

RESEARCH AND SCIENCE TODAY

~ Scientific Review ~

~Autumn~

**No. 2(16)/2018
November 2018**

**ISSN-p: 2247 – 4455
ISSN-e: 2285 – 9632
ISSN-L: 2247 – 4455**

Târgu-Jiu 2018

Cover: Batcu Alexandru

Editing: Mărcău Flavius-Cristian

Director: Mărcău Flavius-Cristian

Contact:

Mail: flavius@rstjournal.com

Web: www.rstjournal.com

Tel: +40766665670

COPYRIGHT:

- Reproductions are authorized without charging any fees, on condition the source is acknowledged.
- Responsibility for the content of the paper is entirely to the authors.

SCIENTIFIC COMMITTEE:

Prof. univ. dr. Adrian Gorun, Universitatea "Constantin Brâncuși" din Târgu-Jiu.

Prof. univ. dr. ing. Ecaterina Andronescu, University Politehnica of Bucharest.

Prof. univ. dr. Michael Shafir, Doctoral School in *International Relations and Security Studies*, "Babes-Bolyai" University.

Prof. univ. dr. Nastasă Kovács Lucian, The Romanian Academy Cluj-Napoca, "George Baritiu" History Institute.

Prof. univ. dr. Adrian Ivan, Doctoral School in *International Relations and Security Studies*, "Babes-Bolyai" University.

Prof. Dr. Miskolczy Ambrus, Eotvos Lorand University (ELTE), Hungary.

Dr. Gregg Alexander, University of the Free State, South Africa.

Professor, dr. jur. et phil. Ditlev Tamm, Center for retskulturelle studier (CRS), University of Copenhagen.

Prof. univ. dr. Iancu Elena Anca, "Alexandru Ioan Cuza" Police Academy, Bucharest.

Prof. univ. dr. Victor Munteanu, Christian University "Dimitrie Cantemir".

Prof. univ. dr. Florin Müller, University of Bucharest.

Prof. univ. dr. Ilias Nicolae, University of Petrosani.

Prof. Univ. dr. Doinița Ariton, Danubius University of Galati.

Prof. Univ. dr. Ioan Deac, National Defence University "Carol I".

Prof. univ. dr. ing. Gheorghe Solomon, University Politehnica of Bucharest.

Prof. univ. dr. Iuliana Ciochină, "Constantin Brâncoveanu" University.

Prof. univ. dr. ing. Marius Bulgaru, Technical University of Cluj-Napoca.

Prof. univ. dr. Nicolae Todea, University "1 Decembrie 1918" of Alba Iulia.

Prof. univ. dr. ing. Mircea Neagoe, Transilvania University of Brasov.

Prof. univ. dr. Niculescu George, "Constantin Brâncuși" University of Târgu-Jiu.

Prof. univ. dr. Moise Bojincă, "Constantin Brâncuși" University of Târgu-Jiu.

Prof. univ. dr. Cruceru Mihai, "Constantin Brâncuși" University of Târgu-Jiu.

Prof. univ. dr. Gămăneci Gheorghe, Universitatea "Constantin Brâncuși" din Târgu-Jiu.

Prof. univ. dr. Ghimiși Ștefan Sorinel, "Constantin Brâncuși" University of Târgu-Jiu.

Prof. univ. dr. Bică Monica Delia, "Constantin Brâncuși" University of Târgu-Jiu.

Prof. univ. dr. Babucea Ana Gabriela, "Constantin Brâncuși" University of Târgu-Jiu.

C.S II Duță Paul, Romanian Diplomatic Institute.

Conf. univ. dr. Flavius Baias, University of Bucharest.

Conf. univ. dr. Adrian Basarabă, West University of Timișoara.

Conf. univ. dr. Răzvan Cătălin Dobrea, Academy of Economic Studies.

Pr. Conf. univ. dr. Dumitru A. Vanca, University "1 Decembrie 1918" of Alba Iulia.

Conf. univ. dr. Purec Sorin, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Neamțu Liviu, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Tomescu Ina Raluca, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Hadrian Gorun, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Rujan Cristinel, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Simionescu Elena Giorgiana, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Gavrilă Alin, "Constantin Brâncuși" University of Târgu-Jiu.

Conf. univ. dr. Plăstoi Camelia, "Constantin Brâncuși" University of Târgu-Jiu.

C.S. III Manolache Viorella, Institute of the Political Science and International Relations, Romanian Academy

CS III Dr. Claudia Anamaria Iov, "Babes-Bolyai" University of Cluj-Napoca

Lect. univ. dr. Dan Ionescu, "Lucian Blaga" University of Sibiu.

Ș.I. dr. Ciofu Cristian Florin, "Constantin Brâncuși" University of Târgu-Jiu.

Dr. Dragoș Davițoiu, Bucharest University and Emergency Hospital

Dr. Cosmin Ciora, Fundeni Clinical Institute, Bucharest

CONTENTS

INTERNATIONAL RELATIONS

- **NEW TENDENCIES IN APPROACHING SECURITY THROUGH COMPETITIVE INTELLIGENCE..... 7**
Adina MIHĂESCU
Ionuț Daniel MOLDOVAN
- **THE EFFECT OF THE MASS MEDIA IN THE EU PERCEPTION..... 17**
Alina-Monica BĂRĂIAN
- **ELECTORAL FRAUD METHODS – THE PARLIAMENTARY ELECTIONS OF 30TH NOVEMBER 2008 21**
Anca-Gabriela MICAȘ
Claudia Anamaria IOV
- **STRUCTURAL CHANGES IN NATIONALISM - MIGRATION AND INSECURITY 33**
Ionut-Daniel MOLDOVAN
Adina MIHĂESCU
- **APPROACHES TO PROVIDING SECURITY IN DATA QUALITY MANAGEMENT 42**
Marisia TOMA
Ștefania LEUCA
- **RUSSIAN INFLUENCE IN EUROPEAN POLICIES 49**
Gheorghe RADU
- **BUSINESS INTELLIGENCE AND COMPETITIVE INTELLIGENCE: THE EVOLUTION OF THE TERMS..... 56**
Horia Mircea BOTOȘ
- **INTEGRATION OF THE INTERNATIONAL NORM..... 62**
Paul POPA
- **THE EVOLUTION OF THE INTERNATIONAL MIGRATION SYSTEM 72**
Iulia COMAN-CRISTEA
- **RECEPTION OF COUNTERCULTURE IN EASTERN EUROPE..... 83**
Sebastian MARIȘ

LEGAL SCIENCES

- **THE NATURE OF THE INTERNATIONAL LAW SYSTEM AND ITS SYSTEMIC CONSEQUENCES 94**
Cantemir PĂCURARU

- **ASPECTS OF THE THEORY OF NON-EXISTENT ADMINISTRATIVE ACTS..... 107**
Andra-Ioana ROȘCA

SOCIAL SCIENCES

- **THE CRUSADES. CONCEPT AND PARADOXES 113**
Raul-Constantin TĂNASE
- **APPLYING TIME MANAGEMENT, STRESS MANAGEMENT FOR FINDING THE STABILITY STATE- A NECESSITY OF THE ACTUAL PERIOD..... 126**
Corina Ana BORCOȘI
- **THE RELATION BETWEEN THE PHONOLOGICAL COMPETENCE AND ORTHOGRAPHY IN THE ACQUISITION OF SPANISH (L2) BY ROMANIAN STUDENTS 134**
Răzvan BRAN
- **INDIGENOUS ZOOTHERAPEUTIC HEALING PRACTICES: AMONG THE MACCA OROMO, SOUTHWESTERN ETHIOPIA 142**
Milkessa EDAE
Kamil MOHAMMED
- **CHALLENGES IN ROMANIAN/ENGLISH TRANSLATION OF TECHNICAL TERMINOLOGY 166**
Laura SASU

MEDICINE

- **A VOLUMINOUS SARCOMA OF THE RIGHT ARM AGGRESSIVELY LOCALLY AND AT DISTANCE..... 176**
Tiberiu Ștefăniță ȚENEA-COJAN
Lucrețiu RADU
Mihaela VLADU
Diana CLENCIU
Cristina Gabriela ENE
Vlad BĂLEANU
- **GLUCOCORTICOID THERAPY IN PATIENTS WITH RHEUMATOID ARTHRITIS – A CAUSE OF HYPERTENSION 186**
Cristina Gabriela ENE
Cristina Florina OLTEANU
Mihaela VLADU
Diana CLENCIU
Gabriela Nicoleta MĂTUȘOIU
Lucrețiu RADU
Romeo POPA
Tiberiu Ștefăniță ȚENEA-COJAN
Raluca Elena BOȚOAGĂ

- **OBESITY- AN IMPORTANT ASPECT IN THE MANAGEMENT OF RHEUMATOID ARTHRITIS.....** 194
 Cristina Gabriela ENE
 Cristina Olteanu
 Gabriela Nicoleta MĂTUȘOIU
 Lucrețiu RADU
 Romeo POPA
 Tiberiu Ștefăniță ȚENEA-COJAN
 Raluca Elena BOȚOAGĂ
- **PAPILLARY THYROID CANCER- A CASE OF LOCO-REGIONAL AGGRESSIVNESS.....** 203
 Tiberiu Ștefăniță ȚENEA-COJAN
 Carmen DRAGOMIRESCU
 Mihaela VLADU
 Diana CLENCIU
 Cristina Gabriela ENE
 Vlad BĂLEANU
 Lucrețiu RADU
- **RISK FACTORS IN PANCREATIC CANCER** 210
 Raluca GRIGORESCU
 Ovidiu Andrei OLTEANU
 Cristian GHEORGHE
 Adina CROITORU
- **INFORMATION ABOUT RESEARCH AND SCIENCE TODAY JOURNAL** 214

NEW TENDENCIES IN APPROACHING SECURITY THROUGH COMPETITIVE INTELLIGENCE

Adina MIHĂESCU¹
Ionuț Daniel MOLDOVAN²

ABSTRACT:

THE BUSINESS ENVIRONMENT AND THE MEDIA SPECIFIC TO INTELLIGENCE ACTIVITIES SHARE AN IMPORTANT COMMON FEATURE: THE LACK OF CERTAINTY. DIGITIZATION AND TECHNOLOGICAL PROGRESS, EVEN IF THEY SHOULD EASE THE DECISION-MAKING JOB OF A MANAGER (THROUGH AN EASIER ACCESS TO INFORMATION); IN PRACTICE HE IS SURROUNDED BY THE LARGE AMOUNT OF DATA THAT HE HAS AT HIS DISPOSAL. THE DIFFERENCE IS MADE BY THOSE THAT GO FROM THE STAGE OF "CURIOSITY" TO THE "VERIFIED INFORMATION" STAGE.

ACHIEVING THIS DETAILED PROCESS OF COLLECTING RELEVANT DATA IS IMPETUOUSLY NECESSARY. AND THIS ACTIVITY IS THE FEATURE OF THE COMPETITIVE INTELLIGENCE STRUCTURES (C.I.). THE RAW DATA TRANSFORM INTO INTELLIGENCE - THIS CAN REPRESENT THE BASIS OF STRATEGIES AND ACTION PLANS (OR ANALYSIS, FORECASTS ETC.). FROM THIS RESULTS ONE OF THE MAIN STRENGTHS OF A COMPANY, NAMELY PERFORMANCE IN THE FIELD OF ANTICIPATION.

KEY WORDS: COMPETITIVE INTELLIGENCE, INFORMATION, SECURITY STUDIES, SOCIETAL SECURITY, ECONOMICAL SECURITY.

INTRODUCTION

THE SHIFT OF PARADIGM IN APPROACHING SECURITY STUDIES

The traditionalist vision implies a unique perspective of approaching security, namely the military one and the one involving the use of force. One of the representatives of this school of thought, Stephen Walt, says that a widening of the security studies would affect the logic, even the consistency of the ones above. He argues that the approaches of problems like the economical or environmental ones would only hinder the work of security decision-makers in the security field and it would make it make making quick and effective decisions more difficult. In his view, war

¹ PhD student Doctoral School of International Relations and Security Studies, Babeș-Bolyai University, Cluj Napoca, e-mail: adinamihaiescu12@gmail.com

² PhD student Doctoral School of International Relations and Security Studies, Babeș-Bolyai University, Cluj Napoca, e-mail: ionut.moldovan22@gmail.com.

has always been a central part of human existence, and certainly, unfortunately, this will not change; so the other problems become secondary, their level of importance fluctuates, so they must be analyzed alternatively³.

The NATO Summit in Rome in November 1991 brings into discussion, in addition to establishing cooperation with new partners from Central and Eastern Europe, issues related to the environment, scientific cooperation, the democratization of the relationship between the military and the civil society etc. And this makes us understand the paradigm shift and the beginning of a different orientation from the traditional one, a vision much similar to that of the Copenhagen School.

In the work of *People, State and Fear* (1993), Barry Buzan, one of the founders of the Copenhagen School, redefines the well-known concept of "security", changing the optics upon it, as being not only a function of the military power but a function of preservation of societies. Even though within the society, the sectors in which it is divided and it operates (economical, political, military etc) can't be completely separated, the use of this way of approaching makes the research and the analysis work of the specialists easier and more comprehensive.

*"The analytical method of the sectors thus begins with fragmentation, but it must be finished with the reconstruction of the whole. Fragmentation is done only to simplify and clarify. But, to achieve a level of understanding, it is necessary to reunify the parties and study the way they relate."*⁴

The sectors to which reference is made and which are dealt in more detail in the quoted paper are: military (which is, according to the traditionalistic thinking the only one entitled to approach the security paradigm), economic, political, environmental and societal.

*"Threats and vulnerabilities can arise in many areas: military or non-military ones, but in order to count as security issues, they have to meet a number of strict criteria that distinguish them from the normal flow of exclusively political ones. They must be faced as existential threats to a object of reference by an actor from the security environment that thus generates the approval of emergency measures outside the rules that would otherwise be required."*⁵

According to the constructivist theory, an action (theme, movement) is impossible to be diminished at a stimulus-response level. It is the result of interpretation, of a system of codes and significations; it must be adapted to the social contextual etc.⁶

Bjorn Mollen, one of the Copenhagen School of Copenhagen (Copenhagen Institute of Peace, founded in 1985) contesters states that, even though this has played a particularly important role in the progress of peace studies, there is no uniform approach regarding research, if they are *for or about* peace.⁷

³ Stephen M. Walt *The Renaissance of Security Studies*, International Studies Quarterly, (1991) , 213.

⁴ Barry Buzan ,Ole Wæver, Jaap de Wilde Security: A New Framework for Analysis, (Cluj-Napoca: CA Publishing, 2010), 23.

⁵ Barry Buzan ,Ole Wæver, Jaap de Wilde Security: A New Framework for Analysis,18.

⁶ Diana Didă, A „relative” field. The Security, Identity Studies and Security after 1990. Etnosfera magazine, no 2, (2009).8.

⁷ Bjorn Mollen Topical Issues in Nordic Peace Research, ,(2001) https://www.sagepub.com/sites/default/files/upm-binaries/2953_12PRA01.pdf.

However, structuring security on five distinct sectors that differentiates the types of action and interaction is more than necessary in the current logical socio-political dynamic and it is welcomed both for the research environment and for the decision-makers.

In this framework, I have tried to approach two of the security sectors(societal and economic, providing a working perspective within them, by using techniques specific to information and normative analysis from the field of Competitive Intelligence.

2. SOCIETAL SECURITY

Ole Wæver (1993) delimits the concept of social security like this: if the nation is a "community searching for a state", we cannot say that the security of the nation is the same as the societal security, because the societal security refers to the security from outside the state or "along" the state.

The security of the nation would, in this case, refer to the political security. The sense of identity, of community that the nation ensures is included in the context of societal security; if we reduce it to the security of groups, we operate a fragmentation of it; if we reduce security to the individual one, we return to the atomistic concept of security, from where one of the "national security" approaches (understood as the aggregate of the group and individual security) has inspired from.⁸ The Copenhagen School argues that security issues are built on the discursive act⁹.

At the same time, the Romanian Association for Social Security (established in 2007 as a collegiate, cultural-scientific and non-governmental community) defines social security as being a particular type of security of human communities in the absence of which their survival in history would not be possible, protecting the collective memory and identity, maintaining the social and cultural-symbolic cohesion in a society.

Although the phonetic difference between the *societal* and *social* terms is a small one, the semantic difference is significant, when we associate the lexeme *security* (creating social security and social security constructions) meaning changes significantly. In the first case, we refer to the way of identification of the collectivities (culture, religion etc.) and in the second case -to individuals (physical, economical, financial security etc.).

At the same time, the lexeme *society* cannot always be defined as a population of a state, because it may be composed of several distinct societal communities.

The founder of the Romanian sociology, Dimitrie Gusti, defines the notion of *community* as "*the total autonomy of the individuals who live together and submit as manifestations of will an economic and a spiritual activity, ethically and juridically regulated and politically-administratively organized, conditioned by the cosmic framework, biological framework, psychological and historical framework.*"¹⁰

Culture can also be translated as civilization, that "cultural entity," an ensemble of cultural features and phenomena, "a specific chain of visions over the world, structures and culture that make a historical whole," while creating "creating at the same time" "the largest cultural group

⁸ Ionel Nicu Sava *Security Studies*, (Bucharest,Romanian Center for Regional Studies, 2005), 49.

⁹ Claudia Anamaria Iov, Maria Claudia Bogdan, Securitization Of Migration In The European Union - Between Discourse And Practical Action, *Research And Science Today*, Spring 2017, No. 1(13)/2017, 14.

¹⁰ Dimitrie Gusti *Opere*, Vol. I, (Bucharest, Academy's Publishing House 1968).

of people and the widest level of people's cultural identity", apart from other common characteristics that differentiate them from other species.¹¹

Radu Baltasiu (2007) , in his work „*Introduction to sociology. Spirituality, nation and capitalism*. "observes that the elements of culture are collective and are often related to the collective unconscious, being a source of the phenomenon called sociality and sociability orientation frameworks. This means that the collective memory of individuals is a living element of the common vision of the world and experiences.

Ilie Bădescu, in his work *Noologia* (2002) speaks about the religious consciousness and about the communities' power to withstand the threats in which this consciousness has strong roots. The distinguished professor appreciates that communities can only be dissolved when the faith and religious manifestations end.

*"Who wants the destruction of a collectivity fights against its ideality, to weaken it and the feelings that people share, embodied in its value system."*¹²

According to B. Buzan, the social security agenda is set by different actors in certain regions over certain periods of time. He identifies four threats against the social security; three important ones: migration, horizontal competition (influences generated by the expansion of a neighboring culture), vertical competition (the existence of integration or secessionist systems) and a secondary one: depopulation (caused either by natural disasters or by human actions - war, extermination policies etc.). If the societal and political sectors have an active connecting bridge, the community's reaction against the threats is to transpose the problem they are facing on the national agenda. Another way to take action against the threat is through actions taken within the community concerned.

In order to be able to thoroughly observe the potential problematic events that may endanger a social group, it is important to take into consideration the civilization that has created the respective culture, with its values and social norms, traditions, symbols, linguistics and art.

"Societal identity can be threatened by a large number of factors, from suppression of one's own expression to the interference or lack of ability to reproduce through generations.

Examples of societal threats can include:

- *cultural cleansing*
- *the systemic approach towards destroying or limiting important institutions and/or cultural symbols that are important for the group's identity;*
- *ethnic cleansing*
- *deliberate or voluntary harassment, violence, crimes and/or deportation of members of a society by another society"*¹³

How can societies manifest themselves for the sake of their own protection, given the fact that they lack the means of the states?

"The use of the societal security provides an analytical leverage when we evaluate what kind of developments can become threats and potential causes for a violent conflict. The use of the

¹¹ Huntington, Samuel P., *The Clash of Civilizations and the Remaking of World Order*, (Litera Publishing House, Bucharest, (trad.) by Liana Stan, 2012).

¹² Ilie Bădescu Noological sociology. *The Spiritual order of the society*, (Bucharest, Mica Valahie Publishing House, 2007), 139.

¹³ Iulian Chifu, Oazu Nantoi, Oleksandr Sushko, , *Societal security in the trilateral region: ROMANIA-UKRAINE-REPUBLIC OF MOLDOVA*, (Bucharest, Curtea Veche Publishing House, 2008) ,168.

*societal security makes it possible to explain how migration, television and radio broadcasts, election results, and linguistic education can contribute to a violent conflict between societies or between the state and the society.”*¹⁴

Another important problem is the one related to the *positive discrimination*. A bad and vicious understanding of the human rights concepts can lead to the creation of excessively advantaged minority entities / groups and through this, to the discrimination of the majority.

*“When the collective rights overcome the cultural autonomy, moving to the political, administrative or territorial autonomy - without a concrete basis to sustain such an intermediate alternative administration based on the principles of the minority between the state and the local administration and individuals - there is a clear basis for manifestation of some threats to the societal security and even a first step to threatening the national security.”*¹⁵

In contrast to these, the ideas of multiculturalism and social cohesion, that have been debated more and more lately, are considering a harmonic existence, the coexistence of several different cultures.

*“Societal Cohesion represents the other side of reality and existence of communities and represents the sum of values, norms, actions, behaviors, determining the confluence, coexistence and the vector of unity of the society.”*¹⁶

Thereby, the dilemma regarding societal security is manifestly related to feelings of membership and culture, subjective perceptions, beside globalisation and integration.

3. ECONOMICAL SECURITY

With the dissolution of U.R.S.S. and the Communist Bloc, the perspectives of the international economy have changed significantly. If until 1989 we were dealing with two large blocks: the capitalist and the communist ones, fundamentally different and which did not have economic exchanges only on its territory, the beginning of the '90s comes with major changes. The liberalization of the markets (including capital markets), the emergence and development of new markets, the reorganizations of custom tariffs, all these have led to the need to give a greater importance to the economic security. The interdependence of states now rests on the ability of states to cooperate, to trade and to influence each other mostly from an economic perspective. They understand that their security depends now also on the domestic economic environment, but also on the international situation. It is important to note here that one of the initial arguments of the European integration was related to putting together of the heavy industries- of coal, steel, nuclear, and the replacement of independence with the interdependence of states in this regard.

The Global Risks Report 2018¹⁷, an annual study published by the World Economic Forum, globally examines, studies, identifies the risks that humanity is going to face in the next year. The latest report from January 2018 (emerged from the Davos-Switzerland meeting with a central topic of debate: *Creating a Shared Future in a Fractured World*), identifies an increase of risks in the following areas:

¹⁴ Iulian Chifu, Oazu Nantoi, Oleksandr Sushko, , *Societal security in the trilateral region*, 170,171

¹⁵ Iulian Chifu, Oazu Nantoi, Oleksandr Sushko, , *Societal security in the trilateral region* , 172

¹⁶ Iulian Chifu, *Bosnia –Herzegovina: Societal cohesion, the scene of the national reconstruction and the road towards European integration*, (Europa XXI nr.6, 2008), 17.

¹⁷ The Global Risks Raport2018, http://www3.weforum.org/docs/WEF_GRR18_Report.pdf, accessed on 15.09.2018

- 1) Persistence of social and economic inequalities
- 2) Political tensions on national and international level
- 3) Environmental hazards
- 4) Cyber vulnerabilities

Therefore, we can observe that one of the most notable problems that we are currently facing is of economic nature, of a major importance, with real possibilities to destabilize the local, national or international security.

If a state has enough leverage to cushion the negative impact of sudden changes/threats, a private company cannot do the same. At the same time, a bad management leads to bankruptcy and disappearance of a company on the market, thing that can't happen to a state (in the sense that it can go bankrupt but it doesn't disappear, and the economic crisis turns into a political one).¹⁸

From another point of view, however, one of the principles of economic security is that we go into any analysis from the assumption that the economic agents work more competitively on an uncertain market. It is known that in the economic environment we can't speak of safety and a perfect balance. So, uncertainty increases competition, stimulates the creative spirit and analytical and predictive capabilities.

4. MANAGING VULNERABILITIES AND THREATS THROUGH COMPETITIVE INTELLIGENCE

"It is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is the most adaptable to change."¹⁹ – Charles Darwin

Under these conditions, how do societies manage the vulnerabilities they are facing and overcome challenges and resist threats?

By keeping the proportions, certain strategies in the economic security environment can be applied within societies, allowing an analysis of the place, moment, influences, threats etc. The most efficient working method in this sense belongs to the Competitive Intelligence field.

"When the rhythm of change outside of your organization is greater than the one inside it, the end is close."²⁰ Jack Welch, former CEO, General Electric.

¹⁸ Barry Buzan ,Ole Wæver, Jaap de Wilde Security: A New Framework for Analysis, (Cluj-Napoca, CA Publishing,2010), 154-160.

¹⁹ In 1963, the American professor Leon. C. Megginson from Louisiana State University, at a conference of the Association for Social Sciences (Southwestern Social Science Association) held a speech that is later published in the association's magazine. In this speech, he uses the famous phrase, summing up the central idea of C. Darwin's paper: *The Origin of Species*, and even if he does not use the appropriate symbols of a quoted text, he says the phrase: "That's what Charles Darwin says" Although the quoted phrase does not have quotations in the article published after the conference, the quote remains attributed to the brilliant English naturalist because, in essence, this is one of the fundamental ideas of his research, presented not only in the *Origin of Species* (1859) but also in *Human Origin and Sexual Selection* (1871).

²⁰ The National Electric Report for year 2000, section *Relishing Change*,
<https://www.ge.com/annual00/download/images/GEannual00.pdf> accessed on 29.08.2018.

The quote above converges towards the Competitive Intelligence Division's ²¹mission, namely the one to create a decisional advantage for the beneficiary. In sports or politics, in war and in business, we cannot work efficiently if we don't know what the others are doing. In order to understand as complexly and correctly as possible the environment in which we operate (internal vs external), we have to make a detailed process of data collection (information); but turning this information into intelligence is the most problematic part. Like in the case of business strategies, the members of a community don't lack statistical or economic data; the difficulty consists in analyzing and linking a large number of data, indicators, news, open sources, and formulating analyzes, forecasts and relevant solutions based on these.

In the paper *Competitive Intelligence Gathering, Analyzing and Putting it to Work*, Christopher Murphy (2005) argues that " [...] any factor that imposes a risk for the opportunities or profitability is given to the CI department"²². By extrapolating, an analysis of some CI experts is useful in order to avoid any sensitive / problematic situations that could appear and the domain of competence of this activity outweighs the domain of the economic field.

A close link between the CI department and the beneficiary allows his involvement in real time and clarification or detailing the needs.

In order to involve the beneficiary in an effective way, complex techniques must be used to identify needs and also to evaluate their own performance. The question we are asking is not: "What are your priorities in terms of information?", but "What do you want to achieve?", starting from the premise that the support provided is in the form of a relationship rather than of an event.

The resulting analytic products transform into *adapted services*, focusing on utility rather than simple propagation, working in analytical networks centered on the mission.

The CI specialist must be technologically and analytically trained, to be an expert when it comes to the political and business fields, to be able to understand geopolitics and to adapt the security policy to the changing demands of the beneficiaries.

He must impose three fundamental principles to the beneficiary for whom he works.

The first one of them is *Adaptability*

- is the success in anticipating and successfully responding to environmental changes.
- is a process that requires constant supervision of the external environment, the identification of threats, vulnerabilities but also opportunities
- the success through adaptability implies an active involvement and openness to external ideas and, necessarily openness to learn from experience.

The second principle is *Alignment*

- the adjust of all the system's components to ensure it good function
- represents the assurance of the unity of effort, but without falling into the conformism of thought.
- the degree of consistency and coherence between strategy, systems, processes and communication

The third principle is *Flexibility*

- is the skill to reconfigure the working processes in a short time and with minimal effort and minimal resources to take advantage of opportunities and overcome risks
- the response to unpredictable events must have a good speed and accuracy

²¹ I used the term *division* as representing the person/people who carry out the information analysis and transforming them into intelligence

²² Murphy, Christopher, *Competitive Intelligence. Gathering, Analysing and Putting it to Work*. (England, Gower Publishing, 2005).

Those three mentioned principles must be integrated and strengthened. Adaptability without Alignment generates chaos and loses resources; adaptability without flexibility leads to the possibility of seising the danger, but lack of efficiency in avoiding it.

Besides the obvious differences between the beneficiary and the CI specialist, the latter one must have the ability to emotionally detach from the environment they are analyzing. If in a society it would be indicated that the CI department is absolutely distinct, when we talk about the analysis of societal security, the analyst should know in detail the culture for whose advantage of he works for. This means that there is a significant possibility that the person (people) concerned to be from within the community. However, an objective overview is needed, also an alternative point of view, *a reality check* on one's perceptions.²³

Just like in the business field- the competitive/business intelligence activities shouldn't be confused, in this research an analysis of the societal security through CI is not confused with the spying activity. This belongs to the state and not to the society. The competitiveness activity through information is one within the limits of legality and ethical principles.²⁴

Robert Steel, well-known financial expert and official of the United States' Government said that *"Information costs money ... intelligence makes money"*²⁵

Hence, the transformation of the raw information into intelligence brings net added value, superior to initial investment. And this transformation of data into analyses and predictions into solutions and strategies to follow is the value of intelligence *science*.

"Business Intelligence has two basic components:

- *Competitive Intelligence (CI)*
- *Competitive Counterintelligence (CCI).*

*"If the CI field entails obtaining information about the business field in the beneficiary's domain of interest, the CCI is supposed to ensure its own security against external attempts to obtain information that would be further transformed into intelligence. The CCI wants to ensure the physical security, the security of documents, of informatics and communications systems."*²⁶

5. CONCLUSIONS

Douglas Bernhardt, (an economic and CI analyst), in his paper: *How to acquire and use corporate intelligence and counter-intelligence*, argued that *"the strategy that is not based on intelligence is not a strategy, but a guess."*²⁷

²³ Christopher, *Competitive Intelligence.Gathering*, 15-16

²⁴ In the US, "The Economic Espionage and Protection of Proprietary Information Act " has taken out the offense of violating the business secret and the one of stealing private information from under the jurisdiction of the local and state authorities and passed them under the jurisdiction of the federal authorities. There is no equivalent of this law in Romania's legislation nor in the European Union's law. However, there are more laws that incriminate the economic espionage.

²⁵ Larsonin, Mark, *Win loss analysis*, Primary Intelligence Magazine, 3 decembrie 2007, <https://www.primary-intel.com/blog/competitive-intelligence-tip-1-make-your-ci-produce-revenue/> accessed on 29.08.2018

²⁶ Medar, Sergiu, *Why business intelligence ?*, Competitive Intelligence-Business magazine, number 1, (2012).

²⁷ Bernhardt, Douglas, , *Competitive Intelligence. How to acquire and use corporate intelligence and counter-intelligence*, (FT PrenticeHall (Financial Times), 2003), 87-90.

The CI specialists work with a wide range of data with different and important representativities, from the moment of collecting them to turning them into intelligence, this latter stage being the most difficult but the most important part. Generic data are filtered, the relevant information being sifted, going from quantity to quality. Communities, for their own benefit need not only raw information but a summary and analysis of them, predictions and opinions about the future instead of simple information about present or past situations.

Therefort, both in the case of economic security and in the case of societal security, their preservation can be achieved through the techniques that are specific to informational activities and to the norms of analysis from the Competitive Intelligence field.

The goal is obtaining a complete vision of the issue, to realize a basic strategy on the long-term and the tactics that need to be adopted. Through information and counter- information work, the analyzed company/society/group is positioned internally and externally and is protected against possible destabilizing intrusions.

REFERENCES

1. **Barry Buzan ,Ole Wæver, Jaap de Wilde** (2010), *Security: A New Framework for Analysis*, CA Publishing,
2. **Bernhardt, Douglas**, (2003), *Competitive Intelligence. How to acquire and use corporate intelligence and counter-intelligence*, FT PrenticeHall (Financial Times)
3. **Bjorn Mollen**,(2001) Topical Issues in Nordic Peace Research,
https://www.sagepub.com/sites/default/files/upm-binaries/2953_12PRA01.pdf
4. **Dimitrie Gusti** (1968), *Opere*, Vol. I, Bucharest, Academy's Publishing House
5. **Huntington, Samuel P.**, (2012), *The Clash of Civilizations and the Remaking of World Order*, Litera Publishing House, Bucharest, (trad.) by Liana Stan
6. **Ilie Bădescu** (2007), *Noological sociology. The Spiritual order of the society*, Bucharest, Mica Valahie Publishing House
7. **Ionel Nicu Sava** (2005), *Security Studies*, Bucharest, Romanian Center for Regional Studies
8. **Iov Claudia Anamaria, Bogdan Maria Claudia**, *Securitization Of Migration In The European Union - Between Discourse And Practical Action*, RESEARCH AND SCIENCE TODAY, Spring 2017, No. 1(13)/2017, pp. 12-19.
9. **Iulian Chifu**,(2008), *Bosnia –Herzegovina: Societal cohesion, the scene of the national reconstruction and the road towards European integration*, Europa XXI nr.6, p.17
10. The Global Risks Raport 2018, http://www3.weforum.org/docs/WEF_GRR18_Report.pdf, accessed on 15.09.2018
11. **Iulian Chifu,Oazu Nantoi, Oleksandr Sushko**, (2008) , *Societal security in the trilateral region: ROMANIA-UKRAINE-REPUBLIC OF MOLDOVA*, Bucharest, Curtea Veche Publishing House
12. **Larsonin, Mark**, Win loss analysis, *Primary Intelligence Magazine*, 3 decembrie 2007,
<https://www.primary-intel.com/blog/competitive-intelligence-tip-1-make-your-ci-produce-revenue/>
13. **Medar, Sergiu**, (2012) , *Why business intelligence ?*, *Competitive Intelligence-Business magazine*, number
14. **Stephen M. Walt** ,(1991) *The Renaissance of Security Studies*, *International Studies Quarterly* ,p.213.
15. **Diana Didă**, A „relative” field. *The Security, Identity Studies and Security after 1990. Etnosfera magazine*, no 2, 2009
16. **Murphy, Christopher**(2005) , *Competitive Intelligence.Gathering, Analysing and Putting it to Work*. Gower Publishing, England
17. General Electric report -2000, *Relishing Change Section*
<https://www.ge.com/annual00/download/images/GEannual00.pdf> accessed on 09.09.2018
18. The Global Risks Raport 2018, http://www3.weforum.org/docs/WEF_GRR18_Report.pdf, accesat 15.09.2018
<https://www.ge.com/annual00/download/images/GEannual00.pdf> accesed on 09.09.2018
19. <https://www.primary-intel.com/blog/competitive-intelligence-tip-1-make-your-ci-produce-revenue/>, accessed on 29.08.2018.

THE EFFECT OF THE MASS MEDIA IN THE EU PERCEPTION

Alina-Monica BĂRĂIAN¹

ABSTRACT:

IN AN IMAGE CULTURE SUCH AS THE ONE IN WHICH THE MEDIA IS THE DECISIVE FACTOR IN THE PERCEPTION OF EVENTS, THE MENTALITY OF YOUNG PEOPLE IN ROMANIA AND BEYOND IS SHAPED BY THE IMPACT OF SOCIAL NETWORKS. THE MEANING OF THIS MODELING IS A POSITIVE ONE, BECAUSE THERE IS THE EXCHANGE OF INFORMATION, THE ACCEPTANCE OF DIVERSITY, THE UNDERSTANDING OF THE GLOBALIZATION PROCESS AND THE FACT THAT THE EUROPEAN UNION IS A GUARANTOR OF FREEDOM AND DEMOCRACY.

KEY WORDS: MASS MEDIA, IMAGE, FREEDOM, EUROPEAN UNION

INTRODUCTION

The present age can be described as the operational end of the concept of historicity, the present time dominating perception, especially due to the existence of visual and audio visual media. History is now the television network or the Internet where the information is instantaneous and simultaneous.

THE EFFECT OF THE MASS MEDIA IN THE EU PERCEPTION

Gianni Vattimo finds this context appropriate, saying: "There is a kind of fundamental immobility of the technical world that fiction writers have represented as a reduction of any experience of reality to an imaginative experience (no one really meets no one, everyone sees everything on television or computer monitors, which even, even more realistically, is perceived in the veiled and air-conditioned silence in which computers work"². Because everything is limited to transparency and surface, man can manifest himself predominantly as an appearance or image, being a surface of absorption or resorption of the networks that influence it Concrete is transformed by abstraction, computation, and cropping of snapshots. Based on imaging, everything comes extremely fast and concurrently, giving the impression of mixing: discourse, order, classification and The immediate consequence is the mastery of space only as a picture, in a parallel structure of

¹ PhD, Colegiul Național "G. Barițiu" Cluj-Napoca, Romania, alinabaraian@yahoo.com.

² Vattimo Gianni, *Sfârșitul modernității*, (Constanța: Editura Pontica, 1993), 17.

the world and nature. The world is reconfigured under the impact of the visual media through the network structure, provided by the immense penetration of information and interrelationships. We are witnessing a kind of liberation in all fields as an effect of the extension of meanings, facilitated by the overcoming of classical thought based on the concept, towards contemporary, sign-based. Liberation is manifested in all areas: political, cultural, pulsational, economic, etc. The free mix of image meanings allows the exploration of uncharted aspects, even at the same time as their production, through famous live broadcasts.

In contemporary society, we feed us more and more with images. There is an immense appetite for the image: whether it's external, provided by TV or computer, or inside, provided by its own delusional scenarios. The imagistic culture of the information society places, paradoxically in its center, the inner image. We find old collections of ideas and mentalities staged in imaging interfaces. We are witnessing an interesting synthesis of esotericism, traditions and electronics. Whatever we desperately want and do not possess, we acquire a computer, and we build everything virtually, more by connecting to the network structure, expediting what we do to others through the Internet. So we get to see just what we want and only the aspects we resonate with. Our thinking has somewhat greater powers. The world seems to be the result of our consciousness. In the plurality of possible values we want or dream to join, we create a self that we want to be seen, posturing the creative capacity that we have without realizing through thought. The creativity of the human mind is thus stimulated by virtual environments, being immensable, more exerting collectively as a result of the thinking of the whole of humanity, that is, of the global network. Both science and mass culture cramming on these issues begin to observe them and analyze their consequences. The creative and manipulative power of the image can change the perceived world, for example a beautiful place, designing hatred and resentment can make it ugly, in a space of conflicts and each other, an anonymous space loaded with special media events becomes the most beautiful and desirable at some point. However, the extraordinary power of thinking and perception in this society of the image shapes its individual and his mentality differently, in the sense of gradually releasing the tradition under the tyranny of obstruction in prejudices. We observe a process of secularization of time in the sense of eliminating the useless old and of another imposing of values synonymous with the new and acceptance.

Man feels freely internally, independently, and the prejudices of others do not take them into account. Through what is being communicated globally, others will do the same. The community is reconfiguring. The patterns are constantly changing due to the growing range of offers offered by the global consumer society. This solution leads in the present world to preserving the difference in unity, each desiring a new interesting experience and experiencing diversity. Then, paradoxically, in a world centered on difference, each tends to imitate the other just because he sees it differently. So, the man of technical civilization assimilates different experiences and values, but they allow globalization.

The concurrency of the events transmitted by the live transmission produces a perception as if they really happened to the individual and induced a easier and more direct assumption of their significance. The event produced and perceived by individual live is not for him history and something outside, but is presently lived. We live all that happens to us, but also what happens to others in Europe or the world. It depends only on what we choose to track and focus on. The selection of the information we access from the media complements and builds our present life segment and shapes our mentality, shapes our opinions, influences our prejudices, or ingests ideas

that we accept or reject. Our mind works like a sponge that absorbs what we offer it and arranges everything, as Kant said, in the two files: space and time. The age segment that best understands their meanings and meanings is obviously the younger one, because he has much more contact with the media and social networks. Age-specific curiosity leads to a greater absorption of information and greater openness towards diversity, plurality, multiculturalism, and even alterity. In such a context, the values conveyed at the level of the European Union are, not only very easy to spread, but also very easy to multiply and internalize.

The impact of the media age is interesting in terms of young people's perception of the EU. This perception has crystallized in recent years under the impact of the media through four decisive causes that have generated it.

a) Potential of the unconscious, exploited mainly by the revolution induced by the omnipresence of the image in virtual environments, which is spectacularly liberated in countless social and artistic forms, which facilitates the acceptance of diversity and alterity.

b) The synthesis and fusion of perceptions according to the model of the consumer society and the accumulation of resources is another cause related to the assumption of globalization, without seeing it as a form of annihilation of the cultural specificity of a group.

c) Maybe the most important change lies in the resizing and revaluation of communication by continually replacing the traditional way of communicating and the possibility of visual simultaneity of the translated image through the image so that communication is possible at any time and is viewed as an advantage. Exchange of information facilitated by social networks means for young people: benevolence, acceptance and form of freedom manifestation.

d) The fourth cause complements the previous one, aims at the widespread use of the Internet. This results in an evolution from static to motion. The Internet is among the dynamic means, concentrating everything on the surface, simultaneity and concurrency. The opportunities that it offers perfectly reflect the mentality of postmodernity, under the sign of functionality, efficiency and mobility. Young people translate these aspects as reflections of European mentality and values, adhering to them and assuming them.

CONCLUSION

The image, as a central element of the media, is currently the one that matters and produces effects. It comes as an aid to the youth mentality and the acceptance of values common to the European space, such as freedom, democracy, multiculturalism, diversity, etc. It is also worth mentioning that the training of young people in the European spirit presupposes these key approaches of communication and interaction, which means openness to the community, national or European. Thus, media propagation greatly supports the strategy of promoting the European ideal by achieving two major objectives: taking key information about what the EU means and its importance and promoting ways to foster the formation of a solid European spirit.

REFERENCES

1. **Bărăian, Alina**; Secularizarea morții, Cluj: Dacia, 2008;
2. **Chelcea, Septimiu, Zamfir, Cătălin**; Manual de sociologie, București: Economică, 2006
3. **Dahl, Robert**; Despre democrație, Iași: Institutul European, 2003;
4. **Vattimo, Gianni**; Sfântul modernității, Constanța: Pontica, 1993;

ELECTORAL FRAUD METHODS – THE PARLIAMENTARY ELECTIONS OF 30TH NOVEMBER 2008

Anca-Gabriela MICAŞ¹
Claudia Anamaria IOV²

ABSTRACT:

THE PARLIAMENTARY ELECTIONS OF NOVEMBER 30TH, 2008 ARE ACTUALLY THE FIRST PARLIAMENTARY ELECTIONS IN ROMANIA FOLLOWING OUR COUNTRY'S ACCESSION TO THE EUROPEAN UNION IN 2007. THIS ARTICLE HIGHLIGHTS THE MAIN ELECTORAL FRAUD METHODS USED BY THE POLITICAL PARTIES, BOTH DURING THE ELECTION CAMPAIGN AND DURING THE ORGANIZATION AND DEVELOPMENT OF THESE ELECTIONS. CONCURRENTLY, IN ORDER TO HIGHLIGHT THESE ELECTORAL FRAUD METHODS, THE 2008 PARLIAMENTARY ELECTIONS HAVE BEEN ANALYZED IN COMPARISON WITH THOSE OF 1946, WHICH LED TO THE IDENTIFICATION OF COMMON STRATEGIES REGARDING THE MANNER IN WHICH THE ELECTORAL CAMPAIGN WAS CARRIED OUT, THE UNFOLDING OF THE ELECTION DAY, ATTEMPTS AND EVEN SUCCESSFUL MANIPULATION OF THE CITIZENS IN CHOOSING CERTAIN PARTIES OR THEIR CANDIDATES. THUS, THE PARLIAMENTARY ELECTORAL FRAUD METHODS OF NOVEMBER 30TH 2008 MANIFESTED IN VARIOUS FORMS, SOME OLDER AND SOME MORE RECENT. THE PURPOSE OF THIS PAPER IS TO OBSERVE, THROUGH COMPARATIVE ANALYSIS, THE 2008 PARLIAMENTARY ELECTORAL FRAUD METHODS, NAMELY THE COMMON ASPECTS BETWEEN THEM AND THOSE OF NOVEMBER 19TH 1946, FROM AN ELECTION ORGANIZATION AND DEVELOPMENT POINT OF VIEW.

KEY WORDS: ELECTIONS, MANIPULATION, FRAUD, DEMOCRACY, 2008

INTRODUCTION

The year 1989 remained in human history as the year when communism regimes collapsed in Central and Eastern Europe. It was the moment when more or less previously accumulated noticeable developments spread in a spectacular way. Also, the Berlin Wall, symbol of the Cold War falls on November 9th, leading to the end of the communist regime in Easter Germany, while

¹ PhD candidate, Babeş-Bolyai University, Romania, anca_micas@yahoo.com.

² PhD, Scientific Researcher 3rd Grade, Babeş-Bolyai University, Faculty of History and Philosophy, Department of International Studies and Contemporary History, e-mail: claudia.iov@ubbcluj.ro.

the violent collapse of Ceausescu's regime in Romania occurred only in the second half of December³.

The sudden collapse of communism placed the nations in a difficult situation⁴. In this respect, through free elections, citizens were to bring to power people who were able to build democracy. Years after the fall of communism, the difference between the countries⁵ led by leaders with a political will to coordinate their states to the rule of law and those which, on the contrary, did not have such guidance, became obvious. Together with Russia, Bulgaria, Ukraine and Moldavia, Romania too, is part of this second category⁶.

At the same time, it must be stressed that a major responsibility in the evolution or even involution of a democratic political system firstly belongs to the political elite. Depending on their specificity, some states were successful in the process of political consolidation, while others have had a modest evolution⁷.

Democracy necessarily means representative democracy where, the elected officials make decisions on behalf of the people. How are these people's representatives elected? This unchallengeable task within representative democracies is achieved through the electoral system. Hence, one can state that the electoral system is the fundamental element of representative democracy⁸.

Simultaneously, during the post-December construction, Europe, seen as a symbol of progress, was also the pretext for essential changes. For example, the "European constraints" were invoked to justify a radical reform of the Constitution and the electoral system⁹.

After 1990, the process of modernizing Romania and its admission to NATO on March 29th 2004, respectively to the European Union on January 1st 2007, were significant moments in its natural course of democratization and alignment to the European trend. Taking these reasons into account, we shall further address the Romanian parliamentary elections on November 30th, 2008, in the context of our country being a EU and NATO member.

With regard to our research hypothesis, we must state that this is an exploratory one, in which we shall try to find an answer to the question: Can there be common practices and methods in organizing and conducting parliamentary elections in completely different political regimes? Our

³ Ion Bucur, introduction to *Anul 1990: partide, ideologii și mobilizare politică [Year 1990: parties, ideologies and political mobilization]*, (Bucharest: The December 1989 Romanian Revolution Institution Publishing House, 2014), 10, available at <http://irrd.ro/wp-content/uploads/2014/08/Anul-1990-Ion-Bucur-.pdf>, accessed on 17.06.2018.

⁴ Flavius Cristian Mărcău, „Central and Eastern Europe – necessary stages of democracy construction”, *Research and Science Today*, No. 2(8)/2014, November 2014, pag. 93-102

⁵ Flavius Cristian Mărcău, „Post-communist democratization: difficulties and crisis”, *Analele Universității „Constantin Brâncuși” din Târgu - Jiu, Seria Litere și Științe Sociale*, nr. 3/2013, pag. 100-104

⁶ Giovanni Sartori, *Teoria democrației reinterpretată [Reinterpreted democracy theory]*, translated by Doru Pop, (Iași: Polirom Publishing House, 1999), 11.

⁷ Daniel Șandru, *Ipostaze ale ideologiei în teoria politică [Ideology aspects in the political theory]*, (Iași: Polirom Publishing House, 2014), 160-161.

⁸ Arend Lijphart, *Sistemele electorale și sisteme de partide : un studiu despre douăzeci și șapte de democrații : 1945-1990 [Electoral systems and party systems: a study on twentyseven democracies: 1945-1990]*, translated: Ileana Petraș-Voicu, (Cluj –Napoca: CA Publishing, 2010), 18,.

⁹ Cristian Preda, *Partide și alegeri în România postcomunistă: 1989-2004 [Parties and elections in postcommunist Romania: 1989-2004]*, (București: Nemira Publishing House, 2005), 108-109.

analysis aims at highlighting the common political practices on illegalities, especially the electoral fraud methods used during the organization and development of the election.

Starting from the premise that the parliamentary elections of 1946 were known to have been forged, using the exploratory methods and the comparison, we will demonstrate which of the practices of 1946 can be found in a democratic regime at the elections of November 30th 2008.

THE DEVELOPMENT OF THE ELECTIONS OF NOVEMBER 30TH 2008

The parliamentary elections of November 30th 2008 are the first parliamentary elections that took place in Romania after its accession to the European Union in 2007. Thus, there was a series of legal amendments which led to the organization of these elections.

Democracy guarantees respect for fundamental freedoms. Without this freedoms, we could not even talk about free debates to express and resolve social divergences, namely the right to freedom of speech, freedom of association, freedom of movement and security. Also, democracy makes it possible to renew societies and replace the generations or the responsible ones who have become inefficient within a well-established process¹⁰.

In a system of free elections, the success of political parties is conditioned by the importance of the electoral support they receive and the manner in which they cultivate it. Also, political parties are an essential mechanism that allows for an effective expression of the people's preoccupations within the governmental process. In comparison, the most intransigent democrats of the 19th century Europe demanded for the parliamentary elections to take place on a yearly basis, focusing on an efficient control of the representatives. Nowadays, the task of governors and parliamentarians is completely different, and a one-year mandate does not allow them to efficiently administrate the economy, nor does it give them the possibility to actually see the effects of the policies they had committed to. Nowadays, the term of office for the Members of the Parliament is 4 years¹¹.

With regard to the normative framework of the parliamentary elections of November 30th 2008, Romania uses an original method of mandate allocation, namely the number of votes is transformed in the number of mandates. This is a mixed method combining equally proportional principles – with a strong tradition in Romania, and majority principles – with a limited application to the vote for mayors, city council presidents and the state's President¹².

With the first practice of the new electoral law, Law no. 35 of March 13th 2008 on the election for the Chamber of Deputies and Senate, and for the change and amendment of Law no. 67/2004 on the election of local public administration authorities, of the Local Public Administration Law no. 215/2001 and Law no. 393/2004 on the status of the elected local representatives¹³, the parliamentary elections of 2008 brought about many surprises for the Romanians as there were changes on mandate allocation. More precisely, the confusions regarding the process by which

¹⁰ David Beetham, Kevin Boyle, *Democrație. Întrebări și răspunsuri*, trad. de Corina Mărgineanu, (Editura Clusium, 2002), 8.

¹¹ Beetham and Boyle, *Democrație [Democracy]*, 12.

¹² Andrei Cristian, „Despre efectele sistemului electoral românesc, cu ajutorul unei simulări electorale,” în *Expert electoral* [„About the effects of the Romanian electoral system, with the help of an electoral simulation” in *Electoral Expert*], 2 (2013): 16, accessed on 18.06.2018, http://www.roaep.ro/prezentare/wp-content/uploads/2013/04/DTP-Expert-Electoral-7-Iunie-CL-final_black.pdf.

¹³ Hereinafter: Law no.35/2008.

candidates who won their colleges (boards), lost their mandates, and those regarding candidates coming on the second or third place, who still managed to win their mandates¹⁴.

Therefore, by adopting Law no. 35/2008, the proportional list vote was replaced by a uninominal one. This is, however, not part of the majority electoral systems, as it targets the proportionality between votes cast by the electoral body and the parliamentary mandates¹⁵.

Under the new law, deputies and senators are elected in uninominal colleges (boards) by uninominal vote, according to the principle of proportional representation. Each college is usually given a single mandate. The political parties obtain mandates in proportion to the number of votes obtained, and the independent candidate receives a mandate if he/she obtains 50% + 1 of the total number of valid votes cast in the college he/she has applied for. The representation rule for the election of the Chamber of Deputies is one deputy to 70,000 inhabitants, while for the election of the Senate, the rate is one senator to 160,000 inhabitants¹⁶.

Hence, to better understand the effects of introducing uninominal colleges, we will exemplify the following aspect: theoretically, even if the Social Democratic Party (PSD) was the winner of the 2008 elections in terms of percentage (33.09% versus 32.36% for the Democratic-Liberal Party (PD-L) for the Chamber of Deputies, respectively 34.16% versus 33.57 for Senate), PD-L obtained three extra mandates¹⁷.

The organization of elections meant the creation of electoral divisions in all the 41 counties, one division in the municipality of Bucharest and a separate one for the Romanians residing abroad¹⁸.

The Permanent Electoral Authority¹⁹ together with the Romanian Ministry of Home Affairs were the ones responsible for what the Central Electoral Bureau's auxiliary technical apparatus is²⁰.

Decision no. 10 of 22.10.2008 also refers to the electoral campaign, regarding the interpretation of art. 41, paragraph (6) and art. 50 letter o) of Law no. 35/2008. Thus, it was decided that continuing the electoral propaganda after the end of the campaign meant the display, launch or distribution of electoral materials of any kind after the 29th of November 2008, 7 PM. After the end of the electoral campaign, all electoral propaganda materials must be removed from the polling place²¹. As we will observe in our analysis, this provision was violated.

¹⁴ Andrei, „Despre efectele sistemului electoral românesc, cu ajutorul unei simulări electorale,” [„About the effects of the Romanian electoral system, with the help of an electoral simulation”], 16-17

¹⁵ Raport asupra organizării și desfășurării alegerilor pentru Camera Deputaților și Senat din 30 noiembrie 2008, [A report on the organization and development of the 30th November 2008 elections for the Chamber of Deputies and Senate] 8, accessed on 16.06.2018, http://www.roaep.ro/legislatie/wp-content/uploads/2015/06/raport_parlamentare-2008.pdf.

¹⁶ „Report.”

¹⁷ Disproporțiile proporționalului,” *Istoria unui dezacord: uninominalul*, (2008) [Disproportions of the proportional, „The history of a disagreement: the uninominal (2008)], 18, accessed on 20.06.2018, http://www.apd.ro/files/publicatii/brosura_uninominal.pdf.

¹⁸ „Report.”

¹⁹ This is the fundamental autonomous administrative institution of the Romanian state responsible with ensuring the organisation and development of elections or referendums.

²⁰ „Report” 95-96.

²¹ „Report” 99.

Another decision which requires our attention is that referring to the sealing of the stamps. In this respect, Decision no. 65 from 17.11.2008 highlights the obligation of the presidents of the polling place electoral bureau to seal the “VOTED” stamps immediately after the vote ended. Concurrently, these stamps were to be placed in an envelope which had to be glued shut, signed and bear the polling place’s control stamp²².

The elections for the Chamber of Deputies and Senate were organized at 18,104 polling places distributed in the 43 electoral divisions. The voting participation rate was 39.20%. Following the centralization of data received by the Central Electoral Bureau, the results for the Chamber of Deputies and Senate were: For the Chamber of Deputies, the total number of valid votes was 6,886,794, 210,994 votes were null and 139,139 were white votes²³.

The facts stated in the parliamentary elections report of November 30th 2008 on the official website of the Electoral Parliamentary Authority, conclude that all petitions and appeals submitted at the Central Electoral Bureau referring to the annulment of the elections and the recount of votes were rejected as unfounded on the grounds that they have not been supported by evidence proving that the voting process had been vitiated, so as to alter the mandate attribution or due to the fact that those who made the appeals did not have the necessary expertise²⁴. This is an aspect that can be carefully analyzed, in the sense that, following the 2008 parliamentary elections organization and development assessment, both during the electoral campaign and on the day of the elections, or immediately after, numerous “fraudulent” methods were identified. These methods not only could have represented a solid ground for appeals on annulment of the elections and recount of votes, but could have also been admitted, such as: the double vote, previously stamped ballots, destroyed stamps.

ELECTORAL PROCESS IRREGULARITIES – ELECTION FRAUD METHODS

As we have previously explained, several irregularities, deviations from the law, organizational deficiencies and malfunctions were reported to the authorities charged with sanctioning such offenses and electoral infringement.

Concurrently, there was also some information from the territorial branches of the Permanent Electoral Authority bringing to light negative aspects regarding the behaviour of certain electoral officials, some categories of voters, party representatives and representatives of the media or the civil society who have disturbed the good conduct of the elections. Hence, statistically speaking, following the press statements issued by the Ministry of Home Affairs and Administrative Reform, 341 incidents were recorded on the day of the election, of which 57.7% were urban and 42.3% were rural. At the same time, 62 criminal case files were drawn up and 92 legal sanctions amounting to 37,614 lei were applied. Regarding the electoral campaign and election organization and development period, 1,470 incidents were reported, against which, 1,378 measures were taken, 492 offenses were detected and 893 legal sanctions amounting to 469,667 lei in fines were applied. Related to the environment of origin, 49.46% of incidents were reported in rural areas and 50.54% in the urban areas²⁵.

²² “Report” 100-101.

²³ “Report” 114.

²⁴ “Report” 121.

²⁵ “Report” 126.

With regard to the fairness of the electoral process, this can be severely compromised in three ways. Thus, the first refers to the advantage of exercising power given to the party or coalition forming the government. The second way of threatening the fairness of the electoral process refers to the fraudulent practices of party adherents and sympathizers: corruption, intimidation, usurpation of identity, double vote, etc. Concurrently, the third way compromising the fairness of the electoral process refers to the fact that because of personal fortunes and massive financial support, certain candidates or parties hold the advantage²⁶.

As for our research, we will focus on the second way that threatens the fairness of the electoral process, more precisely, we will refer to the fraudulent practices of party adherents and sympathizers: corruption, usurpation of identity, intimidation, double vote, etc.

The methods of parliamentary electoral fraud from November 30th 2008 manifested in various forms, some older, and some more recent. Thus, we will emphasize the main methods of electoral fraud used by the political parties both in the electoral campaign and during the organization and development of the parliamentary elections on November 30th 2008.

To better understand the meaning of electoral fraud from a political point of view, we will define the term “electoral fraud” exactly how it appears in the specific legislation. Hence, in accordance with art. 2 point (30) of Law no. 35 of March 13th 2008 on the election of the Chamber of Deputies and Senate and the amendment and completion of Law no. 67/2004 on electing the local public administration authorities, with the Local Public Administration Law no. 215/2001 and Law no. 393/2004 on the Status of elected local representatives, electoral fraud means: “any illegal action which takes place before, during or after the end of the voting process, or during the vote counting and minutes conclusion, and which results in the distortion of voters’ will and the creation of advantages through extra votes and mandates for an electoral competitor”²⁷.

Starting from the abovementioned definition, we will mention a few electoral fraud methods observed during the organization of the parliamentary elections.

1. The electoral bribery

The electoral bribery is one of the most accessible methods to persuade voters to vote with the candidates of a certain party. We will refer to some examples reported at a county level during the exercise of vote. So, in the Viisoara neighbourhood in Bistrita-Nasaud, the representatives of the Social Democratic Party-Conservative Party complained that the voters who vote for the PD-L candidates and take photos of their votes, would receive free drinks. Also, the County Electoral Bureau (BEJ) in Constanta notified the Prosecutor’s Office, following a complaint made by the PSD-PC Alliance, according to which, a member of the polling place in the Valu lui Traian township allegedly granted heating aids to voters, at the request of the PD-L mayor. Certainly, the term “electoral bribery” is a highly diversified one, manifesting in various forms during the electoral campaign, depending on the specificity of the area or the needs of voters, identified by the parties’ local leaders. For example, the PD-L leader in the city of Fieni is accused of bribing a voter with a bag of cabbage. He supposedly also offered him two buckets with the PD-L brand,

²⁶ Beetham and Boyle, *Democrație [Democracy]*, 48-49.

²⁷ Law no. 35 of March 13th 2008 on the election of the Chamber of Deputies and Senate and the amendment and completion of Law no. 67/2004 on electing the local public administration authorities, with the Local Public Administration Law no. 215/2001 and Law no. 393/2004 on the Status of elected local representatives, accessed on 17.06.2018, <http://legislatie.just.ro/Public/DetaliuDocument/90301>.

thus violating the provisions on banning the continuation of the electoral campaign on the day of the vote²⁸.

Although these small tokens of “electoral attentions” were clearly forbidden during the electoral campaign, the parties could not refrain from offering voters numerous attractive opportunities to their benefit, just to gain their votes for the party, from trips within the country or abroad, to flour, oil, rice and sugar from the European Union. This statement draws the attention upon the thousands of pensioners from sector 5 who received from PSD free one-day trips to the Bran Castle. On the same note, they were informed about the benefits brought by a PSD governance, the people being constantly “notified” about the party’s activity throughout the trip. Also, the leaders of the National Liberal Party (PNL) have distributed flour, oil, rice and sugar in several towns in Bacau, on their behalf, but these aids were actually received from the European Union via the Directorate for Agriculture and Rural Development for the retired farmers and people with a guaranteed minimum wage. Moreover, the products were distributed with the personal vehicles of the PNL leaders’ relatives, bearing the party’s insignia²⁹.

2. The “minibus” method

The political parties’ ambitions focused on getting voters on the candidates’ side also prove to be increasingly obvious through this method. In Bistrita-Nasaud, the PD-L branch was called for to have allegedly give people rides with minibuses to the polling places and paying them for their votes. Timis county also received such complaints, the PSD representatives being accused of having transported several people to the polling places. In Alba, the liberals were accused of not only taking people from Zlatna to the polling places by minibus, but of also having made them swear on the Bible that they would vote with the PNL candidates³⁰.

3. The double vote

This electoral fraud method can be exemplified by the case of a 70-year-old individual from Dambovită, who is under criminal investigation for attempting to vote twice. The old man firstly voted on the permanent lists in Oncesti, after which he tried to vote a second time in Gemenea. At the same time, another man from the county of Vrancea is also under criminal investigation after having received two sets of ballots when entering the voting booth. He had supposedly taken the second ballot to vote on behalf of his wife who stayed at home³¹.

4. Already stamped ballots

Regarding this electoral fraud method, the case of the 18-year-old young man who reported to the chairman of a polling place located at the Drobeta Turnu Severin County Hospital that the ballot he received for the Chamber of Deputies had already been stamped “Voted”, is more than

²⁸ „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud] accessed on 17.06.2018, <https://romaniailibera.ro/politica/institutii/10-metode-de-fraudare-a-alegerilor-140655>.

²⁹ „Alegeri parlamentare Pomeni de la partide: excursii, mobile si făină de la UE,” [Parliamentary elections Handouts from the parties: trips, mobile phones and flour from the EU] accessed on 17.06.2018, <http://www.ziare.com/alegeri-parlamentare-2008/alegeri-parlamentare-pomeni-de-la-partide-excursii-mobile-si-faina-de-la-ue-506008>.

³⁰ „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud]

³¹ „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud]

conclusive. Another such case regarding already stamped ballots is the one reported by PD-L Teleorman in the complaint filed with the County Electoral Bureau on the Perii Brosteni township, where the PD-L representatives had noticed that 300 votes, stamped “PSD” were illegally placed inside the ballot box. At the request of PD-L, the president of the polling place refused to seal the ballot boxes³².

5. The “blue shirt” and the “crowd” methods

The “blue shirt” method refers to the fact that a person, identified by a piece of clothing, is hired to accompany the voter inside the voting booth for the purpose of supervising him/her during the exercise of the vote. The “crowd” method refers to the crowding caused at the entrance of the polling place by previously trained people for this purpose, making it difficult for other citizens to vote. This method is used to obstruct the voting process in polling places where a party is known to be favoured³³.

6. Juvenile offenders

As the name clearly states it, this method brings minors to the foreground. Thus, in Constanta, a young 17-year-old woman was caught near a polling place with a bag holding 47 ID cards belonging to some people whom she was to pay 100 lei each so that they would vote in favour of the candidates of a certain party³⁴.

7. Illegal electoral campaign

The illegal electoral campaign can also be considered a parliamentary electoral fraud method. For example, the PSD mayor of a township in Arad notified the Arad District Electoral Bureau that electoral flyers had been distributed on his behalf, encouraging citizens to vote for PD-L. A young man from Dolj was fined by the police after parking a car filled with electoral posters of a PD-L candidate in front of the polling place³⁵.

8. Destroyed stamps

Along with the other methods, the one concerning destroyed stamps is also on the list of the fraudulent parliamentary elections of November 30th 2008. A good example is the one in Vrancea, where two stamps were destroyed in a polling places, being thrown into the fire, which led to the temporary disruption of the voting process. At the same time, it was found that in one of the polling places in Odobesti, the control stamp was destroyed after one of the committee members threw it in the fire along with a series of papers. Also, at Jilava, the polling place was closed for almost an hour after a stamp had disappeared³⁶.

³² „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud]

³³ Metode de fraudare a alegerilor,” [Electoral fraud methods] accessed on 17.06.2018, <https://sacsviv.wordpress.com/2009/11/19/metode-de-fraudare-a-alegerilor/>.

³⁴ „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud]

³⁵ „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud]

³⁶ „10 metode de fraudare a alegerilor,” [10 methods of electoral fraud]

A COMPARATIVE ANALYSIS OF THE PARLIAMENTARY ELECTIONS OF NOVEMBER 19TH 1946 VS. THE PARLIAMENTARY ELECTIONS OF NOVEMBER 30TH 2008

Although unfolding in completely different political regimes, the parliamentary elections of November 19th 1946, and those of November 30th 2008 show certain ongoing aspects as to how candidates for power tried to win voters on their side.

Thus, following our analysis on both the 1946 and 2008 elections, we can objectively identify the existence of common strategies for campaigning, unfolding of the election day, attempts and even successful manipulation of citizens regarding the election of parties and their candidates. The aspects on which we shall focus and place under comparative analysis are those referring to the electoral fraud methods, events that took place during both parliamentary elections described in this paper.

Regarding the parliamentary elections of November 19th 1946, we note that the Democratic Parties Bloc (BPD), the alliance established around the Communist Party managed to find means to secure its victory. The official data showed that 78.46% of votes belonged to BPD and only 17.34% to the historical parties. However, recent studies have shown that the BPD parties won only 20% of the votes by their own efforts, the rest being the result of fraud. On the other hand, the 1946 law is the second to give women the right to vote, this time, without any condition³⁷.

Concurrently, we remind you that a series of abuses were reported, such as: vote theft, the oppression of opposition candidates, the infiltration of violent people inside voting places, the introduction of ballots already stamped for the Democrat Parties Bloc in ballot boxes before the opening of the polling places. Also, illegalities and deviations from the legislative provisions were also reported during the parliamentary elections of November 30th 2008, which were the object of appeals to the Electoral Bureau. Thus, numerous criminal case files were drawn up and fines were applied. Other negative aspects related to the 2008 elections referred to the behaviour of some electoral officials, of certain categories of voters, party representatives, representatives of the media and of the civil society, aspects which led to the disruption of the elections organizations and development.

The polling places activity reports drawn up by the communists, identified in the archive funds underlying this research and the Salaj National Archives County Service provided us with essential information regarding the manipulation of the 1946 election results. According to these, the vote count took place inside the polling places, in the presence of the political parties' delegates and assistants. But, the same reports also show that in the county of Salaj, all the important places inside the room and polling place were taken by the best comrades from the communist party, continuously pointing out to citizens how to vote. Similar situations also occurred during the 2008 elections. Voters were guided and supervised on how to vote through the "blue shirt" method (a person identified by a piece of clothing who was paid to accompany the voter inside the voting booth to supervise his/her exercise of the vote).

³⁷ „Sistemele electorale românești - de la 1831 până la instalarea comunismului,” *Istoria unui dezacord: uninominalul*, (2008) [„Romanian electoral systems – from 1831 to the establishment of communism”, *The history of a disagreement: the uninominal vote (2008)*] 14, accessed on 20.06.2018, http://www.apd.ro/files/publicatii/brosura_uninominal.pdf.

Concurrently, as mentioned above, this method was used to obstruct the voting process in polling places where it was known that a certain party was favoured.

Under a first analysis of the day of elections, both in 1946 and in 2008, we conclude that, although the law prohibited it, the electoral campaign was carried on even on the day of the vote. Hence, in 1946, the Democrat Parties Bloc activists continued their electoral campaign even inside the polling places, while during the 2008 elections, certain party leaders continued their campaign through various methods, such as electorate SMS-ing or even direct contact with voters over the phone. Here we can also emphasize the fact that the electoral campaign was initiated before its legal start point, the so-called pre-campaign period.

During the voting process, other irregularities were also reported, such as: the sealing of ballot boxes prior to the arrival of the “opposition” representatives, appointing presidents and clerks largely among the communists, removing delegates of the opposition from the polling places, the plural vote. Making a parallel with the elections of November 30th 2008, we can conclude that the double vote was also present here. The case under our analysis is the one of a person who attempted to vote twice, the first time on the permanent lists in Oncesti, and then in Gemenea. A similar situation we also mentioned was the case of the man from Vrancea who received two ballots when entering the voting booth, under the pretext of exercising the vote on behalf of his wife. An activity report from 1946 offered us details regarding another electoral fraud method, namely the preparation of a certain number of votes prior to the elections. From this point of view, the reports from the county of Salaj state that there were numerous votes already bearing the stamps of list No.1 (B.P.D), which were introduced into the ballot box on the day of the elections. We give as example the case of the two polling places in Zalau, where 500 votes were registered, with 300 being already stamped with list No.1 – the list of pro-communist coalition – on the morning of November 19th.

