flanagan, 2015). In the recent years before 2014, Turkey and Russia started to give more emphasis on the energy and trade issues following the visit of Putin in 2014 and signed another agreement for energy cooperation with 100 billion USD trading volume until 2020. What is more, during the same visit Russia declared that Turkey was chosen for transferring natural gas to the southern Europe instead of EU member Bulgaria and this movement is also very important to show that the two countries came together also in strategic issues (Tharoor, 2015). These partnership movements of the two 'torn countries' in the process of new identities make them come closer for further cooperation, yet mostly at pragmatic and strategic partnerships.

Conclusion

Turkey's westernization process is a continuing one. The westernization movements in Turkey, unlike the European countries, started as a top-down process mostly aiming technical and military modernization, which transformed Turkey into a torn country as Huntington described. The western identity Turkey wanted to gain during the early Republican Era was an artificial one away from the basic needs of the society and public opinion, which eventually created an identity crisis. What is more, the western identity of Turkey gained recognition in the West during the Cold War owing to the security perceptions and Turkey became a member state of the western (European) organizations for security reasons and needs of the West. However, her western identity started to weaken when the security threat from the Eastern Bloc died out and Turkey's membership application to the EEC was rejected in the last years of the Cold War, which led her into an identity crisis. This identity crisis helped Turkey to create herself a new identity. A conservative moderate Islamic identity Turkey began to have starting from the early 2000s has caused significant changes on her relations with the West and has made her to have interest-based relations with Russia, another non-western conservative state, aiming strategic partnership. However, Turkey is still away from getting into a strategic alliance as she historically stepped in for it with the West.

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ORIGINAL PAPER

Health policies during COVID 19 pandemic in Kosovo

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Abstract:

Public policy in democratic societies aims to create public value by providing quality public services, regulations and state-organized activities with the ultimate goal of creating a better service towards its citizens. Since policy failure has always been a concern for various scientists and researchers, this paper aims to contribute to improving the quality and efficiency of public policies by providing expertise to state institutions to ensure effectiveness, transparency, inclusiveness and accountability of the entire process.

The health system is one of the main pillars of public policy of every country today, and this is especially noticeable after the outbreak of the COVID-19 pandemic in the world, a problem which radically changed public policies and how are they percept. Kosovo as a new state faces various political and state-building challenges. The functioning of the health system is one of those challenges, which bared the main responsibility in dealing with pandemic.

Therefore, the main focus of this paper will be to analyze the public policies introduced by health institutions and government bodies as response to the COVID 19 pandemic. In this regard we will try to answer some questions which are going to be raised within the paper such as how satisfied were the citizens with health policies in Kosovo, the readiness of the institutions and the professional staff engaged, knowledge and use of best practices.

In order to obtain the information needed to justify the main objectives of the thesis, beside the content analysis and comparative methods, we are going to conduct a survey with officials and various institutional experts that were engaged in planning and implementation of the policies in time of Covid19 pandemic, as well as with people from private sector and that of civil society.

Keywords: *Policy, health, COVID 19, Kosovo, institutions.*

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Introduction

The health system as one of the main pillars of public policy, especially after the outbreak of the pandemic has always been a concern for various scientists and researchers. COVID19 pandemic had significant negative implications all over the world in different fields, such as health, politics, rule of law, safety and socio-economics. It worsened the political instability and deepened socio-economic problems in many countries. In the Western Balkans, there was no unified approach in establishing the legal and institutional frameworks for managing the crisis. Namely, each state had its own specific approach and way of regulating this response. Even before the outbreak of COVID-19, the health systems of the Western Balkans faced difficulties in financing and delivering services. Investments on health systems are significantly lower than the EU average, whereas the funds get spend in inefficient way. This makes the region vulnerable to future epidemic outbreaks. (World Bank Group, 2020)

COVID 19 seriously tested health systems, as many countries were not prepared and were caught off guard, which led to chaotic reactions and dissatisfaction among citizens. As a result, many governments took additional measures to try to prevent the spread of the pandemic and to deal with the created situation. Therefore in this paper we focus on public policies in health system in Kosovo, by analyzing public policies which have been implemented as part of the development strategy in health, professional and operational readiness of the health institutions in municipality of Ferizaj, as well as taking into account the opinion of the citizens who are direct users of public health services. The purpose of the research is to provide an overview of the health system in Kosovo in order to understand how the various components of the health sector are integrated and how they function, citing their performance or efficiency. The paper will provide a real picture of the health system and public policies in this field, as well as will address problematic and current issues.

In order to reach the desired results, there are several research questions that will guide us through, such as how were health policies implemented in Kosovo; what factors can enable or limit the effective implementation of policies; how policies translate into practice, focusing on processes rather than results. As explained earlier, this study is about finding out which issues affect and how they affect the course of implementation processes.

Qualitative methods are more appropriate to research and understand processes and to take into account people's perceptions. The results from the survey will provide a ground base for additional research on public policy and services offered to the citizens of Kosovo. Additionally, they will give a good feedback to government institutions and officials who are interested in providing quality services to citizens of Kosovo. In this regard, some of the research questions covered by this survey deal with the level of satisfaction with the conditions and services in public hospitals in Kosovo, with privacy concerns of the citizens regarding their medical data, ethnic or religious discrimination in public health institutions, professionalism of public medical staff, human resources management in public health and the political influence on employment. Moreover, this survey will show how the government has handled the COVID19 outbreak, measures undertaken by the government, and whether the government has communicated clearly to ensure that, everyone has the necessary information to protect themselves and others from COVID-19.

Public Health Policy

Politics are a set of desires and goals related to a particular problem or set of problems, or it represents the art of governance with public institutions. As a social activity, it aims to examine and analyze the problems that preoccupy the individual or social groups. Through these policies, the interests and demands of the citizens are articulated, as well as presented in the form of a plan, program, project, and detailed instruction. In addition, politics as a social activity is interested in understanding the role of institutional actors in managing the public policies for improving the quality of services delivered by the government institutions towards the citizens. As an integral and inseparable part of collective life, it consists of people and social movements that go beyond their personal needs and narrow existential interests. Meeting the needs and obligations of citizens, as well as creating living conditions is essentially the very reason for the existence of political activity. Politics is an emotional and exciting activity where people face challenges, disagreements-conflicts in decision-making and various issues in governance. (Abdullai, 2016)

The political process in the broader sense is subject to policy analysis. It consists of the activities of political subjects in the design, implementation and evaluation of policies. For a policy analyst, such a conceptual model of political decision-making enables concentration on one policy phase or comparison between several policy phases. The formation of public policy (program), implementation and evaluation of effectiveness and justification are the main types of activities. (Grdesic, 2006) In the scientific aspect, the process of developing public policies should be analyzed, because in this way we will be able to better understand the deviations or the journey of institutional and non-institutional actors during the realization of the relevant activities in practice. The path of different actors through which public policy is developed and realized is called a political process. This political process includes agenda setting, policy formulation, policy legitimization, policy implementation, and policy evaluation and change. Moreover, the formulation of public policies includes the development of formal political acts (laws, orders, executive orders, administrative regulations, etc.) that are legitimate (Denhardt, 2010: 44-47)

Both governmental and non-governmental organizations play an important role in the public policy formulation process. Institutional actors during their official activities participate in decision-making at different levels and aim to deal with issues such as foreign and domestic policy, health, education, employment, economy, justice, environment, energy, transport, housing, agriculture, judiciary and a host of other issues. Depending on the position and role that institutional and non-institutional actors have in the respective organizations, their participation in the design and implementation of policies in a certain field depends. (Abdullai, 2016)

The Ministry of Health has a key role in the development of general policies in the health sector. The Ministry of Health has the following responsibilities:

- Creates the policy and implements the laws of a non-discriminatory and accountable health care system;
- Coordinates activities in the health sector to promote the coherent development of health policy;
- Establishes norms and standards and issues guidelines for the health sector respecting the relevant international standards;
- Supervise the implementation of these standards, including inspection and other services as needed;

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- Monitors the health situation and implements adequate measures to prevent and control health problems;
- Manages the use and development of infrastructure related to health care under the responsibility of this ministry;
- Supports the participation, initiatives and development of community activities related to health;
- Participates in the development and implementation of the public information campaign and other promotional projects to increase public awareness and compliance with health standards;
- Encourages the development of health education for increasing knowledge and competences in the field of health. (Ministry of Health, 2022)

According to the WHO, health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity. (Pushkarev, 2019). In the other hand, public health policy tries to regulate the health and wellbeing of the population through undertaking certain actions and policies that will reduce and prevent spread of diseases, and will strengthen the health capacities and readiness for combating threats towards the health of the entire population or specific groups within. Health policy analysis is a political as well as a social activity and can take a long time. However, in today's fast-paced environment, health policymakers may face a frightening reality of being forced to make important decisions in a very short period. Most of the proposed frameworks in the health policy literature use specific concepts and models to explain health policies in abstract, theoretical terms and focus primarily on health policy analysis. (Collins, 2005)

The COVID-19 pandemic hit all the countries of the region in the same way, seriously pressuring the health system, affecting sustainable development, shaking the socio-economic pillars of the states and increasing the vulnerabilities of communities. Given the extended magnitude of the consequences of the pandemic and the fact that the health crisis will have a prolonged duration, it is necessary that governments should contribute to the establishment of an efficient and effective response and recovery system towards the pandemic.

When it comes to assessing how different national and local governments have responded to the pandemic, the situation within the group is different. Although most respondents agreed that the initial strict measures were inevitable because everything was new and nobody knew what we were facing, it seems that many argue the fact that the national authorities did not take the virus seriously enough at first, and then they suddenly went to very strict measures. This created a sense of mistrust and added uncertainty among the population. Again, we have to acknowledge that austerity measures were inevitable for overcoming the pandemic, whether people liked it or not, but what we have seen is that these measures were not all respected by the citizens, nor were they strictly enforced and managed from the local and national authorities.

The main reactive and protective mechanisms adopted by the Government of the Republic of Kosovo on the health care front include:

1. Social distance. The government adopted a social distancing regulation in order to reduce the speed of transmission and allow the health system to plan resources to help people with a high tendency to have severe or even fatal consequences from the virus.

2. Increasing the capacity of personnel. As a result of the new cases, there was an increase in the number of health care professionals and clinics dealing with cases of COVID-19.
3. Overcoming critical shortages. To increase health care capacity and overcome critical shortages, the Government purchased or donated a number of test kits, masks, respirators and beds.
4. Public Communication. The government used communication as a tool to inform and guide citizens, but also to build trust and provide support to citizens. (Stiftung, 2020:7)

Table 1. Government measures in Kosovo for preventing COVID 19 (Stiftung, 2020)

HEALTH CARE	ECONOMY	EDUCATION
<ul style="list-style-type: none"> • Flatten the curve (movement restrictions and social distancing) • Enhance health care system capacity • Overcome critical shortage • Test and trace • Provide information and guidance 	<ul style="list-style-type: none"> • Provide emergency financial support for individuals and businesses • Economic stimulus measures • Mandate industrial actions (closures, repurposing and airlines) • Extend deadlines 	<ul style="list-style-type: none"> • Online Learning Platform • Internet access and Computers • Plan to Reopen Schools for the 2020- 21 Academic year

However, ineffective implementation of policies in the health sector can result in poor services with consequences that affect the well-being of the entire population. As in other countries, doctors and health workers in Kosovo contracted the coronavirus. In July, it was stated that around 500 health workers had been infected while a number of them had also died. This led to a fear that the health sector could collapse in the wake of large numbers of Covid-19 -affected patients to be cared for by an already limited medical staff. (Krasniqi, 2020)

Also, in order to There were efforts for training healthcare personnel, but majority of experts thinks that they were done late and not in accordance to the needs. There have been complaints from health personnel from clinics that are not specialized for the pandemic.

Previous Researches

There are various policy analyses that refer to general opinion on public policy. Barker argues that it is important to understand what health policy means. The World Health Organization (WHO) defined health policy as an agreement or consensus on health issues, the goals and objectives to be addressed, the priorities between these objectives and the main directions for achieving them. WHO approach to public health

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policy puts health on the agenda of policymakers across sectors and at all levels, instructing them to be aware of the health consequences of their decisions and to acknowledge their health responsibilities. However, health policy decisions are not always the result of a rational process of discussing and evaluating how a particular objective should be achieved. The context in which decisions are made is often very political - about the extent to which public health care is provided and who pays for it. Health policy decisions also depend on value judgments, which in any society are implied but are very important to understand in order for the policy to be implemented. (Barker, 1996)

Avdimetaj thinks that the health system is a vital part of the overall socio-economic system that must ensure well-being and health status that will provide support for the overall economic and social development of society. This system is an important precondition for the progress of society as a whole and vice versa. Kosovo's approach to COVID-19 was challenged by the lack of preventive and preparatory approach to emergency situations, the lack of a clear legal basis for government decisions, limitations on staff resources and capacities, fluctuations in public confidence in institutions, claims for mismanagement and discrimination, and the lack of a clear, transparent and consistent system for communicating with the public. (Avdimetaj, 2020)

A recent publication by Erdem and Lucey on Healthcare workers' losses due to Covid-19 presents a research conducted in 37 countries. The results show that mortality rate among healthcare workers in Kosovo was amongst highest in the region, with 0.22 cases per 100.000 citizens. Other countries like Romania and North Macedonia had 0.14, Bulgaria with 0.10, Albania with 0.07 and Croatia with 0 mortality rates among Healthcare Workers. Only Italy had higher mortality rate from countries nearby with 0.35. (Erdem and Lucey, 2021) Based on Selani, the number of infected among healthcare workers in Kosovo is considered to be high and one of the reasons is the lack of adequate training of doctors and nurses to deal with the pandemic. (Selani, 2020)

Another study shows that protecting healthcare workers in Kosovo should be a public health priority. Furthermore, the paper identifies insufficiency of medical staff as well as medical equipment in hospitals in Kosovo. However, the study finds that almost all healthcare workers continued with their working duties, despite the lack of information, personal protective equipment, trainings etc. (Ukëhaxhaj et al, 2022)

The Survey

In order to get the results needed to complete our paper, we conducted a survey in the municipality of Ferizaj, in the period between January and March 2022, with 174 respondents. The respondents were selected by random sampling method, while the data was processed through SPSS program.

When asked about how satisfied are with the conditions in public hospitals in the country, the answers were divided. 39.98% of the respondents said that were somewhat satisfied, 18.64% had neutral opinion, 16.95% were very satisfied, 10.17% said that they were somewhat dissatisfied, the same percentage said that were very dissatisfied, and the rest had no answer. On the other hand, when the respondents were asked, how satisfied are with the services in public hospitals, different results were gained. Almost 34% said that they are very satisfied with the services, 32.20% said that are somewhat satisfied, 18.64% had neutral opinion, 8.47% somewhat dissatisfied and 6.78% were very dissatisfied. From these results it can be concluded that generally, there is a satisfaction in terms of services provided in public hospitals in Kosovo.

When asked about how they perceive the respect in the privacy when they have to do checkup in public hospitals, 28.81% said that their privacy was always respected, 20.34% said that is usually respected, 32.20% said that sometimes is respected, and only 8.47% that it is never respected. 10.17% of respondents had no answer to this question. There is mix opinion when asked if there is discrimination in the provision of medical services based on ethnicity. Almost half, 45.76% claimed that there isn't discrimination in this regard, 33.90% said that there is discrimination, whereas a significant number, 20.34% couldn't answer this question.

More than half of the respondents, 52.54%, claim that the medical staff in Kosovo has the right level of professionalism and is well trained to perform medical services. In contrary, 27.12% claim that they don't have the right level and are not trained well. 20.34% didn't answer this question.

We received very controversial results from the respondents when asked how they perceive the hiring and the promotion process of the healthcare workers and if this process was done in a fair manner and based on their professional competences. More than half of the respondents (54.24%) claimed that this process was not done according to the procedures, and that the healthcare workers were not hired based on their professional background. Only 32.20% of the respondents claimed that healthcare workers in Municipality of Ferizaj were hired based on their professional competence, while 13.56% did not have an answer.

In terms of the influence of the political parties on the selection of the medical staff, almost half of the respondents (44.07%) said that political parties have great influence in the process of hiring healthcare workers, whereas 33.90% said that they had moderate influence. In contrary, only 16.95% claimed that political parties don't have any influence. The general conclusion is that majority of the respondents share the opinion that the political parties influence the process of hiring healthcare workers.

The general opinion of the respondents regarding the handling of the coronavirus outbreak by the government is positive, where 30.51% of the respondents claimed that the government handled very well the situation with Covid 19 outbreak, 23.73% share the opinion that the situation was handled well, while 6.78% of the respondents claimed that the Covid 19 outbreak was handled poorly. Only 5.10% of the respondents claimed that the government handled the situation very poorly. A high percentage of respondents (30.5%) had a neutral opinion and 3.39% had no opinion on this question.

In terms of the satisfaction with the measures taken by the government to address coronavirus outbreak, more than 40% of the respondents claimed that the measures taken by the government were sufficient, whereas 28.81% claimed that the measures were adequate. Nearly 20% of the respondents claimed that the measures taken by the government to prevent the spread of the corona virus were excessive, while 10.17% did not have an answer.

When it comes to the evaluation of the different measurements taken by the government, we see different results. Majority of the respondents see restrictions of movement as unnecessary, whereas they see mandatory PCR testing, vaccination and mask/face covering as very appositely. Almost two-third of the respondents (71.93%) considers that the recommendations for protection from COVID-19 were appropriate, while only 19.30% claimed the opposite. In terms of satisfaction with the measures/recommendations taken by the Ministry of Health and the Government, more

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than half (57.89%) claimed that they were satisfied with the officials, 24.56% claimed the opposite, whereas 17.54% had no answer.

Finally, 44% of the respondents were very satisfied with the way the government communicated Covid 19 related information to the citizens, 28% were satisfied, while 12% were not satisfied with the way government shared the information on topics such as number of infected, number of deaths, number of vaccinated and tested people.

Discussion

If we analyze the data from the survey, we can see that the majority of the respondents acknowledge the efforts of the government in dealing with Covid 19 outbreak, despite the fact that the country was not prepared for a pandemic of this scale. In addition, the data from the Ministry of Health shows that the resources available for public health services are the lowest in Europe and the challenge remains to provide financial means and their effective use. Productivity is low and the efficiency must improve, especially regarding the introduction of modern treatment methods. Capacity utilization is low and the quality of health services must improve, especially when dealing with hospital infections, the use of clinical guidelines and protocols, and the way of patient treatment. (Ministry of Health, 2016) On the other hand, secure and timely information is of fundamental importance for undertaking public health actions, including those related to strengthening health systems for response during emergency, crisis and disaster situations, especially when faced with many fake news and disinformation. Providing timely information is essential to prevent the emergence of diseases and other acute health threats. As stated in the webpage of the Ministry of Health, information coordination between different ministries or institutions can sometimes be complex, due to financial and administrative constraints. However, the health information system must be available for the needs and requirements of all affected parties for emergency, crisis and disaster response. (Ministry of Health, 2017) In this regard, the government did well, based on the results of the survey, and this can be seen as one of the strongest element of this government. A number of experts address the success for the low rate of mortality form Covid 19 (if compared to neighboring countries) to the government information strategy. However, citizens react on government and politics involvement in the process of employment of healthcare workers. This is also seen as one of the biggest fail of the health authorities in Kosovo, since the unfair process of hiring personnel has a direct impact on the health of the others, especially on the health of other healthcare workers.

Conclusions

The impact of the Corona virus on health will pass over time, however, the effects of the global measures taken against the virus in question will not go away so quickly, and some of them will remain part of our life for a long time. Results from the questionnaire indicate that majority of citizens in Kosovo (65%), approve the measures that were taken by the government to stop the pandemic, compared to 25% of citizens that disagree. This means that despite the lack in capacity, training and supplies, the citizens are aware of government capabilities and recognize the efforts towards stopping and putting under control the Corona virus. However, implementing the Strategy of Health remains a concern and reflects the weaknesses of the institutions to overcome the obstacles and further develop the Kosovo Health System.

The staff employed in public health lacks the necessary equipment and training to conduct their profession in professional way. In addition, the employment policies in health and career advancement, the rules for fair employment opportunities should be completely implemented and not to discriminate anyone during this process. Hiring staff that is not competent for the task puts the life of the citizens as well as the life of other healthcare workers in danger.

The information and communication strategy of the government was seen as one of the strongest elements for countering Covid 19 outbreak, despite the fact that there were many fake news and disinformation during the entire time of the pandemic. The population accepted well the recommendations, while the measures taken from the government such as the vaccination, PCR testing and face covering were seen as very appositely. This made the slow start to alter into successful story for Kosovo in the fight against Corona virus.

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

Cristi Puiu A Hero of Our Time

Simber Atay¹⁾

Abstract:

Cristi Puiu is one of the exceptional representatives of contemporary cinema as a director, and as well as a screenwriter and actor. He is also one of the precursors of the Romanian New Wave movement. The Romanian New Wave Cinema is one of the most important artistic phenomena of the post-communist era. Cristi Puiu is the owner of many international cinema awards. His latest film, *Malmkrog* (2020), is a new and original example of cinematographical adaptation. *Malmkrog* has been adapted from Vladimir Solovyov's *War and Christianity Three Conversations* (1900). This is a philosophical text, similar to Plato's dialogues; At the same time, it encompasses an evolving global panorama accompanied by historical explanations and political and cultural debates of 19th century *fin de siècle*.

This study, focuses on Solovyov's identity and oeuvre after briefly introducing Cristi Puiu and his works, and then examines the film *Malmkrog* with descriptive method.

Keywords: *Cristi Puiu, Romanian New Wave Cinema, Malmkrog, Vladimir Solovyov, War and Christianity, Post Communism.*

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Introduction

Great historical events cause great cultural changes. From historical or mnemonic perspective, through the processes before and after of these changes, the art of cinema is one of the environments where the sincere, humanistic and most importantly original definitions and interpretations of change take place. On this subject, 1917 Bolshevik Revolution and Dziga Vertov's avant-garde cinema (1920's), German Expressionist Cinema (1920's) during the Weimar Republic (1919-1933), Italian Neo Realism (1945-1955) after Second World War, French New Wave Cinema (the late 1950s and 1960s) towards 1968 can be given as examples.

Although, now the 1917 Bolshevik Revolution belongs to the historical past, Dziga Vertov's avant-garde formalism, a cultural reflection of this revolution, has an important place that is constantly updated in the Digital Revolution and accordingly New Media aesthetics. Taylor (1984:186) makes the following determination regarding Soviet Cinema in the 1920s: "cinema was also a new medium and this strengthened its appeal in a period of revolutionary ferment. Cinema represented tangible evidence of new technology in practical application for the creation of the new society and the new epoch". Taylor's determination is also confirmed by Lev Manovich (2013: 4) in the cyber-art formalism context as follows: " In a 1924 article titled, "The Birth of Kino-Eye," he (Dziga Vertov) writes: "Kino-Eye is understood as "that which the eye does not see...Kino-Eye as the possibility of making the invisible visible".Today, data visualization designers often use the same phrase "making the invisible visible" to describe how visualization can reveal patterns in the data".

In the chaotic, neurotic, decadent but highly creative cultural and artistic environment of the Weimar Republic, German Expressionist Cinema emerges as a crisis cinema and this cinema develops a new cinematic style in a society dominated by the traumas of war and where the footsteps of Nazism are heard.

Italian Neo Realism is a phoenix-cinema that emerged from the ruins of Second World War. If an example is given in this context, regarding the cinematographer of Roberto Rossellini's *Roma città aperta* (1945) is one of the cult films of Italian Neo Realism: "Ubaldo Arata's photography was nothing short of a miracle work by skill, courage and sheer madness: the light was created by siphoning off electricity from an Allied headquarters for makeshift lamps; the negative on which that light impinged was composed of lengths of film, which had mostly expired, gleaned from warehouses..." (Di Giammatteo, 2000:17).

1968 is a turning point. It is a year that has become a symbol of many modern social transformations such as the revolt of university students in Paris, the Marxist and Maoist initiative, the strengthening of the feminist movement, transforming of existentialism into a philosophy of life and sexual emancipation. French New Wave Cinema is a movement that accompanies all these revolutionary changes. According to Toubiana (2006:151): "The sixties simply called for something else, a profound change in the way of perceiving things: noise, speed, rhythm, male-female relationships, the street, youth... The New Wave obviously embodied this, thanks also to actors: Jean-Paul Belmondo, Anna Karina, Bernadette Lafont, Stéphane Audran, Jean-Pierre Léaud, Françoise Dorléac, Marie-France Pisier, etc."

After the Romanian Revolution of 1989, the Ceaușescu Regime ended and the post-communist period began. Likewise, Romanian post-communism is a new historical beginning and an ongoing social process. Romanian artists show an energetic performance in this process, from painting to cinema, from literature to photography, in

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many branches of art. Critical points of the post-communist Zeitgeist are found in these works. The collapse of totalitarianism naturally removed the barriers to artistic freedom of expression. Then, “in 1994 the Romanian National Center of Cinema was born” (Tutui, 2012:3). Thus, a new page was opened in the History of Romanian Cinema. Today, the success of Romanian Cinema has been proven many times over at the world's most important film festivals. Cristi Puiu with his movie, *The Death of Mr Lazarescu* (2005), Corneliu Porumboiu with his movie, *12:08 East of Bucharest* (2006) and Cristian Mungiu with his movie, *4 Months, 3 Weeks and 2 Days* (2007) are examples of it; “This trio of filmmakers are considered the symbolic fathers of the New Wave” (Harrison, 2016, para.3). The other directors who represent Romanian New Wave Cinema are Florin Șerban, Cristian Nemescu (1979-2006), Cătălin Mitulescu, Călin Peter Netzer, Radu Jude, Radu Muntean, Corneliu Porumboiu, Alexander Nanau, Adina Pintilie, and Radu Mihăileanu. Romanian New Wave Cinema directors continuously gain great success at international film festivals. Some examples of awards won by the directors of Romanian New Wave Cinema are as indicated below:

Cristi Puiu's *Cigarettes and Coffee* won Golden Bear for best short film at the 2004 Berlin International Film Festival

Cristi Puiu's *The Death of Mr Lazarescu* won the Un Certain Regard at the 2005 Cannes Film Festival

Corneliu Porumboiu's *12:08 East of Bucharest* won Caméra d'Or Prize (for best first film) at the 2006 Cannes Film Festival.

Cristian Mungiu's *4 Months, 3 Weeks and 2 Days* won the Palme d'Or at the 2007 Cannes Film Festival

Cristian Nemescu's *California Dreamin'* won the Un Certain Regard at the 2007 Cannes Film Festival

Cristi Puiu's *Aurora* won Best Cinematography award at the 2010 Karlovy Vary International Film Festival

Călin Peter Netzer's *Child's Pose* won the Golden Bear at the 2013 Berlin International Film Festival

Radu Jude's *Aferim!* won the Silver Bear for Best Director at the 2015 Berlin International Film Festival

Radu Jude's *Bad Luck Banging or Loony Porn* won the Golden Bear at the 2021 Berlin International Film Festival

The Features of Romanian New Wave Cinema:

-Romanian New Wave Cinema's debut film is Cristi Puiu's *Stuff and Dough* (2001).

- Romanian New Wave Cinema is a common definition. One reason for this is that the directors representing this cinema have created an original genre with their independent styles and films.

- Romanian New Wave Cinema is a Post-Communist Era movement, and in the 2000s, the main subject of this new cinematographic vision is Post-Communist Romanianness as life, activity and mentality.

-The stories of ordinary people, which at first glance are told with the natural rhythm of daily life, turn into common dramas of the humanity at the end of the film

- “In terms of aesthetics...the films of the Romanian New Wave are united by a realist, almost documentary, austere and minimalist style than by black humor” (Tutui, 2012: 3).

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- Romanian New Wave Cinema has a distinctive social-realist genre. It includes clear observations about problems of Romania, but this attitude is free from actual or ordinary political speculations.

- We can say that the secret of the originality of Romanian New Wave Cinema is perhaps hidden in the following words of Cristi Puiu (2006): “ What is the point of making films or telling stories? There are too many stories already, and all these stories are the same. Well, maybe the point is to tell the same story differently”.

Cristi Puiu

Cristi Puiu was born in 1967, in Bucharest, Romania. He studied at the ESAV (École Supérieure d'Arts Visuels), Geneva, Switzerland (1992-96). He graduated from ESAV with his dissertation film "25.12" Bucharest, North Railway Station" and his thesis titled "Notes on a Poetic Realist Cinema".

He is married to film producer Anca Puiu and father of three children. He is a polyglot person who speaks English, French and Romanian. He has also many academic and intellectual activities, institutional and festival memberships in the field of cinema and culture.

His movies:

Marfa și banii (2001, Stuff and Dough)

This is a contemporary road movie; Ovidiu, a modest young man, carries a package to Bucharest for the mafia, which creates an adventurous journey.

Un cartuș de Kent și un pachet de cafea (2004, Cigarettes and Coffee)

The movie takes place in a restaurant in Bucharest. There, an unemployed father and his wealthy son talk about work and financial difficulties.

Aurora (2010),

Viorel, a divorced man in his 40s, wanders around Bucharest for a long time, acquires a gun and kills the people who he considers responsible for his divorce; he then surrenders to the police. Cristi Puiu interprets the role of Viorel himself.

Moartea domnului Lăzărescu (2005, The Death of Mr. Lazarescu)

A man living alone in Bucharest, Mr. Lazarescu feels unwell and calls an ambulance. The ambulance is delayed. Then they go from one hospital to the next, but none of which has an available place. Finally, Mr. Lazarescu's condition worsens.

Trois exercices d'interprétation (2013, Three Exercises of Interpretation)

This is a trilogy and an experimental adaptation of Vladimir Solovyov's Three Conversations realized as an actors' workshop project.

Sieranevada (2016)

In an apartment in Bucharest, members of a family gather to commemorate their deceased father. However, this is not just a family meeting, but an internal matter with historical and psychological dimensions.

Malmkrog (2020).

This movie is the second adaptation of Vladimir Solovyov's *Three Conversations* after “Three Exercises of Interpretation”. Puiu, previously interpreted Solovyov's work as aforementioned, in 2013 at les Chantiers Nomades Center in Toulouse. Then with Malmkrog(2020) he won The Best Director Award at the 70th Berlin International Film Festival. Indeed, this is a conversation story: At the turn of the 20th century, in a manor in the village of Malmkrog (Mălâncrav) in Transylvania, a group of aristocrats gather for a Christmas party.

Cristi Puiu, in “ Malmkrog”, also as the screenwriter of the movie has transformed the Mediterranean summer scene into a Romanian winter scene ; again

with the same people of transcript , he made minor changes within the group.Cristi Puiu’s adaptation“Malmkrog offers one of the most extraordinary cases of adaptation in cinema history” (Martin, 2021: para.1).

Cast of Malmkrog: Agathe Bosch (Madeleine), Ugo Broussot (Edouard), Frédéric Schulz-Richard (Nikolai), Diana Sakalauskaitė (Ingrida), Marina Palii (Olga), István Téglás (Majordome).

Vladimir Solovyov (1853-1901)

Vladimir Solovyov is one of the most interesting figures of the 19th century. He is a close friend of Dostoevsky. There is an intense communication and interaction between them, as follows: “In national culture Solovyov owned Dostoevsky as his prophet” (Graham, 1915:VII). He is one of the pioneers of Theosophy. Theosophy is a new kind of modern humanism and a *fin de siècle* doctrine that is a multicultural, multilingual, esoteric and universal mysticism. According to Blavatsky (1890): “For many a long year the " great orphan," Humanity, has been crying aloud in the darkness for guidance and for light. Amid the increasing splendors of a progress purely material, of a science that nourished the intellect, but left the spirit to starve” (p.186). Helena Blavatsky, co- founder of theosophy was a selfproclaimed guide to illuminate the humanity. On the other hand, Theosophy is an ethical understanding that believes in the tangible power of the soul and is based on spiritual values. Thus, “The universal brotherhood of humanity is a truth of terrific proportions;for it involves responsibility for every act we perform, for every thought we generate” (Hargrove, 1897:222).

SimilarlySolovyov has an extraordinary intellectual formation. He did theological, spiritualist and linguistic researches in England and Egypt. On these journeys, Sophia, who was a "female emanation of divine wisdom", accompanied him as a vision (Hare, 1958:29-31). In fact, Solovyov met The Beautiful Sophia three times in his life. Solovyov described in detail –mapping the itineraries of his spiritual and geographical journey- these encounters in his poem "Three Meetings" (1898): “while attending Liturgy in Moscow in 1862 (when he was nine years old), in the British Museum in London in 1875, and in the Egyptian desert outside Cairo in 1876” (Giragosian, 2014:53). A stanza of the poem is as indicated below:

*Three times you gave yourself to my living sight
No phantom, no mere mind's flight
As omen, aid, and as award,
Your image answered my muffled call.* (Translated by I. M. Granger)

Vision of Sophia is similar to Emanuel Swedenborg's Vision of Christ. For both Swedenborg and Solovyov, these visions define the philosopher's mission or meaning of their existence that means spiritual guidance.

