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Generation Post-COVID-19: The Time for Anti-Economics Has Come: Health, Minimalism and Rest

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ABSTRACT: This paper makes the heterodox economic case of missing attention to health, minimization and rest in business, finance and economics. The COVID-19 pandemic has been addressed as a once-in-a-lifetime opportunity to a Great Reset. Started at the end of 2019, COVID-19 has been spreading around the world for over a year by now and no clear end is foreseeable yet. While vaccination and medication opportunities to cure the disease have improved impressively and steadily, the COVID-19 healthcare crisis also entails around 10 to over 30% of previously COVID-infected to be suffering from long haul symptoms. While our first understanding of post-COVID infection long haul symptoms, impetus and cure is still missing, there is hardening evidence that the newly emerging Generation COVID-19 Long Haulers may comprise of 0.3-1.659 billion previously infected with recurrent symptoms of fatigue, headaches and breathing problems as well as a set of debilitating memory fog and emotional distress. With this generation of COVID-19 Long Haulers, who are by around 70-75% female and of a median age in their 30s and 40s, a dramatic shift to demand for health, minimalism and rest is predicted to emerge. Neoclassical ideas of business, finance and economic research have a limited understanding of health. Maximization pledges of productivity driven industries in business, finance and economics do not account for minimalism. Foremost behavioral economics started to address cognitive overload and decision-making failures in a too complex world. There is no appreciation for rest in finance and economics. All these trends of attention to health, minimalism and rest the COVID-19 Long Haulers generation may change lastingly.

KEYWORDS: Behavioral economics, Business, Coronavirus, COVID-19, Crisis, Debilitation, Economics, Emotional impairment, Fatigue, Finance, Headaches, Heterodox Economics, Generation COVID-19 Long Haulers, Healthcare, Medication, Memory fog, Minimalism, Preventive care, Respiratory symptoms, Rest, Self-measurement, Vaccination

Introduction

The novel Coronavirus COVID-19 started at the end of 2019, when it was first diagnosed in China. To this day, there are over 150 million reported infections with COVID-19 and over 3 million deaths reported around the world (Worldometer 2021). A new angle of the healthcare crisis became apparent early on in cases reporting continuous impairment after an infection. Most recently, an information wave broke on growing numbers of previously infected, who report either constant impairment or recurrent waves of symptoms after their infection – even after having been tested negative for COVID-19.

This so-called Long COVID affects 10-30% of people who have symptomatic infection with Sars-CoV-2 as a symptomatic disease lasting longer than 12 weeks (Harrison 2021). The range of Long COVID symptoms is wide and diffuse but early on a social media Facebook Long Hauler group consisting of 1567 long-term strugglers after a COVID infection identified almost 100 long-haul effects that include fatigue (100%), muscle or body aches (66.8%), shortness of breath or difficulty breathing (65.1%), difficulty concentrating or focusing (59%), inability to exercises or be active (58.5%), headache (57.6%), difficulty sleeping (49.9%),

anxiety (47.6%), memory problems (45.6%) and dizziness (41.9%) among the top long haul symptoms (Britt 2020). Follow up studies revealed a cluster of symptoms ranging from chest pain and cough; dyspnea and cough; anxiety and tachycardia; abdominal pain and nausea; and low back pain or joint pain (Antrim 2021). The list of symptoms is still updating and includes by now cognitive dysfunction, numbness or tingling, loss of taste, smell and other senses such as hearing and vision, muscle pain, tinnitus, heart rate and blood pressure issues, gastrointestinal complaints, insomnia, depression and anxiety but also dermatological anomalies (Ault 2021; Doheny 2021). Most recently, studies emerge that report multi-organ functioning debilitation after COVID-19 (Harrison 2021). To all these clusters of symptoms is common to create a long-term debilitation and a patient innate need for recovery, health and rest.

With research estimating about 10 up to more than 30% of COVID-19 patients become Long Haulers, the newly emerging Generation COVID-19 Long Haulers has the potential to change our world lastingly. This article speculatively discusses the impact of a wave of COVID-19 Long Haulers emerging in society. The demographics of Long Haulers to consist of fairly young individuals in their 30s and 40s suggests that this usually most productive part of society will break a wave of lasting corporate, finance and economic changes. With this estimated 0.3-1.659 billion strong cohort of COVID-19 Long Haulers living for an estimated 40-50 years longer, the way we conduct business, finance and economic growth may change dramatically. Their longing for health will drive the overall demand for healthcare and preventive medical care. The cognitive debilitation will increase an already detected deficiency gap to make decisions in a complex world to even further appreciation for unwinding and breaking down a complex world in minimalism. Economic theory will have to be expanded for attention to rest, which has been seen as problematic and unfavorable in the standard neoclassical business conduct and economic cycle theories. Future research may thus address a more heterodox economics angle giving space and attention for re-writing corporate, finance and economic models with appreciation for health, minimalism and rest.

Demographics

COVID-19 is a worldwide pandemic, which started 2019 in China. COVID-19 is caused by a coronavirus called SARS-CoV-2 that causes in older adults and those with severe underlying medical conditions, like heart or lung disease or diabetes, serious complications and illness.

As of the end of April 2021, there are over 150 million reported infections with COVID-19 and over 3 million deaths reported around the world (Worldometer, 2021). Actual infection rates may be higher, ranging from 5% to 20% (ScienceDaily, 2021).

Of the COVID-infected, there are three different major scenarios described based on the immune system response: (1) Symptomatic COVID-19 trajectory with variable severity leading to disease and likely hospitalization due to respiratory symptoms, cytokine storms and multi-organ function impairment; (2) Mild symptomatic COVID-19 trajectory leading to signs and symptoms of evasion of immune surveillance as well as (3) Asymptomatic COVID-19 spreaders, who may or may not turn symptomatic (Baig 2020).

Who falls into what group of immune responses to COVID-19 is yet unclear but certain trajectory propensities seem to depend on gender, age, pre-existing conditions and viral load received at exposure to the virus alongside a range of genetic predispositions and environmental pre-COVID episodes (Baig 2020). For instance, of the currently roughly 20 million COVID-19 infected, 99.4% appear to have only mild conditions and only 0.6% is considered as serious and/or critically ill (Worldometer 2021). Of the closed cases so far, in 2% the disease led to death, 98% are considered to have recovered (Worldometer 2021).

A recent study of 6500 COVID Long Haulers estimates that 10-30% of all infected have the potential to become Long Haulers, who experience lasting effects of a previous COVID infection. The average COVID Long Hauler appears to be in their late 30s and early 40s with

female making up an estimated 70-75% of all Long Haulers (Rubin 2020). As COVID-19 is a fairly novel disease and long-term effects are detected and monitored over a period of at least 8 weeks to 6 months, our understanding of long COVID syndrome is still developing in its infancy.

What preliminary data appears to suggest so far is that COVID Long Haulers appear to be infected that never fully recover back to their pre-COVID-19 levels even weeks or months after having experienced first symptoms. Some Long Haulers continuously experience debilitating symptoms that either are prevalent constantly or come back in waves or relapse with ongoing, old and/or new symptoms. This so-called post-COVID-19 syndrome or post-acute sequelae of SARS-CoV-2 infection (PASC) currently appears to be similar to other post-viral infections such as Lyme disease, for instance, that can cause similar long-lasting mild symptoms after a viral infection.

Long COVID affects 10-30% of people who have symptomatic infection with Sars-CoV-2 and is defined as symptomatic disease lasting longer than 12 weeks (Harrison, 2021). While a solid nomenclature of COVID-19 Long Haulers is yet to be determined, it appears that three long-hauling clusters may emerge of which, the symptomatic COVID-19 infected with heightened cases of COVID and likely severe symptoms such as cytokine storms and hospitalization, complications and multi-organ diseases will likely have more organ impairment that leads to long-term labile conditions (Baig 2020). The symptomatic COVID-19 infections with mild symptoms may fall into two categories of either persistent viral load in the body that creates waves of mild signs and symptoms of a disease with persistent abnormal serological findings similar to Lyme disease or post-Ebola infection (Baig 2020). The third cluster of COVID-19 Long Haulers will be those with immune cell deficiencies after an evasion of immune surveillance and potential inflammation similar to rheumatoid arthritis (Baig 2020).

In finding a cure for these three clusters of Long Haulers, potentially the type of Long Haulers will determine the remedy. While in cluster 1 of organ damage the type of damage and type of organ will set the range of possibilities for convalescence, in cluster 2 so far anti-COVID vaccinations have shown promising results (Goodman 2021) and in cluster 3 potentially the overall status and balance of the immune system will become the focus of attention for finding back to a state of balance. In all three groups and in the path forward with a chronic and long-term COVID Long Hauling generation, healthcare will pay more attention to whole-rounded medical care with focus on prevention, self-monitoring and long-term balance.

Estimations

As of April 2021, COVID-19 has infected over 150 million people around the world. Already in October 2021, the World Health Organization estimated that around 10 percent of the world population have been infected by COVID-19 (NBCNews, The Associated Press, October 5, 2020). Cumulative cases are estimated to be 5-20 times greater than confirmed ones (Noh & Danuser 2021). Substantial undocumented infections, the speed and unpredictable cluster outbreaks but also asymptomatic infections that turn into Long Haulers with conditions popping up long after the initial infection obscure the true size of the potential debilitation caused by the novel Coronavirus (Noh & Danuser 2021). Estimations are expecting in total of up to 40-70% of the world's population to get infected with COVID-19 (Coleman 2020). If considering worst case that 70% of the world's population to get infected with COVID-19 and 10-over 30% end up as Long Haulers, the world could end with 0.3-1.659 billion Long Haulers. If considering additional fall-outs of COVID vaccination failures and breakthrough infections, the number may even be higher. What will the world change to if considering the vast amount of Long Haulers forming a Generation COVID-19 Long Haulers?

Generation COVID Long Haulers

The 21st century may be coined as an unprecedented time of anti-economics that values everything contrary to the neoclassic idea of economics of productivity, maximization and efficiency. With this generation of COVID-19 Long Haulers, who are by around 70-75% female and of a median age in their 30s and 40s, a dramatic shift to demand for health, minimalism and rest is predicted to emerge.

Neoclassical ideas of business, finance and economic research have a limited understanding of health and wellbeing. Traditional economic growth theories considered capital and labor as essential growth factors for every economy (Puaschunder 2020). Exogenous growth theory is centered on exogenous shocks – like new technology innovations or natural crises, such as pandemics – as major drivers or downturns of economic growth measured in capital and labor impact. Endogenous growth theory then drew attention to dynamic variable interactions between capital and labor but also endogenous growth derived from ideas, innovation and learning. Growth concepts were opened up for innovation generated in productive group interaction and learning inside firms in teams, learning-by-doing while performing tasks and learning-by-using of new technology. The outbreak of the novel Coronavirus (COVID-19) heightened attention for hygiene and healthcare. According to exogenous growth theory, the health risk exposure to the exogenous shock of COVID-19 differs between employees, firms, industries, environments and countries. Health of labor capital but also a risk-free working culture, environment, industry and country will flourish growth in a COVID-19-struck economy. In endogenous growth theory terms, team hygiene and group monitoring of the collective health status but also learning-to-preventing holds future economic growth potential. Applications of COVID-19 adjusted growth models should also include inequality of growth in the digital age (Puaschunder 2020).

Regarding healthcare changes, a cadre of chronically debilitated and sick will lead to a drive to alleviate chronic diseases. Already as early as the end of 2020, the United States Congress already approved 1.15 billion USD in funding over four years for the National Institute of Health to support research into the prolonged health consequences of SARS-CoV-2 infections (National Institute of Health 2021). Of the investigated symptoms, chronic fatigue, headaches, shortness of breath and memory fog range among the top mentions that will draw attention to find cures for. Immune system related research and attention to the immune response based on activation levels but also inflammatory disfunctioning will likely gain on research attention, when considering the long-term effects of COVID Long Haulers report.

Since the onset of the COVID-19 pandemic, there has been a moving trend from large metropolitan areas noticed to more rural areas. People have moved to the suburbs or rural areas and reconnected with environmental conditions during a crucial time in light of climate change. Today, there is a heightened demand for climate stabilization featuring concerted mitigation and adaptation efforts. Different environmental efforts could shape the global environmental governance required in the 21st century, ranging from formal institutions (major global conferences and treaties), legal regimes, informal arrangements, intergovernmental relationships, nongovernmental organizations, global capital markets and multinational corporations (Puaschunder, forthcoming). Attempts to curb human-made carbon emissions that are offsetting the climate change dilemma may be in contrast to economic growth. For instance, fiscal policies and carbon tax but also monetary and credit policies attentive to environmental degradation may curb productivity. Creative ecowellness options and sustainable lifestyle innovations may emerge that pay tribute to health and well-being within the given natural constraints of ecological limits. Future cities may also see ecologic pricing reforms that pay tribute to the trend into environmentalism. Active cityscape projects may feature forestation to absorb CO₂ from the atmosphere but also behavioral changes. Already now we find a trend towards individualized cars and further behavioral changes will likely force transportation to

become more hygienic and individualized. Lastly, the cities of tomorrow will likely feature intergenerational conscientiousness in protecting elder and low immune system risk groups from contagious diseases (Puaschunder 2020b). Corporate settings, industry demands and economic growth will likely stem from attuning to this trend of ecowellness and sustainable lifestyles in the future.

In the personal sphere, there is currently a deurbanization trend going on or what Brunnermeier calls the Doughnut effect that the urban population enjoys time off from large metropolitan areas and moves to the suburbs or even country side. Current home owner booms in remote areas like Arizona, Texas or Florida speak for people's preference to escape cities. Corporations are still offering to opt for home offices and many of the corporate headquarters have moved to less crowded, more affordable locations. Cities are still seen as disadvantaged to control large crowds and ventilation in skyscrapers. The ongoing ecowellness trends has not only changed our perception of closeness and contact with others, it has also revolutionized interior design in offices with glass and plastic protection. Outdoors city and landscape has been shaped by deurbanization as well. New community development in harmony with nature are forming in so-called agri- or agrohoods, neighbourhoods that are directly attuned to the surrounding and celebrate the natural and cultural heritage. In interior design for the private living space, cleanliness has become key. Attention to healthy nutrition is on the rise for Long Haulers, who appear to have a craving for minimalistic stimulation at home that often also features a Biophilia design, which resembles nature and sustainable fabrics.

Another trend of the post-COVID world that will likely stay around will be the self-monitoring and self-measurement of body functions with artificial intelligence and self-testing kits having arisen dramatically in record speed in light of the COVID pandemic. With the fear of patients to visit doctors and attend a hospital for care during the pandemic, new online consultation revolutions have started that are likely to be continued after COVID and be exacerbated by Long Haulers who will likely face fast-paced symptom changes and a novel set of easily-changing health status conditions.

On a more global macro-economic level, the Green New Deal and European Green Deal as post-COVID-19 recovery paths forward include sustainability pledges. A sustainable finance taxonomy may also innovatively include healthcare reforms and governmental funding of long-term health pledges in order to address a wave of COVID-19 Long Haulers. Attention to the integration of AI in healthcare and medicine should be coupled with insights of a cadre of partially debilitated that may even have instability in symptomatic wave of disabilities. AI could be integrated to support when patients face difficulty that may onset unpredictably and/or periodically. Human-AI compatibility will be key and big data insights used in order to find patterns in waves of multi-organ functionality deficiencies.

As for economic changes, COVID Long Haulers appear to have a preference for unwinding speed and mental overloads. While standard neoclassical economic theory is based on the believe that efficiency maximization based on productivity gains and activation level increases is the ultimate preference of all individuals, COVID Long Haulers may develop – for the first time in economic history – a large-scale demand for attention to disability, rest and relaxation and thereby drive a trend of the economics of slowness. Legal professionals will address attention to the growing cohort of disabled and debilitated workforce. Drawing from behavioral insights, the laws of human productivity after rest but also different time discounting over life calculating time use strategically will be required in the future to better and more accurately describe workforce trends (Puaschunder, 2021, forthcoming).

With this generation of COVID-19 Long Haulers a dramatic shift to demand for health, minimalism and rest is predicted to emerge. Maximization pledges of productivity driven industries in business, finance and economics do not account for minimalism. Foremost behavioral economics started to address cognitive overload and decision making failures in a too complex world (Puaschunder, forthcoming). There is no appreciation for rest in finance

and economics. All these trends of attention to health, minimalism and rest the COVID-19 Long Haulers generation may change lastingly.

With Long Haulers facing trends of changing health conditions, novel workforce uncertainty will become a topic of discussion for corporate governance and business contingency planning. The newly-imposed obligation of corporations to look after a healthy work environment will likely remain beyond COVID and pass on some rights to corporations to monitor and track the health status of the workforce (Gelter & Puaschunder, forthcoming). Corporations will have to become attuned to the health situation of employees and will likely divide capital into artificial intelligence and more unpredictable human workforce with appreciation for rest and relaxation. New activation studies will be needed guided by behavioral specialists that find the right balance between work and rest. These studies will likely be inspired by activation research such as the Yerkes-Dodson law that predicted an individual activation level of the overall immune system status determining individual potentials and overstimulation leading to potential work deficiencies and quality of life impairments (Yerkes & Dodson 1908).

All these trends of economics of unwinding, relaxation and rest will likely become major drivers of a new revolution in economics that focuses away from profit maximization, productivity and speed to minimalism, relaxation and rest. Previously avoidable states of rest, inaction and unproductivity that were recently deemed as problematic will leverage as a luxury and esteemed maximization. The maximization of minimalism is likely to become a trend that will change the way society produces, consumes and gratifies. Here again, AI and robotics may keep an economic growth level while human beings start focusing on relaxation and letting go.

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Positioning Prospective Teachers' Examination of the Hidden Curriculum: A Critical Literacy Context

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ABSTRACT: The presentation discusses the first part of a multi-dimensional study including an innovative instructional strategy to further prospective teachers' understanding of critical literacy. In a third-year undergraduate concurrent Education course of study, prospective teachers collaborate in small groups to produce a video presentation that examines the implications of a case-based dilemma (the course is delivered in Problem-Based model that includes a social-constructivist approach to learning). As a component of the video analysis, prospective teachers are required to consider the institutional dimensions of the hidden curriculum that potentially socializes secondary school students into dominant socio-political ideologies. The presentation will discuss how the video analyses assignment fosters prospective teachers' understanding of culturally responsive pedagogy (CRP). It will detail how CPR can be envisioned differently by prospective teachers. The instructional strategy invites prospective teachers to think reflectively about how they will encourage secondary school students to be more critical of the socio-political implications of schooling and society. In the context of critical literacy, the instructional strategy fosters prospective teachers' examination of how CRP can successfully expose secondary school students to the dominant ideologies and inequities that often contribute to the continued marginalization of certain groups in education and beyond.

KEYWORDS: critical literacy, prospective teacher development

Introduction

As instructional tools, case-studies are considered conducive to the development of participants' reflection and understanding of educational theory and teaching practice. Case-studies provide opportunities for participants to engage authentically in examining their reasoning of the respective issues embedded in each inquiry. In many respects, case-studies address the gap commonly experienced by prospective teachers between research and practice (Keyton & Schockley-Zalaback 2004; Sypher 1997).

It is significant to note that students enrolled in teacher education programs have experienced thousands of hours in public-school classrooms as kindergarten to grade 12 students and have strong impressions, beliefs, and biases of what constitutes teaching and learning (Laskey 2005). In this way, it can be beneficial to invite prospective teachers to consider how the knowledge they acquire in their teacher education courses of study and in experiential education opportunities compare and contrast to their perceptions and experiences as public-school students (Mills & Satterthwait 2000). Relevant to the Problem Based Learning Model (PBL) under discussion, thus, is the significance of transformational learning that points to the importance of learners' interaction with one another in active and constructive roles that enable the fostering of one's identity (Bennetts 2003; Mezirow 2000; 1998). A model based on focused inquiry, such as the hybrid PBL platform under discussion, is also intended to foster participants' examination of their own biases that are often outcomes of their past experiences in educational settings (Kroth & Boverie 2000; McGoldrick et al. 2001; Pohland & Bova 2000).

The hybrid Problem-Based Learning (PBL) model under discussion represents the conceptual framework for a third-year course in a six-year concurrent education program in university located in Ontario, Canada. The PBL model is a hybrid of the more traditional strategies typically used in medical and legal professional schools (Cherubini 2020).

Specifically, prospective teachers are provided with various opportunities to determine their own learning needs, identify the key objectives of the inquiry, consult an array of resources further to those provided in the course, and reflect upon their perceptions in juxtaposition to the voices and opinions of others. The instructional model endorses prospective teachers' capacity to think critically about both the new knowledge they acquire as part of the inquiry process as it does invite them to account for their past experiences as grade- and secondary-school students (Cherubini 2019).

Context: A Hybrid Problem-Based Learning Model

As a unique learning platform PBL encourages prospective teachers' informed perspectives into the behaviour of case-base subjects. Through case-study, prospective teachers consider thoughtfully the implications of ethical practice in the context of teaching and learning. The hybrid PBL model facilitates a structured and systematic means of promoting focused discussion between prospective teacher students in regard to case-subjects' actions and circumstances and contributes to prospective teachers' emerging appreciation of the professional roles and responsibilities of being a teacher.

The hybrid PBL model entails a specific implementation process in order for prospective teachers to engage fully in the respective case-based inquiries. As discussed in Cherubini (2017), the implementation process is adaptable to suit the unique predicaments and circumstances of each cohort of student participants. After individually reading the case, prospective teachers document, using a free-style writing approach, what they perceive to be are the most significant themes and/or developments in the case. In small groups, the prospective teachers are provided with the necessary time to share then discuss these initial thoughts. Each member of the group is then tasked with the responsibility to consult either a professional educator, a relevant interprofessional, a parent/caregiver of a school-aged student relatively close in age to the case-based student, or two peer-reviewed academic journals relevant to the case inquiry. The prospective teacher participants are then provided the time to share and discuss the insights from each of the solicited perspectives. They are also required to discuss the bodies of standards related to the professional and ethical expectations of teachers in Ontario (Canada). Among the objectives is to develop prospective teachers' understanding of how the profession determines responsible action and ethical behaviour (see, for example, Cheney, May & Munshi 2001; May & Mumby 2005).

The hybrid PBL model includes a distinct aspect of professional collaboration and a unique approach to learning that is grounded in theory and practice. For prospective teachers, the opportunity to examine case-based issues and circumstances facilitates their emerging appreciation of teaching and learning in broader contexts. The PBL model allows prospective teachers to revisit their preliminary thoughts and perceptions, engage in peer-discussion, and be thoughtful about their learning of the case-based issues. By engaging in the inquiry process prospective teachers are situated in the tension of professional and ethical issues that often have significant implications on practice (Cherubini 2017).

Theoretical Context

As a requirement of the third-year concurrent Education course, each small group cohort of prospective teachers produce a video presentation to examine the implications of a particular case. Prospective teachers are provided with key resources and policy documents that may inform their case-based inquiry. The resource includes links to the provincial curriculum (both elementary and secondary), assessment and evaluation policies in Ontario, resources related to special education, Indigenous education, and equity and inclusive education. See, for example:

<http://www.edu.gov.on.ca/eng/curriculum/elementary/>; <http://www.edu.gov.on.ca/eng/secondary.html>; <http://www.edu.gov.on.ca/eng/general/elemsec/speced/learning.html>; <http://www.edu.gov.on.ca/eng/policyfunding/inclusiveguide.pdf>.

Each group is expected to select at least one document and cite specifically how the information in the policy contributes and informs their understanding of the case-based dilemma. Each PBL group's video presentation discusses the significant considerations and outcomes of the case from a specific lens. The lens on "Learners," for example, considers case-based teachers' treatment of learners in classroom environments, if/how learners are used as a reference for decisions about when the teacher moves on to new material, and the sense of competition or cooperation between students in a classroom. Conversely, the PBL group may select a "Broader Context" lens to examine problems facing case-based teachers and students that may be attributed to problems in society at large, in the school organization, in individual students, or student's families.

As a component of the video analysis, prospective teachers are required to consider the institutional dimensions of the hidden curriculum that can socialize secondary school students into dominant socio-political ideologies. According to Thomas and Dyches (2019) students are "socialized through the hidden curriculum to accept ideologies that are the outcomes of dominant hegemonic practices that further contribute to inequitable relations (see also Borsheim-Black, Macaluso, & Petrone, 2014; Rahman, 2013). This focus on the hidden curriculum contributes to prospective teachers' awareness of the important effects related to how students perceive themselves, their teachers, and other stakeholders across the learning environment of public-school classrooms and schools. In turn, prospective teachers use PBL to examine culturally relevant pedagogy (CRP) in the respective case-based inquiries. Culturally relevant pedagogy includes consideration of students' experiences in public education, including their sense of achievement, recognition of cultural presence, and their informed and deep awareness of the socio-cultural variables that impact their education as unique learners (Aronson & Laughter 2016; Jacobs 2019; Ladson-Billings 2014).

Educational Significance: Critical Literacy

The PBL model being presented facilitates prospective teachers' reflection on their learning about the concepts related to both the hidden curriculum and CRP and subsequently how this learning translates into practice. Prospective teachers acquire a better understanding of the necessity to encourage secondary school students to critique their own biases and participate meaningfully in learning cultures where students of all socio-cultural backgrounds have a voice. The model provides opportunities for prospective teachers to consider and examine the implications of these inclusive practices on not only their instruction, but on their future students as well. Prospective teachers are afforded the space to discuss, reflect, and appreciate how concepts related to implicit bias influences not only the process of how they will select the texts and resources they will implement in their classrooms, but also how they project their approach to literacy instruction with students (see, for example, Scales & Tracy 2017; Solorzano & Yosso 2002). This is to recognize that "literacy is about more than reading or writing – it is about how we communicate in society. It is about social practices and relationships, about knowledge, language and culture" (OME Language Document 2006, p. 3).

Additionally, and very significantly, literacy (as it aligns to the above context) is linked to prospective teachers' heightened understanding of critical literacy as a means of developing students as active agents in their own learning with the ability to question the socio-historic power relations in both their own education and across the larger community (Goodman and CoCCA 2014; Lewis, Enciso, & Moje 2007). Prospective teachers better understand how critical literacy, as a constructivist learning strategy, positions students' lived

experiences at the center of their learning (Lee 2012; Vasquez 2019). The PBL model affords prospective teachers to consider critical literacy, from these perspectives, as a method to encourage students to examine and be critical of ideologies that perpetuate the silencing of marginalized voices (Kazembe 2017; Locke and Cleary 2011; Luke 2014). The PBL model that serves as the discussion of this presentation encourages prospective teachers to consider critical literacy as a way of providing opportunities for K to 12 students to, at the very least, begin to consider topics of equity and social justice and participate meaningfully in a more inclusive culture of schooling that recognizes all voices and perspectives (Wilson 2014).

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How Compatible Is the Statutory Child Vaccination Duty with Article 8 of the European Convention on Human Rights?

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ABSTRACT: On April 8, 2021, the Grand Chamber of the European Court of Human Rights (ECtHR) adopted a first judgment on compulsory childhood vaccination. This judgment, adopted by a clear majority (sixteen votes to one) in the case of *Vavříčka and Others v. the Czech Republic*, established that the general legal duty consecrated in Czech Republic to vaccinate children against a number of diseases well known to medical science does not violate article 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR), as requested by the applicants. In the above-mentioned case, the first applicant, according to the Czech legislation, was fined for the failure to respect the vaccination duty for his two children, the other applicants being all denied the admission of their children to preschool for the same reason. Following its constant case law in relation with article 8, the ECtHR examined the issues of the State interference in the right to respect for private life, the legitimate aims pursued by the Czech authorities in protecting health, the margin of appreciation of the State and the proportionality principle. The Court reached the conclusion that in striking the particular balance between the need to respect the right to private life and the legitimate aim to safeguard the health of young children and the community, respectively, the Czech authorities had not exceeded both the recognized margin of appreciation for a State when adopting measures regarded as “necessary in a democratic society” and the principle of proportionality.

KEYWORDS: childhood vaccination, compulsory, private life, human rights, European Court, Czech Republic, margin of appreciation, interference, proportionality

1. Introduction

On 8 April 2021, the Grand Chamber of the European Court of Human Rights (ECtHR) adopted its first decision about compulsory childhood vaccination. The Court examined the petition lodged on 23 July 2013 by Pavel Vavříčka against the Czech Republic, through which he complained upon a breach of Article 8 (right to respect for private and family life) of the European Convention of Human Rights (Convention). In essence, the applicant invoked the fact that in 2003 he had been fined as he had refused the vaccination of his two children, aged 14, respectively 13, against poliomyelitis, hepatitis B and tetanus, given that the domestic legislation in the Czech Republic required this vaccination to be compulsory. All his domestic appeals had been rejected, which resulted in his application addressed to ECtHR based on the Article 8 of the Convention.

Other 5 similar applications were later submitted by citizens from the Czech Republic, applications which were cumulated and examined by ECtHR. These applications invoked, in addition to fines applied to parents refusing to follow the national obligation to vaccinate their children and refusing their access to preschool.

Given the wider European background for the typology of these cases, the governments of France, Germany, Poland and Slovakia requested and received the granted leave to intervene in the proceedings in front of the Court and transmitted their written comments. Several nongovernmental organizations received a similar status.

The Court adopted a decision on 8 April by the 17 judges of the Grand Chamber. Having a majority of 16 to 1, including a partly concurring and partly dissenting opinion, the

ECtHR decided in essence that the measures adopted by the Czech Republic on the relationship with the mentioned applicants represented an interference “necessary in a democratic society” and that, therefore, article 8 of the European Convention of Human Rights was not violated (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021).

2. Commentaries upon Article 8 of the European Convention of Human Rights

From the historical perspective, the Article 8 of the Convention is inspired by the Article 12 of the Universal Declaration of Human Rights (1948, 4). The final version of Article 8 was adopted by the Committee of Ministers of the Council of Europe in 1950, together with the overall text of the Convention, based on Recommendation no. 38 on 8 September 1949 of the Consultative Assembly of the Council of Europe and the subsequent incorporation of one British amendment in para 2 of the above-mentioned article (Russo 1999, 305-306). The final text, which established the right to private and family life, runs as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

The structure of this norm is similar to that in Article 9 (freedom of thought, conscience and religion), 10 (freedom of expression) and 11 (freedom of assembly and association) of the Convention, so that, following a first para establishing the fundamental right which is guaranteed, a second follows, which lists restrictions which legitimately and objectively can be applied to rights protected by the authorities of the State Parties of the Convention (Russo 1999, 306).

The explanation provided by the doctrine (Sudre 2005, 251) in relation to this apparent paradox, respectively establishing *fundamental* human rights presenting derogations, limitations or restrictions of their free exercise in international law of, is reflected in one of the classifications of fundamental rights and freedoms mentioned by the authors in the area. Thus, fundamental human rights could go into *intangibile* rights (right to life, interdiction of torture, interdiction of slavery or forced labor) from which no derogation is accepted and, respectively, *conditional* rights, which present a significant level of protection but whose exercise could be reduced via limitations, restrictions or derogations (Corlăţean 2015, 56-57). The doctrine mentions that the restrictions of the free exercise of one right, which, through this derogation, does not turn into less fundamental than the other ones protected by international law, needs to be provided by the law or international treaties explicitly and specifically and to be objectively underpinned by higher reasoning, necessary in a democratic society, such as the protection of public order, national security and the health status of the nation.

The content of the fundamental right in Article 8 of the Convention also entails a series of correlative obligations on behalf of states, both *negative* (Russo 1999, 306-307) and *positive* (Jacobs, White & Ovey 2014, 338, 365).

The state has, firstly, a series of *negative* types of obligations, of *abstention* (except legal derogations mentioned in para 2 of Article 8) based on which it needs to limit the interference in the private life of individuals. The doctrine specifies in this area, as a reference in the ECtHR jurisprudence, the decision Leander v. Sweden (Russo 1999, 307).

At the same time, the literature mentions the *positive* obligations of the state to adopt laws, public policies and concrete measures meant to project the individual against the

arbitrary interference of the public entities in the private of family life and to guarantee an *effective* respect of private life. In real terms, the doctrine mentions two cases regarding the above-mentioned positive obligations, respectively either the adoption of an expressed conduct of the very state in order to ensure the effective guarantee of the right of an individual, or when the state has to protect the individual against the interference of other individuals, therefore not from public authorities (Jacobs, White & Ovey 2014, 338). The doctrine covers in this sense the judgements of ECtHR in the cases *Hatton v. the United Kingdom* (Jacobs, White & Ovey 2014, 365), *Marckx v. Belgium* and *Airey v. Ireland* (Russo 1999, 308).

In what regards derogations and limitations of the free exercise of right to private life, affirmed and guaranteed in para 1 of Article 8, the doctrine analyzed the *interference* resulted from public authorities and the requirements regarding the presence of the *licit character* of this interference, which have to be fulfilled explicitly, so that this derogation from the full guarantee to the right of private life is accepted. Thus, the following *conditions* are identified in order to establish the licit character of the interference of the state in the guaranteed right in Article 8:

- This interference has to be in accordance with or provided by law. That is to say that the interference of the state needs legal or conventional grounds (provided by an international treaty);

- The interference requires an objective reason and to be legitimate. The doctrine mentions reasons such as national security, public safety, the economic welfare of the country, public order, protection of morality or public health, protection of rights and freedoms of other citizens;

- The limitations of the mentioned fundamental right are to be necessary in a democratic society.

The control which CEDO is asked to exert when limitations of the free exercise of the fundamental right in discussion are filed and, respectively, interference of the state, targets the fulfilment of requirements listed above and, in this context, determining the *proportionality of the interference* which aims to secure the legitimate aim pursued by the state, according to which the *overall interests of the society prevail upon individual interests*, as well as examining the way in which public authorities have legitimately used, or, on the contrary, abused by the *margin of appreciation* which states enjoy when they choose specific means to reach objectives established socially (Jacobs, White & Ovey 2014, 309). The judgement of ECtHR regarding *Handyside v. the United Kingdom* is mentioned, according to which, as a principle, *national authorities are better placed than an international judge to assess the need of such an interference* (Russo 1999, 340).

These were the criteria used by ECtHR to examine and adopt a decision in the case of *Vavříčka and others v. the Czech Republic*. I need to mention that the application formulated by the applicants concerned mainly the first part of Article 8, respectively the right to private life (not the right to family life), as well as Article 9 (right to freedom of thought and conscience) and, respectively, Article 2 of Protocol 1 (right to education) of the European Convention of Human Rights (Case of *Vavříčka and Others v. the Czech Republic*, European Court of Human Rights, 2021).

3. Legal reasoning of the European Court for Human Rights

In the following section, I will analyze the main elements of the legal reasoning of ECtHR which, as mentioned earlier, assessed the facts and circumstances invoked by the applicants based on its constant jurisprudence regarding Article 8 of the Convention, as well as legislative aspects and public policies of authorities in the Czech Republic regarding the

compulsory character of children's vaccination in this country for a set number of diseases identified by the medical science as presenting a high risk.

The Court specifies from the very beginning that its legal analysis focuses, in the context of Article 8 in the Convention, on the fact that the case relates to the standard and routine vaccination of children against diseases that are well known to medical science and the policy of the Czech state which establishes the compulsory nature of these vaccines (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 158). Specifically, the vaccines under discussion are administered against diphtheria, tetanus, whooping cough, Haemophilus influenzae type b infections, poliomyelitis, hepatitis B, measles, mumps, rubella and – for children with specified health indications – pneumococcal infections (see Q&A on the case of Vavříčka and Others v. the Czech Republic 2021).

1.1. A first key aspect approached by the Court regarded *the existence of an interference*. The Court is categorical in its conclusion, according to which compulsory vaccination, as an involuntary medical intervention, represents an interference with the right to respect for private life. In the cases under discussion, the Court estimates that non-admission in the preschool of children in whose name applications were lodged to ECtHR for 5 out of 6 known cases, they bore the direct consequences of non-compliance with vaccination duty. Regarding the applicant Pavel Vavříčka, he was personally subject to the obligation to pursue the vaccination of his two children, according to national legislation, and the infringement of this legal obligation attracted the application of a fine. That is to say that the Court admits that the applicants supported an interference in their free exercise to private life (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 263-264).

1.2. The next objective of the legal reasoning of the Court was to identify if there is a justification objectively grounded of the above-mentioned interference.

A first conclusion was that *the interference of national public authorities had a legal adequate basis*, supported by a combination of legal texts and other normative acts having a subsequent legal force in internal judicial order (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 271).

Secondly, the Court observes the existence of a *legitimate aim* pursued through the above-mentioned interference (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 272). The objective of national legislation under discussion is to cover protection against diseases generating a serious health risk. This concerns equally both persons undertaking a vaccine and those unable to take a vaccine, who are therefore vulnerable and depend on a high level of vaccination in the society which implicitly covers their own protection to a certain degree. The Court agrees that this objective corresponds to the aims to protect health and respectively the protection of the rights of the others, which are included in the regulation settled by Article 8 in the Convention.

Thirdly, the Court assesses *the need of an interference mentioned in a democratic society*. For this, the Court examines:

- *The margin of appreciation of states*

Assessing this criterion, present in the constant jurisprudence of ECtHR over years, represented a key element for the final decision of the Court. In the case under discussion, regarding compulsory medical intervention, ECtHR admits that compulsory vaccination can be considered as holding a direct impact upon the effective exercise of intimate rights of the individual. However, this conclusion is lessened by the fact as such, according to which no vaccine was or could not be applied against the will of the applicants as the relevant domestic law does not permit compliance with the duty to be forcibly imposed in the mentioned cause.