Such actions were also reported during the 2008 elections. Regarding this electoral fraud method, namely the already stamped ballots, we described the case of the young man who received his Chamber of Deputies ballot already stamped “Voted”. Further, we mention the case filed by PD-L Teleorman, where the representatives of the party reported that 300 votes already stamped “PSD” were illegally introduced and the president of the place refused to seal the ballot boxes.

Following the 1946 elections, those who were part of the B.P.D. wanted to reward the work and services provided by those who supported them in the good development of the elections. Thus, the Plowmen’s Front proposed to grant all drivers who serviced the Bloc the amount of 300,000 lei as reward. Also, the prefect of Salaj county proposed to approve the request of the Office of Telephony to grant 50,000 lei to each clerk who had thoroughly provided call services during the elections as reward.

Analyzing the development of the 2008 elections, we can see that similar cases also occurred in this situation, under the form of electoral bribery, the tokens of “attention” or material goods that were offered prior to the elections in order to win over the voters. Such cases were represented by actions of offering certain trips in the country or abroad, food such as flour, rice, sugar and even money to vote for a particular candidate. We can also mention here the “juvenile offenders” electoral fraud method through which minors had on them several ID cards of people who were getting paid 100 lei each, in exchange for the service of voting for the candidates of a certain party.

CONCLUSION

The historical information and analysis carried out in the document and specialty literature study process aim at capturing the events that took place and led to the falsification of the 2008 elections results, as well as the deficiencies, uncertainties and illegalities that came along, simultaneously carrying out a comparative analysis of the common elements identified in the elections of the November 19th, 1946.

Concurrently, by emphasizing the documents and information obtained from our research paper, we succeeded in creating a case study with great significance to the evolution of the Romanian society, by drawing a parallel between the elections of November 19th, 1946 and those of 2008, elections which took place under different political regimes, which, however, shared numerous common elements.

Starting from the researched archive papers and documents, we consider that the analysis of parliamentary elections from two governmentally distinct periods of time in Romania can contribute to a better understanding of the communists' and the democratic forces' techniques to seize political power. Thus, as a result of our research, we managed to answer the questions raised at the beginning of the scientific process, demonstrating that, both during the parliamentary elections of November 19th, 1946 and of those of November 30th, 2008, methods of mass manipulation, illegalities or electoral fraud techniques were present.

The result of our research brings a black point for the post-December democratic political system in Romania, as the common techniques used by the political parties to seize power make us realize that after 60 years (2008 being a reference point), since the 1946 moment when elections were massively frauded, there still are common electoral methods used through which, candidates or parties try to "win over" voters and regardless of the fact that the political regime has changed compared to that of 1946, certain "fraudulent" electoral techniques from the communist period are still the same.

The comparative analysis of these two parliamentary elections – those of November 19th, 1946 and November 30th, 2008 – reveal similarities within the political factor, but in completely distinct timeframes. Hence, we can observe the way in which the electoral fraud methods continue to manifest in a democratic society in which, the freedom to exercise the right to vote provided for by the Constitution, can be overshadowed by the political desires and ambitions to seize power.

All these conclusions are all the more important as, since the elections of 1946, Romania joined the European Union in 2007, proving its international evolution, expanding the democratic values and aligning them to the European Union values. Although we have passed from a communist political regime in which the unique party had the power, to a democratic one where pluripartidism is a condition of the democratic system, the way in which elections unfolded with all the irregularities, uncertainties and frauds tend to make us rather think of a 1946-like type of system.

Perhaps the regulation of a harsher and more specific legislative system concerning the organization and unfolding of elections, be it local, parliamentary or presidential would prevent or, at least, limit the abuses and illegalities that take place on such occasions. Thus, it would just be unfortunate to imagine that these political factor validation methods are already grounded, and the Romanian society must get used to idea of electoral bribery, fraud and forged elections.

REFERENCES

1. **Bucur, Ion**; introducere la *Anul 1990: partide, ideologii și mobilizare politică*, București: Institutul Revoluției Române din Decembrie 1989, 2014.
2. **Sartori, Giovanni**; *Teoria democrației reinterpretată*, trad. de Doru Pop, Iași: Polirom, 1999;
3. **Boia, Lucian**; *Mitul democrației*, București: Humanitas, 2014;
4. **Șandru, Daniel**; *Ipostaze ale ideologiei în teoria politică*, Iași: Polirom, 2014;
5. **Lijphart, Arend**; *Sistemele electorale și sisteme de partide : un studiu despre douăzeci și șapte de democrații : 1945-1990*, trad.: Ileana Petraș-Voicu, Cluj –Napoca: CA Publishing, (2010), accesat în 20.06.2018,
http://www.ca-publishing.ro/sites/default/files/preview_sisteme_electorale_si_sisteme_de_partide.pdf.
6. **Preda, Cristian**; *Partide și alegeri în România postcomunistă: 1989-2004*, București: Nemira, 2005;
6. **Beetham, David; Boyle, Kevin**; *Democrație. Întrebări și răspunsuri*. Traducere. de Corina Mărgineanu. Clusium, 2002;
7. **Andrei, Cristian**; „Despre efectele sistemului electoral românesc, cu ajutorul unei simulări electorale”, în *Expert electoral 2* (2013), accesat în data de Iunie 20, 2018. http://www.roaep.ro/prezentare/wp-content/uploads/2013/04/DTP-Expert-Electoral-7-Iunie-CL-final_black.pdf;
8. „Raport asupra organizării și desfășurării alegerilor pentru Camera Deputaților și Senat din 30 noiembrie 2008.” Accesat în Iunie 16, 2018.
http://www.roaep.ro/legislatie/wp-content/uploads/2015/06/raport_parlamentare-2008.pdf;
9. „Disproporțiile proporționalului,” *Istoria unui dezacord: uninominalul*, (2008): 18. Accesat în Iunie 20, 2018, http://www.apd.ro/files/publicatii/brosura_uninominal.pdf.
10. „Sistemele electorale românești - de la 1831 până la instalarea comunismului,” *Istoria unui dezacord: uninominalul*, (2008): 14, Accesat în Iunie 20, 2018.
http://www.apd.ro/files/publicatii/brosura_uninominal.pdf;
11. Legea Nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaților și a Senatului și pentru modificarea și completarea Legii nr. 67/2004 pentru alegerea autorităților administrației publice locale, a Legii administrației publice locale nr. 215/2001 și a Legii nr. 393/2004 privind Statutul aleșilor locali, Accesat în Iulie 2, 2018. <http://legislatie.just.ro/Public/DetaliiDocument/90301>;
12. „10 metode de fraudare a alegerilor. ” Accesat în data de Iunie 17, 2018.
<https://romanioliberal.ro/politica/institutii/10-metode-de-fraudare-a-alegerilor-140655>..
13. „Alegeri parlamentare Pomeni de la partide: excursii, mobile si faină de la UE. ” Accesat în data de Iunie 17, 2018. <http://www.ziare.com/alegeri/alegeri-parlamentare-2008/alegeri-parlamentare-pomeni-de-la-partide-excursii-mobile-si-faina-de-la-ue-506008>;
14. „Metode de fraudare a alegerilor.” Accesat în data de Iunie 17, 2018.
<https://saccsiv.wordpress.com/2009/11/19/metode-de-fraudare-a-alegerilor/>.

STRUCTURAL CHANGES IN NATIONALISM - MIGRATION AND INSECURITY

Ionut-Daniel MOLDOVAN¹
Adina MIHĂESCU²

ABSTRACT:

THE CURRENT GLOBAL CONTEXT WITH INSTABILITY AND ECONOMIC REDISTRIBUTION, CHANGES IN SOCIETAL VALUE SYSTEMS, ACCESSIBILITY AND DISSEMINATION OF MEDIA TECHNOLOGY, NEW CHANGES IN EDUCATION SYSTEMS OR POPULATION DEMOGRAPHICS (MIGRATION) MAKE SOCIAL CHANGE A PHENOMENON THAT CURRENTLY AFFECTS ANY SOCIETY.

SOURCES THAT INFLUENCE CHANGE ARE MULTIPLE AND ARE NOT USUALLY LIMITED TO INTERNAL CHANGES TO THE SOCIAL SYSTEM. THE EFFECTS OF SOCIAL CHANGE CAN BE FELT AT DIFFERENT LEVELS OF SOCIAL STRUCTURE, AND CHANGES AT EACH OF THESE LEVELS CAN LEAD TO MARGINAL CHANGES IN THE SOCIAL ORDER, BUT MOREOVER CAN CAUSE SYSTEMIC CHANGES AFFECTING COMPLETE SOCIETIES AND EVEN THE GLOBAL SYSTEM. SOCIAL CHANGE INFLUENCES HUMAN SOCIETIES AS HABITS AND NORMS CHANGE, NEW TECHNIQUES AND TECHNOLOGIES ARE INVENTED, ENVIRONMENTAL CHANGES LEAD TO NEW ADAPTATIONS OR EVEN MIGRATION, AND CONFLICTS LEAD TO REDISTRIBUTION OF POWERS AND MASSIVE MIGRATION AS SHOWN BY RECENT EVENTS IN SYRIA AND NOT ONLY.

KEY WORDS: SOCIAL CHANGE, NATIONALISM, NATIONAL IDENTITY, MIGRATION.

INTRODUCTION

Throughout history, there have been many outbursts of nationalism, either through the belligerence of other states, the anti-immigrant positions, or the crackdown on minorities in Eastern Europe, Asia and the Arab world.³

¹ Moldovan Ionuț Daniel, PhD student, Doctoral School of International Relations and Security Studies, Babeș-Bolyai University, e-mail: ionut.moldovan22@gmail.com.

² Mihăescu Adina, PhD student, Doctoral School of International Relations and Security Studies Babeș-Bolyai University, Cluj Napoca adinamihăescu12@gmail.com

³ Halliday, Fred. 2004. The crisis of universalism: America and radical Islam after 9/11. openDemocracy, accessed on September 16 at <http://www.opendemocracy.net>

In this paper we will focus on a number of factors influencing social change and in essence on one that contributes to the constitution of some of the variables of social science, the nature of modern communities, and which can affect the deep aspects of modern human identity.

In various theories, a variety of social transformations appear to be definitive of a certain historical period. In analyzing the debates on the periodicity of social change are not only the identification / labeling of the period, but what are the fundamental constitutive factors of the social organization.

When we talk about “the idea of nation”, in recent years, nationalist movements have been one of the most powerful agents of social change, being used as a tool for change both for the people and for the ideology of government. As a result, there are important perspectives on nationalist mobilization and factors (for example, migratory movements) that help to meet the conditions for the emergence and development of these movements. Interaction of social forces and nationalist mobilization can be conceived as a hierarchy, as interdependence in stages in which one of them leads automatically to the other.

SOCIAL CHANGE AND NATIONALISM

“We must see human social life as always structured but incomplete”.⁴ So, this structure, seen as a dynamic phenomenon, is more a process of change than a process of stability.

Social change is a significant human phenomenon that has important implications for adapting to the changes that have occurred. Starting from the economic and political changes to rural migration to urban areas (to development poles), to international migration, social change bring with them both challenges and opportunities for development. Rural to urban or international mobility is a world-wide phenomenon such mobility involves profound changes in life styles.

The vast majority of **demographic processes** determine changes at all levels of society, from the broadest, long-term, global models of human population development to the most contemporary trends in immigration. For example, a rapid and steady drop in birth rate, complementary to an increased mortality rate, has led to an extraordinary social transformation.

At the same time, demographic changes are linked to institutional and political changes as family systems are changing; societies are trying to influence these models through social policy.

Changing the population, through immigration, is probably the most basic form of social change. The focus is on determining what makes changes in the way migrants adapt and change the societies they live in.

Socio-economic barriers, conflicts between individuals, competition often generate "group conflict," which has been seen as a basic mechanism of social change, especially radical and brutal social transformations identified as revolutions. Marxists in particular tend to describe social life in capitalist society as a struggle between a dominant class wishing to maintain the system and a dominated class that strives to change radically. Social change is then the result of this struggle.

Technology is probably the most widespread issue when it comes to things from outside that give the system an impetus and this triggers a series of internal changes. It is clear that a new invention or technology (steam engine, internet, and mobile telephony) simply appears, generating changes in many aspects of social life. From this point of view, technology is its own mechanism,

⁴ P.Bordieu, *Le Sens Pratique* - Paris 1980; A. Giddens, *The constitution of society* – (Berkely, 1986).

and the emergence at the right time of a new invention / technology is a sufficient cause for change. There is a clear tendency of social change to move only in one direction (for example the industrial revolution) in which mainly agricultural states have been transformed or have become compelled to adapt to industrialized societies but there is also little evidence of reverse.

The first **political factor** of social change is the law that acts as an instrument of socio-economic and political change in society because laws are state-supported and coercive, individuals being compelled by regulations to conform to them. Laws provide a degree of uniformity between different groups of individuals and their diverse cultural and behavioral patterns. The law also seeks to alleviate social deviations and raise the bottom sections of society. Laws also carry out reforming functions for society, trying to alter old habits that are considered to be immune to stability and social progress. The role of law as a tool for social change finds a total expression when the law comes into confrontation with social earthquakes. As a tool of change, laws go hand in hand with public opinion.

Culture is a determinant of social change, representing values, cognitive frameworks and accumulated knowledge. The social structure is the area of interest, supported individually and collectively by different powers. The elements that make up the culture and social structure can be arranged in a hierarchy of causal influences from deep factors, often unnoticed in everyday social activities but fundamental to its organization, as well as surface phenomena, more mutable and easier and also obvious. As elements, we define language and values as elements of culture, the first being fundamental, an instrument of human communication and the values as a motivating force behind the principle of individual or collective action. It is clear that new values and social beliefs can produce social changes, generating conflicts between old and new values, leading to the creation of a completely new value system.

In parallel with the constituent elements of the culture, those of the social structure are developed. These are not moral values but the specific and differentiated ability of the social actors to compel others to do something. We enter here a realm of power which, like the one of values, is at the deep level of social life, influencing a wide variety of outcomes in different ways. Max Weber's classic definition of power as an actor's ability to impose his will despite his resilience is still appropriate for her highlights the binding and coercive character of this basic element of social structure.

As I have already mentioned, the idea of the nation is fundamental to modern political and cultural discourse. This discourse is itself politically and socially influenced by shaping the way in which a multitude of diverse movements, policies and conflicts are understood. Nationalism is not simply an attribute of speech it is a product of discourse. The discourse of nationalism has been used throughout history for movements for ethnic secession, popular mobilizations, moves linked to the resistance of state construction to colonialism, hostility towards immigrants, each reflecting a different mix of subsistence factors and specific local conditions.⁵

The modern age makes us analyze how certain social changes force us to rethink the very theoretical categories by examining the modern distinctive discourse of national identity and nationalism. There are many types of nationalism, linked to an essential explanatory variable, such as state building, uneven economic development or persistent barriers to social mobility.

⁵ Calhoun Craig, "Nationalism and social change" University of North Carolina, Chapel Hill, NC, USA. 1993

Ethnicity, religion or cultural traditions are the foundations of nationalism because they are historical memory, seen as a preconceived idea adopted. The influence of ethnicity in nationalism is in part a matter of transforming the cultural traditions of everyday life into more specific historical claims. When we talk about nationalism, we are talking about a way to satisfy and understand claims to identity and sovereignty, other political rights, and the way of thinking that keeps these problematic recurring statements under current geopolitical conditions.

A nation's claim / membership often invoke the presumption of national identity or pre-existing state / territory or land. In this context, religion interferes because, in many parts, the national earth is "holy" by religion or the history of a people, and is interwoven with the history of the followers of this religion. Some allegations of nationality fail to convince them because they are too obviously manipulated by the creators, or because the legend / idea offered do not refer to the circumstances and practical commitments of the people concerned.

"The traditions of nationalism were invented, being somewhat less real and valid"⁶ thus being potentially challenged and subject to more or less visible changes.

Nationalism has a complex and interdependent relationship with history. Thus, the invocation of national history, religion and primordial ethnicity are ways to respond to the problems of contemporary claims to nationality. For example, Zionism boasts to be secular, a large part of the Jewish ethnic identity spinning around the Jewish Bible and its associated customs. Because of this, the fact that the cultural content of the ancient Jews is being used, Jewish nationalism ultimately contains the desire to obtain and own the land of the ancient Jews. In addition, the leaders of the Zionist movement, like the leaders of Israel, have used religious symbols in establishing their national identity.⁷ A similar combination of modern nationalism and religious values also takes place in Islam and prevents the secularization of nationalism.⁸ This phenomenon is described as "religious nationalism", which aspires to "religion" of political culture and leads to the focusing or building of national identity around religion.⁹

Throughout history, nationalism was a claim of the peoples to the dynasties and hence to the domestic against the aliens, but also to the citizens against the illegal rulers. With regard to immigrants, France was much more willing to use the political and legal mechanisms to grant immigrants French citizenship, while Germany, even if it was just as open to immigration, in numerical terms, generally refused to grant immigrants German citizenship if they were not already ethnic Germans.¹⁰ All nations have the concept of territorial and ethnic principles and components, and a difficult confluence between a more recent civil model and an older genealogy model of organizing social culture.¹¹ Unlike other analysts who have tried to challenge nationalism that underlines ethnicity, Anthony Smith tried to demonstrate that nationalism has stronger roots in pre-modern ethnicity than others have accepted.¹² He said that nations cannot be seen as primordial or

⁶ Eric Hobsbawm, Terence Ranger "The Invention of Tradition", Cambridge University Press 1983

⁷ Dubinski, N. (1996). „Religion and State in Israeli and Palestinian Society”, 231

⁸ Shenhav, Y. (2007). „Modernity and the Hybridization of Nationalism and Religion: Zionism and the Jews of the Middle East as a Heuristic Case.” Theory and Society 36

⁹ Friedland, R. (2001). “Religious, Nationalism and the Problem of Collective Representation.” Annual Review of Sociology, 27

¹⁰ Roger Brubaker, “Citizenship and Nationhood in France and Germany”, Cambridge 1992

¹¹ Anthony Smith, “The Ethnic Origin of Nations” , Oxford 1986, 149

¹² Anthony Smith, “Theories of nationalism ” , London 1983

natural, but maintains that they are rooted in relatively ancient histories and in the perception of ethnic consciousness. The nations, Smith says, have long-term processes, are renewed and reconstituted continuously, require ethnic cores, golden epochs if they have to survive. Often these nationalist movements, regardless of whether they are in the service of the ruling elite or whether they are initiated from the bottom (by civil society), being oriented towards the supply of such elites or not, are modeled and oriented after the ideological conflicts of their time. If we take this into account, a pattern of nationalist movements can be developed, but it only makes sense when it is set in a historical trajectory that can explain the conditions of appearance. Nationalism generates nationalism, but not for the same purpose, being a vehicle for ideological agendas embedded in certain interests / directions by the social forces, themselves embedded in the histories of nationalist assertion and taxation.

Nationalism does not stop from development, it has a continuous development, which is under the influence of modern factors, in the age of modernity. The first of these modern factors is the centrality of states. It is about the internal capacity to organize states, which has grown throughout the modern age, as well as the division and ordering of the world into a system of states. States have experienced a rapid development that has generated increased national integration capacity through administrative centralization, the construction of critical transport and communications infrastructures, the development, opening and standardization of educational institutions, and to some extent the development of human communication. In the era of globalization, it is often suggested that the era of the nation-state passes. Multinational companies, world trade (liberalization of markets), internationalization of culture and the media are offered as factors of the nation-state disappearance. At the same time, against the idea that the involvement of international organizations in the internal affairs of states will diminish nationalism by undermining the state power, we must remember that the nationalist discourse appears largely from the reluctance and ambiguity of the nation's towards these international bodies and the tensions between states which are largely driven by the international economy and other activity. The rhetoric of nationalism activates, often becoming the strongest where people feel weak, disadvantaged or feel that their state is weak in relation to international bodies. So the other side of state power and the world system of states is at odds. In part, precisely because the world is organized in a system of states with their limits, a wide variety of local aspirations can be expressed in the rhetoric of nationalism. Moreover, what creates nationalist conflicts, beyond boundaries, is the old ethnic identities and historical burden. Here are the new recognition opportunities opened by the international world system.

Like the other factors, war is not just a common rhetoric of nationalism, but rather a productive force. States, war and capitalism offer powerful practical reasons for developing / adapting nationalism.

The characteristics and the development of the nationalist discourse are closely linked to that of individualism. In other words, as individuals exist in their own modern vision, the nations are self-sufficient, autonomous and move on their own. Individualism is important not only metaphorically, but also as the basis for the central idea, namely that individuals are directly members of the nation, that each one is marked as an intrinsic identity and they communicate with it immediately and as a whole. Nationalism encourages the vision of identity as inscribed in the individual body merged with it. It promotes categorical / rooted identities to relational identities. Nations are primarily represented as categories of similar individuals more than through dial-up

networks. This is a crucial basis for using appeals to nationalism to separate people who are in fact linked by kinship, friendship, community, economic interdependence, language and other ties.

MIGRATION AND SOCIAL CHANGE

Migration is a phenomenon of change and can in turn lead to further (more or more profoundly) transformations both in sending and receiving societies. When talking about migration, this mobility implies profound changes in lifestyles. Old traditions that are important in developing and maintaining the principles of a society become irrelevant. A problem encountered in this process of social change is the mismatch between migrants' beliefs / behaviors and the requirements of the environments in which they want to settle.

What is important is that migration can prevent stagnation of the social system by exerting pressure on the innovation and creativity sectors. However, conflict within and between groups in a society can prevent the process of adaptation negatively affecting ordinary relationships, resulting in progressive weak creativity. The conflict of values and interests, the tension between what it is available, what it feels, what they want and they aspires for, is the conflict between interests and new strata and groups that demand their share of power, wealth, status and social representation. In this way, the conflict can not only generate new rules, new institutions, but it can be said to directly stimulate the economic and technological sector.

As a factor of change, migration has been analyzed from two perspectives, from a cultural perspective that emphasizes its potential for value / normative transformation and from a structural perspective that highlights its demographic and economic significance. By cultural factors we mainly refer to ideas, knowledge, values, beliefs, inventions and exchanges. These cultural "tool kits" also contain many other elements, from scientific and professional know-how to behavior, forms of expression, manners and generalities suitable for specific social occasions. Migration has been directly affecting the development of the European society, politics, culture and economy, with direct effects on the reduction of disparities between the developed and underdeveloped areas¹³.

The power of migration to make changes in sending and receiving regions and countries depends on three main factors: a) the number of people involved; (b) the duration of the dislocation; c) class composition.

As far as the first factor is concerned, it is obvious that small displacements have little causal power, rarely exceeding the lives of those involved and very close persons. At the other extreme, the "telluric movements" that involve the relocation of an entire people to other areas can have dramatic consequences both where they go and where they come from. For example Nakba or Al-Nakba, during the 1948 war, between 400 and 600 Palestinian villages were devastated, while Arab Arabian Palestine was almost completely erased from the face of the earth.¹⁴ The term "Nakba" also refers to the war period and the events that affected the Palestinians from December 1947 until January 1949. The exact number of refugees, many of whom then settled in refugee camps in neighboring states, is a matter of dispute¹⁵, but about 80% of Arabs have what Israel has

¹³ Claudia Anamaria Iov, Maria Claudia Bogdan, (2017), Securitization Of Migration In The European Union - Between Discourse And Practical Action, *Research And Science Today*, Spring 2017, No. 1(13), 14.

¹⁴ Bardi Ariel Sophia (March 2016). "Architectural Cleaning of Palestine". *American anthropologist*. 118 (1): 165-171 available at <https://anthrosource.onlinelibrary.wiley.com/doi/abs/10.1111/aman.12520> , accessed on 27.09.208

¹⁵ Martha Crenshaw (2010). "The Consequences of Counterterrorism" Russell Sage Foundationp.356

become (half of all Arabs in Mandat Palestine) have left or been banished from their homes.¹⁶ About 250,000-300,000 Palestinians fled or were expelled prior to the declaration of Israel's independence in May 1948, a case presented as *casus belli* for the entry of Arab League armies in Palestine, triggering the Arab-Israeli War of 1948-1949. Permanent external migration can significantly alter the demographic structure of sending societies, as when entire regions are depopulated. Permanent migrants can also have a stronger influence on dispatching regions by weakening local productive systems and changing culture into the direction of emigration as the only normative path to mobility and social development.

In today's Europe, the fears expressed by immigration opponents typically presents a similar "tellurian" movement that rises and is sustained by cultural, religious differences and overwhelms the social systems and culture of the developed world. In terms of short-term circular flows, they tend to make a less sustainable change than permanent movements. Under certain conditions, as I said earlier, cyclical movements can strengthen existing social structures rather than change them.

The third factor, the composition of migrant flows, affects the potential for change, arguing that movements composed of people with high intellectual capital would have a greater impact on host societies because of the ability of these migrants to express themselves and protect themselves better cultural features. This argument is not always valid because educated migrants have greater flexibility and adaptability to the culture of the host country. Increasing human capital translates into creating better opportunities on the labor market and facilitating entry into the economic sphere of the host society as long as they do not activate socio-economic barriers. This is, in part, the reason why the migration of professionals is rarely seen as a problem in host societies. On the contrary, the flow of poorly educated workers may have a more sustainable impact due to the lack of adaptation to the host country's language and culture, which makes them adhere to their habits. At the same time, these considerably larger flows of migrant workers tend to generate visible cultural linguistic concentrations, generally in the marginal areas of host societies, while generating insecurity. Moreover, class flows, which include high-capital and low-capital migrants, are most likely to lead to ethnic enclaves in host countries. This is due to the fact that qualified immigrants are able to set up businesses that use their co-ethnic workers both as a workforce and as an outlet. In turn, less educated immigrants find in these ethnic enterprises an alternative source of employment opportunities and even a "training mechanism" to learn, to maintain their own cultural values. These types of complete enclaves are the most visible manifestation of change in host societies through migration.

Mass immigration can generate pressure from bottom to bottom, affecting certain organizations such as industries, labor, public schools, and forcing accommodation structures at this level. The phenomenon of immigration is a challenge to the traditional nation-state models. It can create two types of nationalism, namely that of minorities and majority nationalism. It is possible for a national minority to impose stricter immigration integration requirements than those imposed by the culture of the majority. In this context, it is necessary to analyze how the requirements of immigrants and national minorities are linked to one another, and how both respect and know the fundamental principles of liberal democracy, such as individual freedom and social

¹⁶ Masalha, Nur (1992). "Expulsion of the Palestinians." Institute for Palestine Studies, this edition 2001, 175

equality. Two values of identity lie in opposite positions, namely cultural and religious rights of immigrants, perceptions and practices of ethnic and religious cultural differences in the host society. The host country can accept a greater or lesser degree of cultural and religious differences of immigrants and may create policies in this respect. The failure to integrate immigrants, the non-acceptance of migrant cultural values, the impoverishment of religious freedom, and the blocking of social mobility can lead to the spread of the nationalist idea and the politicization of the masses along ethnic lines. On the other hand, the fear of immigrants, the belief that their jobs are occupied, the social burden created by immigrants, the social problems created by them, as well as the securitization of the migrants' problem by the politicians (with the help of mass media), lead to the development of the nationalist nationalism.

CONCLUSIONS

This paper attempted to clarify the concept of social change in which it evolved, in connection with the development of nationalism, to develop basic observations of its evolution, and link it to migration, both as a result and as a cause of social change.

We look at social changes rather occasionally, but taking seriously into account the historical social changes is to analyze and observe the difference between superficial and basic social changes. In conclusion, we can say that nationalism is one of the most important examples of specific social changes. We can say that the changes are related to the development of new historical epochs by transforming the categories that constitute the social and cultural reality. The modes of action or interaction, the visions, the relationship between other aspects of existence, the meaning of ideas, and the long-term planning are all modified by such transformations.

Although it is clear that the movements of the masses induce social change, the lasting, profound effects of these movements, which evolve into a more and more trans nationalized global system, cannot be determined with certainty.

REFERENCES

1. **Bardi Ariel Sophia** (March 2016). "Architectural Cleaning of Palestine". *American anthropologist*. 118 (1): 165-171 available at <https://anthrosource.onlinelibrary.wiley.com/doi/abs/10.1111/aman.12520>, accessed on 27.09.2018;
2. **Bloom, William**, "Personal Identity, National Identity and International Relations" New York: Cambridge University Press, 1990, 16;
3. **Brubaker Roger**, "Citizenship and Nationhood in France and Germany", Cambridge 1992.
4. **Calhoun Craig**, "Nationalism and social change" University of North Carolina, Chapel Hill, NC, USA. 1993
5. **Crenshaw Martha** (2010). "The Consequences of Counterterrorism" Russell Sage Foundation p.356
6. **De Haas, Hein**, "The Internal dynamics of migrations processes. A theoretical inquiry", *Journal of Ethic and Migration Studies*, 2010, 4;
7. **Douglas Massey, S.** "Social Structure, Household Strategies, and the Cumulative Causation of Migration." 1990;
8. **Duffy M. Meghan, J. Binder Amy, D. Skrentny John**, "Elite Status and Social Change: Using Field Analysis to Explain Policy Formation and Implementation" *Social Problems*, Vol. 57, Issue 1, pp. 49–73, University of California Press 2010;
9. **Dustmann Christian**. "Migration Economic Change, Social Challenge" Oxford University Press 2015;
10. **Hedström Peter**, "Explaining Social Change: An Analytical Approach" University of Oxford, Papers 80, 2006 73-95
11. **François Bafail**, "Central and Eastern Europe - Europeanization and Social Change" PALGRAVE MACMILLAN, 2009;
12. **Friedland, R.** "Religious, Nationalism and the Problem of Collective Representation." (2001). *Annual Review of Sociology*, 27;
13. **Greenwood Jeremy, Guner Nezih** "Social Change" Discussion Paper No. 3485
14. May 2008;
15. **Giddens A.**, "The constitution of society - Outline of the Theory of Structuration" University of California Press, 1986;
16. **Halliday, Fred. 2004.** "The crisis of universalism: America and radical Islam after 9/11" openDemocracy, accessed on 20.09.2018, available at <http://www.opendemocracy.net>;
17. **Heal Kieran**, "Social Change: Mechanisms and Metaphors" Princeton University, August 1998;
18. **Hobsbawm Eric, Ranger Terence** "The Invention of Tradition", Cambridge University Press 1983;
19. **Iov Claudia Anamaria, Bogdan Maria Claudia**, *Securitization Of Migration In The European Union - Between Discourse And Practical Action*, Research And Science Today, Spring 2017, No. 1(13)/2017, pp.12-19.
20. **Katz Claudio J.** "Karl Marx on the transition from feudalism to capitalism", Loyola University- Chicago available at <https://libcom.org/files/feudalism%20to%20capitalism.pdf> accessed on 23.09.2018;
21. **Lewis A. Coser**, "Social Conflict and the Theory of Social Change" *The British Journal of Sociology*, Vol. 8, No. 3. (Sep., 1957), pp. 197-207;
22. **Masalha, Nur** (1992). "Expulsion of the Palestinians." Institute for Palestine Studies, this edition 2001, p. 175;
23. **Olzak, Susan** "*The Dynamics of Ethnic Competition and Conflict*" Stanford: Stanford University Press. 1992;
24. **Panić, Branka**, "Societal security – security and identity" Carl Schmitt and Copenhagen School of Security Studies, No 13, April–June 2009;
25. **Rajendra K.Sharma**, "*Demography and population problems*", Atlantic Publishers Distributors 2000;
26. **Rudolph Christopher** "Security and the Political Economy of International Migration", *American Political Science Review*, Vol. 97, No. 4 (November) (2003), p. 603-620;
27. **Smith Anthony**, "The Ethnic Origin of Nations", Oxford 1986.

APPROACHES TO PROVIDING SECURITY IN DATA QUALITY MANAGEMENT

Marisia TOMA¹
Ștefania LEUCA²

ABSTRACT:

TECHNOLOGICAL DEVELOPMENT HAS BEEN INCREASING IN VELOCITY AND THE COMMITMENT OF PROVIDING DATA QUALITY BECOMES PREREQUISITE ESPECIALLY FOR SECURITY PURPOSES. THUS, ORGANIZATIONS REQUIRE ONLY RELEVANT DATA IMPOSING AN INDISPENSABLE NEED FOR A COMPREHENSIVE COLLECTION, MEASUREMENT AND MANAGEMENT OF DATA. THIS ARTICLE IS A BRIEF OVERVIEW OF THE MAIN PRESUMPTIONS IN THE FIELD, IN ORDER TO PROVIDE A NOTIONAL UNDERSTANDING FOR DATA QUALITY MANAGEMENT AND ITS OPERATION TO INFORMATION SECURITY. THE CONCEPT THAT EVOLVED FROM A TREND INTO A REAL NECESSITY HASN'T BEEN EXHAUSTIVELY ASSERTED IN LITERATURE. THEREFORE OUR OUTLINE IS A CONSTRICTED PERSPECTIVE ABOUT ITS MEANING, PROCESSES AND APPLICATION ADDRESSED TO OUR FELLOW STUDENTS AND SCIENTIFIC RESEARCH COMMUNITY UNDERSTANDING. THE ORGANIZATIONAL SPECTRUM REQUIRES THE NEED OF SECURING DATA QUALITY ADMINISTRATION AS AN ESSENTIAL ASSET HENCE, THIS ASSUMPTION CALLS FOR A MORE DEEPENED ANALYSIS.

KEY WORDS: DATA QUALITY, DATA MANAGEMENT, INFORMATION SECURITY

INTRODUCTION

New technologies have opened up the world to us but at the same time have opened us up to the world as well. These high tech components have permitted us to create our own digital universe, operating in an always-on differential environment: we work online, we socialize online, we follow news, we bank online and everything we do leaves a digital footprint. Performing in such a climate requires us to share fundamental data conceiving a vast ocean of information. While the world has recognized an exponential data growth, the ability to look at it and analyzing it has been increasing. Hence, people and organizations encountered the necessity a prerequisite distinction between the

¹BA, "Babeș Bolyai" University, Romania, marisia.toma@gmail.com.

²BA, "Babeș Bolyai" University, Romania, stefanialeuca02@gmail.com.

relevant and irrelevant data. The process of distinction represents the data management and the quality lies in relevance vs. irrelevance of data.

Our presentation outlines the main presumptions in the area of intelligence, in order to provide a notional understanding for data quality management and its operation to information security. Therefore, our synthesis is a constricted perspective about its meaning, processes, application and a requirement of the need to securing data quality administration as an essential asset. Through a descriptive, qualitative and quantitative analysis of the most representative publications in the field highlighting the chosen methodology, our aim is to introduce our public to the process of data quality management, formulating a brief literature review to its discipline.

Firstly, we consider of high importance to emphasize the basic concept that stands as a core principle of data quality management process: data. Secondly we have reviewed the attributions that data quality implies, in providing the security to a flourishing business. Lastly, in section 3 we evaluated the approaches of the scholars in regard with the effectiveness and efficiency of data quality management.

WHAT IS DATA?

Along with the evolution of technology, the world has found itself drowned in an “ocean” of data. What is actually data? Data represents a set of characters or meaningful symbolic constructs, (alphabetic letters, numbers, genetic sequences etc. as a basis)³ that has been gathered and translated for the purpose of analysis. The conducted analysis concluded in an indispensable demand and usage of information for the global development. Depending upon the nature of its use, data has various explications and can be utilized at different levels of filtration, as a result of the semiotic analysis.

Semiotics as a theoretical framework makes the transition from the physical world where signs are created, to the social world of norms where a meaning is attached to it. This leads to a comprehensive understanding of data, information and knowledge. The semiotic levels that can be attributed to the 4 concepts are: syntactic, semantic, pragmatic and empiric. The syntactic level conveys a set of signs structured and governed by formal rules together becoming data. The semantic level refers to the study of the meaning of signs which become useful, only when they indicate a certain action. When a meaning is attributed to the selected data, in a particular context it becomes information. Pragmatics is concerned with the relationship between signs and their behavior and involves information that has intentional use. Information becomes knowledge to the moment of its interpretation. Empirics is the physical property concerned with three signals used to code and transmit the message. Communication channels and their characteristics stand as the core to correct transmission of content.

Semiotics analysis can be used to understand the technical, formal and informal systems of an organization. The technical level involves technology and system security measures, while formal rules and procedures address the information systems security issues arising at the formal level. At the informal level, pragmatic concerns are paramount towards the development of security culture and environment. As we have discovered above, when speaking about data, we refer to the syntactic level of the semiotic analysis. What is actually the study of syntactics? It comprises the

³ Gurvirender Tejay, Gurpreet Dhillon, and Amita Goyal Chin, “Data Quality Dimensions for Information Systems Security: A Theoretical Exposition,” in *Security Management, Integrity, and Internal Control in Information Systems* (Springer, 2005), 23.

logic and grammar with an emphasis on the physical form of the system analyzed. Syntactics studies the relation of signs to one another and how complex signs originate from simple ones. Therefore, the concern at a syntactic level is rather on the formal and structural aspect, meaning that the information is viewed as just a simple raw material. Considering these elements, data represents empirical facts that have been arranged and organized according to a certain structure, to a set of meaningful rules. Moving forward with the semiotic analysis, the next level is expressed by semantics. This level concentrates on the meaning of the data, in order to transform it into information. In this regard, data needs a particular context to become meaningful and useful to the recipient. "Meaning is appropriated when we draw from our knowledge and apply understanding to information. Ensuring good quality at a semantic level therefore moves from maintaining quality of data to that of information"⁴.

Finally the pragmatic level, the last level in the semiotic analysis, is evaluating the relationship between the empirical facts and the meaning attributed to them. The beliefs, shared assumptions, expectations etc. are all part of the pragmatic structure. In this level, the information has an intentional use, thus becoming knowledge. Nonaka & Takeuchi (1995, pp. 58) suggest a relationship to knowledge: "...information is a flow of messages, while knowledge is created by that very flow of information anchored in the beliefs and commitment of its holder. This emphasizes that knowledge is essentially related to human action".

A semiotic framework for understanding data quality objectives in the context of the decision process is more appropriate than using data quality objectives alone, because it reflects which quality objectives are most significant at each stage of the production process.

PROVIDING DATA QUALITY

Data quality is becoming a prerequisite priority in everyday life, as an important asset of data management. The aftermath of data analysis endorses data quality issues that are causing significant lose in money, time and opportunities. An aspect of poor quality is the cost usually hidden and not obvious to those not looking for it. In the security field, the necessity of understanding the data quality dimensions becomes essential. As such, semiotics helps us in this endeavor by providing a notional analysis of the dimensions at the 4 levels: empiric, syntactic, semantic and pragmatic. Therefore, data quality dimension represents a set of data quality attributes that represent a single aspect or construct of data quality.

The empiric level is concerned with the establishment of the means of communication and data handling. Hence, the dimensions of data quality performing at this level include: accessibility, timeliness, security, portability and locality. These dimensions are concerned with the problems of medium of communication rather than data itself. However, they are of highly importance as unavailable channels would hinder the access to data and unauthorized access would lead to massive security breaches.

Syntactics represents the imperative (momentous) level in the analysis of the data quality dimensions. These dimensions cover the logic, grammar and structural aspects that compose data in order to ensure the best quality of that specific data. The research literature has found these aspects as being consequential: accuracy appearance, arrangement, clarity, coherence, comparability, compatibility, completeness, composition, conciseness, consistency, correctness,

⁴ Tejay, Dhillon, and Chin, 25.

ease of operation, ease of use, flexibility, format, freedom from bias, integrity, level-of-detail, objectivity, portability, presentation, readable, redundancy, robustness, uniqueness and usable. At a semantic and pragmatic level, the dimensions deal with the issues of information and knowledge rather than data. Nonetheless, facets associated with knowledge quality and information quality should be endorsed as part of any equation devised to address the problems of data quality. Thus, there is an inter-dependent nature between knowledge, information and data that should always be addressed when referring to data quality.

DEFINING THE CONCEPTS IN DATA QUALITY MANAGEMENT

Data quality and data management are part of a larger image when we address to a broader use of information. In order to have a proper understanding of the explanatory expansion of our article we will associate the concept of *data* to the concept of *information* which we will describe as “data that have been processed”.⁵ Manufacturing information is the development of data processing and it can be viewed as a processing arrangement that uses raw materials in order to create physical products. When producing information products managing for quality is particularly important because use of the data may expose broad impacts to the efficiency of an organization, to future scientific investigation, or to our society. Therefore, principles, guidelines and techniques are required for information products quality and knowledge has been created for data quality practice.

Information manufacturing comprises the evolution of data where the input is represented by raw data, the process is accomplished by the information systems and the output is represented by information products. For continuous investigation and advancement an organization would need guidelines in order to identify the critical issues and develop procedures to assess data quality projects. Information manufacturing system is referred to be a system that produces information products. The concept of information product asserts that the information products from the manufacturing information systems have transferable value to the consumers internal or external and we define three roles of the consumers in the process of information manufacturing systems:

1. Information suppliers are those who create and collect data for the information products.
2. Information designers are those who develop and maintain the data and the systems infrastructure.
3. Information consumers are those who use the information products in their work.

Also, we define information product managers as those who are responsible for managing the entire information product production process and the information product life cycle. Each of them is associated with a process or task:

- Suppliers are associated with data-production processes.
- Designers are dealing with data storage, maintenance, and security.
- Consumers are associated with data-utilization processes.

Poor data quality limits the usefulness of the information products establishment. Defining, measuring, analyzing, and repeatedly improving information quality is essential to ensuring high-quality information products. Therefore, a total data quality management is required. The definition of the total data quality cycle describes important data quality dimensions and the

⁵ Bruce McNutt, *The Fractal Structure of Data Reference: Applications to the Memory Hierarchy*, The Kluwer International Series on Advances in Database Systems 22 (Boston, MA: Kluwer Academic, 2000), 2.

corresponding data quality requirements. The measurement component produces data quality metrics. The analysis component identifies foundation causes for data quality problems and calculates the impacts of poor quality information. Finally, the improvement component provides techniques for improving data quality. These components are applied along data quality dimensions according to requirements specified by the consumer.

DEVELOPING SOLUTIONS

The main aspect to discuss concerns the managerial approach, for example, the strategy that has to be adopted in an organization in order to take proper technical choices. The choices are in terms of data quality activities to be achieved, databases and flows to be treated, and techniques adopted. So, in the final stage of data quality management, the focus is moved from technical to managerial facet. The expansion of the steps which are: assessment, improvement and management of improvement solutions from an organizational perspective, provides evidence of the attention devoted to this concern. Specific tasks of the managerial perspectives involve:

1. Assessment of organization preparation in following data quality processes.
2. Analysis of customer satisfaction, in order to discover problems at the source, for example, directly from the service users.
3. Initial focus on a pilot project, in order to experiment with and tune the approach and avoid the risk of failure in the initial phase, which is typical of large-scale projects performed in one single phase. This principle is inspired by the well-known motto “think big, start small, scale fast.”
4. Definition of information stewardship, for example, the organizational units and their managers who, with respect to the laws and rules, have specific authority on data production and exchange.
5. Pursuing the results of the preparation assessment, analysis of the main barriers in the organization to the data quality management perspective in terms of protection, to change processes, control establishment, information sharing, and quality certification.
6. Founding a specific relationship with senior managers, in order to get their consensus and active participation in the process.

Before concluding, there are also a second set of major managerial principles we should take into consideration:

- “Principle 1. Since data are never what they are supposed to be, check and recheck schema constraints and business rules every time fresh data arrive. Immediately identify and send discrepancies to responsible parties.
- Principle 2. Maintain a good and strict relationship with the data owners and data creators, to keep up with changes and to ensure a quick response to problems.
- Principle 3. Involve senior management willing to intervene in the case of uncooperative partners.
- Principle 4. Data entry, as well as other data processes, should be fully automated in such a way that data be entered only once. Furthermore, data should only be entered and processed as per schema and business specifications.
- Principle 5. Perform continuous and end-to-end audits to immediately identify discrepancies; the audits should be a routine part of data processing.
- Principle 6. Maintain an updated and accurate view of the schema and business rules; use proper software and tools to enable this.

- Principle 7. Appoint a data steward who owns the entire process and is accountable for the quality of data.
- Principle 8. Publish the data where it can be seen and used by as many users as possible, so that discrepancies are more likely to be reported”.⁶

In order for organizations to have a significant competitive advantage, they must structure, evaluate and implement an effective and efficient data quality management program. This program requires indispensable tools, brand-new techniques and effective information systems to maintain the integrity of the data as a valuable asset. To achieve tenacity in the outcomes of the process, a data quality assurance framework is needed to mitigate the consequences of misconceived and misapplied strategies calling for a commitment to security.

CONCLUSION

A taxonomy or conceptualization cannot be empirically confirmed and is not intended to provide prescriptive guidance; its value comes from its applicability and establishes the theoretical foundations for quality management, as well as to identify and develop techniques for quality improvement based on the comprehensive body of knowledge. Understanding the nature of quality enables us to focus on the most applicable issues for future research and development.

Production process are unique in three ways: unlike total data quality management the production process surrounds the generation of raw data and products derived from those data; the lifetime of the data product stored in an archive will be longer than the life time of the instruments that generated the data and their quality must be evaluated subjectively as well as objectively; and the continuous improvement process must include the clarification of data products in an archive, and the integration of continuous learning into the production process to enable the clarification.

Issues can have a very long life. We believe that some of them can live forever. This leads to the need for an explicit treatment of them. It also calls for issues to be very accessible in their own collection of data. Issue resolutions are often considered interruptive to the normal flow of work through departments that develop and deploy information technology. They will tend to get altered easily if not monitored and placed in front of management on a regular basis. These activities need to become the normal flow of work. Monitoring data quality and making corrections to improve it should not be considered an inconvenience, but should be considered a regular part of information systems operations. This article highlights the need to coordinate the activities of data quality assurance with the complete information systems agenda.

⁶ Carlo Batini and Monica Scannapieca, *Data Quality: Concepts, Methodologies and Techniques*, Data-Centric Systems and Applications (Berlin ; New York: Springer, 2006), 177.

REFERENCES

1. **Abraham, Ajith; Grosan, Crina; Ramos, Vitorino**, Swarm intelligence in data mining, Studies in computational intelligence v. 34, Springer, Berlin ; New York, 2006.
2. **Batini, Carlo; Scannapieca, Monica**, Data quality: concepts, methodologies and techniques, Data-centric systems and applications, Springer, Berlin ; New York, 2006.
3. **Clarke, Roger**, „Quality assurance for security applications of Big Data”, în Intelligence and Security Informatics Conference (EISIC), 2016 European, IEEE, 2016, pp. 1–8.
4. **Craig, Terence; Ludloff, Mary E.**, Privacy and big data, O'Reilly Media, Inc, Beijing, 2011.
5. **Dasu, Tamraparni; Johnson, Theodore**, Exploratory data mining and data cleaning, Wiley series in probability and statistics, Wiley-Interscience, New York, 2003.
6. **Loshin, David**, Master data management, Elsevier/Morgan Kaufmann, Amsterdam ; Boston, 2009.
7. **Mcnutt, Bruce**, The fractal structure of data reference: applications to the memory hierarchy, The Kluwer international series on advances in database systems 22, Kluwer Academic, Boston, MA, 2000.
8. **Olson, Jack E.**, Data quality: the accuracy dimension, Morgan Kaufmann, San Francisco, 2003.
9. **Sadiq, Shazia**, Handbook of Data Quality, Springer Berlin Heidelberg, Berlin, Heidelberg, 2013, <http://link.springer.com/10.1007/978-3-642-36257-6>, data accesării 14 iunie 2018.
10. **Stackowiak, Robert; Rayman, Joseph; Greenwald, Rick**, Oracle data warehousing and business intelligence solutions, Wiley Pub, Hoboken, N.J, 2007.
11. **Tejay, Gurvirender; Dhillon, Gurpreet; Chin, Amita Goyal**, „Data quality dimensions for information systems security: A theoretical exposition”, în Security management, integrity, and internal control in Information Systems, Springer, 2005, pp. 21–39.

RUSSIAN INFLUENCE IN EUROPEAN POLICIES

Gheorghe RADU¹

ABSTRACT:

THE PAPER WILL TRY TO EXPLAIN THE WAY RUSSIA MANAGED TO INFLUENCE THE EUROPEAN POLICY IN THE PAST 20 YEARS.

IT WILL REFLECT THE ROLE OF THE RUSSIAN BUSINESS DEVELOPERS AND SECRET SERVICES IN THE INTERNATIONAL POLICY, THE METHODS USED BY THEM TO INFLUENCE THE INTERNAL POLICY OF EX-SOVIET, EUROPEAN STATES AND THE INTERDEPENDENCES THAT APPEAR IN TIME BETWEEN EUROPEAN STATES AND RUSSIAN FEDERATION.

WE WILL INCLUDE SOME CASE STUDIES AND ARTICLES ABOUT THE IMPLICATION OF RUSSIA IN THE UNITED STATES ELECTION IN 2017 AND HOW THE TYPICAL DIPLOMATIC WAR GAINED A NEW DIMENSION AND HAS BEEN TRANSFORMED INTO A „HYBRID WAR” USING HACKERS, BUSINESS INTELLIGENCE PRACTICES LIKE BIGDATA THAT OFFERED THE POSSIBILITY OF A MORE EFFICIENT MANIPULATION OF THE POPULATION FROM THE „TARGETED”/„AFFECTED” STATES.

KEY WORDS: RUSSIA, EUROPE, BLACKMAIL, POLICY, CYBERWARFARE.

INTRODUCTION

THE FALL OF THE SOVIET UNION

For more than 60 years, the Soviet Union was an “empire” with a centrally planned economy that represented the second world economy by nominal GDP in 1991.² Until the well-known “Perestroika” reform, all the citizens were hired with a minimum salary and the status of the unemployed person was punished according to the law.

During this period the state controlled all that refers to resources, production, centralization and rationalization of production, purchasing power and the value of the currency. Also, this type of economy has remained in the memory of the population as the period of great discoveries and constructions. Why? Because the state promoted a policy of copying and replying the western world’s innovations and to assume it as a soviet creation. Also they were used to build big constructions like buildings, bridged, roads or factories that were meant to show the supremacy of the soviet power.

¹ BA student, Babeş Bolyai university, Cluj-Napoca, gicu.radu1@gmail.com

² CIA World Factbook, (1991), <http://www.gutenberg.org/cache/epub/25/pg25-images.html> - accessed 19.05.2018.

As we mentioned above, things changed after 1980 with the beginning of “Perestroika”, a program started by the communist party that wanted to “restructure” the political and economic system of the Soviet Union.

The most interesting comes after 1991 when, after the fall of the empire, Boris Yeltsin decided to start the implementation of a series of “radical economic reforms such as price liberalization, mass privatization and stabilization of the ruble”³ that were meant to stabilize the economy of the new Russia. The privatization process had its own “black” part because of the president Yeltsin which allowed the privatization of approximately 70% of the economy and some natural resource by certain influent businessmen in exchange for loans meant to sustain the government budget and political/electoral support.⁴ This plan was fruitful until 2000 when Vladimir Putin won the presidential elections with a score of 53%.⁵

The new president is an ex-K.G.B agent who lived a few years in Germany working for Russian services, who came back after the fall of the Berlin and managed to enter some influent groups of senators and businessmen like Anatoly Sobchak (ex-mayor of Leningrad) that encouraged him to leave K.G.B in 1991⁶ or Sergei Pugachev who was an Russian investor and a member of Vladimir’s Putin inner circle⁷. In 1998 he was named the head of the main Russian intelligence service FSB by Boris Yeltsin. Many public figures and journalist insinuated that this wasn’t a coincidence⁸. His first actions were to give full immunity to the ex-president and to declare that Russia will maintain its democratic route, but no one knew that this were the words of a new “dictator”.

THE NEW ORDER OF “DEMOCRATIC” RUSSIA

Few after, Putin understood that the oligarchs will not let him reach his goals, so he decided to take them down, one by one. Also, he wanted to enhance his credibility by taking radical decisions in some critical situations and by “getting out of game” those journalists that decides to go against Putin.

The first one was Mikhail Khodorkovsky, the richest man in Russia at that period⁹ that was arrested in 2003 for 10 years and released after, by the president, with the conditions that he will leave Russia and “would not attempt to win back his shares in Yukos”¹⁰.

After him, we should speak about the second Chechen war and the Moscow theatre siege in 2002.

³ <https://www.investopedia.com/articles/investing/012116/russian-economy-collapse-soviet-union.asp> - accessed 18.05.2018.

⁴ <https://www.investopedia.com/articles/investing/012116/russian-economy-collapse-soviet-union.asp>

⁵ Richard Paddock; *Putin Rolls to Victory, Avoiding a Runoff*, (Los Angeles Times, 2000). <http://articles.latimes.com/2000/mar/27/news/mn-13176> - accessed 19.05.2018.

⁶ <http://tass.ru/politika/4344465> - accessed 20.05.2018.

⁷ http://www.lemonde.fr/europe/article/2014/11/27/le-milliardaire-russe-serguei-pougatchev-recherche-par-interpol_4529890_3214.html - accessed 20.05.2018.

⁸ <http://www.mediafax.ro/externe/viata-si-cariera-lui-vladimir-putin-ascensiunea-presedintelui-rusiei-de-la-periferia-leningradului-la-prima-scena-a-lumii-foto-14000241> - accessed 20.05.2018.

⁹ <https://www.theguardian.com/world/2017/feb/22/vladimir-putin-killer-genius-kleptocrat-spy-myths> - accessed 21.05.2018.

¹⁰ <https://www.theguardian.com/world/2014/dec/26/mikhail-khodorkovsky-life-after-prison-russia-after-putin> - accessed 19.05.2018.

The Chechen war represented an armed conflict between 1999 and 2009. Officially, Russian troops entered this war to establish the rule in Chechnya, but in essence they just wanted to maintain their influence in the region. Putin has been criticized during this war by many journalists, one of them being Anna Politkovskaya, a Russian journalist that spent her time on the battle front and wrote about the reality from Chechnya. She described the life of the refugees from this country, how their families were killed by Russians, how Russia bombed towns and villages with civilians and how she was “hunted” by Russian agents.¹¹

Also Politkovskaya wrote about the 2002 Moscow theatre siege, when 40 Chechen militants headed by Movsar Barayev, took over 900 civilians. After three days, Russian security services entered the building by pumping sleeping gas and killing the terrorists. During this operation 130 civilians died because of the gun shoots and the gas. The bad part is that in this case the security services which are directly subordinated to the president decided to maintain the “secret character” of their mission and to neglect civilian’s life by refusing to negotiate with the terrorist.

Returning to Politkovskaia, she was killed or better say found death in 2007 in the lift of her block of flats located in the center of Moscow.¹² Coincidence or not, but she was killed exactly when president Putin celebrated his birthday, or two days after Ramzan Kadyrov celebrated his birthday. Why not a coincidence? Because both presidents were criticized by the journalist for their decisions, policy and the way they ruled their country. The killer was arrested but there are no more details about him or this case.

The same history had Boris Nemtsov, a successful politician during the ‘90s that played an important role in the process of introducing capitalism in Russia, and one of the biggest critics of Vladimir Putin.¹³¹⁴ He was found killed on a bridge near the Kremlin wall, with nine bullets in his body. In this case, the interesting fact is that Nemtsov was killed hours after he announced at the radio that he will write a book about the implication of Putin in Ukraine war.¹⁵

HOW RUSSIA INFLUENCES?

In this part of the paper we will speak about the manifestation of the Russian influence in Europe in the last two decades.

After 18 years of official governance, at his 4th mandate, president Putin managed to concentrate all the power in his hand through his people. Usually these people are oligarchs that accepted to cooperate with Putin to be able to maintain their business, former secret agents, school and university colleagues or some people who practiced judo with the president.

As we already mentioned above, after his first presidential mandate, Putin “brought the power” from all those who represented a danger for him. They were forced to leave the country (the case with Mikhail Khodorkovsky), forced to surrender their wealth to the state being threatened with criminal files, or they just decided to cooperate on their own initiative.

¹¹ Anna Politkovskaya; *Nothing but the truth*, (Random House, 2010).

¹² http://www.kommersant.com/p711307/r_530/Murder_reporter_Politkovskaya/ - accessed 20.11.2017.

¹³ <http://www.foxnews.com/world/2015/03/04/crossing-kremlin-nemtsov-latest-in-long-line-putin-critics-to-wind-up-dead.html> - accessed 20.05.2018.

¹⁴ <https://www.telegraph.co.uk/news/worldnews/europe/russia/11441466/Veteran-Russian-opposition-politician-shot-dead-in-Moscow.html> - accessed 10.05.2018.

¹⁵ <https://www.telegraph.co.uk/news/worldnews/europe/russia/11441466/Veteran-Russian-opposition-politician-shot-dead-in-Moscow.html> - accessed 22.05.2018.

Speaking about the mechanisms Russia uses to influence the European policies? Gas and oil, a simple answer with a complex construction.

Why? Because of the way the presidential administration or better say Putin's influent circle of people have captured this energy sector.

First of all, we should know that, after '90 when the massive privatization process started, most companies/factories from all sectors including the energy one were bought by the state, or by oligarchs. An exception from this "dirty deal" was the Ministry of the Gas, or what is today known as Gazprom. This institution passed through a well-thought process and transformed from a Ministry into a corporation where the state owned more than 50% of action. The situation changed in the past years and now the state owns only 38.37%¹⁶, but this is just an official number because the state has the same influence.

About the importance of the natural resources president Putin wrote in his work "Mineral and Raw Materials Resources and the Development Strategy for the Russian Economy."

They managed to maintain their key role in the company by hiring former secret and special services agents as high ranked workers in Gazprom. During the years, the corporation managed to monopolize the energy sector by being helped by the president and his administration. A good example here is the history of "Yukos", once the biggest non-state oil company that was completely dissolved after they claimed their bankruptcy.¹⁷

Another example of favor made by the governance was in 2006 when the rules were changed in favor of big companies that obtained the full control on their territories. Gazprom used this occasion to create its own "army" equipped with Russian firearms and Israeli UAV's that officially had the role of preventing sabotage, hijacks or hostage situations. With the time this service reached a total of 20000 men responsible for intelligence and counterintelligence inside the corporation, transport of valuables, body-guarding and were paid with a salary six or seven times bigger than a security state worker salary.

First cases when Russia used Gazprom to influence other countries policy were reported in 2004 when the gas that passed through "Drujba" pipe to Latvia was stopped, in order to encourage the privatization of some Latvian companies that were responsible for gas import by the Russian oligarchs.

Another case was reported in 2006 when Ukraine remained without gas for 24 hours because of the debts, or when Georgia was forced to accept to pay a double price for the imported gas.

Why is this a problem for Europe? Firstly, it is an example of blackmail and secondly because there are more than 50 gas intermediaries in the whole Europe that are used to represent their own interests. A good example for this can be the ex-German canceler Gerhard Schröder that was named as Gazprom CEO, after he signed an agreement with the company that raised the dependence of his country on Russian gas. Also we have the example with an audio recording between the Polish oligarch Marek Dochnal and a Russian agent Vladimir Alganov when they were discussing about the privatization of the Polish energy industry.

Talking about Rosneft, we will observe that it is a "giant" with a different story. First of all, if we will analyze its past, and will see that Rosneft was also favorited by the Russian

¹⁶ <http://www.gazprom.ru/investors/stock/> - accessed 22.05.2015

¹⁷ <https://lenta.ru/news/2007/11/22/yukos/> - accessed 18.05.2018.

administration when they “absorbed” Bashneft, after its CEO Vladimir Evtushenko was forced to yield his company, losing \$7.2 billion.¹⁸

Rosneft was a company used more to show the importance of Russian oil, and this was shown when 19% of the company were privatized by unknown persons. Officially, the actions were bought by Qatar, Glencore and the Italian bank Intesa Sanpaolo, making abstraction from the EU sanctions. Some analysts sustain that this was a well thought political move, to show the world that even with the EU sanctions, there are countries who trust Russia and believe in its stability. After some investigations it turned out that the real buyers were not Qatar, Glencore or Intesa Sanpaolo. The only thing that is known is that money and actions passed through some phantom companies from Cayman and Singapore, but nobody is ready to offer more details.¹⁹ Also an interesting case was reported in 2011 when ExxonMobil was allowed to conduct offshore exploration in the Black Sea and the Kara Sea in Siberia.²⁰ There were cases when the company violated sanctions on Russia in the period when actual secretary of state Rex Tillerson was the CEO. In 2017 The Treasury Department of USA fined Exxon Mobil \$2 million, which is not a significant punishment for this “mammoth”.²¹

The third influence mechanism used by Russia is the cyberwarfare.

According to *Oxford Dictionaries*, *Cyberwarfare* is defined as the use of computer technology to disrupt the activities of a state or organization, especially the deliberate attacking of information system for strategic or military purposes.

There were many cases when Russia was accused for attacking a state, institution or company using its special services hackers.

One of this attacks was reported in 2015 in France, when the broadcasting service TV5Monde was attacked by russian hacker. It's network system was destroyed with a malicious software. At the beginning, this attack was claimed by the “Cyber Caliphate”, but after a series of investigations, French authorities linked the attack in a GRU hacker group.²²²³

Another case was reported in 2015, when a german official declared a possible cybertheft of files from the German Parliamentary Committee. In 2016 Bruno Kahl warned of data breaches and misinformation campaigns steered by the Russia special agents.²⁴²⁵

¹⁸ Cătălin Apostoiu. *De ce Rosneft, cea mai mare companie petrolieră a Rusiei, câștigă mereu*. Accessed 20.06.2018, <http://www.zf.ro/business-international/de-ce-rosneft-cea-mai-mare-companie-petroliera-a-rusiei-castiga-mereu-16707949>

¹⁹ Bogdan Cojocaru. *Privatizarea Rosneft, promovată de Moscova ca un vot de încredere din partea investitorilor străini, este îngropată adânc în mister*, accessed 29.05.2018, <http://www.zf.ro/business-international/privatizarea-rosneft-promovata-de-moscova-ca-un-vot-de-incredere-din-partea-investitorilor-straini-este-ingropata-adanc-in-mister-16121643>

²⁰ Donna Borak and Egan Matt. *Trump denies Exxon permission to drill for oil in Russia*. CNN Money, retrieved april 21, 2017. Accessed 05.05.2018, <http://money.cnn.com/2017/04/21/news/companies/trump-exxon-russia-sanctions/index.html>

²¹ Alan Rappeport, *Exxon Mobil Fined for Violating Sanctions on Russia*, The New York Times, accessed 20.06.2018, <https://www.nytimes.com/2017/07/20/us/politics/exxon-mobil-fined-russia-tillerson-sanctions.html>

²² <https://www.bbc.com/news/world-europe-33072034> - accessed 23.06.2018

²³ <https://www.bbc.com/news/technology-37590375> - accessed 23.06.2018

²⁴ <http://www.dw.com/en/russia-behind-hack-on-german-parliament-paper-reports/a-36729079> -accessed 23.06.2018

²⁵ <http://www.spiegel.de/politik/deutschland/bundestagswahl-2017-bnd-chef-kahl-warnt-russischen-hackerangriffen-a-1123506.html> - accessed 23.05.2018

Also we have a lot of more examples of cyberattacks committed by the russian hackers all over the world because they wanted to influence elections in some states (Germany 2017, United States 2017), to change the internal and European policy (the Brexit referendum) or to simply demonstrate their power.

CONCLUSION

Even if after the fall of the Soviet Union, Russia had to pass through a series of changes and to completely restructure its administration and structure, it is still an important actor on the international arena because it managed to recover its economy and to extend its authority in the whole world.

After Kremlin decided to invade Crimea, they faced a series of sanctions from Europe and United States that wanted to damage the economy and to make this state more vulnerable and more dependent. Despite of this, russian administration always managed to find a way to promote its interests, to annihilate its enemies and to manifest its influence using and creating new weapons and showing its power on the battle theaters in the Middle East. Also it was always able to use its non-conventional weapons in order to protect its interests and to influence the West Policy, demonstrating that it cannot be neglected because it still represents a big power.

The conclusion is that Russia is still one of the most influent states and it should not be neglected because they demonstrated that their power is not measured just in guns.

REFERENCES

1. **CIA World Factbook**, 1991, <http://www.gutenberg.org/cache/epub/25/pg25-images.html> - accessed 19.05.2018.
2. <https://www.investopedia.com/articles/investing/012116/russian-economy-collapse-soviet-union.asp> - accessed 18.05.2018.
3. **Paddock, Richard**; *Putin Rolls to Victory, Avoiding a Runoff*, Los Angeles Times, 2000. <http://articles.latimes.com/2000/mar/27/news/mn-13176> - accessed 19.05.2018.
4. <http://tass.ru/politika/4344465> - accessed 20.05.2018.
5. http://www.lemonde.fr/europe/article/2014/11/27/le-milliardaire-russe-serguei-pougatchev-recherche-par-interpol_4529890_3214.html - accessed 20.05.2018.
6. <http://www.mediafax.ro/externe/viata-si-cariera-lui-vladimir-putin-ascensiunea-presedintelui-rusiei-de-la-periferia-leningradului-la-prima-scena-a-lumii-foto-14000241> - accessed 20.05.2018.
7. <https://www.theguardian.com/world/2017/feb/22/vladimir-putin-killer-genius-kleptocrat-spy-myths> - accessed 21.05.2018.
8. <https://www.theguardian.com/world/2014/dec/26/mikhail-khodorkovsky-life-after-prison-russia-after-putin> - accessed 19.05.2018.
9. **Politkovskaya, Anna**; *Nothing but the truth*, Random House, 2010.
10. http://www.kommersant.com/p711307/r_530/Murder_reporter_Politkovskaya/ - accessed 20.11.2017.
11. <http://www.foxnews.com/world/2015/03/04/crossing-kremlin-nemtsov-latest-in-long-line-putin-critics-to-wind-up-dead.html> - accessed 20.05.2018.
12. <https://www.telegraph.co.uk/news/worldnews/europe/russia/11441466/Veteran-Russian-opposition-politician-shot-dead-in-Moscow.html> - accessed 10.05.2018.
13. <https://www.telegraph.co.uk/news/worldnews/europe/russia/11441466/Veteran-Russian-opposition-politician-shot-dead-in-Moscow.html> - accessed 22.05.2018.
14. <http://www.gazprom.ru/investors/stock/> - accessed 22.05.2015
15. <https://lenta.ru/news/2007/11/22/yukos/> - accessed 18.05.2018.
16. **Apostoiu, Catalin**; "De ce Rosneft, cea mai mare companie petrolieră a Rusiei, câștigă mereu", accessed 20.06.2018, <http://www.zf.ro/business-international/de-ce-rosneft-cea-mai-mare-companie-petroliera-a-rusiei-castiga-mereu-16707949>
17. **Cojocaru, Bogdan**; "Privatizarea Rosneft, promovată de Moscova ca un vot de încredere din partea investitorilor străini, este îngropată adânc în mister", accessed 29.05.2018, <http://www.zf.ro/business-international/privatizarea-rosneft-promovata-de-moscova-ca-un-vot-de-incredere-din-partea-investitorilor-straini-este-ingropata-adanc-in-mister-16121643>
18. **Borak, Donna; Egan, Matt**; "Trump denies Exxon permission to drill for oil in Russia", CNN Money, retrieved april 21, 2017. Accessed 05.05.2018, <http://money.cnn.com/2017/04/21/news/companies/trump-exxon-russia-sanctions/index.html>
19. **Alan Rappeport**, "Exxon Mobil Fined for Violating Sanctions on Russia", The New York Times, accessed 20.06.2018, <https://www.nytimes.com/2017/07/20/us/politics/exxon-mobil-fined-russia-tillerson-sanctions.html>
20. <https://www.bbc.com/news/world-europe-33072034> - accessed 23.06.2018
21. <https://www.bbc.com/news/technology-37590375> - accessed 23.06.2018
22. <http://www.dw.com/en/russia-behind-hack-on-german-parliament-paper-reports/a-36729079> -accessed 23.06.2018
23. <http://www.spiegel.de/politik/deutschland/bundestagswahl-2017-bnd-chef-kahl-warnt-russischen-hackerangriffen-a-1123506.html> - accessed 23.05.2018

BUSINESS INTELLIGENCE AND COMPETITIVE INTELLIGENCE: THE EVOLUTION OF THE TERMS

Horia Mircea BOTOȘ¹

ABSTRACT:

AT THE PRESENT MOMENT, THE TERM OF BUSINESS INTELLIGENCE TAKES YOU TO THE IDEA OF THE SUIT OF SOFTWARE'S BY THE MEANS OF WITH YOU CAN ANALYZE COMPANY DATA AND COMPETITIVE INTELLIGENCE IN THE HOLE OF THE PRACTICES BY WITH YOU STUDY A BUSINESS, ITS COMPETITORS AND THE SECTOR. BUT THIS WAS NOT ALWAYS THE CASE.

THIS PAPER AIMS TO STUDY THE TRANSFORMATION OF THE TERM OVER TIME IN ORDER TO GIVE A BETTER AND CLEARER PERSPECTIVE ON THE MEANING OF THE TERM, SHOWING THE IMPACT THAT THE USER HAD OVER THE USE IN THE ACADEMIC LANGUAGE. WE WILL TRY TO SHOW THE EFFECT HAD BY INTELLECTUAL MIGRATION ON THESE TWO TERMS.