However, according to Solovyov's philosophical design, the existence of his Beloved Sophia is both Anima Mundi and Divine Wisdom and, she represents the formula for man to become supreme perfection (Kojève, 2018: 54-55).

But, Solovyov, although himself a theosophist and mystic, had clear and comprehensive global information about contemporary political facts and historical realities. In its simplest definition, he is an exceptional witness of his era.As a philosopher and poet, Solovyov has worked on many subjects such as the crisis of Western Philosophy, Christian unity, Jewish mysticism, but his last work titled War and Christianity Three Conversations (1900) exhibits also a very original literary creativity: “Solovyov in Three Conversations discourages an affirmative reading by creating a multiplicity of storytellers who recite poems and proverbs, relate stories, and

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make frequent references to questions of style, metaphor, and grammar in various language” (Deutsch Kornblatt, 2001: 306). Indeed, the text in question was formed by the articulation of three interconnected conversations designed like Plato's socratic dialogues. Solovyov (1915:X) underlines this literary design as follows: “Being afraid to compose out of my own head after the model of Plato and his imitators I began my transcript...”.

War and Christianity Three Conversations (1900)

The scene of transcript is as follows: “ In the garden of one of those villas which, at the foot of the Alps, look down on the blue depths of the Mediterranean, there met one summer five Russians...”(Solovyov, 1915:IX).

Bakhtin's (1999:7) definitions of Dostoevsky's style also illuminate the literary structure of Solovyov's text: “Dostoevsky's major heroes are, by the very nature of his creative design, not only objects of authorial discourse but also subjects of their own directly signifying discourse... Dostoevsky is the creator of the polyphonic novel”. Therefore, there is the same polyphonic structure in Solovyov's work and the persons in the group are in the same manner as contemporary sophists who develop either together or individually a rhetoric about human condition in eternal present time focusing especially on historical martial, religious and cultural conflicts.

These “Three Conversations” create an example of heteroglossia in sense of Bakhtin because, beside of persons of group, the voices of another large group-philosophers, writers, poets, classical Russian authors, historical figures, kings, saints-are also heard.

Solovyov has critical and objective perspective. For instance, in First Conversation, Mr.Z speaks as follows: “It is possible to have a good war; it is also possible to have a bad peace” (Solovyov, 1915: 11).; in Second Conversation, Mr.Z underlines as follows one more time : : “I remember that in Turgenev's “Smoke” somebody very justly observed: “progress is a symptom” (Solovyov, 1915:91). Thereafter each conversation begins with this Seneca's sentence: “Audiatur et altera pars” or in English “ Let the other side also have a hearing” (Stone, 2005:11). This expression is taken from Medea of Seneca (2020:14/line200):

*“Qui statuit aliquid parte inaudita altera,
aequum licet statuerit, haud aequus fuit”.*

Solovyov (1915:IX) as a fantastic story-teller, describes his position in this environment as indicated: “ I was a silent listener to all their conversations”. Finally, this work has no end in the usual sense. The ending of the text is potential for new conversations, as form and as content.

The plot of the movie:

In a manor in the village of Malmkrog (Mălâncrav) in Transylvania, a group of Russian aristocrats gather for a Christmas party; Landowner Nicolai, Prince Edouard, a politician, Ingrida, the wife of a general, Contess Olga, and Madeleine, a young lady. All together they discuss issues such as war, war crimes, war atrocities based on historical events, then evil, existence of God, Christianity, nature of culture, Russian-Slavic identity, Europeaness, the actual state of the world and finally the death and problematic of existence.

While this *fin de siècle* conversations of élite continues, István, the majordome, together with the other servants in a perfectionist way, maintains the order of the manor and the reception. Meanwhile, there is also an old, bedridden colonel in the house, whose blur presence is almost a *fin de siècle* metaphore.

The Christmas invitation continues, and outside there is a quiet, vast snowscape.

Mise en scène features

Malmkrog is an historical film. However as it is indicated “cinema is the art that gives form to the history because it can show a historical reality by arranging the fragments according to an original and aesthetic organization: la mise en scène” (de Baecque, 2013:150)

The mise-en-scène of the film has a pictorialist aesthetic quality. “A series of fixed shots work as canvases, since Puiu generates subtle tableaux vivants in this film” (Delgado, 2020: para.6). Sometimes there are also *mise en abyme* images due to the paintings, windows and doors in the manor interior environment. We watch the movie on the screen, but at the same time we see the actors standing in front of the several frames like paintings, windows and doors.

Mise en abyme, in its simplest definition, means image within image, story within story. As a creative strategy, it was first described by André Gide in 1893, inspired by the historical coat of arms and he applied the mise en abyme technique in his various texts like *Narcisse*, *Tentative Amoureuse* or *The Counterfeiters*. This visual or literary technique in question is a duplication that enriches the expression. Gide (1963:31) gives some examples in his Journal: “The small and dark convex mirror found in some of Memling's or Quentin Metz's paintings... A slightly different, Vélasquez's Las Meninas... in literature the comedy scene in Hamlet ... the puppet scenes in Wilhelm Meister...”.

Besides, the cinematographic choreography of the film has an extraordinary fluidity throughout the perfectly pictorial compositions. This means a new cinematic experience that the visuality of film transforms simultaneously into an immersive, auratic portrait gallery.

Malmkrog is a *fin de siècle* film.

The film is a *fin de siècle* film. Tudor Vladimir Panduru, the cinematographer of the film, and Dragos Apetri, Andrei Iancu, Bogdan Zarnoianu, who edited the film, transformed the historical and psychological features of *fin de siècle* described by Solovyov into a classical chronotope by their virtuosity. Consequently the movie has paradoxically silent and transparent narration despite its theatrical nature.

The actors and actresses are corporeal representatives of the Solovyov's philosophy. Extremely tragical historical events are narrated in a de-dramatic manner. This is a political coolness. Puiu made the following statement as cited in Cronk (2020): “I believe history and memory are very close to one another, and from a certain perspective quite dangerous, because history can be a subjective memory of fact” (As cited in Cronk, 2020).

The aristocrats of Malmkrog will probably disappear after a while, but for now, during the Christmas Eve, they are in conversation. They discuss frankly many issues or historical events that can only be said off-record, even today, especially nowadays. For example, Politician says: “*Il y a Européen et Européen*” (Solovyov, 1915: 83). Regarding the current significance of this text, Puiu (2020) makes the following statement: “It's crazy because I found it to be extremely revelatory—prophetic in a way, and in different ways. And also pretty sad in the end, because it shows that we haven't moved an inch”.

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From the point of view of film language, in this adaptation, Puiu's method of constataion oscillates between Visconti's tragical decadence and Antonioni's cool objectivism. On the context of subject, Antonioni made the following determination cited by Deleuze(1989a:35): "If we are sick with Eros, we are sick because Eros himself is sick ... because he is captured in the pure form of the time". Again, according to Deleuze (1989b:35): "For Antonioni there is only chronic disease, Chronos is the disease itself".

"*Fin de siècle*" emerged in the 1890s and became also a cultural paradigm. *Fin de siècle* is a multifaceted phenomenon. It is a psychologically collective environment of melancholy because, a historical period is closing, a new one is beginning. Even though uncertainty and ambiguity prevail, social liberation processes are experienced. *Fin de siècle* is eventually a rich source of inspiration for artists and philosophers and currently it's an artistic topic. Even if we are not historically in the time of fin de siècle, fin de siècle is a perfect metaphor for political and cultural criticism. One critic (1893:9) elaborated on this *fin de siècle* as indicated: "How did they rise so suddenly! Oh, there have been mighty pioneers for the *fin de siècle* movement. Only to mention a few among the dead, Wagner, Schopenhauer, Walt Whitman, Taine, Rossetti, Darwin, Poe, Manet; and among the living, Ibsen, Tolstoj, Monet, Puvis de Chavannes, Zola, Nietzsche etc. This mighty age began with Napoleon and Goethe and apparantly will end with *fin de siècle* art and Utopian aspirations...With gigantic strides we will pass through the coming centuries!... Let us go from darkness to light, from light to darkness, and again, to light, to the light of lights".

Malmkrog is a multilingual movie

Malmkrog is a multilingual movie: the landowner and guests eventually speak French- because Russian aristocrats preferred French-, Majordome István speaks also Hungarian and German and the servants speak Romanian. Multilingual movie genre is a relatively new cinema genre that began to evolve in the 1980s and it has been determined first time by Chris Wahl in 2005. A multilingual film director can apply various linguistic strategies; he or she can use several languages simultaneously or discover old languages or invent new ones.

"A multilingual movie has a particular esthetic because multilingualism shapes ontologically multilingual movie. In the context of multilingual movie as a genre, cinematography and film editing should be realized as visual equivalents of linguistic mobility, navigation between different languages, cultural specificities of different languages and the variable nature of speakers of different languages" (Atay, 2019:152).

Malmkrog, as a representation of the 19th century fin de siècle is now a lost microcosm. Puiu updated Solovyov's design, creating ametaphore for our era. However, in developing so, his main territory is French Language. For this reason, Puiu constructs his historical criticism in French or Lingua Franca that is the language of 19th century modern culture and civilization.

On the other hand, we are living historically in the second fin de siècle, but there is no specific time for fin de siècle psychology anymore; also, *fin de siècle* has become one of many postmodern aesthetic contexts. Meanwhile communism was an utopian aspiration in 19th century; In the 20th century, this utopia was realized and then turned into a dystopia. Now, there is just post-communism.

The magic of the Malmkrog is mnemonic; At the time of Christmas 1900 and every time we watch this movie, the present historical perspective allows to remember

the future. This is perhaps the “Blochian reconciliation of the past and future” (Geoghegan, 1990:59).

Epilogue

As known, on the night of November 10, 1619, René Descartes had three dreams; in the third dream he finds an anthology titled CORPUS POETARUM and reads a verse written at the beginning of the book: “ *Quod vitae sectabor iter?/ What path of life shall I pursue?*” (Feuer, 1963:5). There is no instant answer to this question, in that it is the beginning of any infinite research process in any area. Solovyov's vision, Descartes' dream, are always in search for wisdom between mysticism and rationalism!

After all, Cristi Puiu, as a film director and comrade of all these mighty historical figures participates to shape the cultural profile of our postmodern, post-communist, post-truth era by his films and he gives us aesthetic and philosophical clues to evaluate actual “*Quod vitae sectabor iter?*” adventures.

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ORIGINAL PAPER

Statistical Analysis on Living Standards and Current Social Issues

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Abstract:

In order to support social inclusion, by achieving cohesion and eliminating regional disparities within the European Union, social and economic policies are needed, creating the framework for all citizens to access existing resources and opportunities. To this end, each Member State aims to meet indicators on employment, education, the fight against poverty / social exclusion, climate change and research and development, in line with the objectives set by the Europe 2020 strategy and transposed into national strategies. The poverty line and the at-risk-of-poverty rate by poverty threshold are calculated on the basis of disposable income per adult-equivalent and provide us with information on income distribution and monetary poverty of the population.

Keywords: *poverty, social inclusion, cohesion, employment.*

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Introduction

Poverty is on the political agenda of all Member States, but the broader concept of social exclusion is insufficiently defined. The main factors contributing to the emergence of social exclusion are unemployment, the extension of non-traditional families, the limited capacity of social protection and employment to ensure an adequate level of income. In addition, inadequate levels of coverage and performance of social assistance systems often make it difficult to address issues of social exclusion.

A very important concept for the approaches of recent years is that of social exclusion. Through this concept, the transition from poverty as a way of measuring the need for social protection (lack of income or insufficient consumption) to social exclusion as a lack of opportunities of more types than opportunities for gain or consumption was achieved. I consider, therefore, important the analysis of its significance, because it changes the image of the values that are at the origin of the social protection of individuals, through diversification and nuance. Thus, the lack of income or insufficient consumption becomes only a part, a type of exclusion, the financial one, and the responsibility of the state changes from providing a necessary minimum (of income) in eliminating the causes, the restrictions that exclude the individual from procuring them.

The fight against poverty

In practical terms, exclusion allows for different ways of combating it. Whether it refers to income or consumption, poverty can be combated at some point only through redistribution. Reducing exclusion does not necessarily mean redistribution. Giving someone a right, enticing them to participate in certain processes, does not mean eliminating another. Many exclusion mechanisms are triggered by a lack of resources. However, it is not mandatory and the emergence of resources does not automatically imply the disappearance of exclusion. That is why it can be seen that putting the problem in terms of social exclusion allows for much easier interventions, perhaps even with greater chances of efficiency than the discourse and action focused on poverty and combating it (Avram et al., 2007).

The fight against poverty has been on the EU's political agenda since 2010 with the launch of the Europe 2020 strategy. Unfortunately, the inclusion of poverty reduction in the EU's economic governance mechanisms - the European Semester and national reform programs - has not yet brought significant benefits.

Recent experiences of Member States (application of the open method of coordination, national action plans against poverty and social exclusion) have highlighted that the central aim of social inclusion policy is to ensure the functioning of key mechanisms that "distribute" opportunities and resources (labor market, tax system, social protection, education and other services) in such a way as to meet the needs of individuals affected by the risk of poverty and exclusion and to enable them to exercise their fundamental rights (Jianu et al., 2021).

Therefore, promoting social inclusion involves taking into account some remarkable structural changes in the EU. If appropriate responses are not put in place, these changes can lead to new risks in the area of poverty and exclusion for vulnerable groups. More precisely, these transformations refer to: major structural changes in the labor market; the rapid growth of the knowledge economy and information and

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communication technologies; increasing dependency rates as a result of demographic trends; cultural, ethnic and religious diversity fueled by international migration and the mobility of European citizens; evolutions in family structure (Pîrvu et al., 2011).

Although the scale of the difficulties differs substantially from country to country, some crucial components of anti-poverty and social exclusion policy across the EU can be identified, namely: developing an inclusive labor market and promoting employment as a right and an opportunity for all. European citizens; guaranteeing adequate income; attacking the disadvantages of some individuals in the educational system; maintaining family solidarity and protecting children's rights; ensuring decent living conditions; guaranteeing equal access to quality social services; investments in social services; regeneration of economically and socially declining regions.

Member States' social inclusion policies recognize the importance of promoting access to the labor market, not only as a way of reducing poverty and exclusion, but also as a means of preventing it. Therefore, measures aimed at increasing the attractiveness of jobs and assisting the unemployed and other groups of the active population also reduce social exclusion.

But increasing the degree of integration or reintegration into the labor market is insufficient to blur social exclusion. Of course, for young people below the legal age limit, for people with severe disabilities who completely lose their ability to work, employment is not a realistic option. Therefore, these groups must have access to an adequate income, decent living conditions, quality services (health protection, education and training, recreational and cultural activities, transport, etc.). As children and young people face higher risks of poverty and social exclusion than adults, investing in policies that promote the inclusion of children prevents intergenerational poverty and recurrent cycles of poverty.

Analysis of poverty and social exclusion

The poverty line measures the level of disposable income per adult-equivalent and is calculated at the threshold of 60% of the median disposable income per adult-equivalent (after social transfers). Thus, compared to this threshold, people can be categorized as poor or non-poor.

The evolution of the poverty line for single-person households in the period 2010-2020 is shown in the figure. This has shown an increasing trend in almost all Member States of the European Union; Greece is the only state that has registered a decrease in the poverty line in the period 2010-2020, from 7,178 euros / year to 5,269 euros / year. In 2020, for single-person households in the EU, the poverty line was varied from 2,560 euro / year (Romania) to 22,706 euro / year (Luxembourg).

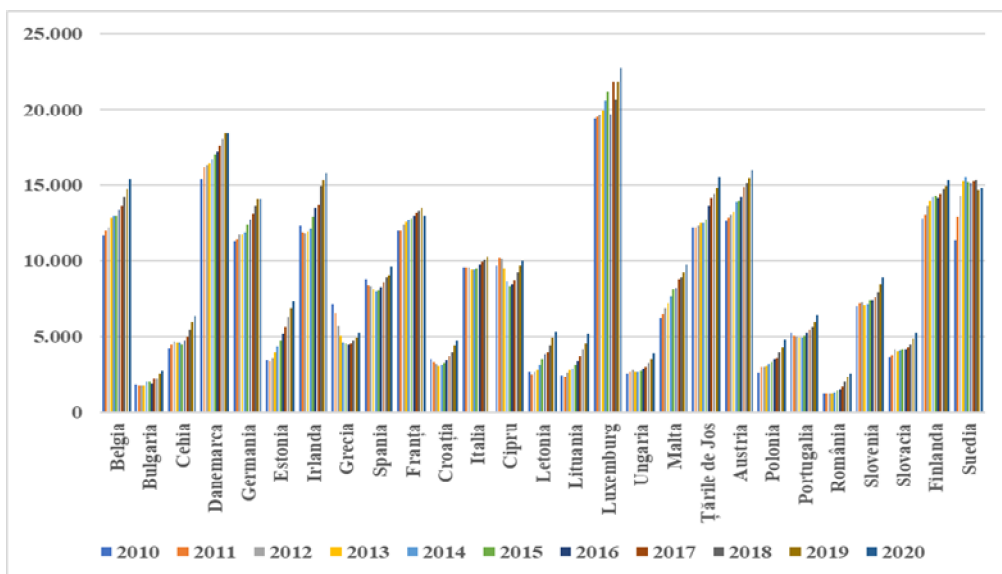


Figure 1. Evolution of the poverty line (calculated at the threshold of 60% of the median disposable income per adult-equivalent), for single-person households, EU, in the period 2010-2020 (euro / year)

Source: Eurostat [ILC_LI01]

The evolution of the poverty line (calculated at the threshold of 60% of the median disposable income per adult-equivalent), for households consisting of two adults with two children under 14 in the period 2010-2020 shows a variation of the poverty line from 5,377 euros / at 47,683 euros / year.

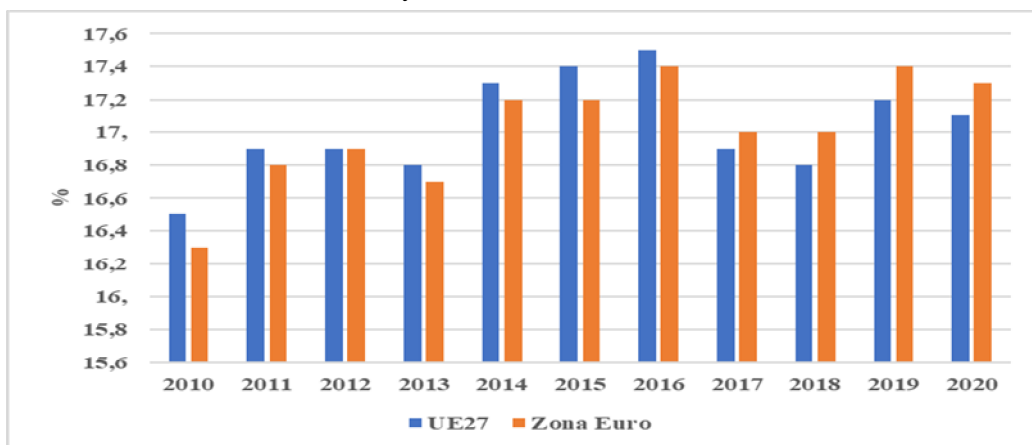


Figure 2. Relative poverty rate (at-risk-of-poverty rate), EU and Eurozone, 2010-2020 (%)

Source: Eurostat [ILC_LI02]

The relative poverty rate or at-risk-of-poverty rate, depending on the poverty line of 60% of the median disposable income per equivalent adult (after social transfers)

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was 17.1% in 2020, down from the previous year, but in increase by 0.6% compared to the base year of the analysis (figure 2). Thus, the relative poverty rate shows a decline in the well-being of the population in the European Union. At the level of EU Member States, in 2020, Bulgaria had the highest relative poverty rate of 23.8% and the Czech Republic had the lowest relative, poverty rate of 9.5%.

The rate of people at risk of poverty or social exclusion (AROPE), as the main indicator of the Europe 2020 Strategy, shows the share of people at risk of poverty, materially disadvantaged or living in very low-intensity households. work in the total population. According to Figure 3, it had an increasing evolution in the period 2010-2012 (from 23.9% to 24.9%), followed by a steady decrease until 2019 (up to 20.9%). In 2020, it increased by 1.1% compared to the previous year.

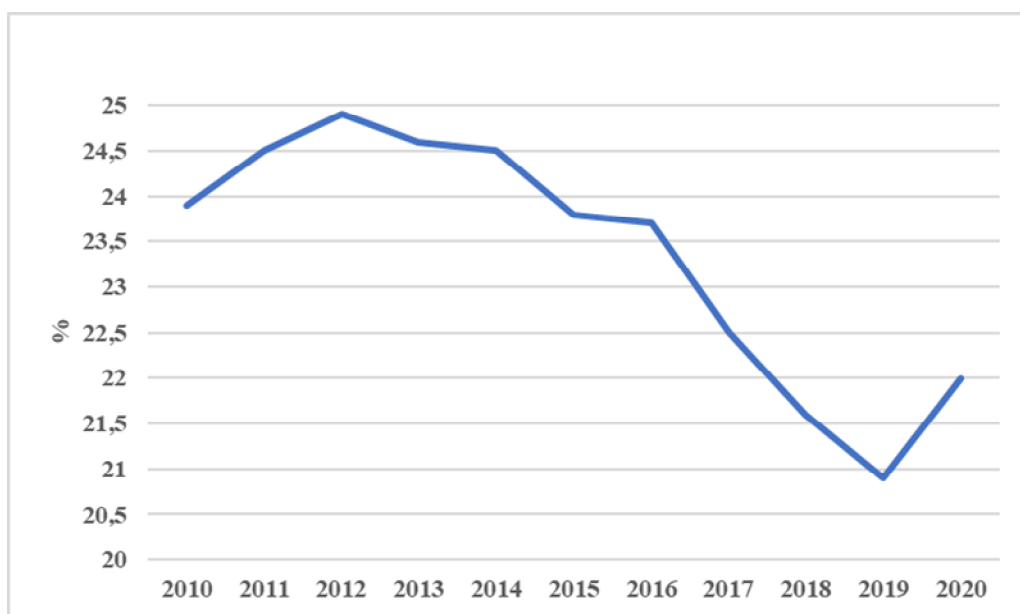


Figure 3. Rate of people at risk of poverty or social exclusion (AROPE), EU, 2010-2020 (%)

Source: Eurostat

The rate of severe material deprivation (SMD), as an indicator of social inclusion, includes the share in the total population (18 years +) who cannot afford at least 4 out of 9 predefined material items (timely payment of current obligations, possession of a mobile phone, possession a color TV, etc.) as necessary for a proper life, due to lack of material resources. According to Figure 4, it is observed that the evolution of the rate of severe material deprivation (SMD) fluctuated in the period 2010-2020, from 8.9% (year 2010) to a maximum of 10.2% (year 2012) to a minimum of 5.5% (2019). In 2020, the rate increased by 0.8%.

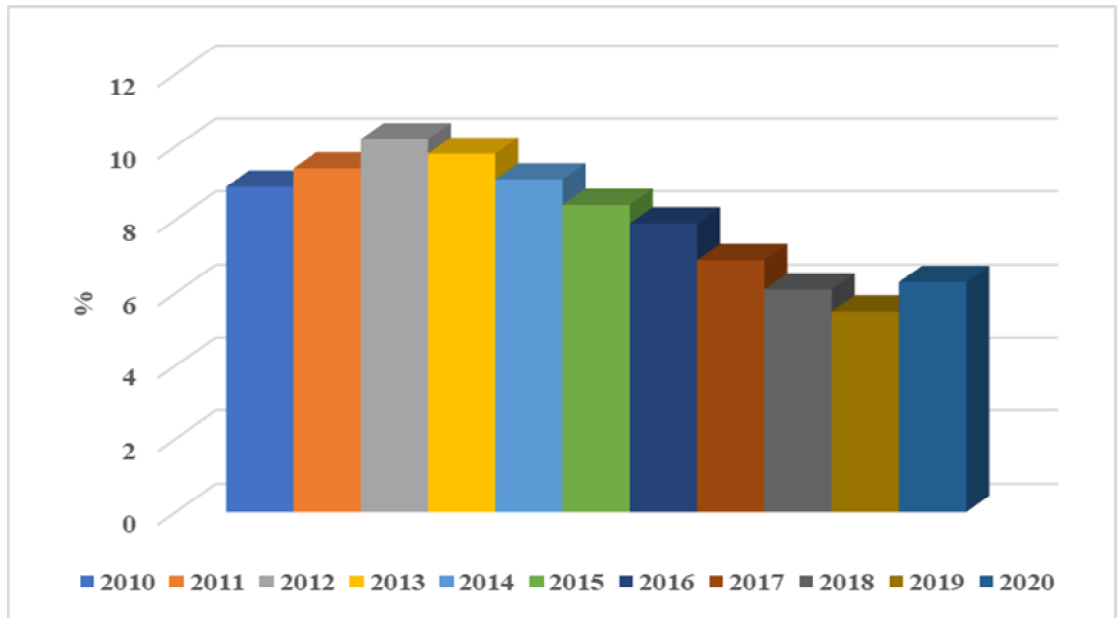


Figure 4. Severe material deprivation rate, EU, in the period 2010-2020 (%)
Source: Eurostat

Although Bulgaria had a significant decrease in the rate, it continues to have the highest rate of severe material deprivation, of 19.4%, followed by Greece (16.6%) and Romania (15.2%). At the opposite end, we find Luxembourg, with a share of 1.7%.

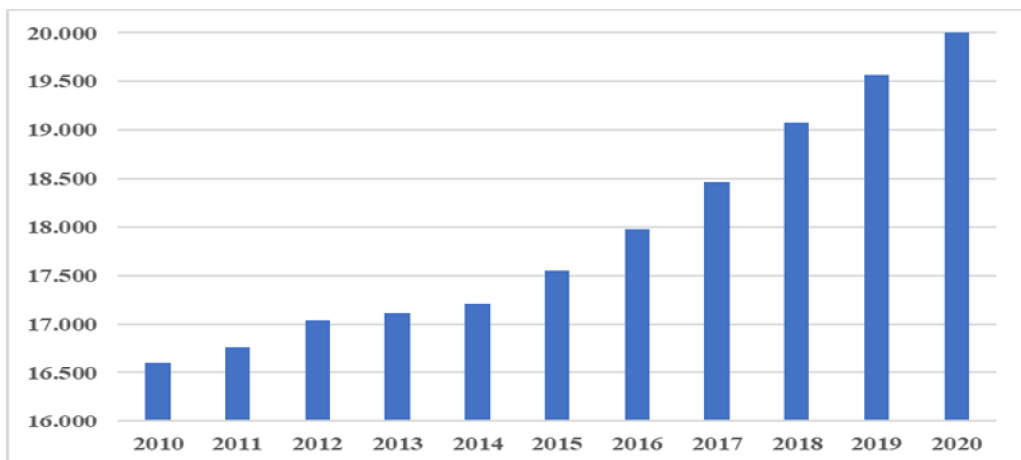


Figure 5. Equivalent average net income, EU, in the period 2010-2020 (euro / year)
Source: Eurostat

The analysis of the population's income gives us information about its standard of living, but also about the socio-economic level of nations. The equivalent average net income at

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the level of the European Union, according to the figure above, had a constant evolution of growth, from 16,606 euro / year to 20,113 euro / year.

According to Eurostat data, in 2020, the highest average equivalent income was registered in Luxembourg (43,687 euro / year), and the lowest average equivalent income was registered in Romania (4,846 euro / year).

Internet access contributes to social inclusion, but also to a sustainable and intelligent growth of society and the economy. At EU level, according to Figure 6, the share of people who cannot afford an internet connection for personal use at home has fallen from 7.0% (2014) to 3.0% (2020).

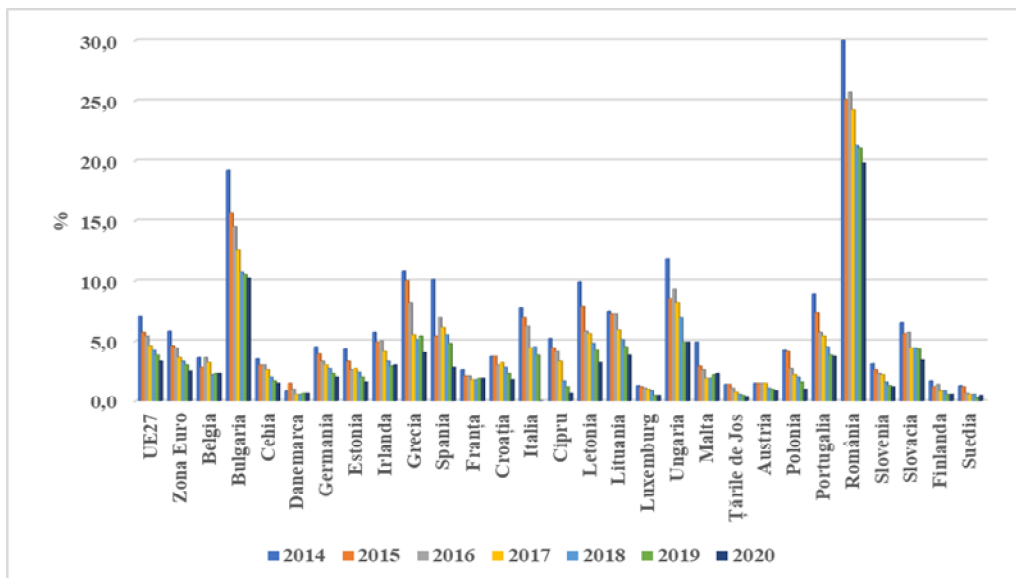


Figure 6. Share of people who cannot afford an internet connection for personal use at home, EU, in the period 2014-2020 (%)

Source: Eurostat

Most EU Member States have shares close to or lower than the Community average for people who cannot afford an internet connection for personal use at home. Thus, the Netherlands, Luxembourg and Sweden have shares of 0.4%, 0.5% and 0.5%. At the opposite end, Romania and Bulgaria register high values of the share of people who cannot afford an internet connection for personal use at home, of 19.8% and 10.2%.

Conclusion

By age group, young people tend to move to urban areas, while people aged over 35 migrate to rural areas, and women tend to move more often than men.

I think it is absolutely necessary for the institutions responsible in this area to be aware of the current demographic crisis looming in Romania and, by implication, to identify public policies to improve migration and demography.

In order for internal mobility to develop towards less attractive areas, I believe that, in addition to offering jobs, it is also necessary to provide easy access to housing both by renting and by purchasing, and possibly to develop rental subsidy programs for young people at the start of their careers. Work and family life must be harmonized, which will generate demographic growth in communities.

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Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

Assessing the impact of digitalization on Micro, Small and Medium Enterprises in India

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Abstract: India is the fastest developing economy in the world. The Indian economy is the seventh biggest economy in the world in terms of GDP and the third biggest by purchasing power parity after the US and China. The Indian economy has seen a lot of changes from acting self-dependent to opening its entryway for worldwide exchanging by introducing Liberalization, Privatization, and Globalization in 1991 under the Finance Minister Mr. Manmohan Singh. And from that point in time, India is growing at a great pace. Economic Survey 2015-16, the Indian economy will keep on growing more than 7% in 2016-17 and gradually increase to 8% by FY 2018-19, driven by the gradual usage of changes in the economy, higher disposable income, and change in financial action. The current strides of the Indian government have indicated positive outcomes in the growth of the GDP. In India, most of the transactions are in cash nearly 90% of the stores in the market are accepting money. Micro and small-scale enterprises not only contribute significantly to improved living standards, but they also bring about substantial local capital formation and achieve high levels of productivity and capability. In this situation, this research study takes the initiation to analyze the impact of digitalization on MSMEs as they are one of the major players in the economic development of industrial areas like Karnataka.

Keywords: *MSME, Banking system, Financial Institutions, Micro Finance, Digitization, Bank Loans.*

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1. Introduction

These enterprises play a vital role in the economic growth of the country. Besides this, because of digitalization MSMEs sector facing a lot of problems relating to borrowing money from financial institutions and banks, there are still many small and medium scale enterprises that are unaware of the impact of digital transformation and fail to build customer loyalty. While the implementation of GST did not appear to have a substantial influence on overall credit to Micro, Small and Medium Enterprises, the demonetization of currency caused the already sluggish credit growth of the Micro, Small and Medium Enterprises sector to slow even further.