The Court remarks the existence of a general consensus according to which vaccination is one of the most effective medical interventions, with a cost-benefit ratio extremely favorable and that each state should take action to reach the highest vaccination level for its

population. On the other hand, the Court mentions the absence of a unique model in European states and, respectively, a certain diversity of legislative systems and practice action. However, ECtHR remarks that the most rigorous and prescriptive level in the Czech Republic is shared by other states as well, such as third applicants in the case and that other states have lately adopted stricter procedures for children's vaccination in the context of a lower social vaccination on voluntary basis and, as a result, a progressive decrease of collective immunity. Therefore, though requiring compulsory vaccination may raise a series of social sensitivities, it has to be mainly looked upon from the perspective of social solidarity. The objective of obligativity is to project the health of all members of the society and especially of those more vulnerable to certain diseases and for which the others are called to assume a minimum risk via vaccination.

As a result, the Court estimates that, in the analyzed case, the margin of appreciation of the state should be a wide one (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 276-280);

- *Pressing social need*

The Court observes the fact that the provisions of the European Convention of Human Rights establish a positive obligation for State Parties to adopt necessary measures to protect life and health of people under their jurisdiction. From this perspective, the Court considers that the vaccination duty in the Czech Republic represents the appropriate response of authorities to the pressing social needs to protect individual and public health against diseases under discussion and to avoid downward trends to vaccinate children (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 284);

- *Relevant and sufficient reasons*

The Court admits in its analysis a series of public health reasons which the government of the Czech Republic invoked in favor of applying the solution of efficient children's vaccination. The Court notes that, in this case national authorities are the best positioned to appreciate priorities, using available resources and social needs. In this context, the best interest of the child has to be at the center of all decisions affecting children's health and development. At the same time, the objective to protect against serious diseases has a direct connection with that to generate a herd immunity as wide as possible and, therefore, the group immunity.

For ECtHR, the health policy of the state under discussion responds to these requirements and the legislative solution for children's compulsory vaccination, as well as specific interference in the private life of individuals are therefore supported by relevant and sufficient reasons (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 289);

- *Proportionality of the interference in light of the aim pursued*

The Court observes in its analysis that the Czech system of children's vaccination adopted a model which implies obligativity but that in this case, it is not an absolute obligation. On the one hand, an exemption regards children holding a permanent contraindication to vaccination but there is also another exempt based on a decision of the national Constitutional Court which established a "secular objection of conscience".

Even if in the specified state children's vaccination is a legal obligation, it cannot be imposed by force. In addition, the sanction applied to the *Vavříčka* applicant is tempered by the fact that it represents *an administrative fine* which, in addition, can be applied *but once*.

In what regards the children-applicants in this case, the Court considers their non-admission to the preschool as a measure which especially aims at preserving their health and which had mainly a protective and not a punitive nature. The Court adds though that this loss is a direct consequence of the option expressed by their parents to decline a legal obligation and that the effects for children have a rather temporary character, the access to primary school, once their age allows it, being guaranteed.

This final conclusion of the Court, on such a delicate topic related to the refusal in the preschool for children declining the vaccine represents, in the opinion of the author, the solely objectionable element of the decision of ECtHR. It is difficult to justify such a sanction applied to unvaccinated children, who represent, in fact, a consistent minority as, on the one hand, their potential access to preschool would not represent a challenge for vaccinated children but possibly to themselves only, and, on the other, the objective of herd immunization as “social shield” cannot be objectively reached by 100%. From this perspective, in the opinion of the author, the juridical reasoning mentioned is difficult to be accepted, so as to support the denial of the right to education and socializing for children, especially important for their debut in social life.

In any case, the Court considered that the measures contested by the applicants go into a ratio of proportionality reasonable with legitimate aims pursued by the respective state via compulsory children’s vaccination (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 309).

Conclusion

The essence of this case, according to the legal reasoning of the Court, did not concern the need to determine if another policy, less prescriptive, could have been adopted, as the case in other European states, Parties to the European Convention of Human Rights. It was rather necessary to assess if national authorities in the Czech Republic, while establishing the balance of individual and collective rights as they have completed it, have gone beyond or not the wide margin of appreciation of the state, which was admitted in the constant jurisprudence of ECtHR in Article 8 of the Convention. The Court concludes that, based on reasons presented above, the measures contested by applicants had been “necessary in a democratic society” and that, therefore, there was no violation of Article 8 in the Convention protecting the right to individual life of individuals (Case of Vavříčka and Others v. the Czech Republic, European Court of Human Rights, 2021, para. 310-311). At the same time, the Court declared, in a majority of votes, that the petitions of applicants invoking the violation of Article 9 (right to freedom of thought and conscience) are not to be admitted and that, at the same time, it was unnecessary to examine separately the respective applications which would refer to Article 2 as well (right to education) of the Protocol to the European Convention of Human Rights.

From the perspective of the author, the Vavříčka judgement is a key one at European level, from the perspective of the public opinion impact and its effects upon public perception, mainly in the context of the pandemic confronted by the international society. It does NOT establish the obligation of vaccination at European level nor the obligation of vaccination for all age groups, as it was inadequately interpreted via world media. The Vavříčka judgement will, however, generate a similar jurisprudence in the area of children’s vaccination, in case similar complaints from other European countries arise, states adopting an identical vaccination system for children based on the force of the precedent of res judicata of the European judgements, established via the Court’s jurisprudence (Modinos v. Cyprus judgement, Vermeire v. Belgium judgement) and admitted in the specialized doctrine (Bîrsan 2006, 598). On the other hand, nothing from this judgement forces other European states to adopt the same obligatory system for children’s vaccination. What will ECtHR continue to do, however, in the case of future applications elaborated on the topic of vaccination procedures in various State Parties to the Convention, in relation with Article 8 in the Convention, is to apply the same principles of assessment, out of which the one regarding examining the interference of national authorities in the free exercise of a fundamental right and, respectively, the one regarding the margin of appreciation of states will stay as fundamental for the final conclusion of the European Court of Human Rights.

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Environmental Justice

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ABSTRACT: This article proposed three innovative and heterodox ways to aid understanding and unleashing a sustainable economy in Three Essays on Environmental Justice: *First*, behavioral insights are presented about real-world relevant, easily-implementable nudges to steer human into future-oriented discounting. *Second*, macroeconomic modelling highlights countries' different economic prospects on a warming globe in order to find a redistribution of benefits and burdens of climate change to share the gains and losses of a warming globe equally *within society, between countries* and *over time*. *Third*, a creative financialization strategy is introduced in bonds that help weight the burden of climate change more equally between today's and tomorrow's society.

KEYWORDS: Climate Bonds, Climate Change, Economics of the Environment, Ecotax, Environmental Justice, Environmental Governance, Fiscal Policy, Green New Deal, Monetary Policy, Multiplier, Sustainability, Teaching

Introduction

A warming earth under climate change is pressuring future generations' living conditions. Never before in the history of humankind have environmental concerns in the wake of economic growth heralded governance predicaments as we face today (Puaschunder 2019a, b). Climate change presents societal, international and intergenerational fairness as challenge for modern economies and contemporary democracies. In today's climate change mitigation and adaptation efforts, high and low income households, developed and underdeveloped countries and overlapping generations are affected differently (Puaschunder 2018, 2020).

The Paris Climate Agreement signed in 2015 by 195 UNFCCC member countries recognizes the importance of combining mitigation, adaptation and finance to effectively deal with global warming and its negative consequences worldwide. While the climate change scientific community is convinced that urgent actions are needed to prevent further global warming and that keeping the global average temperature below 1.5°C above the pre-industrial level is necessary to avoid catastrophic damages (Schleussner et al., 2016), economists are concerned with finding feasible incentives and financing mechanisms of emission reduction and dealing with future damages (High-Level Commission on Carbon Prices 2017; Stern 2008). Innovative strategies and unconventional compensation schemes to raise funds for climate stabilization are therefore currently required by public and private sector entities alike. This article proposed three innovative and heterodox ways to aid understanding and unleashing a sustainable economy in Three Essays on Environmental Justice:

First, behavioral insights are presented about real-world relevant, easily-implementable nudges to steer human into future-oriented discounting.

Second, macroeconomic modelling highlights countries' different economic prospects on a warming globe in order to find a redistribution of benefits and burdens of climate change to share the gains and losses of a warming globe equally within society, between countries and over time.

Third, a creative financialization strategy is introduced in bonds that help weight the burden of climate change more equally between today's and tomorrow's society (Puaschunder 2020).

Mental Temporal Discounting

Starting with a review of behavioral insights on discounting, the hyperbolic discounting literature (Laibson 1997) finds individuals to pay attention to the present more closely than future conditions are taken into consideration. Mental discounting outlines that individuals have different mental accounts for financial allocations (Thaler 1985, 1999).

The idea how hyperbolic discounting and the present bias could be related to mental discounting categories in the domain of time has not been studied (Puaschunder 2021). In the ample literature on mental accounting in the finance domain, the scarce resource time has not been tested. While all humans face the same natural constraints of 24-hours days, behavioral economics found individuals differing in discounting preference for immediate rewards over delayed gratification (Estle, Green, Myerson & Holt 2007; Kahn 2005; Rubinstein 2006; Samuelson 1937). Regarding monetary gains, individuals were also shown to hold mental accounts dependent on a reference point but also in regards as to how to allocate money to causes individuals care about (Thaler 1985).

A behavioral economics study investigated if there is a present bias in regards to time use and individuals have mental temporal discounting categories for the scarce resource of time. Building on the behavioral economics idea of mental accounting, which was tested in the domain of time with special attention to the reference points of age and parenthood, the study examined whether people report differently perceived uses of time when averaging at differences frequencies and whether different frames of mind may lead to discounting preferences.

Hypothesis 1 investigated if people report differently perceived uses of time when averaging at differences frequencies these different frames of mind may lead to different discounting preferences, which may manifest themselves in malleable time perception. People may easily be manipulated to perceive time differently and experience their time use dependent on time categories they are focusing on. If so, we derive clear recommendations on how to nudge people into a better time use and more fruitful life experience.

Hypothesis 2 scrutinized if individuals differ in time spent on their own and social time but also vary in their choices of time spent working and time in the natural environment, we could show that the classical mental accounting theory (Thaler 1999) actually describes similar processes as mental temporal accounting how to spend time but also dependent on the reference points of age and parenthood.

Method: In total, four studies examine whether people report differently perceived uses of time when averaging at differences frequencies and whether different frames of mind may lead to discounting preferences. After a meta-analysis of the American Time Use Survey of the Bureau of Labor Statistics that found that there is no clear account of how much time individuals spend in social, economic and environmental conditions; three studies were conducted using Amazon Mechanical Turk (MTurk) online that tested 565 subjects from around the world.

Empirical results: Regarding monetary gains, individuals were shown to hold mental accounts dependent on a reference point but also in regards as to how to allocate money to causes individuals care about. Over all subjects, time is reported to be used differently for social, economic and environmental purposes. The social, economic and environmental time use varies over mental temporal accounting compartments of a day, week, month, year and decade. Social time was defined as time spent with other people and engaging in social interaction, communication or activities with others. Economic time was meant as time spent using one's labor power and productive capacity, likely to earn money and be or prospectively be a productive part of the labor force. Environmental time was given as time spent outdoors in the open environment. While there are no gender differences to report; age groups and parenthood make a difference when it comes to time allocation perceptions in the social sphere

and the environmental domain. Time allocation depends on the economic, social and environmental context. In the environmental frame, time use is reported as highest over all categories. Then follows time use perception of those subjects in economic mindsets. Lastly, in the social condition, time use is perceived to be the lowest, even lower than the neutral baseline condition.

The insights gained provide a starting ground on hyperbolic discounting having an influence on mental temporal accounting and that the context individuals find them in is likely connected to their perception of time use. All results hold invaluable insights on incentives to nudge individuals into benevolent time use and use external cues to motivate positive change. These results have also implications for determining behavioral nudges to bring individuals on board with climate stabilization efforts. Elucidating how contexts and experiencing critical life stages influence temporal activity allocation choices holds manifold implications to improve decisions on education, health, asset management, career paths and common goods preservation throughout life. The found differences of social, economic and environmental cues impacting on temporal discounting but not social, economic and environment monetary allocations demand for future investigations of the relation of mental temporal discounting and financial allocation preferences (Puaschunder, forthcoming).

Mapping Climate Justice

Based on insights from the current endeavor to finance the post-COP21 Paris agreement action plan, the *Mapping Climate Justice Project* proposes a 3-dimensional climate justice approach in order to find a universally fair climate strategy. *Mapping Climate Justice* elucidates international climate regimes around the world based on geographic, technological, socio-economic and political factors. An interactive graphic solution highlighting different countries' climate stability efforts targets at finding ways to share the benefits and burdens of climate change equally *within society, between countries and over time*.

Based on insights on the current endeavor to finance climate change mitigation and adaptation around the globe, a 3-dimensional climate justice approach is introduced to share the burden of climate change fair within society. First, climate justice *within a country* should pay tribute to the fact that low- and high-income households share the same burden to stabilize the climate proportional to their dispensable income via taxation redistribution efforts. Secondly, fair *climate change burden sharing between countries* comprises of argumentations that those countries benefiting more from a stable climate also bear a higher responsibility to protect a stable climate. Thirdly, *climate justice over time* is proposed in an innovative climate change burden sharing strategy enacted via a tax-and-transfer bonds solution.

Comparing international climate mitigation and adaptation as well as unraveling complex interdependencies will help protect vulnerable communities from variegated climate change risks while opening ways for all to enjoy the upsides of a warming earth. While law, economics and governance scientifically grounding, international climate change mitigation and adaptation regimes are discussed in order to derive fair climate stability implementation strategies. Deriving respective policy recommendations for the wider climate change community is aimed at sharing the burden but also the benefits of climate change *within society, between countries and over time* in an equitable way.

Method: A macro-economic model integrating world temperatures, climate change expectations and Gross Domestic Product (GDP) temperature peak conditions captures economic gain and loss prospects of a warming globe on a country level in order to propose redistribution strategies to alleviate an unequal society and world.

Based on the optimal temperatures for the agriculture, industry and service sectors productivity as well as climate projections of the year 2100 under the business-as-usual path

per country, climate winners and losers around the world are revealed from now on until the year 2100.

The climatorial imperative is introduced advocating for the need for fairness in the distribution of the global earth benefits among nations based on Kant's imperative to only actively engage in actions that one passively wants to endure. The novel introduction of attention to climate change benefits leads to the demand of distributing the gains from a warming earth equally around the globe. In the distribution allocation decision, a climatorial imperative may lay foundation to the demand for sharing the positive externalities of climate change. With reference to Immanuel Kant's Categorical Imperative proposing to 'not impose on other what you do not wish for yourself' and suggesting to 'treat others how you wish to be treated,' the climatorial imperative should fortify the common but differentiated responsibility to ensure a stable climate and share the benefits among the world to alleviate those parts of the world that have run out of favorable climate time already (Kant 1788/2012). The climatorial imperative advocates for the need for fairness in the distribution of the global earth benefits among nations based on Kant's (1783/1993) imperative to only engage in actions one wants to experience themselves being done to oneself. Passive neglect of action on climate mitigation is argued as an active injustice to others. Countries passive or agnostic about global warming mitigation that reap benefits from a warming earth should therefore be obliged to finance international aid for those that are directly and negatively impacted by climate change. In addition, building on common and international law, those countries that have better means of protection or conservation of the common climate should also face a greater responsibility to protect the earth. While the method to measure the gains from climate change can certainly be refined in future studies, the following research is meant as very first preliminary step to open a gate to find climate mitigation incentives from a welfare redistribution perspective.

Results: Overall and simply seen from a narrow-minded GDP perspective, the world will macro-economically benefit more from climate change until 2100 than lose. Winning and losing from a warming earth is significantly positively correlated with the Paris COP 21 emissions country percentage of Greenhouse Gas (GHG) for ratification.

These preliminary insights aid in answering what financial patterns can we expect given predictions the earth will become hotter. Already now human capital flows and financial market inflows into areas that are winning economically from a warming globe. The degree of climate flexibility is found to be related to human migration inflow. Based on a 187 country-strong dataset and under the implicit assumption of an open economy, a significantly positive inflow of migrants was found into the climate change winner countries. A statistically significant correlation outlines a positive Foreign Direct Investment (FDI) remaining financial inflow into the winning countries. As a cross validation of the finding of financial inflows into climate change winner countries, a non-significant correlation and independent t-test reveal that there are no significant financial returns in form of remittances to the climate change loser countries in order to highlight that the money transfer into winning countries is only one sided and not reversed by remittances. The results underline the importance of climate change benefits transfers to offset the losses incurred in the global warming-burdened areas of the world.

As for concrete industry changes, data over all three GDP pillars of the agriculture, service and industry sectors suggests that climate change will affect economic performance large-scale. As the temperature will be rising, we may see a shift from industry production with lowest optimum temperature to service sector activities with medium peak cardinal temperature and then agriculture sector productivity with the highest optimum temperature as recalculated by a meta-analysis of literature sources. Overall, the literature meta-analysis results outline that the peak condition for happiness at 14°C has passed when considering the world mean temperature of 18.6°C (65°F). In addition, the peak condition for workplace temperature has passed when measure by the world mean temperature of 18.6°C (65°F). Heat waste production is prospected to become a luxury good in the future; as well as winter sports related activities.

When it comes to safety, Legionella bacteria in the water will soon become a problem and medical and hygiene markets that combat these risks are likely to prosper soon. The results have implications for global warming mitigation and adaptation strategies as well as hold invaluable novel insights for the implementation of a transition into renewable energy.

Implications: Climate justice is introduced to comprise of fairness between countries but also over generations in a unique and unprecedented tax-and-bonds climate change gains and losses distribution strategy. Climate change winning countries could use taxation to raise revenues to offset the losses incurred by climate change. Climate change losers could issue bonds that have to be paid back by taxing future generations. Regarding taxation, within the winning countries, foremost the gaining GDP sectors should be taxed. Climate justice within a country should also pay tribute to the fact that low- and high-income households share the same burden proportional to their dispensable income, for instance enabled through a progressive carbon taxation. Those who caused climate change could be regulated to bear a higher cost through carbon tax in combination with retroactive billing through inheritance tax to map benefits from past wealth accumulation that potentially contributed to global warming.

Green Bonds solution

Orlov, Rovenskaya, Puaschunder and Semmler (2018) examined the potential of green bonds to accelerate the transition to a low-carbon economy and whether the use of green bonds in principle can reduce inter-temporal inequity by smoothening the burden sharing of climate change abatement in a DICE model approach. Orlov et al. (2018) examined the potential of green bonds to accelerate the transition to a low-carbon economy and the extent to which they can help distribute the burden more evenly over generations. Green bonds might also include credit flows from banks, since both represent current borrowing with the promise to pay back in the future. Once a certain level of emission reduction is achieved, the economic activity is being taxed and bonds are being repaid. Orlov et al. (2018) provide quantitative estimates of the key policy effects to demonstrate the effectiveness of green bonds in terms of the emission reduction, the welfare improvement and the intergenerational inequity minimization.

Results: Orlov et al. (2018) show that bonds at 3% interest rate can enhance mitigation and enable a decrease of peak atmospheric carbon concentrations by about 20%. However, bonds can only reduce the inter-temporal inequities in social welfare rather than provide a Pareto improvement. Lower bond interest rates would shorten the initial time during which the society would have to be worse off if a mitigation policy were implemented. For example, bonds with a 3% annual interest rate shorten this period by 30 years. Additional compensation mechanisms ensuring that current generations retain the same consumption level as the one without mitigation could be implemented, which would require either a decrease in the initial abatement efforts or a lowering of the bond interest rate.

Conclusion: Future Climate Wealth of Nations

The contemporary attention to global warming and climate shocks is assumed to affect the price expectations and hence actual market prices of commodities in light of potential scarcities. Paying attention to supply and demand side perspectives, inflated prices surrounding scarcity are first modelled and then back-tested on data about prices in commodities of food and beverages. Future wealth of nations is introduced by the concept of climate flexibility defined as the range of temperature variation of a country. A broad spectrum of climate zones is defined as asset when climate change requires territories become more flexible in economic production. The more climate variation a nation state possesses, the more degrees of freedom a country has in terms of GDP production capabilities in a differing climate. The range of temperature variation implies comparative advantages of countries.

In a changing climate, temperature range spreads determine production flexibility and advantages in international trade of commodities and services. Climate-related degrees of freedom are thus captured as an unprecedentedly-described future *climate wealth of nations* concept. Based on Adam Smith's concept of wealth of nations, the dissertation ends with a future-oriented outlook on an inquiry into the nature and causes of tomorrow's economic productivity determinants based on temperature and a wide range of climate flexibility. The two concepts of climate change winners and losers but also climate wealth of nations based on climate flexibility ranges are integrated into a novel index determining countries that have an economic gains perspective in light of global warming.

Potential Future Implications: *Temperature-dependent growth*

Drawing from historical foundations that included land in productivity measurement, future work could feature theoretical macro-economic modelling that re-integrates temperature (T) and climate flexibility into growth theory with attention to differences in seasonality and latitude-altitude climate variations. Climate change-induced market changes could be back-tested on actual commodity prices. Lastly, future climate change induced market changes are pegged to scarcity of agriculture production and a prospect of commodity price spikes is given. A behavioral economics and finance model could be brought forward arguing for price spikes in light of scarcity. Counter-gentrification trends in light of environmental degradation could be empirically tested to account for applied social justice pledges. Public policy implementation strategies should be proposed to aid environmental justice now and for future generations.

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C-TPAT and Supply Chain Effectiveness

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ABSTRACT: There have been many unprecedented changes in the Customs-Trade Partnership Against Terrorism (C-TPAT) program in the 18-years of its existence. C-TPAT is a layer in the U.S. Customs and Border Protection's (CBP) multi-layered cargo enforcement strategy. C-TPAT program is a partnership program focused on cargo security made possible through close cooperation with international supply chain stakeholders. The efficiency of supply chains directly impacts supply chain disruptions, operational waste due to operating inefficiency, and revenue loss. This research will gather data on the benefits of C-TPAT and how this program focuses on supply chain risks ranging from cybersecurity to terrorism financing, supply chain safety, and supply chain efficiency. Supply chain efficiency is paramount in moving cargo from one point to another and achieving sustainable competitive advantage. A partnership with C-TPAT offers greater control over security implementation, reduced transaction costs, reduced inspections, and expedited shipment processing. Such a process can potentially increase business security performance and overall firm performance.

KEYWORDS: C-TPAT, supply chain security, efficiency, performance

Introduction

Over the last 20 years, there has been an opaque and confusing relationship between supply chain security and supply chain efficiency. Supply chain efficiency is best defined by specific metrics, KPIs, and variables that merge into an effectively transparent and cost-efficient method of delivering goods overseas. More specifically, supply chain efficiency is best summed up as "a system of organizations, resources, activities, people, information and technology involved in moving a product from a supplier to a customer" (Food Engineering 2010). Inherent in every international supply chain are risks. Fuel costs, theft, strikes, seizures, equipment shortages, and import delays, to name a few. Successful supply chains must adapt to changing needs and continuous improvement. The Customs-Trade Partnership Against Terrorism (CTPAT) forges the public-private partnerships needed to improve international supply chain security with supply chain partners. C-TPAT addresses and minimizes global supply chain risks such that entry into the United States is done quickly, securely and, in a more efficient manner versus cargo cleared by non-C-TPAT certified companies.

C-TPAT

The C-TPAT program was implemented by U.S. Customs & Border Protection (CBP) in 2001 as one of many possible solutions to lessen terrorist threats in a post-911 world. An all-volunteer program, C-TPAT has many published benefits for member companies who subscribe to, document, and maintain, the program's minimum-security requirements (MSRs) in their supply chains. According to recent CBP information, over 11,400 members have achieved at least Tier 3 status within the program. The government data also highlights that 53 percent of U.S. cargo by value imported into the country belongs to C-TPAT member companies (CBP Virtual Trade Week 2020).

The program has seen many changes and operational iterations over the last 20-years of its existence. Most notably, the 2020 changes were made to the minimum-security requirements, whereby CBP added two new sections addressing cybersecurity and

agricultural threats (CTPAT: Customs Trade Partnership Against Terrorism 2021). The C-TPAT was intentionally implemented to reduce and eliminate the ability of terrorists to infiltrate the U.S. mainland with a weapon of mass destruction. In doing so, CBP requires each member company to aggressively monitor their supply chain vendors' trade and logistics practices to leverage a 360-degree sense of security that CBP can use if doubt exists while clearing cargo. C-TPAT certified companies must assemble and document their supply chains on an annual basis to be conferred member status, commensurate with the individual sections of the MSRs.

C-TPAT and Supply Chain Efficiency

It only stands to reason that C-TPAT has a legitimate place in any supply chain efficiency conversation because the objective of C-TPAT program is to bestow benefits that have a direct relationship to effective supply chain management. While the program encompasses risk reduction measures throughout the global supply chain, the heart of the program focusses on the few hours or days that CBP physically takes possession of the cargo for inspection and duty appraisal purposes. The main benefits bestowed to C-TPAT members are fewer inspections and exams, front-of-the-line priority of members' shipment, and priority access to CBP in the event of a national emergency. The issues that will be addressed in this literature review will include research on supply chain risks, supply chain efficiency and the correlation with a competitive advantage, C-TPAT membership advantages, and organizational performance based on C-TPAT and supply chain efficiencies.

Supply Chain Risks

There are enumerable articles on supply chain risk, especially concerning terrorism affecting supply chain management. According to several supply chain references, terrorism and terrorist attacks on global supply chains account for roughly 16 percent of yearly logistics transactions. In 2016, there were over 346 direct attacks on company supply chains, which averages 3.7 per week (Khan, Akhtar & Merali 2018). There is a cost associated with securing the global supply chain. Transactional security and counter-terrorism activities drive the increases in securing a sales transaction due to terrorism and the risk of supply chain delays. Insurance and surety costs have risen as well in place of the global increase in terrorist attacks on the supply chain.

Other supply chain risks include interstate conflict, which occurs when states, countries, or regions are at odds and supplies must pass through them. These conflicts affect everything from the free flow of materials, supplies, and even labor. Government collapses also have far-reaching effects on a supply chain and can lead to slowdowns in countries where they may be political unrest. Supply chain partners also pose potential security risks as the network grows more prominent. From Proprietary software to billing information, data gets carried through the supply chain and becomes vulnerable to hacking, spoofing, and digital theft.

Risk is defined as "the variation in the distribution of possible outcomes, their likelihood, and their subjective values." Zhao, Baofeng, and Sun (2013) assert that risk results from variable uncertainties and can be related to negative outcomes, specifically the inability to meet customer supply requirements. The global supply chain risks are frequently tied to several conditions, namely a firm's intensified outsourcing activities, international competition, the hunger for on-time delivery, technological advances, and shortened product life cycles.

According to Kumar, Boice, and Shepard (2013), there are two separate supply chain risk forms: disruption risk and operational risk. Disruption risks are risks relative to events such as bankruptcy, natural disasters, and terrorist attacks. Operational risks are risks to customers' supply and demand operations and their comparative uncertainties. Disruption

risks are fortunately rare but difficult to predict and even more challenging to manage. While operational risk can be mitigated through effective supply chain management, additional risks include supply risk, process risk, demand risk, and technology risk. However, among the various aspects of supply risks, supply-demand risk may be the most important because even more companies expect their suppliers to make just-in-time deliveries.

It is essential to evaluate all aspects of supply chain partners' performance, including price, product quality, and service but most importantly, risk factors of uncertainty, vulnerability, and possible disruption of supply.

Supply Chain Efficiencies and C-TPAT

Supply chain managers have focused primarily on metrics that depict increased throughput, velocity, and risk reduction. This has typically been the "sweet-spot" for logisticians and supply chain designers; however, C-TPAT enhancements have focused on the trade compliance managers. Prior research has dedicated much time and focus on C-TPAT improving supply chain security and not overall effectiveness and performance. C-TPAT design dictates that firms become actively aware of their global supply chain partners' security measures and logistics activities. These activities must be accurately documented and published in the member's C-TPAT portal each year to maintain certification and become validated (C-TPAT Portal 2021).

A firm's partnership with C-TPAT offers greater control over security implementation, reduced transaction costs, reduced inspections, and expedited shipment processing. Transaction costs are reduced for participating C-TPAT member partners via reduced wait time and variability, and border crossings (Furia et al. 2011).

While the program encompasses risk reduction measures throughout the global supply chain, the heart of the program focuses on the few days leading up to the point where CBP physically takes possession of the cargo for inspection and duty appraisal purposes. The main benefits bestowed to C-TPAT members are fewer inspections and exams, front-of-the-line priority of members' shipment, and priority access to CBP in the event of a national emergency. C-TPAT's directives and best practices create an environment for cost-savings through greater transparency among vendors, suppliers, and logistics providers. Given a member's steadfast adherence to C-TPAT program recommendations, a firm can enjoy reduced CBP inspection rates. Typically, CBP averages between four and six percent inspection rate for non-C-TPAT companies. For C-TPAT members, that rate goes down to between one and three percent, depending on the cargo and any identified threats (O'Connell 2009). According to CBP, C-TPAT members are 3.5 times less likely to incur a security or compliance examination (Global Trade 2019). This translates into fewer delays and handling expenses for logisticians, which directly translates into supply chain savings and overall efficiency.

C-TPAT's successful joint efforts between CBP and member partners offer several benefits, among these are (1) long-term cooperation, (2) the ability to share risk, (3) joint production of products and services, and (4) mutual gain between partners (Hodge & Greve, 2007).

Organizational Performance

Supply chain practices are a set of activities performed by companies to reduce costs and achieve a competitive advantage. Companies can gain a competitive advantage when selecting the right supply chain practices and partners and agree on the same goals of improving performance and having better coordination among all activities. Supply chain competitiveness or competitive advantage was a concept popularized by Michael Porter in 1980 and encompasses the tasks necessary to create a differentiated position and deliver customer value while achieving cost advantages (Gamble et al. 2016).

As defined in this study, a supply chain is a formal partnership process and/or collaboration across external organizations. C-TPAT program is a partnership focused on cargo security made possible through close cooperation with international supply chain stakeholders. The collaboration between partners creates opportunities for enhanced coordination, communication, and collaboration. The simplification that occurs when there is supply chain integration leads to identifying any duplication of activities that do not add value. From the operational side, a partnership with C-TPAT can potentially increase supply chain performance in tasks such as work processes, joint activities, and decisions that are collectively performed by different departments. From the information side, increased performance can occur in the areas of forecasting and planning, intra-and inter-firm supply chain communications, and technologies such as electronic data interchange, automatic replenishment, and warehouse management systems (Frohlich 2002).

To compete as a multinational firm, there needs to be an integration of logistics and transport systems that together can use their core competencies and share the risks. A supply chain disruption can directly negatively impact a firm's supply chain performance, further disrupting the achievement of goals and objectives (Closs and McGarrell 2004, 8). C-TPAT is a partial extension of Container Security Initiative (CSI), a requirement to remain compliant with C-TPAT is that shipping firms meet several criteria, including container security, physical access controls, personnel security, procedural security, information technology security, business partner requirements as well as an overall security assessment (Barnes and Oloruntoba 2005; United Nations Conference on Trade and Development 2006; Marlow 2010; Kim 2011). Thai (2009) found that adding the following 13 dimensions to supply chain security are critical to successfully manage overall security and performance: well-structured security policies, security risk assessments, risk-based security mitigation strategies and plans, communication and consultation, security monitoring, continuous security improvement, specific organizational structures, leadership commitments, employee involvement and empowerment, security training, and security incident handling and reporting. Ensuring the integration of the latter security management dimensions and the C-TPAT requirements is an important step to ensure increased performance and to sustain a competitive advantage.

Discussion

International trade leads to global supply chains. Globalization and trade create risks and vulnerabilities in supply chain management. The risks encountered correlate with the size of the supply chain and the number of partners involved. Supply chains are as strong as the most vulnerable member of the supply chain. Supply chain risk management (SCRM) is an approach to evaluate, recognize, rank, and mitigate potential disruptions. SCRM is divided into two approaches, the first is for comprehensive risk management and the second approach focuses on disruptions (Azad et al. 2012; Christopher and Peck 2004; Craighead et al. 2007; de Matta 2016; Tang 2007; Xu et al. 2015). Disruptions include security and terrorism (Sheffi 2001).

Organizations such as C-TPAT ensure the global security of supply chains by monitoring risks and disruptions while improving operational performance (Mortimer 2004). It will be necessary for companies to continue operating in an efficient manner, and to do so, they must identify strategies for different types of risks. There need to be corrective approaches for risks such as the cost of increasing or decreasing inventories, capacity, flexibility, and responsiveness. While the implementation of security initiatives incurs an additional cost on organizations, supply chain security management and a potential partnership with C-TPAT has several benefits, including a reduction in theft, cybercrime, counterfeit goods, damage to goods, terrorism, and smuggling (Organization for Economic Cooperation and Development 2003; Gutierrez and Hintsa 2006; Martens et al. 2011). C-

TPAT certification benefits businesses by speeding up inspections, reducing costs, and increasing partner and customer satisfaction (Sheu et al. 2006), while increasing supply chain visibility (Diop et al. 2007). We live in an era where competitive advantage depends on globalization, shorter product lifecycles, multifaceted networks, and where offshoring and outsourcing must be part of a company's strategy.

To meet the demands of an interconnected and global supply chain platform, there must be an ongoing evaluation of security performance to improve overall security. Moreover, companies need to consider participation in organizations such as C-TPAT or similar organizations. It will be imperative to improve information security through security management activities such as encryption and coding data, regular backups of commercial data, and the protection of all commercial data from unauthorized access. Cook (2003) and Voss et al. (2009) found that partner relationship management was vital to supply chain security success. Overall, the research gathered points to the same findings of Cook, Voss et al. (2009), asserting that collaboration between partners enhances a firm's supply chain security competencies and improves the overall financial, safety, and customs clearance performance

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The Impact of International Migration on sub-Saharan African Women to the Middle East

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ABSTRACT: Recently, there has been a surge in female immigration from Africa to the Middle East, joining the global movement of migrants, while, constituting the dangers and feminist dilemmas posed by the rise in African women's migration. Sub-Saharan African women face challenges as labor migrants in the process of leaving their home countries to the Middle East in search for job opportunities and to better their lives and families. At the center of these challenges have involved extreme dehumanization through slave labor, human trafficking, sexual exploitation while impacting their psychological and mental well being. This study analyzes the various factors that affect the migration and employment of sub-Saharan African women domestic workers in the Middle East, based on both pull and push factors. The work further examines and shows how gender inequalities play a role in shaping women's experiences in migration, and how States/governments in both the Middle East and Africa remain complicit in worsening women's migratory experiences through laws that are being established. This empirical based and theoretical discussion exposes the experiences of sub-Saharan African women through a transnational feminist lens and analysis. Also, it leads to a larger based discussion on transnational feminism and how we can construct a transnational platform that draws attention to the relationship between globalization and the international division of gendered labor. My overarching goal through this study is to draw attention to pursuing and expanding our discussions on feminist migration studies through diverse perspectives that are directed towards the empowerment of women in Africa in particular, and around the world in general.

KEYWORDS: Domestic labor, Gender, International Migration, Middle East, sub-Saharan Africa, Women

Introduction

Very few people have known about the movement of African women working as domestics in the Middle East as most of the discourse on migration to this part of the world has often focused on Asian women. In recent years, countries like Saudi Arabia, The United Arab Emirates and the Gulf States have not only witnessed, but have become common destinations for women and girls from Africa, in search of a better life. The United Arab Emirates and the Gulf States have attracted a number of African females to take up paid domestic work with a huge number coming from East Africa (Ethiopia, Somalia and Kenya) and recently Cameroon, Nigeria, Ghana, Zimbabwe have joined the moving trend. While many migrant women continue to look to the Middle East as an emerging destination of opportunity, more and specifically sub-Saharan African women have been put at the center of the horrific phenomenon of trafficking as they transition borders. Within the context of sub-Sahara Africa, slave labor is increasingly on the rise for women in the last few years. In addition, the conditions that affect women's mobility in sub-Sahara Africa are myriad and have consisted of push and pull factors determined by forces of globalization. Women in Africa, despite their education, continue to suffer poor living standards and unemployment as compared to their male folks whether in the urban or rural areas. African women in particular, are profoundly affected by the Continent's deteriorating macro economic situation and deepening poverty. Women's difficulties range from poor working conditions and wages to discrimination and sexual violence. Most of the problems faced by the mass of poor working women on account of sexual discrimination tend to be hidden because of the disabilities

arising from poverty, lack of productive assets, ownership, and lack of credit. Gender-based violence remains pervasive, increasingly intertwined with situations of conflict and the precarious economic situation that includes new forms of exploitation, such as trafficking of women and girls (UNIFEM 2002).

According to the International Labor Organization general statistics, “40 million people remain trapped in modern slavery — either forced into labor or marriage, with women and girls accounting for 71% of these victims.” Poverty and unemployment which are the primary aspects of women’s migration from African countries expose the challenges they face within Sovereign economies. In most cases, victims of trafficking are a nearly indistinguishable part of these flows, typically displaced from their communities or motivated by dreams of stability and prosperity abroad.

Mobility remains a central element in discussions on women’s migration and employment as domestic workers. On the one hand, the “feminization of migration”, in which women cross international borders to take up paid work as domestics, indicates an increased mobility of women. However, this mobility is not always voluntarily but can also be forced. On the other hand, the employment of migrant women as domestic workers and the particular ways in which they are employed, often implies severe restrictions in women’s mobility, both in the houses they are employed in as in the countries they work and live in (see Moors 2003, 387-388). While women move, and are moved, for a variety of reasons – political, socio-economic, and environmental, among others – traditional gender inequalities have a great influence over when, where, and how women migrate. A woman may move from her home country partly because she believes that a better life awaits her elsewhere, but also upon request, because of her conditioned cultural subordination to male authority. Not to over emphasize, for women who migrate from sub-Saharan Africa is due to economic lack and the gender division of labor. While in destination countries, their strength is limited as they find themselves wanting, placed in vulnerable positions, with their bodies being taken advantage of.