KEY WORDS: BUSINESS INTELLIGENCE, COMPETITIVE INTELLIGENCE, INTELLIGENCE, TERMINOLOGY

THE SECURITY STUDIES CONTEXT

Security Studies is a sub-field of International Relations². It has been developed since the era of the Cold War and took place at the same time as the privatization of Intelligence Processes.

During the Second World War it became clear that the military sector could not adjust and be flexible enough to serve all the information access needs of a state and because of this they started to have private collaborations in order to gain flexibility and speed.

In this paper we do not plan to present the history of Intelligence and Security Studies, but to see how Business and Competitive Intelligence developed.

Business and Competitive Intelligence are both terms from the area of Economics that address the analysis and information understanding. The two terms have developed through the years, having different meaning from their original ones.

¹ PhD, Babes-Bolyai University, DSIC, Romania, horia.botos@gmail.com

² Wæver, Ole (2004) "New 'Schools' in Security Theory and their Origins between Core and Periphery" Paper presented at the annual meeting of the International Studies Association, Le Centre Sheraton Hotel, Montreal, Quebec.

At the present moment Business Intelligence is a wide term that represents the applications, tools, methods and infrastructure that enable the improvement and optimization of the decision process of a company. Competitive Intelligence is the action of defining, analyzing and distributing intelligence reports about products, customers, competitors, business environment, etc.

THE EVOLUTION OF TERMS

The Business Intelligence was used a term for the first time in the *Cyclopeadia of Commercial and Business Anecdotes* in 1865 by Richard Miller Devens. The term was used to refer to Sir Henry Furnese, a banker, understanding of political issues, instabilities and market needs ahead of the rest of his competitors. Furnese was active in Holland, Flanders, France and Germany, always being a step ahead of everyone else. This didn't stop him becoming a corrupt financier, but I showed the world the idea of gathering information for business purposes. Idea that grew over the years...

My definition of Business Intelligence started with "... a wide term that represents the applications, tools, methods and infrastructure...", but this was not always so. Technology didn't find its way into Business Intelligence until in the second part of the 20th century. Until that point Business Intelligence was referred to the "reading" of the business elements in the best way possible so that you would have optimal decisions and Competitive intelligence was regarded as a specialized analysis made on the performance and developments of your competitors.

Hans Peter Luhn, an IBM computer scientist, wrote a paper named "A Business Intelligence System" in 1958 that brought Business Intelligence to another league. In a wake of the post-World war, taking in in the technical and conceptual developments, a system that would "analyze and disseminate information to various sectors of any industrial, scientific or governmental organization" was seen as a good thing. Let's not forget that we were in a moment of massive technological and scientific development, massive data creation and elements of panic caused by the Cold War.

Luhn essentially saw Business Intelligence a particularization of Intelligence, that gave the possibility understand quick and easy large amounts of data so the decision making process could be optimized. Looking back at it, this could be the shortest way to define Business Intelligence.

In my opinion, Luhn research paved the way for the development and research of analytical systems that helped the for the Business Intelligence environment that we know today.

Another development point of Business Intelligence was the late 1980's. There has been technical development until this moment, but the advancements brought on by this period helped boom the 1970's initiatives. This first initiative was oriented towards accessing and organizing data, but it was difficult to use. The 1988 Multiway Data Analysis consortium gathering that took place in Rome, can be considered the moment of conception of BI analysis as we know it today.

Gartner's Howard Dresner 1989 establishment of a term as DSS (Decision Support system) and EIS (Executive information Systems), that were aimed to establish data storage and data analysis protocols. These systems evolved setting the path for the establishment of technologies as online analytical processing, data mining, process mining, complex event processing, predictive analytics, benchmarking, etc.

Modern day Business Intelligence handles large volumes of data, having as a purpose the identification, development and strategic development of business opportunities. These opportunities want to provide competitive market advantages and stability to business.

Because of this we can observe that specially in the Anglo-Saxon terminology Business Intelligence and Business Analytics are synonymous. The two terms being representations for the technologies used in order to support decision makers.

We can see that since 1958 Business Intelligence gently took an approach of being an analytical process, compared with its 1865 definition. Because of this Business Intelligence distanced itself because of technology from its definition, and its original function was taken over by Competitive Intelligence.

Examples of current day Business Intelligence providers are: SAS, SAP IQ, Tableau Software, Oracle, IBM Cognos, Domo, Microsoft (SQL platform, Power BI, etc.) and many others. 2016 figures record that this market has a \$9 billion profit margin, but the potential is big.

COMPETITIVE ANALYSIS

Competitive intelligence is a newer term in academic journal, being found for the first time in the 1970s. Which is interesting as the literature in the field of competitive analysis and Business Intelligence appeared decades before.

Competitive Intelligence can be seen as being the meeting point of Organizational Intelligence and Business Intelligence, at about the time Business Intelligence became more about Analysis protocols and methods and less about Business decisions.

Because of time line and protocol forming, Competitive Intelligence stands for the ability and science of learning the environment outside the organization in order for it to become more...if you didn't figure this out yet... competitive. This means understanding an industry and identifying relevant competitors quick.

Because of this the information sources used are various and limitless. Competitive Intelligence nowadays uses most of the results of Business Intelligence and other Economic-connected Intelligences (as Commercial Intelligence, Trend Analysis, Market Intelligence, etc.). But, with all this connections and collaborations with tactical and Intelligence fields, we have to keep some aspects clear:

- a. Competitive Intelligence is a legal business practice (it's not business espionage)³
- b. It is focused on what happens outside the business (inside the business you have Business Intelligence)⁴
- c. In order to be Competitive Intelligence there is a protocol of gathering information, converting and make it usable in decision making.⁵

All of the elements mentioned above, show us that Competitive Intelligence behaves different from Business Intelligence as it takes a macro-view of the business environment. Because of this it uses different tools, it does not used data bases, data mining or data warehouses...but it uses tools as the SWOT analysis, the Five forces model, PEST/PESTLE analysis, Scorecards or growth-share matrix.

The tools used by Competitive Intelligence or oriented better in showcasing risks and opportunities in the market, as these tools are early identifiers. Competitive Intelligence use

³ SCIP Code of Ethics.

⁴ Haag, Stephen. Management Information Systems for the Information Age. Third Edition.(McGraw-Hill Ryerson, 2006).

⁵ McGonagle, John J. , Carolyn M. Vella. The Manager's Guide to Competitive Intelligence. (Westport CT: Greenwood Publishing Group, 2003).

elements of market statistics, financial reports, industry reports, regional reports or press releases to see elements otherwise not seen about the other competitors.

NOWADAYS TERMINOLOGY AND MEANING

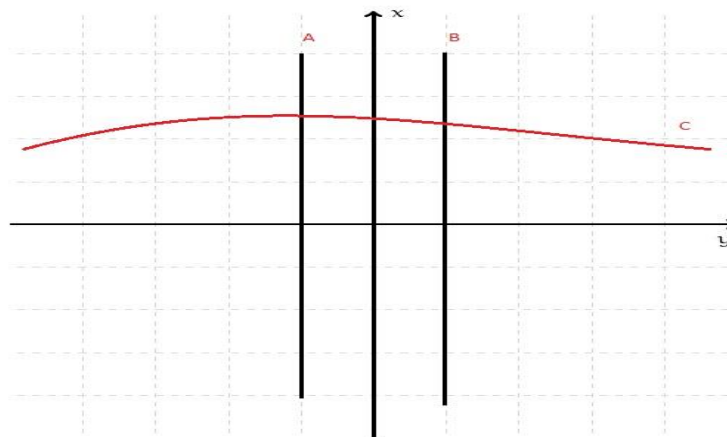
If we take as a reference point the 1970s we can observe that at this moment the original meaning and form of the two terms changed. If in the beginning Business Intelligence was about integrating your company's strategy the best you could in the market and Competitive Intelligence was understanding your competitors... after this moment things changes.

Business Intelligence started to get developed as a sum of analysis protocols, while Competitive Intelligence became a mix of competitive and business oriented practices.

If in the beginning Business and Competitive Intelligence could be identified as a two axis based model. Business Intelligence would be the vertical axis, the X, while Competitive Intelligence would be the Y. The vertical looking at the organization in its hole and how it integrates in the market and industry, while the horizontal would be the industry and the directions it develops its self. So the horizontal is the place from which you can see how the companies Innovations are representative, helpful, profitable.

In figure 1 you will find a visual representation of the use of the two axis. If your organization is situated between the A and B vertical limits as Business Intelligence, on the red C line of the Competitive Intelligence parameters, it means that its decisions are adjusted to the market in specs of Innovation and developments perspectives. If this analysis puts you on a downward stretch of the horizontal red line, this means that you need to make improvements to your competitiveness factors.

Figure 1. Two axis Business and Competitive Intelligence representation



Source: The author's perspective

CONCLUSION OF THE TERMINOLOGY DISCUSSION

In my opinion the understanding of Business and Competitive Intelligence change through the years, but I can not say if it helped to have a better understanding of the terms.

Many of today's academics and students know Business Intelligence as the sum of methods and protocols of analysis and they aren't that much concerned with the origin and direction of the

data. Meanwhile, Competitive Intelligence has become a cumulus of everything connected with strategic and organizational decisions justified by economic facts. This is why we have a series of newly developed economic related Intelligence fields as Accounting Intelligence, Commercial Intelligence, Market Intelligence, Economic Security, Public and Business Diplomacy, and others. Competitive Intelligence covering at this moment in time the original understanding of Business Intelligence and its own definition.

Having the term Business Intelligence not covering any business aspects, in my opinion is not correct, but the technical developments that took place cannot be changed that easily.

Competitive Intelligence will always address more the aspects of actions competitor actions and less the methods by which they the business aligns to the industry.

It is important to keep in mind that Business Intelligence represents data analysis protocols for a company and Competitive Intelligence represents the market positioning and strategic aspects.

REFERENCES

1. **Luhn, H.P.**, *A Business Intelligence System*, 1958
<http://domino.watson.ibm.com/tchjr/journalindex.nsf/3d119440d938c88b85256547004c899a/fc097c29158e395f85256bfa00683d4c!OpenDocument>
2. **Sutton, Howard.** "*Competitive intelligence*." Conference Board, 1988.
3. **Prescott, J.E.**, *The evolution of Competitive Intelligence*, 1995,
<http://files.paul-medley.webnode.com/200000023-97ce398c7e/Competitive%20Intelligence%20A-Z.pdf>
4. **Kahaner, L.**, *Competitive Intelligence: how to gather, analyze and use information to move your business to the top*, KANE Associates International Inc., 1996
5. **McGonagle, John J., Carolyn M. Vella.** *The Manager's Guide to Competitive Intelligence*. Westport CT: Greenwood Publishing Group, 2003.
6. **Negash, S.**, *Business Intelligence*, 2004
<http://aisel.aisnet.org/cgi/viewcontent.cgi?article=3234&context=cais>
7. **Liebowitz, J.**, *Strategic Intelligence: business intelligence, competitive intelligence, and knowledge management*, Taylor & Francis Group LLC, 2006
8. **Haag, Stephen.** *Management Information Systems for the Information Age*. Third Edition. McGraw-Hill Ryerson, 2006
9. **Jordan Z., Kelly Rainer R., Marshall, T.E.**, *Business Intelligence: An Analysis of the Literature*, 2008,
<https://doi.org/10.1080/10580530801941512>
10. **Watson H.J.**, *Tutorial: Business Intelligence – Past, Present and Future*, 2009,
<http://aisel.aisnet.org/cgi/viewcontent.cgi?article=3490&context=cais>
11. **Agiu, D., Mateescu, V., Muntean, I.**, *Business Intelligence overview*, 2014,
http://dbjournal.ro/archive/17/17_3.pdf

Web-sources

12. <https://blogs.sap.com/2013/07/01/happy-birthday-to-the-father-of-business-intelligence/>
13. <http://www.dataversity.net/brief-history-business-intelligence/>
14. <https://www.datapine.com/blog/history-of-business-intelligence/>
15. <http://www.businesscomputingworld.co.uk/the-history-of-business-intelligence-infographic/>

INTEGRATION OF THE INTERNATIONAL NORM

Paul POPA¹

ABSTRACT:

FROM THE PERSPECTIVE OF SOCIAL-CONSTRUCTIVISTS, THE NORM IS BUILT UP BY INTERACTION OF THE AGENTS. SOCIAL-CONSTRUCTIVISM HAS REMAINED THE DOMINANT THEORY IN RECENT DECADES AND THE ONLY ONE THAT DESERVES TO BE EVALUATED WHEN WE SPEAK OF INTERNATIONAL NORMS IN THE CURRENT SOCIO-POLITICAL CONTEXT. FROM THE PERSPECTIVE OF SOCIAL-CONSTRUCTIVISTS, AN INTERNATIONAL NORM IS BASED ON THE CAPACITY AND OPENNESS OF STATE AND NON-STATE ACTORS TO COLLABORATE AND INTERACT IN ORDER TO FORM THE NORM. THIS PROCESS PLACES THE INTERNATIONAL NORM ON A CENTRAL POSITION IN GLOBAL AFFAIRS, AS OPPOSED TO RATIONALIST APPROACHES IN WHICH INTERNATIONAL NORM IS DETERMINED BY INTEREST AND IMPOSED BY POWER. A GOOD WAY TO DEMONSTRATE THIS CENTRAL POSITION OF THE NORM, AND THE WAY TO DEMONSTRATE ITS CRUCIAL ROLE IN THE PERCEPTION OF INTEREST AND POWER, IS TO CHALLENGE THESE THREE IN AN EXERCISE.

KEYWORDS: INTERNATIONAL NORM, CONSTRUCTIVISM, INTEGRATION, PROCESS

INTRODUCTION

In order to be able to dissociate the image of the norm from its origin and strength, that is, interest and power, I must put the international norm to prove its capacity in relation to the two. Interest and power come mainly from states, so one of the great challenges to the state's interest and power is the ability and willingness of the international norm to impose upon them by integrating it into the internal structures of the state. I understand from previous presentations that the international norm is a product of interaction and is the result of foreign policy formulated nationally. But the interest-norm-power relationship raises serious assumptions about how international norms can be embedded at national level. We can ask ourselves what are the international norms that are embedded at national level, and especially why? To what extent do international norms constrain national behavior or create obligations? To what extent do national policy actors resort to international norms to justify national policies or to How influential is the

¹ Paul POPA, PhD Candidate, Doctoral School of International relations and Security Studies, Faculty of History and Philosophy, Babes-Bolyai University, Cluj-Napoca, Ro.

international norm in the grinding of national political discourse and behavior? To capture how international norms can be integrated by a state, we must take the politics as the main benchmark. Both international political movements and national positions must be the starting point for the analysis.

Social-constructivists refer first and foremost to "rhetoric" and the discourse used by the national political elite about global business issues. In order to determine first of all a certain approach taken into account by these political factors, it is necessary to see how the internal policy, the discourse and the approach on a subject in which an international norm is to be adopted or not. It can be seen from the public outings of the national political elite that it will be the position on a certain field or norm. These political opinions can be a first sign, the importance of measures, the acceptance or not of certain international provisions within the national legal system. Also, one can not ignore that political discourse is by its nature an electoral responsibility, so it can be manipulative, misleading, vague or even a liar. But that does not mean that it can not be a first step to be seen in the next positions or a starting point when it is to be anticipated or projected what is to be decided, even if behind the "beliefs expressed, there are material interests".²

The actors' strategy is to use the norm to pursue ideals but also to fulfill their interests. In this sense, States can establish institutionalized structures, procedural mechanisms or legal principles that allow the acceptance and integration of the norm in national structures without their ideals changing their trajectory or the material interests to be changed according to the instructions of the norm. Also, accepting and integrating the norm does not mean that the state really has the beliefs on that norm, but, very often, this integration of the norm can be marked by the existence of interests, a "computed acceptance" to gain benefits without high costs. The true aims of integrating process can be concealed due to the coercive mechanisms of the international norm. If coercion does not bring about change, the state considers this norm to be appropriate, it may be motivated to integrate it.³ If this normativity coercion becomes or is gradually transforming into one that will influence national needs and interests, they will cause changes in national behavior and in its foreign policy.⁴

Even though social-constructivists have presented important criteria that are to be considered when a norm can be transposed in a state, criticism may be given to constructivist theorists in the sense that they must provide a mechanism for regulating the norm once accepted. It does not explain why there are some states that choose to integrate a norm, and others do not.⁵ Toward social-constructivists, rational theoreticians have developed rational institutionalism that explains "the emergence of norms and institutions." Also, the institutionalism proposed by the rationalists deals with issues related to mutual norm, conditions for interaction, strategic cooperation, which all come to be constrained by social norms, determining a "limited rationality"

² Ideas found in Payne, Rodger A. (2000) 'Habermas, Discourse Norms, and the Prospects for Global Deliberation', Annual Meeting, International Studies Association, Los Angeles, California; Finnemore, Martha and Kathryn Sikkink (1998) *International Norm Dynamics and Political Change*, International Organization, p. 891., , Checkel, Jeffrey T. (1999a) *Norms, Institutions, and National Identity in Contemporary Europe*, International Studies Quarterly 43: 83-144 .

³ Mary E. Pettenger, *The social construct of climate change. Power, Knowledge, Norms, Discourses*, Western Oregon University, (Routledge Taylor&Francis Group, London&Ney York, 2016), 10

⁴ Finnemore, Martha and Kathryn Sikkink (1998) *International Norm Dynamics and Political Change*, cited by Mary E. Pettenger, *The social construct of climate change*, 24-25

⁵ Checkel, Jeffrey T. (1999a) *Norms, Institutions, and National Identity in Contemporary Europe*, 83-144.

of the actors. In the view of constructivist institutionalism, this constraint represents the point of differentiation from rational institutionalism, as they see the emergence and dissemination of the norm by "accepting it as it is" (and eventually changing or choosing in case of normative conflict) and creating it in a purpose-oriented process.⁶

STAGES OF INTEGRATION

For socio-constructivists, the theory of the process of emergence and dissemination of the norm proposes and presupposes the existence of the "life cycle of the norm", which is made up of three important and distinct phases: in the first phase, the emergence of the norm referring to the issues already discussed in the present research, and which have more to do with the way the norm is built, the component elements or the environment that determines its appearance and construction. The second phase I have proposed to call it the imposition of the norm or as considered in the doctrine as a "waterfall" through which the norm is promoted, acknowledged, or better said the lobbying process to the relevant actors in viewing their value and accepting them. Imposing seems to me a better concept precisely because it actually surpasses a process of persuading the recipients and whose purpose is to subsequently enforce their norm. The third stage is the internalization of the norm, a process through which internal norms are transposed by specific mechanisms. According to the constructivists, each of these stages captures "different social processes of logic and action". They are characterized by different actors, different motives⁷ and "dominant social processes".⁸

According to Finnemore and Sikkink, two fundamental elements are found when it comes to creating the norm: "normative entrepreneurs" and "organizational platforms."⁹ In the first phases, those of the emergence and the enforcement of the norm are considered suggestions on what could be normalized. Perhaps at first sight, the constructivists do not propose at the outset a clear strategy attributed to these phases, because they propose vague criteria about "human agencies, valences, chances, context, etc." exploited through the "genealogy filter".¹⁰ When the analysis becomes concrete and a case study is provided, the constructivists talk about what "normative entrepreneurs" means to those who aim to persuade those directly affected by the importance of adopting such norms. This is a process of "normative persuasion"¹¹ achieved by

⁶ Thomas Risse, *Let's Argue! Communicative action in world Domestic Politics and Norm Diffusion in International Relations. Ideas do not float freely*, Thomas Risse (editor) (Routledge, New York & London, 2017), 254-255

⁷ Finnemore, Martha and Kathryn Sikkink (1998) *International Norm Dynamics and Political Change*

⁸ Lisbeth Segerlund, *Making Corporate Social Responsibility a Global Concern. Norm Construction in a Globalizing World, Non-State Actors in International Law, Politics and Governance Series*, Stockholm University, (Sweden, Ashgate Publishing, 2010), 26

⁹ Lisbeth Segerlund, *Making Corporate Social Responsibility a Global Concern.*, 895

¹⁰ Lisbeth Segerlund, *Making Corporate Social Responsibility a Global Concern*, 896

¹¹ Often, the key factors in this persuasion process are the status of agents who initiate such an approach, the network of contacts and lobbying resources. But this does not exclude elements of marketing and promotion, the platform used in Finnemore, Martha and Kathryn Sikkink (1998) *International Norm Dynamics and Political Change*. Norms are more easily adopted by local agents if they fit with the needs, traditions and values they have in Amitav Acharya, *How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism*, *International Organization*, Vol. 58, No. 2 (Spring, 2004), pp. 168-170 Published by: Cambridge University Press on behalf of the International Organization Foundation, Stable URL: <http://www.jstor.org/stable/3877858> cited by Muhammad Shoaib Pervez, *Security Community in South-Asia: India-Pakistan*, Routledge Studies in South Asian Politics, (London & New York, 2013), 29

considering the cultural and moral criteria of the recipients. Behavior in such a process, as proposed by the constructivists, is specific to the politics, but given the multitude of actors involved in such a process, as argued by social-constructivism, determines the development of an ample and complex mechanism. Actors, from individuals, communities, organizations, entities, forums to states and international organizations, can take part in such a process in order to adopt the most optimal solution, transposed into a set of norms.

In relation to the third phase, concerning the way of integrating the international norm, two constructive factors are taken into account by the constructivists: the coercion or the belief.¹² First of all, those who stand out as supporters of the norm can resort to coercive mechanisms in which to mobilize national and international resources, political or other, to force policy makers to accept such a norm. These steps can be carried out both by means of coercion, most often, material or political, and by launching campaigns designed to determine no contrary positions both in the political spectrum and across civil society.¹³ A second mechanism taken into account by constructivists is that of the "education process" brought to the national leaders, through which the political leaders within a state must be convinced that the adoption of such a norm is a benefit to them and to the state they represent, and the effects that this norm produces are in line with the state's vision, ideals and interests.¹⁴

On the other hand, according to Mary E. Pettenger, this process of determining and persuasion of political factors can not exclude or disregard that the acceptance of the norm does not promptly imply a change in the behavior of that state. Policies for accepting the norm are important, but policymakers should not only be convinced of acceptance, but also of adopting and proposing mechanisms to enable it to be successfully implemented. Moreover, there are many situations where it is not only the politics who decides on the fate of the norm. There are some actors and stakeholders who can contribute to this process. Politicians are not the only category to address those interested in promoting and accepting the norm. There are many other representatives of all sort of entities that have to give their consent and support for such processes.¹⁵

¹² Checkel, Jeffrey T. (1997) 'International Norms and Domestic Politics: Bridging the Rationalist-Constructivist Divide', *European Journal of International Relations* 3: 473-495; Checkel, Jeffrey T. (1999a) 'Norms, Institutions, and National Identity in Contemporary Europe', *International Studies Quarterly* 43: 83-144; Checkel, Jeffrey T. (1999b) 'Why Comply? Constructivism, Social Norms and the Study of International Institutions', Annual Meeting, American Political Science Association, Atlanta, Georgia cited by Mary E. Pettenger, *The social construct of climate change. Power, Knowledge, Norms, Discourses*, Western Oregon University, (Routledge Taylor&Francis Group, London&Ney York, 2016), 9-10

¹³ Risse, Thomas (2000) ' "Let's Argue!" op. cit, 1-39, cited in Mary E. Pettenger, *The social construct of climate change*, 9-10

¹⁴ Checkel, Jeffrey T. (1999a) *Norms, Institutions, and National Identity in Contemporary Europe*; Checkel, Jeffrey T. (1999b) 'Why Comply? Constructivism, Social Norms and the Study of International Institutions', Annual Meeting, American Political Science Association, Atlanta, Georgia citat de Mary E. Pettenger, *The social construct of climate change*, 25-26

¹⁵ Mary E. Pettenger, *The social construct of climate change*, 25-26. In the analysis made by Cortell și Davis(Cortell, Andrew P. and James W. Davis Jr (1996) 'How Do International Institutions Matter? The Domestic Impact of International Rules and Norms', *International Studies Quarterly* 40: 451-478) which proposes eight options for the acceptance of the international norm by national political leaders: irrelevancy (non-recognition of the norm and non-justification of choice) rejection (I know but rejects the international debate) domestic relevance (rejecting the norm but continuing the national debate) rhetorical assertions (the norm is accepted conditionally, but with coercion accusations) the external impact (the norm is adjusted at international level to be transposed) the national impact (the international norm is found in the national dialogue, the changes are justified) the prominence of the norm

For constructivists, it is important that these three phases are supported from the very beginning by enough parties, entities, individuals or political leaders, yet sufficiently determined and convinced of their cause, so that they can gather supporters and later clarify the recipients of the opportunity of these adoptions.¹⁶ Depending on persuasion capacity, even a small number of individuals can attract "a waterfall of statements"¹⁷ by adopting means and instruments specific to civilized state discourse by which constraining mechanisms are proposed.¹⁸ Once this clarification process has been completed and those who have been pressured or educated about effects of adopting the norm and have embraced the need to adopt that norm, the norm is considered to be "consolidated and internalized". It should be noted that this consolidation and internationalization is fulfilled when all the actors involved have accepted this norm. It becomes "a part of the actors' consciousness" is treated as such because its acceptance is, as we have seen, a reflection of their conscience. Their consciousness is in fact the culture and identity they are found in, so the position of the norm becomes a fixed one. Once this process has been completed, social-constructivists believe that even those who have been reluctant at first can accept and assimilate the norm, becoming perceptible with those who have supported it from the beginning.¹⁹

However, the modalities of distribution and dissemination of norms, their alternation and the changes that take place, but also the "intersubjective character" are situations that cause the analysis, study and evaluation of international norms to be challenging. As we have seen, one of the important features of international norms is that they are subject to a continuous process of adaptation, transformation and flexibility depending on the context in which they are located, doubled by the level of ongoing interaction. Despite some limitations, international norms remain "taken for granted". Adopting and integrating international norms most often involves debates about instruments used or instrumental rationality (which suggests analysis of the considerations that need to be made with regard to that norm, but especially the consequences that may arise). Functionality should also be considered in relation to the social or cultural environment, including with regard to impact opportunities. That is why the adoption and emergence of international norms is obligatory to consider a broad approach to culture, the definition of principles, characteristics and specificities.²⁰

Interaction promoted by social-constructivists is able to elucidate those aspects of legal positivism that can not explain the aspects of clarifying the validity hierarchy. Custom is much better explained and clarified by the constructivists, especially with regard to aspects of the

transformation into national policies) taken as such (the international norm is part of national law and its observance is automatic) in Loren R. Cass, *The Failures of American and European Climate Policy: International Standards, Domestic Politics, and Unachievable Commitments in Global Environmental Policy* , 2006 quoted by Mary E. Pettenger, *The social construct of climate change*, 25-26

¹⁶ Finnemore, Martha and Kathryn Sikkink (1998), *International Norm Dynamics and Political Change*, 902-904

¹⁷ Timur Kuran, Cass R Sunstein, *Availability cascades and risk regulation*, Stanford University School of Law Stanford, Law Review, 1999, 683-768 cited by Geoffrey Brenan, Lina Eriksson, Robert E. Goodin, Nicholas Southwood(editors), *Explaining Norms*, (Oxford University Press, Oxford, 2013), 168-170

¹⁸ Geoffrey Brenan, Lina Eriksson, Robert E. Goodin, Nicholas Southwood(editors), *Explaining Norms*, (Oxford University Press, Oxford, 2013), 168-170

¹⁹ Geoffrey Brenan, Lina Eriksson, Robert E. Goodin, Nicholas Southwood(editors), *Explaining Norms*, 170-171

²⁰ Yosef Lapid, Friedrich V. Kratochwil, *The Return of Culture and Identity in IR Theory, Critical perspectives on world politics International Peace Academy Occasional Paper Series*, Lynne Rienner Publishers, 1996 quoted in Lisbeth Segerlund, *Making Corporate Social Responsibility a Global Concern*, 13-14

concepts of *opinio juris* and *jus cogens*. " Explanations of constructivists can give a new interpretation of the differences between norms, both in terms of contextual applicability and space-time details. These perspectives of constructivism, but also the broad approach of the functionality of the norm integration process, determine the better applicability of these mechanisms and a better inclusion of the international norm. The social constructivists manage to explain and establish the best connection between what rationalists claim to be important, as in power and interest, "with what they disregard, that is, identity, culture and norms." Interactive constructivism proposes and offers ample perspectives not only on how the norm has been built and related, but also about the dynamics and the future of some approaches or changes to the international norm.²¹

Some constructivists talk about the possibility of norms being violated, and how these violations can be made and later sanctioned. Any violation of the international norms assumed may be subject to the sanction of the other actors. It should be noted that these sanctions are enforced by the state's partners when these violations of the international norm are done to their detriment, or they affect them in any way. But in order not to revert to the rationalist dialogue, it must be noted that these sanctions brought by the other actors do not mean that the norms are of no importance.²² Thus, we would break down any social-constructivist architecture. The process must be seen in its entirety, so for the beginning we have established that norms based on culture and identity become normative beliefs. They are not a strategy, and the persuasion process involving the three phases (the emergence, the imposition and the integration of the norm) should not be seen as phases of interest, but they are beliefs in which the supporters believe.

It should be noted that the norms are and must be "disseminated through normative persuasion and not by strategic considerations, imitation or copying." They are the design of cultural beliefs and identities, so these features are the basis for them to be accepted by everyone.²³ If they do not appear as a strategy, it would be thought that their emergence is spontaneous, or appear through the use of "positive (incentive) or negative (sanctions)" forms of coercion. However, in practice, Lisbeth Segerlund proposes two types of sanctions: those made by internal mechanisms and instruments, and those with external dimensions.²⁴ Internal imply rejection, while external sanctions made by policies of international entities (organizations, agencies, etc.) take into account legal pluralism as an institutionalized policy (as well as rhetoric in most cases), due to the fact that many of the sanctioning activities are granted in relation to the activity of non-state actors

²¹ Jutta Brunnee și Stephen J. Toope, Jutta Brunnee și Stephen J. Toope, *History, Mystery and Mastery, International Theory* 2013, p. 3, Edited by Jeffrey L. Dunoff și Mark A. Pollack(Temple University), (Cambridge University Press, Cambridge, 2013), 138-140

²² Geoffrey Brenan, *Explaining Norms*,168-170

²³ Geoffrey Brenan, *Explaining Norms*,168-170

²⁴ Lisbeth Segerlund, *Making Corporate Social Responsibility a Global Concern*, 13-14. When the rule under the norm relates to behavior and behavior, external sanctions are those applicable; when regulation addresses standards and patterns, internal "sanctions". These two perspectives on the norm (as guidance or as standards) are contrary to the rationalist vision. The issue of sanction in international relations is a challenge for international organizations in the absence of centralized authority. See also Vincent-Joel Proulx, *Institutionalizing State Responsibility. Global Security and UN Organs*, (Oxford University Press, Oxford, 2016).

and informal systems. For sanction, both state and non-state actors, it is intended to use the rule of law to formalize the relationship with these actors.²⁵

The integrating of international norm nationally has seen that it involves some mechanisms aimed at ensuring integration based on the conviction of the main actors and agents that the state-level effects of that norm will be beneficial.²⁶ By means of persuasion, the norm can be integrated in a state. Here, there are strictly technical procedures and instruments that effectively streamline domestic law. States have jurisdictions within them, where the specificity of procedures for the application and interpretation of norms made through public institutions may differ from one system to another. Thus, once the international norm has been integrated, its manifestation must be observed, for example, before the courts, when they are informed of its legality, interpretation and application. In order to truly discover the legal nature of an international norm, account should also be taken of the legal systems to which they apply. Given the different legal systems, such as common law, the civil system, etc., the functionality of the interactive norm is also found when they have to integrate into these types of systems through the courts. I do not want to go into the details of the features of these systems, often technical, because it is not the subject of this theme, or maybe it would be a continuation of the research. That is why I mention that, each system has about the same mechanisms of technical integration of the norm, which are mostly linked and applied to each system.

Benedetto Conforti proposes that we should consider the integration of the international norm and those "national operators" that establish the binding force of the international norm. Through operators we understand all those public institutions, political entities, courts that transpose the compliance of international norms with domestic law. Hence, the compliance of the domestic law with the international norm is not based solely on its binding force, but also on the national instruments, on their capacity and willingness to integrate the norm. The international norm, seen as a result of the "socio-economic²⁷-political dialogue", can be implemented as a "common ground shared by all individuals" irrespective of culture, nationality, citizenship and whose identity is reflected by "national operators".²⁸

CONCLUSIONS

It might be said that an international ethical norm, taking into account the characteristics presented in the preceding sections, but especially on account of the *equation* whereby a *necessity* if supported by a *possibility* then becomes *mandatory*, should at first sight not requires hard

²⁵ Helene Maria Kyed, *Introduction: International Development Interventions*, *Journal of legal pluralism and unofficial law*, 2011-nr. 63, edited by Melania G. Wiber, Helene Maria Kyed, pp. 3-6. In analyzing a map of legal systems, it can be seen that there are two systems of domination: the common law system and the civil law system (or, more precisely, the romanian legal system), both from the European level to the former colonies in William Twining, *Diffusion of Law: A Global Perspective*, 1-6, in *The Journal of Legal Pluralism and Unofficial Law*, 49/2004, edited by Gordon R. Goodman. This mechanism helps international entities to formulate the necessary policies to implement the rules. That is why legal pluralism is used for this purpose to foster this process.

²⁶ Benedetto Conforti, *International Law and the role of domestic Legal System*(tradusă de Rene Provost), (Martinus Nijhoff Publishers, Dordrecht/Boston/London, 1993), 10

²⁷ For more details on the economic dimension of the construction of the international norm, or its economic nature, see Joel P. Trachtman, *The International Economic Law. Revolution and the Right to Regulate*, Cameron May, (International Law and Policy, Cambridge, 2006).

²⁸ Benedetto Conforti, *International Law and the role of domestic*, 10

integration mechanisms in a state. Ethical norms, as I have said, such as *jus cogens*, do not have limitations of applicability, but on the contrary they themselves are setting and imposing limits. Then why is there a need for persuasion mechanisms that can be adopted and integrated domestically? In this sense, I said that social-constructivism ignores some aspects of the relationship of norms with interest and power, the latter two can not be excluded in the analysis of the construction and manifestation of the norm. But in order to be resonant with the norm, it must be realized that power serves interest, as long as interest expresses ethical principles through norms. Power must become a means of the ethical norm to manifest itself, until the ethical norm is identified in the social consciousness with the power. It can be noticed that in ethical issues such as pollution, some norms can be perceived as economically challenging for internal policy but may be appropriate in terms of long-term image. In fact, I was saying that states should not be limited to short-term strategies, but must take into account long-term gains and the adoption of norms, such as environmental protection, may be a gain in image and then economically in the long run, compared to short and medium term strategic measures.

Just as I said in the conclusion of a previous section, no doubt that most interpretations of international law have a Western perspective.²⁹ The impact of the international norm and the role of international law have a more Western-European or transatlantic valence. The international norm must have the same role and the same perspective in all legal systems or any state. Comparing this relationship between the international norm and the national or legal systems is best done through legal sources (legislation, instruments, cases) plus other sources of secondary character (such as doctrine). These sources help to implement international norms in different legal systems. Therefore, incorporation may vary according to the nature of the issue governed by the norm and the opening of the state to international policies. Any kind of position on an international norm can at some point be reduced or embraced by constraint or belief.

The international norm has this role to help establish links between different systems. David Haljan proposes some issues that need to be discussed in terms of the norm and for ongoing analysis and research. First of all, it should be seen how national courts in different systems come to apply the international norm. Here I believe that the principles of legality of different legal systems or states should be discussed and debated. This analysis must consider that the international norm is constantly changing and the challenges it raises are permanent and continuous towards the national public authorities and institutions. Moreover, as David Haljan mentions, the more the international norm is seen as a solution and as a response to all international issues, the more it is considered to be entitled to take the place of national norms³⁰ that prove unable to resolve the dynamics of globalization. International norm often replaces national norm, and this is an increasing phenomenon, found in all legal systems or states, which affects all the actors.

It also causes a change of perception on internal norms, constitutional rights, which are often strongly supported, complemented or even added to the national system. Thus the international norm, once internalized, forces us to invoke it more often than the internal norm, which over time acquires less tasks. The role of the international norm is growing because it is inclusive and universal, therefore it has a cause for the detriment of the national norm. The

²⁹ David Haljan, *Separating powers: International Law before National Courts*, TMC Asser Press, Springer, (Institute for Constitutional Law, University of Leuven, Leuven Belgium, 2013), 4-6

³⁰ David Haljan, *Separating powers: International Law before National Courts*, 4-6

interaction between external and internal is always won by the outside, as it abolishes internal boundaries. National constitutionalism becomes a filter and not a source of rights, as it can invoke a new international constitutionalism that is captivating precisely because it offers more freedom and less limits.

REFERENCES

1. **AMITAV Acharya**, *How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism*, *International Organization*, Vol. 58, No. 2 (Spring, 2004), pp. 239-275, Published by: Cambridge University Press on behalf of the International Organization Foundation, Stable URL: <http://www.jstor.org/stable/3877858> citat de
2. **BRENAN, Geoffrey, ERIKSSON, GOODIN, Lina, SOUTHWOOD Robert E. Nicholas** (editors), *Explaining Norms*, Oxford University Press, Oxford, 2013, pp. 168-170
3. **BRUNNEE Jutta și TOOPE, Stephen J.**, *History, Mystery and Mastery, International Theory* 2013, p. 3, Edited by Jeffrey L. Dunoff și Mark A. Pollack (Temple University), Cambridge University Press, Cambridge, 2013, pp. 138-140
4. **CASS, Loren R.** The Failures of American and European Climate Policy: International Standards, Domestic Politics, and Unachievable Commitments in Global Environmental Policy), 2006
5. **CHECKEL, Jeffrey T.** (1997) 'International Norms and Domestic Politics: Bridging the Rationalist-Constructivist Divide', *European Journal of International Relations* 3: 473-495;
6. **CHECKEL, Jeffrey T.** (1999a) *Norms, Institutions, and National Identity in Contemporary Europe*, *International Studies Quarterly* 43: 83-144 .
7. **CHECKEL, Jeffrey T.** (1999b) 'Why Comply? Constructivism, Social Norms and the Study of International Institutions', Annual Meeting, American Political Science Association, Atlanta, Georgia
8. **CONFORTI, Benedeto** *International Law and the role of domestic Legal System* (tradusă de Rene Provost), Martinus Nijhoff Publishers, Dordrecht/Boston/London, 1993, p. 10
9. **CORTELL, Andrew P. and DAVIS JR James W.** (1996) 'How Do International Institutions Matter? The Domestic Impact of International Rules and Norms', *International Studies Quarterly* 40: 451-478)
10. **FINNEMORE, Martha and SIKKINK (Kathryn)** 1998) *International Norm Dynamics and Political Change*, *International Organization*, p. 891
11. **HALJAN, David** *Separating powers: International Law before National Courts*, TMC Asser Press, Springer, Institute for Constitutional Law, University of Leuven, Leuven Belgia, 2013, pp. 4-6
12. **KURAN, Timur & SUNSTEIN, Cass R** *Availability cascades and risk regulation*, Stanford University School of Law Stanford, *Law Review*, 1999, 683-768
13. **KYED, Helene Maria** *Introduction: International Development Interventions, Journal of legal pluralism and unofficial law*, 2011-nr. 63, edited by Melania G. Wiber, Helene Maria Kyed, pp. 3-6.
14. **LAPID, Yosef, KRATOCHWIL, Friedrich V.** *The Return of Culture and Identity in IR Theory, Critical perspectives on world politics International Peace Academy Occasional Paper Series*, Lynne Rienner Publishers, 1996
15. **PERVEZ, Muhammad Shoaib** *Security Community in South-Asia: India-Pakistan*, Routledge Studies in South Asian Politics, London&New York, 2013, p. 29
16. **PETTENDER, Mary E.** *The social construct of climate change. Power, Knowledge, Norms, Discourses*, Western Oregon University, Routledge Taylor&Francis Group, London&Ney York, 2016, pp. 9-10
17. **PROULX, Vincent-Joel** *Institutionalizing State Responsibility. Global Security and UN Organs*, Oxford University Press, Oxford, 2016.
18. **RISSE, Thomas** *Let's Argue! Comunicative action in world în Domestic Politics and Norm Diffusion in International Relations. Ideas do not float freely*, Thomas Risse (editor) Routledge, New York&London, 2017, pp. 254-255
19. **RODGER, Payne, A.** (2000) 'Habermas, Discourse Norms, and the Prospects for Global Deliberation', Annual Meeting, International Studies Association, Los Angeles, California;
20. **SEGERLUND, Lisbeth** *Making Corporate Social Responsibility a Global Concern. Norm Constrction in a Globalizing World, Non-State Actors in International Law*, Politics and Governance Series, Stockholm University, Sweden, Ashgate Publishing, 2010, p. 26
21. **TRACHTMAN, Joel P.** *The International Economic Law. Revolution and the Right to Regulate*, Cameron May, International Law and Policy, Cambridge, 2006
22. **TWINING, William** *Diffusion of Law: A Global Perspective*, pp. 1-6, in *The Journal of Legal Pluralism and Unofficla Law*, 49/2004, edited by Gordon R. Goodman.

THE EVOLUTION OF THE INTERNATIONAL MIGRATION SYSTEM

Iulia COMAN-CRISTEA¹

ABSTRACT:

THIS PAPER INVESTIGATES THE IMPACT OF THE INTERNATIONAL MIGRATION SYSTEM AND HOW IT CHANGED IN THE LAST YEARS. THE CONCEPT OF THE MIGRATION SYSTEM, FIRST POPULARIZED IN THE 1970S, HAS REMAINED A STAPLE COMPONENT OF ANY REVIEW OF MIGRATION THEORY. AFTER A THEORETICAL BASE, THE PAPER ANALYZES ILLEGAL IMMIGRATION FIRST IN EUROPE IN GENERAL, THEN AS A SPECIFIC CASE STUDY, IN ITALY AFTER THE LAW "BOSSI-FINI" OF 2002.

THE DEBATE ON ILLEGAL IMMIGRATION IN ITALY, CHARACTERIZED BY STRONG POSITIONS, BASED MORE ON EMOTIONALITY AND IDEOLOGICAL POSITIONS THAN ON STATISTICAL DATA, WAS ALSO AMPLIFIED BY THE "SPECTACULARIZATION" OF THE LANDINGS, ALTHOUGH A CAREFUL EXAMINATION OF THE DATA LEADS TO HIGHLIGHTING WHEREAS ILLEGAL SMUGGLING BY SEA ACCOUNTS FOR AROUND 10% OF THE PHENOMENON OF ILLEGAL IMMIGRATION.

THE RESEARCH AIMS TO RETRACE THE HISTORICAL EVOLUTION OF EUROPEAN COMMUNITY AND OF NATIONAL LAWS COMPETENCES IN THE FIELD OF ILLEGAL IMMIGRATION IN GENERAL, BY LOOKING CLOSER AT THE ITALIAN CASE.

KEY WORDS: MIGRATION SYSTEM, ILLEGAL, EVOLUTION

INTRODUCTION

Migration, which can be defined as those human movements from one territory to another for subsistence or survival, is an ancient problem in human history, of which echo can be traced back to the Old Testament. Migrations have been from time to time, temporary (if not seasonal) or permanent, regular or irregular, international or within national borders, proletarian or colonial limited or in mass. From the time of Christ depended on persecutions or wars. In the more recent period they have developed a predominantly economic character, given the desire to find better living and working conditions, increasingly felt by a large part of the world's population.

¹ PhD Student at Babes Bolyai University, Cluj Napoca, iulia.cristea@hotmail.it

Those in recent years, on the other hand, represent a real extension in a new scenario of the migrations of the origins, characterized by slow dynamics, which are now no longer connected with individual movements or groups, manifesting themselves more and more a form of sudden and mass exodus towards welfare regions such as Europe, now considered "Promised Land" and a favorite destination for most migrants in our time.

Indeed, it seems to be ongoing, a continuous reorganization of the population of the world driven by demographic, economic and political factors. The uneven international economic development, the growing gap between welfare areas and poverty, population boom in poor countries and declining birth rates in the most industrialized ones, wars and ethnic and religious conflicts are the engine of these new waves of international migration.

Over the last fifteen years, in the European and Italian political debate, immigration has become one of the most discussed arguments and a priority urgency. Although it is well established that immigration "is a necessity, a fact and, as such, is not negotiable", the EU and national institutions have considerable difficulties in formulating and implementing policies to stabilize the permanence of migrants in their own countries.

The real problem, in fact, is not to identify the most appropriate means to limit the growing number of "mass arrivals", which are one of the modern ways of illegal immigration; it would be important, instead, to learn to live with the phenomenon, to deepen all its aspects and to understand it.

It is necessary that the difficult problems related to the phenomenon of human migration - which have always existed in human history and are intended to increase in the future, though not necessarily in Europe - should not be examined only by researchers and approached by technicians with a wide and interdisciplinary vision, but at the same time they must be proposed to European citizens so as to lead to the involvement of their minds, not just their feelings. There is a need - above all else - for a better understanding of the sector in order to gain awareness that this sector raises questions not only of humanitarian but also technical-juridical and socio-economic issues, and that all should be treated together.

I do not think that so far has happened. In fact, in recent years - especially since the ongoing economic and financial crisis - the elections of European governments in this area have been characterized by the assumption of populist positions over a "short period". But no one explained that such choices could be a boomerang and, over time, show an increasingly evident fragility on their own - in financial terms - in a continent where the birth rate is on average less than the birth rate found in the other continents, and the total output is lower than that of the others.

In his Berlin speech in December 2011, Helmut Schmidt (German political scientist, former Federal Chancellor of Germany) - speaking of the role of the EU - while confirming that he is conscious and proud of Europe's historical role, nevertheless called "our little continent," reminding everyone of the harsh reality of a continent that begins to count: a) just for 7 percent of the world's population, compared to over 20 percent in 1950; b) just about 10 percent of world production, compared to 30 percent in 1950. Consequently, Schmidt's conclusion can be summarized as follows: if we want to prove that "Europeans are important to the world," we must work in close union, and it may be added that we need to be able to manage immigration in a different way because, in addition to being in line with the founding values of the European Union, it can have beneficial repercussions for the economy and can reverse the trend towards the sense of indignation, resignation and, essentially, a decline that for some time dominates the continent.

In other words, if the extent of the migration phenomenon is not understood and it is not understood why immigration has been and is needed in Europe, it simply means that it is not known how to look at the reality and at the future and that, for example, we ignore the cultural and economic contribution of immigrants living permanently in the European Union. Of course, especially at this time when the Union is in crisis, the the road ahead is not easy or secure, but it must be found or rediscovered.

MAIN TEXT

Just as at the beginning of the European project - and, of course, with all the diversity of the case - we need to respond to the need to go back on track, to reject this Europe for "another and for better European unity" as it is written in the Ventotene Manifesto by Altiero Spinelli and Ernesto Rossi².

Since so far the EU's immigration policy - introduced into the Common European Asylum System (CEAS) - beyond the declarations of principle, is highly unbalanced in terms of law enforcement and border control, with the result that for all immigrants , policies and practices are dominated by what was actually defined as hostile "detention-expulsion" in the reception centers³.

Expulsion is more related to border control, which is the key element of the system. The route leading to increasing EU external borders control began in 1999 when the Schengen acquis was integrated into the legal and institutional framework of the European Union under a Protocol annexed to the Treaty of Amsterdam . Over time, with the gradual expansion of the Schengen area, the need to strengthen border controls has been increasingly felt by EU countries. Over the years, individual states - by sacrificing part of national sovereignty - have made their demands for compliance with EU rules, more and more demanding. So, with the Treaty of Lisbon, it has been established that the balance between the interests of public order and humanitarian operations that has previously been carried out as a priority by national legislators is made within the EU. This is due to the fact that, as a result of the Treaty and the Stockholm Program, policies on border protection, migration (legal and illegal) and asylum migration have been devised as "common policies" of the EU. So most governments have focused on implementing "administrative-police" cooperation that has led to the adoption or expansion of operational tools to support these laws, where they have invested considerable resources.

These common policies have managed over time the migration phenomenon since the establishment of: 1) EURODAC (for comparing fingerprints); 2) FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), gradually improved; 3) C.D. Schengen Borders Code; 4) IT (Information Technology) systems, the area of freedom, security and justice, as well as support in addition to EURODAC, with the European Agency for Operational Management of IT.

This institutional device, certainly more advanced than the one previously existed, has implied a similar evolution in the regulations and practices of the individual EU states.

The tough nature of EU immigration policy has been further aggravated by the outbreak of the ongoing financial and economic crisis and the EU's "common asylum policy" is still "blocked"

²Available at the address: www.altierospinelli.org/manifesto/it/manifesto_it.html.

³G. Bascherini. „A proposito delle piu recenti riforme in materia di trattenimento dello straniero nei centri di indetificazione ed espulsione” in *Associazione italiana dei costituzionalisti, Revista nr. 1 din 2012*, available also at the address: www.constituzionalistitaliani.it.

in two ways - ie between states and migrants - that the fact that most governments do not actually want to change the current situation and, on the other hand, the governments of states such as Italy or France do not strive to persuade other states to approve a substantial change in the law in this respect, - art. 80 TFEU (Article on the principle of solidarity and fair sharing of responsibility, including financially, between Member States in the field of border controls, asylum and immigration).

Despite the difficulties, managing migration policy and revising or adding to current European legislation are among the priorities of the European Commission, as outlined in President Jean Claude Juncker's political guidelines "A New Beginning for Europe"⁴.

Objectives identified as priorities are:

- the development of the common asylum policy
- promoting a new European legal migration policy aimed at attracting qualified migrants;
- combating illegal migration;
- ensuring border security and combating trafficking of human beings.

The continued increase in migratory flows linked to instability in the southern Mediterranean countries and the worsening humanitarian situation linked to this increase accelerated the process already launched by the EU institutions, bringing to light the need for effective intervention measures to provide help and support for the countries hardest hit by the impact of the crisis.

And linked to this trend change, it can be said that Italy, unlike other European countries, has only recently undertaken to develop immigration policies; in the 1970s and in the first half of the 1980s, the state preferred "not to decide" on immigration, leaving the free market forces to play, the task of regulating migratory flows and local authorities and social assistance organizations how to approach emergency rooms with reception centers, canteens, bedrooms.

These are policies that did not take into account the needs, and in particular the rights of those who came from another country and in the absence of a specific law, the only solution was found in expulsion with immediate return to the country of origin .

Only at the end of 1986, in states like Italy, we have the first immigration law, a period in which there is a need for state intervention to express the will to regulate migration flows, taking into account the rights of foreigners. This law (number 943) sets out some important news: recognizes the fundamental right of family reunification for workers living in Italy on a regular basis, and at least, in principle, declares equality of rights between Italian workers and foreign workers. Law 943 implements the first form of regulation of foreign workers' amnesty: in the face of a migratory flow, which in those years still has modest proportions, still does not think about how to act later on a schedule of flows with the labor market, nor does the expulsion, which is generically left to the "public security principles", is adjusted⁵.

In 1990, the Martelli Law (Law 39/90) was approved, resulting from a legislative cycle triggered mainly by the domestic political system. This law, acknowledged by the amnesty that accompanied it, was characterized by the establishment of major restrictive conditions for entry into the country and in order to meet the demands of other European countries, worried that foreigners in Italy , have reached their territory illegally. The Martelli Act, in addition to regulating a large mass of autonomous and dependent workers, abolishes the "geographical limitation" for

⁴Cit. „Un nou început pentru Europa – Programul pentru ocuparea forței de muncă, creștere economică, echitate și schimbare democratică”, Strasbourg, 15 iulie 2014.

⁵M. Rovelli. *Lager italiani*, (Bur Biblioteca Universita Rizzoli, 2006), 111.

asylum seekers (Italy has until now reserved its right to recognize political asylum only to citizens mainly from the Soviet bloc) . Since the beginning of the 1990s, Italy has begun the great streams of foreigners fleeing the political turmoil that is happening in their countries.

The Martelli Law introduces the visa requirement for almost all the countries from which migratory flows originate, reforming border controls and attaching great importance to expulsions, seen as not only a tool for containing foreigners behaviors as individuals, but also as a tool to combat illegal immigration as such. One year after the adoption of the law, the rules contained in it allow to send back within hours, thousands of Albanian refugees, a repressive operation that is unparalleled throughout the post-belligerent history of European migration policies⁶. The expulsion procedure for foreigners, both for the illegal ones and those who have criminal convictions for a number of specific offenses, has become a widespread practice.

It is the collapse of the regimes in Eastern Europe (symbolized by the arrival of ships from Albania, in the Italian case), when there is a significant change in the perception of migration processes. The mass of immigrants arriving on Italian shores is increasingly seen as a "fleeing from their country" rather than as an expression of demand for unskilled labor in the Italian economy. During the nineties, the following changes to the decrees (Dini Decree, 1995) altered the general line of Italian immigration policy, increasingly seen as a matter of public order and border defense. Then, at a few years away, a new law on migration, the Turco-Napolitano Law, emerges. In 1998, the first center government approved the first organic law on immigration, the so-called Turco-Napolitano (40/98), which decides to make a comprehensive reform of Italian immigration law.

Law 40/98, as far as monitoring tools are concerned, reformulates in depth the rules for border control and the expulsion of foreigners staying illegally, making possible both the immediate removal of intercepted foreigners during an illegal entry and the detention in special centers for foreigners that will be expelled. Detention in Permanent and Temporary Assistance Centers (CPT) is one of the news included in this law and will be maintained by subsequent laws. The CPT is not only an Italian phenomenon, it is a widespread tool across Europe after the adoption of a common migration policy with the Schengen agreements in 1995. These agreements have built a stable way for Europe's walls: on the one hand, blocking against migratory flows on the other hand, zero tolerance for illegal migrants, which means de facto exclusion of such persons from universally recognized rights and a growing discretion by the police for what is primarily considered a matter of public policy (stronger restrictions on asylum law, traditionally recognized by any constitution)⁷.

The next important law in the Italian case is the Bossi-Fini Law. In 2002, the center-right government adopted an Immigration Law, 189/2002, which implements a substantial change to the crucial components of the previous law, completely removing certain parts. A large amnesty also accompanies this law, where employers are directly involved for the first time. By paying a standard fee and a fair value for the transcript of documents, registered employers are forced to take action to declare the ongoing work relationship by concluding a pre-occupancy agreement, thereby regulating workers from the point of view of their legal residence on the territory⁸.

⁶A. Colombo, G. Sciortino. *Gli immigrati in Italia*, (Bologna, il Mulino, 2004), 28-35.

⁷M. Rovelli. *Lager italiani*

⁸C. Artoni, P. Baiocchi. „L'Affare CPT sulla pelle dei migranti: dossier” in *Associazione ESSPER periodici italiani di economia, scienze sociali e storia*, (Vol. 6, Fascicol 36, 2006), 16-25.

Law 198/2002 is a law that is fundamentally based on the fight against illegal immigration (which is closely associated with crime), where it replaces the importance of integration policies under the previous Turco-Napolitano law. The new law drastically reduces the possibility of legal entry (in the case of granting entry visas and family reunification); It also further emphasizes the precarious state of the migrant by reducing the length of residence permits, and in particular the rigid linking of the work permit⁹. Only a foreigner who already has a work contract in his pocket enters into Italy, according to an older requirement that has not changed over time, for which an explicit call is made to the foreign worker for employment (it is clear here the problems resulting from taking over a worker who has never seen it, or several bureaucratic complications that stem from this process).

In order to give an idea of how this law was practically designed to provide a strong signal of rejection of migrants as such, mandatory border affiliation under Law 40/98 becomes a common form of execution of administrative expulsion, then introduced in a particular process of ordinary legal and methodological procedures¹⁰.

In order to close the descriptive framework of the law, I can only emphasize the lack of a real organic law on asylum: while international standards of refugee law provide for the detention of an asylum seeker as an exceptional measure, Law 198/2002 makes detention a rule ; in this way, people fleeing conflicts, political persecution, or societies in which rights are ignored or trampled are bound to prolonged detention when they land in the "land of liberty."

Following the presentation of the legislative framework and its evolution over the years, the description of the illegal or clandestine migration phenomenon and the difficulty of European countries such as Italy in the present case, will be much clearer.

ILLEGAL IMMIGRATION: A DIFFICULT PHENOMENON TO RECOGNIZE

Illegal immigration is a difficult phenomenon to quantify because of the many variables that come into play and because of the different conditions of those who feed this category of foreigners:

- persons who have escaped border controls;
- persons staying in the territory without the necessary documents for entry;
- persons affected by expulsion;
- persons staying over eight days of legal entry without requesting the issue of residence permits;
- those staying in the territory with a residence permit which expired after the deadline for the renewal application; undetectable persons, those who for various reasons can not be found and registered by the authorities.

In these situations, the status of "illegal immigration", as mentioned, refers only to foreigners who have entered Italy by escaping border controls or who remain in the territory without residence documents after entry. This particular part of illegal migration is not at all easy to quantify.

The problem of quantifying this component is the difficulty of knowing the true identity of the intercepted persons, difficulties that reverberate on the expulsion procedures: *„È praticamente impossibile espellere i maghrebini...È impossibile espellerli perché non vogliono essere espulsi. La norma che prevede il possesso di un valido documento è una norma che noi non possiamo*

⁹M. Rovelli. *Lager italiani*

¹⁰I M. Rovelli. *Lager italiani*

pensare di cancellare: nessun Paese si riprende un suo cittadino della cui identità non è certo...È rarissimo il caso in cui il detenuto abbia il passaporto o un qualunque visto consolare, un qualunque documento valido e, in special modo, voglia tornare nel suo Paese (It is virtually impossible to expel the Maghrebs ... It is impossible to expel them because they do not want to be expelled. The provision requiring possession of a valid identity document is a standard that we can not think of as an eliminable one: no country recovers a cognate whose identity is not certain ... It is rarely the case where the foreign prisoner has a passport or any other type of consular visa, any valid document and, in particular, wants to return to its country)”¹¹.

The reality is that no state is willing to allow a person to enter without the certainty that this is indeed one of its citizens. The result, in most cases, is that sometimes it pass several months before they can get, through the control procedures, the realities of the intercepted individuals. On the other hand, other factors outside the Italian system come into play. In fact, there may be countries where fingerprinting is a procedure only for those who have already had problems with the law, and others¹², where fingerprints are an action that concerns all citizens. However, in these cases, the problem may arise for children and for women, based on the age at which fingerprints were deemed necessary. In general, we can say that if fingerprints in migrants' home countries are likely to be available, hiding personal data or declaring a fake citizenship, determines in each case an objective difficulty that is difficult to overcome short term.

The main result is that most of the people who escape expulsion end up staying on Italian territory, in order to increase the illegal presence. The evaluations in this direction are based on the fact that the illegal presence is mainly fueled by all those foreigners who, from developing countries¹³, are bound to the compulsory visa system (for tourism) and remain in Italy after the expiry of the allowed time limit, without then regulating their situation. Indeed, it is reasonable to believe that these people coming from very low-income countries do not go to Italy exclusively for tourism, but to exploit such an opportunity to stay, who can then look for accommodation or remain in wait going to other countries.

Based on these indicators, the Permanent Crime Observatory attempted an approximate quantification of the illegal presence and evolution of immigrants' origins over the years. Based on this estimate, illegal presence on April 15, 1998 can be quantified in approximately 235,000 people. Its evolution is more specific in the following chart, which indicates in tens of thousands, people who have illegally arrived in Italy¹⁴.

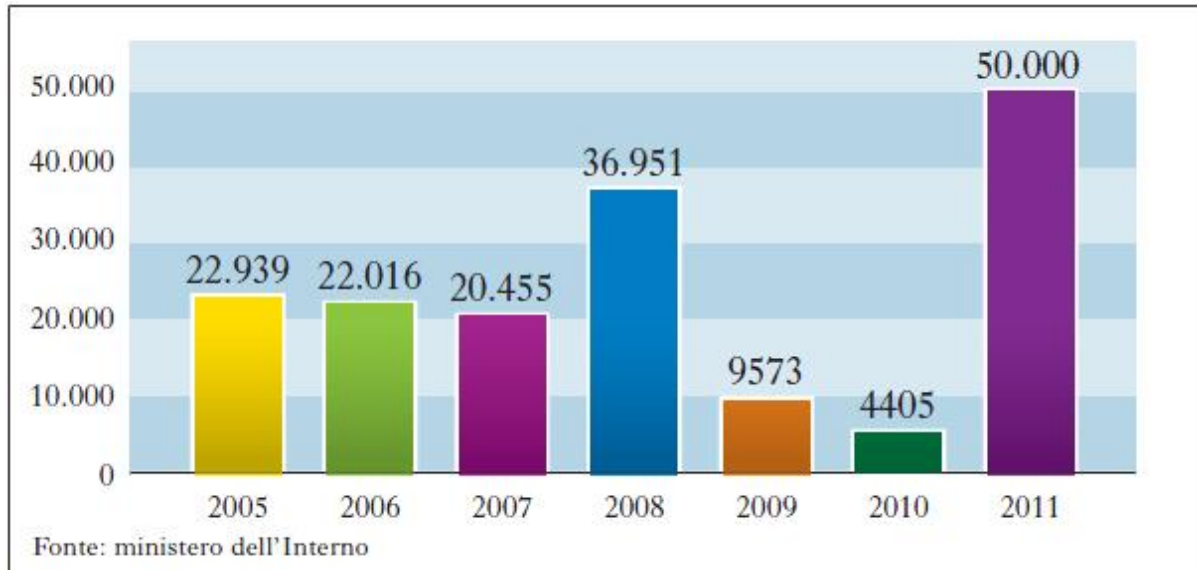
¹¹G. De Cataldo. *Gli stranieri in carcere*, (Editrice Sinnos, Roma, 1994), 71.

¹²Precum Algeria, Maroc și Tunisia.

¹³There talks about developing countries, because irregularities mainly concern immigrants coming from geographical areas with strong economic and demographic imbalances. Irrelevant, however, is the incidence of illegal aliens from EU and highly developed countries.

¹⁴Source: *Estimările datelor Ministerului de interne*.

Figura 1.0



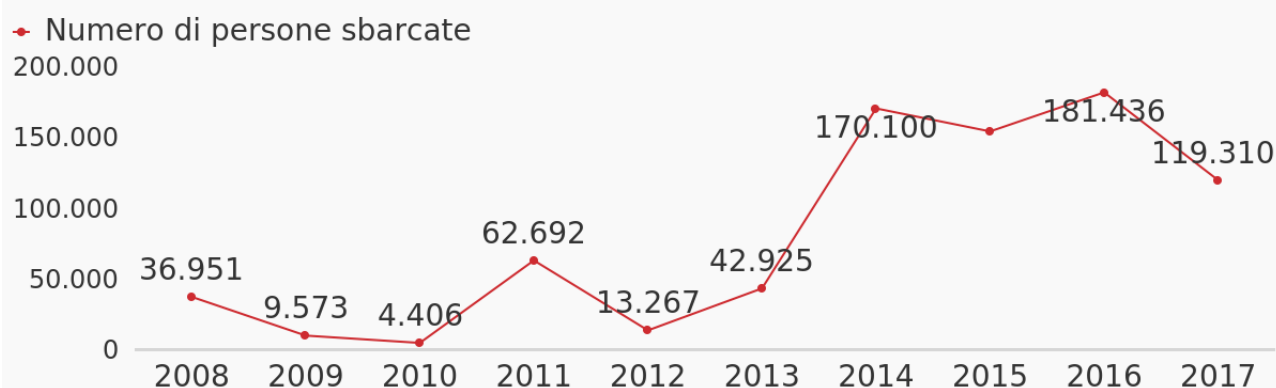
Finally, from a last point of view, ethnic groups, Albanians and Romanians are the ones who have the most calls for regularization. Eastern Europe is therefore the first area for a series of regularization applications. The countries of North Africa were fewer, although the portion related to Morocco remained significant, and Nigeria, Senegal, Ghana and the West African countries grew. Of the Asian countries, only Sri Lanka and the Philippines are in demand, even if the last country recorded in 1995, the highest share of demand among the countries in this area.

At the moment, however, the situation may seem a little changed as the number of clandestine immigrants arriving on Italian soil has grown enormously, most of them being native to the African continent.

The first peak of arrivals was in 2011, the year of the Arab springs and the military intervention in Libya. Then in 2014 the flow was at current levels. In 2017 there has been a noticeable reduction in arrivals but we will have to see this year if the trend is confirmed.

In the following graphic, the situation of landings on the Italian coasts, in recent years, is more explicit.

Figura1.1



With regard to this international emergency related to the new migratory landings in southern Italy, all the views of the researchers and the views of the population gathered and analyzed can be summarized by the fact that, in order to stop the migration flows, tragedies at sea and smugglers' funding there is a solution that is effective because it directly affects the portfolio: assisted rejections. Not the naval blockade of the Lega Nord party, it should not interest Italy the fact that a commercial ship comes in or out of the port of Tripoli. They should only be interested in how to stop the boats of migrants. In this way, bringing them back to shore immediately with an army escort gives more good results: there is no risk of drowning in the sea, the smugglers in this trade are not enriched because the flow will cease. Who would pay thousands of euros to be brought back to Africa? If Italy continues to convey the message that nobody will be rejected, flows will continue indefinitely, because it lives much better in welfare in Europe than it can live in Africa. If Italy were to carry out assisted reject, it would have another advantage: it would ultimately force the United Nations into a humanitarian intervention to assist these refugees and repatriate them.

Based on these ideas and opinions on what should be done in relation to the current situation in Italy, many parties argue that Italy should not seek the help and consent of Europe. When Libya left groups of Quaid terrorists who had made incursions into Algeria, Algeria carried out military sieges against the foundations of these terrorists in the Libyan desert without requesting permission from anyone. In February 2015, when the Isis group killed twenty Egyptian children, Egypt rushed a week of air attacks and special forces raids in Derna, killing hundreds of terrorists, capturing 55 others that they took in Egypt¹⁵.

Stable countries protect and defend national interests against threats. For years, Italy has been threatened by illegal immigration led by criminal organizations linked to terrorist groups. The only thing Italy is capable of doing is operations that lead many people here without any necessary document for entry. And this is quite a desperate case of Europe in general. The presentation of

¹⁵ http://tg24.sky.it/tg24/mondo/2015/02/16/egitto_raid_libia_isis_terrorismo.html.

the Italian situation as a case study describes to a fairly precise extent the migratory flows and their evolution in Europe.

CONCLUSION

Summarizing the arguments put forward, I might suggest the following:

- Illegal immigration should be considered a global phenomenon rather than incidental and transitory;
- consequently, the management of clandestine migratory flows should be planned to be evaluated over a long period of time and should not be addressed through emergency and ex-post interventions which could contain the short-term phenomenon but do not solve the root causes, with the result paradoxically that the phenomenon could reappear in the longer term with a higher intensity (as we have seen between 2011 and 2016);
- The national and European immigration policy should be based on the right balance between integration and repression;
- Firstly, it is necessary to promote accurate information at national level, avoiding alarmism by focusing on the invasion of illegal immigrants that would affect the different countries;
- Secondly, the objective of combating illegal immigration at sea should be directed not just against migrants themselves, but against criminal organizations handling trafficking in human beings. It is positive to introduce rules to protect victims of trafficking;
- At European level, we must continue to involve the other EU countries, based on the principle that illegal immigration is a European phenomenon and not just Italian or Greek, as these two countries are not just the countries of destination of migration flows illegal, but also transit countries.

REFERENCES

1. **G. Bascherini.** „A proposito delle piu recenti riforme in materia di trattenimento dello straniero nei centri di indetificazione ed espulsione” in *Associazione italiana dei costituzionalisti*, Magazine nr. 1, 2012
2. **M. L. Bacci.** *La trasformazione demografica delle società europee*, Torino, Loescher, 1980
3. **Conf. Univ. Dr. Constantin Vert.** *Geografia populației și a așezărilor umane*, Timișoara, Universitatea de Vest din Timișoara, 2000
4. **Arrighetti, A. Lasagni.** *Rimesse e migrazione. Ipotesi interpretative e verifiche empiriche*, Milano, Franco Angeli Editore, 2011
5. The archives of the *Istituto Nazionale delle Statistiche* , del *Ministero degli Affari Esteri*, dell'*Istituto del Lavoro e della Banca d'Italia*
6. *Archivi di Stato online* - <http://www.archivionline.senato.it/>
7. *Fondazione ISMU* - www.ismu.org/

RECEPTION OF COUNTERCULTURE IN EASTERN EUROPE

Sebastian MARIȘ¹

ABSTRACT

THE PAPER SUGGESTS THE ABSENCE OF COUNTERCULTURE POLAND AND CZECHOSLOVAKIA. COUNTERCULTURE IS A CONCEPT THAT DESIGNATES THE NEW AXIOLOGICAL ORIENTATIONS OF YOUNG PEOPLE DURING THE 1960S, INCLUDING THE PROTEST IN GENERAL, THE FIRST ROCK MANIFESTATIONS, THE WIDESPREAD USE OF HALLUCINOGENIC SUBSTANCES, TELEVISION VIEWING, INSTINCTUAL RELEASE AND THE SEXUAL REVOLUTION. COUNTERCULTURE AROSE AND WAS THEORIZED FOR THE FIRST TIME IN THE UNITED STATES OF AMERICA, AND THEN EXPANDED INTO THE WORLD. AT THE SAME TIME, THE DIFFERENT DEFINITIONS FOR AN UNDERSTANDING WILL BE REPORTED, WHICH ARE THE BOUNDARIES OF THE CONCEPT. DEFINED AS A CONCEPT IN PARTICULAR BY INTELLECTUALS IN THE WEST, IT HAS MANIFESTED ITSELF DIFFERENTLY EVERYWHERE. OUR ANALYSIS WILL STUDY THREE HISTORICAL SPACES - THE US, POLAND AND CZECHOSLOVAKIA IN COMPARATIVE APPROACH IN ORDER TO OBSERVE THE MANIFESTATION OF COUNTERCULTURE AND PROTESTS THAT HAVE TAKEN PLACE.