The Prime Minister of India, launched the so – called "Digital India" campaign on July 1, 2015, with the main goal of ensuring that citizens have access to government services online through improved online infrastructure, increased internet connectivity, or by giving the nation digital empowerment in the technology sector. Plans for connecting rural areas to high-speed internet networks are part of the effort. The goal of the Digital India programme is inclusive growth in the production of electronic goods, services, and employment possibilities. The creation of a safe and reliable digital infrastructure, the provision of public services online, and widespread digital literacy make up the three main elements of the "Digital India" initiative.

Digital infrastructure basically refers to platforms where country residents will be able to create a digital identity that will enable them to quickly access government services. Nearly all services, including managing a bank account, distance learning, registering for numerous government websites, digitally preserving papers, etc., are made available online as part of this project. All of the country's rural areas will soon have access to high-speed internet as part of the project. They will be able to benefit from the government's numerous projects thanks to this.

The Indian economy's skeleton is made up primarily of Micro Small and Medium Enterprize companies. In accordance with the Micro, Small, and Medium Enterprises Development Act of 2006, the Indian government has established MSME. Production, manufacture, processing, or preservation of goods and commodities was the main focus of these businesses. MSMEs represents one of the most significant segment of the Indian economy and have made significant contributions to the socio-economic advancement and development of the nation.

Due to its exports and contribution to India's Gross Domestic Product (GDP), the sector has grown significantly in prominence. Along with creating job possibilities, it also contributes to the advancement of the nation's rural and underdeveloped regions. The Micro, Small, and Medium Enterprises development are divided into two classes, namely Manufacturing Enterprises and Service Enterprises, in accordance with their regulations. The businesses are further divided into groups according to equipment investments and annual turnover.

The research objectives of this empirical study are the following:

- 1) To review thecurrent digitalization practice in MSMEs.
- 2) To assess the challenges of MSMEs in digitalization system.
- 3) To establish possible solutions in minimizing problems faced in implementing digitalization.

2. Literature review

Because of external environmental changes along with changing social, economic, cultural, and political changes occurred in the country. Most research

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scholars, experts, and Marketing, finance, Human resources, external factors, etc. It is known that SME's facing more challenges are like surveillance problems because of changing external environment structure.

Neely et al. (1995) argued that performance measurement can be defined as a metric, process, and set of metrics based on their efficiency and effectiveness of actions. For any organization's performance, indicators are crucial for knowing the status of the organization and for developing a strategy towards increasing their performance in the coming future. This study identifies four metrics for calculating the performance of an organization as quality, time, flexibility, and cost. facilities, technology up-gradation, inadequate infrastructure, poor transportation facilities.

Stockdale and Standing (2004) studied the advantages and obstacles in the adoption of electronic marketplace by SMEs and stated that access to a broader range of markets is a critical factor in the adoption of Internet technology. They also concluded that the changing requirements of customers, as well as suppliers, also shape the adoption of IT technology by small firms. The authors consider E-marketplace as a considerable threat on the development of the Micro, Small, and Medium Enterprises because generates high competition and maintains non-participants in an area of vulnerability and exposure for the other firms which are more e-enabled. Scupola (2004) investigated the implementation of E-Commerce in the case of Small and Medium Size Enterprises in Australia based on the following factors: environmental, organizational and technological.

Pearce-Moses (2005) provided an interesting definition of digitization which is “the process of transforming analog material into binary electronic (digital) form, especially for storage and use in a computer”. Moreover, digitalization converts materials from analog formats that can be read by people to a digital format that can be read-only by machines. The devices like scanners, cameras, and several other devices can be used to digitize knowledge contents. These technologies allow the digitalization of almost all types of materials, including paper documents, rare documents, photographs, sound recordings, and motion pictures.

Khan et al. (2015) examined the effects of digitization on economy but also the importance of ICTs such as Information and Communication Technologies. On the other hand, Hawaldar et al. (2020) analyzed the impact of non-performing assets in the case of agricultural loans considering that agriculture is one of the main economic sectors in India. Pourmansouri et al. (2022) argued that in order to determine corporate governance in firms or companies a key role is played by increasing levels regarding performance and value for shareholders.

3. Research methodology

The research framework represents the methodical process of gathering and analysing facts in order to improve our comprehension of the issue that interests or concerns us. This research study is quantitative and exploratory in nature, with data gathered from both primary and secondary sources.

Source of data:

a) Primary data:

Primary data is collected through a semi structured questionnaire from executives, supervisors or the proprietor of the MSME companies. The questionnaire was distributed randomly to 100 companies in Udupi and Mangaluru District. 50% of the questionnaires

was distributed in Mangaluru Industrial area where majority of the MSMEs are located and in remaining 50% of the questionnaire was distributed in Udupi District.

b) Secondary Data:

Secondary data are collected from the various published and unpublished sources like annual report of MSMEs, journals, articles, newspaper reports etc.

4. Empirical results

USE OF CHI-SQUARE TEST:

The chi-square (χ^2) is a measure of the relative discrepancy between the observed and the expected frequencies. It is used to test the independence of two attributes.

Formula:

$$\chi^2 = \sum(O_i - E_{id})^2/E_{id}$$

Whereon is the observed value and E_{id} being the expected value.

Table No: 1.1

H_0 : Gender and training program are independent

H_1 : Gender and training program are dependent

Table 1 : Gender and Training program cross tabulation

			Undergone any training to start a Business		Total
			Yes	No	
Gender	Male	Count	4	91	95
		% within Gender	4.2%	95.8%	100.0%
	Female	% within Undergone any training to start a Business	66.7%	96.8%	95.0%
		Count	2	3	5
Total		% within Gender	40.0%	60.0%	100.0%
		% within Undergone any training to start a Business	33.3%	3.2%	5.0%
		Count	6	94	100
		% within Gender	6.0%	94.0%	100.0%
		% within Undergone any training to start a Business	100.0%	100.0%	100.0%

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Table 2: Chi-Square Tests

	Value	Df	Asp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	10.788^a	1	.001		
Continuity Correction	5.375	1	.020		
Likelihood Ratio	5.494	1	.019		
Fisher's Exact Test				.028	.028
Linear-by-Linear Association	10.680	1	.001		
N of Valid Cases	100				

Source: Data collected from Primary Data through Questionnaire Method with the help of SPSS tool.

Interpretation:

The chi square statistics appears in the value column immediately to the right of “**Pearson Chi-square**“. In this example, the value of the chi square statistic is **10.788**

The p-value (0.001) appears in the same row in the “**Asymptotic Significance (2 sided)**” column. The result is significant if this value is equal to or less than the designated alpha level (i.e. 0.05).

In this case, the p- value is smaller than the standard alpha value, so we would reject the null hypothesis

Chi-Square value lies in rejection region therefore reject the null hypothesis

There for, **Gender and Training programs are dependent**

H₀ : Age group and the size of the business is independent

H₁ : Age group and the size of the business is dependent

Table 3 : Age Group * Size of the Business Cross tabulation

		Size of the Business			Total	
		Micro :Investment< Rs. 1crore and Turnover<Rs. 5 crores	Small : Investment<Rs . 10 crores and Turnover<Rs. 50 crores	Medium: Investment<Rs. 50 crores and Turnover<Rs.250 crores		
Age Group	21-30	Count	30	0	0	30
		% within Age Group	100.0%	.0%	.0%	100.0%
		% within Size of the Business	30.6%	.0%	.0%	30.0%
31-40		Count	43	1	0	44
		% within Age Group	97.7%	2.3%	.0%	100.0%
		% within Size of the Business	43.9%	100.0%	.0%	44.0%

41-50	Count	14	0	0	14
	% within Age Group	100.0%	.0%	.0%	100.0%
	% within Size of the Business	14.3%	.0%	.0%	14.0%
More than 50	Count	11	0	1	12
	% within Age Group	91.7%	.0%	8.3%	100.0%
	% within Size of the Business	11.2%	.0%	100.0%	12.0%
Total	Count	98	1	1	100
	% within Age Group	98.0%	1.0%	1.0%	100.0%
	% within Size of the Business	100.0%	100.0%	100.0%	100.0%

Table 4 : Chi-Square Tests

	Value	df	Asp. Sig. (2-sided)
Pearson Chi-Square	8.673^a	6	.193
Likelihood Ratio	5.951	6	.429
Linear-by-Linear Association	3.120	1	.077
N of Valid Cases	100		

Source: Data collected from Primary Data through Questionnaire Method with help the of SPSS tool.

Interpretation:

The chi square statistics appears in the value column immediately to the right of “**Pearson chi-square** “. In this example, the value of the chi square statistic is **8.673**.

The p-value (0.193) appears in the same row in the “**Asymptotic Significance (2 sided)**” column. The result is significant if this value is equal to or less than the designated alpha level (i.e. 0.05).

In this case, the p- value is greater than the standard alpha value, so we would accept the null hypothesis

Chi-Square value lies in acceptance region, therefore accept the null hypothesis

There for, **Gender and size of the business are independent**. A statistical technique called simple linear regression enables us to examine and analyse relationships between two continuous variables.

Formula:

$$Y = \beta_0 + \beta_1 X + \varepsilon$$

Predictor: Age group

Dependent variable: How much impact on profit after using digitalization

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Table 5 : Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.178 ^a	.032	.022	.22028

Table 6 : ANOVA

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	.155	1	.155	3.189	.077 ^a
	Residual	4.755	98	.049		
	Total	4.910	99			

Table 7 : Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.944	.053		17.902	.000
	Age Group	.041	.023	.178	1.786	.077

Source: Data collected from Primary Data through Questionnaire Method with the help of SPSS tool.

Interpretation:

In this model Sig (p-value) is more than alpha (0.05), we say that this model is not significant.
(**F= 3.189, p = 0.077**)

Predictor: Size of the business

Dependent variable: How much impact on profit after using digitalization

Table 8 : Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
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Table 9 : ANOVA

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	2.466	1	2.466	2.032	.157a
Residual	118.974	98	1.214		
Total	121.44	99			

Table 10 : Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients	T	Sig.
	B	Std. Error	Beta		
1 (Constant)	2.110	.524		4.028	.000
Size of the Business	.709	.497	.143	1.425	.157

Source: Data collected from Primary Data through Questionnaire Method with the help of SPSS tool.

1	.143 ^a	.020	.010	1.10182
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USE OF T- TEST:

To evaluate whether there is a significant difference between the means of two groups that may be related in some ways, a t test is a sort of inferential statistic that is utilised. The t-test is one of many tests used in statistical hypothesis testing.

Formula:

$$t = \frac{m - \mu}{s / \sqrt{n}}$$

Where,

t = Student's t-test

m = mean

μ = theoretical value

s = standard deviation

n= variable set size

Table No: 1.5

H₀ : There is no significant differences between gender and age group

H₁ : There is a significant difference between gender and age group

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Table 11 : Group Statistics

Gender		N	Mean	Std. Deviation	Std. Error Mean
Age Group	Male	95	2.1368	.95216	.09769
	Female	5	1.0000	.00000	.00000

Table 12: Independent Samples Test

		Levine's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Age Group	Equal variances assumed	6.938	.010	2.657	98	.009	1.13684	.42787	.28774	1.98594
	Equal variances not assumed			11.637	94.000	.000	1.13684	.09769	.94288	1.33081

Source: Data collected from Primary Data through Questionnaire Method with the help of SPSS tool.

Interpretation:

In this model significant value is 0.010 it is less than 0.05 so this model is significant. Here significant value is in acceptance region there for accept the null hypothesis.

So, there is a no significant difference between gender and age group

H₀ : There is no significant difference between gender and Ease of accepting payment from customers

H₁ : There is a significant difference between gender and Ease of accepting payment from customers

Table 13 : Group Statistics

		Gender	N	Mean	Std. Deviation	Std. Error Mean
Ease in accepting payments from customers	Male		95	7.4947	1.17486	.12054
	Female		5	7.2000	2.28035	1.01980

Table 14 : Independent Samples Test

		Levine's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Ease in accepting payments from customer	Equal variances assumed	7.262	.008	.518	98	.605	.29474	.56869	-.83381	1.42329
	Equal variances not assumed			.287	4.113	.788	.29474	1.02690	-2.52590	3.11538

Source: Data collected from Primary Data through Questionnaire Method with the help of SPSS tool.

Interpretation:

In this model significant value is 0.008 it is less than 0.05 so this model is significant. Here significant value is in acceptance region there for accept the null hypothesis and reject the alternative hypothesis.

So, there is a no significant difference between gender and Ease of accepting payment from customers.

4. Discussions

The main focus of this study was to assess the current practices of digitalization of MSMEs, understand the problems faced by MSMEs in Post digitalization and support MSMEs in minimizing problems faced in implementing digitalization. The study is structured of five chapters namely, Introduction, Literature review, Research methodology, Data analysis and interpretation and last one is Summary and Conclusion.

Majority of respondents feel great to have digitalization while accepting payments from customers, payments to suppliers, saves time from the long queue either at banks or ATMs for the purpose of withdrawing or depositing cash. Majority of respondents feel their profit increased by 0 to 10% after using digitalization techniques in the business. With the use of chi- square test for example No 1, we found p-value as 0.001 is less than standard alpha level (0.05) there for reject the null hypothesis, So Gender and Training programs are dependent. With the use of chi- square test for example No 2, we found p-value as 0.193 is more than standard alpha level (0.05) there for accept the null hypothesis, So Gender and size of the business are independent. With the use of simple linear regression for both the example we got p-value as more than alpha value so we conclude that these models are not significant. With the use of t-test we got significant value as less than alpha value so we accept the null hypothesis for both the example.

A clear road map of spectrum availability with a rational pricing structure needs to be developed Taxes and levies on telecom services should be rationalized to ensure overall growth and financial viability of the sector Clear rules relating to security standards should be set to help reduce uncertainty for equipment providers, and service providers. Address security and governance issue of internet If hospitals are part of the network providing medical advice through telemedicine, quality healthcare can reach people living in remote areas for which Digital India can come in handy. Hence, Government should plan to use Digital India initiative effectively improving Medicare. Another area of focus for Google as a part of supporting the Digital India initiative is to build the non-English internet user base. Hence, along with English, Indian languages to build non-English internet so that internet becomes very helpful. Communicating frequently via traditional and digital methods.

Men made up the majority of the responders. The bulk of the people who took part in the survey were between the ages of 31 and 40. The bulk of those who responded were high school graduated. The vast majority of people who took part in the survey were married. The food Centre industry employs the bulk of the respondents. The majority of those polled had had no government-sponsored training. The great majority of people surveyed are self-employed. Micro businesses employ the vast majority of responders. The bulk of those who responded had between one and five years of experience. The majority of respondents believe that having digitization while receiving payments from clients, payments to suppliers, and saving time from long lines at banks

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or ATMs for withdrawing or depositing money is a fantastic thing. After implementing digitalization strategies in their business, the majority of respondents believe their profits have increased by 0 to 10%.

Using the chi-square test, we discovered that the p-value of 0.001 is less than the standard alpha level (0.05) required rejecting the null hypothesis, indicating that gender and training programs are interdependent. For example, No. 2, the chi-square test revealed that the p-value of 0.193 is more than the typical alpha level (0.05), indicating that the null hypothesis is correct. We observed that the p-value was bigger than the alpha value for both examples using simple linear regression, indicating that these models are not significant. We observed that the significant value was less than the alpha value using the t-test, therefore in both situations, we accept the null hypothesis.

It is necessary to define a clear roadmap for spectrum availability, as well as a fair pricing system. Taxes and levies on telecom services should be streamlined to enable the sector's overall growth and financial viability. Clear security standards guidelines should be set to assist avoid ambiguity for equipment and service suppliers. The internet has become incredibly beneficial as a result of this. Quality healthcare can reach people living in rural locations if hospitals are part of a network giving medical advice via telemedicine, which is where Digital India can help. As a result, the government should make plans to use the Digital India project to improve Medicare in a meaningful way. Collaboration between state and federal authorities is essential; else, service prices and maintenance would grow. As part of its support for the Digital India initiative, Google is focusing on expanding its non-English internet user base. As a result, in addition to English, Indian languages contributed to the development of the non-English internet, making it immensely helpful. Allowing people to work in new ways. Giving everyday objects a digital makeover. Using both traditional and digital communication methods on a regular basis.

5. Conclusions

A digital environment for the working of MSME sector has been created by the government through various policy initiatives. Overview of the schemes and policies tells that it is only around four to five years back when the process of gearing up of digitalization of MSMEs have started, although the pace was slow but now it is gaining momentum. Digitalization is a significant factor to take an enterprise a level up, MSMEs are upgrading their ways of doing business but remains weak due to use of unsophisticated technology. The entrepreneurs mostly do not have all the required skills, knowledge and resources to adopt these technologies thus it becomes the responsibility of the government to provide a helping hand for making advancement.

The government has developed a digital environment for the MSME sector's functioning through numerous policy initiatives. The assessment of plans and policies reveals that the process of preparing MSMEs for digitalization began only four to five years ago, and while the pace was slow at first, it is already picking up. MSMEs are updating their business operations, yet they are still vulnerable owing to obsolete technology. Because most entrepreneurs lack the essential skills, expertise, and money to implement new technologies, it is the government's job to assist them.

Adoption of digital technology solves many of the problems that businesses face and aids in their growth and expansion, making it a boon to some entrepreneurs. However, due to ignorance and a lack of e-literacy, some entrepreneurs are still unaware of the benefits and importance of digital technology. As a result, e-literacy initiatives

must be implemented to create awareness about the potential and relevance of digital technology for corporate success, and they must reach the grassroots level. Maintaining the competitiveness of domestic firms in relation to global firms is a prerequisite of the existing system and one of the government's primary concerns, which may be accomplished efficiently through the digitization of the MSME sector. Emerging digital technologies are making it easier for businesses to manage their operations and provide better service to their customers. Adoption of these technologies is critical for developing timely financial insights and remaining competitive. Businesses that are still operating today must embrace digital transformation in order to restructure and, ultimately, recover when non-digital endeavours become obsolete in the new normal.

Authors' Contributions:

The authors contributed equally to this work.

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APPENDIX
QUESTIONNAIRE

PART – A

1. Name of the Business or Businessman : -----
2. Gender: a) Male b) Female
3. Educational Qualification:
a) High school b) Graduation c) Post - Graduation d) Professional or PhD
4. To What age group do you belong to?
a) 21-30 b) 31-40 c) 41-50 d) More than 50
5. Marital Status:
a) Single b) Married
6. Nature of the business (mark only one)
a) Food / cosmetics
b) Jewelry
c) Food Centers (including hotels)
d) Books and stationery
e) Medications
f) Clothes / Shoes
g) Furniture
h) Technology
i) Provide any kind of services
j) Other:
7. Are you undergone any training to start your business:
a) Yes b) No
If yes, name the training you got
8. Legal status:
a) Sole proprietorship
b) Partnership
c) Company
9. Size of the Business (Mark any one)
a) Micro
b) Small
c) Medium
10. Years of Operation:
a) Less than 1 year
b) 1-5 years
c) 6-10 years
d) More than 10 years

PART- B

How could you rate the following favorable factors of digitalization that are contributing the growth of your MSMEs business (where 10 means most beneficial and 1 means least beneficial)

1. Easily accept payments from customers:

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

2. Ease in making payments to Suppliers :

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

3. Ease of applying and approval of loans or overdraft from the banks / Financial institutions:

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

4. Ease in managing the expenditure of business:

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

5. Save time from long queues at banks or ATMs for withdrawals or deposits:

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

6. To avoid carrying heavy cash while traveling for business purposes:

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

7. No misuse of funds by employees or reduction of theft:

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

8. Benefit of Cash Back :

	1	2	3	4	5	6	7	8	9	10	
Least Beneficial											Most Beneficial

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9. How The Impact of Profit After Using Digital Processing:

- No effect
- Profit increases by 0 to 10%
- Profit increased by 10% to 20%
- Profit increased by 20% to 30%
- Profit increased by 30% to 40%
- Profit increased by 40% to 50%
- Profit increased by 50% to 60%
- Profit increased by 60% to 70%
- Profit increased by 70% to 80%
- Profit increased by 80% to 90%
- Profit increases above 90%

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ORIGINAL PAPER

Effective access to justice through accessible and competent mediation services.

Constantin Adi Gavrilă¹⁾

Abstract:

This article identifies the causes determining mediation's limited popularity among prospective users, whether public institutions, private sector companies, individual citizens, or civil society organizations. With such causes identified, the article then proposes a few options for the next steps that can lead to possible solutions for an increased understanding of, respect for, and use of mediation in Romania.

The approach and analysis are structured around three main pillars – the demand for mediation, the supply for mediation, and the factors influencing the mediation activity. Specifically, the author maps out various means for recourse to mediation and analyses the components of the quality assurance mechanisms before looking at numerous entry points in the system that should be considered.

A set of options for the next steps is offered, including the top-down Italian model based on the first mandatory meeting, setting up data gathering mechanisms, developing the supply side of mediation, conducting effective mediation promotion, implementing sector-specific mediation programs, and, most importantly, planning for and implementing mediation public policies and three to five years action plans.

Finally, the article proposes a blueprint for breaking the deadlock in the field of mediation in Romania and moving it forward in implementing the best international standards and practices.

Keywords: *Mediation, access to justice, competencies, mediation centers.*

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Effective access to justice through accessible and competent mediation services

Introduction

Frank Sander's address at the 1979 Pound Conference in St. Paul, Minnesota, represented a key moment for establishing the modern field of Alternative Dispute Resolution. He said, "*There seems to be little doubt that we are increasingly making greater and greater demands on the courts to resolve disputes that used to be handled by other institutions of society. Much as the police have been looked to "solve" racial, school, and neighborly disputes, so, too, the courts have been expected to fill the void created by the decline of church and family*" (Sander, 1979: 68).

Twenty-nine years after, the European Union set a courageous policy for mediation development around the EU Member States. According to the first article of the EU Mediation Directive, the goal is to reach a balanced relationship between mediation and judicial proceedings (European Parliament, 2008).

However, where are we today in Romania and the European Union, after almost 50 years since Frank Sander's speech and 15 years after the Directive? Mediation is used in less than one percent of the cases pending in the courts of European Union Member States (De Palo, 2014: 1). One can often wonder why.

It may be the lack of awareness around mediation benefits, although there are many public awareness programs in the European Union (see the European Justice Portal) and all other continents. It may be that the demand side is strictly dependent on a top-down approach, specifically, the establishment of the first required effort to mediation where all parties, their lawyers, and a mediator together in one room are more likely to agree to engage in a full mediation process (D'Urso, 2018: 58).

At the same time, it may be that the demand is discouraged by a week's supply of competent mediation services. It is obvious that after trying a product or a service for the first time, any person can appreciate if that particular product or service is beneficial and if its use is comfortable and satisfactory. If not, a prospective user turned into a user because of trying it for the first time will then be turned into an alienated user who is likely to alienate others and lead to a reputational impact for mediators and the field of mediation. The same effect may have mediation services that are not accessible for users, may it be because of high fees, long waiting duration, lack of online availability of services, or few providers of services in the physical or geographical proximity of the parties. One would be inclined to pursue different routes than mediation if the cost, the time, or the efforts to access mediation were unreasonably high.

It may be because the supply and the demand are there, but the mediation users are influenced or orientated towards other dispute resolution routes, may they be litigation or others. For example, more and more people face overweight challenges, although much work is being done around promoting healthy food consumption. This has led to limited regulations and substantive policies related to the actual ingredients or how such foods are sold or promoted, considering the consumers' right to be informed timely and properly about the products or services used.

The causes for this limited "popularity" may be cultural, and users may be influenced by their previous experience and how things are done. As many Romanian litigators used to say, "*Whatever the court will say*", the perspective of a process that comes with a fee and requires their effort to convince the other party appears to be far more unlikely to be successful than the alternative to convince a judge that they are right and the other party is not.

This article identifies the causes determining mediation's limited popularity among prospective users, whether public institutions, private sector companies,

individual citizens, or civil society organizations. With such causes identified, the article then proposes a few options for the next steps that can lead to possible solutions for an increased understanding of, respect for, and use of mediation in Romania.

Effective access to justice

Access to justice is a fundamental dimension of the rule of law and democracy and contributes to the safeguarding of the right to a fair trial (Bucureanu, 2006: 63), as set out in the European Convention on Human Rights (Council of Europe, 1950) and according to which *“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.”*

The rule of law is based on the affirmation of the primacy of the individual within society, which implies maintaining the state as an instrument affected by the individual’s self-realization and not transforming it, nor the law, into an end in itself, thus limiting the former through subjectivizing the second one. Human rights are at the heart of the construction of the rule of law. These are the limit of power action. The purpose of social organization is not order, but the protection of the natural and imprescriptible rights of the individual, for which order and, therefore, the positive law are only *means* (Dănişor, 1999: 142).

Access to justice has to exist effectively, and *simple* access to courts is insufficient, as provided by the EU Charter of Rights (European Commission, European Parliament, and the Council of the European Union, 2010).

The Romanian Constitution refers to access to justice as “free access to justice” (Constitution of Romania, 2003). According to the 21st article of the Romanian Constitution, any person can turn to justice to defend the rights, freedoms, and legitimate interests he/she has, and any law cannot limit this right.

The constitutive elements of the right of access to justice are (1) the right to an effective remedy before a court of law; (2) the right to a fair trial, public and within a reasonable time before an independent and impartial court, established in advance by law; (3) the person’s right to be advised, defended and represented; (4) and the right to free legal aid for those who do not have sufficient resources, to the extent that this is necessary to ensure their effective access to justice (Gavrilă, 2019: 80).

Actually, the European Council encouraged the Member States to establish extra-judicial or “alternative” dispute resolution procedures in 1999 (European Council, 1999) to facilitate access to justice. This goal is reflected repeatedly in Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters. One particular instance relevant to this article that can be reflected here is Article 5, para 2 of the Directive 2008/52/EC, according to which the Member States’ mediation legislation should not prevent the parties from exercising their right of access to the judicial system. The full text of Article 5, Recourse to mediation, is: *“(1) A court before which an action is brought may, when appropriate and having regard to all the circumstances of the case, invite the parties to use mediation in order to settle the dispute. (2) The court may also invite the parties to attend an information session on the use of mediation if such sessions This Directive is without prejudice to national legislation making the use of mediation compulsory or subject to incentives or sanctions, whether before or after judicial proceedings have started, provided that such legislation does not prevent the parties from exercising their right of access to the judicial system.”*

However, the Directive was not very “directive” concerning the balance between recourse to mediation through mandatory requirements, as allowed by Article 5,

Effective access to justice through accessible and competent mediation services

and how this could be achieved in consideration of not limiting access to justice. Unfortunately, the pursuit for this balance turned into tension, with most Member States still looking at very few mediation cases, although legal frameworks have been established for mediation in most countries. Unfortunately, the mere existence of such frameworks failed to create a reality, and as a result, public sector institutions, private companies, citizens, and civil sector organizations are not using mediation (Gavrilă, 2022: 22).

Before exploring a few options for the next steps, let us look at the demand and supply sides of mediation and see where some of the causes contributing to the current situation. Alternatively, let us see if they exist in the context of influencing factors for mediation, such as academics, policy-makers, mass media, the judiciary, or other influencing stakeholders.

The demand side of mediation. What is in it for users?

Mediation, alternative dispute resolution, and any efficient means for collaborative decision-making benefit the government and the judiciary. They help decrease the high caseload on the court dockets and support the shift away from the focus on the quantitative criteria of the number of cases processed toward the quality of the outcomes. Moreover, an efficient “filter” or “pressure valve” in the system can address cases timelier and locally, emphasizing the parties’ social relationship before the conflict occurs. So, while judges, lawyers, and other judiciary stakeholders can benefit from mediation, the most important beneficiaries are the parties themselves. In addition to the increased privacy, mediation is usually faster and more cost-effective than litigation.

The mediation benefits are to be observed from many other non-judicial angles. For example, mediation can certainly be used as an internal or external service in organizations to prevent, manage and resolve employment disputes effectively.

However, to enable all these benefits for prospective users, there has to be a demand for mediation, and this side has two components. The first one, the natural or organic demand, refers to voluntary requests for mediation that flow from the parties’ genuine interests and desires to settle a dispute peacefully. The second one that we refer to as “artificial” consists of external motivations to engage in a mediation process, whether from legislation, organizational policies, or referral to mediation.

The natural component for the mediation demand side is generally sustained by education, whether public awareness, pre-academic and academic education, and continuous professional development of professionals like mediators, lawyers, judges, and academic ADR professors. The mediation contract clauses are also an authentic means of recourse to mediation that require parties’ voluntary decisions. Most importantly, users with previous mediation experiences that were satisfactory in terms of both process and outcome are very likely to use it voluntarily. In this category are, for example, mediation advocates or lawyers who use mediation regularly and are always interested in getting connected with competent mediators.

The second side of the demand for mediation is “artificial”. It refers to external referral to mediation, such as court referral, organizational policies, legal incentives, or pre-action protocols included in the legislation, often within the civil procedure rules, like the first mediation meeting. The model based on this meeting is very popular in Italy, Turkey, Azerbaijan, and other countries for generating significant numbers of mediation proceedings (D’Urso, 2021: 51).

Policy-makers from Romania enacted the recourse to mediation in the initial version of the mediation law through both organic and artificial means (Romanian Parliament, 2006). The law included significant incentives, such as the full refund of the court stamp tax in case of a full settlement, including in the case of real estate. Otherwise, the recourse to mediation was essentially voluntary. Also, a reference to the mediation contract clause was made in the mediation law, but without adding language to the Civil Procedure Code to provide the needed legal force, such as the arbitration clause. Later, the modifications brought with the Governmental Emergency Ordinance no. 90/2012 for the modification and completion of Law no. 192/2006 regarding the mandatory information session created an “artificial” recourse. Unfortunately, the legal solution was not properly implemented, given that the sanction enacted for the plaintiffs that started litigation without attending the mandatory mediation meeting – case inadmissibility – failed the constitutionality check regarding access to justice. (Gavrilă, 2022: 27).

The figure below describes the most important means to generate recourse to mediation, both organic and artificial.

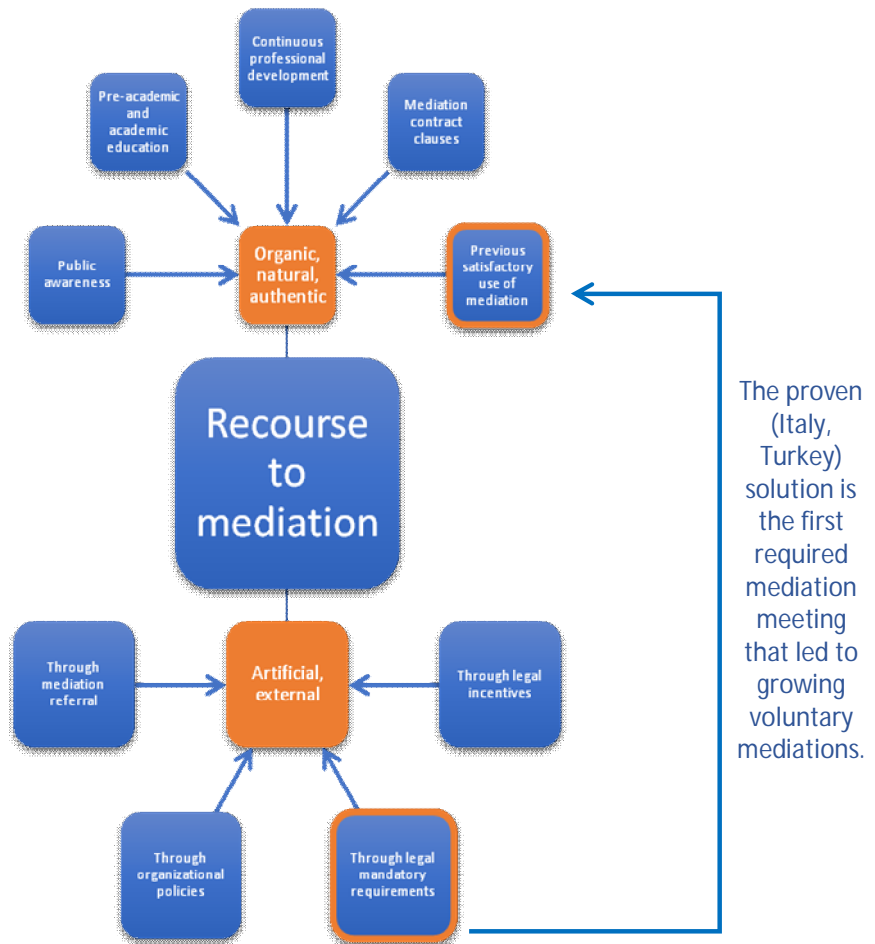


Figure 1 - Types of recourse to mediation

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Although the principle of informed consent and voluntary recourse to mediation is fundamental, international studies demonstrate that the most efficient recourse to mediation is actually “artificial”, not mandatory, but based on *nudging* the parties and their lawyers together in one room with a professional mediator. This is, at least for a while, until a critical number of users is educated through satisfactory mediation experiences. (D’Urso, 2021: 103).