The objective of this study is to explore and investigate the impact of international migration on sub-Saharan African women experiences to the Middle East. By situating the African woman within the context of international migration, the focus is to elucidate the driving factors that expose women and young girls to be victims of slave labor, human trafficking, poverty, sexual abuse, exploitation, and gender inequalities in both their home country and country of destination. Furthermore, this study highlights the significant role of other agents of power such as recruitment agents, the state and the government through their rules and regulations. And how migrant workers’ mobility is in several ways affected by state policies and practices. The overarching goal of the study is to raise awareness that domestic and international issues affecting women are interdependent. And to increase understanding that those issues often defined as “women’s issues” are, in fact, “human issues” of equal importance to men and women.

Methodology

In this study, I observe and use the interview of a female migrant, and an expert on human trafficking in Cameroon, of the Central African region. The victim exposes her challenges which begins right from recruitment in the process of migrating to the Middle East. The interview provides the foundation to determine and confirm the obstacles that affect women’s well-being. Also, the interview is used in course of the analyses to show the extent to which policy has benefitted women, if at all, and what issues still persist. Themes evident in the female migrant experiences will be discussed in line with relevant literature which will be conducted in light with a transnational feminist framework. The study will show lack of job opportunities for women,

limited income and false promises made by brokers as the major factors drawing women into human trafficking. The findings apply to the fact that even after return, the victims experience further difficulties due to post-traumatic psychological factors. The significance of the research outcome will be gleaned information that could be of value for organizations working on migration and countering human trafficking.

Theorizing within Transnational Feminism

This study applies transnational feminism as a model for feminist theory and practice in the discourse of globalization as ingrained in the process of female migrant labor. Transnational feminism has made significance achievements as a social movement, however, I will demonstrate the ways in which transnational feminism as theory—advanced in particular. (Grewal and Kaplan 1994, 16-17), whose work has been considered “canonical” by some feminist scholars’ asserts that transnational feminism’s utmost importance is to “address the concerns of women around the world in the historicized particularity of their relationship to multiple patriarchies as well as to international economic hegemonies”. Transnational feminism, then, embraces the constitutive ideas of Third World feminism: It not only emphasizes careful and historically situated analyses of Third World women’s oppression and resistance, but also recognizes the importance of being attentive to “viewpoints of feminists from various locations around the globe” (3). Given the urgency to form “global alliances” in order to counteract “global capitalist processes, (Alexander and Mohanty 1997, xxix) have argued for “a comparative, relational feminist praxis that is transnational in its response to and engagement with global processes of colonization. They recognize that “a focus on the state seems . . . crucial” especially in Third World contexts, given the entanglements among Third World women, global capitalism, and Third World nation-states (xxiii). Yet, in short, they are pointing toward “transnational feminism” (xxix). Mohanty’s shift to transnational feminism has crucially to do with her acknowledgment that “the politics and economics of capitalism [is] a far more urgent locus of struggle,” given “that global economic and political processes have become more brutal, exacerbating economic, racial, and gender inequalities.” Therefore, Mohanty’s “focus now” is on “anticapitalist transnational feminist practice” that concentrates on the “critique of global capitalism (on anti-globalization)” (Mohanty 2002, 509). Transnationalism is both a category that captures particular kinds of processes and a perspective on the world that is embedded within relationships of power. It allows us to form new conversations to address women’s needs, in which I locate African women within this discourse of “Third World Women” through a transnational perspective, that supports and encourages women at the margins of society by amplifying their voices. I limit the analyses to African women in this context specifically rather than Third World women in order not to generalize struggles as the experiences of all women and even Third World women around the globe may differ in one way or the other. But, while still focusing on their struggles, oppression and resistance which intertwine with “disciplinary power” in the global world.

The concept of “disciplinary power” is what (Foucault 1980, 201) has come to describe as the study of migrant women workers vis-à-vis the “other” – employers, state agents, friends and others – that migrant workers interact with. This includes foregrounding of class, race-ethnicity and nationality in understanding the extent to which discipline and the application of power impact on the kinds of resistance strategies used. Transnational feminism here helps us to mirror the realities of the African woman’s struggle in an in-between world that portray the other side of migration and its consequences. Through migration, the African woman has to deal with human trafficking, oppression, sexual abuse, exploitation, unpaid forms of labor/slavery which are all themes that will be analyzed in the study. These issues help to engage urgency and advocacy on how we can transform women’s

lives and build better African societies. It exposes the barriers limiting women's progress and their everyday social struggles which forces them to emigrate in the first place. These struggles for women arise in the growing inequality and the feminization of poverty which remains the central challenge of the contemporary African society, today. Boyce (1994, 16) and Filomina (1981, 28), from an African Feminist standpoint assert that the African woman's narrative and viewpoints are routes to understanding her experiences. It sought to bring understanding and recognition to the African woman's place in globalization, as it seeks to place her at the center of global discourse, whether as an actor or a non-participant. African feminism aligns with transnational Third World feminist concepts to explore the inscription of the African woman on the continent and abroad.

Furthermore, feminism which embodies of other forms of feminisms such as transnational feminism and African feminism have engaged with major cultural, political, economic trends associated with recent processes of globalization, and its weaknesses. Globalization which has come to represent the interests of corporations and the free market rather than those of individuals' self-determination, has created new political, cultural, and economic domination for the world's disenfranchised peoples. The project of Empire building, along with the growing dominance of corporate capitalism, disenfranchises and impoverishes women, and leads to various kinds of border crossings (Marciniak, Imre, & O'Healy 2007, 14, 22). Many feminist scholars have agreed that there is a global culture of domination that works at the expense of women. In Gamble's words, "the state of economic, political and technological flux which characterize modernity presents opportunities and dangers for [Africa] women" (Gamble 2002, 54). Women resist interlocking systems of oppression based on gender, race, class, nationality and sexuality, or what scholar Patricia Hill Collins has referred to as the 'matrix of domination' and employ different strategies to do so. Within such a framework any resistance that only targets one of those systems of oppression, such as gender, leaves in place the other systems of oppression (Pratt 2012, 18-23). Scholars of migration and globalization studies have argued that states promote transnational capital accumulation through the active promotion of migration between nations with surplus labor and those facing labor shortages. The wealthy nations seek workers while the immigrants from poor nations get the jobs for little or no pay. This is because the poor are taken advantage of while the rich thrive. The analysis of how states are implicated in the production of particular gendered migration and labor processes enriches our understanding of international migration that previously, for the most part, has tended to conceptualize the state in "gender neutral," implicitly masculinist terms. Transnational feminism in particular continues to shape the emerging paradigms of global and migration discourses for women. By understanding the situation of such women (emigrants) is key strategic move in grasping the dynamics of capitalism in a global context Transnational feminist approach gives a relational understanding of global capitalist processes through an analysis that starts from the lives of those marginalized (Hartsock 1985, 12).

Theorizing women's lives and experiences of emigrant economic/slave labor and oppression helps us see some of the most abusive fundamental dynamics that support global capitalism. It helps to locate those at the margins of society within the intellectual sites in the academy, and draws attention to the relationships between power, knowledge and production on these issues. Theorizing within transnational feminism helps to transcend the in-between world and builds on the intersections of imaginaries and beyond, of borders, identity, race, class and disparities of the marginalized and the privileged. As globalization remains a central challenge of the 21st century. It exposes the many reasons for migration and exploitation. I consider this study a work of transnational feminism, overlapping the foreign and the domestic, as it interrogates the rhetoric's of global equality and progress.

Migration and the Middle East

One of the ways societies influence each other economically, politically, and culturally is through international labor migration, which also has distinct gender-specific effects. In the Middle East and North Africa, oil-fueled development encouraged labor migration from labor-surplus and capital-poor economies to capital-rich and labor-deficit oil economies. For example, there was substantial Tunisian migrant labor in Libya, Egyptian and Palestinian migrant labor in the Gulf emirates, and Yemeni labor in Saudi Arabia. This migration affected, among other things, the structure of populations, the composition of the households, and the economies of both sending and receiving countries. Many of the oil-rich Gulf states came to have large populations of noncitizens, and female-headed households proliferated in the labor-sending countries. During the years of the oil boom, roughly until the mid-1980s, workers' remittances were an important factor in not only the welfare of families and households but also in the fortunes of economies such as Jordan's and Egypt's. Labor migration may be functional for the economies of the host country (in that it receives cheap labor) and the sending country (in that unemployment is reduced and capital inflows through workers' remittances are increased); emigration, especially of professionals (the so-called brain drain) also may be advantageous to receiving countries. Like exile, however, labor migration and emigration have other consequences, including social-psychological, cultural, and political effects.

Recruitment/The '*Kafala*' System

Most sub-Saharan Africa women who left their home country for the Middle-East went through a visa-sponsorship program established by particularly the Gulf States known as '*Kafala*'. The *kafala* or sponsorship system consists of the laws governing migrant workers' immigration to and legal residence in countries in the Middle East—primarily Gulf countries (Migrant-rights.org). *Kafala* is a system of control. In the migration context, it is a way for governments to delegate oversight and responsibility for migrants to private citizens or companies. The system gives sponsors a set of legal abilities to control workers: without the employer's permission, workers cannot change jobs, quit jobs, or leave the country. If a worker leaves a job without permission, the employer has the power to cancel his or her residence visa, automatically turning the worker into an illegal resident in the country. Workers whose employers cancel their residency visas often have to leave the country through deportation proceedings, and many have to spend time behind bars (Migrant-rights.org). Also, the *kafala* system has been more complex for Third World immigrant workers from Africa, as most seeking visas to the Gulf states indirectly deal with some kind of recruitment agent who claims to be connected with companies in the receiving country, and seeking for employees from the third World. Most of these agents are frauds and human traffickers who are very dishonest but succeed into convincing and encouraging most women to travel to the Middle East. With the need to transform their lives, many are bought and sold as recounted by a victim;

"Susan left the country for wealthy Kuwait. A recruiter told her she would have a well-paying job upon arrival. Susan's family agreed to go into debt with the recruiter to pay for airfare and other associated expenses. Once in Kuwait, a member of the recruiter's network confiscated her passport, mobile phone and other personal documents and took her to the home of a wealthy family where Susan had to work long hours with little food. "I wake up at 5 a.m. and go to bed at 1 a.m., at times no food". "I told them I don't want to work again and want to return to my country. This woman said I am going nowhere, I have come to work I must work."

Beatrice Titanji, Vice President of Cameroon's Trauma Centre for Victims of Human Trafficking, says modern-day slave markets can be found throughout the Gulf states. "They

actually have booths as you would have in the market, and they are sold and bought for domestic service,” says Titanji. “So, they move them to their various owners as negotiated before, because there are linesmen here in Cameroon who actually negotiate, get money, sell them at higher prices, sell them depending on the outlook of the victim as it happened 200 years ago during slave trade. Our children are sold and bought today in the Middle East.” This shows that for most women migrants, the struggle doesn’t just begin in Kuwait but from their countries of origin and governments that stay complicit in the exploitation of their women. De Regt (2007, 10) further highlights in her work that, women who migrate via (illegal) recruitment agencies as contract workers are generally seen as the most unfavorable, both in Kuwait as all over the world. Their mobility is often severely restricted because they are not allowed to leave the house of their employers unaccompanied and they may be locked inside the house in order to prevent them from running away or meeting compatriots. In addition, they may be denied basic human rights such as a good place to sleep and good food, and they may work under exploitative conditions with hardly any time off and be confronted with physical, mental or sexual abuse. Bales (2004, 20), has coined the term “contract slavery”. He portrays that contracts are offered that guarantee employment but when the workers are taken to their place of work, they find themselves enslaved, threatened by violence, lacking any freedom of movement and paid nothing. “The contract is used as an enticement to trick an individual into slavery, as well as a way of making the slavery look legitimate” (ibid). Without denying the extent to which contract workers are vulnerable to human rights violations, it is important to pay attention to the differences between women and to their agency before using the term contract slavery. “contemporary domestic workers’ experiences vary widely, even within the same state, so while some might seem to be formally enslaved, others quite clearly are not” (Anderson 2000, 128). The fact that contract workers and deceived women do have agency come.

Human rights groups have also argued for the ‘*kafala*’ system in Middle Eastern countries to be dissolved as the migration management system enables exploitation and forced labor—labor extracted by under the threat of penalty, and not offered voluntarily by the worker. The media have likened employment conditions under *kafala* to modern-day slavery. The International based Human Rights Advocacy Organization-Stop Violence Against Women says that; women and girls are typically trafficked into the commercial sex industry, i.e. prostitution or other forms of sexual exploitation. Not all slaves are trafficked, but all trafficking victims are victims of slavery.

According to IOM (2003, 61), the trafficking of women and children has developed into one of the most disastrous features of contemporary global migration in which as many as two million people are estimated to be trafficked every year, lured by promises of well-paying jobs. Many victims, willingly, but unknowingly, accept the services offered by traffickers without realizing the full implications of future employment or the conditions under which they will work. According to Human Right Watch (2010, 11), Lebanese families employ an estimated 200,000 migrant domestic workers primarily from Ethiopia, Sri Lanka, the Philippines and Nepal, who are not protected by law. In addition, Human Right Watch report (2007, 9-20) labor laws of Lebanon, Saudi Arabia, Kuwait, and the United Arab Emirates (UAE) give minimal legal protection to migrant domestic workers. The report further indicated that women domestic workers in an unregulated and undervalued job sector are at high risk and face abuse and various forms of exploitation. As Tekle and Belyneh points out, the travels of female migrants are often arranged in such a way that it exposes them to challenging situations at the different stages of their journey, as well as to risks of becoming victims of human trafficking, which may well lead to permanent psychological damage (Tekle & Belayneh 2000, 1-5).

The “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” is the first international consensus definition of the problem. The Protocol gives a holistic definition of "trafficking in persons" as: the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. In response, governments in the region have repeatedly promised to abolish or reform the *kafala* system. Despite these promises, meaningful change in the system always remains just over the horizon, with only slight and halting reforms in a few of the Gulf countries (Migrant-rights.org).

Domestic Labor and Social conditions of foreign domestic workers

Foreign domestics are on the lowest rung in the hierarchy of unskilled workers in the Middle-East. They work in the individual homes of their employers away from the prying eyes of the public. Documented domestics go through a very stiff hiring procedure from the very beginning. Their employment visa stipulates a 1-2years contract; they are employed under the name of the employer that appears on their passport and must reside at the same address. Visas and work permits are tied to specific employers, as in the Middle East, and the fees for them are paid by the domestics through monthly salary deductions. This situates the sub-Saharan African woman as a paid worker within the context of an employer/employee relationship and the broader relationships affecting agents of power. It focuses on what is happening within the domestic sphere of the household, the unequal relations taking place outside the homes, and how workers respond to subordination and domination. In her article (Lumayag 2018, 162-166) argues that migrants are active participants in the changing structure of power because they may be conscious or unconscious players in their subordination and subjugation, as well as in their “liberation” from those with power. Within the context of women’s paid domestic work, power relations are obviously at play. Not only is this a relationship between unequal parties, it is also located in a different social milieu of women workers. The multifarious ways in which women workers respond to disciplinary power constitute an important aspect of power relations; however, it is not enough to simply state that women migrants suffer unequal relations vis-à-vis their employers.

Exploitation

For many sub-Saharan African women migrating to the Middle East, they have shared bitter experiences of torture, exploitation, rape, abuse and forced and free labor. Many turn to understand the reality of their situation once they get to the foreign land, while living with host families including; Confiscation of passport, not allowed to leave the premises, long working hours, payment less than half that was promised, if any, no sick leave, forced to do all household tasks as well as au pair, experience verbal and derogatory abuse and sex trade. A few have managed to escape back to their home country and have shared very disturbing experiences of inhumane treatments filled with regret. International migration has only limited their strength, and has placed them in a more vulnerable and constrained state with their bodies being taken advantage of. The exploitation of Third World women in hard labor has been referred to as ‘disposable bodies’ (Wright, n.d). Third World women could be described as being manufactured during the labor process. The disposable bodies of Third

World women are not the same as the one brought by other women, probably women in the formal sector. They are referred to as “a representation of an array of body parts, like unattached limbs and free-floating heads, that are discursively reassembled into the bodies that meet corporate specification. The truth is most women who migrate, have the intention to get better jobs and be afforded better working conditions to help their family back home, which however turns out to be the contrary. Theorizing for women’s lives and experiences of work and oppression helps us see some fundamental dynamics that support global capitalism.

Conclusion

While the study exposes us to the impact and constraints in the process of international migration on sub-Saharan African women to the Middle East, the focus is not only to limit us to them, but to put at the center of transnational issues the power and structural dynamics that we must respond to in order to bridge gender inequalities and improve on women’s lives and conditions in Africa. The work on immigration and the state is needed to show gender dimensions of interactions between states and international immigrants. And while at the center of these debates are questions about specific ways that international migrants figure in the particular transformations of states that have arisen in conjunction with processes of global political and economic restructuring, and at the same time revealing through this transformation shifts in globalization ways in which international migration is intimately tied to gendered systems of oppression. It is important that the problematics of migration begin from the standpoints of marginalized people and economic spheres by theorizing from women’s lives and what contributions can be made to them.

Nonetheless, the role of the State in both regions (sub-Saharan Africa and the Middle-East) is crucial in this discourse in raising the issues that impact women’s lives, as I focus on sub-Saharan female migrant workers as subjects of this experience. In view of the above background, the present study is expected to have the following contributions:

1. This study reveals critical ways in which women are affected by migration, with a focus on international migration out of developing (African) countries.
2. This study emphasizes an urgent transformation for women in general and in Africa in particular, while enabling scholars to be agents of change by redefining women’s role as subjects in a changing world.
3. This study contributes to feminist and interdisciplinary perspectives, in an effort to inform, understand, reflect and deconstruct important issues of African woman’s experience in the global world. It is also important to inspire African scholars to be able to redefine new identities for the African continent through contemporary discourses. My perspective pioneers’ new understanding in the fields of gender studies in Africa and the Diaspora, and transnational issue, bringing together the significant threads of a growing body of knowledge in global feminist scholarship.
4. This study may provide valuable information for concerned governmental and nongovernmental bodies, as well as service providers, about the seriousness of the problems faced by female migrant workers.
5. It may contribute to creating awareness and shed more light on the social and psychological challenges female victims are facing. Stakeholders might also be encouraged to develop intervention programs to address victims’ needs;
6. It may serve as an initial reference for scholars, researchers, and stakeholders who might be interested in conducting research at a larger scale on women’s issues in transnational spaces.

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Analysis of Central Public Administration Institutions in Voivodeship of Transylvania

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ABSTRACT: The present paper proposes the analysis of the institutions of the central public administration in Transylvania, in the voivodeship period. The topic was a researched one by different categories of professionals, and the analysis of these institutions had some peculiarities, depending on the area of study. Thus, historians have analyzed this topic in terms of historical events, the emergence and succession over time of public administration institutions at the central level. The lawyers studied the appearance and evolution of the legal norms that regulated the appearance and activity of public administration institutions. Economists have researched public administration institutions from an economic perspective. In our turn, we intend to analyze these institutions of the central public administration from an interdisciplinary perspective, to observe the particularities of the institutions in relation to the Transylvanian form of organization, both during the voivodeship. The purpose for which we started to develop this paper is to share opinions with professionals from different fields, in connection with the topic we have established, and to improve the public administration system, learning from the experience of past eras.

KEYWORDS: public administration, institution, congregation, medieval era

Introduction

The institutions of central public administration in the medieval era fascinated through the period we are talking about. The transition to the *medieval era*, also known as the *feudal era*, brought with it transformations, adaptations of the old ancient administrative institutions, but also determined the creation of new administrative institutions. The latter emerged as an effect of the evolution of society and as a need to adapt the administration to the new era.

Like the other feudal states, Transylvania experienced these transformations in the field of public administration. About the public administration institutions of Transylvania, we set out to make an analysis that we will present in this study. Because the public administration has a central and a local component, but also because medieval Transylvania experienced two stages, respectively, that of the *voivodeship* and later that of the *principality*, we chose to make a partial analysis. Thus, in this paper, we will study the institutions of central public administration in Transylvania, during the voivodeship.

1. The central public administration in medieval Transylvania

1.1. Terminological aspects

The public administration knew a series of institutions that acquired certain particularities specific to each epoch. For this reason, we will define these institutions and refer to the notions encountered in medieval Transylvania, for a better and more correct understanding of our study (Niță 2019, 125-138).

The notion of "middle age" or "medieval age" is the period between ancient and modern times. The difference between the notions of "middle age" and "feudalism" consists in the following clarifications: *the feudalism* has its origins in Old Frankish and designated wealth by the term feud, being used later, during the Carolingian Empire with the meaning of

piece of land given to be worked. According to some historians, the feud created the basis for relations between seniors and vassals.

As the period limiting the Middle Ages experienced feudal relations, the two phrases came to be considered synonymous (“middle age” and “feudalism”).

When we define “social relations” we start from the general theory of law and civil law, without neglecting the administrative law, in order to get acquainted with the relations established between persons, regardless of whether these relations are evaluable or not. In relation to the theme of our paper, we consider there is at least one a state authority among the persons between whom these relations are established (Botină, Nedea, Mirea 2017, 85-91).

The “norms”, whether social or legal, were the basis of the rudimentary organization of society, including during the primitive fog and have continued to this day. If we talk about social norms, they are rules that underlie the organization of society, and if we refer to legal norms, these are rules of conduct (Erimia et al., 1, 2016, 25-29). The public administration relied on certain rules according to which administrative institutions were established and relations were established between the state authority and the population.

The “principles” represent basic rules or guiding ideas, with a general or restricted vocation of application, which establish the direction of regulation of the norms we talked about before.

The “institutions” are a set of rules (usually legal rules), which govern a category of social relations and determine certain legal relationships. Also, with the term “institution” we will designate the administrative authority within the public administration (Rotaru 2019a, 232-234). The difference will be made by the context in which the word will be used.

Regarding the notion of “states” or the phrase “state based on condition”, they refer to social classes, more precisely, to certain groups (Erimia et al., 2, 2016, 891-898) within the privileged social classes. These “peaks” of society are those that will create some administrative institutions that we will talk about in the next section of our study.

The “states” were defined according to the number of persons, respectively: if we refer to the group of persons or collective subjects, the term “states” meant the multiplication of groups and social conditions that obtained the legal definition of their own freedoms and prerogatives, but also as social and political groups that share effective domination over a country. If we refer to the person viewed individually, some individuals could invoke (and sometimes even prove) a certain status, which justified them to claim that they possess a so-called “status” or “state” (Bichicean 2008, 17; DEX, 2016, 1154).

The “order” is an association of people who have the same condition and the same social status, political and legal point of view. What is important to remember in defining this term is that this association, as well as the condition and the status of the person are not only recognized by the person in question, but the association and characterization of the condition and the status are recognized by several people who have the same status or condition. This association can also be recognized by other persons of different condition and status. Depending on the latter recognition, additional value may be given to the association or order we talk about (Erimia et al. 3, 2016, 468-475).

We mention that in other eras than the medieval one (including nowadays) there are certain professional categories (usually) that are organized in the so-called “order”, which are not part of the public administration, respectively: the order of architects, the order of midwives, etc.

1.2. Institutions, bodies, states and orders

Central institutions are what doctrinaires call “public law institutions” and refer to the extent to which in the Middle Ages a distinction could be made between “private” and “public” at the level of state organization. Next, we will present some landmarks that make the connection between

the organization of the medieval European society and the particularities that Transylvania assumed in the same period.

The 13th century saw what some authors call the “state based on state/condition” or “state monarchy”. Thus, starting with the second half of this century, at European level, social states began to organize and create representative institutions in the administrative system of medieval states. Like the idea of “states/conditions” at European level, in the Romanian countries and social states react and begin to organize, imposing representatives at the level of the central state administration. Among them, in Transylvania it was best to observe the organization of these states/conditions and the effect produced by the existence of state representatives in the institutions of central administration (Tătaru 2021, 123-128).

During this period, the central administration of the medieval state has a dual power. This duality assumed a monarchical component and another component of the representatives of social states (privileged or without holding a certain privilege).

From the perspective of state duality, the historical sources believe this was possible because the monarchy did not have the capacity to concentrate the functions of the medieval state well enough. Therefore, this was the main reason for the appearance of the second power / authority in the state. This second authority was formed by the so-called assemblies of states/conditions, which included representatives of the privileged social categories of each medieval state (Rotaru 2013, 11-21).

The evolution of the process of political division was also possible as a result of the emergence of a hierarchical structure that included some newly emerged or developed institutions from archaic, non-specialized institutions. From the category of institutions that contributed to the building of this hierarchical structure we mention: “bodies”, “orders” or “states/conditions”, “representative assemblies” or “countries” (Lousse, 1937; Bichicean 2008, 16).

The medieval period knew, according to the documents of that age who serve as a testimony, three categories of order or privileged states/conditions, respectively: the clergy, the nobility and the so-called “third state/condition” (Braşoveanu 2012, 83).

In the Romanian countries, in the medieval age, three fundamental authorities of the structure of the central administration of the state were known: “domnia”, “the princely/royal council” and “the assemblies of states/conditions”. The origin of the term “domn” and his family of words is purely Romanian, it has not been encountered or translated as such in any other state, to this day. However, the origin of the notion “princely/royal council” must be related to the historical, political and administrative significance (also of Romanian origin, being the organization of authority around the ruler/domn), but also with origins that go back to the dawn of history, when “the council the primitive fog” or “the advice of good and old people” have fully contributed to the organization of society. As for the “assembly of states/conditions”, this notion certainly has its origin in the similar notion that appeared at European level and which we mentioned earlier and we will return with detailed explanations in the next section (Duţă 2018, 21-24).

2. Central Public Administration in the Transylvanian Voivodeship

2.1. The institution of the voivode and the voivodship

From a historical perspective, medieval Transylvania experienced what historians call the “Romanian-Slavic coexistence” between the 8th-9th centuries. As a form of territorial organization there were and functioned quite efficiently at the level of society the forms of feudal organization such as “village communities”. From the point of view of the political organization, after the period of the previous forms of the state organizations, respectively, between the 9th-13th century, there were mainly two forms of state organization, namely, the cnezat and the

voivodeship. During the 9th-13th century, the Transylvanian autonomies were about to be abolished by the Hungarians settled in the Pannonian area, as well as by Byzantium.

The location in space and time of the central institutions of medieval Transylvania requires us to distinguish between the historical stages that took place in its constitutional development. They result “naturally from the very characteristic notes of this country's past, so from the specifics of Transylvania” (Lupaş 1988, 3-50; Bichicean 2008, 88).

Corresponding to the socio-political and economic evolution, in the constitutional development of medieval Transylvania the following phases are distinguished:

- the phase of formations prior to the organization of the state;
- the phase of the voivodship, which includes the period of the Romanian voivodships and the period of the Transylvanian Voivodeship, as a feudal state under the suzerainty of the Hungarian king;
- phase of the principality or autonomous principality, which, in turn, was divided into the “period of electoral autonomy” and the “period of succession autonomy” (in which Transylvania steps towards the modern era) (Ghencea 2020, 58).

The first state-type form, inside the Carpathian arch, was the voivodeship and, at its foundation, a series of internal and external conditions contributed, among which the existence of autonomous prestatial formations and the materialized intention of the Hungarians to conquer Transylvania played a significant role (fact confirmed by the documents of the time - year 1222).

The information about the institution of the voivodship, which we understand as an institution that preceded chronologically and territorially the organization of the voivodship of Transylvania as a feudal state, reveals old Romanian structures, with a corresponding social and military stratification. Although embarrassed by the migration of peoples, this organization could not be dislocated. She maintained the old customs, preparations and ordinances of the Romanian population, supported by its own strength and wisdom. Their resistance was based on political and military organizations - the village community, the *cnezat/principality*, the “country”, the voivodeship.

In order to reach the institution of the voivodship, we will make some clarifications regarding the hierarchically inferior state formation, respectively, the principality/*cnezat*. The principality/*cnezat*, in its simplest form we can speak of, corresponds from a territorial point of view to the village community (Bichicean 2008, 89). During the period before the creation of the state, another institution was organized hierarchically, which, superior to the valley principality/*cnezat*, corresponded to the socio-political and military organization within a “country”. This institution was par excellence the *voivodeship*.

The voivodship appears as a distinct political and administrative institution from those of the Hungarian kingdom. Its origin, as well as that of the principality/*cnezat*, goes beyond the contact of the Romanians with the Slavic nations (Mitra-Niţă 2016, 111-115), from which these two names were grounded and not the institutions themselves. According to some authors, it is natural that the institution of the voivodship, the title and the attributions of the voivode of Transylvania remain the same. The addition on the Hungarian kingdom, however, was something new.

The preservation of the old local name has, on the one hand, the significance of the existence of the Romanian population, and on the other hand, it emphasizes the resistance of the locals to the model previously imposed by the conquerors, respectively, the “principality”. Between the 13th-14th century the voivodes assume several prerogatives. From an administrative point of view, the Hungarian royalty tried to impose the “county” as a form of administrative organization. The first organized county was that of Bihor, documented in 1111, followed by others, such as the counties of Alba, Arad, Crasna, Cluj, Dăbâca and Sătmar.

In the other areas of Transylvania, the old forms of administrative organization are maintained, respectively, the districts, as we find them in: Făgăraș County, Rodna Country, Oaș Country, etc. These included the old cnezate/principalities or parts of some voivodships, being led by voivodes, cnezi/princes or juzi/judges, who applied the principles of “the custom of the place” or of the “custom of the land” or “legea țării”, keeping the custom to the rank of law, even if it was not a written law.

The central political leadership belonged to the voivode of Transylvania. He was at the head of the territory and the orders, occupying one of the most important places in the hierarchy of dignities in the Kingdom of Hungary.

It is significant that the oldest Hungarian chronicle (*Gesta Hungarorum*) depicts Romanians in their own political formations under the obedience of a duke (*Gelou dux, Gelou ducem blacorum*). The term “dux” (*belli dux*) appears as an equivalent form of the Slavic title of voivode (*voj voda*), which has remained in the name of Romanian voivodes at the local level and the dignity of the political leader of Transylvania, as a central institution.

The voivode was named by the king of Hungary one of the strongest and most loyal nobles in Transylvania or abroad, in the latter case the aim was to eliminate the possibility of making strong connections within the country, allowing him to coalition antimonarchical forces. Little is known about the appointment and investment of the Transylvanian voivode.

Attribute of the king, the appointment took an oral procedural form, followed by the handing over of a flag and the ceremony of taking the oath of allegiance. The states/conditions of Transylvania were notified by royal letter. The appointment of the voivodes is attested by three documents, known until now.

Appointed by the king of Hungary, the voivode had no constitutional guarantee and exercised only part of the prerogatives of sovereignty. He could be deposed by the unilateral will of the king. The change of the rule of local law, *libera electio*, supported the action of strengthening the Hungarian authority in Transylvania. The frequent changes at the head of the voivodship are a sure indication that the king avoided the creation of voivodship dynasties. However, the distance from the royal court was made by establishing the institution of the duchy, superior to the voivode, as a privilege of the sons of the royal family, and by strengthening the authority and position of the voivodes in times of crisis in the kingdom.

Under these circumstances, true voivodship dynasties were formed, the function of voivode becoming *de facto* hereditary, without their weapons being confused with those of the country and becoming heraldic heritage after the extinction of the dynasty. They represent only their high rank, which gave them the right to access at the dignity of voivode and only during this period were they representative for Transylvania.

2.2. Organs of the Transylvanian public administration during the voivodship

Council of the Voivode. We do not know much about the institution “Council of the Voivode” (or those who advised the voivode) from Transylvania because it was not an institution as well known as that of the other medieval Romanian countries. It is known for certain that he had a purely consultative role. In fact, the Transylvanian voivode had a limited staff of officials who helped the smooth running of the chancellery. This institution is also called by some authors “the voivodship scriptural body”.

At the beginning of the organization of the voivodship, the attributions regarding the recording of information regarding the activity of the general congregations belonged to the church environment (Mitra-Niță 2021, 161-170), respectively, to the Calvary church from Cluj-Mănăstur. Subsequently, some of these responsibilities were taken over by the

voivodship chancellery. This institution was composed of a protonotary, 1-2 notaries and several scribes.

The "Protonotary of Transylvania" had the rank of governor, who functioned only with those who held high dignities in the Hungarian kingdom (such as the *leader/jude* of the counties, the palatine, the treasurer and the voivode of Transylvania). If at the beginning of the appearance of this function the protonotaries had attributions of management of the chancellery administration, later, the function acquired an increased importance especially regarding the jurisdiction.

The "notary" appeared in the documents of the medieval world for the first time in the early 14th century.

Another ruler of medieval Transylvania was the *jude*, which was referred to in the documents of the time and with the names of "the county/jude court of the voivode" or "the county voivode of the country".

As a result of the activity of the voivodship chancellery, there are few testimonies that tell us about the Transylvanian administration or about judicial issues, but we note that the vast majority of these documents come only after public meetings (which we will discuss below in the form of central congregations/local) debated issues related to administration and justice in the Transylvanian voivodeship (Stan 2007, 190-219).

The institution of the "Council of the Voivode" was organized as a result of the concerns of the sons of the Hungarian kings, who were interested to have around them a well-organized administration (composed of various rulers, such as the palatine, the country's judge, the treasurer mastered territories, the ruler of the Banat of Severin and the bishops the ruled territories).

Regarding the position of deputy-voivode, this position was occupied by the voivode by selecting one or more persons from his closest servants, being the highest position among the governors. Among the attributions of the deputy voivodes is the convocation of the voivodship congregations/general assemblies.

General/central and local congregations. The territorial-administrative unit of the Saxons and Szeklers was called "chair" and, according to some documents of the time, was of Romanian inspiration (Nicolau 2014, 166).

The Saxons were settlers of German origin, historically attested since the 12th-13th century. According to the document entitled "Golden Bull of the Saxons" (1224), they were brought by the King of Hungary, Andrew the II-nd, and colonized in areas inhabited mostly by Romanians, such as: Bârsa Country or Bistrita area. They played an economic, military, political and religious role, being rewarded with a number of privileges. In the 13th century, the conquest of Transylvania by the Hungarian royalty was completed with the colonization of the Teutonic Knights (between 1211-1225).

The Saxon seats/chairs were established in the first half of the 14th century, within an autonomous administrative-territorial unit (Saxonum University). At the head of each chair is a royal county/jude, with prerogatives similar to those of the committees. The royal county/jude was assisted by a deputy-judge. At the same time, the locals had the right to choose a county seat (*iudex sedis*). Saxonum University was under the leadership of a committee who representing the king, but in fact was under the authority of the voivode. At the 15th century reorganization, all the Saxon seats/chairs were placed under the leadership of a committee elected by the Saxon community that met in Sibiu.

The Szeklers represented the shield of the Hungarian army during the campaign to conquer Transylvania, as they had exclusive military responsibilities. Historical sources claim that the origin of the Szeklers is controversial, but we will not enter into the analysis of this opinion, as it is not useful for the study of our topic at this time. The areas where the

Szeklers are attested were the following, in the order of their documentary attestation: Bihar, the area of Târnave and, later, in the Eastern area (where it is still today).

The Szekler seats/chairs were distinct administrative units with a military organization. This specificity was given by the fact that, in exchange for some privileges, the Szeklers had the duty to defend the eastern border of Transylvania from the danger of the Tatar invasions.

At the head of the chair were two governors: the greatest of the army (*maior exercitus*) or the captain (*capitaneus*) and was higher in rank than the second ruler called the earthly county/jude (*iudex terrestris*). The Szekler community (*universitas Siculorum*), with its capital at Odorhei, was under the leadership of a committee called the king. Then the voivode of Transylvania became a county/comite of the Szeklers, depriving them of autonomy. The seats/chairs were under the leadership of captains or lieutenants, with military, administrative and judicial powers, assisted in legal matters by seat judges. Starting with 1426, the Szekler counties were represented in the seats by a royal county/juzi, with judicial control attributions being chosen by the inhabitants of the seat.

It can be considered that the voivodeship of Transylvania was the first Romanian medieval state.

Among the central institutions that emphasized the individuality and autonomy of Transylvania are the general voivodship congregations. The differentiated character of the assemblies from Transylvania determined their hierarchy in several categories. Along with the assemblies organized and held on the scale of the entire voivodship, there were local assemblies (*congregatio generalis*) of the nobility, of the Romanians, Saxons and Szeklers. They correspond to the administrative-territorial organization, respectively county (noble), seat/chair (Saxon and Szekler) and district (Romanian and Saxon) (Bichicean 2008, 103).

Stopped to manifest itself as a university at the central level, the feudalism of the Romanians remained, as a small and medium nobility, within the old local Romanian "countries", which, together with the common people, preserved their autonomy through various means, including maintaining local assemblies initially controlled by cnezi/princes, then by ennobled cnezi/princes, was a way of prime importance.

Based on the tradition of the old assemblies gathered by "good and old people" and the tendency of the incipient Romanian feudalism to grant *consilium et auxilium* to the cneaz/prince who had been elected voivode, these assemblies adopted, in order to function, the official rules - issued documents in Latin, adopted the forces, set specific days of reunion, sometimes agreed to be presided over by high rulers of the kingdom and voivodeship, etc.

The continuity of the local institutions is also based on their recognition by the voivodes of Transylvania (Tătaru 2020, 14). They convene the Romanian assemblies in the same way as the Szeklers and in a form identical to them, but also with that of the Saxon seat/chairs assembly and the Transylvanian general congregation (*Septem Sedium Nobilium Walachicalium*).

The highest representative institution of the Saxons in the province of Sibiu, which comprised seven seats/chairs, was the general congregation. The assembly of the Saxon seats solves more important administrative and judicial problems.

Representatives of the Saxon University met once or twice a year, usually in Sibiu, to discuss issues common to all seats/chairs (issues of general interest, regulating relations with other administrative and political institutions, judging misunderstandings in the territory under its subordination, etc.). The chairs had their own headquarters in Sibiu, used for such occasions.