KEYWORDS: COUNTERCULTURE, PROTEST, GENERATION, LIFESTYLE

INTRODUCTION

The 60's of the last century offers a far-reaching historical and political perspective when it comes to mass-oriented mass movements. It is the decade in which the baby boom generation came to maturity, and with it came a new conception of the world. Being the result of accumulations over time, a change in collective mentality, or technical advances, it brings with it a new lifestyle reflected in the values of the time. The world is witnessing the formation of a new culture, one that prompted the show of sexuality and an extravagant style of clothing.

Some intellectuals assert that 1968 is similar to 1848, although unlike 1848 the year 1968 had a larger spread exceeding the borders of Europe. From Mexico to the US to Germany and Poland the students were protesting against the war and any model of authority.

Developing in the context of the Cold War, we can identify four major factors that contributed to the eruption of counterculture: 1) Civil Rights movement from the United States, 2) An alienated generation in relation to their societies, 3) The Vietnam War, and 4) the modern

¹ M.A History, Babeș-Bolyai University, Romania, email: sebi.maris@yahoo.com

media means as the TV and the direct transmission. All in all, historiography pleads for an international counterculture.

The goal of this paper is to analyze in a comparative approach the counterculture in Czechoslovakia, Poland and the United States of America. Eventually it will argue for the lack of counterculture in the first two historical spaces.

APPROACHES AND HISTORIOGRAPHY

Mostly, the historiographical approach of the subject can be integrated in 2 major taxonomies: the historical approach and the socio-cultural approach

The research on the origins of social movements is of interest for many social sciences and the diversity of methodologies used had a significant impact on the development of this area of study. The interest for such subjects had a constant increase since the sixties. In 1960, most of sociologists reached a point where they stated that the pluralism and pragmatism of the modern societies will eliminate the problem of mass protests. In the next years this claim was discredited because they observed the sixties as being full of mass movements, strikes, radicalism and activism. This fact favored an assiduous study of this period and by this reason, interdisciplinarity became a point of reference for its rich answers. In the next years the subject of mass movements became a major interest for historians, political scientists, sociologists and anthropologists alike and this strong collaboration strengthened the creation of international institutes having as a main goal the increase of paradigms and theoretical approaches concerning social mass movements. The new paradigms were historical, cultural and structural. In the last decade the structural and cultural approach became more and more different from each other. Among the remarkable intellectuals we find Jeff Goodwin and James Jaspers¹, Doug McAdam², Charles Tilly, Bert Klandermans³ and Arthur Marwick⁴. In the same time truly interdisciplinary approaches are limited due to ultraspecialization which makes it difficult the use of notions and concepts from other sciences⁵. While the structural approach focus on the distribution of material resources and political opportunities, the cultural one is oriented towards the interpretation of these factors, namely how social movements can comprehend their own context.⁶

In the structural approach, Jackie Smith and Tina Fetner assert that most of the structural analysis acknowledge the state as the main arena where the social movements take place. This engendered two important concepts- the political context and mobilization structured. This vision is however limited for two reasons; the global structures can switch and their influence upon various political context can fluctuate. Beside this, states are part of the global framework and they can change depending on the influence of the actors. Thus the true problem is how the global integration and social movements influence the nature of the state

¹ Jeff Goodwin and James M. Jaspers, *Rethinking Social Movements : Structure, Meaning and Emotion*. (Rowman & Littlefield, 2003).

² Doug McAdam, John McCharty, *Comparative Opportunities, Mobilizing Structures and Cultural Framings*, (New York: Cambridge University Press).

³ Charles Tilly, *Contention and Democracy in Europe, 1650-2000*, (New York: Cambridge University Press)

⁴ Arthur Marwick, *The Sixties: Cultural Revolution in Britan, France and the Unites States, 1958-1974*, Bloomsbury Reader.

⁵ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, (Springers, 2007), 10

⁶ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 11

The cultural approach developed as a reaction to the structural one. Jim Jaspers asserts that artifacts, words, rituals, individuals and art have carry symbolic burden and culture incorporates world visions, moral principles and institutions. Culture, according to Jaspers, contains cognitive processes and emotions on how the world should look like. Therefore, Jaspers argues for a reanalysis upon the structures, progress and causes of social movements.⁷

Although divided, there are some convergent positions inside both paradigms. For example, structuralists McAdam, Tarrow and Tilly stated: “ the necessity to take strategic interaction, consciousness and historically accumulated culture into account”⁸.

The three major paradigms are being sustained by the sciences which dispose of methodologies necessary for the research of social movements. Sociology is the major science which has a subject dedicated to this type of research. Sociological definitions are centering on collective behavior, institutionalism, communication networks, movements adherents and their capacity to create a macro-social impact. A greater emphasis was placed on how social institutions influence people’s choices, thus trying to explain how collective movements become sources of change. The complexity of social movements represent a point of interest for Political Science which tries observe their impact in politics. David Meyer and Linda Lupo state that social movements never developed as part of political science, thereby its contributions are scarce, representing a few ties between the protests and the social capital.

The social-psychological perspective highlight the role of individuals in the social processes around him. Jacqueliën van Stekelenburg and Bert Klandermans outline four social-psychological characteristics of social movements- social identity, social cognition, emotions, and the link between collective identity and collective action. By the interaction of these factors a framework of possible motivations for collective action is formed. Similar to the cultural approach, anthropology has a tradition in researching the role of culture in social movements. According to Ton Salman and Willem Assies, anthropology has a considerable interest in studying the role of culture in protests. The connection between culture and protests encompass the cultural factors of a society and the reproduction of culture by the movement⁹.

Finally, the historical approach is the most detailed and complex of all. Historians study the movements as a historical phenomenon and they evaluate their development on long term. According to Brian Dill and Ronald Aminzade, historians in comparison to sociologists do not seek to create theories or general answers for phenomena. The historians answers are detailed and rigorous, namely made for a single historical space. Historians contributions to the research of social movements consist in their detailed, and dynamic analysis¹⁰.

The causes of protests were highlighted since the beginning of sixties. Historiography pronounced itself upon a concept which define the mass movements- Counterculture. The term was first used by John Milton Yinger in an article (*Counterculture and Subculture*) published in *American Sociological Review* in 1960, he defined it as: “To sharpen our analysis, I suggest the use of the term contraculture wherever the normative system of a group contains, as a primary element, a theme of conflict with the values of the total society, where personality variables are directly involved in the development and maintenance of the group's values, and wherever its

⁷ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 11

⁸ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 22

⁹ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 22

¹⁰ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 12

norms can be understood only by reference to the relationships of the group to a surrounding dominant culture.”¹¹

A larger study regarding counterculture is made by Theodore Roszak in his book- *The Making of a Counter Culture* (1969). Roszak defines counterculture as: counterculture is primarily a rebellion against the application of the techniques of a fantastically productive industrial system to all areas of human life – to politics, education, leisure, the unconscious drives and even to the protest against technocracy itself.”¹² Laurence Veysey and Kenneth Westhues are two other notorious specialists in the study of counterculture, although we have to take in consideration that the writings of those four intellectuals are mostly focalized on Western Europe and America¹³.

Counterculture is usually associated with the postwar generation. Their world was appeared as stultifying being marked by the overwhelmed rationalisation of the modern societies. In their attack against this, they used humanistic values as love, liberty, spirituality etc¹⁴. The Hippie Generation, the core of the counterculture was emotional, overly hedonist, infatuated rock and drug fans who preferred sexual freedom instead of sexual taboos. During the ascension of hippies, homosexuals found their opportunity to release their sexuality “If it feels good, do it !”¹⁵. Although counterculture was ubiquitous sustained by the most privileged members of the postwar consumerist societies, counterculture wasn’t about material things, but about spiritual values. The students of the Democratic Society in the United States of America was one of the many organizations who were warning the world about its true needs- civil rights, nuclear control and decolonization.

UNITED STATES OF AMERICA

The territory of the United States was marked not only by dissatisfied students regarding their universities or society, but also by a civil rights movement, a women rights movement, a gay rights movement and an environment movement. Counterculture created not only a generation of dissidents, but also one with a specific lifestyle.

The United States had by far one of the biggest and influencing generation of the sixties. In 1968 the US had two movements which were militating for black people rights. Stokely Carmichael, an activist from New York and the coordinator of Student Nonviolent Coordinating Committee (SNCC) created the name „Black Panthers” accompanied the „Black Power” slogan¹⁶. The question might be why, but to understand this we have to go back in the fifties.

In 1954, the US was the wealthiest society on earth. The remainings of Great Depression and war ceased to exist. The goods movement and the destruction of european industries reflected in great enrichment and eventually in a baby-boom. The number of births increased by 19% between 1945 and 1945, then by 12% in 1947 keeping an ascendance until the sixties¹⁷. In this

¹¹ J. Milton Yinger, *Contraculture and Subculture* in American Sociological Review, Vol. 25, No. 5 (Oct., 1960), 625-635, 6, disponibil pe www.jstor.org accesat in 23.03.2018.

¹² Richard Wasson, *The Making of a Counter Culture* by Theodore Roszak, Review, College English, Vol. 31, No. 6 (Mar., 1970), 624-628, disponibil pe www.jstor.org accesat in 26.03.2018

¹³ Keith A. Roberts, *Toward a Generic Concept of Counter-culture*, *Sociological Focus*, Vol.11, No.2 (April 1978), 111-126, 1, available on www.jstor.org

¹⁴ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 624

¹⁵ Bert Klandermans and Conny Roggeband, *Handbook of Social Movements Across Disciplines*, 126

¹⁶ Mark Kurlansky, 1968. *The Year that Rocked the World*, (Ballentine Books, New York, 2004)

¹⁷ Todd Gitlin, *The Sixties. Years of Hope, Days of Rage*, (Bantam Book, 1987), 22

years we can notice a change in everyday life symbolism, long roads and infrastructure began to symbolize freedom while cars were becoming the symbol of success and comfort. The change in the social fabric determined a great increase in services along with the number of students enrolled in universities. Expenses plummeted from 749 million dollars in 1945 to 6.9 billion dollars in 1965.

The Old Left was reconfiguring itself after the war, especially after the atomic bomb had been detonated. The bomb has drawn a line between the generations, for the ones who lived the war this was fact because their country became prosperous, but for the youth it was nothing more than savagery. Music, media and cinematography began to focus mostly on youth. Intellectuals as Paul Goodman, Herbert Marcuse and William Appleman were writing „rebel” books trying to attract the sympathy of youth. In fact, nothing more influenced the new generation in the world's states than the means of broadcasting and mass propagation.¹⁸

In 1958 and 1959 the first politics, sex-talking and literature clubs appeared. Columbia and Berkeley's campuses were already notorious for their jumble. A New York young activist- David McReynolds was defining the values of the new generation - *The beat generation by its very existence serves notice on all of us who are political that if we want to involve youth in politics we must develop a politics of action. The beat generation can understand Gandhi much better than they understand Roosevelt. They can understand Martin Luther King much better than they can understand Hubert Humphrey. They can understand the Hungarian workers much better than they can understand Mikoyan.*¹⁹

In 1960 the first countercultural germs reach the surface. In Greensboro, North Carolina four afro-american students (Ezell Blair, Franklin McCain, Joseph McNeil and David Richmond) enter a bar for “whites-only” and they required services. They were members of Youth Council of National Association for Advancement of Colored People (NAACP)²⁰ and while being refused in the fifth day after, a protest of three hundred people was announcing the war against racial segregation.

United States had the biggest youth movement on whole earth and it was a point of reference for every student movement. Abbie Hoffman and Jerry Rubin were the first to announce the foundation of an international party (Youth International Party) with the purpose of uniting every movement in world.

POLAND

In 1968, the idea that the Eastern Bloc was having internal problems was widespread in the Western world. For Poles, 1968 meant students protests, an anti-Semitism campaign and political tensions. USSR was facing a rebellion from Romania and Yugoslavia but it had a bigger interest in stopping Wladyslaw Gomulka gaining more power in Poland. Although Gomulka was confident that USSR was enough weak and his chances obtaining concessions were high, he was sure that Kremlin won't accept two things- the contestation of Warsaw Pact and the contestation of Moscow monopoly of power. First of all, Gomulka had problems in maintaining his power- the economy was stagnant and several factions were seeking to eliminate him, the most important one being Moczar's faction, the head of Internal Affairs Ministry.

¹⁸ Matza, *Subterranean Traditions*, 116

¹⁹ David McReynolds, “Youth ‘Disaffiliated’ from a Phony World”, *Village Voice*, Martie 11, 1959, in MacDarragh, Kerouac and Friends, 215

²⁰ Todd Gitlin, *The Sixties. Years of Hope, Days of Rage*, 83

Moczar didn't read Marx but he knew how politics work. Moczar was leading "The Partisans" a faction which fought the Nazis and who were the main opponents of the muscovite faction lead by Gomulka. In order to gain support, Moczar used an old trick- the Jewish card.

Jews are part of Poland's history since XV century and their anti-Semitism was present over time. During the years of Second World War, the Poles didn't hesitate to collaborate with the Nazis in order to get rid of Jews, but socialism that came later promised to eliminate the problem of anti-Semitism. Although the total Jewish population was about 3 million people in the interwar era, after 1945 it started to decline dramatically.

While Gomulka and Moczar were struggling for power the students were rising as a movement. The young generation was troubled by their society. Most of them were the sons and daughters of important communists and party members, with a good material condition, but this didn't prevent them to criticize the values of their parents.

The protest of 1968 has its roots in the year 1956, which marked the end of Stalinism in Poland and the reorientation toward a more liberal state policy. After 1956, the intellectuals Jacek Kuron and Karol Modzelewski tried to use this context in order to attack the system from within. Modzelewski created in 1956 the Revolutionary Youth Union, which after one year, has been incorporated in the Socialist Youth Union. This union had several factions and the most radical was called *Komandosi*.

The Polish youth was aware of their lack of freedom and they began to be inspired by Herbert Marcuse who was criticizing the Polish communist system. As dissidents the students developed ways of gathering information from New York Times and Le Monde. In 1968 they already heard about Martin Luther King's success. In 1964, Kuron and Modzelewski along with Adam Michnik, a history student at Cracovia first talked at radio Free Europe about a communism with "a humane face".

The protests began in 1968 after the party banned the poem *Dziady* written by Adam Mickiewicz, an important Polish poet from the XIX century. The poem's message had an anti-Russian burden. The theatre became a great symbol of freedom, which is why the party chose to close the National Theatre. This galvanized the *Komandosi* members and requested "independence without censorship"²¹ and they marched toward Mickiewicz's statue. On 16 February they sent a petition to *Sejm* condemning censorship. On February 11th the Union of Polish Writers were writing a manifest opposing the intervention of state in culture, as a response the party used repression in both cases.

The students were aware about the danger of protesting right in the street but being young and radicals they weren't fearing repression. They protesting against Moczar, others at Warsaw University campus but in short time trucks full of workers arrived and aggressed the students. In March 11th the students were protesting at Cracow, Poznan and Lodz but they were brutally repressed by the police. In short time, the police cut off the communications between universities. The youth was inspired by what Dubcek managed to do in Czechoslovakia "We are waiting our Dubcek!"²². Meanwhile the communist party took action against any possible intellectual that was supporting in any way the students arresting Kuron, Modzelewski and Michnik. Various foreign

²¹ Martin Klimke and Joachim Charloth, *1968 in Europe. A history of Protest and Activism, 1956-1977*, Palgrave Macmillan, 2008p.182

²² Mark Kurlansky, *1968. The Year that Rocked the World*, 133

publications paid attention to the polish events, writing about jews, hooligans, Stalinists and how the leaders of the students had been arrested.

At the end of March 1968, the student movement ceased to exist due to brutal repression of the party. Warsaw University closed 8 departments and 7000 had to repeat their year. Approximately 2700 people were arrested and 15 000 jews emigrated due to anti-Semitism. The strategies of protest used were similar to those in West. Most of them were letters sent to superior institutions and the export of documents for example in France where they were published in *Kultura* edited by Jerzy Giedroyc.

As a general view the protests of 1968 failed and none of the students requirements was implemented. The culture remained restrictive, Michnik had his career destroyed and was imprisoned.

CZECHOSLOVAKIA

The spring of 1968 in Prague was the first initiative to reform the "top" system and marked the beginning of the transformation of the eastern bloc system. The historical process is significant because it did not mean breaking society from the communist regime as it happened in Poland in 1980 or Hungary in 1956. The process was led by a notorious Communist then Alexander Dubcek. The reform attempt ended, however, with the invasion of Soviet tanks and the destruction of the hopes of creating a "communism with a human face". The country has been occupied for more than 25 years, political leaders have been arrested and deported, and on 26 August the "reformers" signed a pact in Moscow to restore Czechoslovakia.

Who was Alexander Dubcek? Dubcek received a political position at 46, was enigmatic, tall and charismatic. He was the son of a Slovak tailor, Stefan Dubcek, who emigrated to America and became a pacifist. He married a Slovak from Chicago and became Marxist. In 1921 they returned to Slovakia, who had become Czechoslovakia because they did not find the freedom they were looking for in America. At home, Stephen wanted to get involved in the socialist construction of his own country. In 1925 he moves with his family in Kyrgystan to work in an agricultural cooperative. They arrived there but they endured long period of poverty so that in 1938 would return to Czechoslovakia. Alexander was 17 years old and was a Communist figure.

The Czech Republic was fortunate to be a privileged province of the Habsburg Empire, which meant early industrialization and modernization. The Slovaks, on the other hand, had another status and their region was backward, but they were in good relations with the Czechs. In 1920, the Czech Republic was already one of the most important workers' unions and the Czech Communist Party was among the most powerful in the Comintern, gaining about 10% of the votes during the interwar period.

After the war, the policy of Czechoslovakia reoriented from itself to the USSR, which it saw as a protector, after the West had disappointed them with the Great Economic Crisis, the Nazi invasion and the Vienna Dictate. Respect for Moscow grew with the coming of the red army that left immediately after the war, leaving Czechoslovakia the only unoccupied country at the beginning of the post-war era. The Communist Party came to power through a "short march" due to the people who supported it, the political program that promised a "specific road to socialism" and the anti-capitalist sentiment manifested by the rejection of the Marshall Plan²³.

²³ Karel Kaplan, *The Short March: The Communist Takeover in Czechoslovakia, 1945-1948*, (London, 1987)

The nationalization of the industry and the transformation of society also meant atrocious repressive policy, 250,000 arrests and 500,000 victims of religious discrimination.

The demobilization proposed by Khrushchev after Stalin's death had a favorable echo in Czechoslovakia, which caused it to be pachyphist, and that is why the system almost collapsed. Dubcek was a worker and in 1953 he was already a regional secretary in a region in the center of Slovakia. In 1960, the interpretations of Marxism by Gramsci or the Frankfurt School reached Czechoslovakia and questioned the domination of socialism in socio-human sciences, and students demanded more and more freedom in terms of book circulation. Until 1967, the cultural differences between the young generation and their parents were growing.

In 1960, Dubcek was working in the Kolder Commission, which analyzed government abuses in the 1950s. During that time, he had several conflicts with Novotny, the first secretary general who opposed him. In 1963, the commission had enough power to remove the secretary, instead they chose Dubcek for his candidacy. The situation worsened considerably for Novotny when Hrushev was removed by Brezhnev and had to make concessions. Thus he reduced censorship, and writers and artists are given more freedom. However, the state was still very repressive and the economy had significant problems. Due to the censorship relaxation, the Czechs and Slovaks had contact with the West. Interesting in the case of Czechoslovakia is that it quickly formed a generation as in the West. Hippies were present, and in Prague most young people in Europe were wearing jeans, long hair, shirts with flowers or they were listening to rock n roll. Prague became famous and visited by several hundred thousand tourists annually.

In 1967, a group of young people decided that they could do what the Westerners did best - to protest. They imitated closely the style of the West, in the morning they were carrying the candles that symbolized the study time, but at the end of the march they were watched by policemen who did not hesitate to become violent.

On Jan. 5, 1968, Novotny is removed from the party's presidency in favor of Alexander Dubcek. Dubcek was silent, and the reason why he liked the new generation was that he was anti-authoritarian and created the impression of a leader who was willing to dialogue with anyone. His mission was not easy, he had to enjoy Moscow and give the impression that he was a reformer, and more, to win the support of Novotny's men.

Dubcek failed to keep the situation under control, and perhaps his biggest mistake was that he did not remove Novotny's men. Dubcek made very vague statements, people just knew he wanted to reform the econ On February 15th, the youngsters in the country and in the country in Prague celebrated the victory of the hockey team against the unbeatable team of the Soviet Union. Supporters discussed the event for weeks.

Media, radio and television were under the control of state propaganda, but to the surprise of listeners and readers, it promoted democracy, the communist. The Union of Writers was allowed to create his own magazine, and the resistance especially manifested by bureaucracy decreased as Dubcek eliminated more and more of Novotny's supporters.

For a man with a true communist education "Democracy is not the only right and chance to pronounce one's own views, but also the way in which people's views are handles, whether they have a real sense of co-responsibility, co-decision, whether they really feel they are involved in

making decisions and solving important problems.²⁴ "Students were very confident in Dubcek, so they even thought the political situation in the past would never return.

Dubcek held a speech in April that spoke of a new model of democratic socialism. He advocated the Czechs' equality with the Slovaks and argued that the main role of the government is to build socialism. The ideas were contrary to their own beliefs, but Brezhnev did not accept the disappearance of the party's monopoly. The Pravda articles in Moscow condemned Dubcek's "bourgeois elements" and later came to the idea that anti-Soviet propaganda is being made in the Czech Republic. But Dubcek managed to persuade the Soviets that his liberalization was not an attempt to undermine Soviet authority, nor to destroy socialism.

Freedom that institutionalized in Czechoslovakia brought with it a powerful explosion of hippie culture. Young long-haired jeans who listened to rock and jazz filled the streets. The New York Times wrote, "Prague is essentially a Western-minded city in all things from the type and quality of its cultural life to the recent mania for turtleneck sweaters."²⁵ However, it should be noted that Prague has always been a cosmopolitan city in which German was the second official language, unlike Bratislava.

The most delighted scenario at the theater is "Who's afraid of Franz Kafka?", returning after being banned on the grounds that it is bourgeois creation. In the world of cinema, the Cannes International Festival featured three Czech films, including the work of Jiri Menzel *Closely Watched Trains*, which won Oscar in 1968 for the best foreign film.

Communism in Czechoslovakia was still very well seen by the overwhelming majority of the population, but the Soviets feared that the situation would fall out of control and the revolt would extend to Romania and Yugoslavia as well. Brezhnev and Kadar tried to persuade Dubcek to quit, but he and the high presidency voted to ignore the order of Moscow because he was convinced of his friendship with the Soviets.

On June 30, the first Soviet soldiers appeared in Czechoslovakia. And Dubcek was forced to resign. In the context of this liberalization, in the field of international relations, the attitudes of the Czechs and Slovaks were sympathetic to the West, which they wanted to approach.

CONCLUSION

In general terms, Counterculture has been an international rebellion against forms of authority, but it is not limited to simple opaque definitions and mechanical manifestations. Counterculture is a lifestyle of liberation from all points of view. If we are to relate to the four factors on which historiography has agreed, Poland and Czechoslovakia did not have the post-war economic boom that propelled economies into consumerism. Thus, the TV was not so widespread as to represent a lifestyle (as it was in the West in general at that time), and the number of students was reduced, being conditional on the material state, so most of the students were sons and daughters party members and notorious communists. The Czechs and Poles had little freedom, they did not consume hallucinogenic substances, they did not have festivals like the West, they did not experience a sexual revolution, and the freedom of association was low. The symbolism of counterculture, thus, did not go beyond the simple frame of the garment. The programs of both peoples were especially focused on reforming and removing the Soviet system, and not on

²⁴ Mark Kurlansky, 1968. *The Year that Rocked the World*, 246

²⁵ Mark Kurlansky, 1968. *The Year that Rocked the World*, 252

spreading peace in the world or on civil rights. Our analysis testifies the failure of the two countries to meet the definition and practices of counterculture. The appearance of this generation in the 1960s was more of a protest of a generation of reforming students who found the opportunity during the liberalization period to expose their anti-systemic programs.

REFERENCES

Books

1. **Arthur Marwick**, *The Sixties: Cultural Revolution in Britain, France and the United States, 1958-1974*, Bloomsbury Reader.
2. **Gitlin, Todd**, *The Sixties. Years of Hope, Days of Rage*, Bantam Book, 1987.
3. **Goodwin Jeff and Jaspers James M.**, *Rethinking Social Movements : Structure, Meaning and Emotion*. Rowman & Littlefield, 2003.
4. **Kaplan, Karel**, *The Short March: The Communist Takeover in Czechoslovakia, 1945-1948*, London, 1987
5. **Klandermans Bert and Roggeband Conny**, *Handbook of Social Movements Across Disciplines*, Springer, 2007, p.10
6. **Kurlansky, Mark**, 1968. *The Year that Rocked the World*, Ballentine Books, New York, 2004.
7. **McAdam Doug, McCharty John**, *Comparative Opportunities, Mobilizing Structures and Cultural Framings*, New York: Cambridge University Press.
8. **McCharty, Charles**, *Contention and Democracy in Europe, 1650-2000*, New York: Cambridge University Press.
9. **McReynolds, David**, "Youth 'Disaffiliated' from a Phony World", Village Voice, March 11, 1959, in MacDarragh, Kerouac and Friends.

ARTICLES

1. **Keith A. Roberts**, Toward a Generic Concept of Counter-culture, *Sociological Focus*, Vol.11, No.2 (April 1978), pp.111-126, p.1, available on www.jstor.org
2. **Wasson, Richard**, The Making of a Counter Culture by Theodore Roszak, Review, *College English*, Vol. 31, No. 6 (Mar., 1970), pp. 624-628, disponibil pe www.jstor.org accesat in 26.03.2018

THE NATURE OF THE INTERNATIONAL LAW SYSTEM AND ITS SYSTEMIC CONSEQUENCES

Cantemir PĂCURARU¹

ABSTRACT

INTERNATIONAL LAW IS A SYSTEM. DEPENDING ON THE TYPE OF SYSTEM, VARIOUS MANIFESTATIONS AND CONSEQUENCES MAY APPEAR. POSITIVISM, ALTHOUGH ITS SCOPE IS ENSURING THE PREDICTABILITY OF NORMS AND THE SECURITY OF THE LEGAL RELATIONS BETWEEN SUBJECTS OF LAW, SHIFTS THE ATTENTION FROM SYSTEM ANALYSIS TO THE CONSEQUENCE OF THE SYSTEM. A QUESTION THAT NEEDS TO BE PUT FORWARD IN THIS CONTEXT IS “WHAT MAKES THE INTERNATIONAL LAW SYSTEM ROBUST?” THIS ARTICLE AIMS TO SHIFT THE PERSPECTIVE FROM CONSEQUENCE ANALYSIS GENERATED BY THE POSITIVIST MOVEMENT, TO SYSTEM ANALYSIS OF INTERNATIONAL LAW, AND EXPLORE SOME MAIN CHARACTERISTICS OF SYSTEMS THAT MIGHT HELP ONE UNDERSTAND WHAT ARE THE COMPONENTS OF THE SYSTEM THAT MAKE IT ROBUST.

KEY WORDS: SYSTEM, INTERNATIONAL LAW, CUSTOM, NOMOS, ROBUSTNESS.

I. INTRODUCTION

This article aims to determine robustness of the system of International Law (IL), by means of systems theory. Using the lens of system analysis, IL is not seen through its finality, but rather through its inception. By stressing the question of “What is the inception of the international law system?”, one stumbles upon its scope, which is reflected (or rather should be reflected), in its prime components, that is, its sources. It is this ‘should be’ which poses the problem of robustness.

The scope of positivism is ensuring the predictability of norms and the security of the legal relations between subjects of law, by focusing on the “law as it is” and not on the “law as it ought

¹ Cantemir is a law graduate at the Babeş-Bolyai University in Cluj-Napoca with the thesis “Mechanisms that Streamline the International Law System”, and is currently following a Masters Degree in security studies at the same University. He is currently researching systems theory as applied to various systems of law, and the impact of positivism on those systems. Cantemir is also a teaching assistant in international law at the Faculty of Law. cantemirpacuraru@gmail.com

to be”². The direct effect is that the positivist paradigm does not permit systems theory to make its entrance into the realm of law.

Systems theory applied to IL shifts the attention toward its scope, which aids in determining the system components that give IL a robust character. Thus, the first part of the article shall focus on the problem, by exposing the main drawbacks of positivism and presenting the benefits of systems theory. The second part of the article will be a practical application of systems theory to IL, to determine what type of system it is and finding its main components that give the system a robust character.

II. PRELIMINARIES

A. Legal positivism and its drawbacks

A new perspective on a subject matter should assume presenting the present perspective. For this reason, a short introduction into the positivism paradigm is appropriate.

The positivist line of thought presents itself as the incipient effort of utilitarianism, with Bentham and Austin as its founding fathers. The premise of positivism is the separation between law as it is and law as it ought to be (i.e. *lege lata* from *lege ferenda*, or law from morals). Common law, which has its basis in equity, is constructed bottom - up, forming abstract norms by considering every judgement pronounced and applying its logic to similar cases (the rule of precedent). On the other hand, civil law is constructed top - down. There is an abstract authority (i.e. the legislator) that sets the content of abstract norms, trying as best as possible to cover all possible *de facto* situations. Thus, common law makes it impossible to create an absolute separation between law and morals having equity as its basis of formation, while civil law makes this separation with great ease, because its basis is merely imposing various behaviours on the subjects of law. In both cases though, the prime motive for separating law from morals lies in the fact that they represent different dimensions of society, and a confusion between the two may generate instability in relations between subjects. Consequently, the scope of positivism is ensuring the security of legal relations between subjects of law and the predictability of norms. For securing such legal relations in international law for example, State parties to a treaty have the possibility of invoking *rebus sic stantibus*, in cases where the original circumstances that led to the signing of a treaty have been modified in such a way that compliance with the clauses of the treaty has become very costly.³ Also, for guaranteeing the predictability of norms, the international community has set out on a quest for the codification of customary international law.⁴

The drawbacks of positivism are numerous. Some of these drawbacks deserve attention in this context. Firstly, as a consequence of positivism in civil law, the scope of the legislator is to adopt norms that cover every possible *de facto* situations also taking into consideration the moral dimension of law. For this reason, a judge should base his solution only on the content of *lex lata*, not taking into consideration the morality of *lex lata* in that particular case. A judge should only *apply* the law, not judge its content. It is very difficult for a norm, as abstract as it is, to cover all possible factual consequences, due to the fact that a society is a complex system with many

² Raymond Wacks., *Understanding Jurisprudence. An Introduction to Legal Theory* (Oxford University Press, New York, 2012) 57-60.

³ Valentin Constantin, *Drept Internațional* (Universul Juridic, Bucharest, 2010) pg. 161.

⁴ Valentin Constantin, *Drept Internațional*, 111-115; Malcolm D. Evans, *International Law* (Oxford University Press, Oxford, 2003), 134-136.

interacting components that sometimes produce unpredictable consequences. For this reason, a judge should substitute the legislator in case there is a danger of pronouncing a *non liquet*. This is forbidden in civil law due to its very roots.

Secondly, some norms tend to fail in reflecting the empirical. Legal doctrine⁵ classifies sources of law in formal and material sources. Traditionally, the *formal* sources of law are those generally accepted sources from which arise binding norms, while the *material* sources represent the ensemble of states' actions that lead to the creation of formal sources. So, formal sources confer upon the rules and obligatory character, while the material sources comprise the actual content of the rules.⁶ In other words, while material sources represent the spark, formal sources provide the fuel that, together "ignite" a norm into existence. Examples of material sources include, and are not limited to, unilateral state actions (such as recognition of states), resolutions of major international organizations, United Nations General Assembly Resolutions, etc. The supra-positivist line of thought tends to ignore these material sources, considering them of limited applicability, and of therefore, importance. What positivists oversee is the fact that these material sources represent the bridge between the empirical and the law. If that bridge is not used, then no communication is established between norms and society.

Thirdly, positivism can legitimize atrocities. In contrast to Kelsen's arguments, totalitarian regimes, such as the Nazi regime, found their form of manifestation because of the separation between law and morals.⁷ It is also worth mentioning an apparent paradox in the Nazi regime's legal dimension. Carl Schmitt makes use of naturalism to legitimize the national-socialist doctrine.⁸ It is apparent, in that Schmitt does not make use of the moralist doctrine that naturalism predicates.

Finally, there is light at the end of the tunnel. Customs are bottom - up norms (i.e. from concrete to abstract) that will forever reflect the image of the society while in effect. If their utility is lost, they even have "auto-destruction" mechanisms, such as desuetude, that permit them to disappear and may be replaced by another custom. They will always keep intact that component of morality that positivism tries to separate from law. In international law, customs, as opposed to treaties, are shielded from any finite scopes, due to the fact that there are no determinate parties to a custom, but rather the international society as a whole.

B. A brief summary of systems theory

Systems theory is designed to analyse phenomena that are taking place around us and see them as a whole. "The whole is more than the sum of its parts", goes the expression. As trivial as it sounds, this saying has deep implications in the mind of the system analyst, because the *elements* of a system added up alone, do not constitute the system. There are also the *interactions* between the elements that make up that system and bestow life to that system.⁹ This leads the systems

⁵ Valentin Constantin, *Drept...*, pp. 101-102; Vladimir Hanga, and Liviu Marcu, *Istoria dreptului românesc, Vol. I* (Editura Republicii Socialiste România, Bucharest, 1980), 203.

⁶ Malcolm Shaw, *International Law, Seventh Edition* (Cambridge University Press, 2014), 51.

⁷ HLA Hart, "Essay 2, Positivism and the Separation of Law and Morals" in *Essays in Jurisprudence and Philosophy* (Clarendon Press, Oxford 1985), 72-75. It is to be mentioned that this position is not originally from Hart himself, it belongs to Gustav Radbruch, who renounced the positivist tradition after his experience in the Nazi regime.

⁸ Karl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (Telos Press Publishing, New York, 2006).

⁹ Ludwig von Bertalanffy, *General Systems Theory* (Braziller Publishing, New, York, 1968), 55-56.

scholar to understand that all systems function with *stocks* and *flows*. Stocks are accumulations of material or information that have been built up in a system over time (its elements), and flows are materials or information that enter or leave a stock over a period of time (its interactions).¹⁰ One can thus see the simplest phenomena as an accumulation of stocks and flows (such as a bathtub filled with water, that drains over time), all integrated within a system (the bathtub system), or more complex phenomena, such as social systems (such as the economy, the various systems of law, etc.).

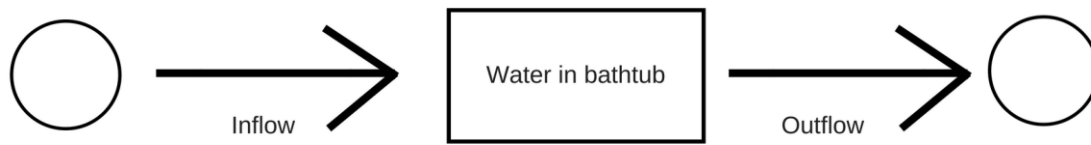


Figure 1. The structure of a bathtub system.¹¹ Author: Cantemir Pacuraru.

The stock is represented by the amount of water present in the bathtub, and the flows are represented by the arrows. In this system, we have two flows, one inflow representing the amount of water that fills the bathtub, and one outflow representing the amount of water drained from the bathtub. The circles stand for wherever the flows come and go. In this figure, the first circle represents the faucet, while the other, the drain.

This simple design is presented to illustrate the basic components that constitute any system, be it simple or complex. The systems scholar can detect through this simple figure, a series of behaviours: there is water flowing in the bathtub, because the faucet is, or was turned on, and that there is water flowing out of the bathtub, because it is equipped with a drain pipe, because of the existence of gravity, etc.

Of course, the interactions between stock and flows do not stop here. Constant behaviours and patterns can be observed over periods of time (these periods depend on the complexity of the system, as we will later see). Such patterns and behaviours can be hints for the existence of *feedback loops* which are mechanisms (be them rules, information flows, or signals), that permit the modifications in a stock to also affect a flow into, or out of that stock.¹² There are two types of feedback loops, one that is designed to balance, to stabilize the stock level, and therefore the system itself, and another that is designed to reinforce, to amplify the system's stock level. The former is termed *balancing* feedback loop, while the latter, *reinforcing* feedback loop.¹³ An oversimplified

¹⁰ Donella H. Meadows, *Thinking in Systems. A Primer* (Earthscan Publishing, London, 2009), 187-188.

¹¹ This Figure is inspired by Meadows' representation of systems. I have used her method of illustration because it is very simple to understand. See Donella H. Meadows, *Thinking in Systems*, part I.

¹² Donella H. Meadows, *Thinking in Systems*, 25; 187.

¹³ For a general introduction into these types of loops, see Donella H. Meadows, *Thinking in Systems*, 27-34.

illustration of the systems of population dynamics may be useful to illustrate how these two types of feedback loops behave.

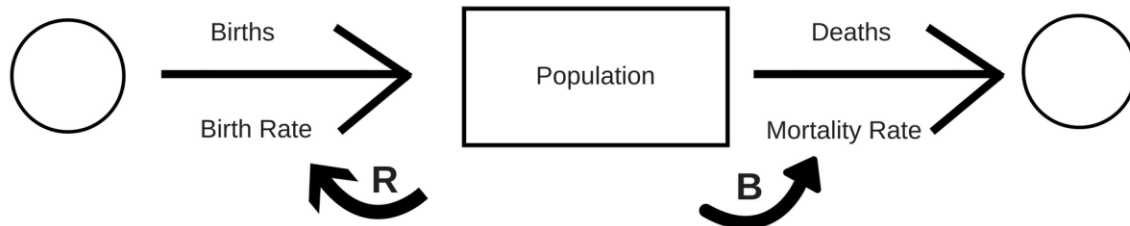


Figure 2. The basic feedback loops that govern population dynamics. Author: Cantemir Pacuraru.

The population system is characterized by the ratio between the birth rate and the mortality rate (inflow and outflow). If the birth rate is higher than the mortality rate, then the population increases (the stock). Vice versa, and the population decreases. We can observe that the stock has an in-built reinforcing feedback loop (R), that boosts that stock through the inflow, i.e. the birth rate. In addition, that same stock has an in-built balancing feedback loop (B), ensuring thus that the population will not grow too much, too fast. By analysing these two loops, the systems scholar can discover patterns and behaviour within the system. If these two loops are equal (they are not, of course), then the system manifests simple behaviours (it is linear). If not, then the value of the stock will change and fluctuate (depending on the dominant feedback loop), determining the behaviour of the system to be non-linear. For example, in 2017, the global birth rate was 1.86%, and the world mortality rate was 0.78%, amounting to a total growth rate of 1.06%.¹⁴ We can observe thus, that the reinforcing feedback loop dominates the system.

Through the lens of systems theory, positivism can be understood as a reinforcing feedback loop that shifts the analysis from the initial scope of the legal system to its consequences in society.

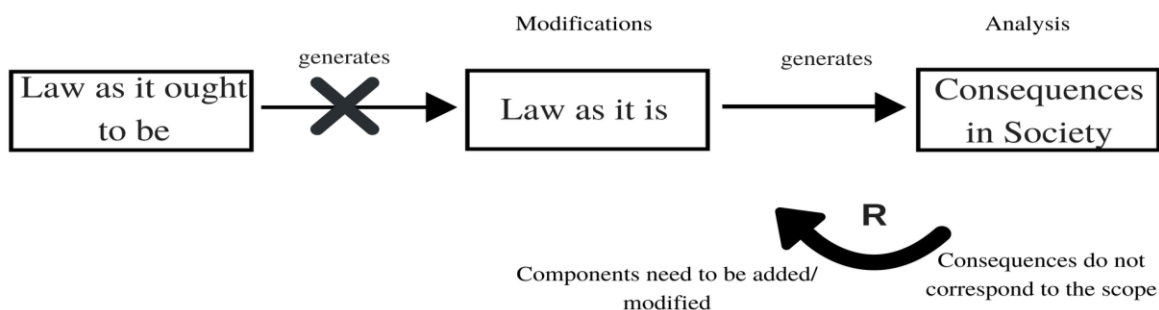


Figure 3. Positivism ignores the law as it ought to be, in the light of its scope.

¹⁴ This data represents the 2016 estimates, published by the CIA World Factbook, last accessed: 07.08.18. <https://esa.un.org/unpd/wpp/DataQuery/>

Positivism sacrifices the analysis of law as it ought to be (i.e. morals) from law as it is (i.e. law in itself), by seeing the consequences of the law as it is upon the society. If the consequences do not correspond to the scope of the system (i.e. the predictability of norms and the security of the legal relations between subjects of law), then intra-system components (such as legal norms) are added or modified. This system tinkering is in itself faulty, due to the fact that consequence analysis creates a reinforcing feedback loop that perpetuates the problems. This explains why States with a large number of legal norms have faulty legal systems.¹⁵ This also explains why many laws change in very short periods of time.¹⁶

There are two last important attributes that are common to every system, which are worth mentioning here.

Firstly, depending on the complexity of the system (such as the number and value of the stocks and feedback loops and the level of flows), the reaction time of a system can suffer delays. The Functional Indeterminacy Theorem (F.I.T.) in systems theory says that “in complex systems, malfunction and even total non-function may not be detected for long periods of time, if ever.”¹⁷ Following this line of thought, any feedback from complex systems may not be detected for long periods of time, if ever. There is an old Romanian proverb that states “The counting at home does not fare well with that at the fair”. Corollaries in English include “don’t count your chickens before they are hatched” or “best-laid plans of mice and men oft go astray”. Delays in response are common knowledge even in everyday life. Forgetting to take into account these delays in response is very common with policy makers, especially in the economic sector. Even in law systems, evaluations of impact concluded by policy makers rarely take into account this important factor.¹⁸

The second attribute is the resilience of the system, i.e. its ability to survive and persist within a variable environment.¹⁹ Resilience evaluates the robustness of systems, and is developed through the existence and/or creation of feedback loops. This attribute of systems makes them immune to some unpredictable events. This brings us to the last and most important characteristic of *some* complex systems: self-organization. The ability of systems to structure themselves, to create new structures, to learn, diversify and complexify,²⁰ is the attribute that gives systems their characteristic of *antifragility*.²¹ An antifragile system is one that can *benefit* from unpredictable events, not only be robust. This concept of antifragile was introduced in systems theory by Taleb, forming thus a triad to characterize systems as being fragile-robust-antifragile. Of course, the latter

¹⁵ Presently, there are 233 normative acts adopted in the Romanian Parliament only in 2018. I did not even consider the secondary norms, such as administrative acts, which may even be ten times as numerous. Last accessed: 26.08.2018. http://www.cdep.ro/pls/legis/legis_pck.lista_anuala?an=2018&emi=2&tip=1&rep=0&nrc=1.

¹⁶ Between its initial adoption in February 2014 and August 2018, the Romanian Criminal Procedural Code has undergone at least three major changes, and around 10 other minor changes.

¹⁷ John Gall, *How Systems Work and Especially How They Fail* (Quadrangle/ The New York Times Book Company, Inc., New York, 1977), 55; 91.

¹⁸ Of course, there are exceptions. The Romanian Criminal Code of 1936, adopted under the rule of Charles II, is a collection of norms borrowed from other criminal codes in Europe (especially the Italian one), and tinkered to reflect Romanian society at that time. The evaluation of impact was done by studying the Italian Criminal Code and its impact upon the Italian society, also taking into account the fact that the criminal code had been in force for more than five years. This study in the delays of response gave birth to one of the best criminal codes Romania ever had.

¹⁹ Donella H. Meadows, *Thinking in Systems*, 76; 188.

²⁰ Donella H. Meadows, *Thinking in Systems*, 81.

²¹ Nassim Nicholas Taleb, *Antifragile. Things that Gain from Disorder* (Penguin Group, London, 2013), 5.

is the most efficient characteristic of systems, although it could have catastrophic consequences if the system's initial scope is not met.

Resilience and self-organization have in common the same unfortunate fate. Due to the complexity of systems, and especially social systems, delays in response exist. Those same policy makers that do not take into account this factor, sacrifice the system's resilience and its self-organization for short term solutions in the name of productivity and stability that only fragilize the system, and sometimes even leading it to total collapse. This is one of the main arguments against legal positivism; the pursuit of ensuring the predictability of norms and the security of the legal relations between subjects of law often leads policy makers to adopt norms that serve as short-term solutions to long-term problems.

C. Benefits of applying systems theory to international law

When referring to various dimensions of law, everyone tends to refer to them as *systems*. The civil law system, the common law system, the international law system. This is not done by accident. Every one of these three dimensions of law are separated into systems, and perform under the same theorems as any other system, be it the society, be it the human body, etc.

And like any other system, the IL system has a scope. The problem with complex systems, such as IL, is that too much attention is given to a small part of that system. Positivism does just that. One systems theorem, the Fundamental Law of Administrative Workings (F.L.A.W.), states in Corollary Number 2 that "to those within the system, the outside reality tends to pale and disappear".²² This 'outside reality', as we will see, is the element which gives the system of law its scope. The more complex the system is, the less information may be processed accordingly, and therefore the easier it is to lose focus of the ultimate scope.

Shifting the attention from positivism to the entire IL system (ILS), one may observe that international law also has an inception and a *raison d'être*. Also, one may observe what type of system IL is, be it an open system or a closed system, and also what flows, stocks, and feedback loops are built in its structure. This, of course has deep implications regarding the various factors that might influence the IL system and pull it into one direction or another. In the next part of the article, attention will be given to the characteristics of international law seen as a system, and the consequences of those characteristics.

III. THE SYSTEM OF INTERNATIONAL LAW

A. International Law: open or closed?

"International law is often, in fact off-handedly, called a system. If we take seriously this proposition that it constitutes a system, we just might change forever the way we think about international law and the role it plays in international relations."²³ The first step is indeed thinking about international law as a system, the next step is to identify the type of system international law is. I will first delimit what part of the ILS I will be referring to throughout the rest of the article, and proceed to analyze it.

²² John Gall, *Systemantics*, 39-41; 89-90.

²³ Anthony D'Amato, *International Law as a Unitary System* (Northwestern School of Law, Public Law, and Legal Theory Series No. 08-02), 5. Accessible here: <http://www.long-damato.northwestern.edu/AdobeFiles/SSRN-int-law-Unitary-sys.pdf>

Every system is created to serve a purpose. The problem is that every system, also creates its own goals,²⁴ which can cause damages, not to the system itself, but to the the subjects of the system (i.e. living or non-living entities). To bypass this problem, one must search once more for the initial scope of the system. For that, searching into the law forming mechanisms of the ILS is a good start. Thus, I will be referring to the sources of international law, with special attention to customs and the collective conscience that confers legitimacy upon them and works to perpetuate the system.

There are many classifications of systems, but for the purpose of this article, I will only be referring to one: closed systems and open systems. Ludwig von Bertalanffy is one of the first to propose the study of a general systems theory, and classifies systems as being either open or closed. Open systems are “systems exchanging matter with their environment.”²⁵, while closed systems are “systems which are considered isolated from their environment.”²⁶ This means that one of the key elements that differentiate open systems from closed systems is communication. Bertalanffy describes conventional physics as a closed system where the “final state is unequivocally determined by the initial conditions.”²⁷ It is a common example that of the calculations and predictions made in planetary movements. This is why we can predict the next 100 lunar eclipses. This means that conventional physics is sufficient in itself, and does not necessitate inputs and outputs (i.e. communication) from other systems. Open systems, on the other hand, receive input from other systems and generate, through their internal mechanisms, output to other systems. Examples include living systems (such as animals and plants), and every social system (such the economy, history, politics, law). Of course, this makes open systems infinitely more complex than closed systems, due to the fact that, not only do the intra-system components interact with each other, they also interact with other systems’ intra-systems components.

The ILS can be described as an open system.²⁸ This is the generalized premise which I extract from the analysis of custom, and from the characteristic of systems as being fractal.²⁹ From these two initial suppositions, I extrapolate my argument that the ILS in its entirety is an open system. I later hope to apply the method of falsification to the rest of the ILS.

This view, of course, has its opponents, be it, specifically the ILS, or law systems in general. Valentin Constantin, referring to the ILS, describes it as being a closed system, and at the same time, permeable.³⁰ Constantin argues that the system became a closed one, from the moment when a general accord in the international community had been reached about the valid formation of international norms, because this way, the system can only refer to itself.³¹ Later on, he argues for the permeability of the system, in that it possesses secondary norms that ensure the effectiveness

²⁴ John Gall, *Systemantics*, 59-60; 91-92.

²⁵ Ludwig von Bertalanffy, *General Systems*, 32.

²⁶ Ludwig von Bertalanffy, *General Systems*, 39.

²⁷ Ludwig von Bertalanffy, *General Systems*, 40.

²⁸ There are also some who voice this opinion. See James Carwford, *International Law as an Open System* (Essay 1, Cameron May, London, 2002); Anthony D’amato, *International Law as an Autopoietic System* (Rüdiger Wolfrum & Volker Röben, Max Planck Institut für ausländischen öffentlichen Recht und Völkerrecht Beiträge, 177) pp. 335-399.

²⁹ Donella H. Meadows, *Thinking in Systems*, pg. 80. For more details about systems as being fractal, see Benoit Mandelbrot, *The Fractal Geometry of Nature* (W.H. Freeman and Company, New York, 1977).

³⁰ Constantin, V., *Drept...*, 36; 83.

³¹ Constantin, V., *Drept...*, 36.

of the norms in other systems.³² As we will see, custom, as a formal source of international law, communicates with the international society, to form valid norms.

Gunther Teubner, referring to law systems in general, argues that they are closed, by applying the theory of autopoiesis.³³ According to Teubner, legal systems are self-organizing systems, and at the same time autonomous. Self-organizing, in that they are self-constituting, self-referring, and self-describing.³⁴ These three characteristics of self-organization, Teubner claims, makes the system autonomous. Continuing this line of reasoning, if the legal system is organized autopoietically, then it does not directly regulate social behaviour,³⁵ but what it does is create legislative goals, that change social behaviour so as to reflect the system, and not the other way around.³⁶ This is what happens in consequence analysis, done through the lens of positivism, when the needs of society are neglected. Law should reflect society, not the other way around.

B. Customary Law and its Interactions

Throughout time, different peoples have felt the need, generally for trading rationales, to establish various concrete conducts so that commercial exchanges could be done without the outbreak of a conflict. One example, that in the “mythology” of international law is said to be the beginning of the system, is documented by Herodotus.³⁷ Around the VIth Century B.C., Carthaginians engaged in the practice of ‘silent trading’ with a tribe from northern Africa. The Carthaginians, once at the shores of the tribe, would pile their goods on the beach and return to their ships. In exchange, the tribe members would take the goods and pile an amount of gold in their place. The Carthaginians would return to shore, inspect the amount of gold left in return, and if satisfied would take the gold and leave. If not, they would return to the ship without the gold, and the tribe members would return and add to the initial amount. This practice took place until both sides were satisfied.

From practices similar to the one mentioned above, the first customs were formed,³⁸ and along with them, international law. Anthony D’Amato argues that the term customary law is misleading, and that the appropriate name is general international law. Customary international law has been borrowed from Pitt Cobbett in 1890, which invented a saying that remained: customs

³² Constantin, V., *Drept...*, 83, and afterwards, in a footnote, acknowledges the fact that the ILS is an open system, in so far as it can incorporate norms from other systems or can maintain other relevant relations. A system cannot be open or closed, depending on where one places the lens of system analysis. Even if, at present, the system can be dubbed self-referential, the theory is falsifiable from the moment an unpredictable event will occur and challenge the system’s auto-sufficiency. The invasion of Crimea, hybrid wars, and cyber attacks are relevant examples of the need for systems to find external mechanisms.

³³ Gunther Teubner, *Autopoiesis in Law and Society: A Rejoinder to Blackenburg* (Law and Society Review, volume 18, number 2, 1984, pp. 291-301), 293: “Self-referential systems, as closed systems of self-producing interactions, are necessarily, at the same time, open systems with boundary trespassing processes”, quoted from Peter Hejl, *Die Theorie autopoietischer Systeme: Perspektiven für die soziologische Systemtheorie* (Rechtstheorie, volume 45, number 13, 1982).

³⁴ For a harsh critique of Teubner’s theory of autopoiesis, see Anthony Beck, *Is Law an Autopoietic System?* (Oxford Journal of Legal Studies, Volume 14, Issue 3, 1 October 1994, 401–418).

³⁵ Gunther Teubner, *Is Law...?*, 297.

³⁶ Gunther Teubner, *Is Law...?*, 298.

³⁷ Evans, M.D., *International Law*, 32-33.

³⁸ Taking into account the formal requirements of today for the formation of custom, and seeing that those practices cannot be deemed likewise, we shall name them *proto-customs*.

are like footsteps across a common that eventually becomes a path habitually followed by all.³⁹ One more reason for my extrapolation to the whole of the ILS is the fact that customary law is actually general international law.

Customary law is seen as an attempt to create normative structures and rules to constrain and evaluate the conduct of states, but these structures and rules are, *themselves*, drawn from the conduct of states,⁴⁰ while custom is defined as a “spontaneous, natural, and informal mode of creation of a legal norm, that reflects the force of tradition.”⁴¹ Basically, customary law is formed through a norm that needs time to transform into a legally binding rule in international law, apropos of delays in response within systems. From a systems point of view, customs are components of the ILS, that communicate with external sources. From the point of view of the United Nations, customs are formal sources of international law that the International Court of Justice can apply in any case brought before it; “the Court [...] shall apply: [...] b. International custom, as evidence of a general practice accepted as law.”⁴²

The creation of a custom in international law is dependent on two conditions to be fulfilled: the material fact and the existence of *opinio juris*. Many positivists regard custom formation with suspicion, mainly due to *opinio juris*. The material fact does not pose great problems, for it necessitates empirical evidence for the existence of a custom, in that State practice has to be general, uniform, public, frequent, etc.⁴³ On the other hand, *opinio juris* is the psychological component of a custom, meaning that States have to conscientiously exercise the custom, knowing that their action has legal consequences. States are said to be acting with *opinio juris* in the exercise of a custom. Clearly, States do not possess a conscience, and thus *opinio juris* cannot be proved. Positivists argue that one only has to look at the actual practice of the States, meaning the material fact, to determine the formation of a custom.

This criticism in relation to custom formation is precisely the positivist attitude that severs the relation between law as it is and law as it ought to be. It automatically isolates the law system from social reality, and leads to faulty and extreme interpretations of law systems, such as Teubner's. It is evident that States are artificial constructs, and therefore they cannot possess beliefs. But States possess a general course of action, which can be seen by the material fact, throughout the course of time. So, *opinio juris* is dependent on the material fact, and on the passage of time. In addition, custom, i.e. the material fact plus *opinio juris*, is dependent on the social reality, and this is the prime interaction between this formal source of law and the outside world of the ILS. In legal doctrine, this is known as the material source of law.⁴⁴ For example, the necessity of commercial exchanges is what determined the proto-custom of silent commerce to form between the Carthaginians and the African tribe. From a metaphysical perspective, what is beyond the ILS and what determines custom formation is the *nomos*.

The *nomos* is defined as not only referring to explicit laws, but also to moral rules that people expect in their everyday activities.⁴⁵ “It would therefore probably be nearer the truth if we

³⁹ Anthony D'Amato, *International Law as...*, pg. 2, citing Pete Cobbett, *Leading Cases in International Law* 5 (4th ed. 1922)

⁴⁰ Başak Çalı, *International Law for International Relations*, (Oxford University Press, 2010), 123.

⁴¹ Valentin Constantin, *Drept...*, 104.

⁴² Statute of the International Court of Justice, article 38.

⁴³ Malcolm Shaw, *International Law*, 54-58.

⁴⁴ For more details, see *supra*. 2-3.

⁴⁵ F.A. Hayek, *Law, Legislation, and Liberty*, Vol. 1, (Routledge, London, 1993), 96-97.

inverted the plausible and widely held idea that law derives from authority and rather thought of all authority as deriving from law [...] in the sense that authority commands obedience.”⁴⁶ Authority is legitimised through law, and at the same time enforces law. This means that ‘law’ has an a priori existence, and not be wholly dependent on the existence of an authority. This is, I believe, the essence of the nomos. Whether we term these a priori phenomena ‘law’ or ‘social rules’, is a matter of terminology, that has an importance only if we see the system through the positivist lens. Thus, customs interact with society through the nomos.

One can see in this respect, that the intra-system goal of the ILS is to reflect society. The nomos only works to shape the systems so that it corresponds to the social reality. What is essential, is that the scope for which the ILS has been created and perpetuated (i.e. to maintain international peace and security)⁴⁷, is in accord with the intra-system goal.

C. The Influence of the Nomos on the ILS

As formal sources, customs cannot exist in the absence of pre-existing social conducts, or social norms, or social laws. In other words, the nomos is what determines customs to exist in the ILS. It is the outside flow that constantly feeds into the ILS, shaping custom formation. Thus, we can identify a balancing feedback loop between the nomos and the ILS.

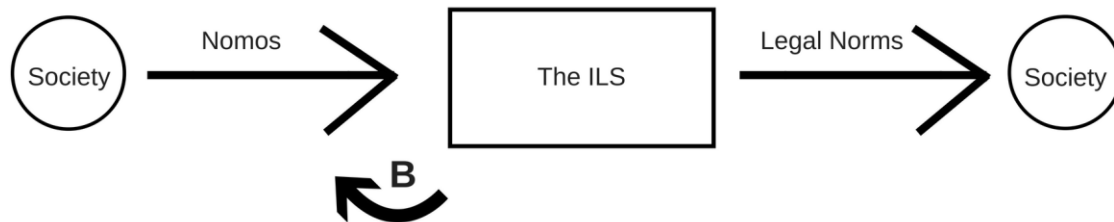


Figure 4. The ILS is an open system that interacts with, and is influenced by the international society, through the nomos. Author: Cantemir Pacuraru.

In respect to international law, society is understood as being the international society, meaning the corpus of States and State to State relations. The ILS is the main stock in the illustration, and the nomos is the main inflow, which facilitates communication between the international society and the ILS. The result of the interacting components of the ILS are the legal norms which represent the outflow, and produce consequences upon the international society. Thus, one can observe from this simplified illustration, that the ILS is an open system that constantly communicates with the international society and its subsystems.

Another consequence of separating law from morals is that, in the process of law making, the actors may easily forget the existence of the nomos or, being aware of its existence, ignore it. This is the case with voluntary norm creation, such as laws passed in Parliament or contracts between parties, in the case of domestic legal systems, or treaties, as in the case of international law. The formation of customs is a natural one, since it is shielded from the actors’ bounded

⁴⁶ F.A. Hayek, *Law, Legislation...*, 95.

⁴⁷ Article 1 of the United Nation Charter.

rationality.⁴⁸ The provisions of a treaty may very well reflect the interests of the parties, but they are unlikely to take into consideration the interests of society. On the other hand, custom is dependent in its formation on the good and the interests of all actors simultaneously, and thus it constantly communicates with the international society by way of the nomos. The balancing feedback loop that is created from the stock of ILS through the customs' communication with the nomos, works to balance out the system. In this respect, custom ensures the survival and perpetuation of the ILS, and bestows upon it the characteristic of resilience, making the system robust.

IV. CONCLUSION

International law is an open system. Like all systems, the ILS manifests some common patterns, such as self-organization and resilience. These two attributes are seen at a later time, due to the complexity of the system that manifests delays in response. This is why, in domestic legal system, policy makers who do not understand this fact, end up incorrectly modifying intra-system components. The ILS is fairly shielded from this, due to the fact there is no central policy maker.

International law is a fairly decentralized,⁴⁹ open system, whose formal sources are treaties, customs, and general principles of law recognized by civilized nations.⁵⁰ Being an open system, the ILS communicates with other social subsystems. One of the main inflows is represented by the nomos, which can be equated to some respect with the material sources of law, which reflect the norms of society; that 'law' which has an a priori existence, necessary for the legitimization of authority. The nomos is important, because it represents the intra-system scope of the ILS. If that scope is not respected, the survival of the system is endangered, and the system will kick back. The actors of the ILS (i.e. principally states), rarely take into account the nomos, due to bounded rationality. On the other hand, components such as customs, are a product of the nomos, and their communication acts in this respect as a balancing feedback loop that ensures the survival and perpetuation of the ILS, making it robust to unexpected events that might occur.

⁴⁸ Bounded rationality refers to the decision-making process of an actor as being based on the available information, which is unlikely to be perfect. For more information on bounded rationality, see Herbert Simon, *Theories of Bounded Rationality*, apud. Donella H. Meadows, *Thinking in Systems*, 106.

⁴⁹ Malcolm Shaw, *International Law*, pg. 3; Valentin Constantin, *Drept...*, 39.

⁵⁰ Article 38 of the Statute of the International Court of Justice.

REFERENCES

A. Books and Articles

1. **Beck Anthony**, *Is Law an Autopoietic System?*, Oxford Journal of Legal Studies, Volume 14, Issue 3, 1 October 1994, Pages 401–418;
2. **Bertalanffy, Ludwig von**, *General Systems Theory*, Braziller Publishing, New, York, 1968;
3. **Çalı, Başak**, *International Law for International Relations*, Oxford University Press, 2010;
4. **Constantin, Valentin**, *Drept Internațional*, Universul Juridic, Bucharest, 2010;
5. **D'amato, Anthony**, *International Law as an Autopoietic System*, Rüdiger Wolfrum & Volker Röben, Max Planck Institut für ausländischen öffentlichen Recht und Völkerrecht Beiträge, 177;
6. **Evans, Malcolm, D.**, *International Law*, Ed. Oxford University Press, Oxford, 2003;
7. **Gall, John**, *How Systems Work and Especially How They Fail*, Quadrangle/ The New York Times Book Company, Inc., New York, 1977;
8. **Hanga, Vladimir, and Marcu, Liviu**, *Istoria dreptului românesc*, Vol. I, Editura Republicii Socialiste România, Bucharest, 1980;
9. **Hart, HLA**, "Essay 2, Positivism and the Separation of Law and Morals" in *Essays in Jurisprudence and Philosophy*, Clarendon Press, Oxford 1985;
10. **Hayek, F.A.**, *Law, Legislation, and Liberty*, Vol. 1, Routledge, London, 1993;
11. **Mandelbrot, Benoit**, *The Fractal Geometry of Nature*, W.H. Freeman and Company, New York, 1977;
12. **Schmitt, Karl**, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, Telos Press Publishing, New York, 2006;
13. **Shaw Malcolm**, *International Law*, Seventh Edition, Cambridge University Press, 2014;
14. **Taleb, Nassim Nicholas**, *Antifragile. Things that Gain from Disorder*, Ed. Penguin Group, London, 2013;
15. **Teubner, Gunther**, *Autopoiesis in Law and Society: A Rejoinder to Blackenburg*, in *Law and Society Review*, volume 18, number 2, 1984, pp. 291-301;
16. **Wacks, Raymong**, *Understanding Jurisprudence. An Introduction to Legal Theory*, Oxford University Press, New York, 2012.

B. Websites

1. CIA World Factbook, last accessed: 07.08.2018. <https://esa.un.org/unpd/wpp/DataQuery/>;
2. Website of the Romanian Parliament, last accessed: 26.08.2018
1. http://www.cdep.ro/pls/legis/legis_pck.lista_anuala?an=2018&emi=2&tip=1&rep=0&nrc=1.

C. Treaties

1. Statute of the International Court of Justice;
2. United Nations Charter.

ASPECTS OF THE THEORY OF NON-EXISTENT ADMINISTRATIVE ACTS

Andra-Ioana ROȘCA¹

ABSTRACT

THE ADMINISTRATIVE LEGAL DOCTRINE HAS DRAWN UP THREE MAIN THESES ON THE NULLITY OF ADMINISTRATIVE ACTS. THESE ARE: THE THESIS OF UNIQUE THEORY OF NULLITY IN ADMINISTRATIVE ACTS, THE BIPARTITE THESIS OF ABSOLUTE NULLITY AND RELATIVE NULLITY, AND THE TRIPARTITE THESIS OF ABSOLUTE NULLITY, ANNULABILITY AND NONEXISTENCE. OF THESE THREE, THE MAJORITY ACCEPTED THEORY BY THE LEGAL LITERATURE WAS THE TRIPARTITE THESIS WHICH ALSO SETTLED DOWN THE NONEXISTENCE OF ADMINISTRATIVE ACTS. THIS STUDY PRESENTS ASPECTS OF THE LEGAL NATURE OF NONEXISTENT ADMINISTRATIVE PROVISIONS, EXAMPLES OF SUCH LEGAL ACTS, AS WELL AS CONSIDERATIONS ON COMPARATIVE LAW.

KEYWORDS: NONEXISTENCE, ADMINISTRATIVE ACTS, NULLITY, FRENCH LAW

INTRODUCTION

The theory of nonexistence of administrative acts appeared in Romanian law during the interwar period, a period that established the tripartite theory of nullities according to which administrative acts may be nonexistent, null and void or voidable. Nonexistent acts *"lack the factual elements inherent to their nature or object, without which they cannot be logically conceived"*².

During this period, Professor Paul Negulescu was the most important proponent of this approach. According to him, in the administrative law there are nonexistent acts, *"which do not require any findings"*³, and null and void acts, *"which have a legal appearance, but do have an original flaw so deep, and therefore their nullity may be pronounced whenever the existence of this flaw is discovered, as this flaw cannot be covered by the passage of time"*⁴.

¹ PhD. Student, Faculty of Law, University of Craiova, e-mail: andra_lexe@yahoo.com

² Tudor Drăganu, *"Actele de drept administrativ"*, (București: Științifică, 1959): 150

³ Paul Negulescu, *"Tratat de drept administrativ. Principii generale"*, ediția a IV-a, vol. I, (București: Institutul de Arte Grafice "E. Marvan" 1934): 425

⁴ Paul Negulescu, *"Tratat de drept administrativ. Principii generale"*..., 425

As an example of nonexistent administrative act, the professor took into consideration the decree signed by the successor to the throne before taking the oath, which according to the Constitution of the time, conferred them the exercise of royal powers. Also, if a royal decree was signed only by the king and was not countersigned by the minister, it was considered nonexistent because "*Art. 87 of the Constitution states that such an act has no power*"⁵. The same happened also with a decision of a minister that regulated certain matters for which a royal decree was necessary. The nonexistent administrative act did not produce any legal effect and the person aggrieved by such an act could "*rely on this nonexistence in any era, for such irregularity is neither prescribed nor ratified*"⁶. Nonexistence could be raised either by way of an action or a plea in objection. Since such acts did not produce any legal effect, it was not necessary for the court to declare their nonexistence.

COMPARATIVE LAW

In France, the nonexistence of administrative act is recognized at both doctrinal and jurisprudential level. Nonexistence is set out from nullity and implies that the administrative act be impacted by more severe flaws compared to nullity. Furthermore, it is operated the distinction between materially non-existent acts and legally non-existent acts. The usefulness of establishing nonexistence is that any public authority may note it, at any time, in order to "*correct procedural rules that seem too stringent when applied to acts whose irregularity is flagrant*"⁷. As regards the establishment of the nonexistence of administrative act at jurisprudential level, prof. Paul Negulescu notes in his work some examples of decisions by French authorities. Thus, by decision of May 13, 1881 (Brissy-Recueil 1881, p. 493), the State Council of France ruled that cumulative and previous failure to fulfil the conditions necessary for an administrative act to be valid, results in the nonexistence thereof. In this case, the decree signed by the President of the Republic only and not countersigned by the minister, by which the reintegration of a person into the Legion of Honour personnel was declined was nonexistent even if the respective minister stated later he agreed with the presidential decision. The Council's argument was that through the communication of the vitiated administrative act, it has become final and no further ratification could cover such flaw. Also, by decisions of February 21, 1890, Mimieux, Rec. p. 201, and from January 10, 1908, Legouez, Rec., p. 9 respectively, the State Council noted that the decision to refuse retirement signed by an official lacking competence could not be appealed because such decision was nonexistent and had no value⁸.