Now, the question is what went wrong with mediation in Romania, as there are no mediation statistics available 15 years after the adoption of the law, but anecdotally the dimensions of the practice are at their lowest levels ever, maybe even lower than before 2006. It is to be noted that mediation was practiced before 2006 by various donor-funded programs, including the Pilot Mediation Center from Craiova established by the Minister of Justice by Order 1391/C/2003.

The supply side of mediation. Competent mediation services.

The first Romanian Mediation Council has built a mediation quality assurance system based on standards and competencies for mediators, trainers, and training service providers. Also, a Code of ethics and professional deontology, a complaint management system, and other relevant documents were adopted (see www.cmediere.ro). Moreover, in a report of the European Parliament from 2011, “*successful results of the mediation law in Romania were noted: the provisions regarding financial incentives, the establishment of the Mediation Council and its activity; the development of training standards, the training of training providers, the issuance of documents certifying the professional qualifications of mediators, the adoption of the code of ethics, etc.*” (see https://www.europarl.europa.eu/doceo/document/A-7-2011-0275_EN.html for the full report).

To date, twenty-four providers of mediation training services are accredited by the Romanian Mediation Council (the latest update is April 2021 at <https://www.cmediere.ro/tablonuri-liste/lista-furnizorilor-de-formare/19/>). At some point, more than 20.000 participants attended basic mediation training courses, and more than 10.000 received the Mediation Council’s authorization to provide mediation services.

Leaving aside the quality levels in the system – of training programs, trainers, etc. – we assess that, just like for any other activity, without repeated practice opportunities, the quality of the service and the competence of the mediators will not be at their highest levels. As explained above, there are almost no statistics related to the practice of mediation, except for the number of court cases settled through mediation reflected in the annual reports of the Superior Council of Magistracy related to the state of the judiciary (see <http://www.csm1909.ro/PageDetails.aspx?PageId=267&FolderId=3570&FolderTitle=Rapoarte-privind-starea-justi%C5%A3iei>). The highest number of cases settled through mediation reflected in the 2013 report didn’t reach 1500, unfortunately.

In this context of apparently limited practice, one has to wonder if the supply of mediation in Romania is prepared to respond to the demand for services and if this is not one of the factors leading to a legal framework for mediation, a theoretical idea, but not a practical reality.

The relationship between the demand for and the supply of mediation services is very similar to the chicken and egg paradigm. According to the research studies, a top-down approach is needed to create an artificial demand that will build awareness and education about mediation with efficient and practical means to break this virtuous chain. The solution can be implemented while observing all the safeguards for access to

justice by regulating the costs, the time and the monitoring process. (Gavrilă, 2022). This was proven with data and statistics from public institutions like the Italian Ministry of Justice.

But who and what is influencing the prospecting mediation users?

To understand who and what influences the prospective mediation users’ decision to engage or not in mediation, we need to map out the mediation stakeholders in different categories and try to understand the relationships between various stakeholders.

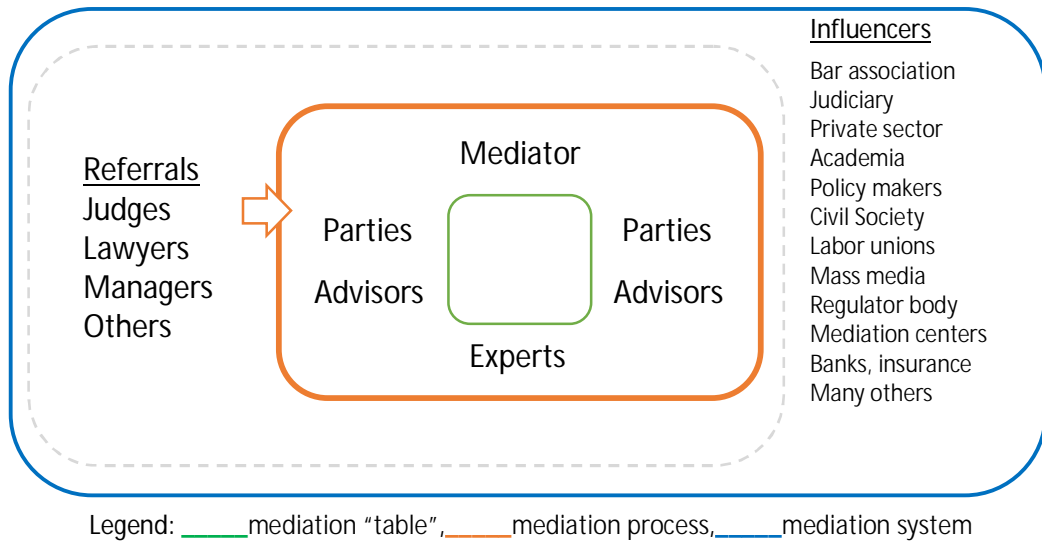


Figure 2 - Mediation stakeholders

As shown in the figure above, it is difficult for mediation to become a reality because this would require a paradigm shift or a cultural change in the mindset of numerous stakeholders. A “simple” mediation requires the prior agreement to engage between two parties (or more), their advisors, and the mediator, all with their interests. This is a difficult exercise for many reasons, including pessimism caused by previous failed negotiations, lack of understanding around mediation, or preference to avoid the discomfort created by direct communication. Another important reason why the decision to mediate is counter-intuitive is the fact that when in conflict, parties often focus too much on proving the other party wrong than focusing on the solution and moving on.

At the same time, experts can be involved in the mediation process upon the parties’ prior agreement to bring objective perspectives. If facilitated properly by the mediator, such a process, often called “joint fact-finding,” can effectively break the deadlock and move the process toward peaceful and sustainable resolution. By way of example, joint fact-finding (JFF) can be defined as “*a collaborative process that requires parties and experts to share information, work in close collaboration, and communicate effectively, both as the JFF process unfolds and as findings are communicated. Representatives of both parties should be involved and well informed when making the initial decisions about selecting experts, framing research questions and the scope of the process, designing and carrying out the technical inquiry, and*

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identifying, generating, analyzing, and interpreting the technical information.” (Compliance Advisor Ombudsman, 2018, 9).

If we “stay” in the mediation process for another moment, we must highlight the parties’ attorneys’ critical role in the process’s success. Without trusted advisors, most parties cannot make informed choices regarding entering the mediation process and engaging effectively. However, the lawyers’ skills needed to assist their clients in mediation are very different from the skills needed in the courtroom. The related knowledge and skills are also known as mediation advocacy. According to the international standards for mediation advocates, “*Mediation is most successful when the parties’ advocates/advisors are knowledgeable and skilled in the principles of the mediation process and negotiation theories. Mediations can fail when party representatives act as if they were in a courtroom rather than in a negotiation. Mediation presents unique problem-solving opportunities in which representatives can assist their clients to reach faster, cheaper and/or better outcomes with the assistance of a mediator. They can help their clients achieve outcomes that may be unattainable in a courtroom or arbitration tribunal. But to do that, they need a different set of knowledge and skills*” (International Mediation Institute, 2013: 3)

The judges, the lawyers, the managers, and many others can refer parties to mediation in appropriate cases. Hence, the abilities to understand what mediation is, what cases are appropriate, and how the referral could be effectively made are critical for an effective referral. Most importantly, the referral is likely facilitated by previous successful experiences. If previous referrals led parties to unsuccessful outcomes and dissatisfactory processes, future referrals are less likely.

This entire mediation system is highly influenced by numerous stakeholders, including bar associations, judiciary, private sector companies, academia, government, policy-makers, civil society, labor unions, mass media, the mediation regulator body, mediation centers, the banking and insurance industry, and many others. Each of these stakeholders gets to influence and be influenced by the mediation activity, which leads to the conclusion that any model used for mediation should be discussed with all stakeholders for sustainable design and implementation. This is a very complex process and requires patience, long-term planning, and resources to test, gather data, monitor, and improve continuously. Equally important, it requires political commitment and realistic goals.

Options for next steps

So, given all these complexities, the question is, what can be done to increase access to justice by making mediation more popular and enabling all those benefits summarized above?

While this is the question and the discussion around it deserves proper bandwidth, we are going to offer a few options for consideration for the next steps below.

First, as presented above, the short and mid-term solution is based on a top-down approach to enable mediation benefits in the long run. The first mandatory mediation meeting that should have a solid design can lead to a “mass education” exercise or a “mass testing area”. Based on the experience from other countries, this would generate two main benefits – immediate practice and more voluntary cases. For a successful implementation, the lawyer’s role should be recognized in the process, and bar associations and chambers of commerce should be able to establish mediation centers, as per the successful experience in Italy.

While the demand would be generated artificially through the first required meeting, the government and the judiciary should work together with the Mediation Council and IT experts to set up a state-of-the-art mechanism to gather data and consolidate statistics. Without such a mechanism that should automatically track down every case from the request stage, it would be impossible to monitor the effectiveness of mediation policies being implemented. It would be essential for the data gathering tool implemented to capture qualitative data, specifically satisfaction levels related to the delivery of mediation services. Automatic reports should ideally be available publicly for obvious transparency reasons.

With the right policy and data gathering mechanism in place, the Mediation Council should reassess the quality of the service and the characteristics of all the quality assurance mechanisms in place. This should include the content, the implementation, and the monitoring of the mediation basic training standard, the complaint recourse mechanisms available at different levels, national and organizational.

At this point, public awareness and outreach activities should be prioritized to reflect the use and benefits of the first mandatory meeting. Experience shows that focusing the promotion activities on such mediation policy is more effective than preaching mediation benefits theoretically. For sustainable long-term effects, the promotion component should include mandatory academic education. No student studying law, business, economics, psychology, and other topics should finalize her/his studies without, at minimum, understating what mediation is and where it sits in a continuum of dispute resolution options. Ideally, academia should develop students' proper mediation skills and competencies. Of course, this would require ensuring that the professors responsible for this process have the necessary knowledge, skills, and experience. One simple tool that can be used to ensure such experiences is to establish mediation clinics in universities with students working closely with professors to support parties in conflict and build peace and consensus.

Finally, the fifth option is to look for entry points for mediation in communities, sectors, and industries. This may include establishing sector-specific mediation schemes, incorporating mediation in organizational dispute resolution policies, setting up ombudsperson offices with dialogue-based functions, and so on. Sectors like telecommunication, agriculture, tourism, art, and others can incorporate mediation clauses in the standard contracts to mainstream mediation as a dispute resolution tool to be used before traditional litigation.

All the above are better designed and implemented in the context of a public policy on mediation with realistic goals and three to five years implementation action plans. Unless all these efforts are mapped out in collaboration with mediation stakeholders, the Romanian mediation will maintain its "Sleeping Beauty" state, and all the reasons presented before the Romanian Parliament with the draft mediation law in 2006 before the adoption of the law will remain wishful thinking or a checkbox in the country's EU accession process.

We close with a final word of caution for the Romanian Mediation Council and the Ministry of Justice. The mediation system needs more checks and balances, as there are no reporting mechanisms for the Mediation Council, which holds the entire management responsibility. This is while the Ministry of Justice is anything but active in taking the lead to convene conversations around the design, implementation, and monitoring of effective mediation policies that can benefit the judiciary, otherwise still

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burdened by millions of cases, just like in 2006, when the mediation law was proposed for adoption.

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ORIGINAL PAPER

Brief Comments on The Regulation of the Lien in The Moldovan Republic

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Summary:

The article aims to analyze the provisions of the Civil Code of the Moldovan Republic regarding the legal regime of the lien and its applications expressly regulated by law. Observing the norms regarding this legal institution, we identified some notable distinctions compared to the conception of the Romanian legislator.

Keywords: *connexity, lien, debt.*

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The express regulation of the lien as an independent legal institution can be found in the fourth section of the chapter referring to the means of guaranteeing the execution of obligations. The legal provisions are included in the first title of the third book of the Moldovan Civil Code, entitled "Obligations" and include references to the conditions of exercise, effects and termination of the lien.

Most of these legislative texts have a wording almost identical to that of the Romanian regulations, but at the same time the differences in approaching the legal regime of the lien are visible.

§1. The legal nature of the lien

The main doctrinal debate regarding the right of lien has always been that of its real or personal nature. The legislative text on the opposability of the lien states that it can be opposed to third parties without fulfilling any publicity formality, which means that we can consider that its effects go beyond the contractual sphere. Although the lien has as object corporal goods and is opposable *erga omnes*, as in the Romanian legal system, the Moldovan legislation is much clearer.

As long as the chapter in which we identify the provisions regarding the lien includes other sections that regulate the penalty clause and the earnest, we consider that this guarantee mechanism is a simple means to coerce the debtor, a sanction with comminatory effect, and not a collateral guarantee, even imperfect. (Stătescu and Bîrsan, 2008: 429).

§2. The constitution and limits of the right of lien

Article 960 of the Civil Code of the Republic of Moldova contains general provisions on the lien. The field of application of this mechanism is established by a text similar to that of the legal norm found in article 2495 paragraph (1) of the Romanian Civil Code. "*He who is liable to remit or return a good may retain it as long as the creditor does not compensate him for the necessary and useful expenses he has incurred for that good and for the damage which the good has caused.*" (article 2495 paragraph (1) of the Romanian Civil) According to this legislative text we observe that the Moldovan legislator preferred not to include legal connection in the area of lien application. Thus, only an objective connection between the good and the claim invoked is strong enough to justify the refusal to handover the good. This intrinsic connection of the claim with the good is caused by the causal link between the latter and the impoverishment of the creditor. The diminution of the lienor's patrimony can occur either on the basis of a lawful fact (unjust enrichment of the debtor by the repairs and improvements of the good during his detention by the creditor), or by causing a damage whose material cause is the good itself.

The main condition for invoking a right of lien is therefore the existence of the traditional *debitum cum re iunctum* between the claim raised and the property withheld for comminatory purposes. Of course, the creditor must in turn be required to remit or return the property, so that both parties involved have the status of creditor and debtor to each other. While the lienor is the debtor of an obligation to do, the one entitled to restitution has an obligation to give to the lienor.

Although the basis of the obligation to remit or return the property, which the lienor refuses to execute until the indemnity, may or may not have a contractual basis,

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we notice that the framework regulation states that the provisions on the lien are residual. This presupposes that the person liable for restitution has the right to refuse performance of his obligation only in so far as the contractual provisions do not provide otherwise. Such a legal provision is not found in the Romanian regulations. The consequences of the dispositive and residual nature of the legal norm are that, on the one hand, the legal mechanism cannot be regarded as a legal guarantee since its benefit can be waived, and on the other hand even if we are talking about a claim for damages, which generates material connection, the latter seems to be grafted on a contractual legal relationship existing between the parties, therefore on a legal connection.

Another essential feature is the accessory character of the lien towards the claim invoked by the one who refuses the handover is also highlighted in the Moldovan regulation in the content of article 960 paragraph (2), in that the right of lien is ineffective when the creditor of the restitution puts at his disposition the amount claimed or offers a guarantee. Refusal to handover is unjustified whenever the claim is extinguished by the real payment offer or the creditor becomes the beneficiary of another guarantee, which he considers sufficient, consenting to the establishment of the latter (see article 2499 para. (1) Romanian Civil Code)

The cases in which the creditor cannot successfully invoke a right of lien are the same as those considered by the Romanian legislator, being first of all about the illicit ground of the material possession exercised by the creditor of a *debitum cum re iunctum* and about the good's immunity for seizure. This concerns the tangible property that could be the object of the lien and implies the impossibility of its forced pursuit, despite the fact that it has intrinsic value, for reasons that seek to protect a legitimate interest. This immunity of the property may be the effect of its inalienability established by law or by agreement of the parties. At the same time, certain categories of movable property cannot be subject to enforcement as they are indispensable to the debtor or closely related to his person.

The creditor's subjective position is also an important criterion when it comes to the general application of a comminatory mechanism that allows the refusal to perform one's obligation without the intervention of the court. Therefore, the holder of bad faith will be able to exercise a right of lien only when there is an express legal provision regarding such a right.

Among the causes of exclusion of the right of lien in the perspective of the Moldovan legislator is the prescription of the principal action, if this sanction intervenes after the moment when the creditor could exercise this right. The legal disposition containing this provision is analogous to the one contained in article 2505 of the Romanian Civil Code on which we expressed our point of view in the sense that the extinctive prescription of the invoked right of claim cannot intervene before the emergence of the right of lien in the patrimony of the creditor *ope legis*, that is under the law (Bosneanu, 2019: 273).

However, the extinguishment of the right of lien can be said that it takes place once the property returns to the possession of the restitution creditor or the right titular, unless the lienor regains the property as an effect of the same legal cause.

Examining the express regulation of the way for extinguishing this legal means of guarantee, we find two relevant issues regarding the legal regime of the lien. First of all, in order to invoke the right of lien, it is not imperative that the debtor of the claim be the owner of the property, but may be the holder of a dismemberment or a personal right of use. Secondly, in order to avoid the extinctive effect caused by the loss of material

detention, it is necessary for the lienor to recover the property on the basis of the same legal relationship. Which implies the existence of a framework agreement executed successively, but seen as a single contract in its own, which includes several services of the lienor in connection with the same good (Aynés, 2005: 246).

§3 Effects of the lien according to the Civil Code of the Republic of Moldova

The first of the provisions in art. 962 of the above mentioned normative act refers to the opposability of the right of lien towards third parties in general, without fulfilling any publicity formality, like the Romanian regulation (see article 2498 para. (1) Romanian Civil Code). The publicity of the right of lien is therefore made without its entry in a publicity register by the simple legal fact of the material detention exercised over the retained property.

However, the problem of the opposability of the lien in relation to the other creditors who pursue the good for capitalization is solved in the same defective manner, as in the Romanian law. The retaining creditor cannot oppose the initiation of a foreclosure procedure on the property he holds, but he will be able to participate in the distribution of the price according to the rank that the law confers, bearing the competition of the other creditors. Observing the provisions of the Civil Code, we find that from the point of view of the Moldovan legislator, the lienor is in all cases an unsecured creditor without a preferential right over the price of the property held for comminatory purposes. The confining effect produced on the debtor remains his safest way to realize the claim.

The third paragraph of article 962 of the Moldavian Civil Code refers to the possibility of the lienor to regain possession of the property when it is involuntarily dispossessed by third parties, unless the divestiture occurs for the initiation of the forced pursuit. The normative text is very similar to the provisions of article 2499 paragraph (2), since it provides that : "*Dispossession of property contrary to the will does not extinguish the right of lien. The party exercising this right may request the return of the property, under the reserve of the rules applicable to the extinction prescription of the principal action and the acquisition of the movable property by the bona fide possessor*". Therefore, it is in question the right of the lienor to regain effective control over the property in respect of which the claim arose, when the latter does not come out of his hands as a result of the will to waive the guarantee. From our point of view, the fact that the legislator puts at the disposal of the creditor an action for the recovery of the good cannot be equivalent to a right of pursuit specific to the real collateral guarantees (Bosneanu, 2019: 190). .

From the above, we notice that the regulation of the prerogatives of the lienor is almost the same as in the Romanian legal system. However, we were struck by the following legal provision: *only if the creditor simultaneously performs the obligation secured by the right of lien or provides sufficient enforcement assurances to the lienor or if the lienor is latish in accepting the performance provided by the creditor.*(article 962 paragraph (4) Moldovan Civil Code) This legal norm is one of German inspiration because the legal mechanism described is the same as the one identified in article 274 of the German Civil Code. Whenever the creditor of the restitution formulates a legal action by the decision of admission of the request, it will be ordered that the lienor may refuse the execution of the latter until the obligation guaranteed by the right of lien is

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extinguished simultaneously or by real offer. An alternative to the performance from the claimant of the restitution is to provide other sufficient guarantees for the subsequent payment of the claim. Thus, even if he is obliged in court to return the property, the retaining creditor cannot be deprived of the benefit to which he is entitled, as the judgment will also oblige the plaintiff in return to pay damages under the sanction of lack of legal effects for the court decision.

Paragraph 274 of the Bürgerliches Gesetzbuch provides:'' (1) *In relation to the obligee's action, the assertion of the right of retention only has the effect that the obligor is to be ordered to perform against receipt of the performance due to him (performance concurrently).*(2) *On the basis of such a judgment, the obligee can pursue his claim without effecting the performance owed to him by way of compulsory enforcement if the obligor is in default of acceptance (Paragraph 274 of the German civil Code)* Therefore, we can conclude that the restitution of the encumbered asset can be reached only by performing the guaranteed obligation or by declaring that the debtor is ready to do it.

The dominion he exercises over the good makes the lienor have the obligation to preserve the good by behaving as a *bonus pater familias*, according to the objective criterion for establishing responsibility according to his care for his own goods (Bosneanu, 2019: 245). There is also provision which states this aspect as part of the general regime of the lien.

Moreover, article 963 of the Mold Civil Code, obliges the lienor to collect the fruit as a conservation measure and despite the fact that he is a precarious holder, the law requires that the civil fruits be imputed to his claim. We consider that this option of the Moldovan legislator can only be an advantageous one for both the lienor and the creditor of the restitution, as long as the obligation is extinguished having as consequence the relieving of the asset (Vidu, 2010: 66).

§3 Lien applications expressly regulated by the provisions of the Moldovan Civil Code

Like the Romanian legislator, the Republic of Moldova prefers a unitary conception on the legal relations of private law, stating that the provisions of the Civil Code apply to both professionals and those who do not have this quality (see article 3 Romanian Civil Code).

The professional is defined as follows : *any natural or legal person governed by public or private law who, in the context of a civil legal relationship, acts for purposes related to the activity of entrepreneur or professional activity, even if the person does not aim to obtain a profit from this activity.* (article 3 paragraph (2) Moldovan Civil Code).

Thus, the provisions regarding the lien also apply if the lienor is a professional. In fact, most of the lien applications found in the code involve legal relationships arising from contracts in which the lienor may be in the exercise of an enterprise or may act professionally.

a. One of the applications of the right of lien that is not found regulated separately in the Romanian Civil Code is the one referring to the fiduciary. Instead, the Moldovan legislator largely regulates this hypothesis in Article 2148 of the Civil Code. The trustee may retain the portion of the estate that will be transferred, if necessary to settle the trust's debts, the trustee's claims against the estate, the expenses related to the

transfer, division or sale of the right, when such debts, rights or costs are related. of the part of the fiduciary patrimony mass to be transmitted to the beneficiary. The lien is extinguished if the person requesting the resolution of the trust pays all the secured claims.

The trustee is always a natural or legal person having the quality of a professional due to the complexity of the effects of the trust, regardless of how it is set up. The Romanian regulations contain express provisions in this regard, stating that : *“(1) Any natural or legal person may be a constituent in the contract of trust. (2) Only credit institutions, investment and investment management companies, financial investment services companies, legally established insurance and reinsurance companies may have the status of trustees in this contract. (3) Public notaries and lawyers may also have the quality of trustees, regardless of the form of exercising the profession”* (article 776 of Romanian Civil Code).

Although in the Romanian Civil Code system the trustee could invoke the provisions of article 2495 para. (1) which establish the applicability in principle of the lien, whenever there is a connection between the claim and the good, we believe that through the provisions of art. 791 para. 2. Civil Code, according to which, the merging of the fiduciary patrimonial mass in the patrimony of the beneficiary or of the constituent will take place only after the payment of the fiduciary debts, the legislator is lacking any utility for invoking the lien in this matter.

b. The obligation to preserve the sold good in case if , due to the fault of the contractor, the seller is obliged to take such a measure, has as a correlative the right to compensation for storage after the term initially established for delivery. Article 1133 paragraph (4) of the Moldavian Civil Code. gives him a right of lien until the resulting expenses are reimbursed. We consider that this legislative text is a takeover on the level of domestic law of the provisions of the Vienna Convention on the International Sale of Goods within Article 85 of this source of international law.

c. The right of lien on the goods stored until the payment of the remuneration and the storage expenses is expressly provided both for the regular deposit and for the non-payment of the hotel services. The provisions of Article 1564 in the Code refer to the situation of goods in hotels and other such premises, the content of the legal norm being very similar to that of the Romanian Civil Code. The similarity exists also regarding the hotelier's faculty to capitalize the goods in order to satisfy his claim from the price obtained following the forced execution.

d. Unlike the Romanian regulations, where the legislator preferred to grant the entrepreneur a legal mortgage (see article 1869 Romanian Civil Code), the Moldovan code retains the traditional place of lien in this matter. Movable property produced or improved under the enterprise contract may also be retained by the contractor in their possession during the execution of the contract, the secured claim referring to the price of the enterprise. However, the lien does not operate when there is a bad faith on the part of the contractor, who knew that the owner did not agree with the production of the good or the improvements made to it. Sanctioning abusive behavior, contrary to the will of the beneficiary is a consequence of the application of the imperative of good faith in contractual relations, (see Article 1358, Moldovan Civil Code).

e. Regarding the contract of carriage, there are two legal provisions regarding the right of lien of the carrier. The first reference is found in the section with general provisions and concerns the right of lien on luggage (in the case of the transport of

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persons), and the property until the payment of the transport tax established by agreement of the parties, (see art. 1416 para. (3) Moldovan Civil Code).

In the case of the transport of goods, the law returns with a special, more comprehensive provision, granting the carrier a right of lien to guarantee the reimbursement of all costs arising from the contract. Obviously, given the essential role of detention, the right of lien takes effect as long as the assets are in the possession and control of the creditor, (see article 1447 Moldovan Civil Code).

The mechanism of guarantee of the right of lien finds its utility for the professional creditors especially regarding the forms that the mandate without representation takes in the commercial activity.

The Moldovan Civil Code regulates this type of contract in a chapter called "Contracts for the marketing of another's products". The common provisions provide that this falls within the field of the *"commercial agency contract, the professional commission contract, the franchise agreement and the distribution contract, as well as other contracts under which a self-employed party undertakes to use skills and efforts to place the other party's products on the market."* (article 1687 para.(1), Moldovan Civil Code).

The regulation of the right of lien by a special legal disposition in this matter is the subject of article 1698 Moldavian Civil Code in the same section applicable to all the contracts mentioned above. The party undertaking to place another's products on the market has a right of lien to guarantee the right to damages, remuneration and compensation. The lien in this case has only the movable property on which the creditor exercises a material detention under the contract, and is extinguished when the co-contractor fulfills his obligations.

f. Finally, we will refer to the invocation of the right of lien within the gratuitous loan agreement, because although it is in essence a disinterested act, which does not bring any patrimonial benefit to the lender, the borrower will still be able to retain the property covered by the contract. It can be invoked exclusively to compel the bailer to reimburse the extraordinary, necessary and urgent expenses incurred in order to preserve the good that the bailee has in use. (article 1240, Moldovan Civil Code). In so far as the expenses were not urgent and did not have the strict effect of preserving the property, the creditor will not be able to invoke the lien, preventing the owner from exercising his prerogatives. Therefore, the right of lien does not arise in the case of improvements or compensation for damage caused by property during performance of the contract.

On the other hand, the Romanian Civil Code completely excludes the emergence of a right of lien regarding the bailment agreement independent of the nature of the expenses incurred by the one who enjoys the free use of the property (see article 2153 Romanian Civil Code). We consider that this approach is far too radical and we share the view that the preservation of the property by the borrower fully justifies the lien until the time of reimbursement of expenses.

§4. Conclusions

Examining comparatively the regulation of the right of lien in the two civil codes, Romanian and Moldovan, we observe an increased degree of similarity, which proves the common cultural and social values of these states.

However, the distinctive elements refer to aspects of major importance, which we have identified above. The most important of these is that the lien cannot be qualified as a real collateral guarantee, but rather a sanction for non-performance of obligations,

which is based on the law, but can be excluded by the will of the parties. The comminatory effect of the refusal to handover is what ensures the function of guarantee of the lien. Opposability to third parties is not sufficient to turn the lien into collateral, especially if it does not apply to other creditors pursuing the asset.

In conclusion, the general legal regime and the applications of the right of lien as found in the provisions of the Civil Code of the Republic of Moldova reflect the specific doctrine of Roman-Germanic law.

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ORIGINAL PAPER

National Identity And Intercultural Communication in the Teaching of Romanian as a Foreign Language

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Abstract:

In the context of globalization, intercultural communication and national identity have become indisputably relevant and increasingly important. They approach a new problematic horizon with multiple implications in an interdisciplinary manner. Within the teaching of Romanian as a foreign language, there are complex interactions between students from different parts of the world, a phenomenon that can produce profound changes in the identity structure of culture and national identity. Foreign students who come to Romania to learn the Romanian language meet more and more frequently in the space of interculturality carrying with them different cultural equipment, and the non-conflicting management of these differences is a great challenge. The respect of foreign students coming to study in Romania for the cultural variety encountered is an important aspect of the subsequent social, cultural and identity interaction between them. Socialization transmits and consolidates ways of communication, behavioral patterns based on functional rules, considered important for a particular community. When interacting with multiple cultures, foreign students and more, assimilate individual characteristics, experiences, and cultural elements from each, including the host country. Thus, intercultural communication has reopened the file of perennial themes of social thought, such as the unity and diversity of cultures, the relationship between us and others, ethnocentrism and cultural relativism, the crisis of identities and their redefinition under the combined pressure of many factors.

Keywords: *intercultural communication, national identity, foreign students, diversity, differences.*

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Introduction

In the complex process of globalization that we are going through as humanity, the issue of preserving cultural identity becomes a necessity, because there is really a danger of cultural homogenization, of the emergence of the phenomenon of cultural and psychological disintegration, both for individuals and for societies.

Understanding the implications of cultural diversity represents one of the challenges of the contemporary world, constituting one of the main objectives of a new orientation within the globalization process. So, it seems necessary to decode some basic notions about culture: "The totality of material and spiritual values created by mankind and the institutions necessary to communicate these values" (Coteanu, 1996: 248); to subculture: "Culture of social groups and subgroups within an ethnic community" (Coteanu, 1996: 1032); to multiculturalism: "The existence of several cultures within the same country" (Coteanu, 1996: 660); to interculturality which represents the interaction between several cultures that coexist in the same environment, the exchange and mutual recognition of values, traditions and ways of life.

Intercultural communication aims at a positive approach to differences, aims at the formation of positive and active attitudes towards other cultures, with the following effects: developing the skills of foreign students to know and value other cultures; developing the skills to recognize and positively evaluate differences and diversity; the development of positive behaviour and attitudes towards people from other cultures; developing the skills to recognize inequalities, injustices, racism, stereotyping and prejudices; the development of the feeling of solidarity and the desire to express it through action.

A problematic element in the current context for each nation, arising as a result of this phenomenon of globalization, is the preservation of national identity. National identity is defined through culture and citizens feel the need to have certain material and spiritual elements, certain traditions and customs to define their belonging to a certain nation. National identity is not an innate trait but is essentially socially constructed (Anderson, 1991: 133).

A good understanding of the world through the prism of national identity refers to a shared culture of the past, present and future. In-group solidarity and the exclusion of "others" is a crucial feature in the creation of national identity. The reaffirmation of identity issues appears as a specific tendency of the deepening of the phenomenon of integration of foreign students and also of the processes it generates. The problem of the national identity of foreign students who come to study in Romania is also a problem of the countries from which they come to integrate easily in the globalization process.

Nowadays, culture offers an unlimited field for contacts between different communities, for interpersonal relations and consequently mutual influences, fertile exchanges, but also for potential conflicts. Human rights norms must help us see in which legal space culture can manifest itself in its various forms, different cultures can express themselves, which guarantees and which legal institutions exist or should exist to make possible respect, protection and the realization of these events.

Globalization has made intercultural communication an inevitable fact. Today's world is subject to rapid changes, the interaction between people takes on new dimensions. Contact and communication with other cultures are the dominant characteristics of modern life. Intercultural communication means direct interaction between foreign students from different cultures. Intercultural communication involves

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much more than understanding the norms of a group, it involves accepting and tolerating the differences between foreign students who have come to learn the Romanian language, not only at the level of language and traditions, but also of the approach to certain behaviours specific to certain life situations, certain contexts economic and political seen through the eyes of national identity.

Article 6 of the Romanian Constitution talks about the right to identity:

"(1) The State recognizes and guarantees to persons belonging to national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity.

(2) The protection measures taken by the state to preserve, develop and express the identity of persons belonging to national minorities must comply with the principles of equality and non-discrimination in relation to other Romanian citizens" (Constituția, 2022: 7).