The institution that synthesized all the prerogatives and attributions in the Szekler seats/chairs in the Szeklers was the general assembly of the seat/chair (*congregatio generalis*), in which all the men in that chair took part. Until the middle of the 16th century, the representatives of the three states (*trium generum siculorum*) - the leaders (*primores*), the

primipils (a term taken from ancient Rome, being the highest rank among the centurions, in the Roman army) participated in the general meetings) and ordinary Szeklers. Later, due to the uprising of 1562, ordinary Szeklers were excluded from these assemblies.

The supreme authority of all Szekler seats/chairs was the General Assembly of the Szeklers (*universitas Siculorum*), chaired by the Szekler committees (*comes Siculorum*) and which usually met in the main seat/chair at Odorhei. Its competence included all the issues that were the subject of debates in the (local) seat/chair assembly. At the general assembly, all three states were represented, from the seven Szekler seats/chairs. The assembly was convened as many times as necessary, and decisions were made by raising the right hand, as evidenced by a document from 1505. Along with the committee, an important role in the general meetings of the Szeklers was played by captains and judges (royals and seats/chairs).

Conclusion

With the elaboration of this material, we aimed to highlight the way in which the institutions that came from the previous era found their utility and applicability in the medieval era. At the same time, we were interested in the way in which some of the central public administration institutions appeared in Transylvania (Rotaru 2019b, 243-245), how many of these institutions represent local creation and how much it knew the influence of the peoples with whom the natives came into contact.

Although we proposed as a topic of analysis the central public administration institutions in Transylvania, during the voivodeship, we considered important to link the central public administration institutions with some local public administration institutions, to understand the need and specific attributions of the first type of institutions.

We are aware that this paper contains a brief analysis of a very attractive topic and is also only a challenge for those interested in studying the history of public administration. As a result, we will continue to follow this topic and complete the ideas presented in this analysis.

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Re-examining the Impact of Remittances on Human Development: Evidence from Sub-Saharan Africa

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ABSTRACT: Sub-Saharan Africa (SSA) continues to lose its skilled workers through migration in a form of brain drain. In return remittances from these migrant workers to the region have been surging and now constitute a major external source of finance. Do these increasing inflow of remittances contribute to human development? This paper examines the impact of remittances on human development in 30 SSA countries using the system Generalized Method of Moments (sGMM) approach for the period 2004-2018. The empirical results show that remittance inflows impact positively on human development in SSA. Based on the empirical results, it is imperative for SSA countries to have a clear-cut policy framework and strategies on migration to attract, increase and harness the full benefit of remittances.

KEYWORDS: Brain drain, Generalized Method of Moments, Human development, Remittances

Introduction

Leveraging remittances for development is an important aspect of the migration-development nexus as remittances are considered as one of the major channels in which migration can lead to development through improved income distribution and quality of life (Keely and Tran 1989). Remittances are monies earned by citizens abroad that are sent back to the country of origin (Martin 2016). It plays a key role in social resilience and the advancement of household welfare in many developing countries (Quartey and Blankson 2004). Other scholars have argued that remittances rather fuel consumption and inflation in origin regions and that migrants rarely invest their money in productive enterprises (De Haas 2010; Roy and Rahman 2014). Despite these ongoing debates, remittances around the world have been increasing and now constitute more than thrice the volume of official development assistance in low- and middle-income countries (World Bank 2019). World Bank data further showed that, in low and middle-income countries, annual remittance flows reached \$529 billion in 2018, depicting an increase of 9.6 percent over the 2017 figure of \$483 billion. Also, in SSA remittances flow increased by almost 10 percent to \$ 46 billion in 2018. (By ranking Comoros had the largest share of remittances to GDP in 2018 followed by Gambia, Lesotho, Cabo Verde, Liberia, Zimbabwe, Senegal, Togo, Ghana, and Nigeria. In terms of volume Nigeria was first).

Figure 1 indicates the flow of Foreign Direct Investment (FDI), remittances, and Official Development Aid (ODA) in SSA. It can be observed that remittances have been rising over the years and have now surpassed FDI as of 2018. Some economists, like Ratha (2019) believe that remittances will soon become the largest external source of finance for developing countries. This figure could be higher as some migrants still use informal means of sending money due to the high transaction cost involved in remitting to the continent. (It cost 9.1% on average to send an amount of \$200 to SSA and it is above 10 percent across many Africa corridors (World Bank, 2020)). The reason for the upsurge in remittances to the region is due to the increasing number of economic migrants and strong economic conditions in advanced countries and it affirms the assertions that remittances may be a more prudent avenue for poverty reduction and economic growth than developmental aids that flow to developing countries (Kapur 2003). As remittances increase so is the loss of human capital in the region. It is estimated that the African continent loses \$4.6 billion in training medical doctors who are eventually recruited by advanced countries such as the United Kingdom, the United States, Australia, and Canada. On average the UK saves \$2.7 billion while the

US, Australia, and Canada save \$486 million, \$621 million, and \$384 million respectively in training costs for recruiting African physicians (Mo Ibrahim Foundation 2018).

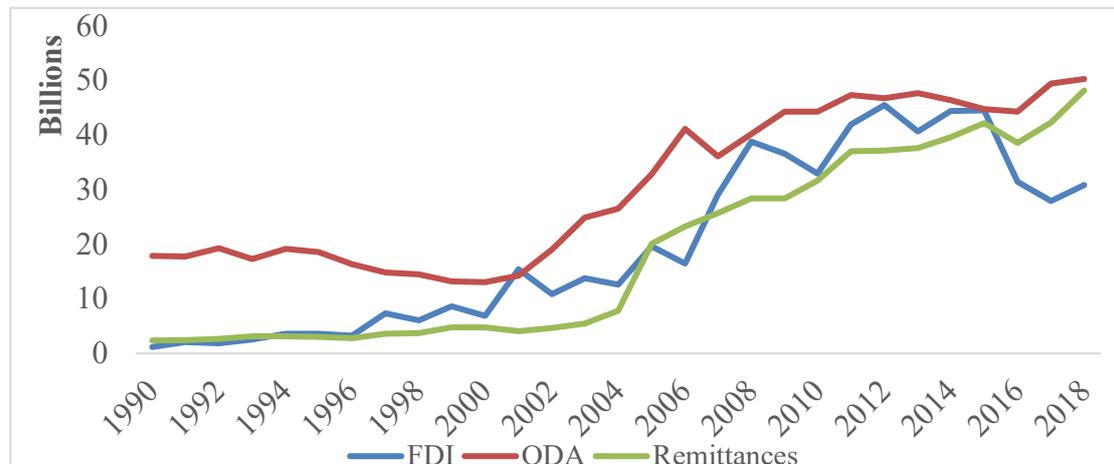


Figure 1. Trend of FDI, Remittances and ODA in Sub-Saharan Africa 1990-2018

Source: Authors' computations based on World Bank data (2019)

The question remains, whether African countries should allow their skilled workers to leave the continent and in return enjoy the surge in remittances, and do these remittances contribute to human development? The increasing flow of remittances has been considered a motivational factor for many skilled workers leaving the continent for better life and opportunities (Adenutsi 2010). The direct impact of these remittances at the micro-level is clear as it serves as a lifeline income for many families and lifting them out of poverty. At the macro level, it remains difficult to measure how this remittance impacts the economy as a whole and most importantly on human capital formation.

Even though many studies have explored the various channels in which remittances impact development at various levels, few have looked at the impact of remittance on human capital development. This study, therefore, examines the effect of migrant remittances on human development in SSA. We will therefore fill the gap in knowledge by contributing to the ongoing debate with new evidence on the remittances-human development nexus in the case of SSA.

Brief Review of the Literature

The pessimistic view such as the structuralist and the dependency theorists (Rubenstein 1992; Adams 1969) based their argument on brain drain (the loss of intellectuals and technical personnel or skilled workers because of migration from developing countries to developed countries) to establish the fact that migration negatively affected human development in the sending countries and rather contributed to global inequalities (De Haas 2010). The bleak and pessimistic view of brain drain was summarized by Todaro (1996, 1999):

“The irony of international migration today is that many of the people who migrate legally from poor to richer lands are the very ones that Third World countries can least afford to lose: the highly educated and skilled. Since the great majority of these migrants move on a permanent basis, this perverse brain drain not only represents a loss of valuable human resources but could prove to be a serious constraint on the future economic progress of Third World nations”.

According to Bhagwati and Hamada (1974), some specific effect of brain drain was attributed to social effect, thus the externalities in production lost due to migration of highly skilled workers and fiscal effect, which is income tax lost due to migration. Equally brain drain leads to distortion in the sending countries' labor market which may lead to a fall in GDP. Along the line emerged the

optimistic school of thought that challenged the daunting effect of migration on human development in developing countries. A very great incentive not considered by the earlier writers is that brain drain may induce brain gain, which is beneficial to the sending countries (Stark et al. 1997). It is now a fact that brain gain in form of remittances is directly linked with migration in countries with net labor export.

Empirically, a large portion of literature has focused on how remittance impacts economic growth. Remittances may spur economic growth by increasing entrepreneurial activity and investment by alleviating credit constraints, especially in developing countries where the credit market is less efficient (Giuliano and Ruiz-Arranz 2009). Remittances equally help promote economic growth through the multiplier effect. Other researchers, however, have contended that remittances can have a negative effect on economic growth. Ahlburg (1991) argued that in low-income countries, remittances impair growth and productivity because foreign goods may dominate household consumption over productive investment. Chami et al. (2005) argued that remittances retard economic growth, where active labor may rely solely on the migrant for survival, which may reduce labor supply to the economy. However, measuring development by economic growth is not enough as it does not take care of social and public care which are key in enhancing well-being and impacting human development (Anand and Sen 2000).

Another channel in which remittances impact development is through institutional channels. There is strong argument by many scholars to the effect that remittances impact on economic growth and ultimately on development depends most importantly on the home countries institutions and government policies (Acemoglu et al. 2001; La Porta et al. 1997). Zgidi et al. (2018) investigated the causal relationship between remittances, economic freedom, and economic growth on panel data of four North African countries between 1980-2012. The estimation was carried out using the generalized method of moments (GMM). Their result established that remittances have a positive and significant impact on development in the presence of quality institutions. Adams and Klabonu (2016) also confirmed a positive role of institutions when they examined the effect of regime durability and remittances on economies in 33 SSA countries over the period 1970-2012 by employing the GMM estimation process. They concluded that, while regime type is positively correlated to economic growth, regime durability significantly impacted negatively on economic growth. However, the interaction term of both regime types, durability, and remittances was found to be positively and significantly related to economic growth. Meaning a democratic and sound government incentivizes the remittances effect on a country's economic growth.

Remittances also impact development through investment channels. Theoretically, the pessimistic school of thought argues that remittances sent home are used for consumption rather than investment (Chami et al. 2005; Taylor et al. 1996). While the optimistic school sees remittances as means to enhance development (Yang 2005). Dash (2020) investigated the impact of remittances on domestic investment in southern Asian countries over the period 1991-2017. The estimation was carried out using advanced panel estimation and GMM system accounting for the potential country-specific heterogeneity and endogeneity problem. The findings reveal that remittances impacted domestic investment both in the short and the long run. Bjuggren et al. (2008) also confirmed the significant impact of remittances on investment when they analyzed the impact of worker's remittances on investment in 79 developing countries from 1995 to 2005 using a dynamic panel data approach. However, Mallick (2012) had a contrary result when he investigated the impact of remittance on private investment in India for the period between 1966-1967 and 2004-2005. Autoregressive Distributed Lag (ARDL) cointegration method was employed for the analysis. The study revealed that remittances impacted negatively on private investment. The mixed results show that the impact of remittances on development depends on the economic conditions prevailing in the country and the probable usage of the remittances (Clemens and McKenzie 2014).

Another key channel in which remittances impact development is through the human capital channel (health and education). The direct impact of migration on human capital has been based on brain drain and gain argument. The introduction of remittances as a means by which migration can

impact human capital gives a new dimension to the migration and development debate in terms of contribution to human development. Jongwanich (2007) established a positive link between remittances and human capital when he examined the effect of remittances on growth and poverty reduction in Asia and Pacific countries over the period 1993-2003. The study showed that increasing remittances by 1% is associated with a 0.008% increase in human capital.

Similarly, Irdam (2012) found a positive effect when he analyzed the impact of remittances on human development quantitatively using data on the human development index from 1990-2005 on 32 randomly selected countries. The estimation was carried out using ordinary least square and multiple regression. The findings indicated a positive impact of remittances on human development in countries where the government considers migration as an effective labor export strategy. Adenutsi (2010) also examined the impact of remittances on human development in 15 SSA countries using fixed balanced panel data estimation for the period 1987-2007. He concluded that remittances have a positive impact on human development in the long run.

Contrary, other studies have argued that remittances have a negative impact on human capital. Alcaraz et al. (2012) examined the impact of remittances on school attendance in Mexican migrant households from 2008 to 2009. An instrumental variable was employed for the estimation and difference-in-difference strategy, with the children under study aged 12-16 in a home receiving remittances. The study revealed that remittances had a negative effect on school attendance and rather increased child labor, therefore, affecting capital accumulation.

Based on the above-mentioned literature review, it is obvious that there are few studies on the impact of remittances on human development particularly in the case of SSA.

Methodology and Data

Empirical Model and Estimation Technique

The investigation will be carried out using panel data for a sample of 30 SSA countries across a basic time series of 15 years (2004-2018). These countries were selected based on the availability of data and average representation of a true reflection of SSA countries. Most of the macro data used in the analysis are collected from the World Bank development indicator. Data on the human development index and educational index were extracted from The United Nations Development Programme (UNDP). Our general equation framework is based on Adenutsi (2010) model with little modifications and takes the following dynamic form;

$$\ln HDI_{it} = \alpha_0 \ln HDI_{it-1} + \beta_1 REM_{it} + \beta_2 FD_{it} + \beta_3 INV_{it} + \beta_4 X_{it} + \delta_i + \mu_t + \varepsilon_{it} \dots \dots (1)$$

Where $\ln HDI$ is the natural logarithm of the human development index; $\ln HDI_{it-1}$ is the natural logarithm of the lagged human development index, REM represents remittances as the explanatory variable, FD is financial development proxy by domestic credit to the private sector by banks, INV is investment proxy by gross fixed capital formation, X is the control variables, δ is the unobserved factors specific to the country, μ is the time trend; α and β are parameters; i is the number of cross-sections(=1, ..., N); t is the number of time series(=1, ..., N) and ε is the error term. Our analysis will start with the static model, thus pooled OLS and fixed-effect model. However, the pooled OLS estimation ignores unobservable heterogeneity and as such may become biased and the fixed effect estimation also may be biased because it ignores endogeneity. Thus, the static model will not capture the short and long-run impacts of the regressors on the dependent variable. We, therefore, employ the dynamic model and the system Generalized Method of Moments (Sys-GMM). The dynamic model panel is chosen in circumstances where some unobservable factors affect the dependent as well as the explanatory variables, and where some explanatory variables are related strongly to past values of the dependent variable. This is probably the situation in our regression of the impact of remittances on human development.

The GMM model was introduced by Arellano and Bond (1991) and later Arellano and Bover (1995), Blundell and Bond (1998) introduced the augmented version called the system GMM.

It provides a solution by using both the difference lags of the endogenous variables as an instrument in the estimation equation. It equally allows for individual fixed effects, heteroskedasticity, and autocorrelation within individuals (Roodman 2009). The system GMM most importantly addresses the problems of omitted variables, measurement error, endogeneity, and country-specific heterogeneity. For the endogenous variables, we will use internal instruments. The precision of the system GMM estimator depends on the validity of the instruments. The diagnostic test for these is done using two tests. The first is the Hansen test of over-identifying restrictions test and the second test investigates the null hypothesis that there is no serial correlation in the error term. Accepting the null hypothesis in both cases gives validity to the model (Arellano and Bond 1991; Arellano and Bover 1995; Blundell and Bond 1998).

Data and Descriptive Statistics

The human development index (HDI) measures health, education, and gross national income and it is sourced from UNDP. The HDI was established to stress that economic growth alone is not enough to measure development but rather people and their capabilities should be the endmost criteria for evaluating the development of a country. The index is ranged between 0 and 1, where very high human development is scored 0.800 and above, high is scored between 0.700-0.799, the medium is 0.550-0.699 and low human development is below 0.550 (UNDP 2014). The HDI has been established as a standard measure of human development because of its composite index that considers economic growth, health, and education (Klugman *et al.* 2011). The main variable of interest remittances which is the explanatory variable is denoted by personal remittance received (% of GDP) and extracted from the World Bank (2019). It includes transfers and compensation to employees; the transfers are made of current transfers either in cash or in-kind received by the resident household to or from the non-resident household. We expect remittances to have a positive impact on human development. The financial development, investment, and control variables are also sourced from the World Bank Development Indicators (WDI).

Financial development is proxy by domestic credit to private sector by banks (% of GDP), it consists of credit to the private sector by another depository corporation other than the central bank. It shows the intermediation role play by banks and the performance of the financial sector. It includes loans, purchase of nonequity securities and trade credit and other accounts receivable account that requires repayment. It shows how banks transform their deposits to credit into household credits, this allows individuals to have easy access to credit to fund education and health. Therefore, we expect it to exert a positive impact on human development.

Investment is proxy by gross fixed capital formation (% of GDP) which encompasses purchase of plant, machinery, and equipment also improvement of land quality such as irrigation channels, fences, etc. It also includes expenditure on the construction of roads, schools, private residents, commercial and industrial buildings. It is expected to exert a positive impact on human capital development. Control variables include; inflation rate which measures the annual percentage in the consumer price index (CPI) is expected to exert a negative effect on human development. Population growth rate shows the annual growth rate of population in the home countries. Higher population exerts demand on the financial sector and equally the flow of remittances. The expectation could be positive or negative. Household final consumption expenditure (% of GDP) is the market value of goods and services purchased by the household and it is expected to have a positive or negative impact on human development. Government final consumption expenditure (% of GDP) includes all purchases of goods and services made by the Government, it, however, excludes expenditure on national defense and security. We expect it to have a positive or negative impact on human development. GDP growth rate shows the annual growth rate in the economy and is expected to exert a positive effect.

Table 1. Variables Statistics and A- Priori Expectations

Variables	Mean	SD	Min	Max	a priori
HDI	0.51	0.11	0.28	0.80	N/A
Remittances	3.71	5.67	0.00	41.50	+
Gross Fixed Capital Formation	15.41	6.70	4.40	41.89	+
Household Final Consumption	73.56	22.98	23.71	228.36	-/+
Domestic Credit by Banks	20.47	18.65	0.93	106.26	+
Gov't Final Consumption.	22.56	8.58	5.89	79.46	-/+
Inflation rate	6.04	5.56	-3.10	36.96	-
Population Growth	2.39	0.92	-2.63	4.38	-/+
GDP Growth rate	4.56	3.49	-20.60	20.72	+

Source: Authors' computations

From Table 1, a random look at the data shows that countries in Southern Africa recorded the highest human development index. Mauritius recorded the highest HDI in the sample; 0.801 in 2018 indicating a very high rank in the HDI. This was followed by Seychelles and Botswana scoring 0.79 and 0.73 respectively in the same year. The country with the lowest HDI in the region was Niger with a score of 0.28 in 2004 followed by Burkina Faso and Sierra Leon with an index of 0.32 and 0.34, respectively.

Table 2. Correlation Matrix

Variables	HDI	REM	GFCF	HFC	DCPB	GFC	INF	POP	GDP
HDI	1								
Remittances	-0.193	1							
Gross Fixed Capital formation	0.234	0.376	1						
Household Final Consump.	-0.338	0.392	- 0.122	1					
Domestic Credit by Banks	0.654	-0.166	0.258	-0.18	1				
Gov't Final Consump.	0.218	-0.068	0.27	-0.38	0.024	1			
Inflation	-0.028	-0.025	- 0.093	0.202	-0.133	-0.06	1		
Population Growth	-0.537	-0.235	- 0.547	0.072	-0.532	-0.01	-0.05	1	
GDP Growth Rate	-0.112	-0.070	-0.11	0.056	-0.082	-0.02	0.005	0.139	1

Source: Authors' computations.

The correlation matrix (Table 2) shows the potential relationship between HDI and other variables. Remittances, inflation, household final consumption, population, and annual gross domestic rate exhibit a negative correlation with HDI while government final consumption, domestic credit to the private sector by banks and gross fixed capital formation show a positive correlation with HDI.

Empirical Results and Discussion

The results from the static and dynamic models are reported in Table 3. Model A.1 and A.2 show the static model while model A.3 shows the dynamic model. In the case of the pooled OLS, remittances were found to have a positive and significant impact on HDI while the fixed effect showed a negative and significant effect on HDI. Since these two models suffer from endogeneity, we proceed and examine the model using the sGMM which controls for the endogeneity. As can be observed from model A.3, as expected remittance showed a positive and significant impact on the human development index which is the same as the pooled OLS model. The coefficient of remittances suggests that a percentage increase in remittances is associated with a 0.0022% increase

in HDI at a 1% significant level *ceteris paribus*. This affirms the important role of remittances in influencing human capital development in SSA. In effect, remittances flow impacts both health and education. This result is consistent with the works of (Adenutsi, 2010 and Huay et al., 2019) who established that remittance indeed impacts human development.

Table 3. Results on the Impact of Remittances on Human Development

Variables			
Model ID	A.1	A.2	A.3
Methodology	Pooled OLS	Fixed effect	sGMM
Variables			
Constant	-1.6264*** (-87.91)	-1.6657*** (-116.73)	-1.543*** (-29.68)
<i>ln</i> HDI	1.8926*** (61.20)	1.9055*** (59.11)	1.740*** (19.05)
Remittance GDP	0.0010*** (6.20)	-0.0005** (-1.97)	0.0022*** (3.5)
Gov't Final Consumption	-0.0008*** (-2.78)	0.0009*** (2.82)	-0.0030*** (-3.23)
FD (Dom. Credit by banks)	-0.0003*** (-6.17)	0.0001 (0.67)	0.0014 (1.53)
Household Final Consumption	-0.00007 (-1.48)	-0.0002*** (-4.89)	-0.0001 (-0.57)
INV (Gross fixed capital forma.)	-0.0001 (-0.61)	0.0005*** (3.73)	0.0007* (1.89)
Inflation	0.0004* (1.87)	0.0003 (1.55)	0.0009*** (2.92)
Population	-0.0015 (-0.72)	0.0004 (0.21)	-0.0143* (-1.74)
GDP growth rate	0.0007*** (3.28)	0.0010*** (3.85)	0.0011* (1.91)
Test			
No. of observation	420	420	420
F-statistic(P-value)	0	0	
R-square	0.98	0.99	
Adjusted R-square	0.98	0.99	
No. Country	30	30	30
No. Instruments			22
AR(1)			0.027
AR(2)			0.847
Hansen test			0.199

Note: t-statistics in parentheses; *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$ show significance at 1%, 5% and 10% respectively.

Source: Authors' computations

Financial development proxied by credit to the private sector by banks exhibited a positive but insignificant impact on the human development index, meaning it is important in explaining variation in human development. Investment proxied by gross fixed capital formation as expected showed a significant and positive effect on HDI, that is a percentage increase in investment is associated with a 0.0007% increase in human development all things being equal. This is consistent with the work of Sharma and Gani (2004). Looking at the control variables, government final consumption expenditure showed a negative effect on HDI, in effect government expenditure does not contribute to human capital development in the region. This affirms the work of Omodero (2019) who found that government expenditure impact human development negatively. However,

this contradicts the work of Adenutsi (2010) who found that government expenditure plays a role in human development.

Also, household final consumption showed a negative and insignificant impact on development. The population growth showed a negative and significant effect on HDI. This result was expected as increased population put pressure on available resources. Annual GDP growth as expected impacted positively and significantly on HDI. Quite surprisingly, inflation showed a positive and significant impact on human development, this was not expected but is consistent with the work of Huay et al. (2019). The robustness and validity of our model and the use of instrumental variables are affirmed by the Hansen test and the second-order serial correlation. The p-value for the Hansen test was 0.19, suggesting a well-specified model, in essence, the instrument used are not over-identified. The AR (2) value of 0.8 shows the absence of serial correlation in the error terms, therefore a good inference can be made with our results.

Robustness Checks

To further test for the robustness of our results we estimate the same model as explained above by using different dependent variables; educational index and health index (current expenditure on health). Education index is the mean and expected years of schooling and sourced from the UNDP. The health index is proxy by estimated current health expenditure which included health care, goods, and services consumed during the year and is sourced from the WDI.

Table 4. Robust Results of the Impact of Remittances on Human Development

Variables	Education index (sGMM)	Health index (sGMM)
Constant	-1.660*** (-16.81)	6.273*** (3.31)
<i>ln</i> Education	2.052*** (10.51)	
<i>ln</i> Health		0.0050*** (2.99)
Remittance GDP	0.0071** (2.22)	0.102** (2.53)
Gov't final Consumption	-0.0063* (-1.78)	-0.0624** (-2.18)
FD (Dom. Credit by banks)	-0.00005 (-0.03)	0.00697 (0.76)
Household Final Consumption	-0.0004 (-0.94)	-0.0406** (-2.55)
INV (Gross fixed capital forma.)	0.0035* (1.82)	0.0375 (0.78)
Inflation	0.0020* (1.96)	0.0337* (1.88)
Population	-0.0361 (-1.34)	-0.151 (-0.64)
GDP growth rate	0.00046 (0.45)	0.0192 (1.07)
Test		
No. of observation	420	420
No. Country	30	30
No. Instruments	22	23
AR(1)	0.028	0.026
AR(2)	0.759	0.253
Hansen test	0.42	0.153

Note: t-statistics in parentheses; *** p < 0.01, ** p < 0.05, * p < 0.1 show significance at 1%, 5% and 10% respectively.

Source: Authors' computation

The results from Table 4 confirm the positive and significant effect of remittances on human development and meets the robust condition of the sGMM. The robustness of the empirical evidence shows the contribution of remittance flows in improving education and health in SSA. These important effects are key in boosting the human capital channel which in the long run leads to development in SSA.

Conclusion and Recommendations

In conclusion, our results confirm the optimistic view on migration and remittance on human capital development. Remittances are a lifeline that helps families to live in decency and provide other necessities of life such as education, health, and housing which are a key focus of the UN's sustainable development goals (UNDESA, 2020). Though most SSA countries lose most of their highly skilled workers through migration which results in brain drain, they in return benefit from remittances these migrants send home which in effect help in human development. Equally, other factors such as investment and financial development are also key in enhancing human capital formation. The governments in the region need to have a policy framework and strategies to increase the flow of remittances to compensate for the brain drain effect in the region.

To increase the inflow of remittances and harness its full benefits, the region must have a clear-cut policy on migration. The conundrum will remain whether the region must fight brain drain by putting policies to deter its professional and skilled workers from migrating or allow them to migrate and enjoy the surge in remittances. A clear policy will solve this dilemma. Also, the region must find means of reducing transaction costs on remittances which remain the highest in the world. The use of mobile money and digital remittances could be explored thereby reducing the informal means of sending remittances.

Remittances only lead to human development when they are used for productive ventures by the receiving households. Therefore, productive investment and consumption at the individual and community levels must be encouraged. Governments in SSA should also continue to explore policies that enhance health and education which are key in human development.

Finally, the region must have sound macroeconomic policies and quality financial and non-financial institutions. This will create a conducive environment for investment internationally and locally and increase the inflow of remittances.

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List of Countries in the Sample

Benin, Botswana, Burkina Faso, Cameroon, Congo Rep., Cote d'Ivoire, Eswatini, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Togo and Uganda.

The Deontology of Social Worker Assistant in Romania

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ABSTRACT: The Law no 292/2011 of social assistance framework law recognizes the profession of social worker assistant has a protected field and clearly described in the article 47 paragraph 1 “The initial evaluation and the intervention plan are made by the social assistant worker” after continue to the article 121 paragraph 1 “in the field of social assistance activates social worker assistants, other professionals in social assistance, as well as staff with various professions, qualifications and skills, but in paragraph 2 from the same article”. The social assistance staff in accordance with the status of the profession and in accordance with the provisions of the Labor Code, as well as other legal provisions by case. According to the Deontological Code no 1/December 14, 2007 of the social worker assistant, profession and based on the provisions of the article 27 (a) from The Law no 466/2004 of the Status of the social worker assistants in Romania establishes the obligatory norms of deontology represents a set of norms, rules, prescriptions and dispositions conduct of the social worker assistant, as well as members of the National College of Social Worker Assistants in Romania.

KEYWORDS: deontology, social worker assistant, social worker

Introduction

The Deontology of social assistance represents a set of norms, rules, prescriptions and dispositions about duty and professional obligations, about all kinds of responsibilities of the social worker assistant. The professional deontology is formalized in special codes. The ethical codes of social assistance, developed in different countries. Codes of ethics stipulate the human value, dignity and uniqueness of all persons, as well as their rights and responsibilities. They affirm the will of professionals to always act according to moral principles and legal norms (Bulgaru 2013, 6).

The social assistance is an art and Felix Biestek in 1949 said “the art in which the knowledge of the science of human relations and relationship skills is used to mobilize latent capacities existing in any individual, so that it is better adapted to daily stress (Socialworkarea n.d., 3)”.

The beginning of social assistance as a profession in Romania is marked by the social, political and cultural context of the period between the early 1920s and the beginning of the Second World War, which promoted a new perspective on social issues.

This fact has a positive impact on the evolution of the social worker profession. In fact, this period marks the transition from the form of Christian help to those in difficulty, to the professionalized form of providing support through social services.

The state has assumed the main role in the training of social workers, starting with their schooling in prestigious institutions, their training through postgraduate and professional courses and by setting up the National College of Social Workers. Here we must make mention about their schooling. In Romania the social workers have courses of 6 months or less and the social workers assistant have 3 or 4 years of higher education. The mission of the social worker is to participate in solving community social problems, ensuring a decent minimum standard of living and increasing the quality of life.

Nowadays, every profession has a professional code and an ethics commensurate with the profession, each with different contents and as broadly described as possible. The specialized studies that have appeared are numerous, and the deontology of social assistance and its workers occupies a special place in our society.

Based on the Code of Ethics, social worker assistants can identify the correct course of action from a moral point of view. Thus, the Code of Ethics of the profession of social worker in Romania according to art. 1 “aiming to regulate the principles and rules of conduct of social workers to prevent situations, which could affect their reputation and good practice, the development and consolidation of the National College of Social Workers, as well as the image of the teaching staff social in general”.

The Code of ethics is a moral contract between beneficiaries and organizations, between members of an organization, a means of guiding the decisions and actions of professionals concerned in their relationship with beneficiaries. The Code of ethics offers a standard, an ideal, enunciating unanimously recognized values and principles. Through this, “the Code gives everyone a sense of security, of collective strength”, the maintenance of such regulations being “in order to protect the public interest” says C-J. Bertrand with conviction (Bertrand 2000, 66-67).

The Code of ethics informs the public about the profession, signalling that it has rules of conduct. By increasing the credibility of the profession, the code of ethics guarantees the loyalty of the beneficiaries and protects them. The Code of ethics also creates solidarity within the group of professionals. Professional groups, imposing through the code of ethics certain responsibilities and obligations of their members, aim to ensure a professional competence, as well as the trust in them from the society.

Through such tools, deontology “supports the morality of a profession and protects society from inappropriate and unwanted manifestations of its members in concrete situations” (Gosselin 1992, 8). In conclusion, the codes of ethics are presented as a commitment of the profession to the community, ensuring its trust in the profession, a trust without which it could not gain authority, says Bulgaru in her comparative study (Bulgaru 2013, 8).

The Law no 292/2011, the framework law on social assistance, resumes and recognizes once again that this professional:

- The social worker has a protected, assigned field, clearly described in art. 47. par. (1)
- The initial evaluation and the intervention plan are made by the social worker ... Then, it continues to art. 121 (1): “In the field of social assistance, social workers, other specialized personnel in social assistance, as well as personnel with various professions, qualifications and competencies are active” and at par. (2)

“The personnel in the field of social assistance carry out their activity in accordance with the statute of the profession, the provisions of the Labor Code, as well as other legal provisions, as the case may be” (Law 292, 2011).

According to the Deontological Code No 1/December 14, 2007 of the social worker profession and based on the provisions of art. 27 a) of Law No 466/2004 regarding the Statute of the social worker, establishes the obligatory norms of professional conduct of the social workers, respectively of the members of the National College of Social Workers from Romania.

It is further specified that the exact observance of the provisions of this code constitutes a professional obligation for each social worker and the development of social assistance activities will be carried out only under the conditions of this code and of the legislation in force (Codul ..., 2008).

From an ethical point of view, the social worker must:

- 1) To provide professional services in emergency situations, in accordance with the law and the norms regarding the exercise of the social worker profession;

2) To recognize the fundamental importance of interpersonal relationships and to promote them in professional practice, encouraging relationships between people in order to promote, restore, maintain and/or improve the quality of life;

3) To ensure the respect of fundamental human rights and the application of the international legislation to which Romania has acceded;

4) To treat with priority the cases of minors in difficulty, being automatically activated the principle of their best interest, in the conditions of the UN Convention on the Rights of the Child, in this sense having the obligation to notify itself;

5) To treat all cases given for assistance, depending on the conclusions of the risk, needs and resources assessment;

6) Always keep in mind that their own behaviour is a model for community members, acting accordingly;

7) To contribute to the promotion of the social worker profession, as well as to the support of the guild spirit.

According to Doru Buzducea, the mission of the social worker is to participate in solving community social problems, ensuring a decent minimum standard of living and increasing the quality of life of vulnerable social groups, in improving the social functioning of people (Buzducea 2005). Hence the need for the social worker to have some specific skills, and theoretical knowledge (psychology, sociology, law etc.), but not ultimately have a vocation. In fact, this is a prerequisite for practicing this profession.

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Providing Material and Financial Resources for the Social Reintegration Process

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ABSTRACT: Compliance with Article 3 of the European Convention on Human Rights, ie the prohibition of torture and inhuman or degrading treatment, entails, inter alia, the provision of appropriate conditions of detention. In order to be considered as suitable conditions for the accommodation of persons deprived of their liberty, it is necessary to ensure, in an optimal way, an accommodation capacity according to the number of detainees in the respective detention rooms, as well as decent material conditions. As regards the Romanian penitentiary system, it has undergone numerous legislative changes recently, in line with the imperative to comply with European and international standards in the field and has resulted in an improvement in the treatment of persons deprived of their liberty and conditions of detention, as well as the increase of the institutional capacity, so that it can be seen that at present the cases in which Romania is condemned to Cedo are more and more rare.

KEYWORDS: Cases of Romania's conviction at the European Court of Human Rights for not ensuring adequate conditions of detention, national legislation, the phenomenon of overcrowding, human resources, financial resources

Introduction

The first cases of Romania's convictions at the European Court of Human Rights for non-compliance with the obligation to ensure adequate conditions of detention (art. 3) were registered in 1998. Subsequently, in 2012, in the *Case of Iacov Stanciu* (ECHR Decision no. 35972 of July 10, 2012), the ECHR found that, despite the efforts of the Romanian authorities to improve the situation of detention conditions, there was a structural problem in this area.

The decisive element in this context is the well-known *Case of Rezmiveş and others v. Romania* (ECHR Decision no. 22088/04, 61467/12 of 25 April, 2017), by which the Court ordered the Romanian state, within 6 months from the date of finality of the judgment, to provide an exact timetable for the implementation of appropriate solutions to the problem of overcrowding and inadequate conditions of detention. The Court also decided to postpone similar cases that had not been communicated to the Romanian Government until then, until the necessary measures were adopted at national level.

According to the Court's Decision, beyond the legislative measures aimed at an effective remedy for the injury suffered, ensuring the conditions of detention in accordance with art. Article 3 of the Convention depends on the increase and modernization of accommodation capacity and, on the other hand, on the improvement of material conditions of detention.

In this context, we can see that the Romanian penitentiary system (Annual activity report 2018) has been characterized, in the last decade, in particular, by numerous legislative changes.

These permanent legislative changes have taken into account the imperative to comply with European and international standards in the field and have resulted in improved treatment of persons deprived of their liberty and conditions of detention, as well as increased institutional capacity, provided that this obligation to respect human rights, has been constantly emphasized by national (the judge supervising deprivation of liberty and the

courts have repeatedly found, as we noted in the previous chapter, violations of the fundamental rights of persons deprived of their liberty) and international (respectively, the European Court of Human Rights, as well as European bodies with powers in respect of human rights, mainly the European Committee for the Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment, as described in the previous chapter) jurisdictional authorities.

In the same vein, we note that, with the entry into force of the New Criminal Code (entered into force on February 1, 2014), alternative punishments to deprivation of liberty were introduced in the legislation, i.e., a new system of sanctions for juvenile offenders, education receiving an adequate place, its role in resocializing minors, increasing. Thus, at least from this point of view, Law no. 254/2013 represents one of the most evolved normative acts, in our country, regarding the execution of custodial sanctions.

Through this normative act, the measures assumed by our country were implemented through the Memorandum on “Approval of the Calendar of measures 2018–2024 for solving the prison overcrowding and detention conditions”, after the pronouncement, on April 25, 2017, of the Pilot Decision Rezmiveş and others against Romania. In the same sense, in order to manage as efficiently as possible, the activities related to the implementation of the compensatory appeal, the degree of computerization of the penitentiary system was raised.

The development of specific activities, the quality and quantity of the results of the social reintegration process depend decisively on the existence and level of use of the allocated resources, regardless of their nature (material, financial or human).

In accordance with the provisions of art. 62 para. (1) lit. b) of Law no. 500/2002 on public finances, the financing of the activity of the National Administration of Penitentiaries and of the units subordinated to it is made from the state budget.