LEGAL NATURE

Regarding the legal nature of nonexistent acts, three dimensions of their legal status have been set in the legal literature. First, it has been shown that the presumption of legality operates no more as the violation of law is so obvious "*that a person of average intelligence cannot admit them, even for one moment, their legally binding nature*"⁹. According to the presumption of

⁵ Paul Negulescu, "*Tratat de drept administrativ. Principii generale*"..., 430

⁶ Paul Negulescu, "*Tratat de drept administrativ. Principii generale*"..., 430

⁷ See Ana Rozalia Lazăr, "*Considerații privind nulitatea și inexistența actului administrativ*", *Revista de drept public* 1 (2002): 28

⁸ See Paul Negulescu, "*Tratat de drept administrativ. Principii generale*"..., 430-432

⁹ Tudor Drăganu, "*Nulitățile actelor administrative individuale*", *Studia Napocenaia*, seria Drept, vol. I (1981): 64

legality, an act emanating from a public administration body is considered legal until proven otherwise. In the case of a nonexistent administrative act, the presumption of legality is removed because *"we are in the presence of an act which is not only in contradiction with law, but lacks an actual essential element which, according to its nature, may come into being"*¹⁰. The limits of presumption of legality must be specifically established for each case and not in the abstract. The legal literature has shown that the nonexistent act does not create, modify or extinguish legal relations according to the will of the author of the act, but has the ability to produce legal effects of a legal material fact¹¹.

Secondly, the rightful subject, the recipient of the administrative nonexistent act, has the right to refuse fulfilment of obligations under such act by invoking the nonexistence thereof before any public authority. If the act was enforced and reinstatement of previous situation is wanted, based on the principle that no one can do justice to themselves, the person concerned would have to go to court¹².

The third legal nature of nonexistent acts arises from the right of the recipients thereof to refuse their execution/enforcement. Correlative to this law, public administration bodies have the obligation to not enforce such acts by default. Therefore, the act is not enforceable anymore and the coercive force of the state cannot be imposed any longer under *executio ex officio* principle. Thus, in the event the nonexistent act is enforced, it is a *"way of fact (and not of law), which entails public administration accountability, and of its officials respectively for the damages caused"*¹³. In this respect, if the administrative act was previously executed, *"a legal action is, however, possible against the public official whose personal liability (civil or criminal) is engaged in the execution of such an act, because his correct attitude should have been passive resistance to the act"*¹⁴. In this case, the recipient of the act has the right to appeal the administrative court at any time, even if the act falls within the category of exceptions provided for by Law no. 554/2004 on administrative procedure, published in the Official Gazette of Romania, Part I, no. 1154 of December 7, 2004, as amended and supplemented. So, if the plea of illegality is raised before any court of law, the same may note the nonexistence of the act and proceed to its removal from the proceedings when settling the plea.

In French doctrine, it has been also admitted that nonexistent acts may be revoked at any time by public administration bodies. Unlike these, the null/void acts may be withdrawn only until expiry of the appeal.

JUDICIAL PRACTICE

In the socialist legal practice, the distinction between null acts and nonexistent ones enrooted based on the courts' lack of jurisdiction to decide the nullity of administrative acts. Since the courts had no power to declare administrative acts void, they would have reached a situation where they would have had to make a ruling considering that certain acts were valid, although they were issued in violation of administrative competence. In this respect it is reminded the Civil Decision no. 5/1959 in case no. 9399/1958 by which the Cluj Regional Court decided that the

¹⁰ Tudor Drăganu, *"Actele de drept administrativ"*..., 152

¹¹ See Ioan Santai, *"Drept administrativ și știința administrației"*, vol. II, (Cluj-Napoca: Risoprint, 2003): 148

¹² See Constantin Rarincescu, *"Contenciosul administrativ român"*, ediția a II-a, (București: Alcalay & Co, 1936): 341

¹³ Antonie Iorgovan, *"Tratat de drept administrativ"*, vol. II, (București: All Beck, 2008): 78

¹⁴ See Ana Rozalia Lazăr, *"Considerații privind nulitatea și inexistența actului administrativ"*..., 36

notice authorizing the partition of a land issued by the department of architecture and systematization of a people's council executive committee, cannot constitute the basis of a partition without the consent of all co-owners. Thus, this is a notice and not an authorization issued in compliance with legal provisions¹⁵.

It has been shown in the legal literature that the minutes made by a financial controller after this capacity of them terminated is a nonexistent administrative act because in his case the presumption of legality does not operate for a second. There are also considered to be nonexistent, the acts issued under repealed laws or those of a local council that settled a civil litigation under the jurisdiction of courts¹⁶.

In support of the nonexistence of administrative acts, in the socialist literature was stated that the courts were required to verify the existence of legal rules before applying them. The existence of the law involves its publication and its lack of repeal, that is the efficiency of the law. This verification should be done under an official edition of law. Therefore, if the courts have the right and obligation to verify the existence of public administration regulations, there is no impediment for them to study the existence of individual administrative acts¹⁷.

In recent judicial practice it has been considered that a payment commitment not signed by the person intended to make the pay is a nonexistent administrative act which cannot be cancelled by the administrative court *"as this would amount to the implicit and indirect validation of nonexistent administrative acts of the same kind, which, however, were not appealed in administrative courts"*¹⁸.

REGULATION OF NON - EXISTENCE AT CONSTITUTIONAL LEVEL

Currently, the nonexistence of public administration regulations is established at constitutional level. According to Art. 100 (1) of the Romanian Constitution, republished, the failure to publish Presidential decrees in the Official Gazette of Romania entails their nonexistence. Also Art. 108 (4) of the Romanian Constitution, republished, requires publication in the Official Gazette of Government judgments and orders, subject to their nonexistence. There is an exception to this rule where the decisions are of military nature and are communicated only to the interested institutions. Thus, it may be concluded that publication is a condition of validity of the act, the same becoming valid only after its publication even if it was legally adopted, and nonexistence is the penalty for the failure to fulfil the mandatory publication obligation¹⁹. Regarding the validity of emergency ordinances to be approved by the Parliament, its convocation is mandatory and the *"failure to fulfil this constitutional provision is punishable by considering the emergency ordinance in question nonexistent"*²⁰.

¹⁵ See Tudor Drăganu, *"Actele de drept administrativ"*..., 154

¹⁶ See Tudor Drăganu, *"Actele de drept administrativ"*..., 153 și Antonie IORGOVAN, *"Tratat de drept administrativ"*..., 78

¹⁷ See Tudor Drăganu, *"Actele de drept administrativ"*..., 155-156

¹⁸ See *Decizia nr. 710 din 10 iunie 2000 a Curții de Apel Cluj*, *Buletinul jurisprudenței*: 470

¹⁹ See Antonie Iorgovan, Mihai Constantinescu, *"Constituția României – comentată și adnotată"*, (București: Regia Autonomă Monitorul Oficial, 1992): 241.

²⁰ Ramona Delia Popescu, Andrei Gheorghe, *"Producerea efectelor juridice ale actelor normative"*, *Revista Transilvană de Științe Administrative* 2 (2012): 129

As regards the nonexistence of laws, there were some in the literature who thought that one can speak of such an institution under the following conditions: *"from the data published in the Official Gazette of Romania it does not appear that that act would be a law (does not bear such name); from the data published in the Official Gazette of Romania it does not appear that the law has been passed by both Houses of Parliament; in the Official Gazette of Romania the decree of promulgation of such law issued by the President of Romania is not published and the law is not published in the Official Gazette of Romania (since the official publication is the only evidence of the existence of law, and it cannot enter into force since it was not published)"*²¹. It has also been noted that the failure to indicate that the law was passed by both Houses of Parliament, subject to the publication in the Official Gazette of Romania of both the law and the decree of promulgation, does not attract the absence of the law because *"to the ordinary individual, the presumption of legality is working"*²². Since the constitutional provisions do not expressly govern the unconstitutionality of laws and their nonexistence, it remains only theory.

CONCLUSION

In conclusion, unlike civil law, in administrative law the theory of nonexistence of legal acts is mostly admitted. The nonexistent administrative act does not enjoy a presumption of legality, its recipient may refuse enforcement and public authorities are obliged to refrain from enforcement upon them. With regard to the normative administrative acts, the Romanian Constitution, republished, stipulates that failure to publish decrees of the President of Romania, decisions and Government orders in the Official Gazette of Romania, entails the nonexistence thereof. It is noted that the nonexistence of certain normative administrative acts is of constitutional level.

²¹ See Ana Rozalia Lazăr, "Considerații privind nulitatea și inexistența actului administrativ"..., 31

²² See Ana Rozalia Lazăr, "Considerații privind nulitatea și inexistența actului administrativ"..., 31

REFERENCES

1. **Drăganu, Tudor;** *Actele de drept administrativ*, București: Științifică, 1959;
2. **Negulescu, Paul;** *Tratat de drept administrativ. Principii generale*, ediția a IV-a, vol. I, București: Institutul de Arte Grafice "E. Marvan" 1934;
3. **Lazăr, Ana Rozalia;** *Considerații privind nulitatea și inexistența actului administrativ*", *Revista de drept public* 1, (2002);
4. **Drăganu, Tudor;** *Nulitățile actelor administrative individuale*, *Studia Napocenaia*, seria Drept, vol. I, 1981;
5. **Santai, Ioan;** *Drept administrativ și știința administrației*, vol. II, Cluj-Napoca: Risoprint, 2003;
6. **Rarincescu, Constantin;** *Contenciosul administrativ român*, ediția a II-a, București: Alcalay & Co, 1936;
7. **Iorgovan, Antonie;** *Tratat de drept administrativ*, vol. II, București: All Beck, 2008;
8. **Iorgovan, Antonie; Constantinescu, Mihai;** *Constituția României – comentată și adnotată*, București: Regia Autonomă Monitorul Oficial, 1992;.
9. **Popescu, Ramona Delia; Gheorghe, Andrei;** *Producerea efectelor juridice ale actelor normative*, *Revista Transilvană de Științe Administrative* 2 (2012);
10. *Decizia nr. 710 din 10 iunie 2000 a Curții de Apel Cluj, Buletinul jurisprudenței.*

THE CRUSADES. CONCEPT AND PARADOXES

Raul-Constantin TĂNASE¹

ABSTRACT

THE PERIOD OF THE CRUSADES IS AN IMPORTANT EPOCH FOR THE HISTORIOGRAPHY THAT BENEFITS OF VARIOUS STUDIES FROM DIFFERENT POINTS OF VIEW: ECONOMICAL, SOCIAL, CULTURAL, RELIGIOUS, MILITARY AND POLITICAL. THE CRUSADES WERE EXPEDITIONS PREACHED BY THE POPE IN ORDER TO REGAIN THE HOLY PLACES UNDER MUSLIM OCCUPATION. THESE INCURSIONS BECAME SIMULTANEOUSLY PILGRIMAGE TO THE HOLY GRAVE AND PALESTINIAN LIBERATION MOVEMENT. IN ROMANIAN SPACE, THE LITERATURE IN THE FIELD PRESENTS A SERIES OF GAPS IN THE RECEPTION AND ANALYSIS OF THE PHENOMENON OF CRUSADES. THIS STUDY AIMS TO ANALYZE THE CONCEPT OF CRUSADE FROM THE POINT OF VIEW OF THE CHRONICLERS AND THE INTERPRETATIONS OF DIFFERENT SCHOLARS AS WELL AS THE PARADOXES ASSOCIATED WITH THE SACRED WARS OF CHRISTENDOM.

KEYWORDS: CRUSADE, CONCEPT, PARADOX, HOLY WAR, CRUSADER

EINLEITUNG

Die episode der Kreuzzüge ist eine Epoche mit tiefen politischen, kulturellen, wirtschaftlichen, sozialen und religiösen Bedeutungen, die das Interesse vieler Forscher ausgelöst haben, die sich der Vertiefung der Aspekte des heiligen Kriegen hingegeben haben. Die unternommenen Expeditionen vom Papsttum zur Erhaltung des östlichen Erbes repräsentiert ein komplexes Phänomen, das Gegenstand zahlreicher Fachstudien ist². In rumänischen Raum weist die Fachliteratur auf diesem Gebiet eine Reihe von Lücken in der Rezeption und Analyse des gekreuzten Phänomens auf.

Die ersten Kreuzzüge erhalten eine besondere Bedeutung für die Bestimmung des Rahmens in dem die westlichen und östlichen Welt im Laufe der Jahrhunderte interagiert haben und die erste

¹ PHD., Doctoral School of Orthodox Theology - University of Bucharest, tanase.raul@gmail.com

² Für eine ausführliche Bibliografie der Kreuzzüge siehe Hans Eberhard Mayer, *Bibliographie zur Geschichte der Kreuzzüge* (Hanover, 1960); Joyce Mclellan, „Select Bibliography of the crusades”, *Wisconsin History*, Band VI, 511-664.

Reaktion der Christenheit zu muslimischen Eroberung sein, die seit dem 7. Jahrhundert³ ausgelöst haben aber auch einen Zeitraum von wirtschaftlichen Beziehungen zwischen diesen beiden Bereichen, die europäischen Händler profitieren von den neuen gekreuzigten Staaten und den Küstengebieten, die sie besetzen werden.

In politischer Hinsicht, werden die politischen Interessen vor dem Glauben Priorität haben. In verschiedenen Situationen, war der Kaiser bereit die spirituelle Autorität des Papstes im Osten zu bekennen, in illusorischer Hoffnung die Wiederherstellung ihrer politischen Vorherrschaft in Abendland zu erleichtern. Der Wunsch nach Vereinigung der Kirchen kam nicht zustande, der Papst sich versöhnte mit dem deutschen Kaiser und die heiligen Kriegen waren ein endgültiger Fehlschlag⁴. Die Kreuzzüge bleiben die bedeutendste Epoche in der Geschichte der Konflikte zwischen den beiden religiösen Welten: den christlichen und den muslimischen, die seit dem 7. Jahrhundert entstanden sind. Schon bei der ersten heiligen Expedition werden weltliche Absichten und Interessen deutlich, und unter den Kreuzfahrern wurden zwei Parteien unterschieden: die religiös motivierten und politisch motivierten. Schließlich hat sich die säkulare Sichtweise endgültig auf die ursprüngliche Idee der heiligen Kriegen durchgesetzt wie die Eroberung Konstantinopels durch die Kreuzfahrer im Jahre 1204 zeigt⁵.

DAS KONZEPT DES KREUZZUGS

Das Konzept des Kreuzzugs wurde aus mehreren Perspektiven thematisiert so dass so dass wir eine Kristallisation und Bereicherung davon im Laufe der Zeit beobachten können. Das Kreuzzug⁶ wurde als eine militärische Expedition definiert, die unter der Autorität des päpstlichen Stuhls und mit dem Versprechung kirchlicher Belohnungen organisiert wurde, mit dem angeblichen Ziel, um die Heiligen Orte unter dem muslimischen Besatzung zu befreien. Der Chronist Guibert

³ Die Jahre nach dem Tod des Propheten Muhammad (632) haben die Zeit der Ausweitung der Araber im Nahen Osten repräsentiert. Die Expansion außerhalb der arabischen Halbinsel wurde zunächst von den vier Kalifen durchgeführt: Abu-Bakr (632-634), Omar I (634-644), Otman (644-656) und Ali (656-661). Die wichtigsten eroberten Gebiete waren: Damaskus (635), Jerusalem (636), Alexandria (642), Maghreb (697), Turkestan (712), Indien (710-713) und Spanien (711). Die Araber haben zweimal Konstantinopel angegriffen aber ihre Offensive von den Kaisern Konstantin IV. und Leon III. Isaur gestoppt wurde. Der Sieg bei den Poitiers (732) von Carol Mertel markierte das Ende der Ausweitung des Islam im Westen. Emanoil Băbuș, *Bizanțul, istorie și spiritualitate*, (Bukarest: Sofia, 2003), 176; Michael Paine, *The Crusades*, (Pocket Essentials, 2005), 20-21.

⁴ Emanoil Băbuș, *Bizanțul, istorie și spiritualitate*, 370.

⁵ A. A. Vasiliev, *Istoria Imperiului Bizantin*, (Iași: Polirom, 2010), 386.

⁶ Für das Konzept des Kreuzzugs siehe: A.A.Vasiliev, *Istoria Imperiului bizantin*, 386-478; Emanoil Băbuș, *Bizanțul, istorie și spiritualitate*, 380-397; Emanoil Băbuș, *Bizanțul între Occidentul creștin și Orientul islamic (secolele VII-XV)*, (Bukarest: Sofia, 2006), 104-108; Robert Delort, *Cruciadele*, Übersetzung von George Miciacio, (Bukarest: Artemis, 1988); Thomas Asbridge, *Cruciadele. Istoria războiului pentru eliberarea Pământului Sfânt*, übersetzung von Cornelia Dumitru und Miruna Andriescu, (Iași: Polirom, 2011); Jonathan Riley-Smith, *The First Crusade and the Idea of Crusading*, (University of Pennsylvania, 1991); Kenneth Setton, *A history of the Crusades*, Bände I-IV, (Madison, 1969-1977) usw.

von Nogent⁷ beschrieb die erste heilige Operation als einen neuen Weg der Seligkeit, der es den Laien ermöglichte, Erlösung zu erlangen, ohne ihren Status zu ändern und Mönche zu werden⁸. Das Wort Kreuzzug ist selten und säumig; es erscheint nicht im mittelalterlichen Latein vor der Mitte des 13. Jahrhunderts⁹ und sein arabischer Korrespondent (*hurub assalibyya* – Krieg für das Kreuz) stammt aus dem Jahr 1850. Aus der Sicht von Orientalen, blieben diese Operationen für eine lange Zeit Kriege geführt von den Franken. Die Westler, Pilger erstens, galten als Soldaten Christi, die durch das Zeichen des Kreuzes (*crucesignati*) bezeichnet wurden, von wo sich das Konzept des Kreuzzugs Mitte des 13. Jahrhunderts ableiten sollte. Mittelalterliche Texte benutzen oft den Begriff von Reise nach Jerusalem (*iter hierosolymitanorum, via Sancti Sepulcri*)¹⁰. Für abendländische Ritter, besaß die Befreiung des heiligen Grabes – das Wallfahrtszentrums eine reinigende Rolle und entspricht mit der Wiederherstellung des Erbes, die Jesus Christus gelassen hat. Die Wallfahrt nach Jerusalem¹¹ galt als eine Form der individuellen Buße¹² und als eine Art der Anbetung Gottes¹³. Am Ende des 7. Jahrhunderts gehörte die Wallfahrt zu den Formen der kanonischen Buße¹⁴. Die Soldaten Christi gehen, um für den Erlöser Jesus zu leiden und am Tag

⁷ Guibert von Nogent (*Gesta Dei per Francos*) war ursprünglich ein Mönch der Abtei von Saint-Germer, danach spielte er die Aufgabe des Abts von Nogent-sous-Coucy. Geschrieben zwischen 1104-1108, *Dei Gesta per Francos* ist reich an Zitaten, die eine umfassende Kultur und eine fruchtbare Forschungsarbeit widerspiegelt. Guibert von Nogent hat bis zum Jahr 1109 *Gesta Francorum* mit persönlichen Auskünfte und Abschnitte von Briefen ergänzt.

⁸ Guibert von Nogent, „Gesta Dei per Francos“, in: *Recueil des Historiens des Croisades, Historiens Occidentaux*, Band IV, (Paris: Verlag Académie des Inscriptions et Belles Lettres, 1841-1906), 124.

⁹ Guibert von Nogent, „Gesta Dei per Francos“, 23.

¹⁰ Guibert von Nogent, „Gesta Dei per Francos“, 23; Cécile Morrisson, *Les croisades*, (Paris: Presses Universitaires de France, 1969), 3.

¹¹ Jerusalem ist der heilige Ort der Christen, wo Christus gekreuzigt und auferstanden ist. Es ist das Zentrum der Welt, der Ort des Übergangs vom irdischen, sterblichen zum himmlischen, ewigen Leben. Es ist das Zentrum der mittelalterlichen Welt, symbolisiert durch die Arme des Kreuzes am Heiligen Grab. Jerusalem, das auch den Himmel symbolisiert, hat eine eschatologische Bedeutung. Es ist der Ort, an dem Jesus am Ende der Zeit zum Gericht kommen wird. Michel Balard, *Les latins en Orient (Xe-XVe siècle)*, (Paris: Presses Universitaires de France, 2006), 18-19. Jerusalem genoss eine besondere Wertschätzung in der westlichen mittelalterlichen Mentalität und spielte eine Schlüsselrolle bei der Entstehung der Idee des Reiches im Westen, die als eine Wiedergeburt des Königreichs David am Ende des achten Jahrhunderts angesehen wurde. Seit dem 4. Jahrhundert resultierten westliche Pilgerfahrten nach Jerusalem und Heilige Stätten aus einer angemessenen Kenntnis der Heiligen Stadt im Westen; die Berichte über die Pilger, die aus Jerusalem kamen, über die Reliquien, Wunder und das Leben der Heiligen, lösten die Frömmigkeit und das Verlangen der Pilger aus. Aryeh Graboïs, „Charlemagne, Rome and Jerusalem“, in: *Revue belge de philologie et d'histoire*, tome 59, 1981, 796.

¹² Albert d'Aix, *Histoire des faits et gestes dans les régions d'outre mer, depuis l'année 1095 jusqu'à l'année 1120 de Jésus Christ*, Übersetzung von F. Guizot, I, (Paris: Librairie Chez J.L.J.Brière, 1825), 2; Albert of Aachen, *Historia Ierosolimitana. History of the Journey to Jerusalem*, hrg. Susan B. Edgington, (Oxford: Clarendon Press, 2007), I, 2, 5; Guillaume de Tyr, *Chronique du Royaume Franc de Jerusalem de 1095 à 1184*, der erste Band, Übersetzung von Geneviève und René Métais, (Paris: 1999), I, XVII, 30. Alle Historiker heben die Kreuzigungswallfahrt hervor. Franco Cardini, „L'histoire des croisades et des pèlerinages au Xxe siècle“, in: *Cahiers de civilisation médiévale*, CXCVI (2006), 360; Charles Mills, *The history of the crusades for the recovery and possession of the Holy Land*, Band I, (London: 1821), 5.

¹³ Albert d'Aix, *Histoire des faits et gestes dans les régions d'outre mer*, 20.

¹⁴ Paul Alphandéry, Alphonse Dupront, *La Chrétienté et l'idée de Croisade*, éditions Albin Michel, (Paris: 1995), 10.

des Gerichts an seiner Herrlichkeit teilzunehmen¹⁵. Diese sind gleichzeitig Soldaten und Pilger¹⁶ und ihre Expedition imitiert die Wallfahrt Karls des Großen¹⁷.

Wir können zwei Sinne des Wortes Kreuzzug unterscheiden; im engeren Sinne, eine krieglerische Expedition gewidmet zur Befreiung der Heiligen Orte und, einen breiten Sinne: einen Feldzug, das vom Geist des gerechten Krieges geprägt ist und in dem vorgeschlagen wird, einen ziemlich überlegten Grund zu verteidigen¹⁸. Die Idee des Kreuzzugs wird eine Evolution im Laufe der acht Expeditionen durchgeführt zwischen 1095 und 1270 erfahren, zugleich mit der Verschiebung des Schwerpunktes von der religiösen auf die wirtschaftliche und politische Natur dieser Einfälle. Die Chronisten des ersten Heiligen Krieges interpretierten diese Expedition in Analogie zum biblischen Modell: das Militär zurück gefolgt von kollektiven Bußriten und gipfelte in einem providentiellen Sieg. Die Kreuzigungszeremonien wurden mit Predigten, Liedern und Verteidigungswerken der heiligen Expedition bereichert. Der Kreuzzug wurde in diesem Sinne dem prophetischen Schicksal der Christenheit gleichgestellt. Diese blieben ein integraler Bestandteil der religiösen und kulturellen Art, in der sich das Christentum verstand und äußerte¹⁹. Aufgrund der Tatsache, dass verschiedene Kategorien von Menschen an heiligen Handlungen teilnahmen, können sie in drei Kategorien eingeteilt werden: Volkskreuzzüge, Kreuzzüge von Rittern (Barone) und Kreuzzüge von Königen.

The Oxford Dictionary of Byzantium betrachtet die Kreuzzüge als Expeditionen die von Papstums eingeführt wurden um das Heilige Grab von Jerusalem nachzuholen. Die Idee des heiligen Krieges hat sich seit dem Kampf von Heraclius mit den Persern durchgesetzt. Dieses Konzept tauchte in den Schriften von Papst Gregor VII. im Westen auf und erhielt durch Urban II eine endgültige Form²⁰.

Die Definition des Kreuzzugs hat eine Reihe von Kontroversen zwischen Traditionalisten und Pluralisten hervorgebracht²¹. Für die ersteren, handelt es sich um eine bewaffnete Expedition, die vom Nachfolger des heiligen Petrus gegen die besetzenden Muslime im Heiligen Land gehalten wird, um die Kirchen und die heiligen Stätten Palästinas zu befreien; durch dieser Definition es

¹⁵ *Mémoires de l'historien Pierre Tudebode sur son pèlerinage a Jérusalem*, traduit du latin par Stéphen de Goy, (Quimper, 1878), 54.

¹⁶ *Mémoires de l'historien Pierre Tudebode*, 110, 127, 129, 184, 288.

¹⁷ Robert the Monk, *Historia Iherosolimitana*, Übersetzung von Carol Sweetenham (Robert the Monk's history of the first crusade), col. Crusade Texts in Translations 11, (Ashgate, 2005), II.2, 90-91.

¹⁸ Paul Rousset, *Histoire d'une idéologie. La Croisade*, (Laussane: Éditions L'Age d'Homme, Lausanne, 1983), 14.

¹⁹ Gary Dickson, „La genèse de la croisade des enfants (1212)“, in: *Bibliothèque de l'école des chartes*, CLIII(1995), 95-96.

²⁰ *The Oxford Dictionary of Byzantium*, Band. I, herg. Alexander P. Kazhdan, (New York, Oxford: Oxford University Press, 1991), 557-560.

²¹ Eine traditionalistische Definition ist die von Hans E. Mayer: der Kreuzzug ist eine bewaffnete Wallfahrt, um die Heiligen Stätten zu befreien und den Christen im Osten einen Bußwert zu geben, der durch die Gewährung des vollständigen Ablasses sanktioniert wird. Eine pluralistische Definition des Kreuzzugs bietet uns von J.Riley-Smith: der Kreuzzug ist ein heiliger Krieg gegen innere und äußere Feinde, um das Vermögen der Christenheit zurückzugewinnen und die Kirche oder das christliche Volk zu verteidigen. Hans E. Mayer, *The crusades*, (Oxford: Oxford University Press, 1988); J. Riley-Smith, *Les croisades*, (Paris: Pygmalion, 1990), 11.

geografisch und chronologische das gekreuzigte Phänomen begrenzt. Aus der Sicht von Pluralisten, gilt es für alle bewaffneten Expeditionen, die von Papst gegen die inneren und äußeren Feinde der Kirche (Muslime, Heiden, Ketzer, Schismatiker, politische Gegner des Papsttums)²², aus verschiedenen Gebieten²³ und in verschiedenen Epochen gepredigt hat. Einige Historiker, die der von C.Erdmann und H.E.Mayer vertretenen Position folgen, unterstreichen die ideologische Kontinuität zwischen dem gerechten Krieg, dem Heiligen Krieg und dem Kreuzzug; andere, die diesen Satz unter anderem von R. Riley-Smith und C. Morris kritisieren, ziehen es vor, über verdienstvolle bewaffnete Wallfahrten zu sprechen und betonen den Bruch zwischen den beiden Phänomenen, indem sie Ablass und den Bußcharakter des Kreuzzugs einführen. Beide Kategorien von Repräsentanten zögern den Begriff vor-Kreuzzug für die Expeditionen der christlichen Zurückeroberung vor 1095 zu verwenden²⁴.

Im Lichte der Schaffung des Gregorianischen Papsttums, dessen politische Reformen auf der Idee beruhten, den Klerus von den Einflüssen weltlicher Macht abzutrennen, erschien die heilige Expedition als eine Übung des geistlichen Eintauchens in weltliche Aktivitäten und eine Demonstration, dass die Kirche Hilfe von der weltlichen Autorität brauchte, etwas, was nach der Meinung des Papsts Gregor VII undenkbar ist²⁵. Manchmal, galten als die heiligen Expeditionen als eine Manifestation des Wahnsinns des religiösen Glaubens und der ursprünglichen Wildheit der menschlichen Natur oder als glorreicher Ausdruck der christlichen Ritterlichkeit und Zivilisationskolonialismus gefördert werden. Mittelalterliche Religionskriege basierten auf einer bestimmten Ideologie und Spiritualität und haben ihre eigenen Institutionen und Praktiken geschaffen.

Der Charakter des heiligen Krieges des Kreuzzugs ergibt sich daraus, dass er im Namen Gottes und seiner Teilnehmer als Bußakt angesehen wurde. Der Krieg wurde vom Papst als Vikar Christi genehmigt²⁶. Bevor sie zur Kampagne gingen, legten die Kämpfer, Männer und Frauen, einen Eid ab. Als es erfüllt wurde oder die Operation als beendet deklariert wurde, wiederholten die Soldaten Christi wieder ein gewöhnliches Leben. Laien erhielten Belohnungen als Ablass²⁷, die sicherstellten, dass der Akt der Buße von Gott empfangen wurde, der ihre Sünden verzieh²⁸. Die Kriterien des heiligen Krieges wurden in den Schriften des Seligen Augustinus formuliert. Es sollte von einer legitimen Autorität erklärt werden, seine Absicht, gerecht zu sein und die Wiederherstellung eines zuvor verlorenen Eigentums oder Gebiets zu bezwecken²⁹.

²² Paul Rousset, *Histoire d'une idéologie*, 20.

²³ Die Kreuzzüge waren Buß-Kriege, die nicht nur im byzantinischen Gebiet, sondern auch an der Ostseeküste, in Nordafrika, der Iberischen Halbinsel, Polen, Ungarn und auf dem Balkan stattfanden. Jonathan Riley-Smith, *The crusades, christianity and islam*, (New York: Columbia University Press, 2008), 9.

²⁴ Jean Flori, „Pour une redéfinition de la croisade“, *Cahiers de civilisation médiévale*, CLXXXVIII (2004): 329.

²⁵ Marcus Bull, „Crusade and conquest“, 342.

²⁶ Jonathan Riley-Smith, *The crusades, christianity*, 9.

²⁷ Conor Kostick, *The Siege of Jerusalem. Crusade and Conquest in 1099*, (London: Continuum, 2009), 2.

²⁸ Jonathan Riley-Smith, *The crusades, christianity and islam*, 10.

²⁹ Jonathan Riley-Smith, *The crusades, christianity and islam*, 11-12.

Nach Meinung von Joshua Prayer, wurde der Kreuzzug nach dem Temperament jedes Historiker und dem herrschenden ideologischen Zustand der Epoche definiert, wie Pilgerfahrt, Militärexpedition, gerechter Krieg, Wanderungsbewegung aufgrund von Massenpsychosen, Verwirklichung eines religiösen Ideals, kollektiver Ausdruck von einer tiefen Umkehr, einer messianischen Bewegung mit einer starken eschatologischen Komponente oder einem herausragenden kolonialen Unternehmen des europäischen Imperialismus³⁰.

Carl Erdmann betrachtet den Kreuzzug als logische Verwirklichung der neuen Auffassung über den Krieg, die das Papsttum seit der zweiten Hälfte des 11. Jahrhunderts durchgesetzt hat, im Bruch mit der alten Augustinerkonzeption des gerechten oder moralischen Krieges. Die Katholiken, beginnend mit Gregor VII., haben den Gebrauch des bewaffneten Konflikts zum Wohle der Kirche sakralisiert und verschiedenen kriegesischen Einbrüchen einen heiligen kriegesischen Charakter zugeschrieben. Der Kreuzzug wurde in die Kategorie der heiligen Kriege eingeschlossen, die vom Gregorianischen Papsttum ausgearbeitet wurden³¹. Im Unterschied zu ihm, schlägt Jean Richard eine pragmatische Begriffserklärung vor: der Kreuzzug ist im genauen Sinne des Wortes eine militärische Expedition, die vom Papsttum zu einer verdienstvollen Arbeit assimiliert und mit spirituellen Privilegien belohnt wird, die Kombattanten und denjenigen gewährt werden, die am Einfall teilgenommen haben³².

Jean Flori betrachtet im Widerspruch zu einer Reihe von Historikern, dass der Kreuzzug ein heiliger Krieg in der logischen Verlängerung von Kriegen ist, die allmählich von der Kirche geheiligt werden. Es gibt keinen entscheidenden Bruch zwischen dem heiligen Krieg und dem Kreuzzug, sondern eine Mutation und ideologische Verwandlung. Der Kreuzzug fügte dem heiligen Krieg die Charaktere hinzu, die sich aus seinem letzten Ziel, dem Grab des Erlösers Christus, dem heiligen Ort der Vortrefflichkeit für die Christenheit³³, zu einer Zeit ergaben, in der die Wallfahrt einen Bestandteil der mittelalterlichen Spiritualität geworden war. Die lehrmäßige Mutation der Kirche in der Frage des bewaffneten Konflikts ist vom Kampf um die Befreiung der Heiligen Stätten begleitet, die nicht nur eine verdienstvolle Expedition sondern auch einen Akt der Buße wurde³⁴. Ablässe und Rituale des heiligen Krieges sich aus dieser Dimension ergaben, inhärent zum vorgeschlagenen Ziel: die Befreiung des Heiligen Grabes. Nur dieses Ziel erlaubt und rechtfertigt die ideologische Fusion zwischen dem heiligen Krieg und der Wallfahrt, die für den Kreuzzug charakteristisch ist. Für Jean Flori ist der Kreuzzug ein heiliger Krieg mit dem Zweck, die Heiligen Orte aus Jerusalem von Christen zurückzuholen³⁵.

³⁰ Joshua Prayer, *The Crusader's Kingdom: European Colonialism in the Middle Age*, (New York: 1972), 4-14.

³¹ Jean Flori, „Pour une redéfinition de la croisade“, 331.

³² Jean Richard, *Histoire des croisades*, (Paris: 1996), 7.

³³ Michel Balard, *Les latins en Orient (X^e-XV^e siècle)*, (Paris: Presses Universitaires de France, 2006), 18-19; Aryeh Graboïs, „Charlemagne, Rome and Jerusalem“, 796.

³⁴ Jean Flori, „Réforme, reconquista, croisade. L'idée de reconquête dans la correspondance pontificale d'Alexandre II à Urbain II“, in: *Cahiers de civilisation médiévale*, CLX (1997), 335.

³⁵ Jean Flori, „Pour une redéfinition de la croisade“, 349.

Aus einer westlichen Sicht, die von Protestanten und ein bedeutender Teil der säkularen Gesellschaft in Europa unterstützt ist, ist der Kreuzzug eine ferne und exotische Expedition von Barbaren und schlaun Ritters. Während die akademische Forschung dazu neigt, den Begriff in eine breitere und vielschichtigere Perspektive der europäischen mittelalterlichen Geschichte zu stellen, werden die Ursprünge und Bedeutungen der heiligen Kriege des Mittelalters zunehmend unklar. Der Begriff Kreuzzug wird säkularisiert, so dass im Alltag davon gesprochen wird: ein Kreuzzug um die Warteliste im Krankenhaus zu streichen, ein Fairplay-Kreuzzug im Sport³⁶.

DIE PARADOXE DER KREUZZÜGE

Die Frage der Kreuzzüge erfasst viele Paradoxe. Einer davon ist, dass die heiligen Expeditionen von Christen unter dem Zeichen des Kreuzes im Namen einer Religion geführt wurden, die ursprünglich im Nahen Osten gegen Muslime pazifistisch sein wollte, verbunden mit einer Ideologie, die den Gebrauch von Waffen nicht zurückwies (*Jihad*)³⁷. Der Begriff des heiligen Krieges war der ursprünglichen christlichen Lehre völlig fremd, für die Frieden ein integraler Bestandteil der eschatologischen Vision der Welt repräsentierte. Sowohl der Islam als auch das westliche Christentum begründeten sich Institutionen, um ihre Gegner zu vernichten – der erste Dschihad, das zweite Kreuzzug, die beiden Religionen verwandelten den Krieg in einen religiösen Imperativ³⁸. Dem Beispiel von Christus dem Erlöser folgend³⁹, war die ursprüngliche christliche Kirche pazifistisch. Diese Einstellung der Ablehnung bewaffneter Gewalt verewigte sich soweit die Christen von der politischen Macht sich distanzierten, mit der Hoffnung dass das Königreich Gottes nicht in der Welt ist; sie waren damit zufrieden, zu beten, um die glorreiche Rückkehr des Jesus am Ende der Zeit zu eilen. sie sich begnügen zu beten um die glorreiche Rückkehr des Erretters bis zum frühen Ende zu eilen⁴⁰. Die Lehre von Jesus Christus hatte einen tiefen pazifistischen Charakter, predigte die Liebe des Nächsten und der Feinde, den Verzicht zu irdischer

³⁶ Jonathan Phillips, *The crusades: 1095-1197*, 1. Auch die jüngsten Ereignisse in Westeuropa über die Angriffe auf Religion und die religiösen Konflikte, in denen Christen im Osten Opfer sind, wiederholen den Begriff Kreuzzug. Der islamistische Staatsführer Abu Bakr al-Baghdadi hat einen Aufruf zum Dschihad ausgesprochen: Die Luftschläge der Kreuzfahrer und die fortwährenden Bombardierungen, Tag und Nacht, hielten den Vormarsch nicht auf. Kreuzfahrer werden besiegt und Muslime werden siegen. Bald werden Juden und Kreuzfahrer gezwungen sein, auf die Erde zu kommen und ihre irdischen Kräfte in den Tod und in die Vernichtung zu schicken. http://adevarul.ro/international/in-lume/ultimul-mesajtransmis-liderul-statului-islamic-adeptilor-sai-declansati-vulcani-jihadpeste-tot-1_5465725e0d133766a8d7eef7/index.html abgerufen am 16.10.2018.

³⁷ Răzvan Timofte, „Interferențe islamico-creștine (politico-religioase) în perioada cruciadelor”, *Revista Teologică*, III (2009), 92. Dschihad ist eines der Prinzipien des Islam, das die weltliche Macht mit einbezieht und das ganze Universum umfassen muss, auch wenn es notwendig ist, zu rufen. Es wird zu einem formalistischen Element der Frömmigkeit, das ein Werkzeug der Eroberung werden soll. Roy Parviz Mottahedeh, Ridwan AL-Sayyid, „The Idea of the Jihad in Islam before the Crusades”, in: *The Crusades from the Perspective of Byzantium and the Muslim World*, hrg. Angeliki E. Laiou and Roy Parviz Mottahedeh, (Washington D.C.:Dumbarton Oaks Research Library and Collection, 2001), 23-29.

³⁸ Yvonne Friedman, „Peacemaking. Perceptions and practices in medieval Latin East”, in: *The crusades and the Near East. Cultural histories*, ed. Conor Kostick, (London and New York: Routledge, 2011), 229.

³⁹ Jean Flori, *Prêcher la croisade (XI^e-XIII^e siècle). Communication et propagande*, (Perrin, 2012), 9.

⁴⁰ Jean Flori, *Prêcher la croisade (XI^e-XIII^e siècle)*, 10.

Macht und weigerte sich, die Waffen gegen die Gegner einzusetzen. Die frühen Christen vermittelten diese Lehre und lebten mit der bevorstehenden Hoffnung auf die Wiederkunft des Sohnes Gottes (II Thes. 2, 1; Apostelgeschichte 1, 11) und dem Bewusstsein und mit dem Bewusstsein dass ihre Heimat einen himmlischen Ursprung und nicht irdischen hat (Heb. 13, 14). Als Bürger des römischen Staats, hielten sie sich an zivilen Gesetzen insofern diese nicht im Widerspruch zu den moralisch-religiösen Geboten des Christentums standen. Darüber hinaus manifestierten die ersten Nachfolger Christi ihren Widerstand gegen den Militärdienst, der von einer Reihe von Kirchenschriftstellern (Origenes, Tertullian, Hippolytus von Rom) hervorgehoben wurde, die die Unvereinbarkeit zwischen Christen und Soldaten in der römischen Armee postulierten. Sie bestanden auf der Weiterverfolgung des Erretters durch Selbstverleugnung (Lk 9,23, Mk 8,34), eine Art zu dienen, die jeder anderen Form des weltlichen Dienstes überlegen ist. Martin de Tours, der Befürworter des Mönchtums im Westen, betrachtet die klösterlichen und militärischen Berufungen als unvereinbar. Er wandte sich gegen die Christi-Miliz (der Mönche) der Saecularis-Miliz (der Soldaten, dann der Laien)⁴¹. Diese pazifistische Haltung brachte im Moment keine signifikanten Probleme mit sich, weil die Einschreibung in die Armee einen freiwilligen Akt war. Die Situation änderte sich erheblich, als die Barbaren Druck auf die Grenzen des Reiches ausübten und diejenigen, die sich weigerten zu kämpfen, den Märtyrertod erlitten⁴².

Ein anderes Paradox ist, dass die gekreuzigten Operationen das Ende einer großen Bewegung der christlichen Rückeroberung darstellten, die mit dem muslimischen Gegenangriff und der Eroberung von Konstantinopel im Jahre 1453 endete. Ursprünglich hatten diese Übergriffe den Zweck, den Christen im Orient und im Byzantinischen Reich zu helfen, um die gefangenen Gebiete von Türken zu wiedergewinnen, mit der Hoffnung auf eine mögliche Vereinigung der Kirchen. Dennoch, im Verlauf der heiligen Expeditionen, wurde es eine Beschädigung der Beziehungen zwischen den beiden christlichen Welten und Abschiebung von dem Zweck der Vereinigung der Kirchen konstatiert, eine Tatsache am besten durch die Ereignisse von 1204 unterstrichen wurde.

Ein anderes Paradox ist, dass der heilige Krieg der Christen, der von Papst Urban II. gepredigt war, gleichzeitig eine Bewegung zur Befreiung Palästinas und Pilgerfahrt zum Heiligen Grab war. Der Kreuzzug schuf so die Privilegien und die Heiligkeit, die sich aus seinem letztendlichen Ziel ableiten: den Heiligen Stätten⁴³. Der Krieg war heilig⁴⁴ angesehen nicht

⁴¹ Jean Flori, *L'idéologie du glaive. Préhistoire de la chevalerie*, (Genève: Librairie Droz S.A., 2010), 10.

⁴² Jean Flori, *Les croisades. Origines, réalisations*, 8.

⁴³ Jean Richard, *L'Esprit de la croisade*, (Paris: 1969), 11. Für Papst Gregor VII. war dieser Krieg heilig, da er gemäß den göttlichen Geboten der Befreiung der Kirche und der Wiederherstellung der Gerechtigkeit erfüllt wurde. Jean Flori, „Réforme, reconquista, croisade“, 317.

⁴⁴ Um den heiligen Krieg zu definieren, müssen drei Kriterien berücksichtigt werden. Ein heiliger Krieg sollte von einer legitimen Autorität aufgerufen werden, das geeignetste Beispiel ist der Papst oder Kalif. Zweitens sollte sein Ziel religiöser Natur sein; zum Beispiel heilige Gräber zu schützen oder zurückzuerobern oder zwangsweise umzuwandeln oder andere ihrer eigenen Religion zu unterwerfen. Drittens erhielten diejenigen, die am Heiligen Krieg teilnahmen, Versprechungen von spirituellen Belohnungen, wie die Vergebung der Sünden oder die Erlangung eines Platzes im

aufgrund der Tatsache dass die Gegner untreu waren, sondern weil es von Papst gepredigt war und der Verteidigung der Interessen des Heiligen Stuhls. Dieser Befund war gültig, als die lebenswichtigen Interessen des Papsttums bedroht waren, unabhängig von der Nationalität der Feinde. Es ist auch der Fall von Papst Leon IX (1049-1054), der die *milites* rekrutiert hat, um die päpstlichen Staaten gegen Normannen zu verteidigen und der sie mit der Märtyrerkrone belohnte diejenigen, die auf dem Schlachtfeld in der Schlacht von Civitate im Jahr 1053 ums Leben kamen. Diese Märtyrer kamen wegen des Charakters des heiligen Krieges in den Himmel und nicht wegen der Qualität ihres Gegners⁴⁵. Diese Heiligkeit wurde ideologisch abgelenkt und geschätzt, um den Päpstumskämpfen mit äußeren Feinden (Muslime, Heiden) und inneren Opponenten (Häretikern, Schismatikern und politischen Rivalen) zu dienen⁴⁶.

Carl Erdmann⁴⁷ bemerkt die Entstehung des Begriffs des gerechten Krieges (*bellum justum*) für den seligen Augustinus; letzteres lieferte die Grundlagen des Heiligen Krieges, aber die Entstehung der Barbarenhorde führte zu einer Verzögerung der Anwendung dieser Doktrin, was das Spätmittelalter zu einer Zurückhaltung gegenüber dem bewaffneten Konflikt und den Kriegen führte. Die Christianisierung des Krieges wurde durch Gottesdienste (Segnung von Soldaten und Waffen) durch Hagiographie (Leben von militärischen oder weltlichen Heiligen) erreicht, wodurch eine neue Konzeption des Kampfes gegen die Feinde des christlichen Glaubens entstand, Heiden, die von Normannen, Ungarn dargestellt werden. Indem er den gerechten Krieg auf die Würde des heiligen Krieges erhob, prägte Papst Urban II. seinen Kreuzzug mit seinem ursprünglichen Charakter; dies wurde im Verlauf der Zeit als eine neue Art von Krieg und die Gewalt, die natürlicherweise mit religiösen Gesten verbunden war, wahrgenommen, wobei das Heilige die kriegerische Handlung einschloss⁴⁸. Dämonisierung der heidnischen Gegner hat die Ausarbeitung des Begriffs vom heiligem Krieg erlaubt, der am Ende des 11. Jahrhunderts zur Predigt des Kreuzzugs führte, der nicht sowohl eine defensive Expedition gegen dämonisierte heidnische Eindringlinge als auch eine offensive Bewegung gegen die Türken, die im Orient seit vier Jahrhunderten installiert wurden, wollte⁴⁹. Andere Historiker haben die Spaltung zwischen dem Begriff des Heiligen Krieges und dem Kreuzzug hervorgehoben. Paul Rousset betrachtete die heilige Expedition als einen Antikrieg, der aus dem Versagen der Einsetzung des Friedens Gottes

Himmel. George T. Dennis, „Defenders of the Christian People“, 31. Siehe auch Nicolas Oikonomides, „The concept of „Holy War“ and Two Tenth-Century Byzantine Ivories“, in: *Peace and War in Byzantium: Essays in Honor of George T. Dennis*, hrg. T. Miller and J. Nesbitt, (Washington D.C.: 1995), 62-86; Adrian Ignat, „Ideea războiului sfânt în confruntarea dintre Occident și Orient“, *Revista Teologică*, I (2012): 148-151.

⁴⁵ Jean Flori, „L’Église et la Guerre Sainte: de la „Paix de Dieu“ à la „croisade““, *Annales. Économies, Sociétés, Civilisations*, II (1992), 458, 460.

⁴⁶ Jean Flori, *Les croisades. Origines, réalisations*, 6

⁴⁷ Carl Erdmann, *Die Entstehung des Kreuzzugsgedankens*, (Stuttgart: 1935). Die Oper wurde ins Englische übersetzt von M.W. Baldwin and W. Goffart, *The Origin of the Idea of Crusade*, (Princeton: Princeton University Press, 1977). Carl Erdmann notierte eine Entwicklung vom gerechten Krieg zum heiligen Krieg und vom heiligen Krieg zum Kreuzzug.

⁴⁸ Paul Rousset, *Histoire d’une idéologie*, 10.

⁴⁹ Jean Flori, „L’Église et la Guerre Sainte: de la „Paix de Dieu“, 453.

resultiert; so wurden sie aufgrund der Unfähigkeit, die inneren Feinde der christlichen, gewalttätigen und gefährlichen Welt zu beseitigen, in die fernen Länder des Ostens "exportiert"⁵⁰. Die Institution des Friedens Gottes kann als ein Versuch der Kirche verstanden werden, die negativen Folgen des Krieges einzudämmen, um die versuchte Abstraktion vom Gesetz zu begrenzen.

SCHLUSSFOLGERUNGEN

Die Epoche der Kreuzzüge freuten sich auf eine besondere Beachtung vonseiten Forscher, die sich der Auswertung verschiedenen Aspekte verbunden mit den heiligen Einbrüche gegen die Feinde des Christenheits gewidmet haben. Ausgelöst als Antwort auf muslimische Eroberungen auf die Initiative des Papstes, haben sich die Kreuzzüge allmählich ihre eigene Ideologie und Spiritualität gestaltet. Die wirtschaftlichen und politischen Interessen der Teilnehmer werden graduell die religiösen Streben ersetzen und werden mit der Eroberung Konstantinopels durch die westlichen Ritter im Jahr 1204 gipfeln.

Der Begriff Kreuzzug hat sich erst spät (im 13. Jahrhundert) kristallisiert und steht in direktem Zusammenhang mit dem Kreuz, das die Teilnehmer an den Kleidungsstücken aufgenäht haben. Der Kreuzzug wurde als eine Wallfahrt und einen neuen Weg für Seligkeit für die Kreuzfahrer angesehen, die als Soldaten Christi galten. Die heiligen Kriege wurden durch das biblische Modell dargestellt und nach und nach im Kontext der Glauben und Rituale gestellt. Für die Traditionalisten, ist den Kreuzzug eine militärische Expedition, die unter der Führung des Papstes gegen die Muslime veranstaltet wurde, um die Heiligen Orte unter der Herrschaft der Heiden zu befreien. Pluralistische Strömung hat den geografischen und chronologischen Bereich des Kreuzzugkonzepts erweitert. Seine Vertreter glauben, dass den Begriff des Kreuzzuges alle Einbrüche umfassen, die vom Papst gegen die inneren und äußeren Feinde der Kirche, in verschiedenen Epochen und Gebiete, gepredigt wurde.

Einer der Paradoxe der Kreuzzüge ist das Tatsache, dass sie von Christen unter dem Zeichen des Kreuzes im Namen einer pazifistischen Religion gegen Muslime aus Nahe Osten geführt würden, die angehängt einer Ideologie waren, die den Gebrauch der Waffen ermutigen. Die Idee des heiligen Krieges war unvereinbar mit dem eschatologischen christlichen Weltbild, für welches der Friede ein wichtiges Leitbild war. Ein anderes Paradox bestand aus, dass die heiligen Kriege das Ende einer breiten umfassenden der christlichen Zurückeroberung waren, die mit dem moslemischen Gegenangriff und der Eroberung der byzantinischen Hauptstadt im Jahr 1453 beendete. Der heilige Krieg, der von Papst Urban II. gepredigt wurde, enthielt ein anderes Paradox weil er gleichzeitig Wallfahrt zum Heiligen Grab und Befreiungsbewegung von Palästina wurde. Seine Predigt von Papst und Verteidigung der Interessen des Heiligen Stuhls verwandelten den

⁵⁰ Siehe auch Paul Rousset, *Les origines et les caractères de la première croisade*, (Neuchâtel: Baconnière, 1945).

Kreuzzug einen heiligen Krieg und wurden die getöteten Christen auf dem Schlachtfeld die Märtyrer und Erben des ewigen Lebens⁵¹.

⁵¹ Der vorliegende Aufsatz ist die leicht überarbeitete Form einiger Abschnitte aus der Doktorarbeit zum Thema – *Das diplomatische Zeremoniell in der Wahrnehmung des lateinischen Abendlandes (1095-1204)*.

LITERATUR

1. **Albert d'Aix**, *Histoire des faits et gestes dans les régions d'outre mer, depuis l'année 1095 jusqu'à l'année 1120 de Jésus Christ*, Übersetzung von F. Guizot, I, Paris: Librairie Chez J.L.J.Brière, 1825;
2. **Albert of Aachen**, *Historia Ierosolimitana. History of the Journey to Jerusalem*, herg. Susan B. Edgington, Oxford: Clarendon Press, 2007;
3. **Alphandéry, Paul, Dupront, Alphonse**, *La Chrétienté et l'idée de Croisade*, éditions Albin Michel, Paris: 1995;
4. **Balard, Michel**, *Les latins en Orient (X^e-XV^e siècle)*, Paris: Presses Universitaires de France, 2006;
5. **Băbuș, Emanoil**, *Bizanțul între Occidentul creștin și Orientul islamic (secolele VII-XV)*, Bukarest: Sofia, 2006;
6. **Băbuș, Emanoil**, *Bizanțul, istorie și spiritualitate*, Bukarest: Sofia, 2003;
7. **Dickson, Gary**, „La genèse de la croisade des enfants (1212)”, *Bibliothèque de l'école des chartes*, CLIII(1995), 53-102;
8. **Flori, Jean**, „L'Église et la Guerre Sainte: de la „Paix de Dieu” à la „croisade””, *Annales. Économies, Sociétés, Civilisations.*, II (1992), 453-466;
9. **Flori, Jean**, „Pour une redéfinition de la croisade”, *Cahiers de civilisation médiévale*, CLXXXVIII (2004), 329-349;
10. **Flori, Jean**, „Réforme, reconquista, croisade. L'idée de reconquête dans la correspondance pontificale d'Alexandre II à Urbain II”, *Cahiers de civilisation médiévale*, CLX (1997), 317-335.
11. **Flori, Jean**, *L'idéologie du glaive. Préhistoire de la chevalerie*, Genève: Librairie Droz S.A., 2010;
12. **Flori, Jean**, *Prêcher la croisade (XI^e-XIII^e siècle). Communication et propagande*, Perrin, 2012;
13. **Grabois. Aryeh**, „Charlemagne, Rome and Jerusalem”, *Revue belge de philologie et d'histoire*, tome 59, (1981), 792-809;
14. **Guibert von Nogent**, „Gesta Dei per Francos”, in: *Recueil des Historiens des Croisades, Historiens Occidentaux*, Band IV, Paris: Verlag Académie des Inscriptions et Belles Lettres, 1841-1906;
15. **Ignat, Adrian**, „Ideea războiului sfânt în confruntarea dintre Occident și Orient”, *Revista Teologică*, I (2012), 146-163;
16. **Kostick, Conor**, *The Siege of Jerusalem. Crusade and Conquest in 1099*, London: Continuum, 2009;
17. *Mémoires de l'historien Pierre Tudebode sur son pèlerinage à Jérusalem*, traduit du latin par Stéphen de Goy, Quimper, 1878;
18. **Mills, Charles**, *The history of the crusades for the recovery and possession of the Holy Land*, Band I, London: 1821;
19. **Morrisson, Cécile**, *Les croisades*, Paris: Presses Universitaires de France, 1969;
20. **Paine, Michael**, *The Crusades*, Pocket Essentials, 2005;
21. **Prawer, Joshua**, *The Crusader's Kingdom: European Colonialism in the Middle Age*, New York: 1972;
22. **Richard, Jean**, *Histoire des croisades*, Paris: 1996;
23. **Richard, Jean**, *L'Esprit de la croisade*, Paris: 1969;
24. **Riley-Smith, J.**, *Les croisades*, Paris: Pygmalion, 1990;
25. **Riley-Smith, J.**, *The crusades, christianity and islam*, New York: Columbia University Press, 2008;
26. **Robert the Monk**, *Historia Iherosolimitana*, Übersetzung von Carol Sweetenham (Robert the Monk's history of the first crusade), col. Crusade Texts in Translations 11, Ashgate, 2005;
27. **Rousset, Paul**, *Histoire d'une idéologie. La Croisade*, Laussane: Éditions L'Age d'Homme, Lausanne, 1983;
28. *The crusades and the Near East. Cultural histories*, ed. Conor Kostick, London and New York: Routledge, 2011;
29. *The Crusades from the Perspective of Byzantium and the Muslim World*, herg. Angeliki E. Laiou and Roy Parviz Mottahedeh, Washington D.C.: Dumbarton Oaks Research Library and Collection, 2001;
30. *The Oxford Dictionary of Byzantium*, Band. I, herg. Alexander P. Kazhdan, New York, Oxford: Oxford University Press, 1991;

31. **Timofte, Răzvan**, „Interferențe islamico-creștine (politico-religioase) în perioada cruciadelor”, *Revista Teologică*, III (2009), 79-97;
32. **Vasiliev, A. A.**, *Istoria Imperiului Bizantin*, Iași: Polirom, 2010;
33. http://adevarul.ro/international/in-lume/ultimul-mesajtransmis-liderul-statului-islamic-adeptilor-sai-declansati-vulcani-jihadpeste-tot-1_5465725e0d133766a8d7eef7/index.html.

APPLYING TIME MANAGEMENT, STRESS MANAGEMENT FOR FINDING THE STABILITY STATE- A NECESSITY OF THE ACTUAL PERIOD

Corina Ana BORCOȘ¹

ABSTRACT

THE DYNAMICS THAT SURROUNDS US GENERATES AN ACUTE SHORTAGE OF TIME.

EVERYTHING TAKES PLACE SO FAST THAT THERE IS NO TIME TO ACCOMPLISH ALL THE ROLES AND TASKS OF OUR LIVES.

A PERSON WITH GOOD TIME MANAGEMENT MANAGES TO ACCOMPLISH MORE TASKS IN A SHORTER TIME, WHILE BEING MORE RELAXED AND ABLE TO OBTAIN A BALANCE BETWEEN PERSONAL AND PROFESSIONAL LIFE.

TIME MANAGEMENT MEANS BECOMING MORE PRODUCTIVE, MORE EFFICIENT, USING TIME WITH WHAT IS MORE IMPRESSIVE, MORE VALUABLE IN OUR LIVES, WITHOUT TOTALLY EXHAUSTING OUR ENERGY RESOURCES. GOOD USE OF TIME REDUCES STRESS.

THE PAPER PRESENTS ASPECTS OF TIME MANAGEMENT, STRESS REDUCTION TECHNIQUES AND PRESENTS A CASE STUDY - A ROMANIAN SME THAT MANAGES THE PERMANENT STRESS TO FIND CUSTOMERS FOR THE PRODUCTS OFFERED, USING TIME AND RESOURCES EFFICIENTLY, THUS ACHIEVING THAT STATE OF EQUILIBRIUM - A MIRAGE OF THE CURRENT PERIOD - BETWEEN THE WORK DONE AND THE RESULTS OBTAINED.

KEY WORDS: TIME MANAGEMENT, STRESS, STRESS MANAGEMENT, STEADY STATE, STRESS REDUCTION TECHNIQUES

1. INTRODUCTION

Time is a limited resource. Time runs without stopping, whether you use it or not. Time cannot be saved it can only be consumed. Time (lack thereof) is a major source of stress. Time management depends on each one of us.

In order to manage stressful situations, it is necessary to develop our communication skills, emotional intelligence, to change some behaviors, concerns. It is necessary to develop our social relationships, to change our way of looking at certain situations, to evaluate our career path, our position within the organization. Depending on the outcome of the evaluation, we must try to

¹ Researcher PhD II, “Constantin Brâncuși” University of Târgu Jiu, e-mail: corina_ana@hotmail.com

change our workplace, complete our studies, change our field of activity and discover activities that give us moments of peace, relaxation².

The fact that only 59% of Romanians declare themselves satisfied with life is the indicator of an imbalance in the social state of the Romanian society³

It is necessary to strike and maintain the balance of the individuals, organizations and the society we live in today. Earth has a supportive capacity that depends on many factors. A steady state of balance can only exist for a finite period so that the miracle cannot last indefinitely, the system in balance, collapsing at some point. Then the stationary state will go through a crisis⁴.

In the present time, when people, things, society are in a continuous movement and transformation, the state of equilibrium is harder to reach and keep. Imbalance states generate stress, which we can manage and applying time management.

2. TIME MANAGEMENT

The time management of each person for both workplace and personal activities means the management of one's own person as a whole. Applying time management contributes to the removal of stressful situations from our lives:

- ✓ actuation under pressure of time;
- ✓ days that can pass without undertaking anything concrete;
- ✓ we do not know what activities to start with;
- ✓ crisis situations occur when we expect less;
- ✓ we have the feeling that life passes by us, that it does not belong to us.

Applying our own time management contributes to good time management with beneficial results such as:

- ✓ obtaining results in the work done;
- ✓ reducing to avoiding stress;
- ✓ using part of your personal time for activities with your family, friends, etc.;
- ✓ achieving life goals, and our lives can make sense.

Time management means to act in several directions to succeed in life.

The main directions of action are⁵:

- ✚ set your own values;
- ✚ determines what mission you feel you have;
- ✚ design your future looking in the past;
- ✚ plan in writing what you want to do;
- ✚ performs a daily planning of own activity, emphasizing the priority activities;
- ✚ determines the results to be obtained;
- ✚ delegate actions that you cannot or that you do not know, to those who are most capable to do so.

² <https://psychologies.ro/cunoaste-te/metode-de-gestionare-a-stresului-2142163>

³ Academia Română, Institutul de Cercetare a Calității Vieții - Raport social al ICCV 2017 - Starea socială a României, Calitatea vieții: situația actuală și perspective pentru 2038

https://www.researchgate.net/publication/325130820_Raportul_social_al_ICCV_2017_Starea_sociala_a_Romaniei_Calitatea_vietii_situatia_actuala_si_perspective_pentru_2038 [accessed Oct 26 2018]

⁴ Georgescu-Roengen, N. – Energia, resursele naturale și teoria economică, (Editura Expert, București, 2006), 90

⁵ Tracy, B. - Time management, American Management Association / www.amanet.org

As actions to taken to keep us in the desired direction, it is necessary to:

- ✓ read fast and remember as much detail as possible;
- ✓ invest in your personal development;
- ✓ organize your space in which you operate.

We will not talk in detail about each direction of action or the actions to taken for successfully apply time management to succeed in life, but we will just choose some important elements.

Determine what your values are, what is your purpose in life, what makes you truly happy, fulfilled, means identifying what daily activities are in harmony with the values you appreciate.

If you love what you do, you put your whole soul in what you do. Because what you do is a reflection of the values in which you believe, in which you have accumulated experience that you can do very well then the work stress disappears, fatigue disappears and appears the happiness the work done, the good results and the time spent efficiently.

Establishing the mission that you feel is alive, directing your actions to accomplish this mission, differentiates you from most who act in the wrong direction.

It is important to design your future by supporting what you have done in the past. You have to give yourself daily time to think, to plan, to dream, to create. You will effectively manage your life, time if⁶ you will regularly think about who you are, what you want, and how to act to get what you want. Think of where you are today and where you want to be in five years, for example. Analyze the activities you are involved in and determine which ones have a greater impact on your future.

We need to make the best decisions today in a given context to get what we want in the future. Achieving a goal in the future of a set target is the result of many years of study, work. If you have a well-established life you want to reach, it is easier to make the right decisions on a day-to-day basis. Rule⁷ is to have a long-term vision contributes to better decisions taken in the short term.

Once you have set your mission, the goals to achieved, you need to apply several techniques that seem most appropriate for an efficient time management. Making a written plan is necessary to correlate long-term goals with short-term objectives, but also to determine the actions taken gradually. There is a rule⁸ who says that for every minute spent to plan, ten minutes won when the planned action taken. To act without planning is the cause of the failure in the work. We need to resist this temptation to act before planning the action in detail.

Some principles are important in life once you have determined what your mission is. It is necessary to establish what is important and urgent to accomplish, which is important but not urgent to do, which is urgent but not important to accomplish, and what is neither important nor urgent to accomplish. Depending on this classification, you will determine the succession of your actions over time, eliminating or postponing activities that are sometimes not important and urgent in favor of those who are both important and urgent. You will thus be able to reach a discipline of life, becoming the most efficient manager of your time, of your generation⁹.

⁶ Tracy, B. - Time management, American Management Association / www.amanet.org, 28

⁷ Tracy, B. - Time management, American Management Association / www.amanet.org, 30

⁸ Tracy, B. - Time management, American Management Association / www.amanet.org, 32

⁹ Tracy, B. - Time management, American Management Association / www.amanet.org, 56

3. STRESS MANAGEMENT TECHNIQUES

In a highly competitive labor market, those who have a job can only keep it working hard, sometimes even for their colleagues who leave jobs for various reasons (did not faced with requests, fired etc.)

If you have an increased competition spirit, if you want perceived as the best, the most powerful, the one with the greatest success in everything you do, you have to work a lot for a long time. Managing time to achieve such achievements means time planning work and almost nothing else. Work brings you professional rewards, joy, but if you almost time dedicates your work will overloading; you take on more responsibilities than you can do¹⁰.

Success is ephemeral, sometimes you do not know what you are fighting for and you do not know if it is the success you have ever want. You do not know if your effort brings the money you hoped to win; you never know if you have worked enough and enough for who, for what. We become accustomed to stress, tight deadlines, hard work, lack of time to dedicate to our loved ones, other activities outside of work.

We have no control over the factors that stress us, but we can control our reaction to stress. Stress management can apply using healthy or unhealthy techniques (which ultimately make our body sick)¹¹.

A presentation of healthy and unhealthy stress reduction ways presented in Table 3.1.

Stress reduction ways

Table 3.1

Unhealthy ways	Healthy ways
Smoking	Physical exercises
Alcohol Consumption	Relaxation
Eating	Healthy Diet
Use of medicines	Recreational activity
Isolation from others	Assertiveness
Self-pity	Breaks for rest
Blaming	Handling situations with humor

Source: Emmett, R. – Managementul timpului tău – Ghid de gestionare a stresului pentru cei copleșiți de probleme și responsabilități, Editura Business Tech Internațional, București, 2017, p. 37

¹⁰ Emmett, R. – Managementul timpului tău – Ghid de gestionare a stresului pentru cei copleșiți de probleme și responsabilități, (Editura Business Tech Internațional, București, 2017)

¹¹ Emmett, R. – Managementul timpului tău – Ghid de gestionare a stresului pentru cei copleșiți de probleme și responsabilități, (Editura Business Tech Internațional, București, 2017)

Stress does not always occur only to professionals that are highly qualified and who, for achieve outstanding professional performance, devoted their lives to work. Anybody can get to exhaustion. Total exhaustion¹² occurs when you have no time for yourself as your time dedicated to work, family, children, life partners, friends who need help etc.

When you begin to pay attention to you, appreciation, reward yourself for your efforts, you will be amazed to find your enthusiasm, energy, the desire to live and work again. In life, if you set priorities and give time for yourself, you can work efficiently, productively without stress, having time for activities that you really like. What do you need to do to achieve a work-life balance? Here are a few lines of action¹³:

- reflect on what is most important to you in life;
- try not to be perfectionist;
- set realistic goals to bring you satisfaction;
- remove from your life everything that can be eliminated and focus on what matters to you;
- establish activities that you can do both at work and at home;
- charge your batteries daily.

In the midst of the pressures of any kind that occur in our lives, it is important to find ways to add joy to doing what we like. However, we must first discover what activities we like and then make time for them to find the right balance between work and recreation.

4. STEADY STATE - A MIRAGE OF THE CURRENT PERIOD

It is possible for a person to have many activities to do and to be productive, having a clear mind and being relaxed. This is a way to live and work at a high level of efficiency¹⁴.

Steady state is the state of tranquility, harmony, stability between different situations, between different mental states, etc.¹⁵. A state of balance may however sometimes exist. In this state, there will be no struggle with the others. Over time, in "quasi-stationary" societies, art and science have stagnated¹⁶. However, for progress to made, evolution depends on the intensity of population pressure on resources: natural, human, time, etc. We cannot know how optimal it is to be in balance, yet it is a state of decline, that contributes most to progress. Human evolution, the history of humanity is a "permanent fight," a continual change and not a predictable, controllable process¹⁷.

Thus, although we want to always be in balance, the miracle cannot last indefinitely, sooner or later, the steady state will enter the crisis, will follow a state of imbalance in which there will be a new struggle to achieve a new state of harmony.

¹² Emmett, R. – Managementul timpului tău – Ghid de gestionare a stresului pentru cei copleșiți de probleme și responsabilități, (Editura Business Tech Internațional, București, 2017), 41

¹³ Emmett, R. – Managementul timpului tău – Ghid de gestionare a stresului pentru cei copleșiți de probleme și responsabilități, (Editura Business Tech Internațional, București, 2017), 41

¹⁴ Allen, D. – Metoda GTD. Arta productivității fără stres, Ediție revizuită, (Editura ACT și Politon, București, 2017)

¹⁵ <https://dexonline.ro/definitie/echilibru>

¹⁶ Georgescu-Roengen, N. – Energia, resursele naturale și teoria economică, (Editura Expert, București, 2006), 92

¹⁷ Georgescu-Roengen, N. – Energia, resursele naturale și teoria economică, (Editura Expert, București, 2006)

Large business managers want a certain hierarchical position, prestige, high income. SME managers want independence, income to help their family and market new, non-existent products¹⁸.