The challenges of intercultural communication and national identity for foreign students

National identity is one of the facets of human identity. The identity of a foreign student or an individual in general does not consist only in the data from the ID card or passport but also in the data of the people from which he comes, of the national territory within which he completed his cultural evolution in such a way that when he steps on the territory of another country and is in contact with other cultures and traditions, a true cultural exchange, intercultural communication is created.

The cultural diversity of the participants in the courses of teaching the Romanian language as a foreign language to foreign students does nothing but deepen certain problems related to their adaptation to new cultures and traditions, to new ways of communication and understanding. Foreign students who come to our country and are in permanent contact with a new culture and language but also with other colleagues belonging to other countries and other customs, have a tendency to lose their cultural specificity, to move away from their traditional background, generator of the feeling of national identity, precisely from the desire to integrate more quickly in a new socio-cultural context. Many of the foreign students come with the idea of settling in our country after finishing their studies, and then they somehow feel obliged to understand our culture and traditions, to adhere to them, even if for them the differences are major. And here we can give as an example, the foreign students from the Arab world, who have certain traditions, especially religious ones that they do not give up even after a socio-professional integration in the territory of our country, being much less flexible than other foreign students from other countries territorially and traditionally close to our country, such as: Bulgarians and Serbs.

National identity plays an important role in defining us in relation to others from other cultures and nationalities, because through it we express our dignity, our essence, the fact that we belong to a territory and a people. Economic, political, social and even psychological aspects can have major implications in the discourse on an individual's national identity.

The problem is not in the construction of a national identity by foreign students but in keeping and preserving it, because once they arrive in a foreign country they feel constrained to a certain extent to become flexible from this point of view for a better adaptation to the new world in which they want to integrate. So, "national identity represents the relationship that a citizen of a country has with it, a relationship attested from a legal point of view. (...) National and ethnic identity become relevant identities

in an intercultural context, because only then does it become obvious how behaviour is influenced by one's own culture, thus having a series of effects on the communication of identity. What seemed normal and self-evident in living "at home", becomes an individual trait in a foreign culture, (...). National identity is similar to other collective identities such as religious, professional or ethnic identity. It is expressed through feelings of belonging, through identification with other members and differentiation from others, but its particularities are linked to the specifics of the national community, the nation being the one that determines the character of the national identity. (...) National identity can be understood as a collective cultural phenomenon, a concept that includes a specific language, feelings and symbolism, a series of intense feelings towards one's own country" (Drăgușin, 2014: 20-21).

We can say that national identity is born from the individual's need to identify, to have an emotional connection with another person, always being part of a group, as is the nation. Always when we have foreign students in the preparatory year of the Romanian language from the same country, or of the same religion, or speakers of the same language, they form a group, and they behave relatively uniformly and are understanding towards each other, but sometimes they distance themselves and consider any other different group.

Social and cultural integration is considered today more and more as a process of communicative integration, in which the degree of tolerance towards certain groups increases by initiating certain linguistic and discursive practices and abandoning other linguistic practices. Consequently, a process of initiating cultural change can be done by changing these discursive determinants through cultural policies. Identity has an enormous influence in intercultural communication, often causing misunderstandings and communication problems between foreign students. Thus, assumptions can be made about a certain cultural group by attributing the same characteristics to the person in question, ignoring their individual aspect and bringing to the fore ideas and experiences obtained on the basis of the knowledge we have from different sources, or even as a result of interaction direct in a particular moment and context between us and that group or individual belonging to a different culture.

Silvia-Diana Šolkotović emphasized in an article the statements of the American researcher John Rawls who said that: "preserving national identity is a real antidote against the drift towards: a market society", thus becoming vital the importance of preserving identity pluralism (Šolkotović, 2016: 197).

In the field of intercultural communication, an attempt is made to demonstrate the importance of an education that incorporates elements of interculturality, so that students have a concrete basis, necessary in intercultural contacts, to develop their cultural sensitivity and self-perception. A very good example in this sense is the Erasmus educational program, through which there is an exchange of students between universities in different parts of Europe, with the aim of training them to become more tolerant, to know other education systems, other language systems and trying to integrate into the culture and traditions of another country. Our country also participates in this type of programs, so the question arises whether the foreign students who have arrived here experience changes in their sense of national identity or their perception during the time they are in this country. Thus, the need to deepen the understanding of the concept of national identity, to observe the transformations undergone by it in the case of foreign students who live for a certain period of time in another cultural environment and the

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repercussions that experience has on the feeling of being foreign, to observe the way in which national identity interacted with other types of identifications.

From what the foreign students who come to Romania to study say, there is a certain reluctance and perhaps certain expectations related to a country and a people that they only know from television, from other people's stories or from books:

"I came to Romania in November and it was a new event for me, because it is the first time I leave my country to countries in Europe." (Emad, Jordan)

"This year I am in the preparatory year. After finishing high school I decided to start University in Romania. I've never been away from my family and I didn't know what it's like to go out on your own. (...) Here I met many Albanians and stayed only with them. I didn't know Romanian at all because I only spoke Albanian all the time. (...) Now I have many Romanian friends and I learned Romanian with them." (Armidjona, Albania)

"After finishing high school, I decided to start my studies at the University of Craiova. The first year is about the Romanian language and Romanian culture and civilization. At first it was a bit difficult for me but I'm adapted now. This year was one of my most beautiful experiences, I met a lot of people, I visited new places." (Tea, Albania)

"I am a student in the preparatory year and I am learning the Romanian language. I came to Romania in March. Difficult language for me but interesting. The university is great and I lost myself in it. I need to study fast for college. I learned some words like: Good morning!; Goodbye!; Thanks!; Good evening!; How are you?; Very nice. In the end, the experience is good and Romania is very beautiful." (Aseel, Syria)

"I started the preparatory year in October 2021. (...) From March it started to be better for me and with language learning. I met the Romanians and was more in contact with their language and culture. I understood that I like Romania as a country where I want to continue my studies." (Avenir, Albania)

"I hope to see myself improving business relations, especially between Bangladesh and the European Union. Educating in Romania, learning its culture and customs will allow me to achieve my goal of joining our government agencies." (Israfil, Bangladesh)

The international experience of foreign students who come to study in Romania provides the context conducive to the activation of national identity, through contact with people from other continents and other countries. At first glance, from the statements of foreign students after a first impact with a new country and new colleagues from different countries, it follows that there are always at least two sources of identification, only in the first phase students who do not adapt from the beginning feel the national identity as the only identity, but then they also develop other types of identities. There are therefore, in addition to the national identity, other types of identities that will develop in parallel, without eliminating the first one, namely the international identity, because foreign students are international students, and the group identity, because there is a group of foreign students at the preparatory year of the Romanian language to which they belong. No student kept the national identity as the only identity, however, there is a basic international and group identity, which appears in students who integrated more easily, faster and did not have time to feel the national identity in particular. There is an explanation for this, namely the bond between the

foreign students who came to study in Romania, meaning common interests, activities, events, which is actually the trigger for the feeling of belonging and unity of the group.

In general, in the preparatory year of the Romanian language there is a group of multi-ethnic students, belonging to different cultures and traditions, with different national or religious identities, who must understand and support each other in a foreign country whose language, culture and traditions must adapt.

It is often difficult, but the fact that the culture and traditions of Romania are discussed in class, emphasizing the culture and traditions of the countries from which each foreign student comes, makes the latter feel well received in -a country that will "adopt" them for a longer or shorter period of time and sometimes for life. From the discussions with the students, the hardest thing is for them to feel assimilated by the country where they come to study, because in the class group they have that feeling of common effort, understanding and tolerance, all having the same goal of learning the Romanian language.

When foreign students come to study in Romania, they feel like they are part of an international group, of a community where national diversity is defining, cancelling the feeling of "being a foreigner" in another country. The international student identity emerged as a substitute for the foreign citizen identity, giving students the sense of belonging they needed to feel comfortable, "like a family," as many of them put it. Another type of identification is with the local people, after a period of assimilation of the language and culture of the country where they are studying, foreign students get to develop friendships with the locals and integrate into their families during various events and specific holidays. The depth to which the identification with the locals reached depended to the greatest extent on the degree of openness of the students and the interest in knowing the respective culture and on the other hand on the interest and receptivity of the locals.

The acute sense of national identity when a student is in a foreign country also occurs as a result of preconceptions, of anticipating a certain behaviour of others towards your nationality, or of a strong religious upbringing as in the case of the Arabs, who it makes them attach only to those who belong to the same religion and detach themselves from others. However, the students' openness to accepting the new culture when they come to a foreign country is great, and the culture shock is inevitably felt all the more intensely as the elements of differentiation are more obvious, and this is where the necessary intercultural communication can intervene. Due to the intercultural environment, which triggers a need for compensation and homogenization with other nationalities by reactivating one's own identity, there are cases where foreign students speak a common language. Spanish, for example, was spoken during breaks between classes by two students, one from Costa Rica and one from Venezuela, feeling glad to be able to use a common element that reminded them of their national identity and 'home'.

The purpose of intercultural communication, in addition to the practical, economic aspects that have led to the meeting between cultures since their birth thousands of years ago, is also one of introspection, self-discovery and full understanding of the self. However, although it presents many positive effects at the level of personal development, the increased contact between cultures in the long term presents risks both at the global level and at the level of direct contact between different cultures within the Romanian language as a foreign language course. It is well known that: "For an effective communication between groups or individuals belonging to different cultures, it is necessary to be aware of one's own stereotypes and to overcome

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them, thus creating a meeting space based on common values that ensure the functioning of a real dialogue" (Lăpădat, 2020: 141).

However, intercultural communication is of particular importance, as it has become a necessity in conditions where people are more and more often involved in situations of contact with other cultures, as is the case with foreign students. By means of intercultural communication mediated by contact with other cultures, through the exchange of views foreign students could realize what is specific to their culture and became aware of certain things that they had not even noticed before.

Intercultural communication researches those elements of culture that particularly influence the interaction between members of two or more cultures when they come into contact (Samovar, Porter, McDaniel, 2010: 8). It is produced by the interpenetration of two essential elements: culture and communication, which influence each other against the background of different social contexts and within existing power relations (Martin, Nakayama, 2010: 85). Nakayama and Martin (2010) present a "structure" necessary for understanding intercultural communication consisting of four components: culture, communication, context and power, considering that the definition of these concepts is essential for understanding the phenomenon of intercultural communication. Culture is not innate, but learned through interaction, observation and imitation. There are other sources that act since childhood, such as proverbs, fairy tales or traditional stories, folk art. Culture is transmitted from generation to generation and is based on symbols contained in verbal, non-verbal or iconic language, being changeable, dynamic, adaptive, but at the same time preserving a basic structure formed by essential values and conceptions of life. Culture has an ethnocentric character, most of the time involuntarily, due to the way in which it is transmitted, focusing rather on the elements of one's own culture (Samovar, Porter, McDaniel, 2010: 9-12).

Culture is learned through the behavioural patterns observed in the socialization process, being inherited over generations; intercultural communication analyses in particular the relationship between culture and human personality, culture being the expression of the identity of some societies, nations or other entities. Culture is not only a social product but also a component of lifestyle through the values, ideas and behavioural patterns it generates. It is practically in a constant circuit: culture is born within society through the interaction between individuals against the background of pre-existing cultural baggage, generating in this interaction new elements that contribute to the process of continuous redefinition. We must be aware that: "One of the main objectives of intercultural education is to prepare people for a better perception, acceptance and respect for cultural differences. Individuals are never without a cultural background. They have certain conceptual tools that end up functioning as distorting prisms if they try to look at and understand other cultures only through them" (Lăpădat, 2020: 140).

The influence of culture is reflected at the level of communication especially through cultural values that express deeply rooted beliefs at the level of consciousness about what is good or bad, moral or immoral and from which conflicts often arise when they are not understood by both parties. There is a variability of communication according to culture, communication between people belonging to different cultures can be carried out differently depending on several factors, including religion, gender, social level, etc.: "The intercultural perspective proposes a communication competence based on the ability of the interlocutors to correctly identify and use cultural aspects in linguistic interactions. (...) Social relationships are especially important in the process of

learning a foreign language, as they provide us with images and essential information about attitudes, values and the social behaviours that we need to know when we are in a position to interact with a native speaker" (Lăpădat, 2020: 143).

A common element for foreign students that arouses a strong sense of national identification are holidays, because they are spent with other foreign students from the same country or religion and because they represent a strong differentiator from other cultures. Being a moment with a strong spiritual charge, linked most of the time to moments spent with family and friends, to the observance of some traditions and customs practiced since childhood, the presence of people who shared the same values was essential for strengthening the feeling of identification, of belonging to certain specific rituals and traditions. The identification was also amplified by relating to others, because observing the differences, for example religious, foreign students can feel the nationality as a concrete part of the identity, because: "Religion still remains a defining component of the European public space even if, in the vision imposed by modernity, it must be a strictly private option, and its presence in the public space is no longer legitimate. This is because the thoughts and feelings developed in the private sphere of the individual inevitably lead to actions and practical consequences in the public sphere" (Carp, 2005: 972).

So, among the sources of activating the national identity of foreign students, we can mention the people of the same nationality with whom, for example, more intense moments from a spiritual and emotional point of view were shared, such as holidays, or different activities, meetings, etc. were organized and people from other cultures, which gave the opportunity to highlight differences and similarities, cultural particularities in general. A student's participation in courses in a foreign country, in addition to the natural personal development it entails, can only lead to a strengthening of identity on all levels, both personal and social, thus including national identity. Awareness of the peculiarities related to one's own nationality is a consequence of intercultural communication in the case of most foreign students, they become much more aware of their national identity.

Conclusions

Intercultural communication has become a condition of development and a lifestyle for today's man, not only for foreign students who come to study in a foreign country. Moreover, educational exchanges and the possibility of studying in another country are just one of the elements that stand as proof of the intensification and importance that intercultural communication has today.

The shaping of the national identity of foreign students depends a lot on the external environment and the relationship to others, to those we consider different from us, the differences we find between the group of belonging and the other groups. National identity is a hot topic because it calls into question one of the most important elements of civilization, the differentiation between cultures. From the point of view of identity formation, indeed the contact of foreign students with people of another culture for a significant period of time, months, even years in the case of those studying at Romanian universities, represents a challenge for maintaining social identity, so and the national one. However, this challenge is perceived as a contribution to the development and definition of identity, on all three levels, personal, self and social identity, and not as a disturbance. Thus, "what deserves the greatest attention is the fact that national identity is not only an exacerbated ideological manifestation of attachment to the country, but is a product of the psyche, which is born at its level and influences it together with the

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entire complex of elements which form it: emotional (attachment) and cultural (traditions, customs, language, etc.). So, the way in which the national identity is transformed has a great influence on the general state of the individual, on the state of mind, self-esteem, etc. and it reflects on the society of which it is a part" (Drăgușin, 2014: 46).

Starting from the complex understanding of European history, cultural integration could contribute to better knowledge and reconciliation between people, through political and cultural symbols that can create bonds helping them to better understand their identity. Although cultural diversity is a value in itself, its valorisation also includes other dimensions of a different nature, such as economic and social. The recognition of cultural diversity as well as its valorisation in the future entails the need to develop, adopt and promote specific policies to value it.

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ORIGINAL PAPER

Local Self-Government in Malta – Basic Issues

Barbara Węglarz¹⁾

Abstract:

Historically, the Maltese islands have been totally controlled and administered by a central government, except for two short periods: during the French occupation of Malta when there were efforts to introduce a form of local self-government and between 1960 and 1973 when a civil council was created in Gozo. Modern local government was established in the Republic of Malta in 1993. Since 2019, it has a two-tier structure and the units of territorial division are the region and the municipality. Subsequent self-government reforms increased the powers of local authorities, although the scope of their tasks still does not constitute a very extensive catalogue. A significant problem is also the financial dependence of local self-governments on the central authorities. Nevertheless, the analysis of changes introduced so far through successive amendments and reforms indicates that taking action is changes in the right direction and should be continued.

The aim of the paper is mainly to present the legal grounds and the form of the current Maltese local self-government.

The methods used while writing this paper were the analysis and the comparative methods.

Keywords: *decentralisation, local council, local self-government, Malta, mayor, region.*

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Introduction

Although the Republic of Malta is the smallest country in the European Union, it is very well developed institutionally and politically. It is worth pointing out that although Malta regained its independence only in 1964, it has built its own model of governance based on the solutions typical of Anglo-Saxon countries, which functions efficiently in a multicultural society. Taking into account the opinions expressed above, it is worth considering whether the local self-government that has been functioning in the Republic of Malta only since 1993, can be classified as an institution which, despite its very short term of existence, fits in with the said trend. The aim of the paper is mainly to present the legal grounds and the form of the current Maltese local self-government. The methods used while writing this paper were the analysis and the comparative methods.

The OECD defines decentralisation as ‘the transfer of powers and responsibilities from the central government level to elected authorities at the subnational level (regional governments, municipalities, etc.), having some degree of autonomy. Decentralisation is also about reconfiguring the relationships between the central government and subnational governments towards a more co-operative and strategic role for national/federal governments.’ There are three types of decentralisation: political, administrative and fiscal. There are also various reasons for decentralisation. In some countries, it might be seen as a counter-reaction to previously existing strong centralisation – even authoritarianism. In other countries, decentralisation is a method of reforming the public sector, for example, to improve the efficiency of public services and thus contain the growth of government spending’. Decentralisation is also often expected to result in more accountable and transparent public governance, less corruption and more political participation (OECD: 3).

Legal framework

Local self-government in the Republic of Malta was introduced in 1993. The ground for its functioning was the ‘Act on local councils’ adopted by the Maltese Parliament on 30 June 1993. The consequence of the enactment was the establishment of local councils in 67 communities (with time this number increased to 68). The act was amended in the years 1999, 2000, 2001, 2005, 2009, 2014 and 2019.

The act in question was modelled on ‘the European Charter of Local Self-Government’, which was signed and ratified by the Maltese government in 1993 (European Charter: art. 2; art. 3 sec. 1 and 2; art. 4 sec. 1, 2 and 4; art. 5; art. 7 sec. 1; art. 8 sec. 2, art. 9 sec. 1 and 2; art. 10 sec. 1 and art. 11. From the optional list: Art. 4 sec. 3, 5 and 6; art. 6 sec. 1 and 2; art. 7 sec. 3; art. 8 sec. 1 and 3; art. 9 sec. 7 and 8; art. 10 sec. 2 and 3). In total, Malta undertook to adopt 25 articles of the European Charter of Local Self-Government. Among these articles there was a definition of local government. As a result, Malta has recognized the definition of local government, where local government means ‘the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them.’ (Council of Europe). In the case of Malta, these are local councils.

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Malta also complied with the requirement to regulate the basic competences of the local self-government in domestic law. Initially, it was by way of the above-mentioned act of 30 June 1993 on local councils, but another important step in the consolidation of local self-government in Malta was the introduction of the provisions regulating the said institution to the Constitution of Malta. On 24 April 2001, it was decided that the state would adopt a system of local self-government whereby the territory of Malta would be divided into as many local units as indicated by law. In addition, each unit will be administered by a local council, elected by the residents of that locality, in accordance with applicable law (Constitution of Malta Amendment Act).

Three principles are derived from this regulation:

- Malta must have a local government system.
- Such a system must be based on a council in each locality.
- The members of such councils must be elected by the inhabitants of the locality.

Their development is, in turn, the provisions of the act on local councils (Borg, 2016a: 499).

Each local council is established by a statutory regulation. All members of local councils are elected under the system of proportional representation with one transferable vote, which has been applied in Malta since 1921, and which is applied in general elections and elections to the European Parliament. It is worth emphasizing that the Constitution grants the legislator complete freedom to regulate such issues as the competences and functions of local councils, their financing, the right to collect income, impose taxes or other charges, etc. (Borg, 2016b: 500).

Local government units

Until 2019, Malta's local self-government was single-tier, with a commune as a basic unit. Since 2019, local government has had a two-tier structure. The territorial division units are the region and the commune². Both have legal personality, and their independence is subject to judicial protection (Legizlazzjoni: art.4). Local government operates in accordance with the law and within the limits permitted by law. The financial independence of the units is limited as most of the funds come from the central budget. They are also unable to levy taxes or collect fees. Supervision over local government is exercised by the minister competent for local government and the Local Government Division 2020, established in 2017, and in financial issues – by the General Auditor, who may appoint local auditors (Legizlazzjoni: art.35-38).

Currently, the number of communes in the Republic of Malta is 68 (Maciejuk, 2013: 88). The smallest of them has an area of 0.2 km² (Senglea), and the largest 26.6 km² (Rabat). They are also characterized by large, diversified numbers of inhabitants: the smallest is inhabited by 243 people (Mdina) and the largest one is inhabited by 29,097 people (St. Paul's Bay). Each commune has a local council, which is appointed through elections. In order to support the

² In Malta, six non-administrative districts have also been established, as they were created for statistical purposes only.

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activities of the councils, the councils may establish permanent or ad hoc committees. The cooperation between councils of these units is also regulated by law. The law also requires them to organize joint meetings no less than once a month. The meetings are open to residents (Legiżlazzjoni: art. 37-38).

Apart from carrying out the tasks entrusted to local councils by the government, the powers of the local councils include:

- ensuring order and security in the commune;
- undertaking activities in respect of road infrastructure;
- consulting changes in respect of road traffic, street names, renovation of roadside buildings;
- promoting initiatives regarding social policy and providing support to residents in that respect;
- consulting and giving opinions on matters carried out by other authorities, as long as they relate to a given local community;
- managing local libraries;
- establishment and maintenance of playgrounds for children and public gardens, as well as sports, cultural and recreational centres;
- supporting other state authorities in carrying out the tasks, primarily related to care and educational centres, kindergartens and providing services: educational, rehabilitation, health and supporting seniors;
- supporting residents and handling information policy, in particular regarding citizens' rights, consumer rights, transport and communication, tourism, taxes, social security, public health;
- protection of local identity by undertaking initiatives and implementing programs aimed at protecting local traditions, cultural heritage and folklore;
- supporting local artists, musicians and athletes;
- environmental protection;
- activities promoting business (Legiżlazzjoni: art. 20-23).

As indicated in the above list, the tasks carried out by local councils are not extensive. Basically, they are limited to tasks in the field of road infrastructure, providing basic social services to local residents, organizing activities and performing administrative tasks, as well as caring for sport, culture and tradition. It is actually only a small part of municipal public affairs.

The functions excluded from the competence of local councils mainly relate to the use and administration of parks, gardens, monuments, airports, harbours, industrial plants and other establishments or attractions. The above-mentioned government is currently administered by the government, which obtains high income on this account. There are numerous opinions saying that these powers could be gradually transferred to local governments in order to increase the funds at local governments' disposal and thus affect their independence from central authorities. The same applies to other services and functions that are currently performed by the government, such as the issuing of building permits and urban planning. Compared to local governments in other member states, the Maltese self-government lacks such functions as, for example, the administration and operation of sewage and drainage systems, and the operation and management of waste disposal facilities (Local democracy 2017: 14).

In 1993, three regions were also established: Gozo Region, Malta Majjistral, Malta Xlokk. Due to the reform carried out in 2009, two of them were

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divided, as a result of which there are five regions in the Republic of Malta to this day: Central Region, Gozo Region, Northern Region, South Eastern Region, Southern Region.

According to the amendment to the act on local councils, i.e. Act No. XVI of 2009 - Local Councils (Amendment) Act, any changes within the regions and a change in their number should be made by the minister responsible for local self-government after consulting the Association of Local Councils and should consider the geographical aspect, the number of inhabitants and the number of councils local in each region (Parliament of Malta). The minister's powers also include commissioning regions to perform tasks or granting regional authorities additional competences – here also consultations with the Association are required.

Although initially, the purpose of introducing the regions was not to create another level of local self-government, but to improve the performance of entrusted tasks by the local councils and relieve them by allowing the councils to delegate the tasks that councils are unable or unwilling to carry out on their own to regions, their position was strengthened by successive reforms of the local government. The amendment that had the greatest impact on the increase in the importance and of the powers delegated to regions is undoubtedly the amendment introduced in 2019. First of all, it became the basis for recognizing the regions as the next level of local government. The regions have not taken over tasks from local governments, but received funds for the implementation of the existing ones, which still rely heavily on supporting the activities of local councils in a given region. The act also includes tasks, the implementation of which belongs only to regional councils, including education or cooperation with the construction sector. The name has also been changed from “regional committee” to “regional council” (Local Government and community: Regional council). By 2022, it is also planned to create a sixth region and transfer other tasks to regional councils (Mallia 2019).

Another institution set up to support the functioning and performance of tasks by local councils is The Local Councils Association, which was established in 1994. It represents all local councils to protect and promote their common interests. It also represents councils, their rights and interests in Malta, abroad and in international associations of local authorities. The objectives of the Association also include the protection and the promotion of the common interests of local councils, as well as providing consultancy services, carrying out training sessions at its own initiative and in cooperation with the councils. The association is a body with legal personality. However, it cannot take loans on its own or conclude trade agreements, unless the minister responsible for finance agrees. The association has an Executive Committee of nine members. They are elected for a two-year term from among local councillors. Their activities are supported by the Secretary General (The Local Government and community: The local councils association).

Local government bodies

Active and passive voting rights to the local council are granted to citizens who are 16 years of age at the latest one day before the elections [³]. Five to 15

³ Citizens of European Union member states and Great Britain are also entitled to vote.

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people sit on the councils and are elected for a five-year term⁴. In the event of failure to submit a candidate, the minister responsible for local self-government shall appoint a management committee.

The number of councillors in individual communes depends on the number of inhabitants and amounts to:

- ☐ 5 – in communes up to 4,999 inhabitants;
- ☐ 7 – in communes from 5,000 to 9,999 inhabitants;
- ☐ 9 – in communes from 10,000 to 14,999 inhabitants;
- ☐ 11 – in communes from 15,000 to 19,999 inhabitants;
- ☐ 15 – in communes from 20,000 inhabitants.

In the event of a vacancy in the council, supplementary elections shall be held no later than on the thirtieth day from the occurrence of this event. Elections are not held if the scheduled council elections are to be held within three months of the vacancy. Pursuant to the Act, the council may be dissolved, in the event of repeated violations of financial discipline and if the council acts contrary to applicable laws. In lieu of the dissolved council, the minister competent for local self-government shall appoint a management committee chaired by the president or a member of the Association. The Committee carries out the tasks of the council until its new members are elected by early elections. They are not carried out if there are less than six months to the end of the term of office (Legizlazzjoni: art. 16-18).

There are two executive bodies in the municipalities: the mayor and the executive secretary. The first of them, the mayor, heads the local council. The mayor is a person who: is 18 years old or older, obtained the largest number of valid votes and is a member of the party which obtained over 50% of the seats in the council. If no party has taken more than 50% of the seats in the council, the mayor is elected by councillors from among themselves. In turn, where two people get the same number of votes, the mayor becomes the one who has a longer term in the local council. If it is not possible to select a winner on this basis as well, the age criterion is taken into account and an elderly person becomes the head of the council. Apart from the statutory end of the term of office, the mayor's mandate expires in the case when a vote of no confidence is casted by the council. The mayor's primary tasks include leading the local council and supervising its work as well as representing it outside⁵.

The executive secretary is a public official appointed by the council with the consent of the minister responsible for local government. Its basic powers include managing the finances of a given unit. In addition, he has the power to issue notices, prepare the agenda in consultation with the mayor, participate in all meetings of the council. The secretary draws up and signs minutes of commune council meetings and committee meetings, submits detailed annual administrative reports to the mayor, submits the forecasts of the council's income and expenditure

⁴ Elections are held on the same day as the elections to the European Parliament or general elections. Therefore, the term of office of the council may be respectively extended or shortened by four months.

⁵ At least 1/3 of the statutory composition of the council submits a written motion (including justification) for a vote of no confidence. The motion is put to a vote between the 5th and 10th day from the date of its submission and is effective if an absolute majority of the statutory composition of the local council supports it.

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for the next financial year to the council. It also takes care of procurement, executes lawful council decisions, and suspends any actions or initiatives planned by the council that violate the law, national or local policies or rules, or any actions and initiatives that have not been approved by the council's decision. It also carries out administrative duties that may be specified and commissioned by the mayor (Legizlazzjoni: art. 18-20).

The regional councils are appointed for the period specified in the regulation issued by the Association. This issue may also be regulated by the ordinance of the minister competent for local self-government. In turn, each region has a regional council consisting of the president of the region, deputy president, executive secretary and ten to 14 members. The last one body is appointed by the regional council. The secretary is the executive, administrative and financial head of the council.

Each regional council is chaired by a chairman who is chosen from among all councillors of the localities forming that region. In turn, the regional deputy chairman shall be appointed from among the members of the regional council appointed by the local councils. The executive body is the president of the region. A person who lives in one of the communities in the region or a councillor in a local council which forms part of that region can apply for the position. If a person who is a councillor in a local council becomes the president, they shall resign from being a councillor.

Finances

The main source of income for Maltese local councils is the financial allocation given by the central government. It is the responsibility of the minister in charge of finance. The central government allocates an annual financial allocation to the local councils through its budget. The financial allocation covers four main areas:

- landscaping and maintenance of parks and gardens – total area of parks, gardens, soft areas and verges of a particular local council are compared to total same areas of all local councils;
- roads maintenance and infrastructure – street sweeping and weed cutting of urban roads (a percentage for each of the four separate categories of roads is used, and a proportion of the total length of urban roads for each category is compared to those of all local council); cleaning of non-urban roads (total length of non-urban roads in a particular local council in proportion to the total length of roads); maintenance of roads, road resurfacing, road signs, bus shelters, markings and street lamps;
- waste management – the denominator used is the number of properties in a local council compared to sum of properties in all local councils;
- administration – a proportion of the number of councillors in a local council compared to all local councils.

Every local council is expected to prepare a three-year financial plan, updated annually, to provide the framework for the annual budgets. They are allowed to raise extra funds and if the local council is supposed to finance any project through a loan repayable in more than eight years, then the proposal shall be put to the residents in a referendum (Local Councils Amendment Act) .

Other income comes from: the Local Enforcement System (a system of enforcement by local wardens); EU programs and funds; Public Private Partnership; local schemes; the Urban Improvement Fund (falls under the responsibility of the Malta Environment and Planning Authority and caters for the enhancement of urban areas such as landscaping, traffic management and embellishment work). Other minor sources of income include contributions, donations, bank interest, income from tender documents and permits. Local councils may also raise finance through other means, including the investment and borrowing of money, but it requires the written authorization of the minister responsible for local government, with the consensus of the minister responsible for finance. In case local communities prove that the financial allocation provided to them by the government is not sufficient, special funds can also be made available to them.

Summary

Historically, the Maltese islands have been totally controlled and administered by a central government, except for two short periods: during the French occupation of Malta when there were efforts to introduce a form of local self-government and between 1960 and 1973 when a civil council was created in Gozo.

As for the reasons for the establishment of the currently existing local self-government in the Republic of Malta, the most common opinion is that its establishment in 1993 was directly related to the willingness to participate in European Union funds intended for local government units. In the case of Malta, we are dealing with an interesting and positive phenomenon in terms of the end result. Decentralization and delegation of further powers to local authorities is, in the case of Malta, a kind of 'side effect' of activities whose real purpose was financial issues (obtaining EU funds), and not what usually constitutes the basis for decentralization of the state, i.e., moving the decision-making centre closer to the inhabitants.

However, not everyone is satisfied with these changes. Among the most common postulates is the delegation of additional tasks to local units, such as administering airports, ports, industrial plants, parks, gardens, monuments or issuing construction permits. The main argument in favour of such a solution is the reference to the shape of local self-government in other European countries. These postulates are not fully justified due to the fact that Malta is a very small country (area: 316 km², number of inhabitants: 514,000). Moreover, it would be worth considering what tasks would be performed by the central government if these tasks were delegated to local self-government. However, it would be worth considering other solutions.

First of all, financial decentralization of both communities and regions is necessary. Local self-government units should be able to levy local fees and taxes. It would also be worth considering transferring the decision-making and control powers of the executive secretary to the mayor and the council, as this would give them a real impact on making decisions with regard to communities. It should also be remembered to increase the independence and assign additional tasks to a new local self-government unit – the region, which currently has a representative function and supports the communes in fulfilling their tasks.

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Considering the short existence of Maltese self-government and the specificity of this country, it can be concluded that subsequent amendments and reforms are changes in the right direction and it is hoped that they will be continued and deepened.