On the other hand, according to art. 2 of Law no. 351/2018, the National Administration of Penitentiaries, penitentiaries, youth penitentiaries, women's penitentiaries, educational centers, detention centers, may achieve, as the case may be, own revenues from rents and leases, from service activities, from capitalizations of goods taken out from operation and waste, re-invoicing of utilities from rented space, penalties and compensations, subsidies for agriculture, participation guarantees, guarantees of good execution, as well as from the sale of specifications, from participation fees in competitions, fees/rates on psychological testing, the organization and functioning of the outlets of the units and the unit kitchens, as well as from the quota applied to the menus served to the persons outside the penitentiary administration system, from donations and sponsorships, voluntary transfers.

Penitentiaries, youth penitentiaries, women's penitentiaries, educational centers and detention centers can generate their own income from the work of persons deprived of liberty, according to the provisions of Law no. 254/2013, respectively:

- Income from the provision of services to persons deprived of their liberty inside or outside the place of detention; income from services with persons deprived of their liberty inside the place of detention are such as laundry services, maintenance and car wash services, food preparation for pre-trial detainees in police custody, as well as for persons deprived of liberty from other units of the system the penitentiary administration;

- Income from the capitalization of products obtained from one's own activity, such as vegetable products, animal products, meat/milk preparations, bakery and pastry products, carpentry articles, as well as products made by persons deprived of liberty in occupational educational activities;

- Other income, according to the law.

The financing of the penitentiaries-hospital is made in accordance with the provisions of Law no. 95/2006 on health care reform. At the same time, the penitentiaries-hospital, in addition to the incomes established by Law no. 95/2006, republished, with subsequent

amendments and completions, may also generate income from rents and leases, from transport services in the interest of their own staff, natural and legal persons in the justice system or persons deprived of liberty, from copying documents based on the personal requests of the detainees, as well as from the participation fees in competitions, capitalization of decommissioned goods and waste, re-invoicing of utilities from rented spaces, penalties and compensations, participation guarantees, guarantees of good execution, as well as from the sale of specifications.

Providing human resources

Human capital is essential in achieving the strategic objectives assumed institutionally, in which sense the staff has a central role in the organizational culture.

Particular attention should be paid, in this context, to the development of mechanisms to encourage performance and the development of professional skills. Staff recruitment and selection procedures, initial and continuing professional training must emphasize the integrity, human qualities, professional skills of the candidates, as well as the skills required to perform the complex work that awaits them.

Among other European documents in this field, Recommendation 2006/2 stated that, as a minimum standard, the employment of prison staff should be for an indefinite period of time, with staff members to acquire the status of civil servants or law enforcement officers, by virtue of which the safety of the workplace is guaranteed to them, provided that they behave appropriately, demonstrate efficiency, have good physical and mental health and have an adequate level of education.

With regard to staff selection, the same Recommendation stipulates that the selection procedure must be provided for by law, on the principles of non-discrimination, political independence and integrity. State authorities must establish their own methods and means of organization and their own personnel management systems, which ensure high standards of efficiency in the management of detention institutions, in compliance with the norms contained in international treaties and conventions on human rights.

Transposing these imperatives into the national legislation, Law no. 145/2019 on the status of penitentiary staff conditions the acquisition of the quality of penitentiary policeman by persons fulfilling the following criteria: to have Romanian citizenship and domicile in Romania, to know the Romanian language, to meet the conditions of study and seniority provided by law, to be 18 years old fulfilled, full capacity to exercise and to be medically and psychologically fit to perform the function, not to have a criminal record and not to be prosecuted or prosecuted for committing crimes.

They must also not have ceased their employment in a public service, for disciplinary reasons, in the last 5 years, have behaved in accordance with the principles governing the profession of prison police officer, have not been agents or collaborators of security bodies or any intelligence service and obtain authorization for functions involving working with classified information after the promotion of the competition.

The selection process of the penitentiary police officers is carried out on the principles of equality, merit and professional capacity, but also of transparency.

Recruitment as a prison police officer can be done in the following ways:

a) The distribution with priority on the places reserved for this purpose of the graduates of the educational institutions that prepare personnel for the penitentiary police - officers and agents;

b) Competition, from external source;

c) The transfer of military personnel and police officers from other public institutions of defense, public order and national security of the state.

Regarding the professional training of the penitentiary staff, this must be ensured before the beginning of the activity, in the initial training process, through general and specialized training courses, at the end of which theoretical and practical tests will be taken.

Also, the state authorities have the obligation to ensure, throughout the career of the penitentiary staff, continuous training and improvement programs, organized periodically, in order to raise the level of professional knowledge and skills.

Therefore, special attention should be paid, from the perspective of the Recommendation, to continuing education and training courses, organized at appropriate intervals, especially with regard to the training of staff with specific responsibilities, working with vulnerable categories of detainees, such as women, minors, the mentally ill or aggressively detained, training that must be properly focused on knowledge of international and regional human rights norms, in particular the European Convention on Human Rights, the Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as the European Prison Rules.

The national legislation, through the provisions of Law no. 145/2019, ruled, in accordance with these recommendations, that the novice penitentiary police officers have the obligation to follow, during the internship, a training and specialization course organized by the National Administration of Penitentiaries, called initiation course, and the penitentiary police officers finalists have the obligation to follow a training course corresponding to the position in which they were appointed, except for those employed according to the provisions of art. 13 para. (2), (3) and (5).

In the current provisions of the national law, the career of penitentiary police officers is regulated by law and detailed in the Career Guide, approved by order of the Minister of Justice, currently training and training of penitentiary police officers is based on the general requirements of prison administration and specific to the duties of the service.

With regard to the status of the penitentiary policeman (Note: By art. 1 of Law no. 145/2019 on the status of penitentiary police officers, civil servants with special status within the penitentiary system were appointed penitentiary police officers), it should be mentioned that, in accordance with disp. art. 73 para. (3) lit. j) of the Constitution, the special status of the civil servant in the penitentiary administration system must be regulated by organic law. By Decision no. 90/2019, the Constitutional Court highlighted the fact that the essential aspects regarding the occupation of executive and management positions are related to the birth and, respectively, to the modification of the employment relationship, so that they must be regulated by organic law and, regarding the rules related to the procedure occupation of executive functions, the latter must be detailed by order of the relevant minister. Moreover, by the same Decision, the Court pointed out that the law in force (at that time Law no. 293 of June 28, 2004 on the Statute of civil servants with special status in the National Administration of Penitentiaries) on the Status of Civil Servants with Special Status in the National Administration of Penitentiaries was in force) regulates only the general conditions for participation in and the conditions of seniority for the occupation of management positions, while the other essential aspects, respectively the type of competition tests but also the conditions in which the candidates are admitted or rejected, are regulated by order of the Minister of Justice. In view of the above, the Court found that the provisions of law governing these matters by administrative acts violate the provisions of art. 73 para. (3) lit. j) of the Constitution.

The Court also considered that this could lead to an illegal situation in which key issues concerning the establishment or alteration of the employment relationship of a civil servant in general and of the prison police officer in particular were regulated by an administrative act, which would be inconceivable, since, by plan, the legal rules regarding the occupation of

executive and management positions must comply with certain conditions of stability and predictability.

Indeed, the delegation of the power to establish these rules, so important for the penitentiary system, to a member of the Government, by issuing administrative acts of an illegal level, leads directly to a state of legal uncertainty, because the latter category of documents has a high degree of changes over time, and, on the other hand, according to Law no. 24/2000 regarding the norms of legislative technique for the elaboration of normative acts (published in the Official Gazette of Romania, Part I, no. 139 of March 31, 2000 and, subsequently, republished in the Official Gazette of Romania, Part I, no. 260 of April 21, 2010), in the version republished in the Official Gazette of Romania, Part I, no. 260 of April 21, 2010, normative orders are issued only on the basis and in the execution of the law and must be strictly limited to the framework established by the acts on the basis and in the execution of which they were issued, without which the law can be completed.

According to the National Strategy for Social Reintegration of Persons Deprived of Liberty (2015-2019), although there are qualified staff in the field of social reintegration, this is insufficient to ensure the recovery of persons deprived of their liberty.

Vulnerabilities were identified according to the same act and in terms of continuing vocational training, the Strategy emphasizing the need to diversify the curriculum.

It is necessary to highlight, in this context, the institution of the compensatory appeal (introduced by Law no. 169/2017 on amending and supplementing Law no. 254/2013 and appeared in Official Gazette no. 571/18.07.2017), part of the legislative reform initiated as a consequence of the Pilot Decision in the *Rezmiveş* case, which had an immediate consequence in terms of human resources as a result of the adopted legislative measures. Thus, in September 2018, a unique moment was registered at the level of the National Administration of Penitentiaries, by reporting the largest number of staffs employed at the same time with the lowest number of people in custody. However, by reference to the international standards in the field, the problem of staff shortage at the level of most detention units remains, the solution of which cannot be an immediate one, given the current budgetary constraints (Filling the vacancies was one of the objectives of the Human Resources Strategy of the Penitentiary Administration System 2015-2018).

Conclusions

In order to improve the conditions in the penitentiaries, it is necessary to modernize the penitentiary infrastructure, to improve the hygiene conditions, to redistribute the detainees within the penitentiary system, but also to take measures of a legislative nature.

It can be seen that Romania has made efforts in this regard, a fact reflected by the numerous legislative changes to comply with European standards but also to no longer have convictions from the ECHR. However, these legislative changes must continue in parallel with the change in the mentality of the notion of re-education.

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Artificial Intelligence and China's Grand Strategy

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ABSTRACT: This paper offers a preliminary study analyzing the role of artificial intelligence (AI) in the People's Republic of China's grand strategy. This paper examines the discourse on the role of artificial intelligence in China and how it fits into China's grand strategy policies. Particularly, this paper will focus on three grand strategy themes: leader's perception, grand strategy means, and grand strategy ends. China's evolving national interests and strategic ideas are the central concern for its grand strategy. Beijing has the most ambitious AI strategy of all nations and provides the most resources for AI development. Since 2017, the development of AI has become part of China's grand strategy plans setting out goals to build a domestic artificial intelligence industry. The AI sector has turned into a national priority which was included in President Xi Jinping's grand vision for China. China's goals are to make the country "the world's premier artificial intelligence innovation center for AI" by 2030. Ultimately, AI will foster a new national leadership and establish the key fundamentals for great economic power. There are many AI applications in several grand strategy means, including military and economic policies. This paper uses a qualitative content analysis method to examine the case. Data was collected from Chinese leaders' speeches, government statements, official publications, and Chinese state media. This paper concludes that AI will become one of the key components in China's grand strategy means, including economic, military, and intelligence capabilities. By promoting AI technology, China's grand strategy ends are to maintain national power, national face, and international reputations.

KEYWORDS: China's grand strategy, Artificial intelligence, China dream

Introduction

The grand strategy of the People's Republic of China (PRC) has become a focal point in International Relations (IR), Security Studies, and Strategic Studies since the rise of China at the end of the Cold War era (Lin 2019, 208). The People's Republic of China (PRC) is an emerging power that became the second-largest economy in 2010. To maintain economic growth and industrial competitiveness, China emphasizes its economic and technological development. The Chinese government considers a new industrial revolution which could be the key to retain Chinese economic and military power. Artificial intelligence (AI) is then a key technology that would make China stand out globally. With the world's largest population, its large internet audience, and data resources, AI would become the "new oil" of world politics (Nye 2020, 125). In fact, over the past years, China has been investing heavily in the research and development of AI and has set a goal to be the global leader in artificial intelligence by 2030. Some experts believe that China could achieve its goals, given the importance of machine learning as a general-purpose technology that affects many domains, China's AI development in its strategy has particular importance (Lee 2018; Nye 2020, 126).

Therefore, this paper asks: "what is the role of artificial intelligence in China's grand strategy?" The term "grand strategy" was officially introduced by Liddell Hart in 1929, emphasizing that grand strategy – higher strategy – was about more than winning the war, but achieving "a state of peace, and of one's people, [that] is better after the war than before" (Hart 1967). Later, according to Bernstein et al. (1994), grand strategy expands on the traditional idea of strategy beyond military means to include diplomatic, financial, economic, informational means (Murray, Knox, and Bernstein 1996). In later interpretations, Barry Posen describes grand strategy as "a political-military, means-end chain, a state's theory about how it can best "cause" security for itself" (Posen 1986). John Lewis Gaddis posits that grand strategy "is the calculated relationship of means to large ends" (Gaddis 2002). This

author adopts the definitions proposed by Barry Posen and John Gaddis. A grand strategy is a nation-state's theory about producing security for itself (Posen 2014). In this paper, the author first offers an overview of AI development in China, followed by a theoretical perspective of China's grand strategy concepts. Next, this author explains the methods used to conduct empirical analysis. Finally, this author presents the results and discussions. Although this paper is a preliminary research on the role of AI in China's grand strategy, this study has its significance, as the Chinese use of AI in its grand strategy is still an understudied topic.

The Development of Artificial Intelligence Plans in China

In May 2015, Chinese Premier Li Keqiang and his cabinet released "Made in China 2025" (MIC 2025, *zhongguozhizao erling erwu*), a national strategic plan to further develop the manufacturing sector of China (The State Council of China 2015). The plan aims to upgrade the Chinese industrial manufacturing capabilities, growing from labor-intensive workshops into a more technology-intensive powerhouse (The State Council of China 2017a). The key objective of MIC 2025 is to identify essential technologies, such as artificial intelligence, 5G, aerospace, semiconductors, electric vehicles, and biotech, to level up Chinese industrial power and alter the dynamics in global markets. On July 20, 2017, the State Council of China (2017b) issued the "New Generation Artificial Intelligence Development Plan" (AIDP, *xin yidai rengong zhineng fazhan guihua*). This policy outlines China's strategy to build a domestic AI industry and become a leading AI power by 2030, and China will become the world's premier artificial intelligence innovation center. Chinese President Xi Jinping called for embedding advanced technologies into the real economy to foster growth engines and new business models (Xie and Jing, 2017). This was the first time AI was mentioned explicitly in a Communist Party of China work report (Future of Life Institute, 2020). The two aforementioned documents "form the core of China's AI strategy" (Allen 2019, 3). At the operational level, in 2016, China's Minister of Industry and Information Technology (MIIT 2020) released the "Three-year Guidance for Internet Plus Artificial Intelligence Plan (2016-2018)," which focuses on enhancing AI hardware capacity, strong platform ecosystems, AI applications in important socioeconomic areas, and AI's impact on society.

In December 2017, the MIIT issued the "Three-Year Action Plan for Promoting Development of a New Generation Artificial Intelligence Industry (2018–2020)," which sets out targets that strive to achieve major breakthroughs in basic research and a series of artificial intelligence products by 2020, form an international competitive advantage in key areas, deepen the integration of artificial intelligence and the real economy, and integrate AI into manufacturing industries (Bhunja 2017). The Ministry of Science and Technology (MOST), and a new office called the "AI Plan Promotion Office" are responsible for implementing and coordinating the emergent AI-related projects. An AI Strategy Advisory Committee was also formed in 2017 to research strategic issues related to AI. Additionally, an AI Industry Development Alliance was also established, which is co-sponsored by more than 200 enterprises and agencies nationwide and focuses on building a public service platform to develop China's AI industry (Future of Life Institute 2020).

In 2018, The National Innovation Institute of Defense Technology (NIIDT) had established two research organizations focusing on the military use of AI and related tech: the Unmanned Systems Research Center (USRC) and the Artificial Intelligence Research Center (AIRC). The AIRC also likely conducts classified work for the Chinese Military and Intelligence Community (Allen 2019, 8). In May 2019, the Beijing AI Principles (*rengong zhineng Beijing gongshi*) were released by the Beijing Academy of Artificial Intelligence (BAAI). The principles are proposed as an initiative "for the research, development, use, governance and long-term planning of AI, calling for its healthy development to support the construction of a community of common destiny, and the realization of beneficial AI for

mankind and nature (BAAI 2019).” The principles have been officially endorsed by leading universities (including Tsinghua University and Peking University), national research institutions (including Institute of Automation, Chinese Academy of Sciences, Institute of Computing Technologies, and Chinese Academy of Sciences), and the Artificial Intelligence Industry Technology Innovation Strategic Alliance (AITISA).

Variables of China’s Grand Strategy Analysis

This paper differentiates three variables for analysis. The first variable is the leader’s perception in grand strategy decision-making. Andrew Scobell (2014) argues that there are two faces of Chinese strategic culture, which affects leader’s images. The first face of strategic culture is concerned with a country’s self-image (the perceptions and realities of its own dominant strategic traditions and the policy outcome they produce). The second face of strategic culture involves the image constructed by the Chinese leaders towards other countries (Scobell 2014, 52). In an empirical study, Lin concluded that “Chinese leaders view themselves as peaceful and defensive, which is based on traditional cultural philosophy.

On the contrary, Chinese leaders tend to characterize the United States as more focused on aggressive and offensive intentions concerning China” (Lin 2021, 18). Guiding ideology is another factor. Dominant ideologies can affect the state’s attitudes toward international affairs and willingness to use force (Haas and Haas 2005). Political ideology is a “set of beliefs about the proper order of society and how it can be achieved” (Erikson and Tedin 2015). Marxism-Leninism became the first official ideology.

The second variable is grand strategy means. This paper argues that the Chinese grand strategy policy includes military policy, diplomacy, economic policy, intelligence instruments, and state extraction of resources. Military policy is a set of ideas implemented by military organizations to pursue desired strategic goals (Gartner 1999, 163). Diplomacy is the implementation of foreign policy, as distinct from the process of policy formation. Diplomacy can also help drive and guide cooperation between military, economy, and intelligence services (Griffiths, O’callaghan, and Roach 2008, 79). Economic policies are the actions that a government takes to influence the economy of a state (Brown and Ainley 2009, 5). Intelligence instruments are essential tools for Chinese foreign policy and grand strategy. Sun Tzu’s words have often been quoted: “Know the enemy and know yourself; in a hundred battles, you will never be in peril” (Tzu 2007). Neoclassical realism identifies state extractive and mobilization capacity of domestic resources as a crucial intervening variable between systemic imperatives and the grand strategy policies states undertake (Schweller 2009).

The third variable is grand strategy ends. The goal of the Chinese grand strategy is a debated issue as the Chinese government did not reveal it explicitly to the public. There are at least three grand strategy goals that can be identified. First, maintaining national power. Waltz claims that national power is constituted by a web of military, economic, and political capabilities, asserting that a “state’s political competence and stability” constitute an inseparable element of national power (Waltz 2010, 131). Second, China’s grand strategy is to maintain the Chinese national face and international reputation. Peter Hays Gries termed it as “face nationalism,” which is linked to China’s domestic audience and external relations (Gries 1999, 63).

Methods, Data Collection, and Coding Procedures

This paper employs qualitative content analysis to understand the role of AI in China’s grand strategy. Data was collected from state media, government officials’ speeches, and Chinese Communist Party official publications (all in the Chinese language). The author used Chinese keywords searching AI strategy, AI policy, and AI development. The data ranges from 2015 to

the present time. Since only a small number of texts meet this criterion, this researcher analyzes all of them. This author determined 14 documents as evidence for analysis, and 58 codes have been coded from the documents.

Regarding the set of categories and coding rules, this paper uses variables based on the above theoretical perspective to examine the role of AI in China’s grand strategy. Three groups of categories are examined, including leader’s perception, grand strategy means, and grand strategy ends. In the “leader’s perception” category, this author assesses the texts relating to indicators, including “leader’s perception on the role of AI,” “ideology,” “China’s self-image,” and “image towards others.” In the “grand strategy means” category, this author investigates AI applications, including military policy, diplomacy, economic policy, intelligence instruments, and state extraction of resources. In the “grand strategy ends” category, this author examines the related concepts of national power, national face, and international reputation.

Within the coding and analysis process, this author located the key terms in documents, identified what other words or phrases appear next to it, and analyzed the meanings of these relationships to understand better the role of AI in China’s grand strategy. After reviewing the data, this author manually coded the data in the appropriate categories. Next, this author used MAXQDA software to help the process of counting and categorizing words and phrases. MAXQDA is a software program designed for computer-assisted qualitative methods of data and text analysis. After completing the coding, the collected data is analyzed to find patterns, translated into the English language, and conclusions are drawn in response to the research question.

Since this is a preliminary study, this study needs to highlight some research limitations. First, content analysis can sometimes be overly reductive, neglecting some context and ambiguous meanings. Second, the coding process and results interpretation could be biased, which could affect the reliability and validity of the results and findings.

Results and Discussion

Figure 1 shows the relationships between different codes and the frequency of each code. The following codes that have no relations have been ignored by the software, including “state extraction of resources,” “diplomacy,” “ideology,” and “image of others.” The code map shows that the discourse of AI in grand strategy focuses on the perception of the roles and functions of AI, which are mainly connected to the discourse of military policy and national power. Military power is connected with intelligence instruments. National power has strong relationships with economic policy and international reputation.

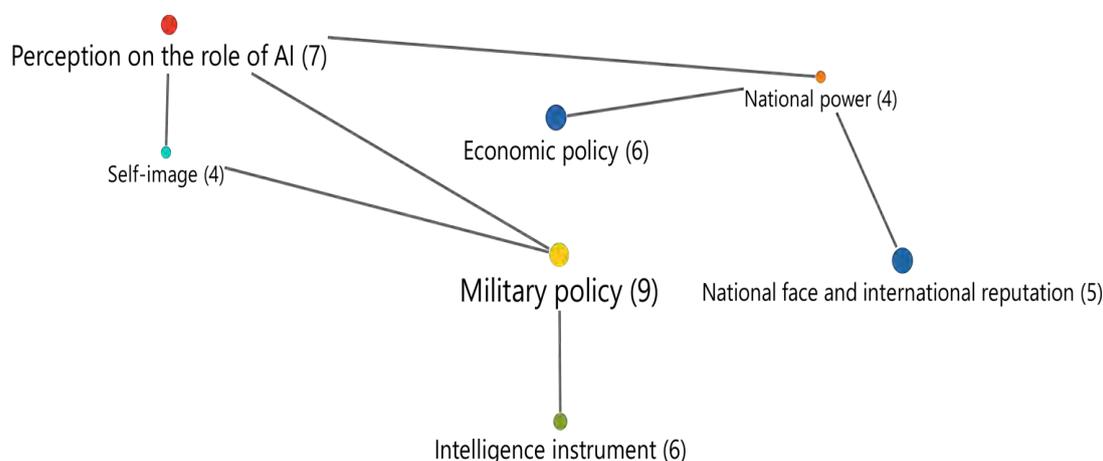


Figure 1. Code Map of AI in China’s grand strategy discourse

In Figure 2, the discourse of AI centers on AI as a means of grand strategy, including the military policy, intelligence instrument, and economic policy. The field of military policy shows more weight in the results. There is almost no mention of diplomacy as a grand strategy means. Although China does not make an explicit connection between AI and its foreign policies, China's leadership believes that AI technology is critical to the future of global military and economic power competition. A leader's perception of the role of AI is a key factor in China's grand strategy discourse. Regarding the grand strategy ends, national power and international reputation appear less than the grand strategy means.

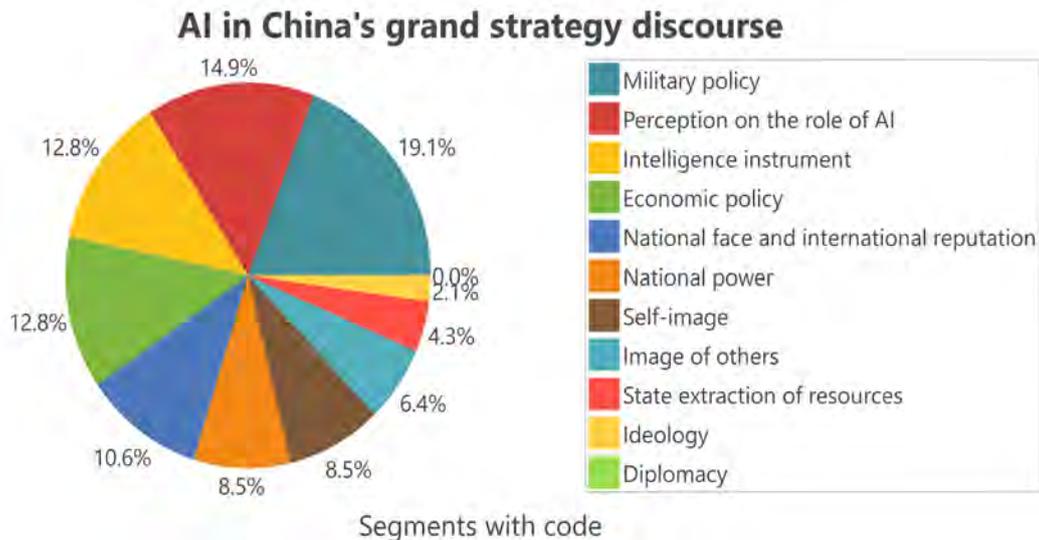


Figure 2. Segments with code (AI in China's Grand Strategy Discourse)

Leader's perception

Chinese top leaders believe that AI will become a crucial tool for China's long-term development. The guiding ideology for the development of artificial intelligence is Xi Jinping thoughts. In the "Notice of the State Council on Issuing the Development Plan for the New Generation of Artificial Intelligence," based on "the spirit of the 18th National Congress of the Communist Party of China and the third, fourth, fifth, and sixth plenary sessions of the 18th National Congress of the Communist Party of China" and the "spirit of General Secretary Xi Jinping's series of important speeches," China aims to accelerate the deep integration of artificial intelligence with the economy, society, and national defense (The State Council of China 2017b).

Regarding the self-image of the role of AI, China's leadership believes that AI technology will be the "dominant factor in determining future battles (Xinhua 2019)," emphasizing AI's critical role in the future of global military and economic power competition. Chinese leaders posit that, over the past years, Chinese AI technology is becoming increasingly mature, making China one of the major countries in artificial intelligence industrialization (Zijuan 2021). However, there is still a gap between China and the developed countries on the overall AI development (State Intellectual Property Office 2018). About the image of others on the role of AI, China perceives that world science and technology are soon going to have a breakthrough in the development of AI. Therefore, the Chinese People's Liberation Army (2019a) "must accelerate the advancement of military intelligence construction and accelerate the forging of an intelligent army." In an official talk, President Xi pointed out that "Artificial intelligence is a strategic technology that leads this round of scientific and technological revolution and industrial transformation...and an important strategic instrument for us to win the initiative in global technological competition (Xinhua 2018)."

Grand strategy means

Chinese leaders consider AI as an important military and intelligence means. In his report to the 19th National Congress of the Communist Party of China, President Xi points out that AI in military development will help achieve the party's goal of strengthening the military in the new era (Zhi-Zhong 2020). He vows to accelerate the development of “intelligenized military” (*junshi zhineng hua*). To use AI in developing weapons, China focuses on the dual needs of intelligent warfare system operations and constructing an intelligent weapon and equipment system (People's Liberation Army News 2019b). AI in military development is becoming a powerful driving force to promote military reforms, and it will have a profound impact on rules of operations and methods of combat in the future (Xinhua 2019).

AI is also an economic means. Specifically, Chinese leaders consider AI as the “new engine” (*xin yinqing*) of economic development. AI will release the enormous energy accumulated in previous technological revolutions and industrial transformations profoundly changing human production (The State Council of China 2017b). President Xi states that AI development is an important strategic starting point for China to win the global science and technology competition and an important strategic resource to promote the optimization and upgrading of industries and the overall rise of productivity (People's Net 2019). Xi argues that China must seize the opportunity to integrate AI into industrial development providing new momentum for high-quality development, improving the intelligent level of traditional infrastructure, and forming an infrastructure system that meets the needs of the Chinese economy and society (Xinhua 2018). For example, China uses the Belt-and-Road Initiative, in which AI “has become an important theme of international cooperation on the BRI, sharing opportunities for intellectual development (Xinhua 2020a).”

Grand strategy ends

The goals of pursuing the China Dream (*zhongguo meng*) and the Strong Army Dream (*qiang jun meng*) are the primary grand strategy ends, enhancing Chinese national power and international prestige. China's 2017 National AI Development Plan identifies AI as a “historic opportunity” for national security leapfrog technologies, and suggests China should “firmly seize the major historic opportunity for the development of AI . . . and support national security, promoting the overall elevation of the nation's competitiveness and leapfrog development.” Chinese leaders believe that China is still in a period of important strategic opportunities that can expand AI technologies. With the help of AI, China will develop better network power, digital power, further advance the industrial base, modernize the industrial chain, and improve economic quality, efficiency, and core competitiveness (Xinhua 2020b). China aims to enhance the new generation of artificial intelligence technological innovation capability, develop a smart economy, build a smart society, and maintain national security. China also invests resources to accelerate the construction of an innovative country with scientific and technological power. The goals include the “two centenary” (*liang ge yibai nian*) goals and the Chinese dream of the “great renaissance” (*weida fuxing*) (State Intellectual Property Office 2018). With the current plans, Chinese leaders believe that China will become a global artificial intelligence competition leader. China will build an open, shared, high-quality and low-cost artificial intelligence technology and application platform that is inclusive of the world and cooperate with the construction of the BRI projects and promote a “community with a shared future for mankind” (*renlei mingyun gongtongti*).

Conclusion

From this analysis, the role of AI in China's grand strategy centers on grand strategy means. The roles and functions of AI are crucial in China's military, economic, and intelligence capabilities.

To prepare for an “intelligentized warfare,” China stresses on the applications of AI in military and intelligence fields. Economic capability is another focus, which is often connected with the discourse of national power. China is determined to ensure that it will catch up with the AI technologies and applications, competing with other economies. The overall goals are to increase the national power, national face and international reputation of China. Chinese leaders, including Chinese President Xi Jinping and Premier Li Keqiang, believe that the development of AI is an opportunity to build strategic capability and impact a state's future competitiveness. The importance of AI in China’s grand strategy will only gain more ground in the future.

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European Union's Struggle with Tax Havens and Profit Drain

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ABSTRACT: The issue of corporate taxation applied in the jurisdiction in which a company operates has recently received increasing political traction, as tax havens have increasingly drawn attention and also as multinationals have developed colossal turnovers, far above the GDPs of less developed countries. Tax havens deprive of billions of dollars many states that have not established through adequate legislation an assertive fiscal control, generating and fueling social inequities and a high degree of poverty. By funneling money through tax havens to avoid the payment of taxes and fees, multinationals deprive national governments of large sums of money that could be directed to education or health programs.

KEYWORDS: tax havens, European Union, tax avoidance, profit shifting

Introduction

In recent years, the European Union, taking advantage of the favorable context and political popularity of the subject, has outlined a series of measures and criteria to prevent the hiding of profits via tax havens and also to regulate “transfer pricing,” i.e., transactions between companies in the same group, for which high commissions are charged in the country where taxes are lower, thus bringing a higher profit to the central level of a multinational.

A compelling example of this is EU Directive 1164/2016 – “AntiTax Avoidance Directive” (ATAD), which tries to combat cross-border tax avoidance practices and provide a common framework at the EU level for the implementation of OECD/G20 project results against the erosion of the domestic tax base and profit shifting (BEPS). The main measures proposed by ATAD are: Limiting interest deductibility; Enforcing an exit tax in case of transfers of assets/transfer of fiscal residence/activity of a permanent headquarter; General anti-abuse rule; Rules on controlled foreign companies (CFCs); Rules for combating the non-uniform treatment of hybrid financial instruments or entities.

One year later, the Union proposed Directive 2017/952 known as ATAD II, which provides for additional measures to combat the non-uniform treatment of hybrid financial instruments or entities. The new rules have as main goal the prevention of artificial transfers of profits through the possibility of contracting interest-bearing loans. Another aim is for companies belonging to a group to finance themselves more expensively both from their affiliates, respectively from other companies in the group, as well as from financial institutions, precisely to prevent this from happening in an uneven and unregulated setting.

The deadlines for implementing the transposition were January 1, 2020, for most of the provisions, with some of them having the possibility of transposition until 2023 - under certain conditions imposed by the specifics of national legislation. At the same time, the European Union has been working on a blacklist of tax havens operating outside the EU, even considering sanctions against these states. The list contains 17 jurisdictions and a gray list of 47 supervised territories that have agreed to make changes to national tax regulations. The first 17 states included in the list are: American Samoa, Bahrain, Barbados, Grenada, Guam, North Korea, Macao, Marshall Islands, Mongolia, Namibia,

Palau, Panama, Saint Lucia, Samoa, Trinidad and Tobago, Tunisia, and the United Arab Emirates.

The need for rebalancing the taxation system in the European Union

The main purpose was to harmonize the tax legislation of so-called tax havens with relevant legislation at the Community level. However, it is extremely likely that European decision-makers have skipped some names from the list. There is also the happy case in which some states have complied with stricter rules in trade with the Community bloc and have thus left this list. It must be said that this list is constantly being updated and that European states find it quite difficult to agree on it.

The former European Commission portrayed the list as a real success. In a press release in March 2019, the European Commission announced that it assessed 92 countries based on three criteria:

1. fiscal transparency
2. good governance
3. real economic activity
4. existence of zero income tax rate indicator.

According to the situation presented by the Commission, 60 states have taken action in response to concerns expressed by the European executive, and more than 100 harmful tax regimes have been eliminated, thus the list has helped to universalize and standardize international tax practices. Two years after the list was introduced, the Union added 6 more states (Aruba, Belize, Bermuda, Fiji, Oman, Vanuatu, and Dominica) and announced that three G20 countries (Russia, Mexico, and Argentina) would be subject to scrutiny, due to a more in-depth examination and the introduction of more mandatory transparency criteria.

Overall, we can certainly say that the list is neither robust nor comprehensive. It could be improved if some objective criteria were applied and the main reason why these states would be put on such a list would not be a political one. There are also the EU Member States whose legislation is similar to some of those on the “blacklist of tax havens.” This shows that although the Union’s action is a step in the right direction, the criteria are not perfect and cannot include all tax havens. An objective blacklist with more clearly defined criteria, combined with measures to counteract the specific effects of the tax havens, and could ultimately lead to the end of tax havens.

Let us first consider the three criteria by which the European Union checks whether or not states are blacklisted and how they could be improved in order for the list to become objective. Tax transparency should mean that states are constantly exchanging information and good practices and are members of the Convention on Mutual Administrative Assistance in Tax Matters. The Convention is currently signed by 88 states.

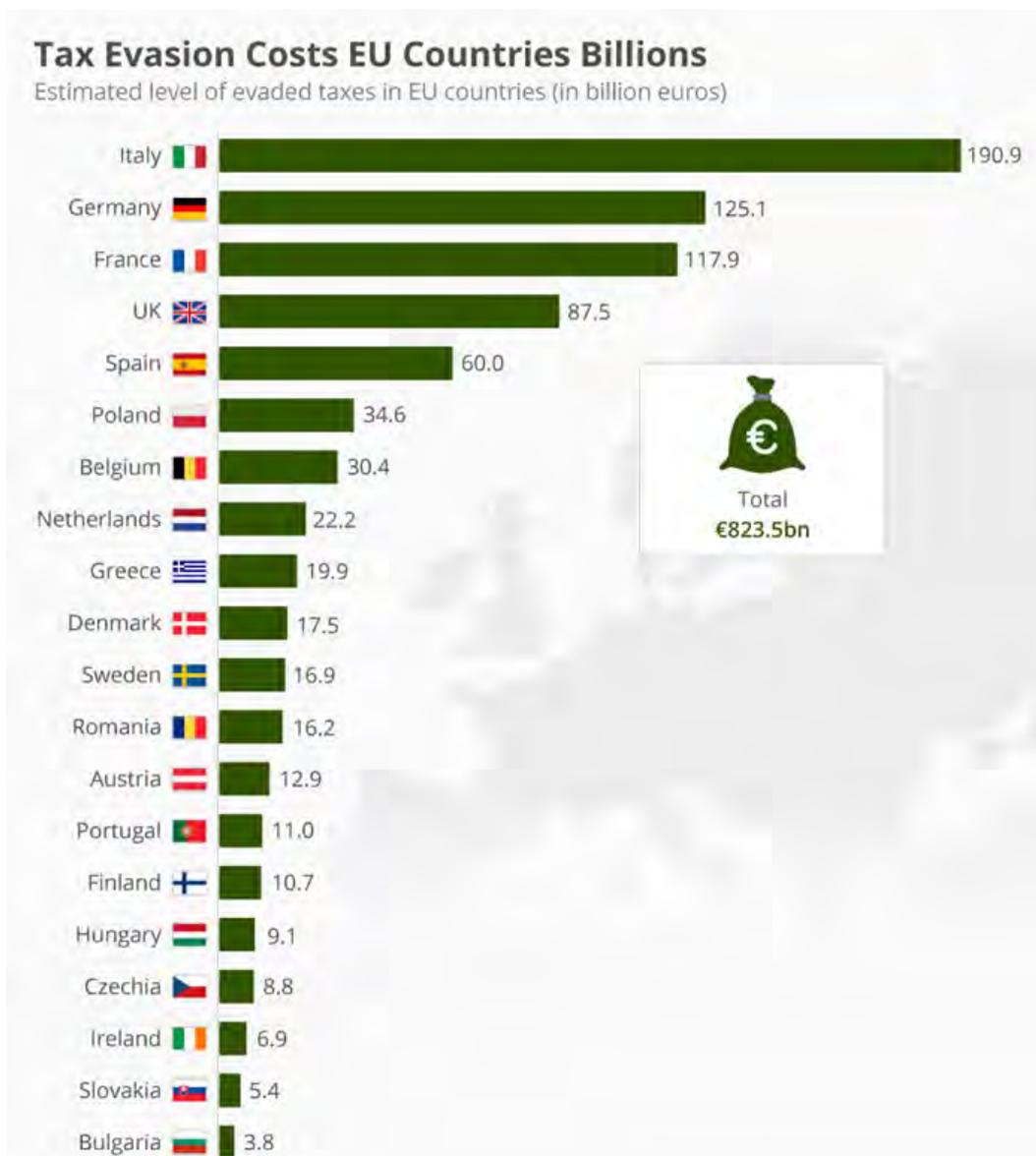


Figure 1. EU tax evasion costs
 Source: University of London Study, 2019

Good fiscal governance would mean that states do not adopt preferential taxation measures, do not facilitate the use of offshore structures or other types of arrangements that drive profits that do not represent real economic activities. The existence of a zero tax rate is used as an indicator in this respect, but it must be said that the Union does not publicly offer the methodology on which it carries out these assessments. Therefore, we need to look in detail at other economic indicators through which some states can offer fiscal and tax advantages without any concrete economic activity.