What does, for example, a manager of a Romanian SME,¹⁹ who is in a state of equilibrium, for example, he has clients for his products yet, has sufficient financial resources to cover his expenses, however, thinking about the future, would like more and more stable customers, who to provide a long-term financial stability. What is the solution that this manager has found, who, although in a balanced state of resources and results, is thinking of a business development that will bring it to a larger, diversified production eventually and which will bring more customers with whom to enter into long-term partnership agreements. Thus, our SME manager gives up the state of equilibrium that he now thanked for a new state of balance in the future at the more favorable business parameters: higher turnover, increased capital, more and more stable customers. What is the manager's solution? The solution is renouncing to the current balance, for imbalance state, that necessity more and more work. The company will develop and implement projects funded by European funds that will bring new jobs created in the enterprise, new investments in the department of production, a quantitative and qualitative increase of the products and services offered on the market, new medium and long-term clients. In addition, because it is a good leader, the manager of IMM considered a model that inspires the team that work with, motivates it to capitalize on their full potential to achieve all the goals²⁰.

This way, this Romanian SME manages the constant stress of finding customers for the products offered, using time and resources efficiently, to achieve that state of equilibrium - a mirage of the current period - between the work done and the results obtained.

5. CONCLUSIONS

Implement time management and stress management is for to reach a state of equilibrium, a state that represents a mirage of the current period when everything is moving, everything is rapidly changing.

Time management provides time-efficient management techniques to those who want it, which cannot be stored but only used. If we do not know what we want to do with our time, if we do not know what we want to do with our life, with the company we can hold, then time will pass without using it in our favor. We will not be able to use the opportunities offered to us because we do not know what our target is in life, at work, in the family, etc.

Stress, the tensions that occur in our work and in our personal life come from the actions that take place and that are not in harmony, are not the same as those we think, that we want to do.

Steady state is a mirage of the current period because it is hard to reach but harder to keep. Aware of this fact, a Romanian SME manager, although in a state of economic, financial, social well-being, is aware of the ephemeral equilibrium that he lives and, consciously, leaves this state. He wants more for his company, goes into a state of imbalance: he seeks new clients, develops new production capacities, increases his business volume, so he builds a deliberate imbalance, works hard to achieve a new state of equilibrium that will bring financial rewards and more. It schedules his activities in time, prevents and effectively manages the stressful situations that may

¹⁸ Ursachi, I. – Management, (Editura ASE, București, 2001)

¹⁹ Borcoși, C. A. – Metode și tehnici de management aplicate în IMM-uri, Editura Academica Brâncuși, Tg.-Jiu, 2011

²⁰ European Agency for Safety and Health at work - Managing stress and psychosocial risks at work, <https://healthy-workplaces.eu/>

arise and thinks, with hope and joy at the achievements the company will have in the future, the long-term stability of its firm.

REFERENCES

1. **Allen, D.** – Metoda GTD. Arta productivității fără stres, Ediție revizuită, Editura ACT și Politon, București, 2017
2. **Borcoși, C. A.** – Metode și tehnici de management aplicate în IMM-uri, Editura Academica Brâncuși, Tg.-Jiu, 2011
3. **Coșa, L. E.** – Managementul stresului la profesori: teorii, modele, aplicații, Editura Etna, București, 2011
4. **Emmett, R.** – Managementul timpului tău – Ghid de gestionare a stresului pentru cei copleșiți de probleme și responsabilități, Editura Business Tech Internațional, București, 2017
5. **Georgescu-Roegen, N.** – Energia, resursele naturale și teoria economică, Editura Expert, București, 2006
6. **Georgescu-Roegen, N.** – Legea entropiei și procesul economic, Editura Expert, București, 1996
7. **Tracy, B.** - Time management, American Management Association / www.amanet.org
8. **Ursachi, I.** – Management, Editura ASE, București, 2001
9. Academia Română, Institutul de Cercetare a Calității Vieții - Raport social al ICCV 2017 - Starea socială a României, Calitatea vieții: situația actuală și perspective pentru 2038 https://www.researchgate.net/publication/325130820_Raportul_social_al_ICCV_2017_Starea_sociala_a_Romaniei_Calitatea_vietii_situatia_actuala_si_perspective_pentru_2038 [accessed Oct 26 2018]
10. European Agency for Safety and Health at work - Managing stress and psychosocial risks at work, <https://healthy-workplaces.eu/>
11. <https://dexonline.ro/definitie/echilibru>
12. <https://psychologies.ro/cunoaste-te/metode-de-gestionare-a-stresului-2142163>

THE RELATION BETWEEN THE PHONOLOGICAL COMPETENCE AND ORTHOGRAPHY IN THE ACQUISITION OF SPANISH (L2) BY ROMANIAN STUDENTS

Răzvan BRAN¹

ABSTRACT

THIS PAPER LOOKS AT THE RELATION BETWEEN PHONOLOGY / PHONETICS, ON ONE HAND, AND ORTHOGRAPHY, ON THE OTHER HAND, IN THE PROCESS OF TEACHING / LEARNING SPANISH AS A SECOND LANGUAGE. MORE PRECISELY, WE WILL ANALYSE THE ACQUISITION OF THE PHONOLOGICAL COMPETENCE AND ITS IMPORTANCE IN USING ACCURATE ORTHOGRAPHY. ALTHOUGH SPANISH IS GENERALLY CONSIDERED AN "EASY" LANGUAGE FROM THE ANGLE OF ORTHOGRAPHY, WE CLAIM THAT, DUE TO THE SPANISH DIATOPIC VARIETIES, SPREAD ALL OVER THE WORLD, AND THE PHONETIC PHENOMENA THEY PRESENT (SESEO, CECEO, YEÍSMO), STUDENTS OF SPANISH (L2) COULD ENCOUNTER SOME DIFFICULTIES IN ACQUIRING PRONUNCIATION AND SPELLING. IN LATIN AMERICA, THERE IS NO PHONOLOGICAL DISTINCTION BETWEEN /θ/ AND /s/, OR /j/ AND /x/. THESE DISTINCTIONS ARE PERTINENT, FOR INSTANCE, IN THE PENINSULAR SPANISH AND THEY CAN BE HELPFUL FOR THE ACQUISITION OF SPANISH ORTHOGRAPHY. NOT ONLY FOREIGN STUDENTS, BUT ALSO NATIVE SPEAKERS ENCOUNTER SOME SPELLING PROBLEMS (DIFFERENCE BETWEEN S/Z OR Y/LL). IN CONCLUSION, SPELLING AND PRONUNCIATION SHOULD BE TAUGHT AND LEARNT TOGETHER AND TEACHERS SHOULD INCLUDE IN THEIR SPANISH CLASSES A GREAT DEAL OF PRONUNCIATION AND SPELLING ACTIVITIES IN ORDER TO IMPROVE THESE TWO INTERRELATED ASPECTS.

KEY WORDS: SPANISH AS A SECOND LANGUAGE, PHONOLOGICAL AND PHONETIC COMPETENCE, ORTHOGRAPHY, ROMANIAN STUDENTS

1. INTRODUCTION AND OBJECTIVES

The Common European Framework of Reference for Languages (hereinafter CEFRL) sets up a system of linguistic, sociolinguistic, pragmatic and (inter)cultural competences to achieve in order to master a certain language level (ranging from A1 to C2). More precisely, the linguistic competences correspond to the main language domains: phonetics and phonology, morphology, syntax, lexicology and semantics, pragmatics, all of them being interwoven in the process of

¹ Teaching Assistant - University of Bucharest, Faculty of Foreign Languages and Literatures, e-mail: razvanbran@lils.unibuc.ro.

teaching, learning and using languages. Thus, one cannot consider these language competences as separate parts, because they are used all together while speaking or writing.

Given that pronunciation and orthography are two important aspects in the process of learning and using a foreign language, our paper aims at presenting these two related competences: the phonological and phonetic competence, on one hand, and the orthographic competence, on the other. Hereinafter, we will refer to the acquisition of these competences by Romanian students of Spanish (L2), the particularities of this process and the interlanguage errors.

This investigation is a result of our teaching experience and observations and the corpus investigated consist of a variety of texts written by Romanian students of Spanish as a second language, aged 18-21 years old. Their level of Spanish ranges from beginner and elementary to upper-intermediate (A1-B2, according to the CEFRL). Apart from the theoretical objectives, we also aim at improving the process of teaching / learning Spanish (L2), with special focus on pronunciation and orthography, by reflecting on the acquisition of these two important and interrelated aspects.

This paper is structured as follows: after presenting the phonological / phonetic competence in section 2, the following part is dedicated to the relationship between phonetics / phonology and orthography. Section 4 discusses the particularities of Spanish and its diatopic varieties from the angle of phonology, phonetics and orthography and emphasises the spelling / pronunciation errors that usually appear in Romanian students of Spanish (L2). The final parts of our paper look at the role played by interlanguage in the acquisition of Spanish and provide some solutions.

2. PHONOLOGICAL COMPETENCE

According to the CEFRL, the communicative language competence is a complex skill that comprises three components: linguistic, sociolinguistic and pragmatic. Moreover, the same document postulates that “linguistic competences include lexical, phonological, syntactical knowledge and skills and other dimensions of language as system, independently of the sociolinguistic value of its variations and the pragmatic functions of its realisations.”²

Generally speaking, the phonological and phonetic competence refers to the skills achieved by the language learners and users in the domain of pronunciation. Some authors (Morley³, 1994; Fraser⁴, 2000) define this skill as the way we communicate something about ourselves to the interlocutor and, interestingly, the same authors relate pronunciation to intelligibility, claiming that users with good skills in this area are more likely to be understood in spite of some errors in other areas. On the other hand, not mastering the pronunciation competence leads to a range of problems: social isolation, employment and further studies difficulties, as learners may avoid using language.

In 2003, William Labov⁵ proposed a more updated definition of pronunciation, described as the knowledge related to the different features of the target language phonological system, and the capacity for using them appropriately within the discourse. Authors agree that

² Common European Framework of Reference for Languages,
https://www.coe.int/t/dg4/linguistic/Source/Framework_EN.pdf, 13.

³ Joan Morley, *Pronunciation pedagogy and theory: New views, new directions* (Alexandria: VA. TESOL, 1994), *passim*.

⁴ Helen Fraser, *Coordinating improvements in pronunciation teaching for adult learners of English as a second language*, <https://helenfraser.com.au/wp-content/uploads/ANTA-REPORT-FINAL.pdf>, 25.

⁵ William Labov (2003), “Some Sociolinguistic Principles”, in Paulston, Christina Bratt; Tucker, G. Richard. *Sociolinguistics: the essential readings*, Wiley-Blackwell, 234–250.

pronunciation comprises a variety of segmental and suprasegmental aspects, namely phonemes, stress, rhythm and intonation, all of them playing an important part in the process of speaking.

In 2002, González Hermoso and Romero Dueñas claim that phonetics / phonology, on one hand, and the acquisition of the phonetic and phonological competence, on the other hand, have had a less important place among the interests of the teaching process: “uno de los aspectos menos tratados en el aprendizaje del español como lengua extranjera”, although students can encounter a great deal of difficulties: “muchos son los problemas que dificultan la buena pronunciación y comprensión del español”.⁶ Moreover, these phonetic/phonological elements affect not only the oral communication, but also the orthography, as we will explain in the following section.

3. GENERAL REMARKS ON THE RELATION BETWEEN PHONOLOGY AND ORTHOGRAPHY

In spite of the complexity of the human language, writing, orthography and punctuation try to reflect the way we pronounce different sounds (phonemes) and suprasegmental elements (stress, intonation), being as accurate as possible. When learning foreign languages, apart from the phonetic system, students must acquire the rules of orthography by internalising the so called pronunciation rules, namely the letters or the combinations of letters and the sounds they express.

This first level in studying languages depends on the linguistic specificity and differs from one system to another. Generally speaking, Spanish and Italian, for instance, are considered “easy” languages from the angle of orthography, while English or French, on the other hand, could be considered more complicated due to their etymological orthography. Thus, it is more likely that students will learn easier or faster Spanish spelling and use it correctly in comparison with English. Nevertheless, Spanish phonology and orthography could present some difficulties to Romanian students, in spite of the linguistic kinship of the two languages.

4. THE SPECIFICITY OF THE SPANISH LANGUAGE AND SOME ORTHOGRAPHIC ERRORS IN ROMANIAN STUDENTS

It is well known that Spanish presents a great deal of cultural and linguistic aspects due to two main factors: its territorial vastity and, consequently, its variety. Apart from Spain, nowadays Spanish is spoken in many countries in the Americas and has almost 400 millions of native speakers worldwide. As a result, this geographical extension has led to the second aspect that both teachers and students should take into account: the impressive cultural and linguistic variety⁷.

4.1. THE SPANISH PHONOLOGICAL SYSTEM

First of all, we will refer to the phonological system of the Spanish language and its particularities. As our study is based on a contrastive approach, we will also refer to the main differences between the Romanian and Spanish phonology in order to identify the difficulties that Romanian students might encounter when learning Spanish.

The Spanish system of vowels comprises five phonemes (/a, e, i, o, u/), less than the seven Romanian vowels, all of them considered oral and short. One empirical observation is that some

⁶ Alfredo González Hermoso, Carlos Romero Dueñas, *Fonética, entonación y ortografía* (Madrid: Edelsa, 2002), 3.

⁷ Daiana-Georgiana Dumbrăvescu, Susana Merino Mañueco, “Enseñanza / aprendizaje de ELE y la competencia fonológica para los alumnos rumanos”, in *Conference Proceedings. Diversity in Knowledge Society (Education, Education Leadership, Interdisciplinarity Studies, Language, Literature)* (Milano: Rediviva Edizioni, 2016).

beginner students, who have also previous knowledge of French, tend to pronounce some vowels with a prominent nasalisation, such as in, although in Spanish the nasal vowels are not considered phonemes:

- (1) *canCIÓN* [kaŋ'θjõ], *en* [ãn], *interesante* [ãntere'sã] etc.

As to the consonants, the Spanish system includes a number of phonemes and allophones that there are not in Romanian, namely /θ/, /j/, /ʎ/, /ɲ/, /ɾ/ and the allophones [β], [ð], [ɣ]. So these are the sounds that Romanian students could find difficult as to their pronunciation, especially the phonemes /ʎ/, /ɾ/ and the allophones. Thus, when they pronounce them, they tend to apply different strategies, that lead to the following results (examples 1-5):

- (2) *cereza* [se'resa] or [se'reza] instead of [θe'reθa]
(3) *llover* [lio'ver] instead of [ʎo'βer]
(4) *niño* ['ninio] instead of ['niɲo]
(5) *rumano* [ru'mano] instead of [ru'mano]
(6) *perro* ['pero] instead of ['pero]

As one can see, Romanian students roughly approximate these sounds by comparing them to the their mother tongue consonant system and selecting the sound they consider more similar.

Other sounds that Romanians confuse are /z/ and /v/ as they tend to pronounce the letter *z* or an intervocalic *s* as /z/. The examples listed under (7-8) show such erroneous pronunciations:

- (7) *zapato* [za'pato] instead of [θa'pato]
(8) *casa* ['kaza] instead of ['kaza].

In this case, too, interlanguage plays an important part, as students' pronunciation strategies reflect the comparison with other languages, such as Romanian (where /z/ is a phoneme) or French, Italian (where intervocalic *s* is pronounced as [z]).

Moreover, although Spanish does not have the sound /v/, it frequently appears when pronouncing words containing the letter *v*, as in the examples below:

- (9) *vino* ['vino] instead of ['βino]
(10) *un vino* ['un 'vino] instead of ['um 'bino]
(11) *una vaca* ['una 'vaka] instead of ['una 'βaka]
(12) *invierno* [in'vjerno] [im'bjerno] etc.

All these incorrect pronunciations discussed above can affect the orthography of the Spanish words, due to the influence of the mother tongue and other foreign languages (Italian and French for intervowel *s*, Romanian for *z*, *v*, etc.).

The letter *h* is silent in Spanish, that is why sometimes students do not write it or hesitate to write it especially in an unfamiliar word they have heard pronounced: *ablar* or *ablar* / *hablar*, *ahogar* instead of *ahogar*, *veiculo* instead of *vehículo*.⁸

Another important aspect that can influence students' pronunciation as for the stressed syllable and the prosody are diphthongs and hiatus. In Spanish, any sequence of two vowels of which one is a close vowel (/i/ or /u/) is considered a diphthong, while hiatus result from the lack of the close vowel or when the close vowel is stressed: *lluvia* ['luβja] and, on the other hand, *toalla* [to'aʎa], *día* [d'ia]. Sometimes, Romanian students interpret these vocalic sequences as hiatus or diphthongs and pronounce, according to the Romanian phonology:

(13) *llu-vi-a* for *llu-via* (hiatus instead of diphthong)

(14) *toa-lla* for *to-a-lla* (diphthong instead of hiatus)

Moreover, in a series of words, such as *farmacia*, *academia*, *democracia*, *comedia*, *tragedia*, *nostalgia*, *alergia*, *terapia* it is difficult for Romanian students to identify the final vocalic sequence as a diphthong, because in Romanian these words are pronounced with a hiatus. This incorrect treatment of the diphthongs as hiatus and vice versa can lead not only to an incorrect pronunciation⁹, but also to an incorrect spelling of the words, concerning stress and graphic accent. These examples show how both spelling and pronunciation are affected:

(15) **farmacia*, **academia*, **democracia*, **comedia*, **tragedia*, **nostalgia*, **terapia*

4.2. THE DIATOPIC VARIETIES OF SPANISH

As already mentioned, Spanish is the second spoken language in the world and, due to this geographical extension, one should expect a great linguistic diversity, because it is quite difficult to have a centralised language in such a large space. Thus, apart from the phonological/phonetic particularities of the Spanish, discussed in section 4.1., compared to the Romanian language, in the process of learning / teaching Spanish, both students and teachers should take into account the diatopic varieties and their phonetic particularities. In addition, although teachers should not set as a rule one variety or another, because all of them are considered correct, it is inevitable that teachers preferentially and unconsciously use one variety. The teaching materials (textbooks, dictionaries, exercise books etc.) and documents (Plan Curricular del Instituto Cervantes¹⁰) also include diatopic elements in order to help students make themselves accustomed to these varieties.

We will mention a few phonetic phenomena that can influence the pronunciation and, consequently, the orthography in Spanish. Firstly, we will discuss the phenomena of *seseo* and *ceceo*¹¹. *Seseo* refers to the lack of distinction between the interdental /θ/ and the alveolar /s/, namely they are both pronounced /s/ as in the Latin American varieties, while the less common

⁸ Interestingly, some beginner students do not pronounce the letter *j* /χ/ due to the false comparison with the silent letter *h* and they pronounce, for instance, *jardín* [ar'din] for [χar'din] or *jugar* [u'gar] for [χu'gar].

⁹ Moreover, according to their pronunciation, some words can have different meaning, as stress has also a phonological function in Spanish: e.g. *hacia* ['aθja], 'towards' vs *hacía* [a'θia] 'he was doing'.

¹⁰ https://cvc.cervantes.es/ENSEÑANZA/biblioteca_ele/plan_curricular/default.htm.

¹¹ J. Halvor Clegg, Willis C. Fails, *Manual de fonética y fonología españolas* (London/New York: Routledge, 2018), 136.

ceceo refers to the presence of the sound /θ/ instead of the distinction /s/ vs /θ/. Students who pronounce indistinctly the sequences *za, zo, zu, ce, ci, sa, so, su, se, si* could misspell words such as *casa* 'house' / *caza* 'hunting', *casar* 'marry' / *cazar* 'hunt', *ceta* 'mushroom' / *zeta* '(the letter) zed', *cebra, cero, jueces* etc. The first three pairs of examples mark a semantic distinction as well, so the misspelling is not just an orthographic fail, but it can also lead to misinterpretations, impeding the communication and the intercomprehension. Latin Americans who are native speakers of Spanish also make these spelling errors, due to the phenomena of *seseo* and *ceceo*, so they have to work on their orthography as their pronunciation does not reflect the distinction between the phonemes /s/ and /θ/.

Another phenomenon specific to the Latin American varieties is the so called *yeísmo*, consisting of the loss of the distinction between the phoneme /ɲ/ (written ñ) and the phoneme /j/ (written y)¹². Consequently, the words *haya* and *halla*, for instance, are pronounced, in some dialects, [ˈaja] and [ˈaɲa] with a clear difference, while in other dialects they are both pronounced [ˈaja]. Native speakers may encounter some difficulties when spelling these words if their dialect is characterised by *yeísmo*, so this could be a problem for Romanian students as well. Moreover, as we explained in the section above, Romanian does not have these two phonemes so students find them difficult to pronounce by default.

Thus, Romanian students, who can also make interlanguage errors, are more likely to misspell a great deal of Spanish words. In our opinion, there would be another aspect that leads to such spelling errors, namely the contact with the American varieties of Spanish by means of soap operas (telenovelas) produced in Mexico, Argentina, Colombia etc. So Romanian students get accustomed to these varieties, their pronunciation, intonation and phonetic particularities (especially *seseo* and *yeísmo*).

5. INTERLANGUAGE

Interlanguage is another aspect that should be taken into account while acquiring pronunciation and orthography, especially in the case of beginner and elementary students. The errors that can occur are a result of comparing the target language with different languages students already master: mainly, their mother tongue, but also other second languages. Thus, correlating the particularities of the Spanish phonetic system, its variational phenomena and the interlanguage errors, students' orthography presents a great deal of fails and the most frequent of them are listed in the categories below:

- ✓ the confusion of the letters *v* and *b* (e.g. *barios* for *varios*, *benir* for *venir*);
- ✓ the confusion of the letters *s* and *z* or the group *c + e, i* (e.g. *sapato* for *zapato*, *empesar* for *empezar*, *muzeo* for *museo*);
- ✓ the lack of the letter *h* (e.g. *aondar* for *ahondar*).

Although these errors are specific to beginner and elementary students, we have noticed that some of them appear in advanced students' as well, both in written and oral communication. We refer especially to the pronunciation and spelling of the letters *v/b* and *s/z* and this is a clear case of fossilised interlanguage, which is difficult to correct.

¹² J. Halvor Clegg, Willis C. Fails, *Manual de fonética y fonología españolas*, 136

6. FINAL REMARKS AND CONCLUSIONS

The main purpose of our analysis was to prove that the study of phonology and phonetics is fundamental in order to understand, learn and use correctly the system of a particular language. We refer especially to the phonological and phonetic system, including here both the segmental (phonemes and allophones) and suprasegmental elements (intonation, stress). Apart from the inherent differences between languages (the mother tongue or any other second language, on one hand, and the target language), in the case of Spanish one should take into consideration the diatopic varieties and their particular phonetic phenomena that could affect the orthography of certain words. Interlanguage is another aspect that can influence pronunciation and spelling, especially in beginner and elementary students. Thus, we consider that, by mastering the rules of pronunciation, students will also be able to acquire the orthography of a language and spell correctly.

In order to achieve the improvement of both pronunciation and orthography, teachers should include in their class activities a great deal of exercises of listening and conversation, sounds discrimination and spelling correction, drilling and repetition, dictation and so on, focusing on diatopic variation, phonetic phenomena and critical listening.

To conclude, in our opinion, teaching and learning the correct pronunciation can make an important difference in students' ability to achieve accurate spelling, as the phonological / phonetic and the orthographic competences are highly interrelated.

REFERENCES

1. *Common European Framework of Reference for Languages: Learning, Teaching, Assessment*
https://www.coe.int/t/dg4/linguistic/Source/Framework_EN.pdf.
2. **Dumbrăvescu, Daiana-Georgiana, Merino Mañueco, Susana;** “Enseñanza / aprendizaje de ELE y la competencia fonológica para los alumnos rumanos”, in *Conference Proceedings. Diversity in Knowledge Society (Education, Education Leadership, Interdisciplinarity Studies, Language, Literature)*, Milano: Rediviva Edizioni, 2016.
3. **Fraser, Helen;** *Coordinating improvements in pronunciation teaching for adult learners of English as a second language. Canberra: Department of Education, Training and Youth Affairs (Australian National Training Authority Adult Literacy National Project)*, 2000, <https://helenfraser.com.au/wp-content/uploads/ANTA-REPORT-FINAL.pdf>.
4. **González Hermoso, Alfredo, Romero Dueñas, Carlos;** *Fonética, entonación y ortografía*, Madrid: Edelsa, 2002.
5. **Halvor Clegg, J., Fails, Willis C.;** *Manual de fonética y fonología españolas*, London/New York: Routledge, 2018.
6. **Labov, William;** “Some Sociolinguistic Principles”, in Paulston, Christina Bratt; Tucker, G. Richard, *Sociolinguistics: the essential readings*, Wiley-Blackwell, 2003, pp. 234–250.
7. **Morley, Joan;** *Pronunciation pedagogy and theory: New views, new directions*, Alexandria: VA: TESOL, 1994.
8. *Plan curricular del Instituto Cervantes*
https://cvc.cervantes.es/ENSEÑANZA/biblioteca_ele/plan_curricular/default.htm.

INDIGENOUS ZOOTHERAPEUTIC HEALING PRACTICES: AMONG THE MACCA OROMO, SOUTHWESTERN ETHIOPIA

Milkessa EDAE¹
Kamil MOHAMMED²

ABSTRACT

ANIMALS HAVE BEEN USED AS REMEDIAL CAPITAL FOR HEALING A NUMEROUS OF ILLNESSES AND DISEASES IN NEARLY EVERY HUMAN CULTURE. FIELD WORKS WERE CONDUCTED FROM JANUARY TO JUNE 2016 INCLUDING A FIELD WORK AND VISITS TO FOLK HEALERS OR PRACTITIONERS AND KNOWLEDGEABLE RESPONDENTS. A TOTAL OF 21 KEY INFORMANTS WITHIN THE AGE GROUP OF 46 TO 82 WERE INTERVIEWED, OUT OF WHICH 4 FOLK HEALERS AND (2) TWO OF THEM ARE CERTIFIED PRACTITIONERS AT NATIONAL LEVEL WHILE THE OTHER FIFTEEN (15) INFORMANTS ARE LOCAL ELDERS LOCALLY CALLED AS 'JAARSA BIYYA' AND 'ABBOOTHII GADAA', OUT OF WHICH 3 ARE FEMALES. INDEED, THIS FOLKLORIC STUDY DOCUMENTED RESOURCES OF MEDICINAL ANIMALS AND THEIR ROLE IN PRIMARY HEALTH CARE SYSTEM, HOW THEY ARE CONSERVED, AND THREATS AMONG THE MACCAA OROMO IN SOUTH-WESTERN ETHIOPIA. IN GENERAL, ABOUT NINETEEN (19) SPECIES OF FOLK MEDICINAL ANIMALS (15 WILD AND 4 DOMESTIC ANIMALS WHERE 11 ARE MAMMALS, 3 BIRDS AND 5 REPTILES) ARE DOCUMENTED ALONG WITH MODE OF PREPARATION AND PROCEDURES. THE FINDS OUT THAT FOLK MEDICINAL ANIMALS USED BY THE MACCAA OROMO ARE UNDER SERIOUS RISK DUE TO EXTERNAL AND INTERNAL INFLUENCES RELATED TO DEFORESTATION, RELIGIOUS VIEWS AND THE EXPANSION OF BIO-MEDICINES. THIS SHOWS THAT AN ATTENTION SHOULD BE GIVEN TO THE PRESERVATION OF THESE MEDICINAL ANIMALS AND FOLK HEALERS SHOULD GET LEGAL RECOGNITION BY THE GOVERNMENT.

KEYWORDS: BIO-MEDICINE, FOLKLORIC, FOLK-MEDICINAL ANIMALS, FOLK HEALERS, MACCAA OROMO.

INTRODUCTION

The concept traditional, or indigenous knowledge, covers wide ranging subject areas from art to agriculture, as well as medicinal uses of plants and traditional systems of medical diagnosis.

¹Department of Oromo Folklore and Literature, Jimma University, Ethiopia
e-mail: milkesaadae@gmail.com

² Department of Oromo Folklore and Literature, Jimma University, Ethiopia
e-mail: kamilmoh74@yahoo.com

Traditional knowledge can be found in a wide variety of contexts, including: agricultural knowledge; scientific knowledge; technical knowledge; ecological knowledge; medicinal knowledge, including related medicines and remedies; and biodiversity-related knowledge³. Human interaction with nature, especially with other animals is one of the oldest cultural assets in human history. Through this interaction, humans have been utilizing animals for healing practices incorporated with different belief systems and indigenous practices. Animals and their product are the main sources of folk medicine⁴. Animal-derived products have represented an important part of the dermatological therapeutic arsenal in different cultures through the ages. This is known as zoo therapy⁵ and even in the current world, it still plays an essential role in health care.

Mind you! Not all animals are useful for medicinal purpose. In most cases smaller animals are preferable for the same purpose⁶. Larger animals are mainly utilized for consumption^{7,8,9}. As the World Health Organization (2003), asserts folk medicines are incorporating special plants, fewer animals and certain mineral along with the belief system for healing purposes which includes treating and preventing illnesses. However, from a Eurocentric point of view, this knowledge has been labeled as traditional, cultural, irrational and unscientific. Despite this, health care demand of a large section of rural and urban population of developing countries is satisfied by indigenous healing practices¹⁰.

The history of folk medicine is as old as humanity. It has been there for millennia, and would be the same as long as humanity exists. Various literatures revealed that even in the old civilizations such as the Syrians, the Babylonians and Hebrews people used various homemade medicines to cure from illnesses and treat wounded warriors¹¹. Furthermore, today in the so called modernized 21st century where science is dominating the knowledge system of the world, about 75 – 90% of the population mainly in the middle and lower income countries relies on folk-medicine for treatment¹². For instance, Ethiopia's about 60% medicinal resources are from

³ Abbott R. (2014). *Documenting Traditional Medical Knowledge world intellectual property organization*.

⁴ Costa-Neto em and marques jgw. (2000). *Faunistic resources used as medicines by artisanal fishermen from Siribinha Beach, State of Bahia, Brazil*. J Ethnobiol 20: 93-109.

⁵ Alves J and Rosa IL (2005). *Why study the use of animal products in traditional medicine?* J EthnobiolEthnomed 1 (5)1-5

⁶ Kokwaro JO (1993). *Medicinal plants in East Africa*. East Africa Literature Bureau, Nairobi, Kenya

⁷ Narnag, S. & Mitra, M. (1998). *Indigenous knowledge and the treatment of disease in Abujhmarh*. In *Contemporary studies in human ecology*. New Delhi, India: Kamla-Raj Enterprises.

⁸ PIERONI A, GIUSTI ME AND GRAZZINI A. (2002). Animal remedies in the folk medicinal practices of the Lucca and Pistoia Provinces, Central Italy. In: FLEURENTIN J ET AL. (Eds), *Des sources du savoir aux médicaments du future/from the sources of knowledge to the medicines of the future*, Paris

⁹ Adeola, M.O. (1992). *Importance of wild Animals and their parts in the culture, religious festivals, and traditional medicine of Nigeria*. Environ. Conserv. 19 (2): 125-134. Sci.culture, religious festivals, and traditional medicine, of Nigeria. Environ. Conserv. 19: 125-134.

¹⁰ WHO. (2003). *National Policy on Traditional Medicine and regulation of Herbal medicines*, Report of a WHO Global Survey, Geneva, Switzerland May 2005.

¹¹ Etana, T. (2007). *Use and Conservation of Traditional Medicinal Plants by Indigenous People in GimbiWoreda, Western Wellega*. M.Sc. Thesis. Addis Ababa, Ethiopia.

¹² Behailu, E. (2010). *Ethno botanical Study of Traditional Medicinal Plants of GomaWereda, Jima Zone of Oromia Region, Ethiopia*. M.Sc. Thesis Addis Ababa University.

plants¹³. And, 80% of Ethiopia's people rely on folk medicinal plants to prevent and cure various health problems¹⁴.

Folk healers are exclusive from one another in terms of their skills and areas of healing specialization. Thus, all folk healers don't provide similar services. For instance, some are expertise in healing broken bones called "*wogesha*," while traditional bonesetters birth attendants –"*yelimdawalaj*"; Herbalists, Prophets/faith healers- '*deberta*', and '*tenquay*' (witch doctors), and spiritual healers such as '*weqaby*' and '*kalicha*'¹⁵.

Similarly, the Oromo has been protecting their health, their cattle's using traditional medicines made from gifts of natural such as plants, an animal's body and minerals. Only few people are endowed with healing wisdoms, and these people are known as *warra cirreessa* or *ogeessa*¹⁶. There is cultural norm and values on how to manage these practices among the Oromo. For instance, it is forbidden to treat someone beyond the domain of the Oromo's culture, value, tradition and ideology. Hence, folk medicine is merely healing illnesses and protecting societal health. Rather, it is also a means by which societal norm, value, culture, philosophy and wisdom transfer through generations^{17,18}. However, the development of this indigenous knowledge is jeopardized due to the expansion of bio-medicine, deforestation and western religious view. Besides, social and economic problems of practitioners this practice and wisdom is on the way to extinction¹⁹.

A number of scholars have conducted various studies regarding indigenous health care system among the *Oromiya*. Indigenous people have developed their own folk medicines employing nature and its inhabitants such as from birds, animals, minerals and plant species. The workability of these medicines is tested, proved and experimented; and, supported by the philosophy, culture, wisdom, art, belief system, practice, indigenous knowledge of a given community²⁰. Similarly, the Oromo believes that these elements highly determine the curative power of folk medicine in general and folk-medicinal animals in particular.

In fact, very few studies have been undertaken to the Oromo folk healing practices using animals. For instance, asserts of the folk-medicine is deeply rooted with a faith system of a

¹³ Bannerman, R. H. (1983). The role of traditional medicine in primary health care. In *Traditional Medicine and Health Care Coverage*. R. H. Bannerman, J. Burton, and C. Wen-Chieh, eds. Pp. 318-327. Geneva: World Health Organization.

¹⁴ Dawit, A. and Ahadu A. (1993). Medicinal plants and Enigmatic Health practices of Northern Ethiopia. B.S. P.E. August 1993.

¹⁵ Kebede Deribe, Alemayehu Amberbir, Binyam Getachew and Yunis Mussema, A historical overview of traditional medicine practices and policy in Ethiopia. *Ethio. J. Health Dev.* 20(2):127-134, 2006.

¹⁶ Holf W. Traditional Health Practitioners as Primary Health Care Workers. *Trop Doc.* 1997;1 (27supp):52-55.

¹⁷ Nigussie, A. (2010). *Anethnobotanical study of medicinal plants in Farta Wereda, South Gonder zone of Amhara region, Ethiopia*. Addis Ababa

¹⁸ Etana, T. (2007). *Use and Conservation of Traditional Medicinal Plants by Indigenous People in Gimbi Woreda, Western Wellega*. M.Sc. Thesis. Addis Ababa, Ethiopia.

¹⁹ Press, I. (1978). *Urban folk medicine: A functional overview*. *American Anthropologist*, 80, 71-84.

²⁰ Cotton, C. M. (1996). *Ethno botany: Principles and Applications*. John Wiley and Sons Ltd. Chichester, England, pp. 347.

particular community²¹. Besides, a study conducted by Gidey²², on traditional medicinal animals used by the people of Qafta-Humera District, Northern Ethiopia, and found out that people, especially from the urban areas and the educated people have a bad perception on the utilization of traditional medicines. Furthermore, Assegid²³ conducted an Ethno botanical Study of Wild Medicinal Trees and Shrubs in Benna Tsemay District, Southern Ethiopia with the aim of identifying wild medicinal trees and shrubs. However, these entire studies lack folkloric element, did not address the changes it has undergone and the factors that donated to its continuity among of Indigenous medicinal knowledge among the *Maccaa* the Oromo of with particular reference to *Aanaas Mattu* of *Iluu Abbaa Bora* Zone, southwestern Ethiopia.

MATERIALS AND METHODS

This descriptive study employed qualitative research approach to describe folk-medicinal animals, and their utilization among the *Maccaa* Oromo of *Iluu Abbaa Boor*, southwestern Ethiopia. To this end, in an in-depth with 9 key informants consists of knowledgeable local elders (3), cultural experts (2) and folk healers (4) was conducted. Besides, two FGDs with 12 participants: consisted six (4) folk healers, those who treat human beings and livestock's and the second group consisted of eight (8) local elders -male 5 and female 3, were conducted with local elders and folk practitioners. Furthermore, non-participant observation was made to some selected sites where folk healers reside in the study area to enable the researchers understand the issues not fully addressed through other tools of data collection. Secondary data were also used as part of the literature review of books, journal articles and internet sources for further analyses of the basic concepts and theories involved in the study.

The sampling technique chosen were purposive sampling because it was to capture the necessary and detail information and the views of the people in the study area. Of the Oromo communities, only one, i.e. *Maccaa* is purposely selected for the case analysis, as this site is among the most forestry area in Ethiopia. Accordingly, *Mattuu* district was selected for the sake of the widely functioning of indigenous Oromo folk medicinal animals. In view of that, a snowball (chain referral) sampling method was used to get participants or key informants of the study. The primary data collected through interview, non-participant field observation and FGDs were analyzed qualitatively.

DISCRIPTION OF THE STUDY AREA

According to the Land and Environmental protection sectors, the absolute (astronomical) location of the district is 35°20'31'' East Longitude and 8°23' 5'' North Latitude (Mattuu Finance & Economic Office, 2014). According to data obtained from the Mattuu district finance and Economic, Mattuu is one of the 24 rural districts of the Ilu Abba Bora Zone, Southwestern

²¹ Workineh, K. (2006). *Traditional Oromo attitudes towards the environment: An Argument for environmentally sound development*. Addis Ababa.

²² Gidey Y. and Samuel .Z. Ethno botanical Study of Traditional Medicinal plants in Gindeberet district, Western Ethiopia. Proceedings of the 1st International Technology, Education and Environment Conference.61-67.African Society for Scientific Research (ASSR), 2011.

²³ Assegid Assefa and Tesfaye Abebe, *Ethno botanical Study of Wild Medicinal Trees and Shrubs in BennaTsemay District, Southern Ethiopia*.J. Sci. Dev. 2(1).17-33, 2014.

Ethiopia. The district has twenty nine (29) *Gandaa* (smallest administrative unit in Ethiopia) out of which (3) are town's *gandaa*. *Mattuu* is neighbored by *aanaa* Bachoo from east, *aanaa* Bureen from the west, *aanaa* Aallee from south and *Biloo* Nophaan from North. The district is found at a distance of six hundred kilometers (600 KM) away south-west of the capital city of Ethiopia, Addis Ababa (*Finfinnee*).

The name *Mattuu* was originally derived from the name of Oromo clan called *Mattu*. According to oral history of the local community *Mattu* clan has lived in *Hurumu* before they occupied the land around *laga Soor* River which known as *Damoosoo*. Most of the time they call themselves as *Mattu Maccaa*. During that time *Mattu* clan was expanded to the current land called *Mattuu* district. Even the name of this leg was coming from the person's name from *Mattu* clan who called *Soorii Dinnichee*. The district was recognized as a district in 1962 E.C in the time in power of the king Haile Sillasie I. During that time, the *Mattuu* district was very wide includes *Bilo Nopha* and *Bacho* districts. But, currently these two districts are broken down from the district at present time and established independently.

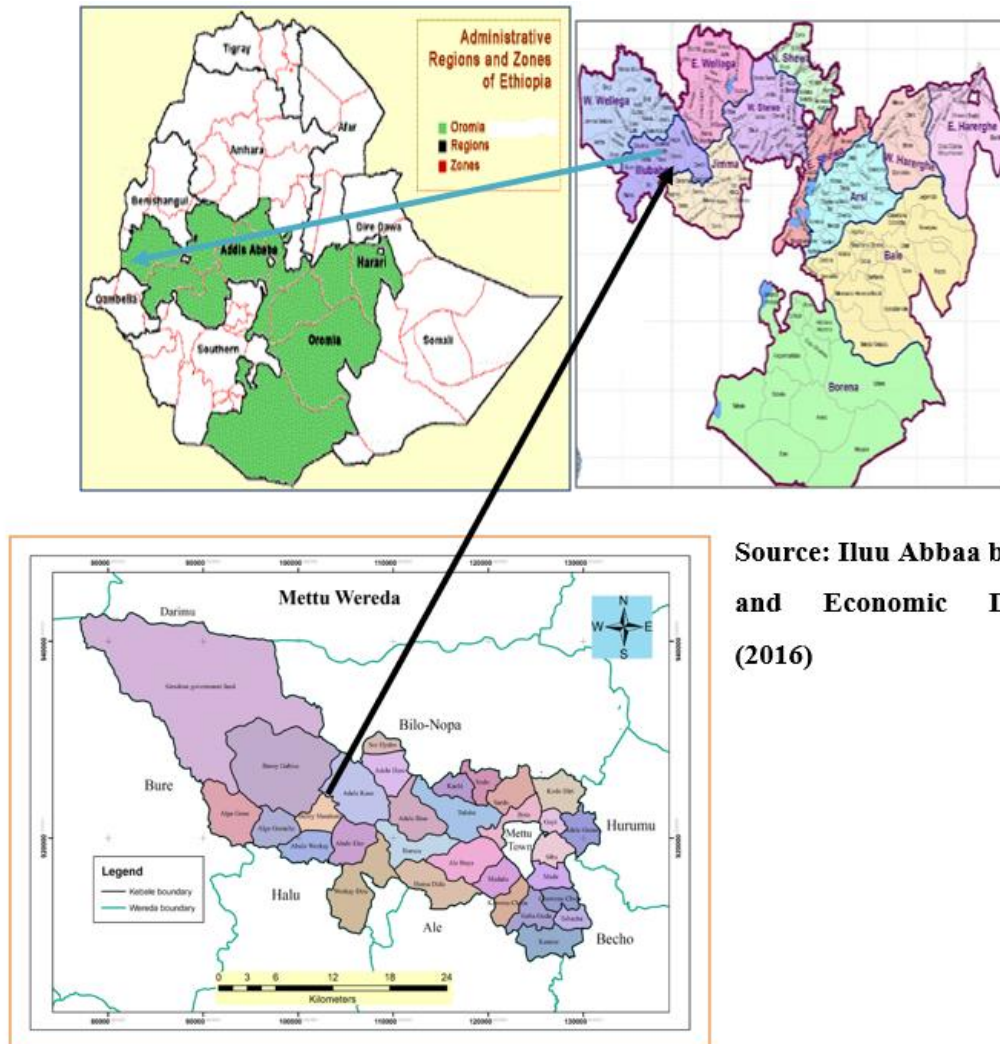
Based on the census of (2007) the total population of the *Mattu* district was estimated at 75,679 (out of 37,846 male and 37,833 female (CSA, 2007). Besides, the total land area of *Mattu* District was about sixty eight thousand seven hundred twenty three hectares (68,723) hectares.

The climate of the *Mattuu* district is subtropical and has almost all year round rainfall with average annual rainfall of 1,219.95 mm, and also the Annual Average Temperature of 19.45°C. The climatic condition of the district (83%) is tropical and (17%) desert. In the district, different types of crops grow, and the major ones include cereals like teff, wheat, barley, sorghum, maize and millet, Pulses (faba beans, chickpeas, haricot beans, peas) and oil seeds (Niger seeds, rape seeds, and safflower ground). Beside these, coffee is cultivated as a principal cash crop. In addition, *Mattu* district is also known by animal rearing where the most widely reared animals include cattle, sheep, goats, mules, horses, donkey and poultry. Also, the major export items supplied to the central market is coffee, skin of sheep and goat and hides²⁴. *Mattu* district is also rich with various man-made and natural ecotourism sites. For instance *Tulluu Gurraachoo* (Gurracho Mountain), *Qabar Genee*, *Qarsaa Googillaa Dirree Qabsoo farra Gita Bittaa Nafxanyaa* and *Kaabii Fatansaa Iluu* are a well-known site.

Maccaa Oromo of *Mattu* district have a culture in which they reflect their identity, way of managing conflicts. For instance, *Jarsa biyyaa* and *gumaa* blood payment are the most common traditional mechanisms of conflict resolution in the study area. In addition, *Macca* Oromo's have been practicing the following marriage customs like *kadhimmannaa*, *hawwii*, *Aseennaa* and *butii*.

²⁴ *Mattuu* Finance & Economic Office, 2016.

Map1. Geographical location of the study area



Source: Iluu Abbaa boor Finance and Economic Development (2016)

RESULTS AND DISCUSSION

The *Maccaa* Oromo's world view of "Health" and "Folk-medicine"

This point needs concern to understand the *Maccaa* Oromo's perception of health and its folk-medicine. In *Maccaa* Oromo world view the concept health is very primary for human life and it forms the basis for the development of the nation. The concept health has a special position in their lives. They also believe that there is no wealth than health. For this reason they call the term health all times in their communication. Indeed, the contents of their *mammaaksaa* proverbs, *nagaha walgaafachuu* greeting, *jechamoota* saying, *faaruu* songs, *hiibboowwan* riddles, *baacoowwan* jocks, *sirboota* music's and *eebba* blessing are immersed with the concept of health. The equivalent term of health in afaan Oromo is *fayyaa*. Accordingly, they highly interconnect the concept health with many live elements. '*Fayyaan qabeenya*' Health is wealth. There is nothing in life that is more valuable than good health. Without health there is no *gammachuu* happiness,

no *nageenyaa* peace and no *milkaa'inaa* success. A person with bad health cannot enjoy the pleasure of being wealthy. According to our key informants health is more valuable than money and knowledge. Money cannot purchase health and happiness in human life. While the healthy person remains in a state of bliss and happiness in his/her life. Moreover, a healthy person sings the glory of his /her life and works hard to realize his/her *abjuu* dreams. He never complains. He is always happy and cheerful²⁵.

Since, the concept health and medicine never had been standing alone; the *Maccaa* Oromo has their indigenous conception for the medicine. In their local language the term medicine is called *'dawwaa* or *qorichaa* with great respect ion. *Dawwaa aadaa* Folk medicine and folk belief can provide resources and be helpful Mechanism on how to treat for the health problems. In the absence of diseases or health problem talking about the folk-medicine is unexpected. In Oromo in general and *Maccaa* Oromo in particular the solution searched for the problems at the time people experienced it. Everything in Oromo is the results of long experience. So that, for the outbreak of the disease Oromo institution of health starts searching *qorichaa* medicine to treat or overcome the health problem. The experiment and searching solution can take long time because the activities are great and a play with a surrounding environment²⁶. In general, the *Macca* Oromo's conception of *Fayyaa* 'health and *Qoricha aadaa* folk medicine is in-depth and highly connected to their day to day life.

Folk Medicinal Animals and Types of Diseases to be treated in the Study Areas

In Oromo culture every disease has their own medicine and there are experts for these illnesses. Those *ogeessa/ beekaa qorichaa* experts prepare medication from animals, plants and medicinal mineral products. Thus folk medicinal animals have been cover large scale in healing human and livestock disease. In nature the land in *aanaa Mattuu* of *Maccaa* Oromo is covered by forest and different biodiversity. In natural forest of *Maccaa* Oromo there are large number of wild animals (mammals, birds, reptiles and the like). For examples, Bat, Hyena, Porcupine, Rabbit, Columbus monkey, Squirrel, Boar , Hippopotamus, Bison, Dikdik, Bushbuck, Monkey, Eagle, Francolin Crow and the like. According to our informants, many of these wild animals are used as the source of folk medicine. Their parts used to cure different illness and sickness. The *Maccaa* Oromo used different animals and their parts for curing different livestock and his families 'diseases. Those folk-medicinal animals may include insects up to huge animals from both domestic and wild.

The folk knowledge and practice of certain medicinal animals that have remedial and painkilling effects was transmitted from one generation to another and it is the outcome of bold experimentation through trial and error method over hundreds of years. Zootherapy (animal based medicine) is the cure of human ailments with remedies made from animals and their products. To this end, in this study, about 32 folk medicinal animal species was classified across different types, based on the part of the animals used in medical function, have been documented with their local and scientific names. In addition, among these folk-medicinal animals some are used to treat livestock in study area²⁷.

²⁵ Interview with Sh/Nasir Muhammed,2016,Mattu district

²⁶Interview with Hailu Legese,2016,Mattuu district

²⁷Interview with Sh/Nasir Muhammed,2016,Mattu district

Even though folk medicinal plants formulate up the bulk of the components used in most folk medicines and indigenous medical scheme worldwide, total animals, animal parts, and animal-derived products (e.g., coat, blood, waste products, urine, hair, horn, bone, fat, etc.) are used as elements of the folk medicine. The use of organs or parts of folk medicinal animals as folk remedies is the foundation of several indigenous healing practices in *Maccaa* Oromo. According to data generated from both interview and focus group discussions many animal species are identified as folk medicine among the *Maccaa* Oromo. These can be classified into mammals, reptiles, birds and the like. To make it clearer, let us see the concepts of animal parts and products, disease under treatments, causes of disease, mode of preparation and treatment and *mechanism* of dose control one by one with justification as follows.

A) *Simbira Halkanii* (Bat): -In *Maccaa* Oromo of study area the *simbira halkanii* is used as folk medicine. Thus, it used for the treatment of *dhukkuba shimbiraa* (folk illness). This disease is very serious and caused by *simbira halkanii* or bat, which fly during night time and urinate on human being according to their view. Some informants have been told that this night bird has also evil shadow (*gadidduu hamtuu*) which can cause this illness and affects the health. Furthermore bat is classified under the mammals scientifically.

Cause: - carried by bats

Symptoms- the indicator of this illness is eating the patient's body, especially face; and the blacken color of his/her skin, refusal to eat or drink and sometimes blood in feces or urine.

Parts and products of animals: -The whole parts.

Mode of preparation and treatment: the mode of preparation of this folk medicine is begun by hunting the bat and kill. After killing this medicinal animals and slighting they putting in the sun in order to dry. Then after crush and change it into a powder and mixing with clean water. Finally, sleeping on the back and take one drop in both nose for three or five every morning. In addition to that, ointment is applied to affected areas such as rashes or sprains.

Treatment materials: - Water and powder of the bat body.

Mechanism of Dose control: - Over and under dose will affect the patient who catches by this illness. The most commonly used implements for measuring quantities of this folk medicine are spoons, bottles, kettles, pans, clay pots, hand palms and finger pinches. For that reason the *Maccaa* Oromo folk healers have developed the best mechanism to control the dosage. First, they mix the powder into the clean water in measuring by sugar spoon. In addition the patient has to take a single drop by using feather of the hen or any other birds.

B) *Saree* (Dog): - The disease which caused by the bitten by the dog is among the serious illness in the study area. This disease will affect both livestock and human being. According to practitioners of *Macca* Oromo if the penitent couldn't get the treatment in forty (40) days it will kill the patient automatically.

Cause: - bitten by abnormal dog /injuries

Symptoms: - the Symptoms of rabies (*dhukkuba saree marattee*) are series headache, maximizing body temperature, minimizing petit and the like. If it is livestock Lack of normal cud chewing (rumination), rough coat, any abnormal swellings or lumps on the body, the animal may be over-excited, skin or udder, eyes red, dull in appearance or running, rapid drop in milk yield, dry muzzle and nostrils, loud, rapid breathing or coughing, lameness, stiffness and reluctance to move.

Parts and products of animals: - Folk healing practices make use of parts and products of animals as elements: egg for rabies, they use liver of the *saree* and sometimes burn the whole body parts.

Mode of preparation and treatment: - After the dog bites someone else it recommended killing and giving it fresh liver for the person who affected by rabies. If it affects the livestock they burn the whole bodies and aching for them. Since rituals are important in the interaction between *Macca* Oromo livestock keepers and their animals. They also use spiritual forces which may be invoked with prayers during treatment.

Treatment materials: - liver

Mechanism of Dose control: - According to our informant(s), to control the dose of this folk-medicine, it has to be measured with small coffee cup and given three times a day for three to five days and it usually started during early morning.

C) Waraabessa (hyena):-As focus group discussion reveals a folk medicine, which we got from *Waraabessaa* Hyena is used to heal spiritual illness. According to their world view, there is no solution for such complex disease except spiritual healing practices. As folk healers told us this illness comes from freak or frustration from this evil eye is well known in their community. This is known as *ija budaa* (evil eye). The disease will affect both human being and livestock. In addition to that the bone of this animal is preparations to invoke witches.

Cause: - Evil spirit

Symptoms: - the symptoms of this illness are complex and changeable. Thus; it can cause physical symptoms that are not related to a disease, such as weakness, eye infections, upset stomach, and fever and vomiting. This clearly indicates that there are certain signs that can be seen, according to which the affliction of an evil eye is detected. Knowledgeable folk healers dealt with this matter and clarified it.

Parts and products of animals: - According to the society believes, sometimes they calls the jinni (evil). In addition the eyelash of *waraabessa* is drug for someone who sleeps a lot .Its use is after shading it then putting in to neck when his teach worn on horse and mule and also donkey, wild animals prohibit to it the patient.

Mode of preparation and treatment: - first folk healers have hunted the *Waraabessa* for its coat and eyelash which used as a folk medicine to cure evil spirit. Then burn in fire and aching to the patient.

Treatment materials: - Coat, fair & eyelash

Mechanism of Dose control: - According to our informant(s), the dose of this medicine measured with minimizing the amount of eyelash and its coat simple.

D) Hantuuta (Rat): - The waste product of this folk medicinal animal is used to treat *moluu* or hair losing in Oromo of the study area. A rodent that resembles a large *hantutaa* typically has a pointed snout and a long tail. Some kinds have become cosmopolitan and are sometimes responsible for transmitting diseases and serve as folk medicine in *Macca* Oromo. With this kind of hair loss, you may end up with bald spots if you are a man. If you are a woman, you may find that the hair on the top of your head is slowly thinning.

Cause: - Family history. In most cases, hair loss is inherited, which means it's passed down from one or both of your parents. This is called male-pattern or female-pattern hair loss. According to

their indigenous knowledge system you grow less hair as you get older. Hair also gets thinner and tends to break more easily as you age. Poor diet, especially not getting enough protein or iron.

Symptoms: - The symptoms will depend on what kind of hair loss you have. If your hair is thinning, it happens slowly over time, so you may not notice the hairs falling out. If your hair is shedding, then clumps of hair fall out. You may lose hair all over your scalp, which is called general hair loss. Or you may lose hair only in one area, which is called focal hair loss. With inherited hair loss, men usually get bald spots around the forehead or on the top of the head, while women have some thinning all over the scalp, but mostly on the top of the head. Since your hair has a lot to do with your appearance, losing it may cause you to have lower self-esteem if you don't like how you look. This is especially true in women and teens.

Parts and products of animals: - Waste product of rat.

Mode of preparation and treatment: - First the folk healer has to collect the waste product of this folk medicinal animal. Then grinding it and mixing with butter. Finally, painting a person who affected by this illness continuously for about one week in the form of a cream.

Treatment materials: - waste product & butter

E) Dhaddee: - As our respondent told us, the meat (fat) of this folk medicinal animal is remedied for the illness of Spinal cord. This disease will cause when someone peak up heavy materials. In addition, the fat flesh of *Dhaddee* is medicine for series wound.

Cause: - The cause of this disease is caring heavy load and sometimes cold

Symptoms: - the basic sign of this disease is serious pain of spinal cord, difficult breathing, sweating and weakness etc.

Parts and products of animals: - flesh of *Dhaddee*

Mode of preparation and treatment: - To keep human healthy, this traditional healing practices have been applied for centuries and have been passed down orally from generation to generation. Thus after, hunting and slighting this wild animal they cook its flesh for an hour to make soup. A distillation is made in the same way as soup. Before any step boiling water is poured into a clean container in which fat flesh or chop of this animal part have been put. Then the container is covered for 10-20 minutes approximately until the medicinal components have been extracted. The water is filtered and given to the patient, cooled or warm.

Treatment materials: - water, flesh, bush and container/clay pot

Mechanism of Dose control: - According to folk healer(s), the dose of this medicine measured with traditional cup or *bushii* based upon the patient's age and status.

F) Illettii (Rabbit): - The hair of the rabbit is a common folk medicinal animal in the study area. *Illetti* Rabbit is the small and simple body mass wild animal with long ear. According to our informant(s) the *rifeensaa* hair of *Illettii* Rabbit is effective folk medicine to cure series wound which caused by fire risk.

Cause: - fire accident

Symptoms: - Any of the following signs may be the result of fair wound: wound pain, excitement, depression and etc.

Parts and products of animals: -The hair of *Illetti*

Mode of preparation and treatment: - first of all hunting the *Illettii* and take its hair. Then washing the wounded bodies and put the hair on it. By doing this it must keep it on until the wound

become dry and cured. According to data collected from FGD the curative power of this folk medicine is high. In addition the *Macca* Oromo used the ear of *illettii* as medicine and tie on the neck of horse to speed up like a Rabbit²⁸.

G) *Culullee* (Eagle): -this folk medicinal animal is a well-known in indigenous healing practices. The common name for many larger animals of prey of the family; *Culullee* belongs to several groups of species that are not necessarily closely related to each other. According to *Macca* Oromo *Culullee* Eagle taken as the sign of *ariifannaa* fastness, *cimina* strength, *jajabina* courage, *ogummaa* wisdom, eager sight, *hafuuummaa* explanation of Spirit, *yaala* healing, *uumee* creation, *beekumsa* knowledge of magic, *dandeettii dhoksaa dhugaa adduunyaa hafuurawwaa arguu* ability to see hidden spiritual truths, rising above the material to see the spiritual, ability to see the overall pattern/big picture, connection to spirit guides and teachers and higher truths, great power and balance, dignity with grace, intuitive and creative spirit, respect for the boundaries of the regions, grace achieved through knowledge and hard work²⁹.

Cause: - From Fragrant or offensive odor/ inborn

Symptoms: - Lungs are also known as the source of life, for rejecting the breath steams and improvement of animal spirit. The basic Symptoms of this illness are occurring in one of the above mentioned organs which results in asthma *Ukaa*; or the infection occurs in the swelled organ and the produced pus spreads over respiratory system, it demonstrates as asthma; the excitement of causative agent leads to the excitement of the disease, when the tissue is full of causative agent.

Parts and products of animals: - An egg

Mode of preparation and treatment: - In traditional healing practice or system, remedies are prepared in several rather standardized ways which usually vary based upon the animals utilized, and sometimes, what condition is being treated. Accordingly, the preparation of this folk medicine is done by mixing the inner part of the *Culullee* egg with pure water and given to the patient by *bushii* or traditional cup³⁰.

H) *Guchii*: - *Guchii* Ostrich is the largest bird which cannot fly like other bird species. Though they cannot fly, *Guchii* are fleeting, strong runners. An egg of this folk medicinal animal is used to heal or cure the series *qakkeeAsma*. Asthma is a chronic (long-term) lung disease that inflames and narrows the airways. Asthma affects people of all ages, but it most often starts during childhood when it caused by inborn. And it is an incurable illness. However, with good treatment and management there is no reason why a person with asthma cannot live a normal and active life).

Cause: - The caused by inhaling From Fragrant or offensive odor, dust or other potentially harmful substances while on the job.

Symptoms: - The common signs of *Asma* are Coughing, especially at night, during work/exercise or when laughing, difficulty breathing, chest tightness, shortness of breath, wheezing (a whistling or squeaky sound in your chest when breathing, especially when exhaling).

Parts and products of animals: -an egg

²⁸ Interview with Aadde Momina Jemal ,2016, Mattuu District

²⁹ Interview with ObboGetaecho Gelata,2016,Mattu district

³⁰ Interview with Aadde Minalech Asefa 2016,Mattu district

Mode of preparation and treatment: - In modern medical science still there is no cure for asthma, but once it is properly diagnosed and a treatment plan is in place the patient will be able to manage his/her condition, and his/her quality of life will improve. But the folk healers have a solution for this disease; that is the egg of *Guchii*. The mode of the preparation and treatment is mixing the internal part of the egg with butter and it's given to the patient.

I) *Re'ee* (Goat): - The *Re'ee* is a powerful animal totem and closely related to the sheep, in particular the, but his symbolism is different. Unlike their sheep and ram siblings, *Re'ee* isn't particularly communal, often grazing alone and spreading themselves far apart. This is not to say *Re'ee* are anti-social, symbolically speaking - but it does evoke a sense of independence. When the *Re'ee* ambles onto your path, it might be a signal to contemplate your power as an individual. The milk of *Re'ee* remedies for eye illness and inner parasites.

Cause: - according to *Macca* Oromo folk healer's unclean drinking water is one of the most common ways to get parasites. If you live in a hot country, or are visiting one, always be particularly careful about the source of water you drink. The only way parasites or worms can infect you is if they get into your body somehow. So you need to think about how this is possible. Indeed, many in the ruler area have any number of parasitic infections, some of which are so highly contagious that extremely casual contact with something that has been handled by an infected person can infect another healthy person.

Symptoms: - The basic signs of this disease are Food allergies, Skin conditions can arise and Persistent abdominal swelling is a frequent sign of hidden invaders.

Parts and products of animals: - Milk

Mode of preparation and treatment: - Since there are many types of parasites, each with its own particular life cycle and pattern, a few generalizations may simplify the rationale behind the different treatment strategies. First, one needs to understand that the parasite is a creature that depends on a host for survival, ergo its name. It leeches nutrients that the host needs in order to be healthy. Second, the parasite invades a bodily structure and inflicts damage to that structure so healing requires both the elimination of the parasite and the regeneration or rejuvenation of the affected organs. To cure the inner parasites milk the *Re'ee* and boiling for 5-6 minutes approximately. After that they give it to the patient. But, for eye illness again, they are milking the goat milk and drop it in minimal amount.

J) *Weennii* (Columbus monkey): - is a wild animal which its hair is used as a drug to cure the illness so called *furreessaa* (smother); that is usually affect back animals like: horse, mule and donkey. *Furreessaa* is a contagious respiratory disease is caused by a bad smell infection. Signs include a fever, thick, yellow, nasal discharge and swollen, abscessed lymph nodes under the jaws. The infection is spread by infected material from nasal discharge or abscesses contaminating stalls, feed troughs, pastures, etc., especially, Young mules, donkeys and horses are the most susceptible to this disease. In addition to that the skull of this medicinal animal is used to cure bone fracture.

Cause: - the cause of this disease transmitted is either by contact of susceptible animals with a diseased horse, mule or donkey. Contact includes contact with a horse, mule or donkey that is incubating strangles or has just recovered from the infection, or with an apparent clinically unaffected long-term carrier.

Symptoms: - Animals show typical signs of a generalized infectious process (depression, in appetite, and fever). More typical of strangles, horses develop a nasal discharge (initially mucous and rapidly thickening), a soft cough and slight but painful swelling between the mandibles, with swelling of the submandibular lymph node. Horses, donkeys and Mules are often seen positioning their heads low and extended, so as to relieve the throat and lymph node pain.

Parts and products of animals: - Hair/skull or head

Mode of preparation and treatment: - the preparation of this folk medicine is as follows: first of the entire healer must hunt and catch the *weennii*; then after searching it for the treatment of *Kotte-duudaa* (horse, monkey and mule) shading its hair and if he needs to treat bone fracture just killing and cut her skull.

Treatment materials: - *Weennii*'s hair, skull, fire and fire container.

K) Harree (Donkey): - The scientific name of the *Harree* donkey is *Equus asinus asinus* based on the principle of priority used for scientific names of animals. The Donkey is one other folk medicinal animal among *Macca* Oromo of *Iluu Abbaa Boor*. *Harree* is domestic animal which lives in the house and her milk used as drug for the illness of *Asma ukaa*. According to its procedure the patient must to drink the milked after boiling. Asthma is a disease affecting the airways that carry air to and from your lungs. People who suffer from this chronic condition (long-lasting or recurrent) are said to be asthmatic³¹.

Cause: - the cause of this illness are allergic reactions to environmental allergens such as pollens, molds, dust mite or animal dander, colds and viral respiratory infections, exercise, changes in weather, exposure to cold air or sudden temperature change and irritants such as tobacco smoke, air pollution, paints and cleaning agents as well as strong odors and/or perfumes.

Symptoms: - Common signs and symptoms of an acute asthma episode include: Coughing, out of breath — may be absent, Breathlessness — while walking or while at rest, Respiratory rate increased, Chest tension, Chest or abdominal pain, low energy, feeling out of breath, disturbance, increased pulse rate and incapability to participate in sports.

Parts and products of animals: - Milk

Mode of preparation and treatment: - The *Macca* Oromo prescribed *Aannan Harree* for numerous purposes, such as liver difficulty, infectious diseases, nose bleeds, poisonings, and wounds. The mode of preparation of this folk medicine is started by milking the *Harree* and boil. Then give to the patient by *bushii* or any other material cultures.

L) Naacha (Crocodile): - a large predatory semi aquatic reptile with long jaws, long tail, short legs, and a horny textured skin. The Crocodile is a reptile which lives in water, it has big teeth, and it is used as a drug for the illness of back ache, poor memory.

Cause: - Excessive alcohol use has long been recognized as a cause of memory loss. Sleep deprivation. Both quantity and quality of sleep are important to memory. Getting too little sleep or waking frequently in the night can lead to fatigue, which interferes with the ability to consolidate and retrieve information and nutritional deficiency. Good nutrition -- including high-quality proteins and fats -- is important for proper brain function. In addition, Lower back strain is caused by damage to the muscles and ligaments of the back. This will occurs from over loaded /caring heavy load.

³¹Interview with Kedir Beyena, 2016, Mattu district

Symptoms: - There are several symptoms that are fairly consistent for people with lower back pain or neck pain from degenerative backache, including: Pain that is usually related to activity and will flare up at times, but then return to a low-grade pain level, or the pain will go away entirely and activities that involve bending, lifting, and twisting will usually make the patient's pain worse.

Parts and products of animals: - The teeth of *Naachaa*

Mode of preparation and treatment: - Thus the mode of preparing this folk medicine will begin from hunting *Naacha* and collecting its teeth. Then heat on the fire and hold on the back of the patient repetitively. But to treat the problem of memory losing the healer collect the teeth and broken it into small size and tie on neck or arm of the patient.

M) Jawwee (Nepos): - It is a type of reptile with large, heavy-bodied non-venomous snake. It used to treat backache and spinal cord disorders. Its procedure was carried out by cutting the fat *moora* of python and then they stay it in the sun and when it melted they paint to the body.

Cause: - Some spinal cord disorders and backache may originate outside the cord or, less commonly. The Causes of spinal cord disorders include injuries.

Symptoms: - Because of the way the spinal cord functions and is organized, damage to the cord often produces specific patterns of symptoms based on where the damage occurred. The following may occur in various patterns: weakness, loss of sensation (such as the ability to feel a light touch, pain, temperature, or vibration or to sense where the arms and legs are), paralysis and back pain.

Parts and products of animals: - Fat (*moora*)

Mode of preparation and treatment: - The basic mode of this folk medicinal preparation is begun in hunting and killing this reptile. After the hunter/folk healer has to cut its fat/*moora* and used in food.

N) Osolee (Squirrel): -an agile tree-dwelling rodent with a bushy tail, typically feeding on nuts and seeds. The meat of *Osolee* is a drug for the Gonorrhea illness. It's used after they estimate the passion to cut and cut it. The one who have affected by' Gonorrhea disease has to drink this medicine as soup. In addition the meat of Squirrel cures the obesity of children, which is sometimes called *qallisa* in local term or *sunsune*.

Cause: - Gonorrhea is caused by the *Neisseria gonorrhea* bacteria. The infection is transmitted from one person to another through vaginal, oral, or anal sexual relations. Sometimes the *Maccaa* Oromo elders were seen as the symbol of honor; since it's so called *dhibee dhiiraa*.

Symptoms: - Burning when urinating, spotting after intercourse and Swollen glands in the throat

Parts and products of animals: - Meat

Mode of preparation and treatment: - First is hunting and killing this medicinal animal; then slight and cut out its meat in fresh. Then after cooking this meat and make it a soup, it has to be measured by *bushii* or *hadhaa*. Finally, give the soup for the patient of this sexual transmitted disease (STD) by measuring with a cup or *bushii*.

O) Qocaa (Tortoise): - a slow-moving typically herbivorous land reptile of warm climates, enclosed in a scalar or the leathery domed shell into which it can retract its head and thick legs. *QocaaTortoise* is a type of reptile used as a source for folk medicinal animals in the area. The scaly of this reptile is used to treat a urine infection and chest pain. Though similar to angina chest pain, a heart attack is usually a more severe,

crushing pain, usually in the center or left side of the chest and is not relieved by rest. Sweating, nausea, shortness of breath, or severe weakness may accompany the pain³².

Cause: - *The cause of this illness is evil shadow*

Symptoms: - A burning sensation when urinating

Parts and products of animals: - flaking/scaly

P) Karkaroo (Boar): - *The Boar is an uncast rated male domestic animal which eats roots, fruit, rodents and small reptiles and dirty thing and it is a scavenger. The tooth of Karkaroo is a drug for the breast illness. This illness most of the time occurred after giving birth.*

Cause: - *most of the time the cause of this disease is related to michii*

Symptoms: -Redness on the breasts, nipple indentations or flattening, and certain types of discharge may be signs of *Dhukkuba harmaa* breast cancer. In addition the sign of this illness includes swelling, softness, pain, a thickening of tissue and inflammation in one or both breasts.

Parts and products of animals: - Teeth

Mode of preparation and treatment: - the preparation of this folk medicine is begun by hunting and killing the *karkaroo*. Then after taking its teeth and hooting by fire. Finally, put into the affected breast repetitively.

Q) Arraagessa (Crow): - crow is an others folk medicinal bird in the study area. The flesh of this folk medicinal bird is a used to the folk illness like *mortuu*. This illness is spiritual one which can affect the lives of human being and livestock.