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ORIGINAL PAPER

Investigating the impact of Goods and Service Tax (GST) on the banking sector with reference to selected banks in India

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Abstract:

The banking sector is one of the main sectors of our economy and generates huge revenue income. India is a nation with impressively splendid banks with ample resources and rules and regulations that are well-regulated. GST, i.e. Goods and Service Tax, a new tax regime launched at midnight on 1 July 2017, is one of the biggest transformations faced by the industry during this time. GST is a replacement to the VAT system. Tax rate on banking services have been increased in the present system. This study seeks to understand the problems faced by the banking sector and their impact on customers following the introduction of the GST. By abolishing the centralized registration of banks, the new tax regime has taken an unprecedented measure. All bank branches now have to register for smooth functioning in each state under GST. This research study emphasizes on the challenges faced by the banking sector on the introduction of GST and the implications for improving the rules, wherever required. This study helps the effect of GST on the banking sector to be understood by detailing the problems and advantages of GST. The perception of banking employees on the GST impact on the banking is undertaken through questionnaire. Areas of improvements which can be made in the GST sector are analysed.

Keywords: *Goods and Service Tax (GST), Value Added Tax (VAT), banking sector, perception, bank employees.*

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Introduction

Indirect taxes can be defined tax levied on goods and services. Indirect taxes are not charged on profits India's history of indirect taxation goes back a few centuries, and we get some proof of the same in Kausalya's Arthashastra. Taxes were obtained during those days in the form of crops and agricultural products. For instance, Kumar et al. (2021) suggested that India represents the second largest consumer, but at the same time the fourth largest producer of natural rubber in the world considering the importance of agricultural sector. Hawaldar et al. (2020) investigated non-performing assets in the case of Indian agricultural loans. According to Manu Smriti, the king was expected to plan tax collection in such a way that the taxpayer did not feel the pinch of paying taxes. According to his decree, artisans and traders were required to pay 1/5th of their profits in silver and gold, while farmers were required to pay 1/6th, 1/8th, and 1/10th of their harvest depending on their individual circumstances.

In the Arthashastra, Kautilya mentions "Koshamoolodanda" and remarks that the treasury and its inflows are the origins of the might of a nation. Later, in 1922, the British revised the indirect tax collection scheme in India. (VAT in India – Past, Present and Future n.d.). With the introduction of excise duties, the modern history of indirect taxation started. In 1944, the Central Excise Act was drawn up and progressively updated until 1969, from year to year. More recently, the launch of VAT took place in 1986. The main goal was to allow producers to be reimbursed for excise duties paid on goods. Initially confined to raw materials and components, the scope of MODVAT was subsequently extended to include capital goods in 1994. In 2005 VAT was introduced in 21 states replacing all local taxes. The VAT system has different rules in different states of India.

The Concepts of GST are very important in order to understand the main objective of this research study. GST is value added tax levied on manufacture, sale and consumption of goods and services. GST is charged at each and every stage of the supply chain until it reaches the consumer. The supplier can avail credit of GST paid on purchase of goods/services and can set off this credit against the GST payable on supply of goods and services to be made by him.

CGST/SGST/UTGST/IGST

With some exclusions, all transactions involving the supply of goods or services for consideration are subject to the destination-based GST tax. GST includes:

- State Goods and Services Tax (SGST): levied and collected by State government; Union Territory Goods and Service Tax: imposed and collected by Union Territories without Legislature; Central Goods and Service Tax (CGST): levied and collected by Central governmentThe Integrated Goods and Services Tax is applied to interstate supplies of goods and services (IGST). All interstate purchases are subject to IGST, which is made up of CGST, SGST, and UTGST.

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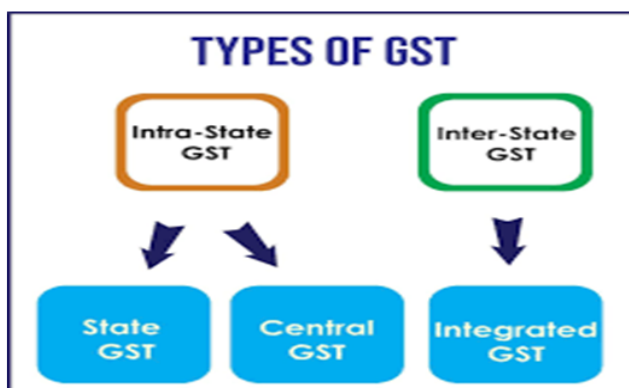


Figure 1: Types of Goods and Service Tax

Objectives:

- To review the perception of GST by the bankers
- To study the impact of GST and VAT on banking sector
- To compare man power requirements for GST implementation
- To identify the challenges faced by the banks in the implementation of GST

Problem Statement

There has been a drastic change in banking sector with the implementation of advanced technology. It is also felt that the taxation system places an important role in the banking domain. Indian banks have been following VAT over the years but in 2017 GST has come into existence. The bankers have undergone various challenges in implementing the GST system as it has got extra documentation and extra returns to be filled. This study makes an attempt to understand banker's perception and how to come out of the challenges in GST system

2. Literature Review

This study reveals the changes that are required to be made in banking sector after implementation of goods and services tax. Certain issues, difficulties, and benefits to banking industry due to the GST system are also explained. IT systems will need to be more vigilant in terms of serving the purpose of solving the complexity related to GST compliance and procedures at a higher volume (Meena, 2018). Moreover, Kaur et al. (2018) explained structure of GST and gap between previous indirect taxes and current one GST. This study will also help us to examine the opportunities and challenges which are linked to banking sector after implementation of GST. Therefore, the prospect of a collective gain for business, trade, agriculture, and regular consumers as well as for the federal government and state governments may be brought on by the introduction of the GST.

In another research work, the author analyses the proposed GST framework and Current Taxation System. The proposed GST framework and current Taxation System were identified and compared and then its impact on various Sectors was described. The study also analysed the differences between present regime (VAT) with GST regime. For instance, Government authorities in India divide taxes into two major categories, such as: direct taxes and indirect taxes

(Swadia, 2016). Singh (2017) argued that considering the current credit delivery system, certain major categories are identified, namely: a) Commercial Banks, b) Regional Rural Banks also known as RRBs, c) Short term co-operative credit institutions and d) Long term cooperative credit organisations.

Kumar and Rafee (2017) suggested that the GST applies to all services wherein there is a supply of services for consideration. So, in banking transactions such as credit card payments, fund transfer, ATM transactions, processing fees on loans etc., where the banks are levying charges, increased tax rates would apply. This would have a slight inflationary impact. Also, interest on loans, trading in securities, foreign currency and retail services will also fall within the ambit of GST. On the other hand, Spulbar and Birau (2019) highlighted the impact of cybercrime effects on the banking sector for the sample cluster of countries from ASEAN, considering key aspects such as cyber-criminal activity, cyber security and banking management.

The need for this research study is motivated below. In this research paper, we are going to study the impact of GST on the banking industry both the public sector and private sector banks. For this purpose, we have selected banks like State Bank of India, Bank of Baroda, Union Bank of India and private sector banks like ICICI bank, HDFC banks and Axis banks. The gaps of the GST system when compared with the old system are analysed.

3. Research methodology

For this study, primary data have been collected in the form of questionnaire which was given to branches of above-mentioned banks in Mangalore city from India. There were 55 respondents in total.

Secondary data have been collected through various published reports, journals and other websites containing various information on impact of GST on banking sector.

Data analysis tools and techniques: The data has been analysed using MS office Excel Target Representation for study: Employees of the above-mentioned banks.

Sample Area of Study: Mangalore, India

Data Presentation: The data has been presented with the help of pie chart, bar diagram and other charts

Statistical Tools: Statistical tools such as descriptive statistics, graphical presentation, chi square tests, T tests and ANOVA have been used for the analysis.

4. Empirical analysis and results

Primary data was used to analyse bank employees' understanding of GST through a short survey. The questionnaire was prepared using Google Forms and distributed to various branches of above-mentioned banks. The data collected have been interpreted in the form of bar graphs, pie charts and other plots. The respondents are classified based on the experience level. People with high experience level have a better knowledge as they have worked in both the GST and VAT systems.

This survey therefore, helps us gain an insight on preferred taxation system in India from the banker's point of view. Out of the 55 respondents, 34 of them were from private banks. The rest of them were from Public sector banks as

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depicted in table 1. The respondents include beginners with less than 1 year of experience as well as professionals with more than 20 years of service.

Table 1: Banks classified by its types

	Frequency	Percent	Valid Percent	Cumulative Percent
Private banks	34	61.8	61.8	61.8
Public sector banks	21	38.2	38.2	100.0
Total	55	100.0	100.0	

Based on the data collected from the bankers of 3 public and 3 private sector banks, it is found from figure 12, that GST is preferable than VAT system. All the respondents have favoured GST system over VAT system showing that GST has more advantages and is more convenient to the bank employees.

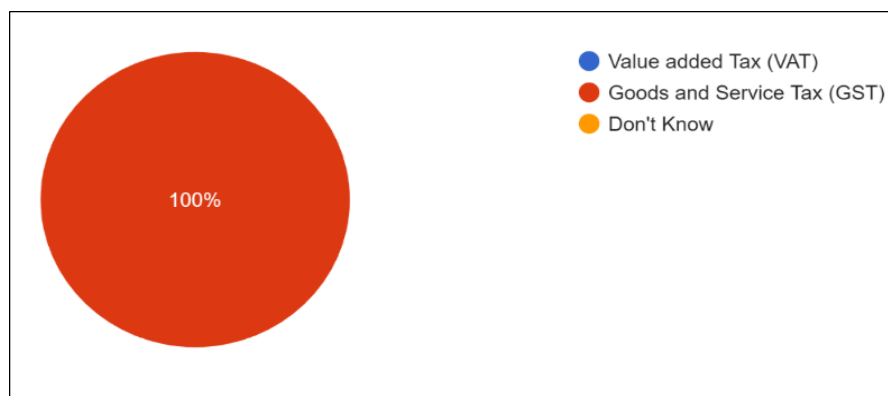


Figure 2: Preference of GST over VAT

Table 2: Preference of GST over VAT

		Responses		Percent of Cases
		N	Percent	
Why You Prefer GST?	More transparent	22	40.0%	53.7%
	Reduce double taxation effect	28	50.9%	68.3%
	GST improved bank services	5	9.1%	12.2%
Total		55	100.0%	134.1%

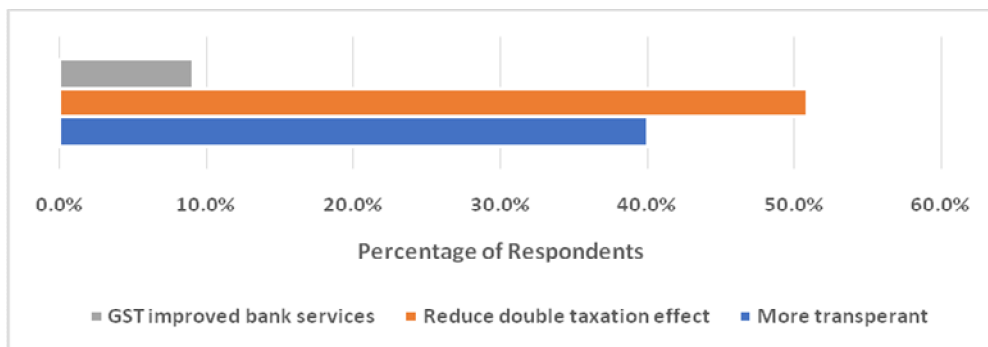


Figure 3: Impact of GST

The respondents were asked the reason why GST system was more effective than the VAT system. Majority of them were of the opinion that reduction of double taxation effect was the most important reason why GST was more preferred. Other mentioned reasons were that GST is a more transparent system and that GST has improved banking services.

The majority of respondents obviously like the GSTN portal. Every feature, including tax payer registration (new, surrender, cancel, change, etc.), invoice upload, buyer purchase information auto-drafting, GST returns filing on specified dates for each type of return, tax payment by creation of Challan and integration with Banks department, and electronic returns filing on specified dates for each type of return. The site is simple to use and comprehend. The portal is really effectively and efficiently constructed.



Figure 4: Satisfaction with GSTN portal

It is evident from the figure 13 that only 31% of the respondents are fully satisfied with the GSTN portal. Rest of the respondents opined that the portal is good but there is scope for further improvements. Overall, the performance of portal is satisfactory. Next figure depicts the experience level (in years) of the respondents. Bank employees with high level of experience have worked under both VAT and GST taxation system. The GST system was favoured over the VAT system, by experienced bank employees. From this it can be inferred that GST is much better than VAT system.

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Respondents were asked about the benefits of GST in their professional life. As far as improvements in banking services due to GST is considered, respondents were having varied opinions. 46% have agreed that banking services improved due to GST. With regard to increased profit due to GST, 38% of the respondents felt that GST increased banking profits whereas other 38% of respondents remained neutral.

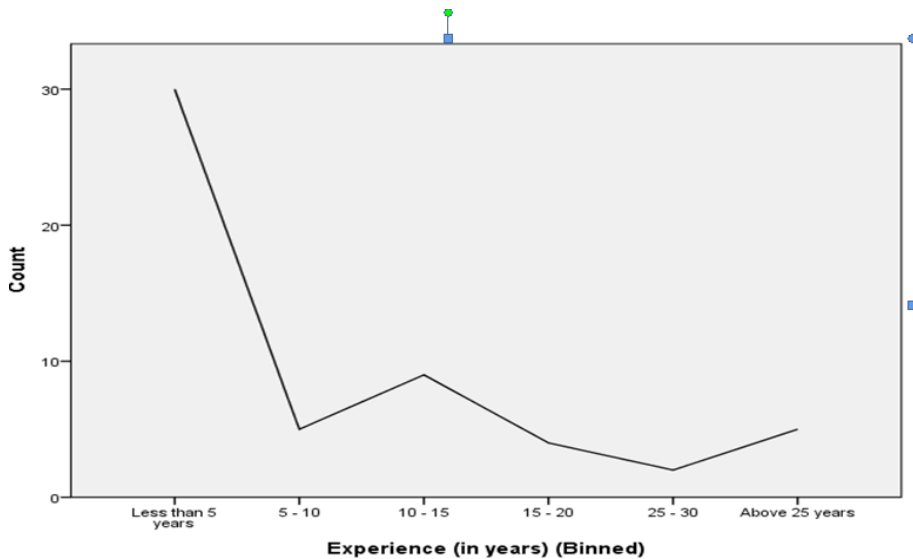


Figure 5: Experience of bank employees

Most of the respondents (54%) have agreed to the statement that GST implementation has made their job easier and also transition from VAT to GST system was smooth (62%). These results are visually presented in figure 5.

Chi – square test has been applied to check if there is an association between adequacy of manpower and type of banks. From the results given in table 4(test statistic = 19.433^a, p-value<0.01) it appears that private banks have less man-power problems. Since private sector banks pay less to the employees in comparison to public sector banks, they are able to employ more people. Public sector banks, on the other hand have more problems in working with GST. This shows that the public sector banks should employ more people in this regard. Efficient training has to be given to the bank employees in the field of GST. The figure 6 and table 3 also confirm the same.

Table 3: Manpower issues in public and private sector banks

		Lack of manpower			Total
		Severe Problem	Minor problem	Not a problem	
Type	Private banks	5	9	20	34
	Public sector banks	8	13	0	21
Total		13	22	20	55

Table 4: Chi- square test for manpower issues

	Value	Df	Asymptotic Significance (2-sided)
Pearson Chi-Square	19.433 ^a	2	.000
Likelihood Ratio	26.054	2	.000
Linear-by-Linear Association	14.756	1	.000
N of Valid Cases	55		

a. 1 cells (16.7%) have expected count less than 5. The minimum expected count is 4.96.

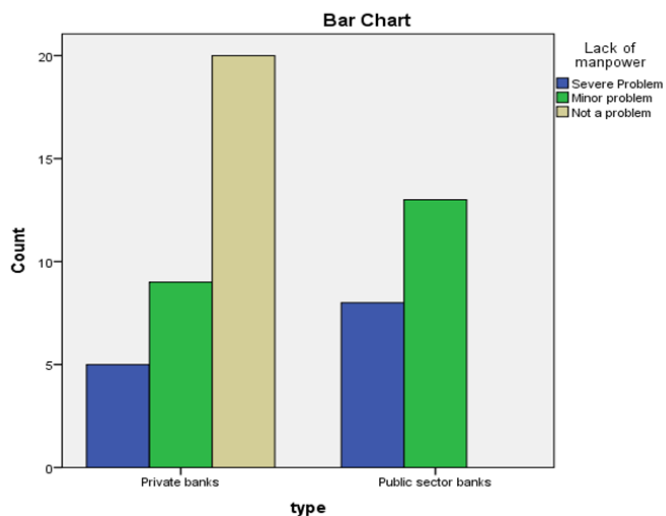


Figure 6: Manpower issues in public and private banks

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Table 5: Documentation in Banks

		Severe Problem	Minor problem	Not a problem	
Type	Private banks	0	14	20	34
	Public sector banks	8	13	0	21
Total		8	27	20	55

Table 6 : Chi Square test of Documentation Process in Banks.

	Value	Df	Asymptotic Significance (2-sided)
Pearson Chi-Square	26.442 ^a	2	.000
Likelihood Ratio	35.751	2	.000
Linear-by-Linear Association	25.943	1	.000
N of Valid Cases	55		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 3.05.

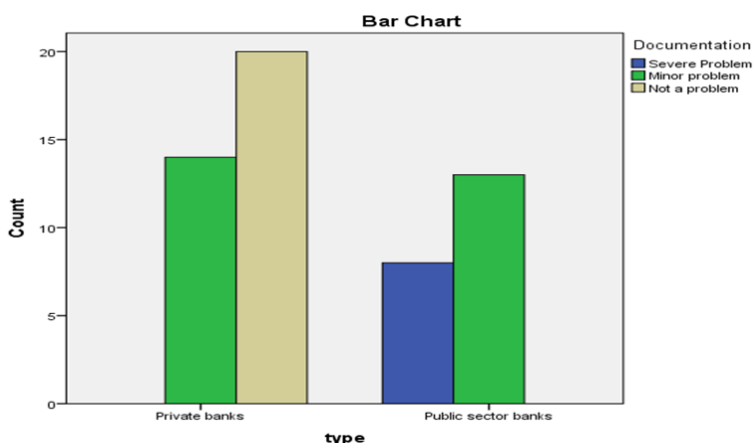


Figure 7: Documentation in banks

It is evident that majority of the respondents have agreed that documentation is tedious. GST has lots of documentation when compared with the previous VAT system. There are more than 25 returns in a year to be filled under the GST regime. It is highly time-consuming process. Also, from the Chi-Square tests (test statistic = 26.442^a, p-value<0.01) performed to find the dependency of documentation on type of bank, it was found as represented in table 5 and 6 that public sector banks face more difficulty in the GST documentation process. One of the possible reasons to explain this is that public sector banks have lesser manpower as already mentioned. Due to the increased manpower in the private banks, the documentation process becomes comparatively easier to handle. These results are also highlighted in figure 8.

Respondents in majority have opined that the GST levy on bank-to-bank transaction is a problem. In the earlier system there was no tax charged on banking transaction intra state. This made the banks to account for tax in each and every transaction. All these results are consolidated in figure 8.

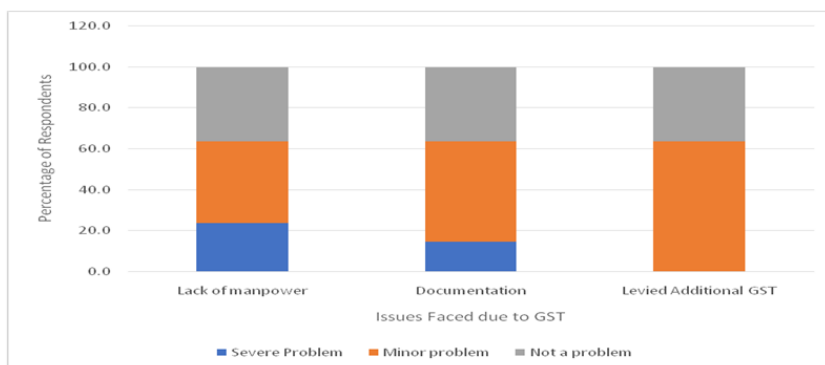


Figure 8: Issues faced in GST

Perception of Bank Employees towards GST implementation

To gather information on perception of bank employees towards GST implementation, they were asked to indicate their level of agreement using the scale (5- strongly agree to 1- strongly disagree) on the following four statements

- 1) Introduction of GST in India has improved the banking services
- 2) Introduction of GST has led to increase in bank profits
- 3) Implementation of GST has made your job easier
- 4) Transition of VAT to GST was smooth

By adding the scores on the four statements GST favourable score of each respondent was calculated. Using the following formula these scores were converted to range from 0 to 100.

$$\frac{(\text{Score } 4)}{20 - 4} * 100$$

The descriptive statistics pertaining to GST favourable score of bank employees is given in

Table.7: Favourable Score of GST - Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
GST favourable score	55	18.75	100.00	60.6818	25.56290
Valid N (listwise)	55				

We observe that average GST favourable score of bank employees is 60.68 with a standard 25.26.

Comparison of GST favourable scores of employees of private and public sector banks

Descriptive GST favourable scores of employees of private and public and sector banks is given in the table

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Table 8 : Group Statistics

	Type	N	Mean	Std. Deviation	Std. Error Mean
GST favourable score	Private banks	34	66.7279	29.90359	5.12842
	Public sector banks	21	50.8929	11.23014	2.45062

To test the significance of mean GST favourable score of public and private sector banks, independent samples 't' test was employed and the results are given in the table.

Table 9 : Independent Samples Test

		Levine's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
GST favourable score	Equal variances assumed	30.875	.000	2.321	53	.024	15.83508	6.82314	2.14959	29.52058
	Equal variances not assumed			2.786	45.847	.008	15.83508	5.68386	4.39304	27.27713

The null hypothesis of equality of mean GST favourable scores of private and public sector banks was rejected and concluded that employees of private banks are more favourable towards the implementation of GST.

Experience level of bank employees and GST favourable scores

In this section, GST favourable scores of employees with varied experience levels are compared employing one way ANOVA. Employees were classified into three categories

- 1) Employees having less than 10 years of experience
- 2) Employees having 10 to 15 years of experience
- 3) Employees having more than 20 years of experience

Descriptive Statistics of GST favourable are given in table 10 as following:

Table 10 : GST favourable score

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
Less than 10 years	35	13.2000	4.57487	.77329	11.6285	14.7715	7.00	20.00
Between 10 to 20 years	13	14.0000	3.31662	.91987	11.9958	16.0042	11.00	18.00
More than 20 years	7	15.7143	1.88982	.71429	13.9665	17.4621	15.00	20.00
Total	55	13.7091	4.09006	.55150	12.6034	14.8148	7.00	20.00

It appears that employees having more than 20 years of experience are more favourable towards the implementation of GST. However, analysis done using one way ANOVA revealed as such there is no significant difference in the mean GST favourable scores of employees belonging to different experience levels. Table 9 gives the results of one way ANOVA.

Table 11 GST favourable score - ANOVA

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	38.317	2	19.158	1.152	.324
Within Groups	865.029	52	16.635		
Total	903.345	54			

5. Discussions

It is noted that all the chosen banks agree that GST is better than the VAT system. This research shows that bankers are still facing difficulties using the GST portal. Employees who served in both tax systems felt that GST was more trustworthy. GST was chosen by new hires because they have no job experience in the VAT system. The study shows that 50 percent of bankers have revealed that the banking system has been strengthened by implementing GST. It also shows that there is a lot of space for progress.

Most respondents are very confident that GST has improved the banking services and has made the transition to the GST system smooth. GST was found not to have improved in terms of the profitability of the banking sector. In order to support the financial sector, methods in GST law should be adopted. Manpower for the smooth functioning of GST is required. Banks must ensure that there is adequate workforce in each branch. Since there are several returns, each and every return is needed under the GST system documentation. Documentation preservation is hard. GST data reconciliation is a very difficult.

GST registration is required for each and every branch in the state which was not present in the earlier system. The banking services became costly by 3% after the introduction of GST. There is space for changes to make it more comfortable for workers on the GST portal. Employees need to be educated in this portal to increase their effectiveness. The banking authorities should look at

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current banking services in order to comply with the standard criteria. To fill the void between GST and profitability, extensive research has to be done. The public sector needs to raise the number of workers in the GST feature management divisions.

The annual / monthly number of GST returns must be reduced. Software should be enhanced to promote reconciliation. In this regard, the old VAT rules must be applied in the GST system regarding the registration of banks under GST

6. Conclusions

In this study, an attempt has been made to analyse the impact of GST on the banking sector. It focuses on the benefits and limitations faced by the bank in the implementation of GST. From the analysis it was found that GST has not made a huge impact in increasing the profitability of the banking industry. This can be elucidated by the fact that the financial services provided by the banks became costly after GST implementation. The transactions between banks of same branches in two different states are taxed under GST which was not followed in the VAT system. Moreover, the banks have to be registered under GST in each and every state they operate in. It was observed that a greater number of returns are required to be filled under the GST regime which in turn makes the documentation tedious.

The study also emphasises on the finding that functioning of GST system requires more manpower, hence increasing the necessity of recruiting skilled employees or providing effective training to the bank employees. Also, most of the bank employees are of the opinion that GST law should be made more user friendly to banks by reducing the number of returns to be filled, upgrading the GSTN portal to make the reconciliation of GSTR easier. It also shows that the GST system has improved the banking services when compared with VAT system. It also emphasises GST system is always better than the VAT system as the GST will increase banks business which in turn helps in attaining additional demands of funds. Additional demand of funds in turn will increase the number of the transactions of the bank. The effect of GST on banking transactions, operations and enforcement would need to be completely reconsidered. GST therefore has both positive and negative impact on the banking sector. Nevertheless, it is better than the VAT system in more ways than one. This study can be further extended by Non-banking financial companies to get a clear picture of the benefits of GST.

Authors' Contributions:

The authors contributed equally to this work.

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APPENDIX

Questionnaire

*Required

1. Which type of tax system is preferable•
Mark only one oval.
 Value added Tax (VAT) *Skip to question 3*
 Goods and Service Tax (GST) *Skip to question 4*
 Don't Know
2. If you have chosen option VAT. Why? (Select one or more)•
Tick all that apply.
 No separate registration for bank branches
 Offline mode for payment available
 Other: _____
Skip to question 4
3. If you have chosen option GST. Why ? (Select one or more)•
Tick all that apply.
 Uniform rate
 of tax
 More
 transparent
 Reduce double taxation effect
 Other: _____
Skip to question 4
4. Please rate your agreement on the following statements
Mark only one oval per row

Strongly disagree
 Disagree
 Neutral Agree
 Strongly Agree

Introduction of GST in India has improved the banking services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduction of GST has led to increase in bank profits			<input type="radio"/>	<input type="radio"/>

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Implementation of GST has made your job easier

The transition from the VAT system to GST Regime was smooth

5. Your opinion on the following issues•

Mark only one oval per row.

	Not a Problem	Minor Problem	Severe Problem
Lack of man power	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Documentation is tedious	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additional GST levied on bank to bank transaction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Any other issues.
Please specify

7. GSTN Portal•

Mark only one oval per row

Unsatisfactory
Good Excellent

Satisfaction with GSTN portal

8. What improvements can be made in GSTN portal?

9. Suggestions to improve GST system in India

Skip to question 10

Personal Information

10. Name

11. Designation•

12. Bank Name•

13. Branch•

14. Experience (in years)

15. Email Id

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ORIGINAL PAPER

Common Security and Defense Policy and Kosovo: A critical analysis of the EULEX Mission

Lulzim Krasniqi¹⁾, Jonuz Abdullai²⁾

Abstract:

After the fall of the communist regime in Eastern and Central Europe, a new geopolitical context was created on the European continent and beyond. These changes had important implications for the security and foreign policy dimension of the EU. The political turmoil that erupted in the former communist countries in the early '90s and especially the wars in the former Yugoslavia that began in 1991 highlighted the EU's lack of capabilities to respond to crisis management situations either in its own backyard or in other parts of the world. This was reaffirmed during the Kosovo war in 1998-99, where the EU failed to play any major role in resolving the conflict. Because of changes in the geopolitical landscape in its neighborhood and beyond, the EU began to increase its efforts to empower the foreign and security policy. In this regard, the European Union Rule of Law Mission in Kosovo (EULEX) - which is the subject of study in this paper - is of great significance. This is because EULEX is the largest civilian mission ever launched under Common Security and Defense Policy of the European Union, and is therefore an important exam through which the EU's capabilities in implementing these policies on the ground are tested. Analytical discussion takes place through a mixed methodology where both qualitative and quantitative methods are combined. The study highlights that the EULEX mission has faced significant challenges in terms of efficiency and public image, concluding that the lessons learned from the EULEX mission's work will serve as a valuable experience that can help the EU in its efforts to strengthen the Common Security and Defense Policy further.

Keywords: *EULEX, European Union, Kosovo, CFSP.*

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Introduction

This article examines the EULEX mission in Kosovo. The paper provides a brief explanation on the evolution of the Common Foreign and Security Policy (CFSP) under whose mandate the EULEX mission is carried out. The article further highlights that the implementation of the EULEX mission in Kosovo is faced with significant challenges that are related to the aspect of efficiency and public image. Regarding performance assessment, it is important to note that it can be challenging and possibly insufficient to 'measure' the outcomes of the mission's activity from a quantitative standpoint. This is because the 'amount' of activities carried out on the ground - as quantified in EULEX's work reports - does not necessarily reflect EULEX's success or failure in achieving its goals regarding the rule of law in Kosovo. As a result, in order to shed more light on the mission's wider impact, a multidimensional analysis is necessary. This analysis should not be limited to the treatment of activities from a quantitative standpoint, but rather should broaden the scope of research by evaluating the mission's effects on three particular fields (justice, police, and customs), where its work has been concentrated.

While during the Kosovo war (1998-1999) the EU failed to be a decisive actor in the crisis management process, Kosovo now represents an important point. This is because the reflections about the work of the EULEX mission in Kosovo will serve as valuable inputs in the process of strengthening the Common Security and Defense Policy.

The paper is organized as follows: the first part explains the methodology; the second part deals with the review of the literature offering at the same time an interpretation through which it is argued that the process of transformation of CFSP over the years, to a large degree, has been determined by external factors, namely, from the political dynamics outside the EU which had implications in the sphere of foreign and security policy for the European Union. The third part provides an analytical overview of EULEX's work in Kosovo, the mission's interaction with local authorities, challenges, difficulties and achievements. The fourth part brings the conclusions.

Methodology

The analytical discussion is developed through a methodological mix where qualitative and quantitative methods are interwoven. Quantitative data has been gathered from secondary sources. The same serve to strengthen the theoretical arguments built through the qualitative method. Initially, the review of literature was done through which the theoretical framework is outlined, helping explain the context within which the EU's foreign and security policies were designed and evolved, then continuing discussion about the implementation activity of the EULEX mission on the ground - by employing quantitative and to some extent interpretative methods.

Literature review

Common Security and Defense Policy and its evolution

In spite of the enlargement of the EU over the decades, becoming one of the most powerful economies in the world, its role in the sphere of foreign and security policy has been considered weak (Wallace, Polack & Young, 2010; Margas, 2010). With the fall of the communist regime in Eastern and Central Europe, a new geopolitical context on the European continent and beyond was created. These changes had important implications in the security and foreign policy dimension of the EU. The political turmoil that erupted in the former communist countries in the early 1990s

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revealed that the EU is unprepared to be a relevant factor capable of playing any decisive role in foreign policy and crisis management on the international stage.

After the dissolution of the Soviet Union and ex-Yugoslavia, a considerable number of independent states emerged in the neighborhood of the European Union. Most of them will face challenges regarding the consolidation of their democratic institutions and shifting the economic model from planned economy to that of the free market. Simultaneously, these countries expressed their aspirations for deepening the cooperation with the EU with the end goal of becoming full members of the European Union. For its part, the EU welcomed the transformation of these countries from a communist system to a democratic one, and pledged to assist them in the consolidation of democratic institutions and creating free market economies while offering them the prospect of full integration into the EU.

Moreover, the Persian Gulf crisis in 1990 and the wars in the former Yugoslavia that began in 1991 evidenced the EU's deficiency in responding to crisis management situations either in its own backyard or in other regions of the world. This was again reaffirmed during the Kosovo war in 1998-99 where the EU failed to play any major role in resolving the conflict (Hix & Hoyland, 2011: 311). Hence, it was mainly geopolitical dynamics, which made the European Union to finally "take some decisive steps towards developing a credible common security and defense policy" (Wallace, et al., 2010: 435).

After the adoption of the Maastricht Treaty in 1992, which entered into force in 1993, the EU countries created the legal framework that paved the way for the creation of the Common Foreign and Security Policy (CFSP) as well as institutional mechanisms for its implementation (Hancock & Peters, 2003). Establishment of CFSP in 1993 followed by the creation of the European Security and Defense Policy (ESDP), which was ratified in 1999, demonstrated the commitment of the EU states to work together in structuring an integrated policy that will represent the EU's interests at the international arena. This is an important development in the history of the EU, considering the fact that the interests of the member states in foreign and security affairs have been constantly accompanied by considerable divergences (Ginsberg, 2007).