The third equally important criterion should be the implementation of anti-BEPS measures. BEPS is an acronym that highlights the erosion of the tax base and the shifting of profits, being an OECD project that has generated a set of global standards against the “transfers of profits.” OECD anti-BEPS standards are the basis of the ATAD Directive. In order not to be suspected of being a “tax haven,” states must apply or comply with basic anti-BEPS standards.

Economists say that if these objective criteria were applied, at least 35 states would be blacklisted. Important names for the EU would be Albania, Northern Macedonia, Montenegro, Switzerland, or Serbia. The same analysts say that given a rigorous analysis, the Netherlands, Luxembourg, Ireland, and Cyprus should also be included in this list, having some of the worst corporate tax regimes. The scandals involving companies such as Apple or Amazon that avoided taxes by moving their headquarters to Ireland or Luxembourg are further proof that there are tax havens among EU member states as well. This fact has led to discussions at the European level on a so-called “GAFA tax (Google, Amazon, Facebook, Apple),” strongly supported by France.

The European Union must find the right mix between its regional development policy and the help it offers to developing countries with the legislative and regulatory coverage of European tax havens or those on the periphery of the EU. They deprive the Union budget of some revenue that could be used for education and health policies in poor regions.

Europe is also the region with the lowest average corporate tax rate in the world. Last but not least, the Union must treat its members the same as countries on the blacklist of tax havens, in the light of promoting fair and uniform taxation globally. The same regime must apply to the overseas territories of the Member States, which is currently an important issue in the Brexit negotiations.

For a blacklist of tax havens to be objective and effective, it must be free from any political interference or bias. All states must be assessed objectively, regardless of size or geopolitical power, otherwise, multinationals will turn to tax havens such as Singapore, an example of a state too strong to be put on such a list. There is also a need for more transparency in addressing this assessment. However, the European Commission’s body in charge of the list is one of the most non-transparent institutions, hiding behind the confidentiality of data. Greater transparency and some public debate on this matter are needed to generate greater market confidence in this process.

What levers does the European Union have at its disposal?

As it has promised at the political level, it may be time for the Union to take concrete action to hold multinationals accountable, as well as some European countries, to stop the funneling of resources away from the development of societies. Tax havens are the result of an inefficient and malfunctioning global tax system. To enforce policies that combat social inequity at a global scale, large corporations need to actually pay their share of taxes, to ensure a socio-economic footprint in the states where they do business.

An effective first step in this direction is for the Union to adopt and then cascade to the Member States a blacklist of tax havens that is extremely clear and unequivocal. For this to be feasible the list must be drawn up based on some objective criteria and, most importantly, it must be free from any possibility of political intervention. Furthermore, the criteria on which the list is based needs to be constantly checked and improved so that they also apply to EU Member States where appropriate.

Transparency is another important element in the fight against tax havens. At the moment, it is not very clear what methodology the Union has adopted in trying to develop such a blacklist. European decision-makers must make available to the public the clear methodology and criteria on which they analyze tax havens. Furthermore, the Union may adopt corporate governance policies such as codes of conduct, which are binding for the fiscal policies of all Member States. This increased transparency would bring even more confidence among citizens, as well as fewer opportunities for political interference.

It is very important that these measures are doubled and coordinated by an active and determined position against the states on this blacklist. At the same time, the Union may take

defensive measures against the actions of these States, in order to limit the erosion of the corporate tax base in the country where the multinational operates, as well as the tactics aiming to move the profit away from the country of origin.

Governments need to act quickly to strengthen the so-called CFC rules, adjusting the laws to allow the taxation of profits sent to tax havens. Once improved, the rules will help limit artificial tax deferral by using low-tax offshore entities.

European tax havens must also be taken seriously and receive no special status compared to other tax havens. The Union may require its Member States to adopt a more restrictive legislative framework to help prevent misleading taxation practices. The legislative framework can also be extrapolated to create basic legislation on tax avoidance for payments such as royalties or interest.

Last but not least, the harmonization of legislative frameworks at the European level must be done in the light of the proposals present in the Common Corporate Tax Base (CCTB) and Common Consolidated Corporate Tax Base (CCCTB) Directives. Thus, they must be included in the harmonized system and when determining the basis of application for the corporate tax and the potential reputed gain from the digital activities of large companies. The rules on fiscal consolidation at the Union level, as well as the formula for allocating the tax base of a multinational among Member States, must be implemented as matters of priority. Member State governments have a duty to monitor the implementation and take punitive action if large corporations circumvent these rules.

These measures must complement those that help states break out of the paradigm of tax havens. Specifically, the Union can come up with economic and fiscal stimulus measures, which should go to the states that currently live from their status as tax havens, being dependent on the money that multinationals pump into the local economy. These measures can also be taken in a controlled way by the Member States, providing tax facilities to multinationals that choose to invest transparently in the development of facilities in states considered tax havens. The authorities have a duty to ensure that the socio-economic impact of the investment contributes to the economic development of the community. Such measures also develop a more stable, equitable, sustainable, and diversified economic framework globally.

Conclusions

Tax havens and race-to-the-bottom policies help increase the profits of multinational companies, but at the same time deprive national governments of some revenue that could be directed towards social policies. The European Union has made a healthy and necessary exercise in identifying tax havens and blacklisting them. The Union will also outline a policy that will aim to convince as many states as possible to comply with some international standards and be removed from the blacklist.

However, the exercise has some shortcomings and political pressure has hampered the objectivity of the Union's decisions in this regard. For example, London's political lobby has long led to the EU turning a blind eye to Britain's Overseas Territories and Crown Dependencies. The British government has exerted its influence to exclude them from the list, but at the same time, it has done a lot to improve the transparency of economic activity in these territories. This has led London to adopt a focus on transparency in its discourse and not to include other criteria or aspects of taxation policies in the process of blacklisting territories. Practice has shown that many of these territories or dependencies have been at the center of scandals, being categorized as genuine tax havens. The British Virgin Islands are home to many companies that were discovered in the Panama Papers scandal. Bermuda is another example of this. Many of these territories do not levy a profit tax, placing them at the top of race-to-the-bottom policies.

The steps identified so far in countering tax havens show that the EU is on the right track, but there is still much to be done until the system becomes truly efficient. First of all, a set of rules must be outlined that does not succumb to the force exerted by politics and stands out as a result of objective and extremely clear criteria. The Union will also no longer be able to ignore indefinitely its Member States, which should be on this list given a rigorous approach. The measures must be applied in a very strict way by the authorities, and the blacklist must be combined with strong countermeasures that would lead states to avoid association with such an entourage.

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Legislative and Jurisprudential Considerations Regarding the Restriction of the Free Movement of Goods on the EU Internal Market from the Viewpoint of Public Health Protection

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ABSTRACT: In the context of a globalized economy, a functioning internal market of goods is an essential component of the current and future prosperity of the European Union. Taking into account that the harmonized legislation of the European Union has enshrined the principle of free movement of goods in concrete terms and for specific products, such as, for example, medicinal products, this article examines the restrictions and prohibitions which, even if raise barriers to free trade, they defend important objectives, such as human health. In the context of the current major global developments, the article aims to analyze how the reasons justifying the limiting of the free movement of goods, imposed by the principle of precaution for reasons of environmental and human health protection, have been used over time. In all EU policies, the concept of public health is inextricably linked to sustainable development and the effective protection of the health and life of citizens cannot be conceived without the greening of free movement of goods, more and more visible in recent years. At the same time, new innovative products and technical progress involve new challenges, and a national regulatory framework that ignores these developments may soon become an obstacle to cross-border trade.

KEYWORDS: public health, European internal market, Court of Justice of the European Union, innovative medicinal product, the principle of precaution, harmonized legislation

Introduction

The free movement of goods is one of the cornerstones of the internal market. The principle of the free movement of goods requires a common regulatory framework to ensure the unrestricted traffic of goods within the Union, in the same way as it is done within a country. This means that the basic technical standards, the product certification and the metrological definitions must comply with the rules established at European level. Regarding these rules, products can be divided into two main categories: products for which common harmonized standards have been adopted and products for which there are no harmonized standards.

Theory

From a legal perspective, the free movement of goods is one of the economic freedoms established by the Treaty on the Functioning of the European Union (TFEU). Articles 28 and 29 TFEU define the scope and content of the principle and Articles 34-37 TFEU prohibit unjustified restrictions against trade within the European Union.

Currently, the domestic market exceeds the scope of those articles of the Treaty. Harmonized legislation in several areas has defined the internal market, establishing the principle of the free movement of goods in concrete terms, for specific products. However, the fundamental function of the principle of the Treaty, of support and safety mechanism for the domestic market, remains unchanged.

Although many important restrictions to the free movement of goods have now been removed (Marin, Buzescu 2020, 728-737), the continuous flow of complaints from citizens and companies referred to the Court of Justice of the European Union points out that even the best efforts have not eliminated all barriers to trade.

Results and discussion

In the *Cassis de Dijon* judgment, the Court presented the concept of mandatory requirements as a non-exhaustive list of interests protected under Article 34 TFEU. In the same judgment, the Court stated that these mandatory requirements relate in particular to the effectiveness of fiscal supervision, the protection of public health, fair trade and consumer protection.

The mandatory requirements, as established by the Court in the *Cassis de Dijon* case, can only be invoked to justify the rules applied without distinction. Therefore, for reasons other than those provided for in Article 36 TFEU, they cannot be used in theory to justify discriminatory measures. In Case C-2/90 *Commission / Belgium*, the Court ruled that the measure that could be considered discriminatory was not discriminatory due to the special nature of the litigation, and admitted the justification concerning environmental protection.

Although environmental protection is not expressly mentioned in Article 36 TFEU, it was recognized by the Court as being a priority mandatory requirement. Thus, in Case 302/86 *Commission / Denmark*, paragraph 8, the Court held that environmental protection is one of the key Community objectives that may justify, as such, certain limitations on the free movement of goods.

In its case law, the Court of Justice of the European Union has justified many national measures for reasons of environmental protection, such as: prohibiting the importation of waste from other Member States; a deposit and return system for containers; a ban on certain chemicals, but providing for exceptions when there are no available safe substitutes (Case C-473/98 *Toolex*); ordering the electricity suppliers to purchase the entire production of electricity from renewable sources in a limited delivery area (Case C-379/98 *PreussenElektra*).

In some cases, such as, for example, Case C-67/97 *Bluhme*, the Court considered environmental protection as a component of public health and of Article 36 TFEU. Environmental protection is closely connected to the protection of human life (Rotaru 2019, 269-270) and health and, as a result of the progress of science and the high level of public information (Botină, Marin 2021, 57-66), is invoked more and more frequently by Member States.

However, even in these circumstances, the Court does not consider this reason as always enough to justify any action. Indeed, in recent years, the Court has confirmed several times that public health and environmental justifications are not always sufficient to limit the free movement of goods. In several cases, the Court upheld the Commission's arguments that the national measures were disproportionate to the aim pursued or that there was insufficient evidence of risk. (See, for example: case C-319/05 *Commission/Germany*; case C-254/05 *Commission/Belgium*; case C-297/05 *Commission/The Netherlands*; case C-432/03 *Commission/Portugal*; case C-212/03 *Commission/France*).

Member States have the obligation to prove that the justified precautionary measures can be taken on grounds of public morality, public order, public safety, protection of the health and life of humans and animals or preservation of plants. However, the prohibitions or restrictions shall not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Nevertheless, Member States do not have to demonstrate a clear link between evidence and risks, being sufficient to show that the area in question is marked by scientific

uncertainty. Subsequently, the EU institutions assess the case presented by the Member State according to the principle of precaution.

About consumer protection, certain barriers to trade within the EU, arising from the differences between the provisions of national legislation, must be accepted in so far as those provisions apply to domestic and imported products without distinction and may be justified by the need to meet certain priority requirements of consumer protection or fair trade. In order to be permissible, such provisions must be proportionate to the aim, which cannot be achieved by less restrictive measures against trade within the EU.

A traditional principle of the case law of the Court provides that, where imported products are similar to the internal ones, appropriate labelling that may be provided in national legislation, will be sufficient to give the consumer the necessary information on product characteristics.

Conclusions

Pursuant to Article 36 TFEU, upon the principle of the free movement of goods may be imposed certain prohibitions or restrictions on import, export or transit, justified on grounds of the protection of the health and life of humans or of the environment.

The Court of Justice ruled that the health and life of humans rank the most important place among the property or interests protected by Article 36 and the Member States shall decide, within the limits imposed by the Treaty, which is the degree of protection that will ensure, in particular how strict will be the checks that are to be undertaken (Case 104/75 *De Peijper*).

The Court also stated that the national rules or practices do not fall within the exception specified in Article 36 if the health and life of humans can be as effectively protected by measures which do not significantly restrict trade within the European Union.

The protection of the health and life of humans, animals and plants is the most common justification Member States usually use in trying to justify obstacles to the free movement of goods.

Although the case law of the Court is very extensive in this area, there are a few main rules to be followed, namely: health protection cannot be invoked if the real purpose of the measure is to protect the domestic market even if, in the absence of harmonization, the decision on the level of protection belongs to the Member State; the measures taken must be proportionate, therefore limited to what is necessary in order to achieve the legitimate objective of the protection of public health. In addition, such measures must be justified by providing evidence, data (technical, scientific, statistical, nutritional) and all other relevant information (Case C-270/02 *Commission/Italy*; Case C-319/05 *Commission/Germany*).

Under a constant case law, the Court emphasized that real risks need to be demonstrated in the light of the recent results in international scientific research.

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Applicability of Link Analysis Software in Intelligence Criminal

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ABSTRACT: The accelerated evolution of technology during all this time has meant for forensic science a bridge from the classic methods of solving cases to modern methods of expertise. Numerous modern forensic identification devices have stormed the field of science in question. The novelty element that represented the beginning of the evolution of technology was the computer, and at the time of its appearance, for forensic specialists, it was a challenge that was determined to be a real success. With the development of the technological field, there is a significant increase in computerized crimes, which could not be controlled and stopped at the same time with the new device, software or program. If yesterday we were working with documents that became archives, where despite the high crime rate, it was equivalent to the rate of solving them. Cybercrime has become a real problem for the authorities, given that documents are stored on servers and they belong to national security, mentioning here about: the personal data of each citizen, financial statistics, military statistics, etc. Disclosing such secrets poses a major risk to national security, and these criminals are called hackers. Against hackers, intelligence forensics have had to find solutions to stop cybercrime in such a short time. One of the modern programs in the software industry is Link Analysis. This program is used for the purpose of discovering valuable knowledge, such as data analysis from the computer systems of the state institutions concerned, namely links to web platforms or civil society. Link Analysis will allow determining their relationship and also will allow the optimization of all search engines (Google, Yahoo, etc.) in the field of medical, forensic or security. Regarding the networking network, the software makes the connection between determining the integrity of the internet connection in each network node and the physical and virtual connections after analyzing the specific data. With the help of this software, forensic specialists will be able to find all the digital blockages, improving the internet network and thus avoiding cyber-attacks.

KEYWORDS: internet, software, forensics, cybernetics, data analysis

Link Analysis. Technical - computer characteristics

Link Analysis is a software for link diagrams, and its field of activity is merging objects, saving, sharing and retrieving link diagrams, issuing alarms, using the integrated map, canceling or redoing the analysis steps and generating thermal maps.

Link Analysis is easy to manage, being a software that has included a series of capabilities that allow us to build our own connections or to quickly implement a series of own analyzes in our own spreadsheets, such as Excel/CSV resulting in automatic formatting and normalization of telephone records.

This is more than we think, it is a developed Enterprise type network that combines our analysis data with a Big Data (a very large database) such as - dashboards or entity extraction. Each brings an important role that demonstrates that Link Analysis is not just a start-up software, but has implemented the end-to-end structure for accessing analytical data.

Link Analysis. A better way to solve investigations

There is a major problem worldwide, in the legal field, namely the problem of data storage, where we all know that as technology evolves, so do analytical data: personal information,

national security, forensic, legal, etc. are above the average of the storage blocks, and this resulted in a mental and physical fatigue of the investigators from all departments.

By evaluating the relationships and connections between people, organizations, etc. link analysis has a strong impact on identification, drastically reducing the time required to expose data on fraud, money laundering and a range of criminal activities. Specifically, forensic investigators will make a small effort to identify the elements, which means that results will be commensurate, I say this because the rule of time applies in this area of activity.

So, with the help of this software, investigators will have access to related data on identifying the actions of suspects. From a data set, data networks include:

- Data networks on telephone calls, so investigators will see who the call participants are;
- Data networks that show who the intermediate characters in the action of the suspects are;
- Data networks that make connections between criminal groups, here investigators will have access to data such as: conflicts of interest, threats, etc.

Therefore, if investigators are able to make connections from the data provided by the software, they can draw conclusions much more easily about the criminal activity of a person or a criminal group. If we are wondering how this activity is carried out by investigators, well, with the help of analysis tools provided by the software, in order to store as much information as possible. This aspect leads to the acceleration of the discovery of criminal activities and at the same time to the arrest of the perpetrator or of the group in question.

Today's criminal network is carefully tracked and analyzed through so-called nodes discovered with the help of software and of course it does not refer strictly to people, we include here vehicles, weapons, bank accounts, etc. If the analytical capacity is not reached by the investigators, they will have to keep only the web network that comes bundled with a complexity of connections, thus making the mission of identifying and arresting the person or persons responsible, much more difficult, for example: reaching data analysis in spreadsheets.

To understand exactly what the source data provided by link analysis is, let's remember the following:

- Detailed telephone records, where we can also include those of the victims;
- Data on the application of laws, the legal ones more precisely;
- Internal data of the police and here we can refer to personal data of criminals, victims, data on arrests, history of employers, etc.

Concluding this statement, I say that: the analysis of investigators with the help of link analysis, can combat such crimes or can detect suspicions and not only, keep data with increased security.

In order to quickly understand the links and associations, their value is actually the quick and easy way to develop the multitude of relationships, because when they are associated correctly, investigators can better understand the depth of information. Usually, the connection data is displayed as a graph, with those nodes that signify the interests and relationships of different transactions, and the access links offer the possibility to capitalize on some relationships or transactions, as I said above, but in this case with certainty.

Another important element that we can talk about is the problem of investigators in the case of conglomeration of data and analysis charts, which can be a challenge for them, so the software tools come to the rescue. These tools automatically establish the variety of data, predefining them concretely, so that the work of specialists becomes clear and understood, their name can also be found in the form of automatic models.

Every time there are new cases, for investigators, everything becomes a real challenge, due to the large volume of data that makes it difficult to make their connection. One tool in the software analyzed in the paper is the method of exploring associations, the investigators associating the multitude of different objects to finally draw conclusions about the complexity of the objects collected.

Use of Link Analysis in Forensic Accounting

One thing known to forensic specialists is the analysis of several registers that contain thousands of entities in order to detect potential problems, which means that it is a task that involves maximum responsibility.

A case study conducted by Andrew Marane (2008), a specialist in forensic analysis, demonstrated the functionality of the Link Analysis software on an accounting database extracted from a forensic audit register. The specialist's analysis consists in: the combination of green spaces and red receiving entities will obtain a package of black entities, where with their help the identification of errors in entry accounts, and here we mention debit or credit entries, which are wrong in the register, is easier to achieve. Basically, this aspect leads to advantages in the successful conduct of the investigation for the investigators of judicial accounts or in the fraud department. These benefits are realized through an examination of potential problems and accounts. So, there are two simultaneous and interactive views, according to the study, namely: a dynamic relationship chart that shows the flow of debit and credit entries of debt accounts belonging to the suspects, so in conclusion the investigator from forensic accounting or fraud department, can easily examine, analysis data highlighted by software.

In the dynamic relationship, through Link Analysis, it is shown that debit and credit transactions overlap, hence the appearance of those black packages. So, according to the study, it is understood that by hovering the mouse over the packages of interest you get an interactive perspective on the time transaction, resulting in highlighting the underlying data of the examination of the event. The most important aspect of this "action" is the company's result in external debt, amounts being significant, most being over 100 thousand dollars. By drilling down, we find that in the second set of new structured transactions, these are recurring payments, all around the same amount.

The next block of sequentially structured data in the Link Analysis software shows the contrast with the previous block, and the money, being from the clients of the economic suspects. From the specialist's point of view, he considers that the existence of direct transactions between customers' accounts without the involvement of those from GLA, more precisely, could be the possibility for these customers to pay each other in the register. So, there are three blocks that belong to the last data set in the Link Analysis software, the outline being: a block of random transactions, then a subset of structured transactions followed by another block of transactions (Marane 2008).

Finally, we note that the visual analysis offered by Link Analysis software in forensic accounting can provide a great resource to those directly involved in internal audit, forensic accounting and fraud examinations. It is understandable that the steps involved in such audits are not eliminated, as they provide the investigator (forensic accounting or fruit department) with areas to focus on and holistic concepts of the flow of transactions within that registry.

Conclusions

We need to recognize the importance of information technology in investigators' criminal investigations because cybercrime has reached the top of the most dangerous forms of crime. I specified this aspect because the age of technology is gaining ground in the face of classical methods and overcrowded bureaucracy, and all data related to national security must be protected, but what happens when this database is entered illegally? Thus, the investment in information technology is increasing and the police stations around the world have increased their teams with staff who are basically engineers.

Speaking of cybercrime, a trigger in the emergence of a wide range of preventive software, an increasing number of Internet users end up committing crimes through various methods.

That's why we considered the study on cybercrime important, because according to official data published by the FBI, 45% of the American population was the target of a cyber-attack, whether we are talking about broken passwords (Facebook, e-mail, bank accounts), espionage through cameras video attached to computers or devices (phones, tablets, smartwatches). Another statistic from the University of Maryland shows that in the 21st century there is a very high crime rate, with a personal character manifested worldwide.

The importance of such software significantly reduces the number of cybercrimes, but an important aspect that cannot be neglected is that we cannot deny the existence of cases where the authorities failed in computer investigations, but at the level of national security, solutions were found to these issues that reduce their level of credibility in front of the public.

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Ecofeminism: A Study at the Roots of Gender Inequalities

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ABSTRACT: Ecocriticism is, as put forward by Diamond and Orenstein, ‘a new term for ancient wisdom’. It is a value system that explores the connections between androcentrism and environmental destruction. The theory emerged from various social movements, from both activist and academic fields during the 1980s. Ecofeminism, as a movement, developed from antimilitarist action movement in the United States while founding a political platform for the US Green party. The term was first used by Francoise D’Eaubonne (1980) in her article “Feminism or Death.” From the mid-1970s, ecological critique turned to play a significant role in the women’s movements worldwide.

KEYWORDS: ecofeminism, value dualism, androcentrism, gender inequalities

At the “Women and Environment Conference” at UC Berkley in 1974, convened by Sandra Marburg and Lisa Watson, the connection between women and environment was officially registered for the first time. A considerable number of women were motivated, after the meltdown at the Three Mile Island, to join the ‘first ecofeminist conference’ (as Shiva and Mies put it)—“Women and Life on Earth: A Conference on Eco-Feminism in the Eighties”, held at Amherst in March 1980. This conference noted the correlation between feminism, militarization, healing and ecology. Yenestra King, one of the organizers of the conference, observed:

“Ecofeminism is about connectedness and wholeness of theory and practice. It asserts the special strength and integrity of every living thing. For us, the snail darter is to be considered side by side with a community’s need for water...We are a woman-identified movement and we believe we have a special work to do in these imperiled times” (King 1983, 10).

In 1981, ‘Women for Life on Earth’ (WFLOE) group was formed, being inspired by the Amherst conference. The ecofeminist newsletter, “W.E.B: Women of the Earth Bonding”, came out with four issues within 1981-83. The first anthology on ecofeminism, *Reclaim the Earth: Women Speak out for Life on Earth*, edited by Leonie Caldecott and Stephanie Leland, was published in 1983. Yenestra King and Starhawk initiated ‘Woman Earth Peace Institute’, which is an ecofeminist educational centre, in 1985. Their chief goal was to disrupt the white domination within ecofeminism.

Rosemary Ruether, in 1975, warned women against the ‘symbolic role’ imposed upon them by the dominant patriarchal culture at the time of any ecological crisis: “Any effort to reconcile such a male with “nature”, which doesn’t restructure the psychology and social patterns which make nature “alien”, will tend to shape women, the patriarchal symbol of “nature”, (emphasis added) into romanticized servitude to a male-defined alienation. Women will again be asked to be the “natural wood-nymph and earth mother and to create places of escape from the destructive patterns of the dominant culture” (qtd in Dobscha 2012, 37).

Merchant (1980) questions the mechanistic view of science that undermines femininity and nature in her *The Death of Nature: Women, Ecology, and the Scientific Revolution*. Mies and Shiva (1993) find the connection between the ‘corporate and military warriors’ aggression against the environment and the aggression against female body in the Introduction to their book *Ecofeminism*. As they put it, women in Switzerland demonstrating against Seveso poisoning noted: “We should think of controlling our bodies in a more global way, as it is not only men and doctors who believes aggressively towards our bodies, but also

the multinationals! What more aggression against the body of women, against the children than that of La Roche-Givaudan at Seveso?" (Shiva 1993, 14).

Vandana Shiva correlates different types of violence against women and nature within *Staying Alive: Women, Ecology and Survival in India* (1988). Here Shiva analyses the fashion in which industrialization, afforestation, white revolution, green revolution, and genetic engineering have unfavourably moved the poor women throughout the world.

As Spretnak (1993) observes the archaeological evidence points that in Neolithic Age, the earth and the female were highly respected in European culture. The worshipping of the female deities in the form of various elements of nature shows the interconnectedness with the 'elemental power of the female' and nature. From the Bronze Age, the situation began to change. Some Ecofeminists like Carolyn Merchant (author of *The Death of Nature*) focuses on the upturn/subversion of the organic cosmology helping to protect nature for centuries by the revolutions (both scientific and cultural) of the 18th century European *Enlightenment*, obsessed with 'progress'.

The nature/culture dualism within the patriarchal design has been disclosed within the collection *Ecofeminism: Women, Animal, Nature* (1993), edited by Greta Gaard. It exposes the androcentric attitude that devalues women, animals and nature.

The basic concept of ecofeminism is the realization that various systems of oppression are, according to Gaard, 'mutually reinforcing'. Patriarchal society, as the Ecofeminists believe, is based on four 'interlocking pillars'— racism, sexism, class exploitation and environmental destruction. The dominant culture portrays not only women but all the oppressed social classes as being 'closer to nature'. Greta Gaard, in her "Toward a Queer Ecofeminism" reflects after Warren:

An early impetus for the ecofeminist movement was the realization that the liberation of women—the aim of all branches of feminism—cannot be fully effected without the liberation of nature; and conversely, the liberation of nature so ardently desired by environmentalists will not be fully effected without the liberation of women: conceptual, symbolic, empirical and historical linkages between women and nature as they are constructed in Western culture require feminists and environmentalists to address these literary efforts together if we are to be successful (Gaard 2012, 440).

The basic aim of ecofeminism differs from that of liberal feminism. Ecofeminists do not demand equal rights with men, what they seek is a liberation of women as women, and the recognition of the importance of the activities traditionally associated with women like childbirth, nurturing and the jobs done within the domestic arena.

Norwood (1993) presents the association of women with nature and the efforts of the women in preserving the environment in *Made from this Earth*. Within the book, she observes that, promoting its own history, and recognising the contribution of women in nurturing plants and animals, are the only ways in which ecofeminism may exhibit how women's culture can initiate the base of a better world in the coming days.

The basic argument of ecofeminism is based on the assumption of the existence of a difference between entities and their relatedness to one another in a hierarchical fashion. Value dualisms, as Karren Warren explains, are ways of conceptually organizing the world of binary. Each side of the dualism is "seen as exclusive (rather than inclusive) and oppositional (rather than complementary), and where higher value or superiority is attributed to one disjunct (or, side of the dualism) than the other" (qtd in Gaard 2012, 143). The 'master identity', as explained by Val Plumwood, creates and depends on a 'dualized structure of otherness and negation'. She also provides a list of the dualized pairs of the key elements in that structure; though she never claims for the completeness of the list:

culture/ nature

reason/ nature
 male/ female
 mind/ body
 master/ slave
 reason/ matter (physicality)
 rationality/ animality (nature)
 reason/ emotion (nature)
 mind, spirit/ nature
 freedom/ necessity (nature)
 universal/ particular
 human/ nature (nonhuman)
 civilized/ primitive (nature)
 production/ reproduction (nature)
 public/ private
 subject/ object (Plumwood 1993, 43)

For the sake of emphasizing the distinction between the elements of the pairs, the contribution of the downside is ignored or 'back grounded' as not so important or relevant. She also observes that in creating such dualism, women have always been linked with the 'underside' of each pair. This thought has associated women to nature than culture, to body than to mind, to the primitive rather than the civilized. The distinction comes from the hierarchy of value created by the paradigm of social oppression:

1. God
2. Man
3. Woman
4. Children
5. Animals
6. Nature

This paradigm provides men their 'superiority', the authority to dominate and use nature, animals and women to their own purpose. Plumwood traces the root of such 'dualistic split' back to Plato and Aristotle, particularly within Plato's philosophy of vilification of both the body and of nature. Greta Gaard finds out a number of characteristics 'about the interlocking structure of dualism' disclosed by the ecofeminists. One of them is about the connection within the 'devalued' category. Plumwood theorizes the 'linking postulates' connecting such dualism:

1. Backgrounding, in which the master relies on the services of the other and simultaneously denies his dependency;
2. Radical exclusion, in which the master magnifies the differences between self and other and minimizes the shared qualities;
3. Incorporation, in which the master's qualities are taken as the standard, and the other is defined on terms of her possession or lack of those qualities;
4. Instrumentalism, in which the other is constructed as having no ends of her own, and her sole purpose is to serve as a resource for the master;
5. Homogenization, in which the dominated class of others is perceived as uniformly homogenous (Plumwood 1993, 42-56)
6. Plumwood finds out 'plenty of good reasons' (Plumwood 1993, 213) for the feminists to discard the concept of connection with nature. She observes:
7. The masculine rational sphere of public life, production, social and cultural life and rational justice is contrasted with the feminine sphere of the private, domestic and reproductive life, the latter representing the natural and individual as against the social and cultural. (Plumwood 1993, 213)

8. For Plumwood, “Feminine ‘closeness to nature’ in this sense is hardly a compliment” (Plumwood 1993, 214). She wants the women to demand their ‘full and equal participation in the sphere of humanity and rationality’ (Plumwood 1993, 215) from which they have been ruled out. She is in search of a new regendered model for the solution of the question of suppression:
9. What is needed is a regendered model, which realigns the gender identities and challenges the dualisms on which they have been based...On such alternative model of the human we would not *overemphasize* or *overvalue* the characteristics that set humans apart from the natural world (Plumwood 1993, 234).

In 1993 Ellen O’Loughlin, an ecofeminist writer, suggests, “We have to examine how racism, classicism, ageism, and sexism are all related to naturism” (qtd. in Gaard 2012, 141). Greta Gaard, with an aim of associating queer theory to ecofeminism says, “The first argument linking ecofeminism and queer theory is based on the observation that dominant Western culture’s devaluation of the erotic parallels its devaluation of women and of nature” (Gaard 2012, 140). According to the queer theorist Eve Kosofsky Sedgwick, the heterosexual/queer dualism shows ‘ineffaceable marking’ of the normative dualisms and thus has affected Western culture (mentioned in Gaard 2012, 141). Among those linking postulates mentioned earlier, backgrounding, radical exclusion and incorporation are shared by the queers. As Gaard argues, the essential part of the project of ecofeminism is disclosing the reason/erotic and heterosexual/nature dualism. She asserts, “...we can explore how nature is feminized, eroticized, even queered. The critical point to remember is that each of the oppressed identity groups, each characteristic of the other, is seen as “closer to nature” in the dualisms and ideology of Western culture” (Gaard 2012, 146).

On the question of the existence of any such link between women and nature, three stances of the ecofeminists could be found. One group, including critics like Beihl, is of the opinion that men and women have just the same access to nature and that the concept of the connection between women and nature is wholly socially constructed. The opposing view, shared by Prentice and others, believes in the biological construction of the gender behavior and the closeness of women to nature, reflected in their reproductive capabilities. A ‘third way’ suggested by Plumwood, Warren, Gaard and such other ecofeminists, rejects the structure of dualism and argues for the acknowledgment of the equal share of culture and nature of both men and women. Warren points out eight sorts of connections between women and nature as identified by ecofeminists:

1. Historical, Typically Causal Connections
2. Conceptual Connections
3. Empirical and Experiential Connections
4. Symbolic Connections
5. Epistemological Connections
6. Political (Praxis) Connections
7. Ethical Connections
8. Theoretical Connections

The ecofeminist philosophers, as Charlene Spretnak reflects, find a common ground with deep ecology in its ‘rejection of rationalist value theories and an environmental ethic grounded in abstract principles and universal rules believed to be undiscoverable through reason alone’ and also the rejection of ‘Eurocentric sense of discontinuity between humans and nature’ (Spretnak 1993, 185). Val Plumwood negates the idea of interconnectedness and inter-dependence of all the entities in the ecosystem. Plumwood observes that such identification prevents particular attachments which are important. Marilyn Frye makes the readers aware of the importance in cultivating a ‘loving eye’ which can be a ‘fitting summery of the mission of ecofeminism’ (Ladkin 2012):

*The loving eye is contrary to the arrogant eye.
The loving eye knows the independence of the other.*

...

The loving eye is one that pays a certain sort of attention...

...

The loving eye doesn't make the object of perception into something edible, doesn't try to assimilate it, doesn't reduce it to the size of the seer's desire, fear, and imagination, and hence doesn't have to simplify. It knows the complexity of the other as something which will forever present new things to be known. The science of the loving eye would favor The Complexity Theory of Truth (in contrast to the Simplicity Theory of Truth) and pre suppose The Endless Interestingness of the Universe (Ladkin 2012).

Charlene Spretnak finds out a spiritual dimension of ecofeminism. For her, 'the ecofeminist alternative to the Western patriarchal overview' is "a radical reconceptualization that honors holistic integration: interrelatedness, transformation, embodiment, caring, and love" (Spretnak 1993, 187). This concept bears resemblance with several Eastern and indigenous spiritual belief systems. Spretnak discovers the link of ecofeminism to all the major religious traditions, and the use of female imagery in reference to 'the divine'. She comments, "Particularly, in patriarchal society, the choice of female metaphors is a healthy antidote to the cultural denigration of women" (Spretnak 1993, 187).

The most serious charges brought against ecofeminism are that of essentialism, ethnocentrism, anti-intellectual goddess-worshipping etc., most of which are the 'sweeping generalization, often made without specific and supporting documentation' (Gaard 2011, 32). The ecofeminists of the 90s identified the signs of gender essentialism within ecofeminism and sought to improve and expand the theory. Victoria Davion differentiates between the gender essentialism of the 'ecofeminine' and the critique of gender roles indispensable for ecofeminism in "Is Ecofeminism Feminist?" published in 1994. Davion shows that women may also be oppressors of other women and of the natural world (Davion 1994, 19-20). Earlier ecofeminists like King (1989) and Plumwood (1991) also identified the emphasis on gender as a social construction. In the sphere of 'animal ecofeminism' that came into visibility with the publications like Collard and Contrucci's *Rape of the World* (1989), Adams's *The Sexual Politics of Meat* (1990), three essays (by Adams, Curtin, Slicer) introducing ecofeminist critique of speciesism in *Hypatia's* special issue on "Ecological Feminism", and Gaard's anthology *Ecofeminism: Women, Animals, Nature* (1993) that first set species at the centre of ecofeminism, soon the charge of essentialism came to dominate the critique. From the mainstream feminism Kathryn George (in "Should Feminists Be Vegetarians?"), Beth Dixon (in "The Feminist Connection between Women and Animals") and Mary Stange (in *Woman the Hunter*, 1997) emphasized on the consideration of nonhuman animals within feminism as essentialist and ethnocentric. In response to this allegation Adams referred to the ongoing debate on George's flawed nutritional data. Donovan highlighted the absence of studies on traditional vegetarian populations. And Gaard and Gruen pointed out George's failure to use feminist methodology "in her uncritical embrace of overconsumption, along with persistent slippage from logic to insinuation and faulty inference" (Gaard "Ecofeminism Revisited" 37). Dixon charged ecofeminism of claiming that feminists must defend animals as they are also oppressed like women. Gaard and Gruen defended ecofeminism from such charge by referring to the intersectional analysis of oppression as found in Plumwood's (1993) development of the master model, Iris Young's "Five Faces of Oppression" (2004, 37-63) and Marilyn Frye's (1983) birdcage analogy indicating towards the different structures of oppression.

Ecofeminism also received criticisms from the deep ecologists and social ecologists. Instead of sharing the ecocentric spirit of the deep ecologists, the ecofeminists criticize deep

ecologists for alleging anthropocentrism solely as the root cause of destruction of the natural world. Rather the ecofeminists charge androcentrism for the loss. In turn, deep ecologists consider ecofeminists to be simply wrong regarding these diverging viewpoints. The debate tended to end with the essay “Is There an Ecofeminism-Deep Ecology ‘Debate’?” where Deborah Slicer commented that the deep ecologists did not seem to be listening to or reading ecofeminist arguments, or accurately representing and responding to the viewpoints of the ecofeminists. The social ecologist Janet Beihl charged ecofeminism for essentialism in *Rethinking Ecofeminist Politics* (1991). In doing so, Beihl seems to overlook the social ecofeminist branch developed by King and Heller. This allegation was refuted by ecofeminist activists and philosophers like Buege (1994). Gaard (1992), Gruen (1992) and Plumwood (1992) united. Plumwood commented that Beihl’s argument remained “caught in the old credo of a single ground of hierarchy and a single solution to domination, a reduction which is fundamentally misconceived, insensitive to difference, and blind to exclusion” (Plumwood 1993, 36).