Cause: - the *cause* of this illness is spiritual power.

Symptoms: - Accidents, Carry the joy of life, weakness and belief in violence.

Parts and products of animals: - Flesh

Mode of preparation and treatment: - first killing the *Arraagessa* crow by arrow by hunting and slighting. Then after drying its flesh and mix up with clean water. Finally, boil for a moment and give for the patient in the form of soup every morning until he/she recover from this illness.

R) Bofa (Snake): -In study area the other name of *bofaa* is *biifaa* and it used as folk medicine to treat disease like chest pain. Thus, the coat or shed of this medicinal animal is used to cure *dhukkuba laphee* chest aches and used as fatten for cattle. Before all things the folk healer has to search this coat and grinding to make powder and mixing with water. Finally boil the coat of this medicinal animal until it becomes soup and in drinking the livestock.

Cause: - the causes of this illness are peaking up heavy things and failing accidentally

Symptoms: - the sign of chest pain are weak, fast heartbeat, and *waraansa onnee* heart aches.

Parts and products of animals: - coat or shed

Mode of preparation and treatment: - the ways of preparing this folk medicine have been begun with searching the coat or shed this folk medicinal animal. Then grinding to make powder and mixing with water. Finally boil until it becomes soup and in giving to the patient.

Mechanism of Dose control: - Local people or healers use a different *mechanism* to control the dosage of remedies. From these *mechanism* measuring by the *bushii* coffee cup based on the strength of the patient.

³²Interview with obbo Mohammed Waggarii, 2016, Mattu district

S) Kuruphee: -Goat like animal which lived in the forest and source of food. The meat and *hadhooftu* of this animal can cure different diseases like *addeessituu*, and *laamshessaa* (paralyzed body) and the blood by itself can help in strengthening the body.

Cause: - traditionally paralysis is most often caused by accidents while working. For instance, the damage of nervous system *Miidhama jismii*, especially the pain of spinal cord *dhukkuba dugdaa* or broken or severed spinal cord and head injury.

Symptoms: - difficulty to talk normally, inability to express emotion and difficulty eating or drinking.

Parts and products of animals: - *hadhooftu* and flesh

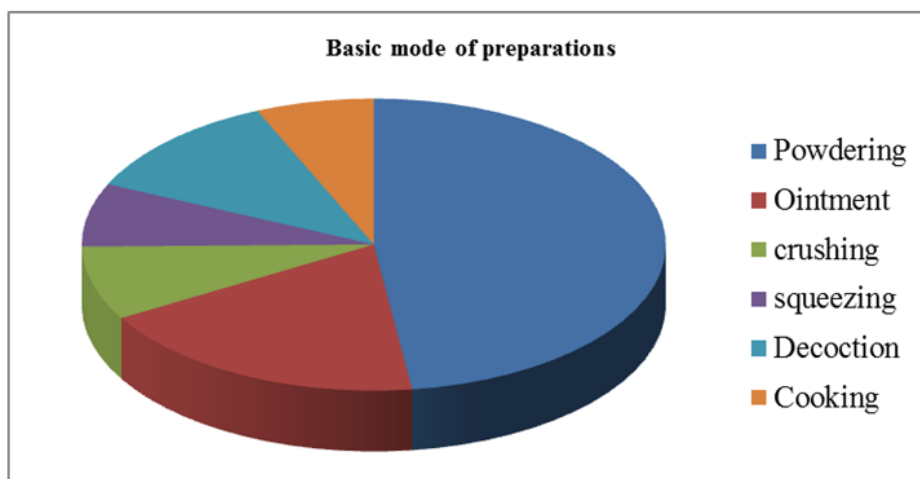
Mode of preparation and treatment: - the preparation of this medicine starts from hunting and killing *kuruphee* and slighting and cut out its *hadhooftu* and fleshes in fresh. Then giving to the patient to eat the fresh meat with its *hadhooftu* before eats other food.

Mechanism of Dose control: - Folk healer/community used varies *mechanism* to control the dosage of this folk medicine. For example, measuring the amount of *hadhooftu* based up on the status of the patient.

Preparation Mode of Folk medicinal animals

The medicinal animals have various methods of preparation for different types of ailments like crushing, powdering, Ointment and cream, squeezing, Decoction, direct use and cooking.

Figure 1: Preparation Mode of Animal based Folk medicine



Most of the traditional medicinal animal preparations were used in fresh form. Accordingly, Powdering is bones, fat; feathers and whole animals are dried and pounded until they form a powder. If preferred, the powder is strained to make it better. The powder can be fed to sick. Poultice is adding just enough hot water to the animal's material, usually in powder form, makes a poultice or a paste. The paste is applied on the affected area of the patients'. Ointment an ointment is made by mixing finely powdered animal products or materials or extracts with butter.

The ointment is applied to affected areas such as skin complaint or sprains. Decoction is one of the most commonly used preparations. One or several animal products are chopped into small sizes and added to clean water. The water is boiled for intimately for 10-20 minutes in clay or steel pots.

The Curative Power and management of Folk Medicinal animals

Most of folk medicine is a mixture of material and spiritual culture .because believe the curative power is high because society has a preoccupied mind with the curative power of the medicine. The other things can be seen is the relationship between patient ant and the traditional healer which ease the medication simple and transparent. The knowledgeable person knows the culture and beliefs of the society and can understand the way people narrate their pain and illness³³. This includes prayers and blessings during treatment. The society believes that those knowledgeable people are given from God (*Waaaqaa*). The people of the study area know that the disease from God and also both treatment and their medicine are from God. This makes the treatment of folk medicine half spiritual and treatment through medicine from animal or plant found around.

Furthermore, one can understand this from the ways of taking the folk medicine prepared from animal which are used in day to day life as a food, but while taken as medicine, there are criteria's like a staining from food and drinks, contacting people, passing over the river, not to call the name of anyone, shadow of the person, which are related to believe system when we see it from the emic point of view but ethically it may be related to the curative power of the medication. This taboo is not only for the patient, it also can see from the healer side and the family who care to the patients. This means both healer and patient respect and believes in the tradition and taboos related to the medication³⁴. On the other hand, most of diseases which cannot treat at hospital are successfully cured at folk healer experts. For instance diseases of the *dhukkuba xannachaa* gland, bat disease *dhibee shimbira*, *kintaarotii*, *dhikkuba abbaa sangaa* and the like can be easily cured by folk medicinal animals.

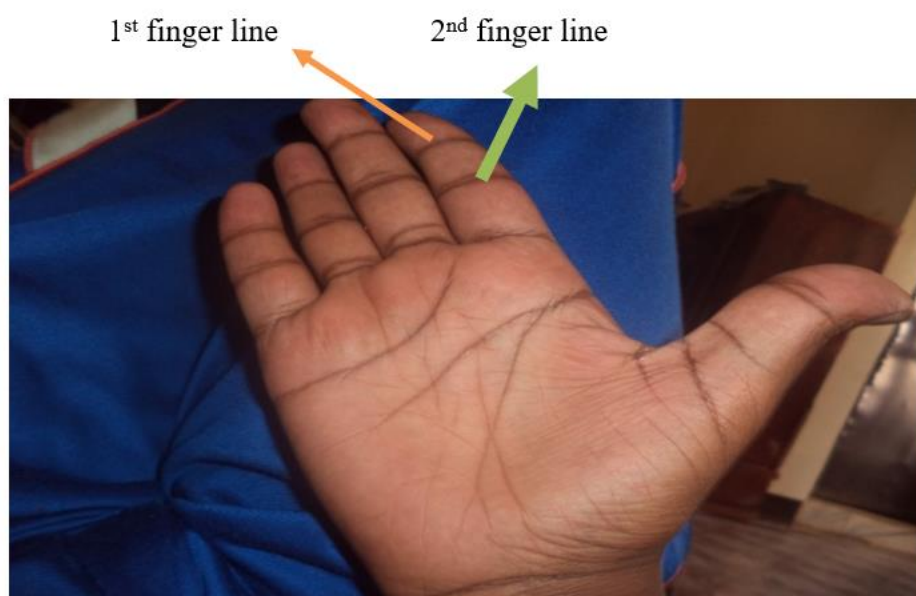
³³ Interview with Obboo Bariso Abdo,2016 Mattuu District

³⁴Interview with Obboo Hailu Legese,2016 Mattuu district

The Dosage of Folk Medicinal animals and mechanisms to control

Dosage is a difficult concept to grasp; partly, this is because of the limitations of human knowledge about the power of folk medicinal animals, but also the result of variations in our concepts of how animals may contribute to health. There are many ways in which the *Macca* Oromo/folk healers control over and under dosing of folk medicinal animals during healing. Most animal based medicines are well tolerated by the patient, with fewer unintended consequences than pharmaceutical drugs. Therefore, it needs trial and error to get the right dosage. Most of the time they use *barruu qubaa* finger lines, *geeba* traditional cups, *hadhooftuu* clay cups, *Gabattee* for cattle, Spoons and *fallana* fork any other measurements³⁵.

Figure 2: The finger line uses in dose control



Source: Taken during field work

The Significances of Folk Medicinal animals out of medication

Folk medicinal animals are used for different purposes from the many some of them are the followings:-healing and preventing diseases, building body, Environmental protection) and used as sort of belief system.

Environmental Protection

The acquaintances between folk medicinal animals and natural environments are complex and never broken according to data generated from FGDs in the study area. For the clarity of these concepts folk healers of *Macca* Oromo have said that ‘it is unthinkable to practice indigenous health care system out of conserved natural environment. Intentionally or unintentionally the folk medicine has the greatest role in protecting environment. Thus, they always care for their natural

³⁵Interview with Aadde MabrateTakelign,2016 Mattuu district

environment from which they collect folk medicinal drug made from leaves, herbs, roots, bark, animal, mineral substances and other materials found in nature.

In other hand the interconnections between folk medicinal animals and the natural environments may be seen in the health linkage. Deliberations of the relations between indigenous healing practices and biodiversity are authoritative mainly when as the position of the significance of previous as a source of primary health care system especially for community those who live in rural areas.

Building Strong solidarity between folk healers and the community

The Oromo of the study area have a culture in which they respect and promote their *ogeessotaa* folk healers. Most of the time they consider Single *Ogeessaa* as a health care institution of the community. The reason behind this respect ion and promotion is derived from the roles they play in healing practices. Based on the commitment and multidimensional treatment individuals or community may encourage and awarding bull or *goromsa* as a special gift. In other way, there is no gap in between the patient and his/her healers regarding to their culture, belief system, philosophy and the like and they participate in the same social associations. In the long term this closeness, respect ion and promotion have vital potential in building Strong solidarity between folk healers and the community.

Preserving and caring Cultures

The whole practices of folk medicine are a full of culture and cultural aspects according to *Macca* Oromo. They also take it as the upkeep of folklore elements. According to data obtained from FGDs folk medicine in general and folk medical animals, in particular employee material cultures, performing folk arts and spiritual practices. And indigenous healing practices have the potential to magnify Cultural, social, socio-political, and economic background of the community.

Healing and preventing diseases

As discussed above animal body and their product can serve as diseases healing and preventing people and livestock from diseases. This can be used in different ways of intake as orders by the folk medicinal expert and few of the medicinal animals are publicly known by society. In Oromo society every disease has medication system which is unique for the Oromo people, especially those related to the belief system. In the treatment strategy or process, we can find different and complex tasks, but all has their own logic i.e. important to that curing system.

Folk beliefs and practices exist within largely organized systems of health belief systems. Furthermore, these systems include sets of values, attitudes, and expectations partly taught by culture and partly developed by individual through unique life experiences that challenge these culturally provided “world view”. The question, “Why do you believe that works?” cannot be answered purely on the basis of observations about a healing practice itself, but must include its cultural context. For example, the belief in the efficacy of herbals as a universally effective healer is associated with a high valuation of age and experience, characteristics of wise healers as exemplified by traditional herbalists. That status includes the observation that many health ideas are today conceiving serious medical scrutiny. Oromo believes that ‘*Waaqa*’ blesses us with natural medicines, even though all of us are not quite familiar with which one is for which. Only

the 'ayyaantu' are acquainted with some of them and they disclose the mystery to one of their offspring to keep their secrets. This adds up their medicinal values and healing powers.

From the personal observation, we can understand that natural healing practice is safer because they are more like food than medicine connoting a nurturing *mechanism*. Health belief systems must be understood in both their individual forms, as represented by single, real patients, and in the idealized, cultural forms that help in the analysis of overall social interactions, such as the relationship of a particular set of beliefs for specific groups. Understanding individual folk medical beliefs are impossible by isolation. Neither can they provide a starting point to examine the interaction of modern medicine and folk tradition³⁶.

Factors Affecting Folk Medicinal animals

The folk-medicinal animals changed from the past to some extent. Because of various factors like the scarcity of folk medicinal animals (wild animals) change in environment (forest), this includes internal and external factors which contribute to the up down of this indigenous knowledge. Thus, Islamic, Christian and introduction of foreign medicine influences ethno medicinal animals in the study area.

Deforestation

A forest coverage and wildlife are primary capitals for folk medicine in bold and animal based medicine in particular. In study area the folk healers were considered forest as an ocean of indigenous healing practices. Because in the forest there are folk medicinal plants, animals and other creatures which may utilize as an input for folk medicine. However, today this all natural gifts were faced challenges for the reason that factors such as their sprouting response following cutting or burning, their ability to invade disturbed areas, and their presence or absence in soil seed banks. In addition, there is no repeated after cycles of cutting and burning forest fire wood. These are powerful risk and affects folk medicinal animals in the Oromo of study area. In this sense it demands Sustainable management of the forest in general and medicinal resources (plants and animals) because of their value as a prospective foundation of new medication and the huge belief on folk medicinal animals.

Religious Views

Religious view in a sense refers to attitudes towards mythological, supernatural, or spiritual aspects of a religion. It varies from one religion to another. This has its own factors on the indigenous knowledge of the native people. Thus, modern and the western religious and their followers have not positive attitudes towards folk medicine in general and animal based medication in particular. For instance, African medicine was regarded as unscientific and some of its treatment methods were considered anti-Christian. Traditional healers were regarded as heathens because of their participation in African Traditional Religion. Thus, Africans who became Christians were discouraged by the church from taking part in African traditional religious rituals and from consulting traditional healers (wcc-coe.org/wcc/what/interreligious/cd33-02.html).

³⁶ interview with Sabri Tolasa, 2016, Mattuu district

Negative attitudes of the community towards the Folk Medicine

The attitude of the society, especially the youngsters are very discouraging this indigenous knowledge because of education and what they call modernity. They understand this medicine as backwardness. Most traditional healers felt undermined because of social pressure. Some people undermined the traditional healers and this made it difficult for the patients to even tell them that they have been to a traditional healer before coming to the clinic or hospital when they go there. Most of the time, this has seen educated communities and current generation. Accordingly, some medical doctors/nurses did acknowledge that they undermined traditional healers. Particularly, some traditional healers also discriminate against each other according to the type of traditional healer (bone settlers, midwifery's, spiritual healers and the like) one is. Some look down upon others. Some herbalists don't believe in spiritual healer (diviner) saying they lie to people. In general, traditional healers have a lot of respect for their people.

According to data generated from FGDs, some nurses indicated that traditional healers seem to be very influential on their patients and this makes them good counselors and an entry point to the community for education purposes. The nurses believe that patients start with traditional healers and when they see that their medication doesn't work, they then go to the hospital/clinic. On the other hand, the traditional healers don't believe that the patients visit their clinics, making their visit to the hospital or clinic. Special some biomedical experts are undermining the indigenous healers by saying "These traditional healers can't even tell you what they gave you as a patient. It's worse when they say some herbs are more useful when they are rotten." Indigenous healer," Even though, many people still needs our help."

Expansion of Biomedicine

Medical personnel associate folk medicine and treatment with people of poor education, backward culture, and lack of civilization. They can neither prove its non-medical status to be stopped anytime. The matter is more complicated. It is better for our physicians to be aware of their patients' beliefs and practices; patients usually conceal these from physicians. After developing awareness, the physicians should identify the risks involved, such as direct risk (e.g., liver toxicity) or the risks of conflict with medical advice (e.g. using medicine indicates lack of faith). The absence of risk proves the continuities of beliefs and practices as patients' health resources; their medical implications may change over time. Risk-prove in the practices and beliefs of the patient must be followed by the assessment and comparison of his/her commitment to it and to that of medical treatment. The strong commitment of the better the physician engages in negotiation between the frameworks of medicine and that of the patient's. This demands drawing the nature of the practice or belief of the patient and its role within the patient's health system. The understanding of ethnographic interview methods or a willingness to draw upon non-medical experts for consultation (such as faith healers and herbalists to folklorists and anthropologists) is necessary to this effect.

Such negotiations could lead to complete compliance; but not very often. All these are intended to deliver improved medical care, minimize risk, and create doctor-patient cooperation. The negotiations can be simple in some cases and complicates in others. But the path is more vital than the direct impact on managing the case at hand. It makes doctors and nurses familiar with the beliefs and practices of the patient population and the functions of the beliefs and practices in the cases of specific diseases. Textbooks do not provide such information; having designated cultural

specialists on every health care team is infeasible. Therefore, the primary role of the folklorist herein is educating; clinical consultation is another role. Folk medicine has therapeutic values, besides having psychological benefits in relieving anxiety. Studies show that plants taken to be of medical values exhibit strong cases of facts. Assumptions about folk medicine demand reconsidering and reassessing. Health professionals better learn more about the traditions of their patients to serve them well. Following are some important concepts about folklore in medicine.

CONCLUSION

The current study shows that nineteen (19) animal species were being used to treat nearly 23 different ailments and results show that ethno zoological practices are an important alternative medical practice by the *Macca* Oromo tribe living in *Mattu* district. A total of 19 folk medicinal animals; (mammal species 11, reptiles 5, and 3 Birds) were identified as being used for medicinal purposes in *Macca* Oromo, south western Ethiopia. According to the present study also indicates the very rich with folk medicinal animals (ethno zoological) knowledge of these people in relation to folk medicine.

Moreover mammals, reptiles and birds from the team and wild have been used in the field of traditional medicine for different purposes. So there is a critical need to properly document to keep a record of the ethno zoological information. We hope that the information generated in this study will be useful for further research in the field of ethno zoology, ethno pharmacology and conservation approach. Furthermore, there is a need to involve traditional healers on all the aspects of traditional medicine, including the preparation of pharmacopoeia for evaluating all medical plants and other substances used in drugs, giving therapeutic indicators, and methods of preparations and dosages, as well as awards of grants for research on traditional medicine in collaboration with other interested institutions and organizations and harmonization between traditional and modern medicine. In order to improve the prospects and potential benefits of traditional medicine to society, the contribution of both health care systems needs to be considered.

RECOMMENDATIONS

Based on the finding of the study, the following recommendations are forwarded: Folk medicinal animals are primary to the indigenous cultures, knowledge and it serves as a means of preserving other genres of folklore. So, all concerned governmental and non-governmental bodies should take into account this issue and design strategies to create positive attitudes among the current generation by raising awareness about the folk medicinal animals and their utilization. The indigenous knowledge and skill of folk healers or practitioners must be encouraged and protected. This could take the form of legally registering or licensing so that they will be encouraged to make use of their knowledge confidently. This can also contribute to the respects of property or patent rights not only through certification but also through organizing them at different levels, which promotes their indigenous knowledge and medicinal animal value.

ACKNOWLEDGEMENT

The author's genuine gratitude goes to our informants (local elders and folk healers) for their cooperation during the field work. Furthermore, we would like to acknowledge Jimma University, College of Social Science and Humanity Postgraduate and Research Coordinating office for financial support.

CONFLICT OF INTERESTS

We declare that there are no financial, professional or personal competing interests that might have influenced the performance or presentation of the work described in this manuscript.

REFERENCES

1. **Abbott R.** (2014). *Documenting Traditional Medical Knowledge world intellectual property organization.*
2. **Adeola, M.O.** 1992. *Importance of wild Animals and their parts in the culture, religious festivals, and traditional medicine of Nigeria.* Environ. Conserv. 19 (2): 125-134. Sci.culture, religious festivals, and traditional medicine, of Nigeria. Environ. Conserv. 19: 125-134.
3. **Alves J and Rosa IL** (2005). *Why study the use of animal products in traditional medicine?* J EthnobiEthnomed 1 (5)1-5
4. **Assegid Assefa and Tesfaye Abebe,** *Ethno botanical Study of Wild Medicinal Trees and Shrubs in BennaTsema District, Southern Ethiopia.*J. Sci. Dev. 2(1).17-33, 2014.
5. **Bannerman, R. H.** (1983). *The role of traditional medicine in primary health care.* In *Traditional Medicine and Health Care Coverage.* R. H. Bannerman, J. Burton, and C. Wen-Chieh, eds. Pp. 318-327. Geneva: World Health Organization.
6. **Behailu, E.** (2010). *Ethno botanical Study of Traditional Medicinal Plants of GomaWereda, Jima Zone of Oromia Region, Ethiopia,* M.Sc. Thesis Addis Ababa University.
7. **Costa-Neto em and marques jgw.** 2000. *Faunistic resources used as medicines by artisanal fishermen from Siribinha Beach, State of Bahia, Brazil.* J Ethnobiol 20: 93-109.
8. **Cotton, C. M.** (1996). *Ethno botany: Principles and Applications.* John Wiley and Sons Ltd. Chichister, England, pp. 347.
9. **CSA** (2007). *The Population and Housing Census report of Ethiopia*
10. **Dawit, A and Ahadu A.** (1993). *Medicinal plants and Enigmatic Health practices of Northern Ethiopia.* B.S. P.E. August 1993.
11. **Etana, T.** (2007). *Use and Conservation of Traditional Medicinal Plants by Indigenous People in Gimbi Woreda, Western Wellega.* M.Sc. Thesis. Addis Ababa, Ethiopia.
12. **Gidey Y. and Samuel .Z.** *Ethno botanical Study of Traditional Medicinal plants in Gindeberet district, Western Ethiopia.* Proceedings of the 1st International Technology, Education and Environment Conference. 61-67. African Society for Scientific Research (ASSR), 2011.
13. **Holf W.** *Traditional Health Practitioners as Primary Health Care Workers.* Trop Doc. 1997;1 (27supp):52-55.
14. <http://www.ethnoleaflets.com> (Accessed on 06 January, 2016).
15. <https://wcc-coe.org/wcc/what/interreligious/cd33-02.html>.
16. <https://www.google.com.et/plantinfocentre.com>. (Accessed on 06 January, 2016).
17. **Kebede Deribe, Alemayehu Amberbir, Binyam Getachew and Yunis Mussema,** *A historical overview of traditional medicine practices and policy in Ethiopia.* Ethio. J. Health Dev. 20(2):127-134, 2006.
18. **Kokwaro JO** (1993). *Medicinal plants in East Africa.* East Africa Literature Bureau, Nairobi, Kenya
19. **Narnag, S. & Mitra, M.** (1998). *Indigenous knowledge and the treatment of disease in Abujmah. In Contemporary studies in human ecology.* New Delhi, India: Kamla-Raj Enterprises.
20. **Nigussie, A.** (2010). *Anethnobotanical study of medicinal plants in FartaWereda, South Gonder zone of Amhara region, Ethiopia.* Addis Ababa
21. **Pieroni a, giusti M and grazzini a.** 2002. *Animal remedies in the folk medicinal practices of the Lucca and Pistoia Provinces, Central Italy.* In: FLEURENTIN J ET AL. (Eds), *Des sources du savoir aux medicaments du future/from the sources of knowledge to the medicines of the future,* Paris
22. **Press, I.** (1978). *Urban folk medicine: A functional overview.* American Anthropologist, 80, 71-84.
23. **WHO.** (2003). *National Policy on Traditional Medicine and regulation of Herbal medicines, Report of a WHO Global Survey,* Geneva, Switzerland May 2005.
24. **Workineh, K.** (2006). *Traditional Oromo attitudes towards the environment: An Argument for environmentally sound development.* Addis Ababa.

CHALLENGES IN ROMANIAN/ENGLISH TRANSLATION OF TECHNICAL TERMINOLOGY

Laura SASU¹

ABSTRACT:

THE UNDELYING RESEARCH FOCUSSES ON THE CURRENT USE OF ENGLISH (FOR SPECIFIC PURPOSES) BY (FUTURE) PROFESSIONALS IN VARIOUS DOMAINS. AS THE PREVALENT INTERNATIONAL COMMUNICATION MEDIUM, ENGLISH BECOMES A KEY FACTOR FOR PROFESSIONAL DEVELOPMENT IN THE CURRENT CONTEXT OF INFORMATION EXCHANGE. THEORETICAL AND APPLIED LINGUISTICS PROVIDE THE NOTIONAL FRAMEWOK NECESSARY FOR OPTIMAL RESULTS OF TRANSLATION IN SPECIFIC OCCUPATIONAL AREAS. CONVEYING DOMAIN-SPECIFIC KNOWLEDGE IN ACADEMIC AND PROFESSIONAL CONTEXTS/SITUATIONS IMPLIES TRANSFER OF MEANING BY MEANS OF ACCURATE TRANSLATION OF FIELD-RELATED TERMINOLOGY. FOR ATTAINING HIGHEST SEMANTIC EQUIVALENCE, THE TERM CORRESPONDENCE BETWEEN SOURCE AND TARGET LANGUAGE NEEDS TO BE FURTHER INVESTIGATED. BESIDES FORMAL AND NOTIONAL OVERLAPPING OR SIMILARITY OF NUMEROUS TERMS THAT ARE ETHYMOLOGICALLY LINKED, THERE ARE ALSO COUNTLESS SITUATIONS, WHERE DEFINING, DISAMBIGUATION AND TERMINOLOGICAL RESEARCH ARE NECESSARY IN ORDER TO PROVIDE ACCEPTABLE SOLUTIONS FOR TRANSLATION DIFFICULTIES, INCLUDING: SYNONYMY; POLYSEMY; PARTIAL OR CONTEXTUAL SYNONYMY; LACK OF SPECIFIC TERMS IN TARGET LANGUAGE; TRANSLATION BY DEFINITION; COMPLETE TERMINOLOGICAL DIVERGENCE OR MISLEADING FORMAL EQUIVALENCE/SIMILARITY BETWEEN SEMANTICALLY DIFFERENT TERMS. EXAMPLES OF SUCH SITUATIONS ARE TERMINOLOGICALLY INVESTIGATED IN ORDER TO HIGHLIGHT POSSIBLE CHALLENGES THAT ARE MOST LIKELY TO OCCUR IN TRANSLATIONS PRODUCED FOR ACQUISITION, COMPREHENSION OR DISSEMINATION DOMAIN-SPECIFIC INFORMATION.

KEY WORDS: TERMINOLOGY, TECHNICAL TERMS, SEMANTIC EQUIVALENCE, TRANSLATION CHALLENGES, SOLUTIONS

INTRODUCTION

The main areas of applied linguistics that converge in the underlying research directly emerge from activities specific to translation studies, foreign language teaching/acquisition at tertiary education level and terminological research focussing on projects related to professional and academic communication, translation of technical texts/terms and use of English for Specific

¹ PhD, Faculty of Letters, Transilvania University of Braşov, Romania, laura.sasu@gmail.com .

Purposes.

1. TRANSLATING IN THE ERA OF INFORMATION TECHNOLOGY

A primary objective of this article implies the correct relevance assessment of each area so as to identify the best operating algorithm for reflecting the results of the activities listed above within the foreign language teaching/learning process. Hence, the purpose-oriented approach originates in the commitment to provide scientific research in the relevant areas for integrating research results in teaching activities, within a coherent, well-structured, efficient framework.

The goals set for foreign language acquisition for academic and professional development originate and simultaneously converge in the generic aim of most activities implied by a teaching English for Specific Purposes at university level, namely that of providing a high-quality educational offer, recommended by the consistency of its contents, the efficiency of teaching methods and the coherence of the theoretical and application framework. Presently, at tertiary education level, English for Specific Purposes courses provide training of current students in Bachelor's, Masters, and Ph.D. programmes, that are the future professionals in various fields of expertise.

Learners' needs often emerge from the ever-growing influence of English upon worldwide communication in the era of the digital revolution, so that it becomes essential for learners to be able to keep up with professional communication in the broader context of hyper-accelerated development rates in the fields technology, directly impacting the technical terminology used in each domain. Translation studies and terminology pertain both to the fundamental specialisation in the field of Philology, but the study of both areas are currently more and more necessary to provide key-competencies for professionals in most non-philological fields, who constantly need to research, publish, or otherwise communicate with their occupational communities using English language as the most frequently adopted communication medium. However "Translation is much more than a transfer of words and structures; it is not only a matter of correctness and appropriacy of linguistic and semantic content wrapped in a different language code: it is also an intercultural encounter, a transfer of knowledge."² The current research focusses on English language teaching (mainly considered as pertaining to the field of philology, or subdomains thereof, such as foreign language teaching, applied linguistics, translation studies, terminology, contrastive linguistics), also including an important interdisciplinary approach meant to bring about a new perspective – hopefully a more comprehensive and integrative one – upon topics that claim the attention of several disciplines.

Therefore, teaching English for tomorrow's professionals (specialising in various domains) implies setting specific goals to attain the skills necessary for each type of activity projected by theoretical forecast: comprehension abilities for reading and researching; adequate use of formal/informal registers both in oral and in written professional communication; correct use of language structures, appropriate translation skills in the transfer of meaning between native language and English; awareness of inter-lingual transfer and source language influence upon translation product; message conveyance by semantic equivalence and free translation by averting literal translation and merely formal equivalence; terminological analysis and disambiguation; bilingual terminological equivalence, etymological interpretation. All the aims above fall under the main broad objective of training (future) specialists, who are genuinely interested in further development in their field of expertise. Learners are also aware of the fact that experts in all areas need to keep up with the swiftly changing professional environment. They need to be able to select reliable

² Arhire, Mona; *Corpus-based Translation for Research, Practice and Training*. (Iași: Institutul European, 2014); 171.

information sources and efficiently use available resources, to be capable and willing to perform correct self-assessment for further development in relevant areas of interest. In short, schematically, the underlying research pursues the generic objective of providing linguistic instruments to future professionals to allow the development of their expertise. This implicitly involves developing abilities in Translation, Terminology Research or Contrastive Linguistics.

2. ENGLISH FOR SPECIFIC PURPOSES (ESP)

The academic/professional communication in any specific field, is nowadays closely linked to the use English as the dominant international language. The field of electrical engineering and computer science, focused on in the underlying study, prompts for the appropriate language training for future academic/professional contexts and situations that always imply the use of English. Future professionals face the challenges posed by communication in a foreign language in numerous academic and occupational situations. Theoretical forecast allows anticipation of difficulties and identification of potential solutions related to:

- 2.1 Scientific Research: bilingual terminological study of domain-specific terms; writing, reading, publishing scientific articles; disseminating professional information in international scientific conferences; cooperating with members of the international professional/occupational community.
- 2.2 Training Activities: preparing training materials, publishing tutorials, technical documentation, user's guides; planning/assessment of activities, devising reports in multinational companies; troubleshooting/service assistance, guidance or supervision for specific products.
- 2.3 Administrative activities: interviews, applications, job descriptions; tests, questions and evaluation of potential candidates; attending relevant international meetings; monitoring/solving problems, commissioning equipment abroad; translating/interpreting for international co-workers.

At tertiary level education, language learners need to be fully aware of particular contexts that are relevant for their academic and professional development and have at least basic knowledge of technical terminology and English language as prerequisites. Common examples include: interviews (when applying for a job, or for European mobility programmes); scientific communication (projects, conferences, presentations); data (documentation, manuals, tutorials, books, scientific articles).

Academic development is also frequently interconnected to foreign language communication abilities, facilitating future professionals to study abroad, to join Master's and Ph.D programmes held in English, including dissertation, thesis, research, dissemination of research results. The professional path in this domain often leads to multinational companies, training, teleconferencing, technical support, international teams, devising testing and troubleshooting protocols, product descriptions and instructions.

Thus, the target group of the underlying case study for the ESP training includes 1st and 2nd year students of the Faculty of Electrical Engineering and Computer Science, a science-oriented domain, where heterogeneous groups of language learners, ranging from beginners to upper intermediate and advanced, take up ESP for four semester modules of 28 hours each. The initial placement tests taken by 500 students each year indicate that upper intermediate and advanced students who score above 80 out of 100 multiple choice questions are less than 20 percent. The generic progress objective is shifting the English language level, especially in written domain specific communication, (from A1 to A2, A2 to B2, from B2 to C1 and from C1 to C2). That implies developing translating skills by theoretical translation studies and applied translation practice of texts containing domain specific technical terminology.

Activities include reading-comprehension, writing, translating technical terms/texts, producing clear messages in English, using the formal/informal register adequately;

2. FUNDAMENTAL NOTIONS IN TRANSLATION STUDIES

Fundamental notions in translation studies allow learners to become aware of the language shift occurring unconsciously both in comprehension of foreign language source texts/messages and in formulating meaning using a foreign target language code. Theoretical forecast of anticipated difficulties in translating are usually not restricted to the most common ones, such as unknown words/terms, unfamiliar domain or challenges in decoding meaning. Quite often, translating from the native language into English (and occasionally even in reversed translation directionality) becomes challenging despite of high level language competencies in both languages of the translation pair. The examples provided hereafter are meant to provide contexts, where a certain type of translation difficulty occurs. The terminological analysis thereof and identifying translation/ terminological solution applies not only for that specific example but also for any similar context recognised as such by ESP language learners in the future. Each context serves as a pretext to assist language learners in solution finding (in many cases there might be several valid solutions applicable). Discovering (by analysis) what type of difficulty occurred and finding solutions by themselves provide language learners with the necessary translation practice and application of theoretical knowledge (acquired by context analysis) to be able to solve similar translation difficulties in the future, even with completely different contexts/terms. The contexts/terms are presented as samples of types of translation challenges that can occur in other forms, but can be solved according to the same principles used in the sample text/term.

3. APPLIED LINGUISTICS

The fundamental notions of translation further extend the focus on language as a code, meaning as a concept, and translation as a process having as final product the accurate transfer of meaning from one code to another, ultimately leading to efficient exchange of professional knowledge between international members of an occupational community.

3.1.LANGUAGE:

The correct use of language is mandatory in order to avoid distortion of intended messages.

Communicating in a foreign language often implies translation (here referring to the translating process itself), both *from* and *into* that *language*. Challenges emerge due to structural divergence of source language and target language codes.

e.g. translating the Romanian "lucrez" leads to multiple possibilities of correct options in English: *I work, I am working, I have been working*

e.g. translating the English "beam" also bring polysemy into the picture, providing several translation choices: *rază, fascicul, grindă, buiandrug*

The only correct answer to the above translation questions, firstly connects FORM to MEANING. The possibility of one form corresponding to several categories of potential meaning emerges. Meaning, and subsequently the correct translation variant (or the one considered to be the most accurate form of rendering that particular semantic unit) always depends on the CONTEXT.

3.2.MEANING of word/term/phrase is frequently context bound. Terms are to be considered in context, if there is one available.

Therefore, translating a word/term/text transfers the meaning in one particular context, from source language to target language semantic units. It conveys the same meaning using the code of a different language. Erroneous de-contextualisation leads to possibly altering the meaning completely and hence to severe translation failure by providing a different message in the translation product.

3.3. TRANSLATION, as the product of the *translating* process/process itself, aims at conveying messages accurately, by decoding (meaning) from Source Language and encoding in Target Language, aiming at semantic rather than formal equivalence.

4. SEMANTIC EQUIVALENCE

The decoding of MEANING of the source language term/text by understanding the code thereof is the first stage of the translation process.

Concept comprehension/clarification/disambiguation is the second stage and usually relies on in-depth knowledge of the domain, professional expertise, but occasionally also requires further terminological investigation for more explanatory contexts. At this stage, the CONCEPT is investigated by terminological research, usually starting with a minimal, or a more elaborate DEFINITION for the concept corresponding to the source language term.

DEFINING patterns become useful instruments at this stage of the translation process, since complete and correctly formulated definitions contribute to accurate meaning interpretation by concept identification, which makes proper transfer to target language possible. Generally, minimal definitions are structured according to the following pattern:

[TERM to be defined - *general class* + particular characteristics]

e.g. ELECTRICAL AND ELECTRONICS ENGINEERING is *the largest and most diverse field of engineering* that is concerned with the development and design, application, and manufacture of systems and devices that use electric power and signals.

Defining is relevant for disambiguation, as it provides essential information on the concept associated to a particular term, both in the source and in the target language. This is the case especially due to the fact that formal equivalence can be misleading:

e.g. Despite of the formal similarity of the Romanian term *comutator* to the English noun *commuter*, there is no semantic equivalence whatsoever:

- *commuter* is according to the definition: a person regularly travelling between home and work.
- *comutator* is according to the definition: dispozitiv care permite sau opreste fluxul unui curent electric.

Therefore *commuter* is not an acceptable translation option for the term *comutator* and should be translated (according to semantic equivalence, that is always prevalent over formal equivalence) *switch* defined as: electric device performing on/off function. Definitions help establishing semantic and conceptual equivalence between terms and is therefore the recommended tool for double-checking target language terms indicated by translation software or dictionaries (that list several possible translation options for one source language term).

Defining is also a useful instrument for disambiguation when dealing with:

4.1. Synonymy: Several terms correspond to one concept. The adjective *atomic/nuclear* are interchangeable in certain contexts in both languages, thus pertaining to the category of contextual synonyms, even if defining the adjectives individually indicate different semantic

coverage. The context is highly relevant, turning adjectives with distinct meanings into synonymous ones in this context.

e.g. atomic weapon / nuclear weapon – *arma atomica / nucleara*

In this context they are interchangeable, thus becoming synonyms, since the entire terms including the context noun (*weapon*) refer to the same concept.

4.2. Polysemy: Several concepts correspond to one term.

e.g. beam – *rază / fascicul / buiandrug*

e.g. recipient – *recipient / receptor*

e.g. speaker – *vorbitor / difuzor*

4.3. Partial/contextual semantic equivalence: A term and a concept are associated only partially/in certain contexts.

e.g. inductor [diode] - *diodă*

e.g. exchange – *centrală telefonică*,

4.5. No term: No term coined in the target language.

e.g. debugging - no term

e.g. flip-flop – no term

e.g. backbone link – no term

Such terms are usually included in their original English form, however in cases where further explanatory information is considered necessary, translation of a term by its definition is the ultimate solution.

e.g. trouble-shooting equipment – no term (*echipament de trouble-shooting* is possibly not explanatory enough in certain communicational contexts, making therefore translation by definition necessary – *echipament de testare și detectare a erorilor*)

Particularities such as synonymy (several terms correspond to one concept), polysemy (several concepts correspond to one term), partial/contextual semantic equivalence (term and concept are associated only partially/in certain contexts) are examples of the most common predictable translation difficulties implied by specialised terminology.

5. TERMINOLOGY

TERMS specific to a certain domain, commonly referred to as technical terms, might have obscure meaning both in native and in foreign languages. However, in some cases, seemingly difficult or complex terms can be translated easily, due to common etymological background. Technical terms in fundamental domains such as Mathematics, Physics, Chemistry, Biology etc. are derived from Latin forms and, due to the similar forms even in language pairs from different language families, pose no translation difficulties whatsoever, even in situations where the meaning/concept is not necessarily transparent. The translation can be inferred by adapting the Latin constitutive parts (that are easily recognizable) to the language structure of target language.

e.g. colloid non-stoichiometry (Chemistry) - *nestoichiometria coloizilor*

e.g. antiphospholipid antibodies (Medicine) - *anticorpi antifosfolipidici*

e.g. geostationary/geosynchronous orbit (Astronomy) – *orbită geosincronă/geostationară*

In most cases of technical terms derived from Latin forms, formal equivalence doubles semantic equivalence, whereas common words, pertaining to every-day language and part of the more commonly used vocabulary, might be actually more difficult to translate. Since there is no common origin, the terms differ radically in form, according to the codes of two unrelated languages.

e.g. pâslă – *felt*

e.g. scamă – *lint*

5.1. Terminological similarity

Technical terms might frequently have no notional correspondence even for native speakers, which does not exclude the possibility of translating easily, by merely adapting the form to the target language code:

e.g. electromagnetism (Physics) – *electromagnetism*

e.g. germanium (Chemistry) - *germanium*

Technical terms in fundamental domains such as Mathematics etc. and further subdomains thereof, have similar forms due to the fact that they are also derived from Latin terms. Consequently translating such terms involves applying language structure rules pertaining to word-formation, word order, choice of lexical items, register, class-changing and class-preserving suffixes or prefixes etc.

e.g. Fourier analysis - *analiza Fourier*

e.g. linear systems theory - *teoria sistemelor liniare*

e.g. linear algebra - *algebra liniară*

e.g. differential equations- *ecuații diferențiale*

5.2. Terminological overlapping

Technical terms in areas of recent development, such as IT, occur in transfer translation, from English to Romanian, having identical/similar form in both languages, merely preserving the form of the English original term, occasionally slightly altering spelling:

e.g. microchip - *microcip*

e.g. microprocessor - *microprocesor*

e.g. mouse - *mouse*

e.g. hardware - *hardware*

e.g. software - *software*

e.g. joystick - *joystick*

5.3. Terminological divergence

In all other cases, where terms are not etymologically connected in any way, technical dictionaries/glossaries, translating skills and technical expertise are necessary for understanding the meaning and correctly translating terms/texts. Word for word translations provided at first as literal translations produced by the translator or listed by dictionaries or translation software are unreliable in such contexts. Corpus³-based translation turns out to be a more suitable option for identifying domain specific terminology in use.

e.g. transducer – *traductor*

e.g. coil – *bobină*

e.g. forward bias – *polarizare directă*

e.g. reverse-bias – *polarizare inversă*

e.g. ripple – *riplu*

³ “a collection of pieces of language text in electronic form, selected according to external criteria, to represent, as far as possible, a language or a language variety as source of data for linguistic research” Sinclair. J. 2005 “*Corpus and Text – Basic Principles*” in M. WYNNE (ed) *Developing Linguistic Corpora: a Guide to Good Practice*. (Oxford: Oxbow Books); 16

Literal translations produce unacceptable results in such cases. Term inadequacy leads to message distortion, meaning misinterpretation and even to rendering no meaning at all in the target language.

- e.g. bus – *magistrală* (*autobus* – not acceptable here)
 - e.g. switching capability – *capacitate de comutare* (*capacitate de schimb* – not acceptable here)
 - e.g. generation of radiowaves – *generarea undelor radio* (*generația undelor* – not acceptable here)
 - e.g. flow of electrons – *flux de electroni* (*curgerea de electroni* – not acceptable here)
 - e.g. transmission media – *mediu de transmisie* (*media de transmisie* – not acceptable here)
 - e.g. telegraph key – *tasta telegrafului* (*cheie telegrafică* – not acceptable here)
 - e.g. electron gun – *tun de electroni* (*armă de electroni* – not acceptable here)
 - e.g. picture tube – *tub catodic* (*tub de imagini* – not acceptable here)
 - e.g. switching facility – *stație de comutare* (*facilitate de schimbare* – not acceptable here)
 - e.g. dish-shaped antenna – *antena parabolică* (*concavitate în formă de antenă/ antenna în formă de farfurie* – not acceptable here)
 - e.g. storage device – *dispozitiv de stocare* (*dispozitiv de depozitare* – not acceptable here)
 - e.g. mechanical movement – *lucru mecanic* (*mechanical thing* – not acceptable here)
- In other cases, word for word translations broadly convey the meaning, but are not the most adequate term to use in that specific context.
- e.g. excess of electrons – *surplus de electroni* (*exces* – not the most adequate choice)
 - e.g. lack of electrons – *deficit de electroni* (*lipsa* – not the most adequate choice)
 - e.g. medical imaging system – *sistem de imagistică medicală* (*imagini* – not the most adequate choice)
 - e.g. text delivery system – *system transmite text* (*system livrare text* – not the most adequate choice)
 - e.g. facsimile machine – *aparat fax* (*mașină facsimilă* – not the most adequate choice)

CONCLUSION

The goals of specific ESP language teaching/acquisition activities are cumulatively reflected in the primary aim of obtaining optimal training results, namely professionals able to rely on a solid foundation of knowledge and abilities acquired during tertiary studies, able to continue their professional development, confidently and successfully using English language as the key communication medium in areas of academic and/or professional interest.

Translation theory and practice are equally important instruments for developing the skills necessary for efficient academic and professional communication in a foreign language, especially in English – the “native” language of Computer Science, and the “first” language in the digital era. The theoretical and practical aspects above are meant to serve as a notional framework for translation practice in the field of IT.

The terminology used in the field of electrical engineering and computer science is abundant in basic terms derived from Latin, therefore making translation of technical texts/protocols possible, even for language learners at beginner level in both directionalities. Most formal adaptation attempts result (in the case of fundamental disciplines with terms initially coined in Latin) in successful translating products, even between languages that belong to completely different language families, such as English and Romanian.

Other technical terms in areas of recent development, such as computer science, information technology or telecommunications, also frequently allow transfer translation, with formal overlapping resulting in identical/ similar forms in both language codes, due to recent terms coined in English and exported to most languages worldwide. Since the “native language” of information technology and computer science is English, in many cases, technical terms are preserved and used in their initial forms or slight adaptations thereof to target language codes. The Latin or English origin of terms and the transparent formal adaptations thereof make translating less challenging, since comprehension often occurs by meaning deduction and even meaning encoding in target language is frequently possible by slight formal adaptation of terms.

In all the other cases, when Latin or English common grounds do not apply, technical dictionaries and glossaries, translating skills and technical expertise are cumulatively required for understanding and conveying meaning by translating technical terms/texts accurately. The terminological analysis capabilities implied by accurate translation abilities become necessary instruments for academic and professional communication, information exchange and further development and progress in any field of expertise.

REFERENCES

1. **Arhire, Mona;** *Corpus-based Translation for Research, Practice and Training*. Iași: Institutul European, 2014;
2. **Arhire, Mona;** *Structural Equivalence in Translation. An introduction*. Vol I Cluj-Napoca: Casa Cărții de Știință, 2016;
3. **Bell, Robert T.;** *Translation and Translating: Theory and Practice*. London and New York: Longman, 1991;
4. **Fries, Charles C.;** *Teaching and Learning English as a Foreign Language*. Ann Arbor: University of Michigan Press, 1945;
5. **Johansson, Stig;** *Contrastive Analysis and Learner Language: A Corpus-based Approach*. Oslo: University of Oslo, 2008;
6. **Lado, Robert;** *Linguistics across cultures: Applied linguistics for language Teachers*. Ann Arbor: University of Michigan Press, 1957;
7. **Pym, Anthony;** *Exploring translation theories*. New York: Routledge, 2010;
8. **Sinclair, John;** "Corpus and Text – Basic Principles" in M. Wynne (ed) *Developing Linguistic Corpora: a Guide to Good Practice*. Oxford: Oxbow Books; 2005;

A VOLUMINOUS SARCOMA OF THE RIGHT ARM AGGRESSIVELY LOCALLY AND AT DISTANCE

Tiberiu Ștefăniță ȚENEA-COJAN¹

Lucrețiu RADU²

Mihaela VLADU³

Diana CLENCIU⁴

Cristina Gabriela ENE⁵

Vlad BĂLEANU⁶

ABSTRACT

SOFT-TISSUE SARCOMAS ARE A GROUPS OF TUMORS ORIGINATING IN THE MESENCHYMAL CELL, WITH DIFFERENT HISTOLOGY, EVOLUTION AND PROGNOSIS.

OFTEN, THEY ARE LOCATED IN THE MUSCLE, ADIPOSE TISSUE OR CONNECTIVE TISSUE, AT THE LEVEL OF THE EXTREMITIES (50%), TRUNK, RETROPERITONEUM (40%), HEAD AND NECK (10%).

REGARDING THE AGE GROUP, THE MAXIMUM INCIDENCE OF SOFT-TISSUE SARCOMAS IS FOUND IN PATIENTS OVER 50 YEARS OLD.

AS RISK FACTORS FOR SOFT TISSUE SARCOMAS SPECIALTY LITERATURE MENTIONS HEREDITARY SYNDROMES, RADIATIONS, CHRONIC LYMPHEDEMA, FOREIGN BODIES AND VIRUSES.

SURGERY IS VERY IMPORTANT IN THE TREATMENT OF SARCOMAS. ALSO, OTHER TREATMENTS LIKE CHEMOTHERAPY AND RADIOTHERAPY MAY BE APPLIED BEFORE AND/OR AFTER THE SURGERY, THUS, SIGNIFICANTLY IMPROVING THE PROGNOSIS.

KEY WORDS: GIANT LIPOSARCOMA, LOCAL AGGRESSIVENESS, RIGHT HAND FINGERS PARESTHESIA

¹Department of Surgery, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

²Department of Hygiene, Faculty of Medicine, University of Medicine and Pharmacy of Craiova (corresponding author: e-mail: lucretiu.radu@gmail.com ; telephone no: 0762615877)

³Department of Metabolism and Nutrition Diseases, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁴Department of Metabolism and Nutrition Diseases, Municipal Clinical Hospital "Filantropia"

⁵PhD student , Department of Pharmacology, University of Medicine and Pharmacy of Craiova

⁶University of Medicine and Pharmacy of Craiova, Bucharest University Emergency Hospital, Surgery Department

INTRODUCTION

Soft-tissue sarcomas are a groups of tumors originating in the mesenchymal cell, with different histology, evolution and prognosis.

Often, soft-tissue sarcomas are located within the muscles, adipose tissue, or connective tissue at the extremities (50%), trunk, retroperitoneum (40%), head and neck (10%). Soft-tissue sarcomas are rare tumors, representing 1% of the total malignant tumors of the adult, with varying evolutions depending on histological subtype, degree of differentiation, localization and tumor size⁷.

The gross incidence of soft sarcomas in E.U. is 1-3 cases / 100,000 inhabitants / year.

Regarding the age group, the maximum incidence of soft-tissue sarcomas is found in patients over 50 years old.

As risk factors for soft tissue sarcomas specialty literature mentions:

- hereditary syndromes (retinoblastoma - Rb1 mutations, Li-Fraumeni syndrome-p53 mutations, neurofibromatosis);
- radiations (radiotherapy);
- chronic lymphedema;
- foreign bodies;
- viruses (HIV1- Kaposi sarcoma; cytomegalovirus)⁸

Histological, soft sarcomas seem to develop from the residual mesenchymal stem cell in the muscle, adipose and connective tissue, whose origin still remains unclear.

Regarding molecular biology, there are two large groups of sarcomas:

- With simple and specific reciprocal chromosomal rearrangements – often found in young patients, rarely associated with p53 mutations or other genetic syndromes
- With complex karyotype and non-reciprocal non-random rearrangements – often in older patients, frequently associated with p53 mutations or other genetic syndromes⁹.

The unfavorable prognosis of patients with soft-tissue sarcomas is due to the local aggressiveness tendency and early progression to haematogenic metastasis, especially in the lung, but also in the liver and bones. Metastases in the central nervous system are very rare, with the exception of soft –tissue alveolar sarcomas.¹⁰

MATERIAL AND METHOD

The presented case study refers to a 81 year old male patient who was admitted in the IV Surgery Clinic of Clinical CF Hospital of Craiova for investigations regarding a giant formation located at the middle third of the right arm, on the postero-medial face accompanied with right hand paresthesia – mostly located on IVth and Vth fingers.

⁷ Brennan AF, Singer S, Maki RG, et al. Soft tissue sarcoma, In: DeVita VT Jr, Hellman S, Rosenberg SA, eds. Cancer: principles & practice of oncology. 7th ed. Philadelphia, Williams & Wilkins, 2005: 1581-1637.

⁸ Casali P, Gronichi A, Omli P, et al. Sarcomi delle parti molli nell'adulto. In: Bonadonna G, ad. Medicina oncologica. 7ma ed. Milano: Masson, 2003: 1261-1274.

⁹ Foeshner CA, Casciato DA. Sarcomas. In: Casciato D ed. Manual of clinical oncology. 5th ed. Philadelphia: Lippincott Williams & Wilkins, 2004:370-382.

¹⁰ Pester PWt, Casper ES, Mann GN, et al. Soft-tissua sarcomas. In: Pazdur R, Coia LR, Hoskins WJ, eds Cancer management: a multidisciplinary approach. 8th ed. CMP Oncology 2004: 561-590.

The patient was fully examined, blood tests were taken, several imaging examinations were performed (ultrasound, radiography, doppler ultrasound) in order to fully understand the patient's disease and collateral pathology and also to be able to provide the best medical care for our patient.

RESULTS

From the personal pathological history, we retained atrial fibrillation, for which the patient is receiving oral anticoagulant therapy (Trombostop) and also a high blood pressure history for which our patient is receiving treatment.

The objective examination with inspection and palpation reveals on the postero-medial face of the right arm, a voluminous tumor of about 20/10 cm, painless, imprecisely delineated in depth, with regular margins, firm consistency, reduced mobility on the posterior plane, with normal overlying skin, without clinically detectable loco-regional adenopathies. Rectal examination revealed a large prostate adenoma and a supple rectal ampoule.



Figure 1. Pre-operative aspect of the right arm

Laboratory analyzes showed a slight anemia of 11.9g / dl, and an INR-3.46. From radiological point of view we found aortic atheromatosis and a moderately enlarged cord in transverse diameter. No pulmonary or bone metastases are noted. The abdominal ultrasound performed at admission reveals a moderate hepatomegaly, a large prostate volume and no localized liver processes. Doppler arterial ultrasound performed for the right arm highlights: mean 0.8 mm intima, without stenosis plaque, fully permeable arterial shaft, present fluxes, quasi-normal morphology and spectral dispersion. Venous Doppler for the right arm showed free deep venous axis, current flow, fingerprinting and deflection of superficial veins - basal vein by the mass phenomenon developed by the tumor at the arm level.

After a cardiovascular balancing (TA-140 / 70mmHg) and coagulation (Thrombostop is discontinued and Fraxiparine therapy is instituted), surgical intervention is performed and the removal of the tumor formation is carried out with great difficulty. It is worth mentioning that the patient is suggested the arm amputation, of course after confirmation of the neoplasia by an extemporaneous histopathological examination, but which he refuses.

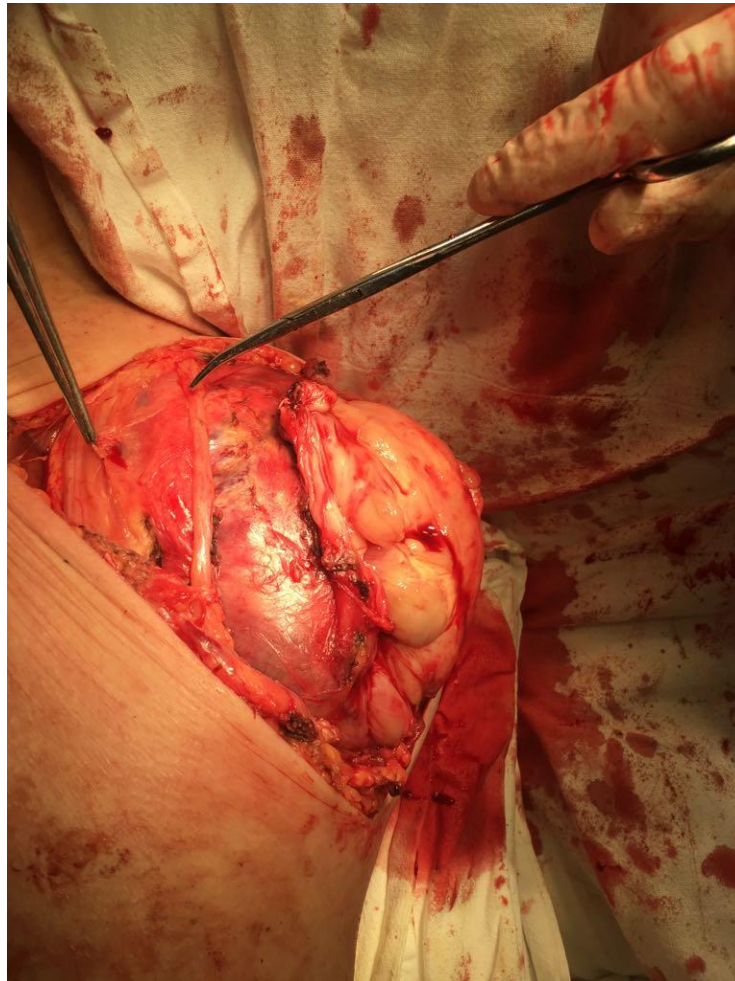


Figure 2. Intra-operative aspect of the tumor

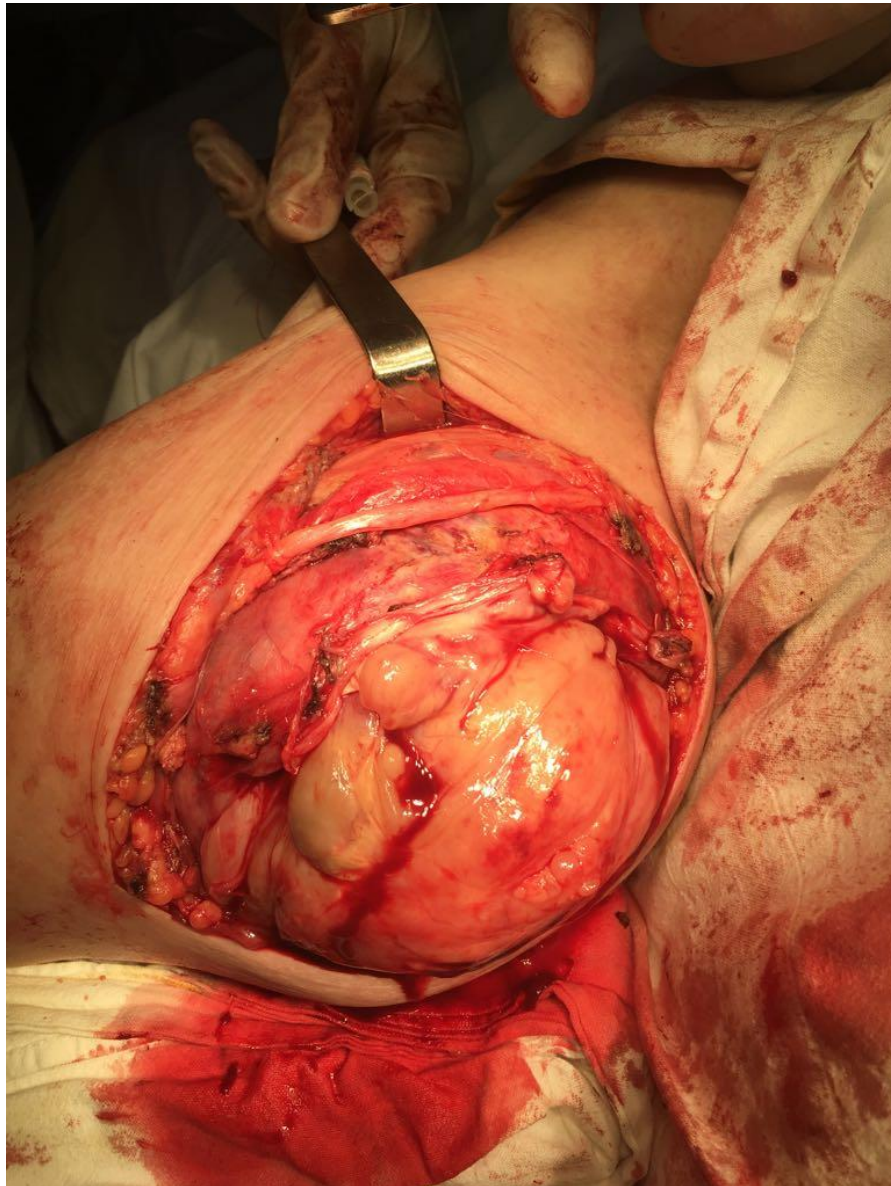


Figure 3. Intra-operative aspect of the tumor

A longitudinal incision is applied to the antero-medial face of the right arm, the subcutaneous cellular tissue is dissected, longitudinally incisions are made within the superficial fascia of the arm, and immediately below it we found a 20/15 /10cm, multilobate, encapsulated, with firm-elastic consistency with necrosis inside (with clots and faired tissue inside).

In the anterior section of this formation we observed the displaced brachial vasculonervous plex which is deeply in contact with the tumor formation. The greatest difficulty in the intervention was the prolongation of the tumor to the right axillary vein.

The whole tumor was removed by sending a fragment to an extemporaneous histopathological examination (March 20, 2017). The result showed anaplastic sarcoma

proliferation. After tumor extirpation, a large diffuse bleeding area remained that could only be managed by the fast message and the drainage of the remaining space.



Figure 4. Post-operative drainage

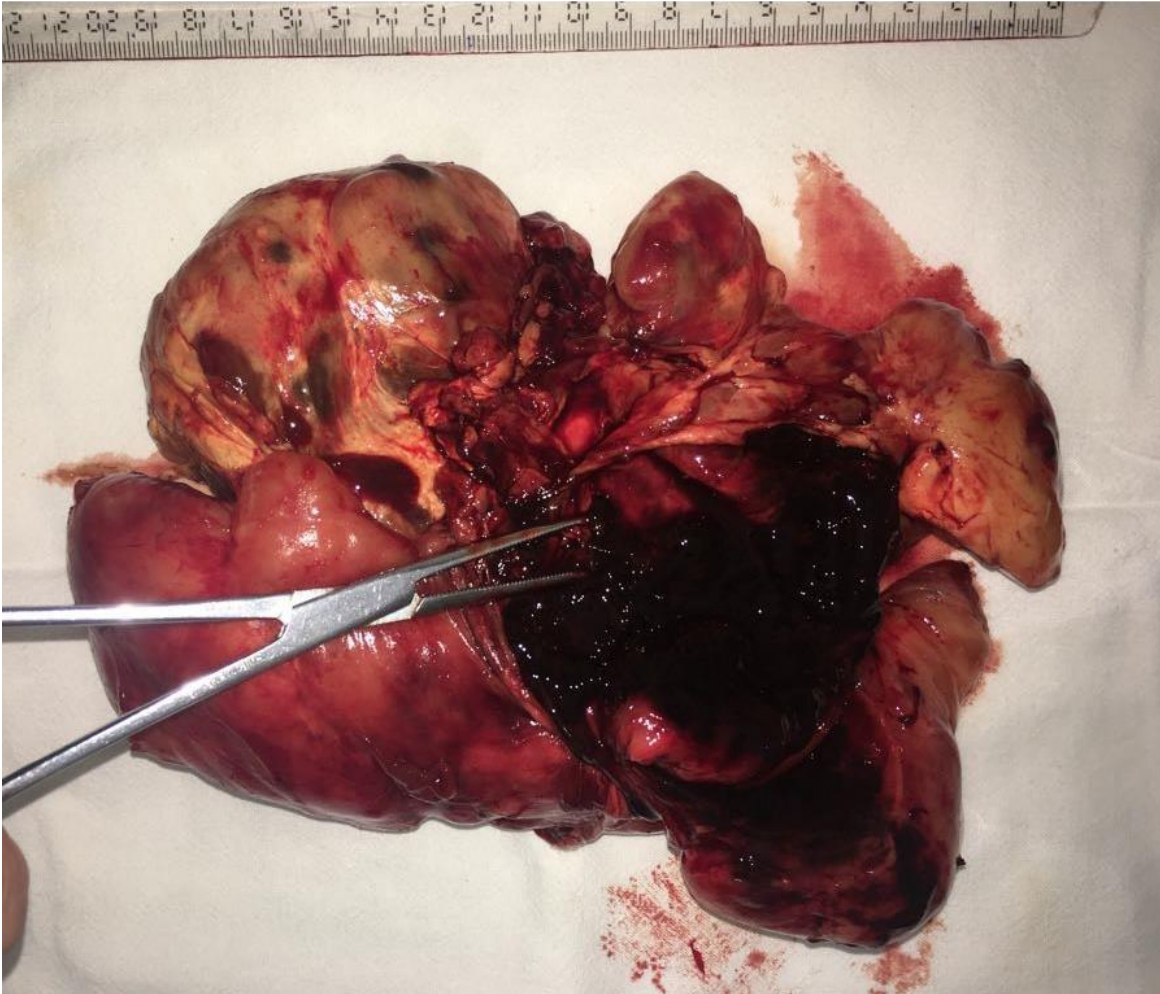


Figure 5. The tumor's aspect

48 hours after the surgery, under general anesthesia, a small bleeding on the drainage tube is repaired.



Figure 6. 48 hours after the surgery

Post-operative evolution was a favorable one and the patient was discharged 8 days after with the recommendation to go to the oncology service to complete the treatment. It should be noted that the histopathological examination of paraffin block confirmed the result of the extemporaneous examination.



Figure 7. 8 days after the surgery

After about 4 months, the patient examination revealed no local relapse, but we need to mention that thus he presented to a oncological service, he refused (reasons we do not know) to undergo any treatment.

At 6-7 months after the surgery was performed, the patient presented with an increased arm volume (local relapse), massive hepatic metastases, concluding with patient loss 9 months postoperatively.

CONCLUSIONS

In conclusion, sarcoma has unpredictable loco-regional evolution and surgical treatment must always be strengthened with oncology treatment.

ACKNOWLEDGEMENTS

All authors equally contributed in the research and drafting of this paper.
All authors report no potential conflict of interest.

REFERENCES

1. **Brennan AF, Singer S, Maki RG, et al.** Soft tissue sarcoma, In: DeVita VT Jr, Hellman S, Rosenberg SA, eds. Cancer: principles & practice of oncology. 7th ed. Philadelphia, Williams & Wikins, 2005: 1581-1637.
2. **Casali P, Gronichi A, Omli P, et al.** Sarcomi delle parti molli nell'adulto. In: Bonadonna G, ad. Medicina oncologica. 7ma ed. Milano: Masson, 2003: 1261-1274.
3. **Foeshar CA, Casciato DA. Sarcomas. In: Casciato D ed.** Manual of clinical oncology. 5th ed. Philadelphia: Lippincott Williams & Wilkins, 2004:370-382.
4. **Pester PWt, Casper ES, Mann GN, et al.** Soft-tissua sarcomas. In: Pazdur R, Coia LR, Hoskins WJ, eds Cancer management: a multidisciplinary approach. 8th ed. CMP Oncology 2004: 561-590.

GLUCOCORTICOID THERAPY IN PATIENTS WITH RHEUMATOID ARTHRITIS – A CAUSE OF HYPERTENSION

Cristina Gabriela ENE¹
Cristina Florina OLTEANU²
Mihaela VLADU³
Diana CLENCIU⁴
Gabriela Nicoleta MĂTUȘOIU⁵
Lucrețiu RADU⁶
Romeo POPA⁷
Tiberiu Ștefăniță ȚENEA-COJAN⁸
Raluca Elena BOȚOAGĂ⁹

ABSTRACT

RHEUMATOID ARTHRITIS (RA) IS AN AUTOIMMUNE DISEASE THAT AFFECTS ESPECIALLY THE JOINTS BUT IT'S AUTOIMMUNE CHARACTER IS BEST SEEN IN ITS SYSTEMIC AFFECTION. PATIENTS WITH RA ARE WELL KNOWN TO HAVE AN IMPORTANT RISK OF MORBIDITY AND MORTALITY FROM CARDIOVASCULAR DISEASE (CVD).

NOWADAYS, GLUCOCORTICIDS (GDS) ARE USED IN RHEUMATOLOGY AS "BRIDGE THERAPY" WHILE WAITING FOR ONSET OF ACTION OF DISEASE-MODIFYING ANTIRHEUMATIC DRUGS (DMARDS), OR FOR DISEASE FLARES ¹⁰. NUMEROUS STUDY SUGGEST THAT THE USE OF GCS ALONG WITH STANDARD THERAPY CAN SUBSTANTIALLY REDUCE THE PROGRESSION OF EROSION IN RA ¹¹

KEY WORDS: GLUCOCORTICIDS, RHEUMATOID ARTHRITIS, HYPERTENSION, CARDIOVASCULAR DISEASE

¹ PhD student , Department of Pharmacology, University of Medicine and Pharmacy of Craiova

² Emergency Clinical County Hospital of Craiova, Department of Internal Medicine

³ Department of Metabolism and Nutrition Diseases, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁴ Department of Metabolism and Nutrition Diseases, Municipal Clinical Hospital "Filantropia"

⁵ Emergency Clinical County Hospital of Craiova, Department of Internal Medicine

⁶ Department of Hygiene, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁷ PhD Student, Department of Pharmacology, University of Medicine and Pharmacy of Craiova

⁸ Department of Surgery, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁹ Department of Hematology, Municipal Clinical Hospital "Filantropia"

¹⁰ V.F. Panoulas, K.M.J. Douglas et.all "Long-term exposure to medium-dose glucocorticoid therapy associates with hypertension in patients with rheumatoid arthritis"

¹¹ Kirwan JR, Bijlsma JW, Boers M, Shea BJ "Effects of glucocorticoids on radiological progression in rheumatoid arthritis". Cochrane Database Syst Rev 2007: CD006356

INTRODUCTION

Patients diagnosed with RA are well known to have an increased cardiovascular disease risk and a reduced life span compared with the general population ¹².