The basic goals of CFSP are the protection and security of the European Union and the promotion of security and cooperation outside the borders of the EU. Through the establishment of CSDP, now the possibility of using military and police power as instruments to implement the policies and interests of the EU in terms of crisis management at the international level is created (Archer, 2008). As a result, in addition to the 'soft' instruments (primarily economic sanctions) available to the EU to exert political pressure, the military instrument has now been added (ibid.). Over the years, the EU's defense and security institutional framework is enhanced with additional institutions, such as the Political and Security Committee (PSC), the Military Committee of the European Union (EUMC), the Committee for Civilian Aspects of Crisis Management (CIVCOM) as well as the EU Military Staff (EUMS) (Margas, 2010: 1). Since the creation of the CSDP, a number of achievements have been marked in the field of conflict management through a considerable number of missions carried out in many parts of the world. However, as Wallace et al., point out: "it still remains far short of an integrated single policy, with integrated diplomatic, financial and military instruments" (2010: 435).

Despite the differences on various issues of foreign policy and global security, including relations with NATO, the European Union, through the CSDP has managed to maintain a solid coordination in the Western Balkans, albeit with significant constrains

(Margas, 2010). This is because the EU considers the peace and stability of the Western Balkan countries to be a priority, as these countries have been offered the prospect of EU membership.

The EULEX mission in Kosovo

As it did during the other wars in the former Yugoslavia in the early 90s, the EU remained non-unique and reluctant to act in the Kosovo war in 1998-1999, despite the fact that Kosovo was an almost forewarned conflict. It was the military intervention led by NATO that forced the Yugoslav army and police forces to end the bloodshed and the mass deportation from Kosovo of the Albanian civil population. Right after the end of the war, Kosovo was placed under the administration of the UN, through Resolution 1244 of the United Nations Security Council, adopted on June 10, 1999. The United Nations Interim Administration Mission in Kosovo (UNMIK), under the authority of the UN Secretary-General's Special Representative (SRSG), took over the interim civilian administration of Kosovo. NATO was responsible for military security and for this purpose deployed a significant military force consisting of approximately 60,000 troops (EUISS, 2009). Despite significant reduction, approximately 3,770 military troops still remain in Kosovo (NATO, 2022). In this process, the EU was given a role, but within the UNMIK mission. The EU was tasked with the issue of reconstruction, considering its willingness to provide financial support in this area. However, the political ownership of the process of post-conflict management of Kosovo was in the hands of the UN (King & Mason, 2006).

After several years under the UNMIK administration, in November 2005, the UN Secretary General appointed the former Finnish president Marti Ahtisaari to work on exploring possibilities to resolve the future status of Kosovo. This mandate opened a two-year process of intensive negotiations held in Vienna (Austria) between Kosovo and Serbia, mediated by the Contact Group - a political body that included France, Germany, Italy, Russia, the United Kingdom and the United States (Weller, 2008). Ahtisaari's plan for the future status of Kosovo, known as the 'Ahtisaari Package,' was revealed in March 2007. This plan recommended 'supervised independence' as the only viable option for Kosovo. The plan was supported by Kosovo authorities, as well as the majority of EU member states and the United States. Serbia and Russia, on the other hand, were opposed to the plan.

On February 17, 2008, the Assembly of Kosovo proclaimed the Independence of Kosovo including all the provisions defined in the Ahtisaari Plan within the new Constitution of the Republic of Kosovo. The declaration of independence was followed by recognition by 22 out of the 27 EU member states.

In parallel with the beginning of the negotiation process for the solution of the future status of Kosovo, the Council of Ministers, in December 2005, welcomed a joint report by High Representative Solana and Commissioner Rehn on the 'Role and future contribution of the EU in Kosovo' (Official Journal of the EU, 2006). This report, among other measures, envisaged the need to prepare for a possible integrated ESDP mission in Kosovo in the field of rule of law. An EU planning team to prepare for the mission's successful deployment was established and sent to Prishtina in April 2006 (ibid.).

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Commencement of the mission

Launching the mission in Kosovo seemed a complicated process because not all EU member states supported Kosovo's independence. Thus, just one day after the declaration of independence by the Assembly of Kosovo, the Council of the EU declared that the member states of the EU "(...) will decide in accordance with national practice and international law, on their relations with Kosovo" (Council of the EU, 2008). This way, the Council clarified that EU member states will build bilateral relations with Kosovo in accordance with their national interests. This approach paved the way for consensus among EU member states, allowing the EULEX mission to be launched on time. However, due to the opposition of five member states to recognize the independence of Kosovo, the EULEX mission is obliged to maintain a neutral status towards Kosovo. As can be seen, the very launch of the EULEX mission exposed the old argument that EU member states still have divergent views and interests on various aspects of foreign and security policy. The EU's neutral stance on Kosovo's status, as with the EULEX mission, became the EU's consistent stance on Kosovo from then on.

The EULEX mission was launched in February 2008, following a decision by all 27 EU member states. The mission's operational phase began in December 2008, and full operational capacity was reached in April 2009. EULEX reported to the EU High Representative for Foreign Affairs and Security Policy as well as EU Member States through a unified chain of command (EEAS, n.d.). The mission operates under the general framework of UN resolution 1244.

Purpose, legal basis and structure of the mission

The main purpose of the EULEX mission was to assist and support the Kosovo authorities in the area of rule of law, especially in the areas of police, judiciary and customs. The legal basis of this mission derives from the European Council Joint Action 2008/124/CFSP of 4 February 2008, where it is stated that "*EULEX (...) shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent and multi-ethnic justice system and a multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices (...)*" (Council Joint Action, 2008).

The EULEX mission is conceived to be a collaborative endeavor between the EU and the Kosovo authorities, adhering to the notion of local ownership (EUEA, 2014). Therefore, the field work of the mission was carried out through "*monitoring, mentoring and advising whilst retaining some executive responsibilities in specific areas of competence, such as war crimes, organized crime and high-level corruption, terrorism as well as property and privatization cases*" (EULEX Kosovo, n.d.). In terms of personnel, EULEX consisted mainly of judges, prosecutors, police officers and customs officials. The EULEX mission is the largest civilian mission ever launched under the Common Security and Defense Policy of the European Union (Pond, 2008: 97).

Table 1. Information about the EULEX mission

Full mission's capacity(2009)	1,900 international staff; 1,100 local staff
EU contributing countries	26 countries, except Cyprus
Non-EU countries	6 countries: Canada, Croatia, Norway, Switzerland, Turkey and USA
Annual budget	111 million euros

Source: Wallace et al., 2010: 447; EUISS, 2009.

EULEX was divided into two divisions: the '*Executive Division*' and the '*Strengthening Division*.' The Executive Division had the role of investigating, prosecuting and adjudicating sensitive cases using its executive powers. On the other hand, the 'Strengthening Division' was active in exercising the role of monitoring, mentoring and advising local authorities in the fields of police, justice and customs (EULEX Kosovo, n.d). In June 2018, the mandate of the mission was extended until June 14, 2020, though being reduced to a monitoring role and with only some limited executive functions retained (EEAS, 2020).

Performance

The mission has performed a sizable number of tasks related to its executive, mentoring, monitoring, and advising responsibilities since its start. Table 2 below reflects some of EULEX's performance indicators for the period 2008-2014.

Table 2. EULEX activities (2008-2014)

Executive functions	Monitoring, mentoring and advising functions
<ul style="list-style-type: none"> -Over 566 decisions in criminal matters (corruption, organized crime, and war crimes) have been made by EULEX judges; -250 instances of war crimes were investigated, or lawsuits were filed; -Over 40,000 cases of property conflicts have been resolved; -Supported the restoration of the rule of law in the municipalities of northern Kosovo; -Facilitated the integration of 287 Kosovo Serb policemen in the north of Kosovo under the chain of command of the Kosovo Police; -Copied and certified 12,391 books of the original Civil Registry of Kosovo, which were located in Serbia; -Has supported the Kosovo Police in capacity building; -Has facilitated the implementation of the agreement on freedom of movement reached in the Kosovo-Serbia talks in Brussels, etc. 	<ul style="list-style-type: none"> -In order to create an impartial, competent, and accountable judicial and prosecutorial system, EULEX has assisted the Kosovo Judicial Council and Kosovo Prosecutorial Council; -Provided professional support to the Kosovo authorities in drafting over 110 laws and by-laws; -Supported the structural changes in the Kosovo Customs; -Has helped the Kosovo authorities prepare operational and staffing plans for the new high security prison in Podujeva, renovate the Mitrovica Detention Center, and increase prison security and inmate participation through positive activities.

Source: EULEX, 2014; Rashiti, 2019.

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During the period of 15 June 2018 to 14 June 2020, the EULEX mission has monitored “784 court sessions in 214 criminal and civil cases (...), war crimes cases, gender-based violence cases, hate crimes, corruption cases, and cases previously dealt with by EULEX” (EEAS, 2020).

The effectiveness of EULEX has been the focus of several academic, media, and political discussions in Kosovo, throughout Europe, and elsewhere. In this regard, it is important to stress that it is challenging and possibly insufficient to ‘measure’ the outcomes of the mission’s activity from a quantitative perspective. Because the ‘quantity’ of activities undertaken on the ground does not necessarily reflect the success or failure of EULEX in fulfilling its objectives regarding the rule of law in Kosovo. The broad effects of this mission in Kosovo merit a multifaceted analysis that should not be restricted to the direct activities of the mission’s staff, but instead should look at the overall effects that this mission’s work in Kosovo has produced in the areas and responsibilities it has been tasked with.

It is important to note that the Kosovar populace has generally expressed great discontent with the mission’s work. This is because of the high expectations raised from the very beginning, given the EULEX’s broad executive and even exclusive powers to pursue high-profile cases of organized crime and corruption in Kosovo. In the eyes of public opinion in Kosovo, EULEX has not been successful, because not only has it not prosecuted high-profile cases – as EULEX senior officials promised publicly, but after many years of their engagement in Kosovo, the country’s perception of the level of corruption in the public sector remains high, as evidenced by the reports of international and local organizations (Rashiti, 2019: 5). According to Rashiti (2019: 4), the failures of this mission are numerous by adding that finding someone who would deem the EULEX mission successful is difficult. According to Bertelsmann Stiftung’s 2018 Transformation Index Report (BTI), EULEX’s success in fighting corruption has been weak, stressing that “high-ranking corruption cases in particular were not even investigated, which creates an impression of impunity” (BTI, 2018: 34). Similarly, Mahr (2018: 76) points out that if the local population sees international missions like EULEX as ineffective, then this creates “a sense of disappointment and frustration.” In various reports that measure citizens’ satisfaction with the work of the institutions in Kosovo, including the EULEX mission, the latter enjoyed a rather low reputation. According to the study conducted by the Kosovo Center for Security Studies, among other law enforcement agencies in Kosovo, EULEX ranked last with only 22 percent of public approval, compared to KFOR which 60%, or the Kosovo Police with 42% (KCSS, 2012). An illustrative case that tarnished the image of the mission and its credibility was the scandal that broke out at the end of 2014, when a EULEX prosecutor accused a judge of this mission of involvement in corrupt practices with accused parties. A direct confrontation on a Kosovo national television, of the EULEX prosecutor, who accused the former judge of the mission of accepting a bribe from the accused, became a topic of debate and an expression of the dissatisfaction of the Kosovar public with the work of the mission (KTV, 2014). The scandal gained the attention of Brussels, and therefore the EU authorities authorized an investigation process within the EULEX mission (The Guardian, 2014). Accordingly, Eduard Kukan, the Member of the European Parliament’s Committee on Foreign Affairs, in a statement emphasized, “I am concerned that these accusations have already shaken the credibility of the rule of law mission in Kosovo” (EWB, 2014).

Despite the aforementioned issues with this mission's ability to effectively combat corruption and organized crime, nevertheless it may be stated that Kosovo institutions have had significant benefits from the EULEX mission in some segments. EULEX's assistance has contributed to raising the institutional capacity and improving the performance of Kosovar institutions such as Kosovo Customs, the Police, or the judiciary (see, for example, Kosovo Customs, 2016). EULEX has been active - albeit with limited results - in the process of facilitating the integration of parallel Serbian structures in the north within the institutions of the Republic of Kosovo. The mission has also contributed significantly in providing expertise regarding the drafting of Kosovar legislation sponsored by the Ministry of Justice (Rashiti, 2019: 4), thus helping Kosovo to advance the European agenda regarding justice and the rule of law.

Conclusions

The Common Foreign and Security Policy (CFSP) has undergone significant transformations over the years in order to adapt to new dynamics and to position the EU as a significant player in the field of foreign and security policy on the international stage. Reactive behavior has been the main characteristic of this progression, which means that only after the change of the political and security context in the EU backyard and beyond, the European Union took more decisive actions to create the legal and institutional framework pertaining to foreign and security policy. Conflicts in the countries of former Yugoslavia as well as other international crises were the driving force that pushed the EU to work on its transformation from a traditional 'soft power' towards becoming an important factor in foreign and security affairs. Although EU member states still display significant differences on various issues of foreign and security policy, nevertheless important steps have been taken so far in creating the legislative infrastructure – through the Treaty of Maastricht, the Treaty of Amsterdam and the Treaty of Lisbon – along with relevant mechanisms for the implementation of defense and security policies.

The EULEX mission in Kosovo represents an important example that will test the EU's abilities in the implementation of these policies on the ground. The mission's success, difficulties or failures in fulfilling its mandate have already become the subject of discussions within EU institutions and the academic community. As a result, the analytical reflections on the work of this mission in Kosovo will be valuable inputs to the EU's efforts to strengthen the European Security and Defense Policy even further.

Authors' Contributions:

The authors contributed 60:40 to this work: Lulzim Krasniqi 60% and Jonuz Abdullai 40%.

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ORIGINAL PAPER

Improving Academic Outcomes and Behaviours through SEL (Social and Emotional Learning)

Costina Denisa Bărbuceanu¹⁾

All learning has an emotional base.
Platon

Abstract:

It is said that social and demonstrative skills are indicators of how well a person adapts to the social setting, acclimates and changes, and ultimately the success she/he will have in lifespan. In fact, basic developmental skills such as meticulousness, emotional stability, openness, and the ability to be pleasant may be even more important than cognitive intelligence in determining future employability. Despite the fact that these skills are linked to central life outcomes, it can be challenging for teachers to find operative ways to rank, teach, and evaluate social and emotional skills. The expansion of these indispensable life skills through social and emotional learning (SEL) is critical for students' progress, as it is directly related to their success and contentment as adults. For many future students, school is the only place where any deficiency in these skills can be spoken before they become adherents of society. Combining these skills with academic development creates high-quality learning experiences and versatile education environments, (Stoian, 2019a; Stoian, 2019b) that empower students today to be more effective contributors in their lecture rooms and, tomorrow, in their workplaces or groups. The development of these skills has shown several positive results, including better academic outcomes, enhanced attitudes, behaviours and relationships with peers, as well as a deeper linking to faculty, fewer acts of misbehaviour and also less emotional distress (students with depression), unease, pressure or social withdrawal.

Keywords: *social and emotional learning (SEL), academic performance, job and life satisfaction, learning environment, future employability.*

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Introduction

The model of emotional intelligence has been proposed for the first time in Peter Salovey and John D. Mayer - *Emotional Intelligence* and has become an essential area of research in the domain of human resources, management, education and psychology. Daniel Goleman, the author of *Emotional Intelligence* assures that the improvement of students' affective skills is as critical as the evolution of their cognitive qualities, so IE is as essential idea as the more well-known IQ. Daniel Goleman's magnificent study from the borders of psychological science and neurobiology offers surprisingly fresh perception into our two minds -the lucid and the affective or emotional mind, and how they intertwine to configure our fate. Furthermore, drafting on innovative brain and behavioural inquiry, Goleman displays the constituents at work when students of advanced IQ struggle later in life as opposed to those of moderate IQ but possessing the emotional quotient do astonishingly well. (Goleman, 2000). These components, which consider consciousness, self-control, and sympathy in close connection to being somehow smart aren't determined at birth but are shaped by childhood experiences and can be fostered and reinforced throughout the adult life with visible results and performances regarding not only our health, but also our relationships and work. Emotional memories -the way students feel during an educational circumstance- can intensify long-term memory (LTM) retention as opposed to non-emotional memories because constructive feelings and emotions related to an issue can assist students to be active in the learning process for an extended period of time, in the proximity of motivation, and can also determine a psychological emotional impact on their affective state towards the educational content that is being delivered. (Lăpădat, Lăpădat, 2020). The applicability of these abilities on the far side of the seminar room can be characterized as having a good, optimistic moral because the impact of SEL on young people brings affective steadiness and this seems to be the most important skill that corresponds with life contentment, and along with the carefulness and cognition to be forthcoming, displaying its connectedness to job and later, life gratification. (Bușu, 2020).

Moreover, with new aggregation mirroring the latest inquiry, the most prolific definition regarding emotional intelligence is given by Salovey & Mayer: “form of intelligence that involves the ability to monitor one's own and others' feelings, emotions, facilitate discrimination between them, and use information to control certain situations or actions” (Salovey, Brackett, & Mayer, 2004). It is the cognition to place and efficaciously manage their feelings in relation to private goals whether these are referring to job, social relationships or educational activity, the destination being to accomplish goals, with a minimal of inter and intra-personal struggle.

The theory of multiple intelligences

If cognitive ability is the capacity to acquire new things, to think and reason, to apply cognition and to figure out difficulties, the power to accommodate to new circumstances and life situations, furthermore, emotional intelligence is the capacity of the human being to motivate himself, to persevere in front of the frustrations, to manage his impulses and postpone the gratifications, to adjust his inner moods and to prevent the troubles and tribulations to darken his mind, to be persistent and to hope. (Goleman, 2000). This type of ability should not be mixed-up with the substance that constitutes knowledge, the ability to generate new content from active information for the intention of adjustment, through rational motive (uncovering of the intellect), comprises intelligence or IQ, which is a study that started about one hundred years ago with

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research applied on cohorts of people. There is a discrepancy about the natural or non-inheritable characteristics of affective intelligence, but it is however well thought out that, unlike the level of cognitive intelligence (which remains continual throughout life), emotional intelligence and its elements, may be, partially, educated. Thus, the grade of emotional intelligence can be augmented through educational activity and effort, although some elements of emotional intelligence are treated as personality attributes, which are more hard to change. There are well-known instances of many intelligent students whose educational performance during instruction fundamentally exceeds the achievement of their peers, but who then disappoint and fail to recognize their potential, flunking both professionally due to lack of applicable skills and socially, within their family life, due to the lack of socio-emotional skills negatively enhanced in the Covid pandemic situation. (Paraschivu, M., Cotuna, 2021). There is also the reverse of this situation, namely, people who, although modestly endowed intellectually, prove a good social adaptation to a wide variety of contexts, being considered successful people. (Vaillant, 1998). The two environments that people perform in - the educational and social environment, display problems that are qualitatively antithetical: the educational environment confronts us with problem solving situations as a matter of priority, well-defined difficulties, problems for which, as a rule, there is only one accurate response. Inquiry results have shown that students' emotional development is critical not only to their academic outcomes but also to a flourishing life, for example, researchers have shown that students who have a unfluctuating affective system, starting at the age of four, accomplish tasks much better on the different forthcoming examinations for educational institution entrance. In fact, the quality to acknowledge and deal with your own emotions, to master them, leads to greater performance at within the educational institution, at job, and in social relationships. (Goleman, 2000).

Howard Gardner, a psychologist at Harvard School of Education, the theorist of multiple intelligences, and the leading man behind the Spectrum Project, coined the terms interpersonal and intrapersonal intelligence, forms of multiple intelligences that permit an individual to adjust to a social surrounding. The variety of multiple intelligences discovered by Gardner are seven in number: communicative/lingual, logical-mathematical, spatial, kinaesthetic, auditory, intrapersonal, interpersonal and realistic and, later, Gardner also enclosed one more intelligence, the kind of existentialist one. Furthermore, " an intelligence entails the ability to solve problems or fashion products that are of consequence in a particular cultural setting or community. The problem solving skill allows one to approach a situation in which a goal is to be obtained and to locate the appropriate route to that goal. The creation of a cultural product allows one to capture and transmit knowledge or to express one's conclusions, beliefs, or feelings." (Gardner, 2008).

The hypothesis of multiple intelligences asserts that intelligence should not be conceptualized as an unidimensional thought, but as a series of multiple intelligences that allows the individual to surface the changes and alteration of idiosyncratic conceptualization and to revive features of their personal experiences. Gardner argued, in his book, *Frames of Mind*, that in most learning and ethical systems, only communicative and logical-mathematical intelligence were given value, while the other concepts of multiple intelligence were totally neglected. He entrusts giving the incumbent care to students who display inclinations towards creative, naturalistic fields, thus provoking a major shift of the education system: so teachers and educators, just like journalists addressing their public (Scorțan, 2019) require to be competent to teach and

display lessons in a interdisciplinarity, transdisciplinarity mixture, using arts, music, theatre, drama, multimedia systems, cooperation, self-contemplation, excursions, new ideas and materials and to explore novel teaching methods to match the changeling needs of their students (Stoian, 2019a, Stoian, 2019b).

The importance of emotional intelligence

The key word when working with intelligences in schools and universities should be multiple, a model that Gardner coined which goes beyond the limiting IQ concept as being the only invariable benchmark. The concept of multiple intelligences motivates teachers to formulate a pattern of working in which each student has the possibility to acquire knowledge that concord with his/her unparalleled way of reasoning. There is no flawless way of teaching and learning, but it is essential that the partners in the educational system and the ESP students- English for specific purposes- find the right education line suitable for them. (Buşu, 2018). The hypothesis of multiple intelligences or collaborative intelligences (Chirişescu, IM, Păunescu, 2021) has powerful implications in the acquisition and the adults' evolution process, giving them a new orientation through which to examine their way of existence, vocation and passions. Also, through personal improvement programs, they can detect or rediscover their suppressed inclinations that they had as children by a conventional manner of reasoning and basic cognitive process.

The basic definition of emotional intelligence that both Salovey and Gardner agreed upon comprises of the cognisance of one's feelings - the power to acknowledge one's emotions, represents the key stone of emotional intelligence, since it means that a person is able to detect a feeling when it appears. This is of uttermost importance because without it, we cannot observe and recognize our true feelings and we often give into them. The interpersonal aspect is considered unique in the real world, there is no other intelligence more important than this one because it is the capacity of understanding others, it presupposes empathy - the ability to be alert, to interpret and acknowledge the feelings of others.

Emotional intelligence versus educational intelligence

In a largely accepted sense, the idea of intelligence can be represented as a broad cognition, mostly hereditary, to change pre-existing information into new concepts and skills. More often than not, emotional intelligence researchers consider that educational intelligence and emotional intelligence are two well-defined forms of intelligence with certain things in common. (Chirişescu, IM, Păunescu, 2021). Both forms of intelligence function with asserting and existent knowledge and both utilize this cognition in a bendable demeanour, thus asserting knowledge points at the apprehension of the nature of special situations, while procedural knowledge refers to what genuinely needs to be done in particularised situations. Being pliable in using assertive and procedural cognition means to have discernment of what is occurring in a new and unacquainted state of affairs and, respectively, acknowledging what needs to be done in such situations. But what expressly distinguishes the two forms of intelligence is given by the circumstances and means in which they proceed and employ knowledge. Thus, educational intelligence is commonly concerned with finding distinct problems, for example, those for which the first steps and the final ones, and the steps to proceed from the initial state to the concluding state can be amply specified. For these difficulties, there is always a resolution that can be well thought out as the best. By opposition,

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emotional intelligence is implicated in solving effortless problems, that is, those that can be understood in various ways and for which there is no optimum neutral outcome, nevertheless, assorted conceptualization may lead to the coveted effect. Most of the problems we face are of a social nature and it is unanimously accepted that emotional intelligence has a much stronger predictive value for social success than that conferred by educational intelligence. Research has shown that young people who display disorders of social behaviour such as aggression or criminal deviance lack the skills to monitor and interpret the emotions of others. They are not able, for example, to give a correct interpretation of the social expressions of the social partners, which proves the absence of emotional intelligence. In fact, although emotional intelligence is a conception restricted by the broader model of intelligence, research data show a much closer link between emotional intelligence and personality attribute than between emotional and educational intelligence.

SEL in education- not another trend but a missing component

In teaching, the interpersonal intelligence is the ability to set up and keep mutually affirmative interpersonal relationships with the students in front of you. Moreover, "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, judgement, evaluation, reasoning, problem solving, decision making, comprehension and production of language. Cognitive processes use information already acquired and creating new knowledge." (Buşu, 2020). Emotions thrust attention which eases the learning process and activates long term memory thus having a huge impact on mental representation, critical thinking and motivation. The social responsibility and the environment impact the learning process extremely because it is the ability to exhibit your own cooperation as a contributive and formative component part of the social class to which you dwell or have settled. Students who account to have warm interactions with their peers and teachers also have the inclination to show better academic self drive and engagement than students who lack this reciprocal affect. (Bărbuceanu, 2019). The first also tend to be more adaptive at problem solving - the ability to be cognizant of difficulties and to specify them in order to employ possible solutions. When students are in the vicinity of such high values of acquisition and academic expectations, they take up these orientations, because they experience a sense of a reality testing - the ability to constitute and measure the compatibility between what an experience means and what the existing verifiable are. Presently, there is dissension as to whether emotional intelligence is more of a natural potential or whether it is a set of conditioned skills or competencies.

The role of emotions in the learning process

Understanding the role of emotions in the learning process is one of the first rule to implement SEL at any level, although it is preferred to start at kindergarten along with implementing and maintaining positive seminar room environment. (Scorţan, 2014). SEL in education has positive effects on student flexibility that is the ability to align one's thoughts, feelings, and behaviours, to alter one's position and circumstance. SEL also modulates stress control and stress tolerance - the ability to elude troubled events without staggering, as well as the ability to deal with them easily and in a positive manner, controlling the negative feelings and impulses in order to defy or postpone impulsivity and to drive away the desire to haste. SEL is also associated with the

reduction of the degree of anxiousness, better judgement production, fewer ingestion of drugs, teenage beverage and discipline problems, better social relationships and less aggression by controlling emotions with useful schemes. A useful scheme might be boosting the general disposition in seminar rooms, such as warm display and the mindfulness to feel contented with one's own life, to feel good unaccompanied or/and in the company of one's peers, and to have the power to see the fair side of the existence. Hope plays an important role in the quality to fend for what is good and the accessibility of one's thoughts, beliefs, feelings, but not in a annihilating demeanour. SEL takes up the role of the mentor, that is so needed in schools and universities and it gives the student the self esteem he needs - the power to respect and evaluate what is good, in substance, in the seminar room, enhancing thus effectiveness and retention. (Bărbuceanu, 2019). When SEL penetrates educational institutions and imbues seminar rooms, corridors, canteens and playgrounds everything about the manner in which instructors, peers, teachers parents and students act is remarkably changed. One cultivates self-fulfilment - the ability to recognize your own latent abilities, the cognition to become active in the hunting for goals that have a definite significance for you and cultivates independence - the ability to be straightforward and contain yourself in your own world of inner thoughts and external actions, the ability to set one free from affective addictions. The concepts that summarise this sort of intelligence are: consciousness, assurance, self-discipline, the ongoing tendency for verity, adaptability, social skills-influence, connectedness, fight management, building relationships and ultimately, teamwork. Moreover, "social relationships are especially important in the process of learning a foreign language, as they provide us with images and essential information about attitudes, values and the social behaviours that we need to know when we are in a position to interact with a native speaker." (Lăpădat, Lăpădat, 2020). There is the need in the educational activity to call for the ceaseless observation of the student performance, which ensures a broad representation to detect and evidence the emotional changes. Furthermore, "the first suggestion is to have specialised teachers actually integrate suggestions originating from students as a way of performing a full diagnosis of the entire educational milieu. The writing of questionnaires and the interpretation of the data can provide very important information that can help teachers filter through their system of knowledge and choose the exact informational packages that can generate a tailor-made experience when it comes to teaching." (Chirițescu, IM, Păunescu, 2022). It has also been shown that appraise of social ability (a true-hearted indicant of emotional intelligence) from parents, professionals, educators, friends and teachers are much better prognosticators of social successfulness than scores of educational intelligence. Based on such findings, (Sternberg, 1985), it is arrogated that emotional intelligence would be able to anticipate the changeability of social success much more accurately than personality attributes. Furthermore, "because we had asked people not only about intelligence in general but also about academic intelligence and everyday intelligence, we also factor-analysed the behaviours that had been rated as highly characteristic of these intelligence as composed of verbal ability, problem solving abilities and social competence. The factors that emerged for everyday intelligence we called practical problem-solving ability, social competence character and interest in learning and culture. These, too, overlapped with those for intelligence in general, but less so, and had more of an everyday slant." (Sternberg, 1985).

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Conclusion

Different from the level of intelligence, which stays the same throughout life, competences based on affective intelligence are erudite skills, in other words, any individual can increase his own degree of emotional intelligence through instruction, but some constituents of emotional intelligence, regarded as personality attributes, could not be modified during the life of an individual. To win in life, each of us should acquire and exercise the chief dimensions of emotional intelligence: empathy, consciousness, feeling control, personal drive, utilization of emotions fruitfully. Emotional cognition must be formed so that the constant of emotionalism succeeds to emergence above ordinary thus leading to the conclusion that emotional abilities will be very facilitative in the upbringing and education of children. Partners of the instruction, namely parents and educators will be competent to boost their emotional and social prospective by teaching them to choose and germinate the features of emotional intelligence: to determine their personal feelings and distinguish them, to learn much more about how and where they can exteriorize sensitiveness, to develop empathy and to possess the ability to harmonise feelings with others, learn to listen, learn to be creative, to interpret body language and other gestural and para-verbal issues.

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ORIGINAL PAPER

Under the Wind of Change: Fly on the Wings of Digitalisation

Cristina Maria Andrei¹⁾

Abstract:

The situation which has recently turned the world upside down (that of the coronavirus disease which has rapidly spread among the people from all over the world, taking its tribute and being merciless from all points of view: social and economic), has forced education to adjust in a matter of seconds and discover ways of transferring knowledge virtually to learners. The connection of the teacher to digital resources is not new, on the contrary, it has passed quite a while since electronic gadgets and materials have slowly but constantly “invaded” the teaching act. The novelty lies in the total movement of the teaching process in the digital world. A numberless range of issues stirred each educator’s mind regarding the platform that should be used, the difficulty to cope with a large number of students, possible technical problems that may appear, etc. The current paper is meant to focus on all the constraints, fears, problems but also on the positive aspects of digital teaching under the current changes generated by the appearance of a highly contagious disease such as COVID-19.

Keywords: *digital teaching, effectiveness, fears, issues.*

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Introduction

The ending of the winter holidays brought students of all ages back to school for the second semester. Lessons, homework, projects, studying for tests and all kinds of competitions made everyone complain about being stressed and anxious. Rumors about a deadly disease in distant China appeared and, in time, they turned into a horrific piece of news which started to affect more and more countries until it finally reached Romania. Everything suddenly stopped. The emergency procedure that applied, just as everywhere else in the world where the virus had appeared, reduced all to silence. Adults were sent at home from work, children as well.

Mixed start up reactions

The sudden breakup of the schools in the middle of the week, in March 2020, in Romania (because of the fears generated by the new virus), “threw” educators and students into a period of puzzlement, panic and silence. The beginning of the shutdown period brought together blended reactions of relaxation (everyone feeling comfortable in his/her home, late mornings in bed and comfortable outfits), worry related to the lack of lessons and anxiety induced by the possibility of getting infected and not knowing which would be the end of this scenario. For teachers, the issue of how to continue the schoolwork increased the amount of concern and accentuated the search of adequate online applications to support the teaching act. Technology had already been integrated in the lessons but a total “transfer” of the teacher in the virtual world was something new, especially in the case of classes with a large number of students. The huge variety of programs that could be used for performing the teaching act only increased the level of uncertainty and placed the teachers in an attitude of puzzlement. In fact, it was a matter of generalization. People who worked in offices made no exception. Everyone had to find a way to adapt. The positive side of this unlucky situation was that, unlike other jobs which couldn’t be done in the virtual world, teachers had a choice, a solution to keep in touch with the students. On <https://bridge.edu/tefl/blog>, it is specified that:

This has affected people across industries, and classroom based English teachers (...) are no exception. Luckily we have the option to transition to teaching English online, which provides a financial safety net, a chance to learn new skills and a way to support and stay connected with our students .