However, nowadays Ecofeminism is taking the centre-stage into the realm of gender studies. Gradually it is adding more significant dimensions to this particular area of studies. It is being incorporated within the syllabi of renowned universities across the globe. There is still much scope for such inter-theoretical debates regarding the arguments of the ecofeminist critics. In this study, I have tried to throw light only upon some of them. The topic demands extensive study and I intend to do that within my future works.

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Generation COVID-19 Long Haulers

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ABSTRACT: The COVID-19 pandemic, which started at the end of 2019, has been spreading around the world for over a year by now and no clear end is foreseeable yet. While vaccination and medication opportunities to cure the disease have improved impressively and steadily, the most recent coverage of the crisis features yet another set of devastating news as around 10 to over 30% of previously COVID-infected are estimated to become suffering from long haul symptoms. While our first understanding of post-COVID infection long haul symptoms, impetus and cure is still missing, this article provides a speculative account of the socio-economic impact of the newly emerging Generation COVID-19 Long Haulers. Demographically, COVID Long Haulers will be prevalently arising in a 0.3-1.659 billion Long Haulers strong cohort comprised of around 30-40 years old women at infection facing waves of recurrent symptoms of fatigue, headaches and breathing problems as well as a set of debilitating memory fog and emotional distress. While the causes and long-term lasting effects are unclear and to be investigated in the future, first preliminary results on a potential cure via vaccination and self-help movement has arisen in the age of social media. Facebook Long Hauler groups have leveraged as quick and trusted remedy to understand and provide support during a time when hospitals around the world are still facing a more pressing situation of overloaded emergency care. Future research demands for preventive medical care guided by real-time measurement of health status but also the socio-economics of rest and recovery need to be explored.

KEYWORDS: COVID-19, Crisis, Debilitation, Emotional impairment, Fatigue, Headaches, Memory fog, Generation COVID-19 Long Haulers, Healthcare, Medication, Preventive care, Respiratory symptoms, Self-measurement, Vaccination

Introduction

The novel Coronavirus COVID-19 started at the end of 2019, when it was first diagnosed in China. To this day, there are around 150 million reported infections with COVID-19 and over 3 million deaths reported around the world (Worldometer 2021). A new angle of the healthcare crisis became apparent early on in cases reporting continuous impairment after an infection. Most recently, an information wave broke on growing numbers of previously infected, who report either constant impairment or recurrent waves of symptoms after their infection – even after having been tested negative for COVID-19.

This so-called Long COVID affects 10-30% of people who have symptomatic infection with Sars-CoV-2 as a symptomatic disease lasting longer than 12 weeks (Harrison, 2021). The range of Long COVID symptoms is wide and diffuse but early on a social media Facebook Long Hauler group consisting of 1567 long-term strugglers after a COVID infection identified almost 100 long-haul effects that include fatigue (100%), muscle or body aches (66.8%), shortness of breath or difficulty breathing (65.1%), difficulty concentrating or focusing (59%), inability to exercises or be active (58.5%), headache (57.6%), difficulty sleeping (49.9%), anxiety (47.6%), memory problems (45.6%) and dizziness (41.9%) among the top long haul symptoms (Britt 2020). Follow up studies revealed a cluster of symptoms ranging from chest pain and cough; dyspnea and cough; anxiety and tachycardia; abdominal pain and nausea; and low back pain or joint pain (Antrim 2021). The list of symptoms is still updating and includes by now cognitive dysfunction, numbness or tingling, loss of taste, smell and other senses such as hearing and vision, muscle pain, tinnitus, heart rate and blood pressure issues, gastrointestinal

complaints, insomnia, depression and anxiety but also dermatological anomalies (Ault 2021; Doheny 2021). Most recently, studies emerge that report multi-organ functioning debilitation after COVID-19 (Harrison 2021).

With research estimating about 10 up to more than 30% of COVID-19 patients become Long Haulers, the newly emerging Generation COVID-19 Long Haulers has the potential to change our world lastingly. This article speculatively discusses the impact of a wave of COVID-19 Long Haulers emerging in society in terms of socio-economics. First, the etiology of COVID-19 Long Haulers will be featured to appear in three major groups: those with strong infection cases and long-term organ impairment, those with initially mild cases that develop waves of obscure symptoms that either resemble inflammatory diseases and/or neurological impairments that bleed into psychological traumatized states. Second, the demographics of COVID-19 will be outlined based on current data prevalence for COVID Long Haulers to fall disproportionately heavy on 30-40 years young female at the time of their initial infection. Third, the socio-economic impetus of a Long Haul wave in the decades to come will be discussed on the general healthcare, workforce and the overall societal socio-economic system. Finally potential remedies will be proposed in the surprising vaccination relief and real-time self-monitoring of the personal healthcare status, ecowellness nutrition lifestyle changes and economic appreciation of deurbanization, rest and calm.

Demographics

COVID-19 is a worldwide pandemic, which started 2019 in China. COVID-19 is caused by a coronavirus called SARS-CoV-2 that causes in older adults and those with severe underlying medical conditions, like heart or lung disease or diabetes, serious complications and illness.

As of the end of April 2021, there are around 150 million reported infections with COVID-19 and over 3 million deaths reported around the world (Worldometer 2021). Actual infection rates may be higher, ranging from 5% to 20% (ScienceDaily 2021).

Of the COVID-infected, there are three different major scenarios described based on the immune system response: (1) Symptomatic COVID-19 trajectory with variable severity leading to disease and likely hospitalization due to respiratory symptoms, cytokine storms and multi-organ function impairment; (2) Mild symptomatic COVID-19 trajectory leading to signs and symptoms of evasion of immune surveillance as well as (3) Asymptomatic COVID-19 spreaders, who may or may not turn symptomatic (Baig 2020).

Who falls into what group of immune responses to COVID-19 is yet unclear but certain trajectory propensities seem to depend on gender, age, pre-existing conditions and viral load received at exposure to the virus alongside a range of genetic predispositions and environmental pre-COVID episodes (Baig 2020). For instance, of the currently roughly 20 million COVID-19 infected, 99.4% appear to have only mild conditions and only 0.6% is considered as serious and/or critically ill (Worldometer 2021). Of the closed cases so far, in 2% the disease led to death, 98% are considered to have recovered (Worldometer 2021). As for the probability of dying if infected by the virus, this death rate is calculated by the total number of deaths divided by the total number of infected cases. The death rate represents the risk of dying of a person in a given age group if infected with COVID-19. The death rate is rising with age as the COVID-19 fatality rate by age outlines in 0-9 year old having no fatalities, 10-19 years old 0.2% fatalities, 20-29 years old 0.2%, 30-39 years old 0.2%, 40-49 years old 0.4%, 50-59 years old 1.3%, 60-69 years old 3.6%, 70-79 years old 8% and 80+ have 14.8% death rate of all cases (Worldometer 2021). As of April 2021, the New York City Health COVID-19 Death Summary reports share of deaths from COVID-19 to raise with age with the 0-17 year old age bracket only holding 0.04% of death cases, the 18-44 years old 4.5%, 45-64 years old 23.1%, 65-74 years old 24.6% and the 75+ years old comprising of 47.7% of COVID-19 deaths (NYC Health 2021; Worldometer 2021). Underlying conditions and pre-existing health impairments such as,

for instance, diabetes, lung disease, cancer, immunodeficiency, heart diseases, hypertension, asthma, kidney disease, and GI/liver diseases appear to play a major role in determining the outcome likelihoods of a COVID-19 infections (Worldometer 2021).

Of the deceased, 61.8% appear to be male and 38.2% female (NYC Health, 2021; Worldometer, 2021). The COVID-19 fatality as the death rate calculated by the total number of deaths divided by the total number of cases outlines the probability of dying if infected by the virus in percent. This COVID-19 fatality rate varies by sex of all cases 2.8% fatality rate for male and 1.7% of female (Worldometer 2021). As for the COVID-19 fatality rate by comorbidity, pre-existing conditions make a difference by 10.5% death rate for all cases for cardiovascular diseases, 7.3% for diabetes, 6.3% chronic respiratory diseases, 6% hypertension and 5.6% cancer.

A recent study of 6500 COVID Long Haulers estimates that 10-30% of all infected have the potential to become Long Haulers, who experience lasting effects of a previous COVID infection. The average COVID Long Hauler appears to be in their late 30s and early 40s with female making up an estimated 70-75% of all Long Haulers (Rubin 2020).

Remedy

Of the COVID-19 survivors, most recently a wave of information has broken on long haul symptomatics, meaning many of the survivors start suffering from chronic COVID syndrome weeks or months after an initial infection. As COVID-19 is a fairly novel disease and long-term effects are detected and monitored over a period of at least 8 weeks to 6 months, our understanding of long COVID syndrome is still developing in its infancy.

What preliminary data appears to suggest so far is that COVID Long Haulers appear to be infected that never fully recover back to their pre-COVID-19 levels even weeks or months after having experienced first symptoms. Some Long Haulers continuously experience debilitating symptoms that either are prevalent constantly or come back in waves or relapse with ongoing, old and/or new symptoms. This so-called post-COVID-19 syndrome or post-acute sequelae of SARS-CoV-2 infection (PASC) currently appears to be similar to other post-viral infections such as Lyme disease, for instance, that can cause similar long-lasting mild symptoms after a viral infection.

Long COVID affects 10-30% of people who have symptomatic infection with Sars-CoV-2 and is defined as symptomatic disease lasting longer than 12 weeks (Harrison 2021). While a solid nomenclature of COVID-19 Long Haulers is yet to be determined, it appears that three long-hauling clusters may emerge of which, the symptomatic COVID-19 infected with heightened cases of COVID and likely severe symptoms such as cytokine storms and hospitalization, complications and multi-organ diseases will likely have more organ impairment that leads to long-term labile conditions (Baig 2020). The symptomatic COVID-19 infections with mild symptoms may fall into two categories of either persistent viral load in the body that creates waves of mild signs and symptoms of a disease with persistent abnormal serological findings similar to Lyme disease or post-Ebola infection (Baig 2020). The third cluster of COVID-19 Long Haulers will be those with immune cell deficiencies after an evasion of immune surveillance and potential inflammation similar to rheumatoid arthritis (Baig 2020).

In finding a cure for these three clusters of Long Haulers, potentially the type of Long Haulers will determine the remedy. While in cluster 1 of organ damage the type of damage and type of organ will set the range of possibilities for convalescence, in cluster 2 so far anti-COVID vaccinations have shown promising results (Goodman 2021) and in cluster 3 potentially the overall status and balance of the immune system will become the focus of attention for finding back to a state of balance. In all three groups and in the path forward with a chronic and long-term COVID Long Hauling generation, healthcare will pay more attention to whole-rounded medical care with focus on prevention, self-monitoring and long-term balance.

Estimations

As of April 2021, COVID-19 has infected over 150 million people around the world. Already in October 2021, the World Health Organization estimated that around 10 percent of the world population have been infected by COVID-19 (NBCNews, The Associated Press, October 5, 2020). Cumulative cases are estimated to be 5-20 times greater than confirmed ones (Noh & Danuser 2021). Substantial undocumented infections, the speed and unpredictable cluster outbreaks but also asymptomatic infections that turn into Long Haulers with conditions popping up long after the initial infection obscure the true size of the potential debilitation caused by the novel Coronavirus (Noh & Danuser 2021). Estimations are expecting in total of up to 40-70% of the world's population to get infected with COVID-19 (Coleman, 2020). If considering worst case that 70% of the world's population to get infected with COVID-19 and 10-over 30% end up as Long Haulers, the world could end with 0.3-1.659 billion Long Haulers. If considering additional fall-outs of COVID vaccination failures and breakthrough infections, the number may even be higher. What will the world change to if considering the vast amount of Long Haulers forming a Generation COVID-19 Long Haulers?

Generation COVID Long Haulers

Future changes in light of an emerging COVID Long Haulers generation, may comprise of healthcare, economic and social transitions. Regarding healthcare changes, a cadre of chronically debilitated and sick will lead to a drive to alleviate chronic diseases. Already as early as the end of 2020, the United States Congress already approved 1.15 billion USD in funding over four years for the National Institute of Health to support research into the prolonged health consequences of SARS-CoV-2 infections (National Institute of Health 2021). Of the investigated symptoms, chronic fatigue, headaches, shortness of breath and memory fog range among the top mentions that will draw attention to find cures for. Immune system related research and attention to the immune response based on activation levels but also inflammatory disfunctioning will likely gain on research attention, when considering the long-term effects of COVID Long Haulers report.

An interesting connection is the similarity of post-COVID long haul symptoms and vaccination side effects, which deserves future attention. Since COVID Long Haulers tend to have common features of anorexia nervosa symptoms – such as a low weight to begin with, electrolytes imbalances, coldness, shivers, headache, dizziness, memory fog and nausea – future research may help draw inferences between the reported extraordinarily strong immune system of anorectic individuals but similar conditions of COVID Long Hauler symptoms that lead to a decline in overall health status and fragility. A further exploration of the connection between anorexia nervosa and COVID Long Haul symptoms is recommended.

The medical industry itself will likely experience a disproportionately high rate of Long Haulers, of which especially nurses, a predominately female and young profession, are at heightened likelihood to be overrepresented. While safety and precaution standards will likely improve for the overall profession, also insurance coverage and class action for medical professional, who suffer from long haul symptoms are likely to follow.

As for medical devices, the world is likely to experience a chronic disease remedy revolution that will feature an extensive drug intake. Already now we are experience an all-time-high consumption of pharmaceuticals and vaccination effort. A prolonged COVID-19 crisis will accentuate this trend and with the heightened pharmaceutical consumption the water quality may decline when thinking about the disposal of drugs after consumption (United Nations Office of Drug and Crime, Press Release, June 25, 2020).

Another trend of the post-COVID world that will likely stay around will be the self-monitoring and self-measurement of body functions with artificial intelligence and self-testing

kits having arisen dramatically in record speed in light of the COVID pandemic. With the fear of patients to visit doctors and attend a hospital for care during the pandemic, new online consultation revolutions have started that are likely to be continued after COVID and be exacerbated by Long Haulers who will likely face fast-paced symptom changes and a novel set of easily-changing health status conditions.

Another trend springing out of COVID-19 in the age of social media is the democratization of information about health and well-being found online. Facebook Long Hauler groups have leveraged as quick and trusted remedy to understand and provide support during a time when hospitals around the world are still facing a more pressing situation of overloaded emergency care.

As for economic changes, COVID Long Haulers appear to have a preference for unwinding speed and mental overloads. While standard neoclassical economic theory is based on the belief that efficiency maximization based on productivity gains and activation level increases is the ultimate preference of all individuals, COVID Long Haulers may develop – for the first time in economic history – a large-scale demand for attention to disability, rest and relaxation and thereby drive a trend of the economics of slowness. Legal professionals will address attention to the growing cohort of disabled and debilitated workforce. Drawing from behavioral insights, the laws of human productivity after rest but also different time discounting over life calculating time use strategically will be required in the future to better and more accurately describe workforce trends (Puaschunder 2021, forthcoming).

With Long Haulers facing trends of changing health conditions, novel workforce uncertainty will become a topic of discussion for corporate governance and business contingency planning. The newly-imposed obligation of corporations to look after a healthy work environment will likely remain beyond COVID and pass on some rights to corporations to monitor and track the health status of the workforce (Gelter & Puaschunder, forthcoming). Corporations will have to become attuned to the health situation of employees and will likely divide capital into artificial intelligence and more unpredictable human workforce with appreciation for rest and relaxation. New activation studies will be needed guided by behavioral specialists that find the right balance between work and rest. These studies will likely be inspired by activation research such as the Yerkes-Dodson law that predicted an individual activation level of the overall immune system status determining individual potentials and overstimulation leading to potential work deficiencies and quality of life impairments (Yerkes & Dodson 1908).

In the personal sphere, there is currently a deurbanization trend going on or what Brunnermeier calls the Doughnut effect that the urban population enjoys time off from large metropolitan areas and moves to the suburbs or even country side. Current home owner booms in remote areas like Arizona, Texas or Florida speak for people's preference to escape cities. Corporations are still offering to opt for home offices and many of the corporate headquarters have moved to less crowded, more affordable locations. Cities are still seen as disadvantaged to control large crowds and ventilation in skyscrapers. The ongoing ecowellness trends has not only changed our perception of closeness and contact with others, it has also revolutionized interior design in offices with glass and plastic protection. Outdoors city and landscape has been shaped by deurbanization as well. New community development in harmony with nature are forming in so-called agri- or agrohoods, neighbourhoods that are directly attuned to the surrounding and celebrate the natural and cultural heritage. In interior design for the private living space, cleanliness has become key. Attention to healthy nutrition is on the rise for Long Haulers, who appear to have a craving for minimalistic stimulation at home that often also features a Biophilia design, which resembles nature and sustainable fabrics.

As for societal trends, COVID Long Haulers being primarily female in their 30s and 40s will impact the activities of mothers and female professions. Long Haulers appear to be previously healthy and active people with exposure to others if considering that they got COVID as a highly transmittable disease. Potential professions with prevalences appear to be healthcare, sports and

people with high exposure to infected in hospital settings, or many people in gastronomy or large groups in the arts, culture and entertainment sector. These professionals will likely experience a shortage in the following decades and male counterparts, who have a lower likelihood to experiencing long haul symptoms may take over to fill the emerging gap. Lastly, with almost 50% of COVID Long Haulers reporting a disinterest in procreation, child bearing of this segment may be impaired or less likely with even wider impact on society as previously thought.

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The Moral Value of the Patriarchs' Testament

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ABSTRACT: The blessing of the patriarchs was not a gift from them to their descendants, was not sharing their wealth to their descendants, but the patriarchal blessing represented the gift of God, namely, what God the Creator was transmitting to those children through their father, the patriarch. Thus, the patriarchs, through the blessings offered to their children, look beyond the reality of the nearest timeline, in the future, thus having a future projection over their descendants regarding a place where they would live and a way of life that they would have. Another aspect of patriarchal blessing was the Creator's intention that through the blessing given to Jacob's children, everyone would eventually benefit from these blessings. The patriarchal blessings remained for posterity placed in the book of Christianity, the Holy Scripture, blessings that include a moral ethic, and as long as these precepts were respected, they were generators of peace, tranquility, harmony, happiness and prosperity. Patriarchal blessings also refer to a lifestyle. As long as the mentioned sanitary rules were respected, the people were exempted from a lot of diseases and they were happy. The purpose of the patriarchal blessings, as promised to Abraham, was that in the end the blessings would reverse over the entire world. Abraham was told: "And I will make thy seed to multiply as the stars of heaven, and will give unto thy seed all these countries; and in thy seed shall all the nations of the earth be blessed" (Genesis 26: 4).

KEYWORDS: blessing, patriarchs, prophet, moral value

The first words spoken by someone are very important, but equally important are their last words. The Holy Scripture even states that the end of a thing is better than its beginning. (*Better is the end of a thing than the beginning thereof* - Ecclesiastes 7: 8). Thus, it seems that what is said in the end, the last words or the testament is even more important. The patriarchs, who were in fact the first prophets, expressed by excellence their prophetic vocation through their testament, which in the Bible is called blessing, a blessing that was basically a vision over the future, with reference not only to the child before them, but with reference to all his descendants who will follow over time receiving the blessing. Thus, through the patriarchal blessing, through this prophetic testament, one actually enters into what is called the biblical prophecy. "And Jacob called unto his sons, and said, Gather yourselves together, that I may tell you that which shall befall you in the last days" (Genesis 49: 1).

The patriarch prophet was the one who was looking until the end of history seeing what would happen to his descendants, to his people. The Holy Scripture reveals that only one king of the pagan culture of that time, namely the Babylonian Nebuchadnezzar, was eager to know what would happen to his empire after him. God the Creator responded to the desire of this king's heart and gave him a prophetic dream that was also interpreted by a Jewish prophet, Daniel, who was taken as a prisoner of war and brought to Babylon: "As for thee, O king, thy thoughts came *into thy mind* upon thy bed, what should come to pass hereafter: and he that revealeth secrets maketh known to thee what shall come to pass (Daniel 2: 29)." The patriarchs ended their lives with that prophetic vision over their descendants.

In Greek mythology, the fates set a man's future. We know this aspect from Oedipus' tragedy, what the fates foretold about the emperor's child and what he would become, with the awe and fear of his parents, the more they fled this fate, they actually faced it, being an unavoidable tragedy. For the patriarchs, however, things were completely different. The patriarchs were those people who through the vision of God combined the real situation, namely, the real attitude of man, his inclination towards one thing or another and the behavior he had with the ideal of God. For this reason, in almost all cases, the child who was to receive the blessing, according to the patriarchal tradition, respectively the first born, did

not receive it. It is noticeable that the patriarchs broke the tradition of place and time, a tradition that is the same to this day, with only a few exceptions, if that child was mentally ill, he did not receive the blessing of future patriarch. Instead at the first patriarchs, Abraham, Isaac and Jacob another child and not the firstborn received the patriarchal blessing. This was due to the fact that patriarchal blessing is related to inclination, to the moral structure of a man, to the interest and concern shown for it, and in these conditions the patriarchal blessing, which came from God was received by a child other than the first born, even if the birth father was not inclined to give it to that child, and God ran things in such a way that the blessing to be received by the one who actually valued it, and the patriarch accepted this plan, because the patriarch was primarily a tool in the hand of God through which God transmitted a testament, a blessing to the one who deserved it. This was the difference between patriarchal blessing and the usual customs of the cultures of that time. The patriarch did not invoke but offered the patriarchal blessing in the sense that he was considered to be God's spokesman, who knew the future of that man and what would happen to him and his descendants until the end of the days. In this way, God in His omniscience, transmitted to the patriarch the blessing which was a distant view over time of the fate of that person's descendants. The invocation was rather a formula presented by a priest, also a representative of God, but the invocation was rather a general and conditional act, in the sense that if the man listened, he would receive that blessing too, while the presentation of the the patriarchs' testament was rather of the omniscience of the future, based on the discovery of the omniscient God. Taking into consideration the area in which the patriarchs lived, respectively the Middle East, a world totally different from the European or American area, an area where spiritual values are much better combined with material values. Our Western world is far too material and that is why all spirituality is passed through the sieve of materialism. Oriental thinking was like this: if someone, materially speaking, was well, it meant that he was someone, it meant that he was an accomplished man. But if, from the spiritual point of view, of man's relationship with God, the man is in a good position, then also from the material point of view, the man is also considered to be in a good position because when God blesses, he blesses man as a whole and then the union between the spiritual and the material existed in their minds.

All the patriarchs, Abraham, Isaac and Jacob, were people with a good financial situation, people who achieved something and who had a good status in the society of their time, but when we talk about blessing, the material part appears in it, not only the spiritual part. There are also situations in which some received almost nothing from a material point of view and were not upset because the blessing is not essentially represented by the material part but by the spiritual part, represents the person's position in the future, represents the person's dignity in society, represents the relationship of that person with divinity, represents his place in the divine plan. The blessing includes spiritual values to a much greater extent than the material values.

Blessing of Abraham

The patriarchs left behind only a few extremely interesting monuments, namely the ***altars*** and not the fortune, they left the ***fountains***, the source of life very important in the Orient area, and in the end, they left the ***blessing*** and nothing else. The only material object left behind by the patriarchs was the tomb. The tomb from Hebron, which is still an apple of discord between the children of Abraham, Isaac and Ishmael, dividing it in two, but otherwise what they left is the altar, the spring or fountain, the source of life and the blessing the source of divine truth. It is important that the parent, in addition to material values, also to care about the spiritual values.

Abraham begins the journey of life with the blessing, being in this way different from others, because at him we do not have something different at the end of life, but on the

contrary the beginning of his life is different. Even though we don't know anything of any blessing given to Abraham by his parents, we learn that God the heavenly Father offers him the blessing from the beginning: "Now the LORD had said unto Abram, Get thee out of thy country, and from thy kindred, and from thy father's house, unto a land that I will shew thee: And I will make of thee a great nation, and I will bless thee, and make thy name great; and thou shalt be a blessing: And I will bless them that bless thee, and curse him that curseth thee: and in thee shall all families of the earth be blessed" (Genesis 12: 1-3).

The blessing is not only for children, family, loved ones, but on the contrary it can be addressed to anyone and can be received by anyone if they read Abraham, if they have the faith of Abraham, and if they fit into Abraham's lifestyle. And all the nations of the earth shall be blessed in you: "and in thee shall all families of the earth be blessed" (Genesis 12: 3). Most of humanity today is considered to be the descendants of Abraham, respectively: Jews, Christians and Mohammedans, and at Hebron, at the tomb of Abraham it can be seen how lovingly Jews and Christians and Mohammedans go there to pray and to worship at the tomb of Abraham, believing that if they are the possessors of the tomb, they will also be the possessors of the land and implicitly of the blessing, this taking into account only the material perspective. But if one passes from the material to the spiritual element, considering Abraham as a father of faith (Abraham's children are those who have Abraham's faith) then it can be seen that Abraham left everything leaving his country in a strange place just to listen to God, Abraham gave up the best part in favor of his grandson only to avoid conflict (Genesis 13: 7-12), Abraham mediated with all the power of his soul for a grandson (Lot) who offended him and in a way he even have deceived him, but in a crisis situation, Abraham interceded for him (Genesis 18: 23-32). Such kindness and love of an uncle. Abraham was willing to go to the highest point, that of being able to sacrifice his own child with the desire to obey God (Genesis 22: 1-12).

About Abraham it was written: "And the LORD said, Shall I hide from Abraham that thing which I do; Seeing that Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment; that the LORD may bring upon Abraham that which he hath spoken of him: (Genesis 18:17-19)." This was Abraham, a man of faith, and those who want to sit under his umbrella, those who in their soul have Abraham as a model, must live such a life, where the spiritual values are more important than the material values, in which someone was even ready to give up his rights, just for the sake of peace and harmony. Abraham was the man who received the promise of a country, but only after a period of 400 years, after a certain series of generations, his descendants will take possession of this promised land. Abraham had the patience to wait, being able to live in tents and die in tents, but with the hope that one day his descendants would inherit the promised land.

Isaac's blessing

Isaac's behavior as a prophet was that of a man who uses his senses, his abilities to smell, to taste, to touch, and who finds at some point that he has a sense of smell, of touch, only that he had no sense of sight. The images of the human senses lead to humanity, to the human being, because the prophet was also a man, who smells, feels, tastes, hears, sees. He could hear, but he could not see, for which he could easily be deceived. Seeing things as a whole, it is observed that the divinity wanted Jacob to be blessed, because before his birth, his mother, Rebekah, has a prophecy in which she is told that the youngest will be the greatest and the elder shall serve the younger: "And Isaac intreated the LORD for his wife, because she was barren: and the LORD was intreated of him, and Rebekah his wife conceived. And the children struggled together within her; and she said, If it be so, why am I thus? And she went to enquire of the LORD. And the

LORD said unto her, Two nations are in thy womb, and two manner of people shall be separated from thy bowels; and the one people shall be stronger than the other people; and the elder shall serve the younger" (Genesis 25: 21-23).

This prophecy was also shared by Isaac, who also knew that the eldest son would not be the heir, but Jacob would be, and yet he insisted, because as a man he liked hunting, because his senses were satisfied by Esau and it is worth mentioning that the man Isaac, the man with his passions, his senses, was actually deceived, but the prophet Isaac was not deceived. The prophet Isaac understands the divine vision and by two things he remains in this position saying: What I have blessed remains blessed and I do not have two blessings, because the blessing is unique. After this event, Isaac knowingly repeats, with the clarity of all his faculties, this blessing, hence the fact that the prophet Isaac was not deceived, but only the man Isaac with his senses and passions. Esau is conscious and knowingly sends Jacob to his mother's relatives: "And Isaac called Jacob, and blessed him, and charged him, and said unto him, Thou shalt not take a wife of the daughters of Canaan. Arise, go to Padanaram, to the house of Bethuel thy mother's father; and take thee a wife from thence of the daughters of Laban thy mother's brother. And God Almighty bless thee, and make thee fruitful, and multiply thee, that thou mayest be a multitude of people; And give thee the blessing of Abraham, to thee, and to thy seed with thee; that thou mayest inherit the land wherein thou art a stranger, which God gave unto Abraham. And Isaac sent away Jacob: and he went to Padanaram unto Laban, son of Bethuel the Syrian, the brother of Rebekah, Jacob's and Esau's mother. When Esau saw that Isaac had blessed Jacob, and sent him away to Padanaram, to take him a wife from thence; and that as he blessed him he gave him a charge, saying, Thou shalt not take a wife of the daughters of Canaan" (Genesis 28:1-6).

Even Esau was ready to give up his birthright because of his senses, a lust for a soup: "And Esau said to Jacob, Feed me, I pray thee, with that same red pottage; for I am faint: therefore was his name called Edom. And Jacob said, Sell me this day thy birthright. And Esau said, Behold, I am at the point to die: and what profit shall this birthright do to me? And Jacob said, Swear to me this day; and he sware unto him: and he sold his birthright unto Jacob. Then Jacob gave Esau bread and pottage of lentiles; and he did eat and drink, and rose up, and went his way: thus Esau despised his birthright" (Genesis 25: 30-34).

It is clear, taking into account the bestowment of the blessing, that God does not love adventure, and Esau was an adventurer. God does not love the worldly spirit, and Esau went and married two Canaanite women who had a specific way of life: with idolatry, with specific dances and pastime, with certain dishes, with ugly words. Rebekah says about her daughters-in-law, Esau's wives: "And Rebekah said to Isaac, I am weary of my life because of the daughters of Heth: if Jacob take a wife of the daughters of Heth, such as these *which are* of the daughters of the land, what good shall my life do me?" (Genesis 27: 46), and Esau said nothing, though his wives were as they were.

God does not love war, hostility. Esau made a camp of 400 fighters, which at that time meant a lot, basically representing a strong attack force. If the word Esau is replaced with adventure, worldly, women of the cultures of that time and with war, it shall be observed that these are not elements characteristic of the divinity. God loved Esau as well as Jacob, but God could not agree with his lifestyle, with his pleasures, not being about human affectivity, but about an attachment to certain values. Instead, Jacob liked to sit at home, next to his mother, at the altar, being the man who does one thing until the end, who instead of trusting in the army, sees next to him a camp of angels: "And Jacob went on his way, and the angels of God met him. And when Jacob saw them, he said, This is God's host: and he called the name of that place Mahanaim" (Genesis 32: 1-2), (*Mahane ain* – double camp). In the end, Jacob attaches himself to heavenly values and God appreciates him while Esau distances himself from heavenly values and God does not agree with this way of behaving.

Jacob, in his turn, was not a saint either. He wanted to have the right of first birth, to have the quality of priest of the family and tried to achieve this with the human hand, with the deception of his father and brother, a mistake that was to be paid by him dearly. Though Jacob was the kind of man who, in spite of his mistakes, the deception of trying to get his brother's blessing, still connects with God and says: "And he said, Let me go, for the day breaketh. And he said, I will not let thee go, except thou bless me" (Genesis 32: 26). Like Jacob, every man, in spite of his mistakes, who clings to God and asks the blessing, will receive it, like Jacob.

When it comes to Esau, his father Isaac tells him that he has no other blessing and that he will be submissive to his brother, but he Esau will live by his sword: "And when Esau heard the words of his father, he cried with a great and exceeding bitter cry, and said unto his father, Bless me, even me also, O my father. And he said, Thy brother came with subtilty, and hath taken away thy blessing. And he said, Is not he rightly named Jacob? for he hath supplanted me these two times: he took away my birthright; and, behold, now he hath taken away my blessing. And he said, Hast thou not reserved a blessing for me? And Isaac answered and said unto Esau, Behold, I have made him thy lord, and all his brethren have I given to him for servants; and with corn and wine have I sustained him: and what shall I do now unto thee, my son? And Esau said unto his father, Hast thou but one blessing, my father? bless me, even me also, O my father. And Esau lifted up his voice, and wept. And Isaac his father answered and said unto him, Behold, thy dwelling shall be the fatness of the earth, and of the dew of heaven from above; And by thy sword shalt thou live, and shalt serve thy brother; and it shall come to pass when thou shalt have the dominion, that thou shalt break his yoke from off thy neck" (Genesis 27: 34-40). He liked that and with that he was going to live from now on and no matter how good fighter he would have been, he would not be able to overstep Jacob.

Jacob's blessing

Even though he has received the blessing of his father Isaac, Jacob runs away from home and for the time being, his brother Esau remains master over everything, all his parental wealth remains to him, and Jacob leaves home with nothing, reaching Laban's uncle, from where he will start everything from scratch. But there he has the blessing of God and that thing was noticed by his father-in-law: "And the man increased exceedingly, and had much cattle, and maidservants, and menservants, and camels, and asses" (Genesis 30: 43). "And he heard the words of Laban's sons, saying, Jacob hath taken away all that was our father's; and of that which was our father's hath he gotten all this glory" (Genesis 30: 43).

God's blessing was worth much more than the human blessing. Jacob's children were considered to be a gift from God, children who eventually manage to be united, to form a large family. The fact that they went through a period of terrible famine (Genesis 41: 57; 42: 1-2) was again the evidence of the divine blessing.

Jacob has two moments in which he offers the blessing. First to Joseph's children and then to the other children. Jacob had a special relationship with his son Joseph. At that time, Joseph was the prime minister of Egypt, a man of high political stature, and Jacob wanted to give him a double share of the inheritance. Interestingly is the fact that at that moment Joseph, who was the prime minister of Egypt, did not materially need anything at all and Jacob may have only 2-3 donkeys at that time, but Jacob was thinking of something else. Jacob knew that his descendants would come to the land of Canaan in the future, a country that would be divided into 12 parts, and each of his children would have a share of that land. Jacob was looking a few hundred years in the future and asked Joseph to bring his children and to be adopted by Jacob. So instead of 12 sons, now he was to have 13 sons, and his two sons were put in Joseph's place. Jacob does this act of adopting Joseph's two children in the

sense that when the land of Canaan was to be divided in the future, his son Joseph would receive a double share of the inheritance: "And it came to pass after these things, that one told Joseph, Behold, thy father is sick: and he took with him his two sons, Manasseh and Ephraim. And one told Jacob, and said, Behold, thy son Joseph cometh unto thee: and Israel strengthened himself, and sat upon the bed. And Jacob said unto Joseph, God Almighty appeared unto me at Luz in the land of Canaan, and blessed me, And said unto me, Behold, I will make thee fruitful, and multiply thee, and I will make of thee a multitude of people; and will give this land to thy seed after thee for an everlasting possession. And now thy two sons, Ephraim and Manasseh, which were born unto thee in the land of Egypt before I came unto thee into Egypt, are mine; as Reuben and Simeon, they shall be mine" (Genesis 48: 1-5).

Joseph brings his children before his father, beautifully freshen up, Manasseh on the right and Ephraim on the left, and at the moment of blessing Jacob crosses his hands and puts his right hand on the head of Ephraim, who was seated on the left, and puts his left hand on Manasseh's head which was seated on the right side. Joseph considered at that moment that his father, being old, had made a mistake by crossing his hands. Jacob says that he was not wrong, that he knows very well what he is doing, namely that his youngest child will eventually be greater than the other. As a prophet, Jacob saw over time that Ephraim would be far more important and would have a more important role than his brother Manasseh. "And Joseph took them both, Ephraim in his right hand toward Israel's left hand, and Manasseh in his left hand toward Israel's right hand, and brought them near unto him. And Israel stretched out his right hand, and laid it upon Ephraim's head, who was the younger, and his left hand upon Manasseh's head, guiding his hands wittingly; for Manasseh was the firstborn. And he blessed Joseph, and said, God, before whom my fathers Abraham and Isaac did walk, the God which fed me all my life long unto this day, The Angel which redeemed me from all evil, bless the lads; and let my name be named on them, and the name of my fathers Abraham and Isaac; and let them grow into a multitude in the midst of the earth. And when Joseph saw that his father laid his right hand upon the head of Ephraim, it displeased him: and he held up his father's hand, to remove it from Ephraim's head unto Manasseh's head. And Joseph said unto his father, Not so, my father: for this is the firstborn; put thy right hand upon his head. And his father refused, and said, I know it, my son, I know it: he also shall become a people, and he also shall be great: but truly his younger brother shall be greater than he, and his seed shall become a multitude of nations. And he blessed them that day, saying, In thee shall Israel bless, saying, God make thee as Ephraim and as Manasseh: and he set Ephraim before Manasseh" (Genesis 48: 13-20).

Jacob's blessing was not for that moment but for a much more distant future. So when Jacob was sick on his deathbed, he called his sons to tell them what would happen at the end of the days: "And Jacob called unto his sons, and said, Gather yourselves together, that I may tell you that which shall befall you in the last days": (Genesis 49:1). In Jacob's blessing we find answers to many of the questions that may be asked. The first mention is that the blessings of the prophets are not some predestinations.

Ruben, the firstborn, was to lose his primacy, due to his involvement in an incest: "Reuben, thou art my firstborn, my might, and the beginning of my strength, the excellency of dignity, and the excellency of power: Unstable as water, thou shalt not excel; because thou wentest up to thy father's bed; then defiledst thou it: he went up to my couch" (Genesis 49: 3-4).