Treatments for rheumatoid arthritis seem to exert differential effects on cardiovascular risk as well as the mechanisms linking these conditions. More research is needed to establish whether preferential rheumatoid arthritis therapies exist in terms of prevention of cardiovascular disease.¹³

THE AIM OF THE STUDY

The aim of this study was to evaluate the association between GCs treatment and hypertension status among RA patients undergoing DMARDs+ glucocorticoids treatment treated in the CF Clinical Hospital of Craiova and to compare it with the incidence of hypertension in patients undergoing DMARDs treatment.

MATERIAL AND METHHOD

This presented study is a observational, descriptive study that was conducted over a period of 1 year between April 2017 – May 2018. The conducted study included 24 patients previously diagnosed with RA undergoing DMARDs treatment and a group of 24 patients previously diagnosed with RA undergoing DMARDs+ glucocorticoids (> 7.5mg prednisolone/day) treatment for at least 6 moths.

RA diagnosis was according to the 2010 American College of Rheumatology (ACR)/ European League Against Rheumatism (EULAR) classification criteria.

Hypertension was defined as a systolic blood pressure >140mmHg and a diastolic blood pressure >90mmHg, or a controlled blood pressure along with the use of anti-hypertension drugs.

This study was conducted in accordance to the Declaration of Helsinki and local regulations. Ethical approval for the study was obtained from the Local Ethics Committee and also, patients in both groups signed an informed consent.

RESULTS AND DISCUSSIONS

Both studied groups were similar regarding the age of the patients. Thus the group receiving only DMARDs were aged between 44 and 66 years old with a higher incidence in the age group of 50-60 y.o. (15 patients – 62.5%) and the group undergoing DMARDs+ prednisolone were aged between 46- 65 y.o. also with a higher incidence in the age group of 50-60 y.o (16 patients – 66.6%). (*Figure 1*)

¹² Solomon D, Karlson E, Rimm E, Cannuscio C, Mandl M “Cardiovascular morbidity and mortality in women diagnosed with rheumatoid arthritis”. Circulation 2003; 107:1303-7

¹³ <https://www.bmj.com/content/361/bmj.k1036>

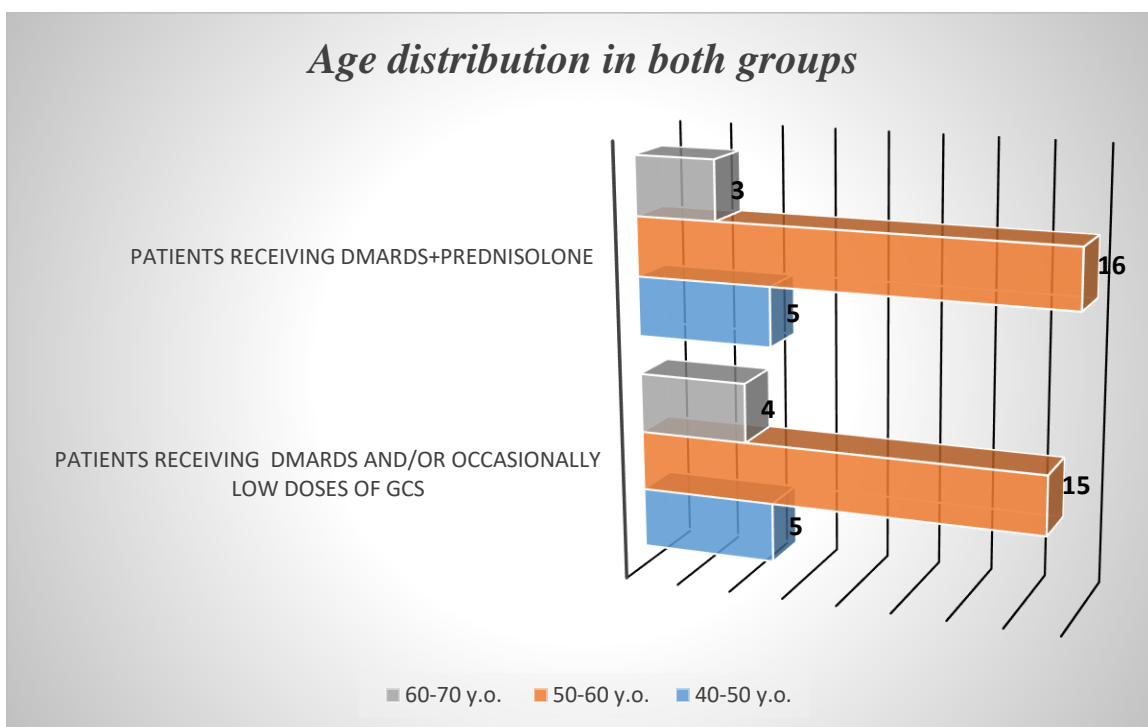


Figure 1. Age distribution in both groups

Regarding gender distribution, it is well known that RA is more prevalent in women with an approximate gender ratio women to men of 3:1. Our study also show a higher incidence of RA in women both groups. Thus, 20 women were included in the group of patients receiving only DMARDs and 19 women in the group of patients .

Our study showed that out of 48 patients in both groups 7 patients had a history of hypertension – being diagnosed previously of starting the treatment with GCs.

Regarding the hypertension status among patients in both groups, we found that 28 patients (58.33% among the total number of patients) were hypertensive. (Figure 2).

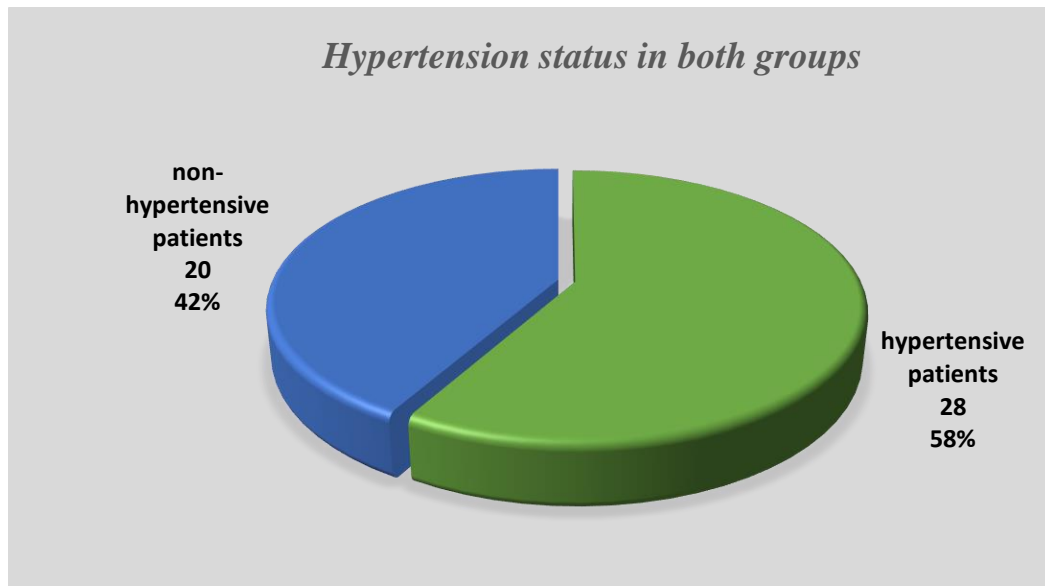


Figure 2. Hypertension status in patients included in the study

The prevalence of HT were significantly higher in the DMARDs+ GCs group than in the group of patients receiving only DMARDs. Thus, 18 patients (37.5% from the total number of patients, respectively 75% of the patients in group receiving also GCs) were hypertensive. (Figure 3)

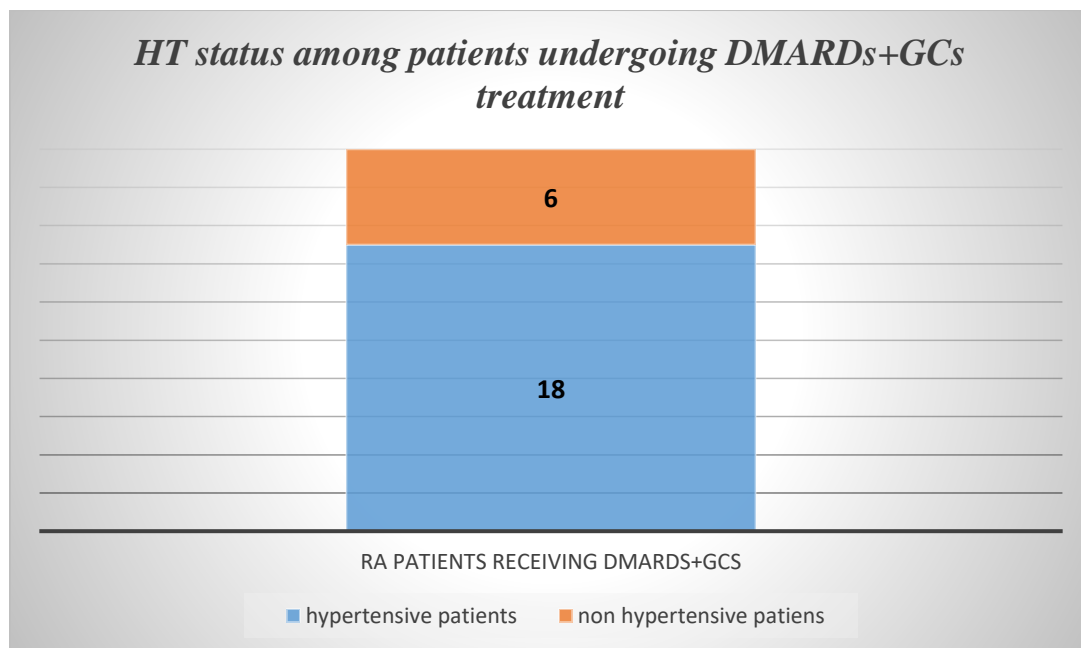


Figure 3. HT status among patients undergoing DMARDs+GCs treatment

Regarding the patients undergoing only DMARDs and/or with low dose of GCs taken occasionally, 10 patients were hypertensive (20.83 % from the total number of patients, respectively 41.66% of the patients in group receiving only DMARDs and/or occasionally low doses of GCs).(Figure 4)

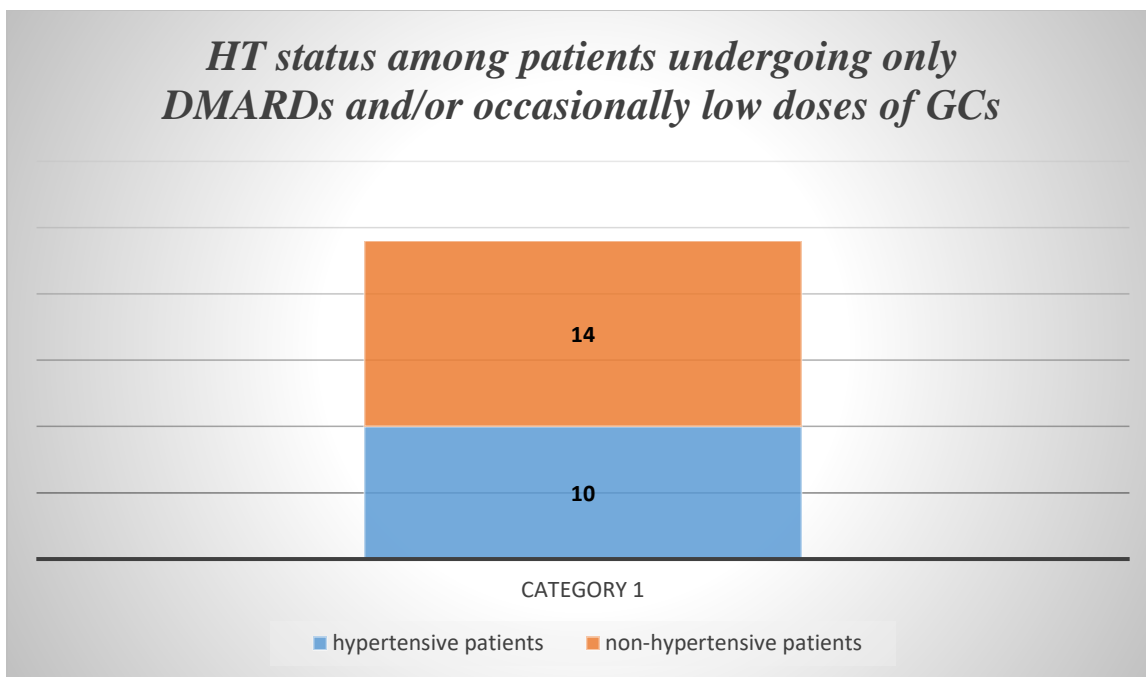


Figure 4. HT status among patients undergoing only DMARDs and/or occasionally low doses of GCs

The incidence of HT distributed on age groups showed similarities on both sides. Thus, Ra patients undergoing DMARDs and /or occasionally low doses of GCs with hypertension were mainly aged between 50-60 years old (9 patients , 64.28% from the hypertensive patients in this group, respectively, 37.5% from the total number of patients in this group). (Figure 5)

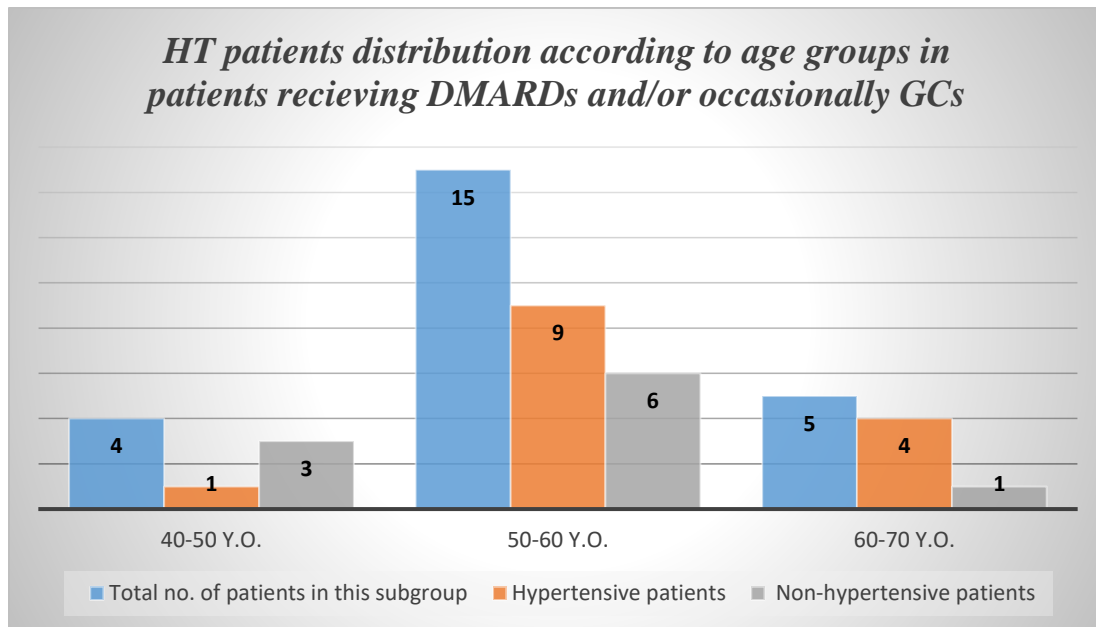


Figure 5. HT patients distribution according to age groups in patients receiving DMARDs and/or occasionally GCs

Regarding RA patients undergoing DMARDs and GCs with hypertension were mainly also aged between 50-60 years old (11 patients , 61.11% from the hypertensive patients in this group, respectively, 45.83% from the total number of patients in this group).(Figure 6)

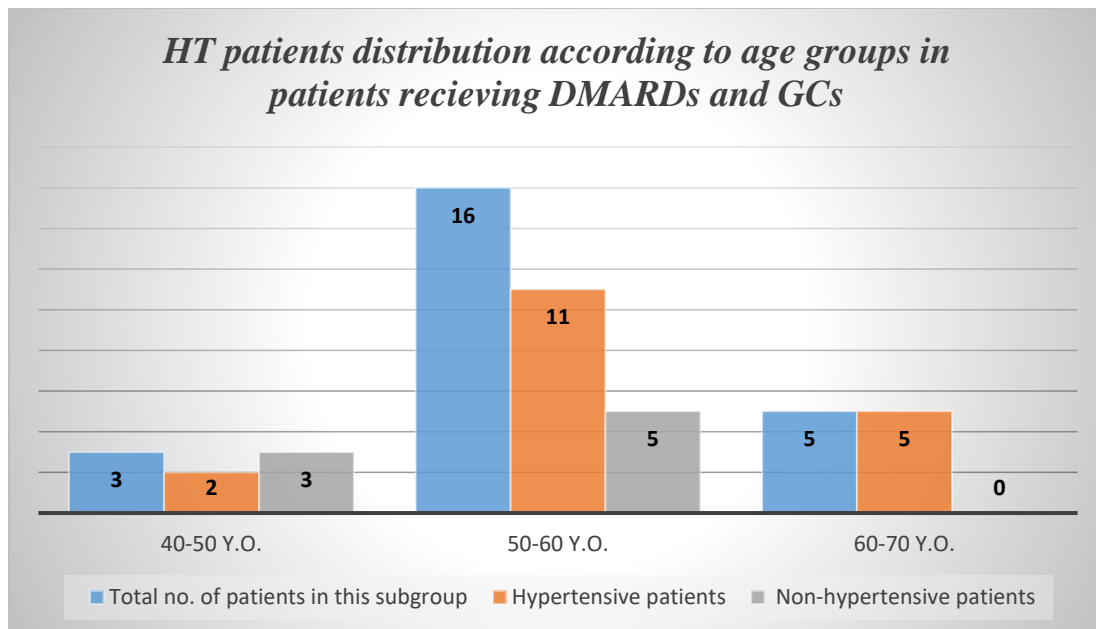


Figure 6. HT patients distribution according to age groups in patients receiving DMARDs and GCs

CONCLUSIONS AND DISCUSSIONS

The presented study suggest that patients with RA exposed to GCs ($>7.5\text{mg/day}$ of prednisolone for more than 6 months) have a higher incidence of high blood pressure than patients undergoing only DMARDs and/or occasionally low doses of GCs.

The study has its limitations because it is well known that RA patients have a higher CVD risk particularly explained due to high inflammatory markers that are present in the serum of RA patients.

ACKNOWLEDGEMENTS

All authors equally contributed in the research and drafting of this paper.

All authors report no potential conflict of interest.

REFERENCES

1. **V.F. Panoulas, K.M.J. Douglas et.al** “Long-term exposure to medium-dose glucocorticoid therapy associates with hypertension in patients with rheumatoid arthritis”
2. **Kirwan JR, Bijlsma JW, Boers M, Shea BJ** “Effects of glucocorticoids on radiological progression in rheumatoid arthritis”. Cochrane Database Syst Rev 2007: CD006356
3. **Solomon D, Karlson E, Rimm E, Cannuscio C, Mandl M** “Cardiovascular morbidity and mortality in women diagnosed with rheumatoid arthritis”. Circulation 2003; 107:1303-7
4. <https://www.bmj.com/content/361/bmj.k1036>

OBESITY- AN IMPORTANT ASPECT IN THE MANAGEMENT OF RHEUMATOID ARTHRITIS

Cristina Gabriela ENE¹

Cristina Olteanu²

Gabriela Nicoleta MĂTUȘOIU³

Lucrețiu RADU⁴

Romeo POPA⁵

Tiberiu Ștefăniță ȚENEA-COJAN⁶

Raluca Elena BOȚOAGĂ⁷

ABSTRACT

OBESITY HAS BECOME A WORLDWIDE PUBLIC HEALTH PROBLEM, BEING RECOGNIZED BY WORLD HEALTH ORGANIZATION (WHO) IN 1995 AS A GLOBAL EPIDEMIC. IT'S IMPACT IS WIDELY RECOGNIZED DUE TO IT'S ASSOCIATION WITH METABOLIC AND/OR CARDIOVASCULAR DISORDERS.

RHEUMATOID ARTHRITIS (RA) IS AN INFLAMMATORY DISEASE CHARACTERIZED BY JOINT DESTRUCTION AND WHICH BY ITS AUTOIMMUNE CHARACTER PRESENTS ALSO A SYSTEMIC AFFECTION WITH A STRONG IMPACT ON QUALITY OF LIFE ⁸

MANY SPECIALTY LITERATURE DATA INDICATE THAT THE PREVALENCE OF OBESITY IS HIGHER IN PATIENTS DIAGNOSED WITH RHEUMATOID ARTHRITIS THAN IN GENERAL POPULATION. ALSO OBESITY HAS BEEN OBSERVED TO BE ASSOCIATED WITH GREATER SUBJECTIVE MEASURES OF DISEASE ACTIVITY AND POOR TREATMENT RESPONSE, BUT ALSO WITH A DECREASED RISK OF JOINT DAMAGE AND LOWER MORTALITY.⁹

KEY WORDS: OBESITY, RHEUMATOID ARTHRITIS, JOINT DAMAGE, ADIPOSITY

¹ PhD student , Department of Pharmacology, University of Medicine and Pharmacy of Craiova

² Emergency Clinical County Hospital of Craiova, Department of Internal Medicine

³ Emergency Clinical County Hospital of Craiova, Department of Internal Medicine

⁴ Department of Hygiene, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁵ PhD Student, Department of Pharmacology, University of Medicine and Pharmacy of Craiova

⁶ Department of Surgery, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁷ Department of Hematology, Municipal Clinical Hospital "Filantropia"

⁸ ENE C.G., ROSU A., GHEORMAN V., CALBOREAN V., TENEA COJAN T.S., ROGOVEANU O. C., VLADU M. I., RADU L. "Incidence of Osteoporosis and the Risk of Fracture in Patients with Rheumatoid Arthritis Undergoing Corticosteroid Treatment", Rev. Chim. (Bucharest), 69, No.7, 2018, p1851-1854

⁹ Michael D. George1 and Joshua F. Baker1 "The Obesity Epidemic and Consequences for Rheumatoid Arthritis Care" Curr Rheumatol Rep. 2016 Jan; 18(1): 6.

INTRODUCTION

With the increasingly prevalence of obesity worldwide, specialty literature has began to study it's impact in various other disorders. It is widely known that obesity has been associated with metabolic and/or cardiovascular disorders but recent years, numerous specialty studies have been made to establish if there is any possible connection between patients with RA and obesity in order to better understand the physiopathology of RA and to be able to reach a better treatment response, altogether with a purpose of a better quality of life and nonetheless with a lower mortality in RA patients.

THE AIM OF THE STUDY

The aim of this study was to establish the prevalence of obesity among RA patients treated in the CF Clinical Hospital of Craiova and to compare it with the prevalence of obesity in general population. Also we wanted to establish the correlation between the control of the disease and the value of BMI.

MATERIAL AND METHHOD

This presented study is a observational, descriptive study that was conducted over a period of 1 year between August 2017 – September 2018. The conducted study included 74 patients previously diagnosed with RA undergoing Disease-modifying antirheumatic drugs (DMARDs) treatment and a control group of 74 patients without RA.

RA diagnosis was according to the 2010 American College of Rheumatology (ACR)/ European League Against Rheumatism (EULAR) classification criteria.

Obesity was assessed based on Body Mass Index (BMI) (weight divided by height squared). According to WHO guidelines, individuals with a BMI of 30kg/m² or more are classified as obese¹⁰. A distinct category that must be mentioned is that of those with a BMI of 25-30 kg/m² that are characterized as overweight.

BMI CLASSIFICATION	
Class of weight	BMI (kg/m ²)
Underweight	<18.5
Normal range	18.5 – 24.9
Overweight	25 – 30
Obese class I	30 – 34
Obese class II	35 – 39
Obese class III (morbidly obese)	≥ 40

Table 1. BMI classification according to WHO

For all the patients included in this study, demographic data were collected and blood samples were taken from which erythrocyte sedimentation rate (ESR), rheumatoid factor (RF), C-reactive protein (CRP), and anti cyclic citrullinated peptide (anti-CCP) were tested.

¹⁰ World Health Organisation Obesity: preventing and managing the global epidemic. Report of a WHO Consultation, World Health Organ Tech Rep Ser , 2000, vol. 894:i–xii (pg. 1-253)

Further, we correlated the control of the disease by using both DAS28(CRP) and DAS28(ESR) with the value of BMI.

This study was conducted in accordance to the Declaration of Helsinki and local regulations. Ethical approval for the study was obtained from the Local Ethics Committee and also, patients in both groups signed an informed consent.

RESULTS AND DISCUSSIONS

The conducted study show no statistically significant differences regarding the patients ages in both groups. The 74 patients diagnosed with RA included in the study were aged between 34-73 years old with the highest incidence in the 40-50 y.o. group (25 patients – 33.78% from the total number of RA patients) and the lowest incidence in the 30-40 y.o group (7 patients – 9.45% from the total number of patients diagnosed with RA) ; as for the control group, patients were aged between 39-76 years old, with the highest incidence also in the 40-50 y.o. group (23 patients – 31.08% from the total number of patients in the control group) and the lowest incidence in the 30-40 y.o. group(3 patients – 4.05% from the total number of patients in the control group. (Figure 1.)

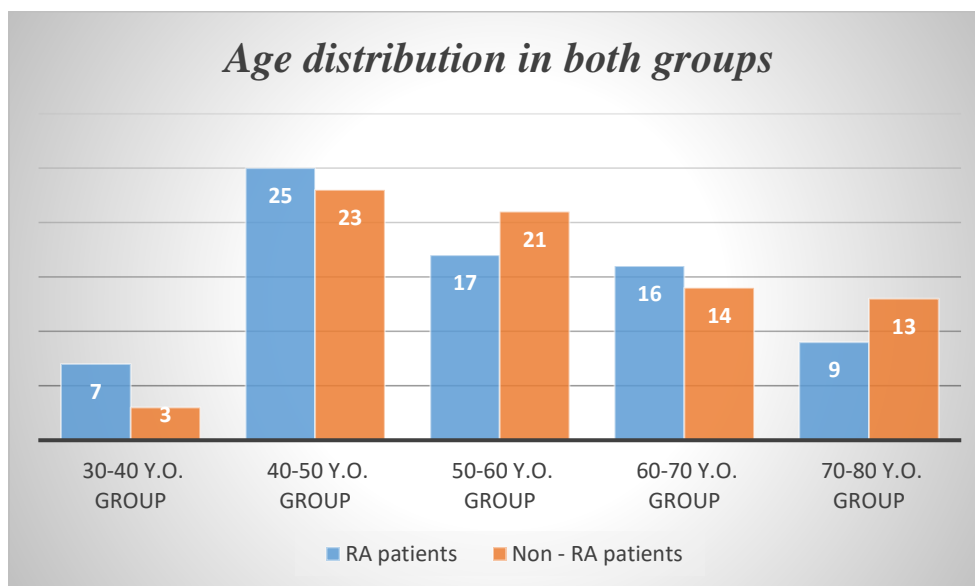


Figure 1. Age distribution in both groups.

Regarding gender distribution, this study show some important differences mainly due to the characteristics of rheumatoid arthritis. It is well known that RA is more prevalent in women with a approximate gender ratio women to men of 3:1. Thus, in the group of patients with RA, 65 (87.83%) were women and 9 (12.16%) were men. As for the control group, 45 patients (60.81%) were women and 29 (39.18%) were men. (Figure 2)

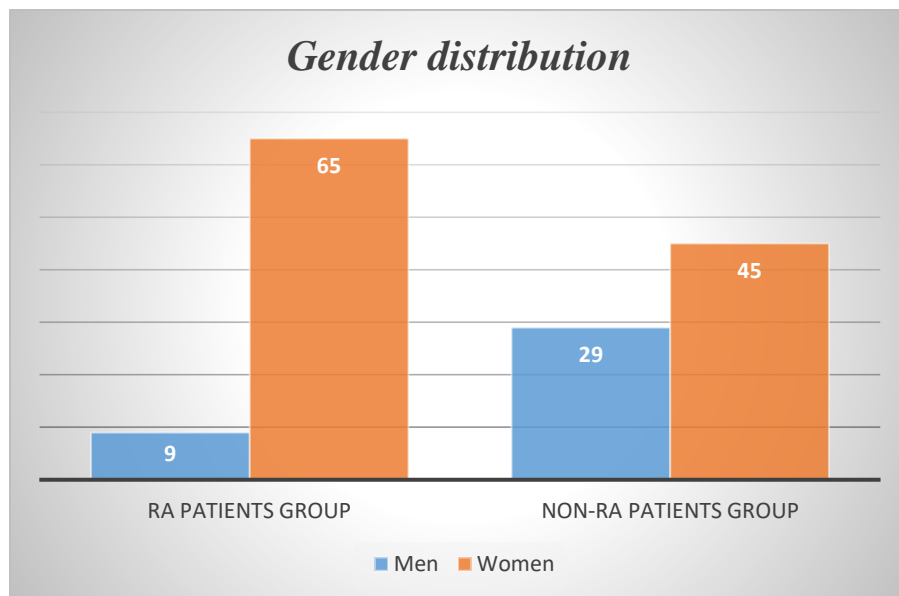


Figure 2. Gender distribution

When we analyzed the residence area distribution, we found that the patients were predominantly from urban areas in both groups. This can be explained by the increased accessibility of patients from urban areas to services medical, but also by a better medical education, which leads them to present themselves to a medical service when the symptoms appear. Thus, 50 patients with RA (67.56%) , and from the control group 56 (75.67%) patients were from urban areas. (Figure 3)

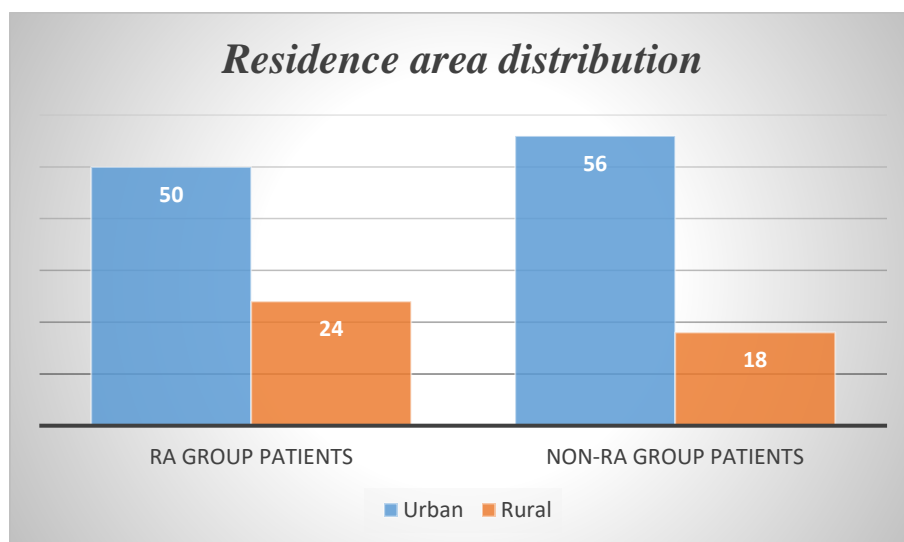


Figure 3. Patients distribution according to residence area

The assessment of obesity was made by calculating the BMI for each patient. The data collected within this study showed a higher prevalence of obesity within the group of patients diagnosed with RA than for the non-RA patients group. Thus, 14 patients with RA (18.91%) had a BMI $>30\text{kg/m}^2$, while in the non-RA patients group, only 8 patients (10.81%) were classified as obese. (Figure 4)

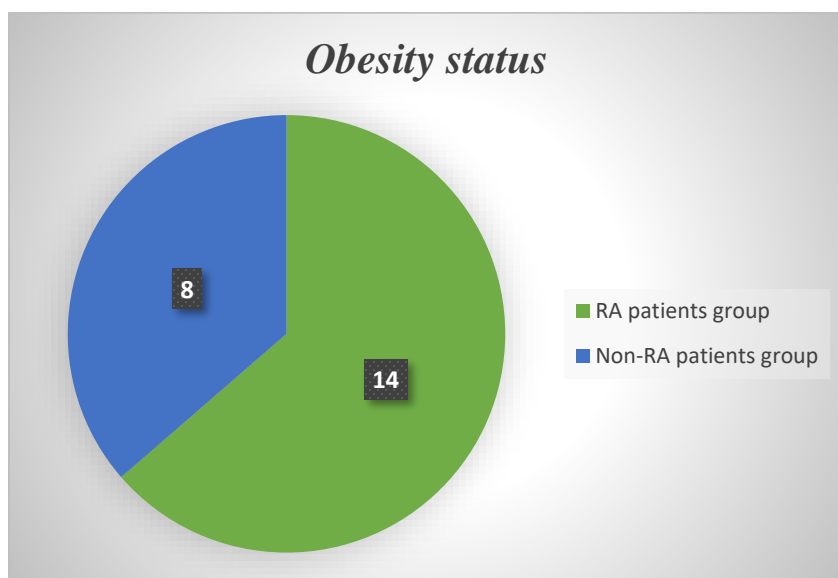


Figure 5. Obesity status in both group

In addition, we need to take into consideration that there were patients in both group with a BMI between 25kg/m^2 and 30kg/m^2 , which are characterized as overweight (Figure 6).

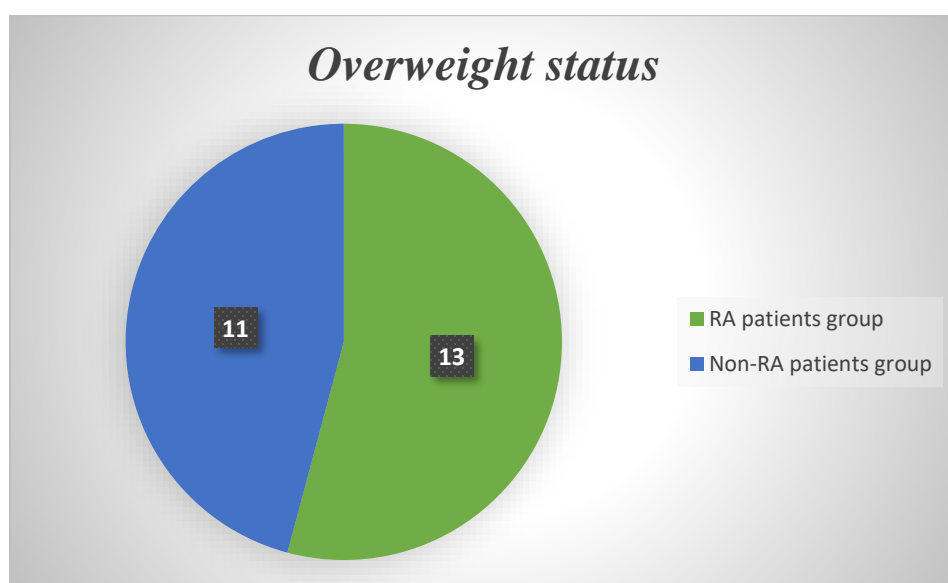


Figure 6. Overweight status in both groups

Further in our study, we focused on the patients diagnosed with RA. We calculated DAS28(ESR) and DAS28(CRP) scores for all the patient in order to assess the control of the disease and to correlate it with the value of BMI.

We observed higher values of DAS28(CRP) and DAS28(ESR) – meaning a poor control of the disease – in almost all of obese patients. (Table 2)

CRT. NO.	BMI value (kg/m ²)	DAS28 (ESR)	DAS28 (CRP)
1	26.34	4.09	4.51
2	19.00	3.15	3.59
3	19.06	4.95	4.98
4	26.57	4.65	5.47
5	19.58	3.13	3.05
6	28.97	4.71	4.98
7	27.75	4.03	5.07
8	21.04	3.67	3.21
9	20.35	3.41	3.06
10	31.5	5.03	4.87
11	25.7	4.62	4.12
12	27.34	3.4	3.98
13	21.74	4.3	3.67
14	21.59	4.87	4.01
15	24.31	2.56	3.56
16	23.19	3.14	3.98
17	36.4	3.79	4.67
18	31.2	4.18	5.08
19	30.7	4.09	3.16
20	26.89	3.20	2.98
21	28.37	4.57	4.24
22	23.47	4.14	5.78
23	24.14	4.56	3.98
24	31.09	3.09	4.27
25	22.24	4.35	4.03
26	20.19	3.87	4.35
27	18.57	3.05	3.05
28	18.98	2.89	3.56
29	26.25	3.75	3.9
30	20.36	4.89	4.21
31	32.84	4.43	5.73
32	21.25	3.89	3.01
33	24.15	4.57	3.37
34	27.15	3.98	4.98
35	22.52	4.26	3.76
36	23.63	3.06	3.57

37	31.4		4.37	3.98
38	23.58		2.76	3.09
39	29.3		4.79	4.05
40	20.81		4.22	3.07
41	19.51		4.25	5.73
42	22.45		3.53	4.98
43	21.09		3.09	2.78
44	30.1			3.09
45	20.05		3.25	3.45
46	19.14		5.45	4.03
47	31.6		4.02	4.51
48	29.35		3.24	3.08
49	21.25		4.68	3.66
50	22.58		5.36	4.36
51	21.53		4.09	4.14
52	30.27		4.01	4.58
53	19.51		3.57	3.08
54	18.74		3.01	3.63
55	20.3		4.34	5.89
56	19.45		4.57	5.26
57	33.01		3.57	4.09
58	23.6		3.84	3.12
59	19.39		4.04	3.27
60	23.41		3.89	4.75
61	31.46		3.24	3.85
62	22.04		4.78	4.09
63	20.18		3.01	3.22
64	26.74		2.98	4.09
65	19.46		4.36	4.02
66	18.01		3.64	3.07
67	17.09		4.46	4.16
68	24.01		4.76	5.39
69	24.16		3.56	2..16
70	32.01		4.66	5.44
71	19.26		4.13	5.89
72	21.54		4.19	4.32
73	30.59		3.16	3.58
74	21.29		4.19	5.12

Table 2. DAS28(ESR) and DAS28(CRP) correlated with BMI value

It is important to discuss about obesity in the context of rheumatoid arthritis merely when it comes about the treatment of RA because nowadays obesity is a pro-inflammatory state; Nevertheless it is widely known that adipose tissue is not a storage depot but more an active “organ”- an endocrine/paracrine organ- that secretes a number of bioactive molecules called

adipokines¹¹ which can be synthesized at other sites and participate in functions unrelated to the adipose tissue¹², mostly in the regulation of inflammation.

The importance of BMI lies in its association with cardiovascular risk and overall mortality: overweight individuals have a 20-40%, while obese a 2- to 3 – fold increased mortality rate compared with normal-weight individuals.

CONCLUSIONS

In the group of patients diagnosed with rheumatoid arthritis, there was a higher prevalence of obese patients. This can be explained because of the characteristics of RA that the patient experiences : swollen and tender joints, fatigue, disability, depression - , characteristics that can push the patient towards a more sedentary lifestyle with unhealthy eating.

The disease activity scores had high values – meaning a poor control of the disease – in patients with obesity, demonstrating once again that pro-inflammatory states like obesity must be taken in consideration in the management of rheumatoid arthritis.

ACKNOWLEDGEMENTS

All authors equally contributed in the research and drafting of this paper.

All authors report no potential conflict of interest.

¹¹ Mohamed-Ali V, Pinkney JH, Coppack SW. Adipose tissue as an endocrine and paracrine organ, Int J Obes Relat Metab Disord , 1998, vol. 22 (pg. 1145-58

¹² Fantuzzi G. Adipose tissue, adipokines, and inflammation, J Allergy Clin Immunol , 2005, vol. 115 (pg. 911-9; quiz 920

REFERENCES

1. **ENE C.G., ROSU A., GHEORMAN V., CALBOREAN V., TENEA COJAN T.S., ROGOVEANU O. C., VLADU M. I., RADU L.** "Incidence of Osteoporosis and the Risk of Fracture in Patients with Rheumatoid Arthritis Undergoing Corticosteroid Treatment", Rev. Chim. (Bucharest), 69, No.7, 2018, p1851-1854
2. **Michael D. George¹ and Joshua F. Baker¹** "The Obesity Epidemic and Consequences for Rheumatoid Arthritis Care" **Curr Rheumatol Rep. 2016 Jan; 18(1): 6.**
3. World Health Organisation Obesity: preventing and managing the global epidemic. Report of a WHO Consultation, World Health Organ Tech Rep Ser , 2000, vol. 894:i–xii (pg. 1-253)
4. **Mohamed-Ali V, Pinkney JH, Coppack SW.** Adipose tissue as an endocrine and paracrine organ, Int J Obes Relat Metab Disord , 1998, vol. 22 (pg. 1145-58)
5. **Fantuzzi G.** Adipose tissue, adipokines, and inflammation, J Allergy Clin Immunol , 2005, vol. 115 (pg. 911-9; quiz 920)

PAPILLARY THYROID CANCER- A CASE OF LOCO- REGIONAL AGGRESSIVENESS

Tiberiu Ștefăniță ȚENEĂ-COJAN¹

Carmen DRAGOMIRESCU²

Mihaela VLADU³

Diana CLENCIU⁴

Cristina Gabriela ENE⁵

Vlad BĂLEANU⁶

Lucrețiu RADU⁷

ABSTRACT

ALTHOUGH THYROID CANCER IS RELATIVELY UNCOMMON COMPARED TO OTHER CANCERS, THYROID REPRESENTS THE MOST FREQUENTLY LOCATION FOR MALIGN TUMORS WHEN IT COMES TO ENDOCRINE SYSTEM.

WHEN IT COMES TO STATISTICS, THYROID CANCER IS MORE FREQUENT IN WOMEN THAN IN MEN WITH A RATIO OF 3:1 AND IT CAN OCCUR AT ANY AGE BUT WITH A HIGHER INCIDENCE OVER 30 YEARS OLD AND ITS AGGRESSIVENESS INCREASES SIGNIFICANTLY IN OLDER PATIENTS.⁸

THE "GOLDEN STANDARD" FOR THE TREATMENT OF THYROID CANCER REMAINS THE SURGERY, ALTHOUGH, THYROIDECTOMY OFTEN IS NOT ENOUGH SO THE TREATMENT MAY BE COMPLETED WITH RADIOTHERAPY, RADIOACTIVE IODINE, CHEMOTHERAPY OR HORMONE THERAPY. OVERALL, THE PROGNOSIS FOR MOST PATIENTS DIAGNOSED WITH PAPILLARY OR FOLLICULAR THYROID CANCER IS USUALLY AN EXCELLENT ONE.

KEY WORDS: PAPILLARY THYROID CANCER, TOTAL THYROIDECTOMY, PARTIAL DYSPHAGIA

INTRODUCTION

¹Department of Surgery, Faculty of Medicine, University of Medicine and Pharmacy of Craiova, The CF Hospital of Craiova

² Department of Endocrinology, CF Hospital of Craiova

³Department of Metabolism and Nutrition Diseases, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁴Department of Metabolism and Nutrition Diseases, Municipal Clinical Hospital "Filantropia"

⁵PhD student, Department of Pharmacology, University of Medicine and Pharmacy of Craiova

⁶University of Medicine and Pharmacy of Craiova, Bucharest University Emergency Hospital, Surgery Department (corresponding author, baleanuvlad@gmail.com)

⁷ Department of Hygiene, Faculty of Medicine, University of Medicine and Pharmacy of Craiova

⁸ <https://www.endocrineweb.com/conditions/thyroid-cancer/thyroid-cancer>

Although as many as 75% of the population will have thyroid nodules, the vast majority are benign – only 1% of them are malignant . Young people usually don't have thyroid nodules. However, children and adolescents with thyroid nodules are most commonly benign, but the overall risk of thyroid cancer is markedly higher than in the adult population⁹.

Thyroid cancer, however, is a rare disease, its incidence being about 1% of all type of cancers.¹⁰ 90% of these are differentiated carcinomas (papillary, follicular and medullary tumors),¹¹ especially among young people, between 30-40 years of age,¹² while anaplastic types are presented more in older patients.¹³

From the etiological point of view, certain factors are incriminated in the development of thyroid cancer:

- Therapeutic radiation
- Iodine
- Polynodular goiter
- Family susceptibility
- Oncogenes¹⁴

Thyroid cancer is usually presented without symptoms. In some cases, patients may experience a lump in the neck or hoarseness or change in voice¹⁵

Papillary thyroid carcinoma is an infiltrating, multi-centric and predominantly lymphatic cancer; ¹⁶there are histological variants with good prognosis (micro-papillary, encapsulated, solid and follicular carcinoma)¹⁷ and aggressive variants with poor prognosis (with high cell cells with cylindrical cells)¹⁸.

This presented case is about a young patient admitted in our clinic for the appearance within the last month of a voluminous goiter and with the progressive addition of dysphonia and dysphagia.

MATERIAL AND METHOD

The presented case is about a 48 year old patient admitted in the IV th Surgery Clinic, of the CF Hospital of Craiova for the volume increase of the anterior throat accompanied with dysphonia and mild dysphagia.

⁹ <https://www.endocrineweb.com/conditions/thyroid-cancer/thyroid-cancer>

¹⁰ Caloghera C. , Bordosi D. – Chirurgia tiroidei si paratiroidelor – ed a II –a, Ed. Mirton, Timisoara 1996.

¹¹ Caloghera C. , Mogosanu I. , Bordosi D. – Chirurgia tiroidei si paratiroidelor- Ed Falca. Timisoara 1974.

¹² Fane Ghelase, Ion Georgescu, Raducu Nemes – Chirurgie Generala- Ed didactica si pedagogica, R.A.- Bucuresti 1999.

¹³ Buck Walter. J.A. si Thomas C. – Selection of surgical treatment for well differentiated thyroid carcinomas Ann. Surg. 1972, 176: 565

¹⁴ Fane Ghelase, Ion Georgescu, Raducu Nemes – Chirurgie Generala- Ed didactica si pedagogica, R.A.- Bucuresti 1999.

¹⁵ <https://www.endocrineweb.com/conditions/thyroid-cancer/thyroid-cancer>

¹⁶ Caloghera C. , Mogosanu I. , Bordosi D. – Chirurgia tiroidei si paratiroidelor- Ed Falca. Timisoara 1974.

¹⁷ Fane Ghelase, Ion Georgescu, Raducu Nemes – Chirurgie Generala- Ed didactica si pedagogica, R.A.- Bucuresti 1999

¹⁸ Crile G. Jr. Survival of patients with papillary carcinoma of the thyroid after conservative operations. An. J. Surg. , 1964, 108:862

From personal pathological and heredocolateral data that we collected from the patient, we found nothing of importance. From the patient's history, we note that the volume increase of the anterior neck lobe began 1 month ago, growing very fast and worrying the patient over the last 10-14 days

Objective examination revealed that the patient presented a voluminous tumor of 10 / 8cm at the level of the anterior cervical region, deflecting on the left side, deforming the area, with normal overlying skin, mobile with swallowing, painless, without any loco-regional adenopathies being clinically detectable.

Biologically, the patient's analyzes are within physiological parameters. The baritone transition reveals a cervical esophagus with a deviated tract to the right (describes a concavity open to the left), the cardiology exam and the ENT exam within normal limits.

Imaging examination revealed a normal abdominal ultrasound but the thyroid ultrasound showed a 10/11 / 43mm right thyroid lobe with homogeneous ecographyc structure, with no vascular semantics, a large thyroid left lobe occupied by multiple cystic formations between 20-30 mm diameter (with completely disappeared glandular stroma), and with the left side of the ismmet being occupied from a 20 mm diameter cyst.

After a pre-treatment with Lugol solution, sedatives and after an endocrinological exam that confirmed euthyroidia, the patient was scheduled for surgery (3 days after admission).

Surgical approach confirmed the ultrasound results: right thyroid lobe with a quasinormal macroscopic aspect, enlarged left thyroid lobe with cystic transformation. Total thyroidectomy is performed with some difficulty on the left side and the removed pieces were sent for histopathological extemporaneous exam that showed a voluminous goiter with areas of cystic transformation with hyperplasia of follicular epithelium and rich inflammatory, hemorrhagic and chronic lymphocytic infiltration.

After thyroid extirpation, we observed that the left side of the throat was bloated. We decided to penetrate by the dissociation of the sternocleidomastoid muscle fibers and we found several cystic formations, between 2-8 cm, which formed a chain extending from the cranial mastoid to retrosternal left caudal area with the same macroscopic aspect as the left thyroid lobe. At the moment of dissection, intimate ratio of these formations with the neck vessels and especially the left internal jugular vein is found. We managed to remove with a slight difficulty the cystic formations; the histopathological extemporaneous examination showed the same result as the thyroid.

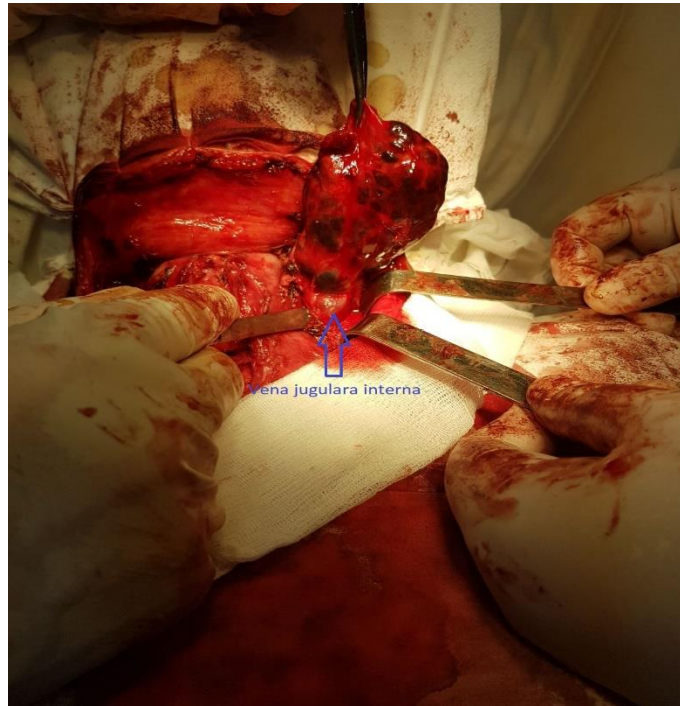


Image 1. Intra-operative aspect

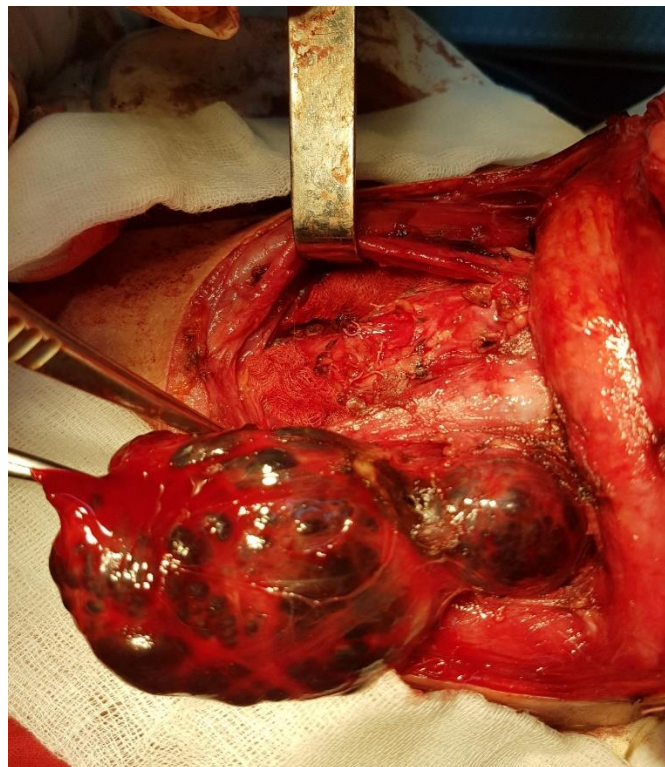


Image 2. Intra-operative aspect



Image 3. Thyroid- macroscopic aspect



Image 3. Thyroid- macroscopic aspect

Because of the problems we had with the left internal jugular vein that we tractioned during the intervention we decided to administer anticoagulation treatment to the patient for a few days.

The patient's post-operative progression was favorable, with the discharge 8 days after admission.

Approximately 21 days after surgery, we received the histopathological result of the paraffin block which revealed a papillary intracellular proliferation, presenting vesicular nuclei that raise the suspicion of an intrachistic papillary thyroid carcinoma. Immuno-histochemical examination confirmed the diagnosis - papillary carcinoma.

The patient is guided to oncology for the post-surgical treatment, and for reasons we do not know he did not appear in any oncology service and after about 4 months he presented the volume increase of the neck (perhaps relapse).

He was admitted at another surgical service where another surgery is performed and he was sent again to oncology. The patient delayed again the visit to an oncologist and after about two months he returned for the same problem, but the loco-regional relapse made another intervention to not be possible.

CONSLUSIONS

This case particularity – the loco-regional aggressiveness of a papillary thyroid cancer, knowing however that this type of thyroid cancer has a favorable prognosis, was favored by the patient's delay in presenting to an oncology center for further treatment.

ACKNOWLEDGEMENTS

All authors equally contributed in the research and drafting of this paper.

All authors report no pottential conflict of interest.

REFERENCES

1. <https://www.endocrineweb.com/conditions/thyroid-cancer/thyroid-cancer>
2. **Caloghera C. , Bordosi D.** – Chirurgia tiroidei si paratiroidelor – ed a II –a, Ed. Mirton, Timisoara 1996.
3. **Caloghera C. , Mogosanu I. , Bordosi D.** – Chirurgia tiroidei si paratiroidelor- Ed Falca. Timisoara 1974.
4. **Fane Ghelase, Ion Georgescu, Raducu Nemes** – Chirurgie Generala- Ed didactica si pedagogica, R.A.- Bucuresti 1999.
5. **Buck Walter. J.A. si Thomas C.** – Selection of surgical treatment for well differentiated thyroid carcinomas Ann. Surg. 1972, 176: 565
6. **Crile G. Jr.** Survival of patients with papillary carcinoma of the thyroid after conservative operations. An. J. Surg. , 1964, 108:862

RISK FACTORS IN PANCREATIC CANCER

Raluca GRIGORESCU¹
Ovidiu Andrei OLTEANU²
Cristian GHEORGHE³
Adina CROITORU⁴

ABSTRACT

PREVIOUS STUDIES HAVE SHOWN A VARIETY OF RISK FACTORS THAT MAY BE INVOLVED IN THE AETIOLOGY OF PANCREATIC NEOPLASIA. WE EXAMINED RISK FACTORS FOR PANCREATIC CANCER IN A CASE-CONTROL STUDY CONDUCTED IN FUNDENI CLINICAL INSTITUTE BETWEEN SEPTEMBER 2016 AND SEPTEMBER 2018, THAT INCLUDED 74 INCIDENT CASES AND 74 CONTROLS ADMITTED FOR NON-NEOPLASTIC DISEASES, FREQUENCY-MATCHED TO CASES BY SEX AND AGE. LOGISTIC REGRESSION MODELS WERE USED FOR MULTIVARIATE OR SUCH AS SEX, AGE, DIABETES, VIRAL HEPATITIS, SMOKING AND ALCOHOL CONSUMPTION STATUS, AND OTHER PERSONAL AND FAMILIAL HISTORY. OUR FINDINGS SUPPORT PREVIOUS STUDIES INDICATING THAT DIABETES IS A RISK FACTOR FOR PANCREATIC CANCER (OR 4.8, $P < 0.05$). CHOLECYSTECTOMY ALSO APPEARED TO BE A RISK FACTOR, SUBJECTS WITH A CHOLECYSTECTOMY AT LEAST 20 YEARS PRIOR TO THE DIAGNOSIS OF PANCREATIC CANCER EXPERIENCED AN INCREASED RISK, WHICH WAS marginally SIGNIFICANT. IN CONTRAST, SIGNIFICANT 2- FOLD ($P < 0.05$) REDUCED RISK WAS ASSOCIATED WITH ALLERGIES. IN ADDITION, WE OBSERVED SIGNIFICANTLY INCREASED RISKS FOR SUBJECTS WHO SMOKED OR ARE CURRENTLY SMOKING. THIS STUDY DEMONSTRATES THE ROLE AS RISK FACTORS OF SOME ENVIRONMENTAL FACTORS, PERSONAL AND FAMILIAL HISTORY, BUT THESE ASSOCIATIONS, HOWEVER, MAY BE DUE TO CHANCE SINCE THE NUMBER OF INDIVIDUALS INCLUDED IN THE STUDY IS REDUCED.

KEY WORDS: PANCREAS, CANCER, RISK FACTORS, DIABETES, ALCOHOL DRINKING, SMOKING, MEDICAL CONDITION

**all authors contributed equally*

¹ Gastroenterology specialist, PhD Student, "Carol Davila" University of Medicine and Pharmacy, Bucharest, Romania, ralucargrigorescu@yahoo.com

² Gastroenterology specialist, Center of Digestive Diseases and Liver Transplantation, Fundeni Clinical Institute, Bucharest, Romania, ralucargrigorescu@yahoo.com

³ Gastroenterology Professor, PhD, "Carol Davila" University of Medicine and Pharmacy, Bucharest, Romania; Center of Digestive Diseases and Liver Transplantation, Fundeni Clinical Institute, Bucharest, Romania profdrcgheorghe@gmail.com

⁴ Oncology Proffesor, PhD, "Titu Maiorescu" University Bucharest, Romania; Center of Digestive Diseases and Liver Transplantation, Fundeni Clinical Institute, Bucharest, Romania

Introduction: Pancreatic cancer is the 4th leading cause of cancer-related death for both men and women, and it is the 11th most commonly diagnosed cancer in men and the 8th in women world-wide. In Romania epidemiological data are not very accurate because they are from regional registries, because a national programme for patients with oncologic disease is lacking and the incidence seems to be 7.9/100,000 habitants.

A study published in 2014, conducted in USA, which took into consideration demographic changes showed that mortality caused by pancreatic cancer will continue to rise, exceeding mortality caused by colorectal cancer, reaching the second place by 2030,⁵ therefore pancreatic cancer becomes one of the most lethal neoplastic diseases. This fact is due to the location of the pancreas that is not very accessible for screening, so the diagnosis is delayed and also because of rapid progress, and resistance to chemotherapy and radiotherapy, 5 year- survival rate after diagnosis being under 6%.⁶

There are several studies approaching the risk factors in the evolution of pancreatic cancer, but except for smoking, most results are contradictory.

The unfavourable prognosis and high mortality in a relatively short term and the incidence that is continuously increasing, and the high variability between countries and even regions, suggest the impact of genetic factors, lifestyle and medical history in the aetiology of pancreatic neoplasia. Identifying these factors may help preventing and making an early diagnosis of this disease, as currently the diagnosis is made frequently in advanced stages, just 20% of the cases having the possibility of surgical resection.

We examined the newly developed literature-derived risk factors for pancreatic cancer in a case-control study conducted in Romania between September 2016 and September 2018. This included 74 incident cases and 74 controls admitted to the Fundeni Clinical Institute in Bucharest for non-pancreatic neoplastic diseases, frequency-matched to cases by sex and age. Logistic regression models were used for multivariate OR such as sex, age, diabetes, viral hepatitis, smoking and alcohol consumption status, and other personal and familial history. The control series was drawn from medical stuff and patients admitted in the hospital, without pancreatic neoplasia. The information about the detailed medical conditions, family history of cancer, diabetes, smoking habits, alcohol consumption, coffee drinking, ordinary occupation were drawn either by a questionnaire and by blood or faeces analysis (for infection with hepatitis B or C, blood group respectively *Helicobacter Pylori* infection). Prior to the interview, written informed consent to participate in the study was obtained from each person. Subjects were queried about their height and weight, at diagnosis, one or 5 years prior diagnosis, and also from 10 to 10 years from the beginning of the adult life, which was used to compute body mass index. We queried subjects to obtain detailed information on the following medical conditions and interventions: diabetes mellitus (type, treatment, onset of diagnosis), cholecystectomy, pancreatitis, gastrectomy, allergies. Subjects were asked questions regarding their age at onset and duration of each medical condition. Regarding diabetes we obtained detailed information on the use of insulin and other drugs to treat diabetes mellitus. Only one case and one control reported a hospitalization of pancreatitis and none had hepatitis C infection prohibiting any detailed analysis of the potential

⁵ StatesLola Rahib, Benjamin D. Smith, Rhonda Aizenberg, Allison B. Rosenzweig, Julie M. Fleshman and Lynn M. Matrisian Projecting Cancer Incidence and Deaths to 2030: The Unexpected Burden of Thyroid, Liver, and Pancreas Cancers in the United States American Association for Cancer Research, 2014,july

⁶ Jemal A, Siegel R, Xu J, Ward E. Cancer statistics, 2010. CA Cancer J Clin. 2010;60:277-300

risk factor. With regard to family history of cancer, subjects were asked whether any first degree blood relative ever had cancer, and if so, to specify the type of neoplasm.

In the pancreatic cancer group the average age at diagnosis was 65.29 years, ranging from 45 to 86 years old. The female to male sex ratio was 1.17:1. While using t-test, the interval confidence of 95% for age and sex, significant differences ($P > 0.5$) were not noticed.

Tobacco consumption is the most well-established risk factor in pancreatic cancer, in a meta-analysis that included 47 case-control and 35 cohort studies, the calculated risks were estimated for current and former smokers to be 1.7 and 1.2.⁷ In our study, in the pancreatic cancer group 40.54 % were ex-smokers, and 18.19% were still smoking, and in the control group 28% were smokers, and 14% were ex-smokers, so the risk was 3 times higher for current and former smokers for pancreatic cancer ($p < 0.05$) than for those who had never smoked.

Alcohol consumption seemed not to be a significant risk factor ($p > 0.5$ OR 1.3) although there was a higher incidence in the pancreatic cancer group: 70%, respectively 50%.

Regarding coffee consumption, there wasn't a significant difference between the groups, although there seemed to lower the risk for pancreatic cancer, but insignificant (OR 0.7, 95% CI 0.28-1.8, $p > 0.05$)

Although there are several studies and even a meta-analysis regarding principal jobs and occupational exposure associated with pancreatic cancer, there is no consensus; in our study, 43.24% subjects were exposed to different substances like pesticides, solvents, chloride and diesel, and just 10.81% in the control group, resulting a significant risk for those exposed (OR 6.28, 95%CI 1.87-21.3, $P < 0.01$).

Regarding allergies, there was seen a significant difference between the two groups, with a frequency of 43.24% in the control group and 18.91% in the pancreatic neoplasia group, subjects with a history of allergic condition having a significantly reduced risk (OR 0.3 95%CI 0.1-0.87, $P < 0.05$)

A significantly positive risk for pancreatic cancer was seen in patients with diabetes (OR 5.44; 95% CI 1.38-21.33; $p < 0.05$). Diabetes was frequently type 2 (97%). The onset of diabetes was seen on average with 6.63 years prior to the diagnosis of pancreatic cancer, 2 months the earliest, and 16 years the latest. A higher prevalence for subjects with onset of diabetes within 2 years of diagnosis of cancer was seen (fig. 1). Patients recently diagnosed with type II (< 2 years) needed insulin therapy in the beginning in 80% of cases, and those diagnosed later (> 2 years) 50% needed changing of oral anti-diabetes with insulin therapy at 1 year prior to pancreatic cancer being diagnosed. The median age for the diagnosis of pancreatic cancer in patients with diabetes was 64.73 years similar to those without neoplasia.

Cholecistectomy represents a significant risk factor for pancreatic cancer (OR 6.05; 95% 1.2-30.42 $p < 0.05$), 24% of cases been cholecistectomised within 20 years before the pancreatic cancer diagnosis.

Little or no excess risk was associated with having or having had viral hepatitis B (OR 1.3; 95% CI 0.28 – 6.61 $p > 0.5$) or gastrectomy (OR 2.05 95% CI 0.17-23.72, $p > 0.5$)

⁷ Iodice S Gandini S Maisonneuve P et al. Tobacco and the risk of pancreatic cancer: a review and meta-analysis. *LanfebecksArch Surg* 2008;393:535-545

CONCLUSIONS

Our findings indicate that diabetes mellitus is a risk factor for pancreatic cancer. The association between diabetes mellitus and pancreatic cancer has been evaluated in multiple studies and several meta-analyses^{8,9,10} with most indicating a positive relation. The question arising from this is whether diabetes is an etiological factor or a consequence of pancreatic neoplasia during a pre-diagnosis stage. In our study, the diabetes occurred frequently around the time of cancer diagnosis, and needed insulin therapy and the diabetes diagnosed about 2 years earlier imposed changing the therapy to insulin, this fact therefore suggesting that it may rather be a consequence than an etiological factor.

Another finding of our study was the positive association between cholecystectomy and pancreatic cancer risk. This finding was seen also in several studies¹¹, but cholecystectomy's principal risk factor is obesity, and the latter also represents a risk factor for pancreatic cancer, all these suggesting the necessity of studies aiming at clarifying if it really represents a risk factor per se or is secondary to obesity.

In our study there was not seen significant risk associated with having had gastrectomy or viral hepatitis B, although most reviews reported a positive association, with relative risk ranging from 1.2 to 3.8 according to HBV carrier status.^{12,13,14} This difference may occur because of the reduced number of subjects included in the study and the high incidence of hepatitis B in Romania (17.93 cases at 100,000 habitants)¹⁵.

History of allergies is the only factor that seems to have a protective effect for pancreatic cancer, this was also reported in some studies.

Tobacco is the most well established risk factor for pancreatic cancer, and this was also confirmed in our study.

Even if there are several studies on risk factors, the majority of patients are diagnosed in advanced stages, when they present metastases or are no longer candidates for curative resection. With continuously increasing incidence we need to make multicentre studies, which will include more subjects in order to identify the main risk factors and high-risk individuals and then offer them a personalised screening program.

⁸Everhart J wright D. Diabetes mellitus as a risk factor for pancreatic cancer. A meta-analysis. The Journal of the American Medical Association 1995; 273:1605-09

⁹ Huxley R Ansary-Moghaddam A Berrington de Gonzalez A et al. Type II diabetes and pancreatic cancer a meta-analysis of 36 studies. British Journal of Cancer 2005; 92:2076-2083

¹⁰Pisani P. Hyper-insulinaemia and cancer, meta-analyses of epidemiological studies. Arch Physiol Biochem 2008;113:63-70

¹¹ Ling G zeng Z Wang X Wu Z et al. Cholecystectomy and risk of pancreatic cancer: a meta-analysis of observational studies. Cancer causes Control 2012;23:59-67

¹² Wang Y Yang S Song F et al. Hepatitis B virus status and the risk of pancreatic cancer: a meta-analysis. European Journal of Cancer Prevention 2013;22:328-324

¹³ Fiorino S Chili E Bacchi-Reggiani L et al. Association between hepatitis B or hepatitis C virus infection and risk of pancreatic adenocarcinoma development: a systematic review and meta analysis. Pancreatolgy 2013;13:147-160

¹⁴ Xu JH Fu JJ Wang XL et al. Hepatitis B or C viral infection and risk of pancreatic cancer: a meta-analysis of observational studies. World Journal Gastroenterology 2013;19:4234-4241

¹⁵ European Centre for Disease Prevention and Control (ECDEC) Annual epidemiological report Food and waterborne diseases and zoonoses 2014

INFORMATION ABOUT RESEARCH AND SCIENCE TODAY JOURNAL

AIMS AND SCOPE OF THE CONTENT

RESEARCH AND SCIENCE TODAY is a biannual science journal established in 2011. The journal is an informational platform that publishes assessment articles and the results of various scientific research carried out by academics.

We provide the authors with the opportunity to create and/or perfect their science writing skills. Thus, each issue of the journal (two per year and at least two supplements) will contain professional articles from any academic field, authored by domestic and international academics. The goal of this journal is to pass on relevant information to undergraduate, graduate, and post-graduate students as well as to fellow academics and researchers; the topics covered are unlimited, considering its multi-disciplinary profile.

Regarding the national and international visibility of Research and Science Today, it is indexed in over 30 international databases (IDB) and is present in over 200 online libraries and catalogues; therefore, anybody can easily consult the articles featured in each issue by accessing the databases or simply the website.

Frequency of publication: 2 number per year (March and November) and supplement numbers (if it necessary)

Peer-review process: All applications are reviewed by the members of the editorial council. The documents that fit the topic of the magazine are assessed by two independent scientific referents who accepted to review the documents and who send their review to the Editor in Chief. The identity of the assessors is not disclosed to the authors.

The reviewers give the Editor in Chief the review form, including comments on the scientific content of the work and the possibility to publish it. The Editor in Chief summarizes the assessors' observations and communicates them to the author.

Considering the opinions of all reviewers, the Editor in Chief decides whether to accept, review or reject the paper. According to the reviewers' recommendations, the manuscript can be accepted, sent back to the author for minor revisions or rejected.

Abstracting and indexing: SSRN, EBSCO, ProQuest, IndexCopernicus, Scipio, Genamics, Ulrich's Periodicals Directory, DOAJ, MPRA (Ideas, EconPapers, Socionet), HeinOnline, Google Academic, DRJI, CiteFactor, Erich Plus etc.

More informations about abstracting and indexing here: <http://www.rstjournal.com/indexari-2/>

CONTACT:

Phone: +40766665670

Mail: revistarst@yahoo.com

Web: <http://www.rstjournal.com>