Digital tools for teaching

Virtual teaching is not something to be scared of. There is of course, at least at the beginning, a sort of fear which is natural when confronted with something new. It also has to do with the lack of technical knowledge that some teachers have and /or, the lack of proper instruction. Schools began to invest in training courses only during the summer holiday after a whole semester had already been completed in various ways chosen individually by each teacher. Monitoring students and teachers was impossible; it seemed to be more than clear that nobody was ready for the situation. However, digital sites appeared one by one, getting to an impressive number and providing all kinds of tools designed to facilitate the educational act. On www.graphicmoama.com there are mentioned 20 digital tools for preparing highly attractive educational lectures which may captivate the students and engage them actively in the class. They allow teachers to free their imagination and to be flexible when making presentations, playing videos, drawing quizzes or assessments or simply checking the homework. They stimulate the teachers’

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professional practice and for students, they represent something new, a modern approach which increases their interest in the subject.

From the point of view of the digital tools, the most innovative are considered to be: Prezi, Haiku Deck, Scratch, Animoto, Pixton, BoomWriter, Explain Everything, Educreations, Glogster, Flipsnack, Padlet, VoiceThread, StoryJumper, Storybird, Quizlet, Socrative, Edmodo, Schoology, Piktochart and Visme. All of them are suitable for students, parents and educators as well and have guiding instructions which are sketched in all sorts of video demonstrations, meant to provide support even for the least experienced technology user. Age is not a major factor to be taken into consideration when it comes to deal with these types of software because tutorials are meant to explain all the procedures in detail, offering accurate demonstrations in a concise and interesting way. There are numerous sites which characterize all these tools and it's up to each person to choose the one that suits his/her objectives the most.

Digital platforms

Educational software platforms allow students to learn from home in an engaging way by connecting them to all sorts of multimedia forms. Lessons are delivered in an interactive and interesting way which enhances deliberate practice and accelerate growth learning. They keep students motivated and hold their attention for an extended period of time.

On www.graphicmama.com there is a classification of them and of the advantages and disadvantages they have. Wiziq, Echo360, Google Classroom, Zoom, LearnCube, Vedamo, Microsoft Teams, ezTalks, LearnWorlds, TutorRoom, BrainCert, e-Lecta, Adobe Connect, etc. There are plenty of sites and solutions which enable instructors either to create their own lessons or to upload files from their personal computer.

Pros of the Digital Learning Process

The birth of technology has brought a lot of positive changes to the world we live in. It has become extremely used in all fields of work and the educational area makes no exception. There are countless arguments in favor of using it. Below there are some of them.

- *one of the major benefits of online instruction is that both the educator and the students can sit comfortably in their homes and participate at the learning process without feeling the stress of being in front of the audience.

- *lessons are generally interactive and fun; students love to discover new things related to technology, especially when it comes to the new generations

- *virtual attendance is higher than the physical one because students can connect not only on their personal computers or laptops, but also on their mobile phones

- *lessons may be recorded so that students can replay them until they understand or master certain structures which they may find difficult

- * technology encourages teachers to design personalized lessons with materials that are adapted to the needs and expectations of each individual in the classification

- * homework or any other tasks required by the teacher can be checked at all times as a result of date reminders

- *some students may gain more courage and self-confidence because they don't feel the pressure of their classmates around them anymore.

*digital learning can be of great support for those who travel long distances to get to school/university or for those who spend a lot of time in the means of transport; it is also a good way of saving money; bad weather can also become a factor for skipping classes but it doesn't happen in the case of online classes

*live correction may also be used for making sure, the teaching process, especially when it comes to a foreign language unfolds without any errors.

*screen share is brilliantly replacing the traditional whiteboard

The site www.webanywhere.co.uk provides a list of six benefits of using technology in the classroom. The first one mentioned is that it improves engagement (by "taking students on virtual field trips" and "delivering teaching through gamification"); it also enhances knowledge retention, encourages individual learning and collaboration. There is also mentioned that students get used to seeing live presentations and may develop practical skills which may have a positive impact on their future careers .

Cons of the Digital Learning Process

The number of cons is not to be neglected either. The ones mentioned below represent only a small part of the disadvantages of teaching online.

*computers are just like any other machine, so, if they get broken then there are no chances of teaching the lesson anymore.

*sometimes updates to the software of the computer or poor WiFi connection may affect the quality of the sound or the video.

* children may use, as an excuse, the different technological problems that may appear, not to pay attention to the explanations of the teacher and to lose their interest to games on mobile phones or other activities that they may find interesting.

* screen fatigue may appear to teachers as well as to students

*lack of socialization is not a matter to be neglected either; students do no longer meet and talk during the breaks, therefore their communication is limited to their participation during classes

*when there is a large number of students online, all kind of difficulties may appear: some of them may join a zoom session, for example, without writing their names or simply using nicknames; in such cases, it is extremely hard to monitor all of them; it is impossible to see everybody on the front page and communication may be hindered by various sounds, if they forget to turn off their microphones or by their willingness to participate in the class; of course, they may be guided to use the virtual hands if they want to provide an answer but it takes a lot of time to coordinate them. There are some platforms which don't allow to have more than 25 participants and the teacher should analyze in advance before choosing the right one.

*some platforms impose a time limit and the lesson may be interrupted exactly in the middle of an important explanation; there is a fee that may be paid to benefit of limitless time but schools or universities are not always willing to accept this.

There are for sure numberless advantages and disadvantages for teaching online but I guess the main issue is whether the teacher is ready to embrace this challenge. It's not easy and there is a constant fear that something may go wrong because electronic devices or equipment don't always function the way they are supposed to; you may never know what to expect so there is a certain level of uncertainty that adds a note of stress to the online lesson.

As Major C. H. said, "I was nervous and unsure of the challenge. While comfortable with technology, I had my fair share of PowerPoint presentations not

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working or dodgy wireless in the lecture hall to know that a course constructed and delivered online would present a challenge to anyone. What if I can't manage the technology? What if the students can navigate the space better than I can? Or what if they can't figure out how to log in? The 'what ifs' are endless when you embark on designing and teaching online. (Major, 2015: 8).

Teachers should embrace this challenge with great patience; there should always be a backup plan in case something goes wrong; moreover, they should devote quite a long period of time for designing lessons; it's not easy to get accustomed to all the virtual tools and platforms; it is advisable to search for tutorials and to ask for the help of IT specialists or work colleagues in case there are situations that they cannot handle. Students may come up with solutions while attending the class. Teachers shouldn't feel ashamed for requiring a piece of advice. The current tech generation has answers to many technological problems; teachers should perceive students as collaborators who can add a positive feature to the drawing up of a virtual lesson. Being involved in this process, students feel important for bringing their contribution and may develop a higher interest for engaging in class. The barrier between teacher and students may disappear because they may sense they have a common ground, technology bringing them closer to the learning tasks. Even the most reluctant ones will react positively if asked for an opinion related to a technological issue or when posted an attractive virtual lesson.

Utilizing technology in the classroom not only captures the students' interest but also gains their respect; you as a teacher, are acknowledging their virtual world and thus validating them as independent thinkers. Students' preconceived mindset of "I can't learn a foreign language. I don't want to learn a foreign language. Who needs to learn a foreign language?" is quickly replaced with "This video is cool!", (...). Even the most reluctant student, the computer techie (...) comes around -a moment of triumph! The barrier is successfully torn down, the mindset open to learn, the path to embrace foreign language acquisition set in course." (Ameri, 2014: 205).

It is important for teachers to overcome the fear of working with technology, of being open-minded - in the sense of having the desire to evolve and accept the new technological advances - be ready to work hard and invest time and patience for creating stimulating lessons. Help may come from various sources: IT specialists, parents, students, work colleagues, other online users and the teacher should not be afraid or feel embarrassed to accept it. On the contrary, the more you look for other opinions and solutions, the better it will be. In virtual classes, the teacher will no longer be the main focus but the materials and the way he/she coordinated them to be in a logical order, to provide useful information but, at the same time, to be visually attractive and audio stimulating; the use of the computer needs to be perceived as an extra bonus from which everybody will benefit.

In fact, digital media supports the learning process in many ways. The use of digital media can affect the quality of teaching in a positive way, as it fosters self-directed and cooperative learning and supports the development of more open forms of teaching. Consequently, lessons are less teacher-centered and involve higher levels of student activity. Learning processes can be better individualised and differentiated through digital media, not only of the various ways of working alone, but also because of adaptable and adaptive software and Internet, through self-selected materials and students choosing their own learning approaches.(...) Internet based teaching and learning can be used e.g. for documentation, presentation, practice and repetition,

finding, viewing, selecting and structuring, communication and cooperation, experimentation and simulation “ (Eisenmann, 2019: 114).

Nobody denies the huge amount of possibilities that Internet access provides for educators and students, only that, the passage from classroom to online teaching has been done in just a few weeks which put the teachers in the stressful situation of having to cope with something they have rarely experimented, that of switching completely to the virtual space with no clear instructions and little IT knowledge. It is not a complete new notion to use online materials during teaching. This has been done for a long period of time; the novelty lies in transmitting knowledge in totally different ways, by using a screen, text messages, chat boxes, etc. Pedagogy is still the key factor, despite being virtually present. With some practice and dedication, the teacher can become an expert in the use of technological devices and be able to transfer knowledge in a concise and wonderful way.

Facilitation is as much art as it is science, just like classroom teaching. In fact, many good classroom teachers will quickly develop into fine online instructors. Helping students understand the course materials, drawing out their thinking with carefully constructed questions, and providing support when needed as students work to show competency with the material are all a part of the face-to-face and virtual classroom environments. The major differences between teaching in the face-to-face classroom and the virtual classroom are how messages are communicated and the need to troubleshoot technical problems “. (Lehmann, 2004: 18).

In other words, the teacher is still the most important pillar of the teaching act. It is the method of communication which changes.

Conclusions

In conclusion I don't think that teaching a foreign language should be done completely online. Classroom teaching still remains the most efficient type of learning. There is a totally different type of interaction that is created when physically attending classes. The teacher can perceive better students who cannot cope with the tasks they are supposed to do and encourage them to complete them.

Not all students want to participate in the use of online tools. There could be several reasons for this. Some (...) learners equate the use of social media and blogging with friend chat (...). On the other hand, there are some learners who simply do not have time to participate outside the classroom. This is especially true for students in Business English class (...). These clients have a busy working schedule (...). Class participation is extremely hard to maintain under such circumstances .” (Arora, Sanjay, 2016:113)

These are just a few of the impediments of virtual classes. There are also groups of students who, although don't have a job or other responsibilities, will look for excuses in order to skip classes. The classroom environment is the one which enhances face-to-face interaction, supporting the students with poor language skills to progress and overcome their fears. Debates, games and other communication tasks are easier to achieve when being in class. Students may be divided into pairs or groups and may collaborate to complete the task. It is difficult or almost impossible to use group work or pair work online. The only possibility would be to try this through the chat box but it's neither efficient nor constructive.

In the back of the screen, shy students or those with poor language skills may hide, turning off their video in order to avoid participation. In class, a teacher can deduce

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from the student's body language or from the tone of the voice if he/she struggles to perform and can provide the necessary help.

Lack of the daily routine of going physically to classes may affect in time the students' weight; sitting on a chair for a long period of time as well as in front of the screen, may lead to serious health problems.

Online assessments are another issue of great importance. Unlike the traditional ones where the teacher supervises the students, in the case of online tests there is no way the teacher can control the fairness of students. There is a large amount of information on Internet that students can easily make use of to provide accurate answers and they may also appeal to the help of parents, friends, etc. Discovering whether they cheated or not during exams is not possible to happen.

Moreover, one of the biggest problems of all is the fact that not all students have the possibility to acquire a computer, laptop, tablet or modern mobile phone and benefit of Internet facilities. In such cases, a huge discrepancy appears between students with financial possibilities and those who cannot afford such devices. The teaching act becomes somehow accessible mainly for the middle or upper class people. In this case, education will no longer be available for everybody but will be restricted to a limited group of students. The basic idea is that there are positive and negative aspects of both online and classroom education and there is no precise research that one form functions better than the other. In my opinion the blended type of teaching is the most successful one. Being in class and having the possibility to use technology in order to create vivid lessons is the best solution. Students and teachers can connect to each other, socialize and enjoy a wonderful experience of learning a foreign language in a constructive and lovely way.

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ORIGINAL PAPER

The effects of declaring the nullity of the legal person

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Abstract:

In terms of legal persons, the declaration of nullity produces particular effects, the analysis of which aims, as a matter of priority, at their scope from two perspectives. A first specific aspect concerns the fact that from the date of the final judgment of the court declaring the nullity, the legal person ceases to exist without retroactive effect, which is an exception to the general rule in the matter. Secondly, the nullity cannot be enforceable against third parties with whom the legal person has previously concluded acts, directly or through a representative.

Keywords: *legal entity, nullity, effects.*

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Introduction

Nullity is the sanction that intervenes, unless otherwise provided by law, in the event that, when concluding the civil legal act, the legal provisions on the validity conditions of the legal act are not complied with, so that the act will no longer produce, in whole or in part, legal effects (Pop, Beleiu, 1980: 348; Boroi, 2008: 297, Dogaru and Cercel, 2007: 172).

The general regulatory framework in the matter of nullity is contained in the Civil Code, in art. 1246-1265, Book V, Chapter I, title II Section 4 entitled *Nullity of the contract*.

The current Civil Code includes, for the first time, special regulations on the nullity of the legal person in art. 196-199, in addition to the special provisions in art. 56-59 of Law no. 31/1990, republished.

Neither the 1864 Civil Code nor Decree no. 31/1954 on natural and legal persons contained provisions on this institution, the sanction of absolute nullity being previously regulated only with regard to the violation of the principle of the specialty of the legal person's capacity of use. In this sense, art. 34 of Decree no. 31/1954 stipulated that the legal person could only have those rights that corresponded to its purpose, as provided by law, the act of incorporation or statute. Any legal act which is not concluded in order to achieve this purpose is null.

The new Civil Code, which promotes the monistic conception by incorporating all the regulations on persons, family relations and commercial relations, took over most of the provisions in this field from Law no. 31/1990 on companies, the notion of nullity of the company being introduced by the legislature through G.E.O. no. 32/1997 for the amendment and completion of Law no. 31/1990 on companies.

As for the notion of *nullity of the legal person*, various opinions have been outlined in the doctrine.

In one opinion it is considered that the nullity of the legal person is not a particular type of nullity, but a special type of sanction, a new species of legal sanction (Gheorghe, 2010: 62-63).

In another opinion, it is argued that nullity is a sanction that seeks to restore legality in all cases where a legal situation was formed without meeting the legal requirements for its validity. Nullity should not be reduced to the matter of the legal act taking into account that any legal construction, therefore the legal person as well, requires the fulfilment of certain legal conditions in order to obtain legal meanings. Consequently, the nullity of the legal person is the civil law sanction that intervenes when a legal person was established without complying with the legal conditions for its valid establishment (Reghini, Diaconescu and Vasilescu, 2013: 319).

Particular aspects regarding the nullity regime in the case of legal persons.

In Romanian law, the notion of legal person has evolved over time, being regulated for the first time in Decree no. 31/1954 on natural and legal persons which at that time represented the common regulatory framework in the matter of civil law subjects (Cercel, 2021: 220) continuing with the insertion of some legal texts in the 1864 Civil Code which referred to the legal person without treating it yet as a distinct institution and ending with the unreserved acceptance of it as an independent legal institution, legally enshrined in the Civil Code in force.

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The institution of the legal person in the new Romanian Civil Code is presented in a modern way, in accordance with the legal coordinates of this important legal subject from international regulations.

As a novelty in Romanian civil law, the Civil Code also offers a definition of the legal person, a definition that can be found in Title I of Book I entitled *On Persons* and which is devoted to the general landmarks that concern civil law subjects.

In this sense, pursuant to art. 25(3) of the Civil Code, a legal person is any form of organization which, meeting the conditions required by law, is a holder of civil rights and obligations.

At the same time, in art. 188 of the Code, the legislature expressly lays down the entities which have the legal person status, respectively the entities provided by law as well as any other legally established organizations which, although not declared by law to be legal persons, meet all the conditions provided for in article 187 of the Civil Code.

From the perspective of the classification of legal entities, the Civil Code distinguishes between legal persons under public law and legal persons under private law (art. 189), a classification found in most legislations of other states.

In the doctrine (Ungureanu, 2013: 382-386) there are other classifications of legal persons, according to their nationality, Romanian legal persons and foreign legal persons, according to their duration, legal persons for an indefinite period and legal persons for a definite period, according to the place where their headquarters is located, legal persons with headquarters in Romania and legal persons with headquarters abroad.

The nullity of the legal person is regulated by the provisions of the Civil Code in Book I, Title IV, Chapter II, Section 2, in articles 196-199. Art. 56 et seq. of Romanian Law no. 31/1990 on companies regulate the cases and effects of company nullity.

The nullity of a legal person can be found or, as the case may be, declared by the court in the situations expressly mentioned in art. 196 of the Civil Code, the situations in which the sanction of nullity intervenes are therefore limited by law.

The following situations are sanctioned by absolute nullity:

- there are no articles of incorporation or the act was not concluded as a deed in the specific situations provided by law;

- the object of activity is illegal, contrary to public order or morals;

By Decision no. XXII of 12 June 2006 of the High Court of Cassation and Justice pronounced in the appeal in the interest of the law (published in the Official Gazette no. 936 of 20.11.2006, also available on www.scj.ro) the appeal in the interest of the law declared by the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice was admitted, applying the provisions of art. 46(1) of Law no. 31/1990 on companies, republished, with subsequent amendments and completions, and it was held that the requests for authorization of the creation and registration of the companies for consultancy, assistance and legal representation were inadmissible.

- there is no administrative authorization for its creation;

- the articles of incorporation do not provide for the name, headquarters or object of activity;

- the articles of incorporation do not provide for the contributions of the founders or associates or the subscribed and paid up share capital;

- the legal provisions on the initial patrimony or the minimum share capital, subscribed and paid up, were violated.

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The sanction of the relative nullity of the legal person occurs in situations where:

- all the founders or associates were, as provided by law, incapacitated at the time of establishing the legal person;
- the minimum number of founders or associates provided by law was not observed;
- other binding legal provisions provided under the sanction of nullity of the articles of incorporation of the legal person were disregarded.

From the stated provisions, it can be noted that some causes of nullity can only be applied to companies of the associative type, when we refer to non-compliance with some legal rules on associates, such as those provided by art. 196(1) letters b), f) and h) of the Civil Code, and others are applicable only to private law legal entities, such as that provided by art. 196(1) letter d) of the Civil Code, when the necessary administrative authorization for the incorporation of the legal person or the public law one is missing, in the situations provided for in art. 196(1) of the Civil Code, except for the hypothesis regulated by letter d) (Cercel, 2021: 226).

In the doctrine, the causes of nullity have been classified into general causes of nullity, which include the causes expressly mentioned in art. 196(1) letters a)-h) of the Civil Code and special nullity causes, which include those causes mentioned by special laws, to which art. 196(1) letter i) of the Civil Code makes reference. In turn, the general causes of nullity, from the point of view of the element in question, have been classified into causes related to the validity and content of the articles of incorporation - art. 196(1) letters a), b), c), e), f) of the Civil Code -, on the one hand, and causes related to other constitutive elements of the legal person - art. 196(1) letters d), g), h) of the Civil Code-, on the other hand (Nicolae, Bîcu, Ilie and Rizoiu, 2016: 261-264).

The cases of nullity established by Law no. 31/1990 on companies are similar, referring to non-compliance with the following legal rules:

- the case where there are no articles of incorporation or the act was not concluded as a deed in the situations provided for in art. 5(6)

As stated in the case law, the invocation of the nullity of the legal act of substitution of the claimant's contribution to the share capital of the defendant company and of its articles of incorporation, does not represent a ground for illegality at the time of establishing the company. The absence of the essential condition of consent entails the absolute nullity of the legal act - the articles of incorporation of the company, but the nullity of the company is a distinct legal institution which is not related to the request on the partial absolute nullity of the articles of incorporation. The law on companies, although it constitutes the ordinary regulatory framework in matters of companies, is a special law, in relation to the provisions of the general regulatory framework, and like any special law, it is not of strict interpretation, but of application with priority in relation to the provisions of the general regulatory framework. The law takes into account the nullity of the company, and not the nullity of the articles of incorporation, the nullity of the articles of incorporation represents, under certain conditions, one of the cases of nullity of the company (art. 56 letter a) of Law no. 31/1990 (HCCJ, Civil Section II, decision no. 649 of 18 February 2010, www.scj.ro).

- all the founders were incapacitated at the time of establishing the company;
- the object of activity of the company is illegal or contrary to public order;

The text is not applicable when the absolute nullity of the memorandum of association and of the company is requested for lack of consent and illicit cause. From

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the content of art. 56 of Law no. 31/1990, it follows that the nullity of a company registered in the trade register can be declared by the court only in the situations expressly provided by the legal text. As a consequence, it was legally held within the limits of the introductory action based on this legal text, that the lack of consent and the illicit cause –general legal causes of nullity raised in the case of the memorandum of association, could not at the same time constitute causes of nullity for the company, which could only be dissolved for the reasons shown above (HCCJ, Civil Section II, decision no. 3936 of 17 November 2010, www.scj.ro).

- the situation in which the conclusion of the delegated judge on company registration is missing;
- there is no legal administrative authorization to establish the company;
- the articles of incorporation do not contain the name of the company, the object of activity, the subscribed capital or the contributions of the associates;
- non-compliance with the legal provisions on the minimum subscribed and paidup share capital; non-compliance with the minimum number of associates provided by law.

Comparing the causes of nullity provided by the Civil Code and those provided by Law no. 31/1990 one can notice that in the Civil Code the legislature delimited the cases of absolute nullity from those of relative nullity, also setting out a different regime as regards relative nullity (Baiaş, Chelaru, Constantinovici and Macovei, 2012: 185).

In this sense, the relative nullity of the legal person can only be raised within one year from the date of its registration or incorporation (art. 197 par. (1) of the Civil Code) and only by the person whose interest is protected by the violated legal provision (art. 1 248 par. (2) of the Civil Code), without the court being able to raise it ex officio (art. 1 248 par. (3) of the Civil Code).

The second paragraph of art. 197 of the Civil Code stipulates that the absolute or relative nullity of the legal person is covered in all cases, if, by the end of the debates before the first court, the cause of nullity has been removed.

Similar provisions are also laid down in art. 57 of Law no. 31/1990 on companies, according to which nullity cannot be declared if its cause, raised in the annulment request, was removed before the conclusions on the merits were submitted to the tribunal.

Although the wording is different, the time by which the cause of nullity must be removed, in order not to impose the sanction, is the same in both normative acts, by the end of the debates before the first instance court in accordance with the respective Civil Code before conclusions were made on the merits at the tribunals provided by the law on companies.

The court (first instance court) competent to rule on the request for nullity or annulment of a legal person is the Tribunal (if there is a specialized one) in the place where the company has its main headquarters pursuant to art. 63 of Law no. 31/1990 and art. 119 of the Civil Procedure Code, art. 56 of Law no. 31/1990.

The company itself has passive procedural capacity in the nullity action, not its associates or founders.

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In order to limit the harmful consequences related to nullity in the matter of legal persons, the legislature stipulated specific effects for this sanction, eliminating the

retroactive effect characteristic of nullity in the general regulatory framework and limiting the effects towards third parties.

The Civil Code provides in article 198(1) the main effect of the nullity of the legal person which consists in its “termination”(Cercel, 2021: 228).

The nullity of the legal person differs from the notion of nullity specific to civil law because in the case of the legal person, the intervention of nullity is equivalent to its termination, respectively to its disappearance as a legal subject.

So, in the view of the new Civil Code, the nullity of the legal person is seen as having two values. The first is that of sanctioning the failure to fulfil the conditions regarding its incorporation. Secondly, in the sense of the provisions of art. 244 of the Civil Code, the nullity of the legal person is considered a way of terminating it.

In other words, the sanction concerns the legal person itself, its existence and not a legal act drawn up in violation of the law, thus there is a distinction between the nullity of the act of incorporation and the nullity of the legal person.

In this sense, article 46 of the law provides that, if the articles of incorporation do not include the mentions provided by law or include clauses that violate a binding provision of the law or when a legal requirement for the incorporation of the company has not been met, the delegated judge, ex officio or at the request of any person who formulates a request for intervention, will reject, in a motivated conclusion, the application for registration, unless the associates remove such irregularities. The delegated judge will take note of the adjustments in the conclusion.

Although this text has been criticized for being unconstitutional, arguing that the legal rule does not establish clearly and precisely the mentions provided by law, or the clauses that must not be violated when submitting the articles of incorporation, there is a possibility of an abuse of right on the part of the delegated judge who might exceed his powers. The Constitutional Court, by Decision no. 420 of 3May 2012 (published in the Official Gazette of Romania no. 507 of 24 July 2012) rejected the raised exception as inadmissible, appreciating that in reality, there was no real criticism of unconstitutionality, but the amendment and completion of the legal provisions were requested, which exceeded the competence of the Constitutional Court.

So, after the registration of a legal person, if irregularities are found regarding its incorporation, any interested person can file an action to declare the nullity of the illegally created legal person, the legal person having a passive procedural capacity through a legal representative.

The court vested with a request for declaring or finding nullity will rule exclusively on the grounds of nullity without analyzing other aspects regarding the respective company, such as, for example, its patrimonial situation.

Characteristic for the nullity of the legal person is the lack of the retroactive nature, its effects being produced only for the future, an aspect expressly stipulated by the legislature in article 198(1) of the Civil Code, which provides that, from the date on which the judgment declaring or finding nullity remained final, the legal entity was terminated without retroactive effect and went into liquidation.

The specificity of the nullity of the legal person is influenced by the legal nature of the memorandum of association, as a consequence of the existence of which a legal person is born.

The company which was declared null and void is considered to have been dissolved on the date when the judgment became final. The judgment is final on the date

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of expiry of the appeal period if the parties have not challenged it in an appeal or on the date when the court rejected the appeal, pursuant to art. 634 of the Civil Procedure Code.

Law no. 31/1990 lists in article 227(1) the cases of dissolution that are applicable to all companies, regardless of their legal form, point c) mentioning the declaration of the company's nullity.

The company declared void pursuant to art. 58 of Law no. 31/1990 goes into the liquidation procedure, and the rules established in Title VII of Law no. 31/1990 relating to the liquidation of companies as a result of dissolution are applied.

The legal person does not cease to exist after the dissolution, but only after the assets were capitalized and the liabilities were paid (Chelaru, 2016: 236), as it appears from the provisions of art. 248 of the Civil Code, in accordance with which by the effect of the dissolution, the legal person goes into liquidation, in order to capitalize the assets and pay the liabilities.

In this sense, it has been stated in the doctrine that winding up is also the legal means for the actual termination of the legal person which started dissolution (Beleiu, 2007: 562; Chelaru, 2016: 237).

Through the judgment declaring the nullity, the court will also establish the liquidators as provided by art. 58(2) 2 of Law no. 31/1990 and art 198(2) of the Civil Code.

The judgment declaring the nullity will be communicated to the Trade Registry Office, which will make the appropriate mentions regarding the legal person and then send an extract of the judgment for publication in the Official Gazette of Romania.

Law no. 31/1990 provides that the date when the judgment finding or declaring the nullity remains final, will represent the moment of termination of the company without retroactive effect, as well as its going into the liquidation procedure.

Article 199(1) of the Civil Code stipulates that the nullity of the legal person does not affect the legal acts concluded on its behalf by the administrative bodies, directly or through representation. Therefore, the acts concluded by the company with third parties, prior to the declaration of nullity, remain valid and the founders or associates will not be able to enforce the nullity of the legal person towards third parties unless it is proven that the latter were aware of the cause of nullity at the time when the conclusion of the act took place.

In the case law it has been shown that these legal provisions are exceptional and are of strict interpretation and application to the hypothesis they regulate, namely the declaration of the nullity of the legal person, so they cannot be applied by analogy in other situations, such as the one in which the nullity of certain acts adopted by the legal entity is declared (Cluj Court of Appeal, civil decree no. 610 of 25 October 2017, www.rolii.ro).

The nullity of the company concerns the termination of the existence of a legal person and the exit from the relations in which it was with third parties and does not produce effects regarding the relations between associates.

The founders or associates will be liable for the obligations incurred by the legal person from the time of its incorporation until the date of registration of the judgment in the public registers.

Associates are responsible for capital obligations until they are covered, in accordance with Law no. 31-1990, depending on the type of company: shareholders, limited partners, as well as partners in the limited liability company are liable only up to the concurrence of the subscribed share capital; associates in general partnerships and

general partners in the simple limited partnership or partnership limited by shares are jointly and severally liable for capital obligations.

In conclusion, considering the need for legal security, the new regulation establishes a specific legal regime of the effects of the legal person's nullity. It has a derogatory nature over the general regulatory framework in matters of nullity, the specifics consisting in the absence of the retroactive character of the termination of the legal person, the lack of enforceability towards third parties of the legal person's nullity, and in the limitation of the cases of nullity or their consequences, in the event of the dissolution of a legal person - company, which may be prejudicial to the founders and associates.

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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->

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8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CIO%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-vTYIo&showCoverImg=1

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<https://copac.jisc.ac.uk/search?&isn=1584-224x>

ACPN Catalogo Italiano dei Periodici, Universita di Bologna

<https://acpnsearch.unibo.it/journal/2601620>

Bibliothèque Nationale de Luxembourg

[https://a-z.lu/primo-](https://a-z.lu/primo-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

[explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L](https://a-z.lu/primo-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&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-](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&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-](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&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[8&ctx_ver=Z39.88-](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&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes](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&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

Catalogue of Hamburg Libraries

[https://beluga.sub.uni-](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

[hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

Edith Cowan Australia

<https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X>

University College Cork, Ireland

[https://ucc.summon.serialssolutions.com/?q=1584-](https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=)

[224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=](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_100000000726583

The University of Kansas KUMC Libraries Catalogue

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<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=&searchorigarg=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&daptor=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

Wissenschaftszentrum Berlin für 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=-

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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>

Elektronische 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 Publications

https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University

https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=0displayMode%3Dfull&displayField=all&pcAvailabilityMode=true

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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&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.fulltext=yes

Universität Passau

<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+\[2\]](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>

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek

Freising, Germany

<https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de>

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek

OTHBR, Regensburg, Germany

<https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de>

Staatliche Bibliothek Neuburg/Donau , SBND,

Neuburg/Donau, Germany

<https://opac.sbnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22>

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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+\[2\]](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&searchArg1=ucoclc469823489>

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

<http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2022)

CEPOS Conference 2022

The **Twelfth International Conference** After Communism. East and West under Scrutiny (Craiova, House of the University, 18-19 March 2022) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

<https://www.conferenceflare.com/events/category/social-sciences-and-humanities/art-history/>

Vinculation International Diciembre 2021 newsletter n 99
https://issuu.com/fundacionargeninta5/docs/diciembre_2021_fundaci_n_argeninta-ai_ok?fr=sZjg2NjE5NTg3OTY

<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

CEPOS NEW CALL FOR PAPERS 2023

<https://10times.com/company/cepos>

<https://10times.com/after-communism-east-and-west-under-scrutiny>

<https://conferencealerts.com/show-event?id=238529>

<https://www.sciencedz.net/conference/82995-cepos-international-conference-2022-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2021

The Eleventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 19-20 March 2021) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

<https://academic.oup.com/jcs/advance-articleabstract/doi/10.1093/jcs/csaa064/5941887?redirectedFrom=fulltext>

<https://conferencealerts.com/show-event?id=229654>

<https://www.sciencedz.net/en/conference/72628-11thinternational-conference-after-communism-east-and-west-under-scrutiny>

<https://10times.com/after-communism-east-and-west-under-scrutiny>

<https://worlduniversitydirectory.com/edu/event/?slib=11thinternational-conference-after-communism-east-and-west-under-scrutiny-2>

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-under-scrutiny>

Intraders

<https://www.intraders.org.cdn.ampproject.org/v/s/www.intraders.org/news/romania/10>

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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%2Fomania%2F10th-internationalconference-
after-communism-east-and-west-under-scrutiny%2F

10 times

<https://10times.com/after-communism-east-and-west-under-scrutiny>

The conference alerts

<https://theconferencealerts.com/event/46428/10th-internationalconference-after-communism-east-and-west-under-scrutiny>

Scirea

<https://www.scirea.org/ConferenceInfosByConferenceCountryId?conferenceCountryId=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_INTERNATIONAL_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+AFTER+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

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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.schoolandcollegelisting.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, 24-25 March 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/>

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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_Internati

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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 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>

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<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>

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SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>

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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_scrutiny:_Fourth_International_Conference

Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Políticas y Sociología,
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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

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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 Științe Politice. Revue des Științe Politice*, 39, 49-58.

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