Simeon and Levi are fighting and put Jacob in an embarrassing situation in Shechem, without asking him, their father. In the patriarchal family the situation was pyramidal, so that in the leading position was the father, the patriarch and it was not allowed to take any action without his approval. These two children of his, Simeon and Levi, do not consult with their father, they do everything by their own minds, making a mistake in principle, trying to solve

a problem with violence, and Jacob tells them that his soul does not unite with them, that he is not a man of violence, telling them that things must be resolved peacefully and not with the sword. He tells them that they will be scattered in Israel because they have acted in this cunning and violent way: "Simeon and Levi are brethren; instruments of cruelty are in their habitations. O my soul, come not thou into their secret; unto their assembly, mine honour, be not thou united: for in their anger, they slew a man, and in their selfwill they digged down a wall. Cursed be their anger, for it was fierce; and their wrath, for it was cruel: I will divide them in Jacob, and scatter them in Israel" (Genesis 49: 5-7).

The blessing depends on character, conduct, integration into society, and behavior. The spirit of Simeon and Levi's violent action was the spirit of the old law, namely, an eye for an eye, in which no forgiveness could be found. They said: This young man humiliated our nation, humiliated our sister, we apply the oriental law of retaliation, an eye for an eye. In reality, the side of the Lord rises above the mentality of time, above the tribal or traditional rules of the place.

Judas, does some common things, he separates from his brothers, he wants to go by his own way, takes a Canaanite wife, has a sad experience because his wife is dying, has an affair (Genesis 38: 1-23), but from all this Judas learns. First, he returns to his brothers and in a time of crisis Judas takes an extraordinary attitude and says: I have put myself in charge of my brother (Genesis 43: 3-9), please take me instead of my brother. I can't go home without my brother. I remain in my brother's place (Genesis 44: 18-34). This deed was fantastic, it crushed Joseph, and Judas becomes the spokesman, he becomes the leader of his brothers, the leader of the patriarchal family, and Jacob does nothing but acknowledge this position actually won by Judas through his attitude and tells him: "Judah, thou art he whom thy brethren shall praise: thy hand shall be in the neck of thine enemies; thy father's children shall bow down before thee. Judah is a lion's whelp: from the prey, my son, thou art gone up: he stooped down, he couched as a lion, and as an old lion; who shall rouse him up? The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come; and unto him shall the gathering of the people be. Binding his foal unto the vine, and his ass's colt unto the choice vine; he washed his garments in wine, and his clothes in the blood of grapes:" (Genesis 49: 8-11).

He is given primacy because he deserved it. Judas learns from his mistakes and gains a character with a dignity to be appreciated and to be finally recognized by all his brothers. It can be seen that both at the time of Joseph's sale and at the time of his coming from Canaan and in the discussion with his father, Judas has the last word, having a deep judgment and leadership qualities. In addition to all of this, he showed a special appreciation for his family, which highlights a certain nobility: I can not see the pain of my father, I can not leave my brother here and go home, it would be better if he will return and if I will remain here. Due to these qualities, Judas becomes a prototype of Jesus Christ, who makes the exchange, the substitution, with man. And Jesus Christ will be born as a man out of the tribe of this man, Judas, who made exactly the gesture that Jesus was to make, in the sense of taking the place of others, and Judas was willing to stay in the place of his brother in prison (Genesis 44: 18-34).

Next to the other children of Judah, we have some beautiful, simple, positive presentations, blessings that are found in the geographical area where they received the inheritance in Canaan, in their historical position over time: "Zebulun shall dwell at the haven of the sea; and he shall be for an haven of ships; and his border shall be unto Zidon. Issachar is a strong ass couching down between two burdens: And he saw that rest was good, and the land that it was pleasant; and bowed his shoulder to bear, and became a servant unto tribute. Dan shall judge his people, as one of the tribes of Israel. Dan shall be a serpent by the way, an adder in the path, that biteth the horse heels, so that his rider shall fall backward. I have waited for thy salvation, O LORD. Gad, a troop shall overcome him: but he shall

overcome at the last. Out of Asher his bread shall be fat, and he shall yield royal dainties. Naphtali is a hind let loose: he giveth goodly words. Joseph is a fruitful bough, even a fruitful bough by a well; whose branches run over the wall: The archers have sorely grieved him, and shot at him, and hated him: But his bow abode in strength, and the arms of his hands were made strong by the hands of the mighty God of Jacob; (from thence is the shepherd, the stone of Israel) Even by the God of thy father, who shall help thee; and by the Almighty, who shall bless thee with blessings of heaven above, blessings of the deep that lieth under, blessings of the breasts, and of the womb: The blessings of thy father have prevailed above the blessings of my progenitors unto the utmost bound of the everlasting hills: they shall be on the head of Joseph, and on the crown of the head of him that was separate from his brethren. Benjamin shall ravin as a wolf: in the morning he shall devour the prey, and at night he shall divide the spoil" (Genesis 49: 13-28).

The most important lesson in Jacob's will is the vision regarding the future, because Jacob did not offer them anything at the moment because he was in Egypt and had nothing to offer them, but in the future, he offered them the perspective of a territory, of a positions, the perspective of a victory. Just as Jacob told them about the part of Canaan's Land that they will receive, just as God blesses a part of the heavenly Land and says that He who overcomes will sit at the table with Abraham, Isaac, and Jacob: "And I say unto you, that many shall come from the east and west, and shall sit down with Abraham, and Isaac, and Jacob, in the kingdom of heaven" (Matthew 8: 11).

Moses' blessing

Jacob promised his descendants a land, just as Moses promised a land (Deuteronomy 33). In the end, however, staying in the land or losing it was a consequence of their attitude. These blessings of the patriarchs took place between 1800-1400 BC. The great Eastern nations of that time disappeared completely, leaving only the archeological vestiges, but the Jews continue to exist even today with the same religion in YHWH, with the same language spoken by the prophets, approximately on the same territory, remaining the only people in antiquity who survived with their language and religion together, this being a clear proof of their blessing.

Moses could be considered the last of the patriarchs, making the transition towards the prophets, using like Jacob the blessing at the end, which we find at the end of the book (Deuteronomy 33), stating that it is addressed to larger groups, namely to Israel's tribes, stating that when the addressing is in the hands of some tribes, of some larger groups, there are no more references to negative aspects of character, as Jacob does, with regard to Reuben, Simeon and Levi who were stigmatized for their deeds, and Judas and Joseph being praised for their behavior. This is no longer possible with some tribes, but something extraordinary appears. Levi, who is scattered in Israel for his violent and vengeful character, is praised in the blessing of Moses, is highly exalted, and the words addressed to him are especially beautiful: And about Levi he said: "And of Levi he said, Let thy Thummim and thy Urim be with thy holy one, whom thou didst prove at Massah, and with whom thou didst strive at the waters of Meribah; Who said unto his father and to his mother, I have not seen him; neither did he acknowledge his brethren, nor knew his own children: for they have observed thy word, and kept thy covenant. They shall teach Jacob thy judgments, and Israel thy law: they shall put incense before thee, and whole burnt sacrifice upon thine altar. Bless, LORD, his substance, and accept the work of his hands: smite through the loins of them that rise against him, and of them that hate him, that they rise not again." (Deuteronomy 33: 8-11).

This is one of the greatest blessings given to a tribe. The blessing is not a predestination, the blessing is thus allowed to flow freely, depending on the attitude of the person or group of people, as well as the choice taken at certain decisive moments. So it was that a curse can turn into a blessing after some choices made in decisive moments of life.

Levi, cursed to be scattered, remains scattered in the end, for he will never have a territory of his own, but in every city the Levites were to be the teachers, priests and judges of that city, namely, they were to become the elite of the people. The blessing said that: "And of Levi he said, Let thy Thummim and thy Urim be with thy holy one...They shall teach Jacob thy judgments, and Israel thy law: they shall put incense before thee, and whole burnt sacrifice upon thine altar" (Deuteronomy 33: 8,10). The curse of being scattered remains a curse, they remain scattered, but these scattered people were always to be the elite of the place where they were.

When Moses notices the crisis in the wilderness with the golden calf and asks: "...Who is on the LORD'S side? let him come unto me. And all the sons of Levi gathered themselves together unto him" (Exodus 32: 26). From all the children of Jacob, respectively from all the tribes of Israel, only Levi comes to Moses and sits on the side of the Lord, representing in a certain way the hand of God in resolving the crisis that appeared down the Mount Sinai, the golden calf. Thus, Levi receives the blessing, and Simeon remains with what he received from Jacob, the scattering in Israel, and certainly by the virtue of the blessing if he had also taken the path of Levi, he would have had something else. Thus, through a certain attitude taken in a moment of crisis, the curse is changed into a blessing.

When the land of Canaan was divided into 12 parts, Simeon also received a share in the midst of the tribe of Judah, which had received a very large territory, and in the middle of it Simeon also received an area of land with a number of cities. Simeon received a share, but we do not know what happened to him, that his tribe later disappeared, being especially assimilated by the tribe of Judah and that of Dan. He will no longer appear with the name of the tribe and it will no longer be mentioned that any brave, representative or valuable man came out of that tribe. Thus, the tribe of Simeon came to be scattered throughout Israel. So, Simeon's descendants lived on but lost their identity. Why did they lose their identity? For that fighting, critical, vindictive spirit that their father Jacob sanctioned. Such a repulsive spirit does not help to propel, to achieve something, but in the end, it only leads to losses, to isolation. All the tribes had both bad parts and good parts, and in Simeon it seems that there were fewer good things to last, to stay in time.

Moses in the book of Deuteronomy presents 4 speeches given in the last two months of his life, and the 4 speeches of Moses end with the blessing. In the fourth blessing, he presents the blessing in general terms, the blessing and the curse. In presenting the two diametrically opposed things, the blessing and the curse, Moses invokes the principle of effect: that is, if you listen you will receive the blessing, and if you do not listen you will receive the curse ... Following history, it can be seen that Jacob's descendants also had part of the blessing but also of the curse, which can actually happen to anyone.

Blessed be Asher: "And of Asher he said, Let Asher be blessed with children; let him be acceptable to his brethren, and let him dip his foot in oil. Thy shoes shall be iron and brass; and as thy days, so shall thy strength be" (Deuteronomy 33: 25, 26). A special blessing, something special, namely, someone to live without being sick, even his life to end without suffering, not to need someone to take care of him, to turn him from one side to the other, namely, the fulfillment of what it was said: May your power be as long as your days, a blessing that can happen not only to the one who was told but to anyone who respects the rules of health, who has a balanced lifestyle but who also trusts in his Maker .

Each tribe had a specific blessing, something that stood out from the others. Levi receives from Moses the blessing of the priesthood and he will be the priest of the people of Israel until the coming of Jesus Christ. Judas becomes the leader of the group of people, from which Shiloh was to emerge, being the man from whom the Davidic dynasty came for over 400 years, a dynasty from which Jesus was also born. Joseph had a double share, because Ephraim and Manasseh also had a share in the land of Canaan. Manasseh had a fairly large

territory, with a portion of land on both sides of Jordan. The blessing was something specific that made you stand out, excelling in certain things. Every child of Jacob, respectively every tribe of descendants of Jacob's children had the Canaan, but each had something special, something specific, something that went beyond the normality of things.

Conclusions

As a final conclusion, it can be seen the fact that the patriarchs, through the blessings offered to their children, look forward beyond time, having a future projection of their descendants regarding a place where they would live but also regarding their future way of life.

The blessing of the patriarchs did not represent a gift from them to their descendants, it did not represent the distribution of their wealth to their descendants, but the patriarchal blessing represents the gift of God, namely, what God the Creator transmitted to those children through their father, the patriarch.

Another aspect of the patriarchal blessing was the Creator's intention that through the blessing given to Jacob's children, everyone would eventually benefit from these blessings in the end. The patriarchal blessings remained for posterity placed in the book of Christianity, the Holy Scriptures, blessings that include a moral ethic, and as long as these precepts were respected, they were generators of peace, tranquility, harmony, happiness and prosperity. The patriarchal blessings also refer to a lifestyle. As long as the mentioned sanitary rules were respected, the people were exempted from a lot of diseases and they were happy. The purpose of the patriarchal blessings, as it was promised to Abraham, was to be poured upon all the nations in the end. Abraham was told: "And I will make thy seed to multiply as the stars of heaven, and will give unto thy seed all these countries; and in thy seed shall all the nations of the earth be blessed" (Genesis 26: 4).

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Creating the Religious Identity and Affiliation in Neo-Protestant Children and Young People in Communist Romania

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ABSTRACT: There is no need to be a specialist in order to be able to see that progress, generally, whether it is the progress of a nation or of a church, is based on education, especially in today's Romanian society, when the past education makes its flaws obvious in a very clear manner. This is even more visible among young people who, for decades, have been deprived of religious, Christian education, and are now raising serious moral issues.

KEYWORDS: church, neo-Protestant, religious education, communism, choirs, brass bands, orchestras.

Introduction

This article represents a revised and added subchapter from the Graduate Thesis titled *The Religious Education of Children and Youngsters in the Communist Period*, unpublished, presented in front of the Evaluation Committee at the University of Bucharest, Baptist Theology Faculty, in June 2007, in Bucharest.

In this study, we intend to capture, in addition to the efforts of parents, the efforts of the pastors and churches to pass on to their children and young people their faith by means and methods that are as diverse as possible. In this article, we will specifically refer to the role played by "artistic bands" (choirs, brass bands, orchestras) in creating a religious identity and affiliation in children and young neo-Protestants. The article is unprecedented in that the information comes, in particular, from the unpublished documents in the files of the Archives of the State Secretariat for Cults (A. S. S. C.), as well as from the files of the Archives of the National Council for the Study of the Securitate Archives (A. C. N. S. A. S.).

1. "Artistic Bands" – Choirs, Brass Bands and Orchestras

Of all the means used by the neo-Protestant religious denominations to attract and retain young people in church, the "artist – religious" activity, as it was named by the cult inspectors, was on the front line. Although they were not, in themselves, methods of catechization, the choirs, the brass bands and orchestras had as a role the establishment of a reasonably solid spiritual relationship between the individual and the church (A.S.S.C., no. - , inv. 891, 4).

According to the reports of the cult inspectors, until 1964, the neo-Protestant cults had not had such diverse musical bands, churches practicing mainly singing altogether, there were rare cases when a church had a harmonium, an organ, or a choral group. Since 1965, religious activity began to diversify, by setting up musical bands, mainly in the Adventist churches, and then they were also to appear in the bigger churches of the Baptist cult. The cult inspectors said that the years 1968 and 1969 were years of organization, when the musical bands multiplied in number and varied in form. After 1969, they became something so common within the neo-Protestant churches that with their help, the cult services became, not just once, "religious – impregnated artistic performances." It was only after 1972 that the

Romanian neo-Protestant churches, at least at the European level, found themselves ahead of other churches in other states with different political-religious status. At the Baptist Congress in 1972, for the first time the President of the cult spoke publicly about these bands, saying that "different bands such as orchestras, choirs and brass bands enrich our services through their fine songs". Also, at this Congress, Gerhardt Claas, from the Federal Republic of Germany, commented: "What you have, we do not possess!" (A.S.S.C., no.- /1973-1974, 18).

Since 1907, the first choral formation had already been set up in the Adventist Church by the pioneer Nicolae Jeleanu. It is also to be noted that the choirs appeared first and then the instrumental bands.

In a study carried out by the Department of Cults in 1988 regarding the activity of the neo-Protestant religious groups, both the dynamics of the artistic bands and the numerical increase in members, were noticed as follows (A.S.S.C., no. - /1988, 23):

No.	Cult	1972		1979		1988	
		Bands	Members	Bands	Members	Bands	Members
1.	Baptist	630	13.985	708	17.817	734	18.775
2.	Adventist	380	7.930	503	11.544	472	13.380
3.	Pentecostal	188	5.235	306	8.136	321	8.905
4.	Christian Evangelical Church	18	752	70	1.894	85	1.855
Total		1.216	27.902	1.587	39.386	1.612	42.915

There are also some 6.000 vocal soloists and recitators not included in this record, as well as 12.356 musical instruments (pianos, accordions, guitars, violins, mandolins, instruments for brass bands).

From the above table it is noticeably clear that the Baptist cult, with more than 700 bands, had the biggest share, totaling over 18.000 members, and was closely followed by the Adventist cult. In 1971, the counties with the most musical bands were Bihor and Arad, with the lowest number being those in Oltenia (A.S.S.C., no. - /1971, 3). If in 1971 there was no "artistic-religious" band in Vaslui County, in 1988 there was no county with at least three such bands (A.S.S.C., no. - /1988, 24). In order to illustrate the share of young people in these musical bands, we mention a statistic carried out in Cluj County in 1973. At that time there were 32 orchestras, 13 brass bands and 35 choirs in this county, in total 80 such bands. Of the 2.120 members, 1.060 were under the age of 25, or 50%, for whom more than 750 musical instruments were available. In the same period, in 20 out of 25 localities where these bands were scattered, there was no such equipment in the community centers, nor did they have such musicians (A.S.S.C., no. 9371/2119/12 May 1975, 8).

2. The Role of the Music Bands

Organized initially for **the beautification of religious services and for attracting children and young people to religious music**, the musical bands were subsequently meant to make their participation in religious services more pleasant, to raise the interest of the listeners and, at the same time, to determine their parents, by praising or reprimanding the children in church, to "force" their children to participate regularly in these bands (A.S.S.C., no. 12/6/1975, vol. 1, inv. 3, 2; A.S.S.C., no. 264/15 June 1971, 7).

The cult inspectors also noticed **the deep missionary character** that was given to these artistic groups later on. As for the Adventist religious manifestations, the representative of the Department of Cults said: "The acts of worship are given a special fest by creating real performances through the well-established choirs, through the real chamber orchestras, in which they have the flute, the bassoon, the drum, the clarinet, the trumpet, the violin, etc., seconded by the harmonium. They can perform any creation of the great composers, and in particular through the brass bands, through the uniforms of their musicians, through the perfect execution of songs, through the fact that they are produced on the streets of the localities, at the funerals or in the open air at wedding parties, they attract many curious people in which arises the desire to do the same, especially in young people. This is how the Adventists manage to attract even non-Adventist youth. With the mysteries of music, they are imperceptibly indoctrinated with the so-called doctrine, and after all become convinced followers of the cult" (A.C.N.S.A.S., no. 141, vol. 2, 206 – 207). Also, in his report to the Department of Cults in August 1955, the trustee mentioned the avalanche of missionaries at the federalized Cults and especially at the Baptist one: "In Gura Honț district, Arad region, the travels of believers with brass bands are frequent, with all the prevention measures taken. Large-scale events are taking place throughout the district. In Zimbru village a gathering of over 300 people was organized with people from Arad and the communes of the county. They played from Gura Honț to Zimbru, where they traveled with a forestry train" (A.S.S.C., no. 103/1955, vol. 13, inv. 170, 1). At the same time, in Chiuești locality, Cluj county, the brass band of the Pentecostal cult passing as the National Romanian Railways brass band (C.F.R.), its members being "C.F.R." employees played, undisturbed outside the church on various occasions, even being admired: "Such a good performance of the C.F.R. brass band!". Also, on the 8th of September 1973, the brass band of the Church in Brașov was caught in the station in Brașov, playing in the middle of a large number of people of all ages and from all corners of the country. The cult inspector also noted, "they were not playing *Dunărea Albastră (Blue Danube)* but religious songs!" (A.S.S.C., Lungeanu 1974). It is also worth noting what happened on 13th January 1963, when a group of Pentecostal believers from the commune of Uriu, the district of Dej, went with their brass band to the village of Negrileşti, and along the road made several stops playing religious songs, and in doing so, they drew attention of the population around them (A.S.S.C., no. 109/1963, vol. 2, inv. 99). The case of Baptist pastor Gavrilă Crișan, who went to church in Coșteiul de Sus with an IMS where he carried seven people with their instruments, is also worth mentioning. There they held a two-hour concert attended by 50 Orthodox believers (A.S.S.C., no. 800/12 December 1975, 3).

With the banning of playing religious songs outside the church building, the tape recorders became the main means by which artistic bands could be heard. In Mizil, Grigore Constantin, a sympathizer, came to the Christian Evangelical Church with a tape recorder to record religious sermons and hymns, and then to play them to his wife and parents. And Hrișcu Gheorghe from Girdoveni, Dâmbovița county, went to church in Ploiești with the tape recorder to record the songs of the orchestra, which he was to use in his home village (A.S.S.C., no. 1/1974).

Whether it was **a wedding, a baptism or a funeral**, the presence of the choir, the brass band or the orchestra ensured the beauty of the religious service in question, but also the possibility of the cult to attract new young people. For these purposes, the believers travelled a lot. Baptist pastors Gheorghică Nicolae and Negruțiu Paul, on some of the journeys they made through the country, were accompanied by groups of young people organized in choral and instrumental bands, using as a means of transportation "convoys of 25 – 30 cars" (A.S.S.C., no. - /12 October 1983, 1 – 2). Also, when the weather allowed, real convoys of cars, motorcycles and bicycles were organized in the Adventist churches in Câmpina, Ploiești and Urleta, to travel with the choirs (A.S.S.C., no. 281, 30 May 1971).

Artistic bands from the areas the bride and groom originated were invited at **religious wedding ceremonies**, and they provided the musical framework during both the religious service at church and during the dinner celebrations (A.S.S.C., no. 17/8 May 1973, 2; A.S.S.C., no. 109/1961, vol. 1, inv. 103; A.S.S.C., no. 122/March 1974). At the Pentecostal Church in Mândrești commune, Vaslui County, a religious wedding ceremony took place on June 17th, 1973, in which participated the choirs of the churches in Botoșani, Dumbrăveni, Suceava County, as well as the mandolin orchestra from Bistrița-Năsăud County. This led the cult inspector to make the following remark: "A true inter-county contest!". On May 20th, 1973, at the Pentecostal Church in Bogofint village, Caraș-Severin County, took place the religious wedding ceremony of the daughter of the local responsible, Reda Dumitru. 500 people took part, guests from nearby churches and especially from Timișoara. The trips were made by buses, with them also having artistic bands, brass bands, and orchestras of the churches in the city, which made a real demonstration (A.S.S.C., Lungeanu 1974, 62). There were also situations, like the one in Tătăraști, when on 28th August 1954 at a Pentecostal religious wedding ceremony was brought to play and sing the brass band of the Baptist Church of Secaș, as well as the choir of the Baptist Church of Petriș (A.S.S.C., no. 94/1954, vol. 13/A, inv. 137). Such cases were also recorded at the Baptist Church, with pastor Weininger Andrei going to the village of Ser to officiate a marriage. Along with him, went the Hodod brass band which played religious songs in the village. Because he had no license as a pastor to officiate the marriage in the village of Ser, nor permission from the authorities for the brass band to play through the village, the pastor was detained by the Militia post for a few days (A.S.S.C., no. 93/1959, vol. 13, inv. 101; A.S.S.C., no. 94/1954, vol. 10/A, inv. 135). It is also worth mentioning the case in Valeapai village in Reșița district, where a wedding took place to which the Baptist believers from all the municipalities of the district and from the town of Reșița were invited. Pastor Curea Simion, together with the choir of the Baptist Church in Reșița, went to Valeapai. Having reached the Ramna commune, they stopped in the middle of the street and the chorus began to sing, and the deacon Achim and the pastor sent a few women to call people to church because that day was a holiday. Then they entered the church in Ramna, where they continued their song program. The next day, joining with the believers from this church, they left the village singing, going to the church where the wedding was to take place (A.S.S.C., no. 94/1955, vol. 13, inv. 144).

Also, on the occasions of **baptisms**, artistic trips were made in order to enrich the respective religious program. On 30th June 1957, a baptism was planned with the consent of the representative of the district, who went to assist on the appointed date. There he found that the baptism had been delayed for a later date, which was to be communicated to the trustee. On 14th July, the president of the Baptist Union, Vicaș Teodor, carried out that planned and postponed baptism in Calacea, without notifying the local authorities. On that Sunday, two trucks were seized, they had started with Baptist believers from other localities to reach Calacea. All the Baptist believers from the trucks fled to the corn fields with their instruments and went 15 km on foot to attend the christening (A.S.S.C., no. 103/1959, vol. 11/1, inv. 141, 115). At the Baptist Church in Breia Română, Hațeg district, a baptism also took place. 14 Baptist people from Petrila commune, Petroșani district, participated to this christening, and they came with a balalaika orchestra and an accordion. The baptism took place in the water of Strei river, the 14 people sang without instruments (A.S.S.C., no. 94/1955, vol. 13, inv. 144; A.S.S.C., no. 93/1959, vol. 13, inv. 101; A.S.S.C., no. 115/23 May 1980).

Even if there were occasions of sadness, **the funerals** were not overlooked either. At the Baptist Church "Speranța", in Arad, on 6th March 1966, the funeral of a Baptist believer took place. On this occasion, 1.500 Baptist believers, choir and brass bands played and sang on the whole route between the house of the deceased and the cemetery (A.S.S.C., no. 441/16 March 1967, 4; A.S.S.C., no. 93/1959, volume 13, inv. 101).

Christmas and New Year's Eve also represented occasions when many believers, children, and young people, went to church, attending religious service until midnight, with prayers, religious songs, poetry recitations and sermons. On the eve of Christmas, the Pentecostals from Mestecăniș 52 even installed the amplifier station outside their church and then performed the religious service (A.S.S.C., no. 272/10 January 1987, 2 – 3). On such occasions were distributed among children and young people various gifts (clothing, school stationery, sweets, apples, biscuits), purchased from the voluntary contribution of believers (A.S.S.C., no. 12/8 January 1980, 2). At Baptist Churches in Dej, Iris and Ospătăriei no. 10, from Cluj – Napoca and the Pentecostal Churches in Dej and Turda, on the New Year's Eve in 1975, the children were given such gifts (A.S.S.C., no. 9371/2119/12 May 1975,9). At the Aradul Nou Baptist Church they also gave presents both to the children and young people of the church and to the poor guests of the Orthodox Church (A.S.S.C., no. 272/10 January 1987, 2 – 3).

But it was not these activities carried out within the churches that most alerted the local authorities and the Department of Cults, but that on such occasions the choirs and brass bands, smaller or larger, went caroling to the houses of the believers of the cult they belonged to, to Orthodox believers, sometimes even to Orthodox priests' houses (A.S.S.C., no. 6/16 January 1980, 3), hospitals or military barracks, assuming the measures that were to be taken against them. To illustrate, we mention that a Pentecostal brass band went caroling in the district of Gheorgheni, Cluj-Napoca, on the night of 24th – 25th December 1986, at a certain time even disturbing the public silence (A.S.S.C., no. 93/18 February 1987, 1 – 2). Also, at the Baptist Church "Speranța", at Christmas time, a lot of caroling happened. The religious program at church ended almost at 8 p.m, after which, in groups of hundreds of people (two choirs of at least 100 believers each) or in smaller groups, they went caroling around the blocks of flats, hospitals and the homes of believers. Thus, in Arad-gai, the Baptist chorus was out caroling until 11:30 p.m. The band played in the neighborhoods. After midnight, the brass band Segă Church, Scărișoara Street came to the area. The choir and the Baptist brass band from Segă church caroled at the blocks in the new Aurel Vlaicu district, wishing everyone "Happy holidays!". In Chișineu Criș, the Baptist choir caroled at their believers houses and at some Orthodox's until midnight, and in Lipova, the Baptist choir and the brass band sang and played carols until three o'clock in the new blocks of flats. At Radna, a group of 40 persons and instruments caroled up to 1 a.m., and in Soimș the musical instruments group caroled until morning (A.S.S.C., no. 272/10 January 1987, 2 – 3). In Constanța too, several people alerted the authorities, because a group of believers (later found to be Baptists) made up of 12 – 13 people, with private cars, were seen and heard in several neighborhoods of the city, playing more carols of a deeply religious nature on three voices. This was reported from 8 p.m. and continued until 3 a.m. One of the people who had heard the choir asked them: "Why do you walk in such a large number and disturb people? Do you have an approval from the municipality's management?". They answered: "We do not need the approval of anyone to glorify Christ. As you praise the party, we praise God." In order to confirm this, the cult inspector discussed with the Baptist pastor Dăduică Ion, who confirmed that a group of singers in Constanța County went caroling to believers, friends, neighbors and acquaintances. The pastor also stated that "it is not bad that the winter tradition is preserved, that the tradition is not forgotten" (A.S.S.C., no. 3/7 January 1980). Also, on Christmas in 1986, a Pentecostal choir went caroling outside the military barracks in Pitești Street, in Cluj-Napoca, and another choir went to the oncologic Hospital courtyard in the same city. A similar case took place in Turda, where the Pentecostal choir, with the help of the pastor, managed to enter and sing carols right inside the hospital. The local authorities intervened and evacuated the choir (A.S.S.C., no. 93/18 February 1987, 1 – 2).

Slowly but surely, children and young people have started to be attracted from other confessions, on the pretext of learning to play instruments, especially the wind instruments

(A.S.S.C., no. 170/30 June 1989, 5; A.S.S.C., no. 103/1959, volume 1, inv. 122, 4). There were choirs made up of children and young people, most of whom did not belong to neo-Protestant cults. In Darabani village, within the Pentecostal Church, there was a choir made up of students who did not belong to this cult, as they were pupils of the local music school (A.S.S.C., no. 2509/2 February 1973, 2). Also, in the commune of Vârfurile, Arad County, Baptist Pastor Oniga Gheorghe, in agreement with the General School Director Luluşa Pavel, himself a Baptist, organized an orchestra of the school pupils who regularly played at the Baptist Church in the locality. The pastor could also enter the school without problems where he was also teaching religious issues (A.S.S.C., no. - /1971, 2).

Starting from the variety of activities in which artistic bands were involved, a Baptist believer from Oraviţa addressed the cult inspector with the following words: "If these religious artistic programs were not to take place, our number would fall to less than half" (A.S.S.C., no. 80/14 September 1974, 5)

3. The Structure Of Musical Bands

Noting that young people and children were more receptive to music and had a great deal of skill in using musical instruments, the neo-Protestant religious denominations began to energize and rejuvenate the life of churches, encouraging children and young people to be part of orchestras, brass bands, choirs, and groups of recitators (Otovescu 1989, 83; A.S.S.C., no. 12/6/1975, vol. 1, inv. 3, 2). In most cases, out of the total members of these bands, between 70 and 80% had not yet reached the age of 25 (A.S.S.C., no. 437/12 July 1989, 2). There were, of course, cases where the musical bands were composed only of children who had not reached the age of consent. In the Adventist churches of Frumoasa and Peretu, Teleorman County, apart from the string orchestras, which included about 50 school-age children and "big" choirs, including young and elderly, there was also a choir made up of about 25 children from each church, these choirs, took turns in singing religious songs in church. The Baptist Church in Botoşani also had a choir of 30 children: 12 to the age of ten and 18 between 11 and 16. At the same time, the Baptist Church no. 1, in Constanţa, had an orchestra made up of 38 children aged between 10 and 17 years old. The Adventist Church in Cervenia also had an orchestra of 22 children. Such groups composed only of children also existed in other neo-Protestant churches in Bihor, Sălaj, Caraş-Severin and Bucharest (A.S.S.C., no. 219/22 July 1980, 1).

It is not surprising that the artistic bands included the U.T.C.s (young people who were part of the Communist Youth Union). At the Pentecostal Church in Simeria, a group of students, all of them U.T.C members, was part of the cult's musical groups. Although they were warned about this with tact and patience, the students did not want to give up and eventually risked being excluded from the organization (A.S.S.C., Lungeanu 1974, 66).

When children had musical skills, parents, especially the Adventists, sought to direct them to music schools, high schools, or popular art schools, where to learn to play an instrument or to conduct a choir, they were sending them to get more classes in private and were making available the most up-to-date musical instruments (A.S.S.C., no. 52/29 January 1973, 2; A.S.S.C., no. 46/7 July 1989, 2). Speaking with the Baptist believers in Vârcioara, Caransebeş district and asking them why they are doing musical education classes with the children of the church, the cult inspectors were answered: "We do this because we want to teach our children to play an instrument, and at school or at the community center they do not study this" (A.S.S.C., no. 441/16 March 1967, 5). Whether they were accordions, guitars, mandolins or violins, musical instruments were often acquired directly by the parents (A.S.S.C., no. - /1971, 3; A.S.S.C., no. 281/30 May 1971, 7). Other times, in order to make the musical groups permanent, musical instruments were acquired either directly from the funds of the churches or from the contribution of some believers and entered into the inventories of the churches (A.S.S.C., no. 78/19 February 1974, 4). In this way, when a child

or young man left the instrumental band, he was replaced by another, the latter no longer being obliged to buy an instrument. The churches also invested large amounts of money in the amplification stations (A.S.S.C., no. 306/22 December 1980, 2). At the same time, the members of the neo-Protestant churches also dealt with the places where the children were to repeat. Adventists in Macea village even built a special rehearsal room on a land bought without approval. Also, members of the Adventist Church of Curtici bought a house and fined it as a rehearsal room (A.S.S.C., no. 13/1969 – 1970, vol. 7, inv. 17).

3.1. The conductors

Most of the information revealed that young people and children were musically trained by people who had training in the field, sometimes even specialized training. At the Adventist Church, the following graduate instructors of the Conservatory were identified: Cristescu Lucian, Ion Gabriel, Tolici Constantin and Necea Marian. The instructors were mostly members of the cult, sometimes sympathizers, and of the most diverse professions, mostly workers (in the Christians Evangelical Church, conductor Ciurciu Valentin was a doctor, and Savu Dumitru was a photographer. In the Baptist and Pentecostal Churches, the conductors were civil servants, technicians, or workers) (A.S.S.C., no. 36/1982, 5). At the Adventist Church in Drobeta Turnu Severin, there was a choir of 20 people, led by the deacon Goia Pavel, accompanied by the piano. In order to be able to lead the choir, Goia Pavel, although he was a construction worker, took conductor classes at the Popular School of Arts in the municipality. Most of the participants were young people who had attended the music courses or were still students (A.S.S.C., no. 111/6 August 1979, 1). The conductors were aged between 25 and 50 years old, and because of their membership or sympathizers of the cult, they were not paid for their work. The inspectors reported that it was difficult to determine whether some of these instructors were paid in one form or another, because the justified cost documents did not include this form of payment (A.S.S.C., no. -/1973, 3 – 4).

There were also cases when retired music teachers organized such artistic bands. In Moisei commune, Maramureş County, retired professor Kiss Mari, from Timisoara, was seen to organize a brass band at the local Pentecostal Church, causing young people to buy musical instruments (A.S.S.C., Lungeanu 1974, 61). Sometimes, leaders of such groups came from amongst the young people members of the group (A.S.S.C., no. 52/20 January 1973, 2). Other times, when in some churches there were no instructors trained to provide music training to children and young people, music teachers from other cities were brought in, for whom transport, meals and appropriate payment were offered (A.S.S.C., no. 5127/1973, inv. 1477, 2). There were also cases when members of the church of one cult invited a conductor from another cult to train young people from a musical point of view. The leadership of the Christian Evangelical Church in Târgușorul Vechi, Prahova County, invited a member of the Baptist cult in Timișoara, called Sava, to teach the young people in their church to play musical instruments, especially the accordion. The Union of the Cult did not agree with the move. The church was also accused of violating the principle that singing accompanied by musical instruments was prohibited. Another aspect condemned by the Union of this cult was that the instrument players traveled through other Christian Evangelical Churches, where "they manifested themselves noisily, which is not advisable, because these manifestations do not contribute to the spiritual growth of the believers, such instruments being more natural than spiritual" (A.S.S.C., no. 1029/21 July 1970).

3.2. Scores and rehearsals

To set up such musical bands, a series of literary and musical productions had been produced by anonymous members of the four religious' groups. In most cases, old song books were used from the elderly believers. New books were also used, these books had entered the country illegally. In this way, the Adventist cult used "Immurile Creștine" (Christian Hymns). The Baptist Cult used

"Cântările Creștine" (Christian Songs), "Cântările Evangheliei" (The Gospel Songs), "Harpa Evanghelică" (The Evangelical Harp) and "Sunetele evanghelice" (Evangelical Sounds). The other two churches did not make special efforts to organize the musical bands, and where they existed, they used the same books of general character as all the neo-Protestant cults (A.S.S.C., no. 2531/1989, 4).

The variety of programs run by musical groups forced members to intense weekly rehearsals and more. Where the choirs rehearsed, it was necessary to learn the text of the songs and the scores. In the case of orchestras, it was necessary, first of all, to learn the musical notes and to make the instruments work. Whether it was about choirs or orchestras, children and young people found a place of refuge, satisfaction, and entertainment (A.S.S.C., no. 412/4 June 1973, 2).

Rehearsals always began and ended in prayers. There were not few cases where, after the end of the rehearsing moments, guidance was given to participants on how to behave and preserve the principles of faith specific to that particular cult, lessons were given on how to pray, certain biblical texts were explained, and their religious knowledge checked. In this way, on numerous occasions, the hours of rehearsal were turned into hours of catechization of the participants (A.S.S.C., no. 78/19 February 1974, 4).

Being highly trained from a musical point of view, children and young neo-Protestants were often called upon to play in school or in community centers, and those choirs or orchestras were made up of children and young neo-Protestants (A.S.S.C., no. - /1971, 5). In the Cehei commune, Sălaj County, the school leadership asked for the support of the Baptist Church in various events with the children orchestra of the cult (A.S.S.C., no. - /1971, 2). To the total dissatisfaction of the Department of Cults, there were situations when, in localities where the community centers did not have orchestras, brass bands or choirs, people, who normally did not attend the non-Protestant churches, sent their children to learn to play instruments at these religious denominations (A.S.S.C., no. - /1971, 1). We must also mention that cult inspectors often regretted that artistic bands, organized by the neo-Protestant churches, were much better than the artistic bands organized by community centers. At the Baptist Church in Bucharest, Talazului street no. 16 (Ferentari), out of 253 members, 50 were chorists and 41 were part of the orchestra. This prompted the cult inspector, who had witnessed the religious services, to make the following remark: "What community center has 41 instrumentalists?" (A.S.S.C., no.- /1971, 8).

In the Adventist cult, Nicușor Gheorghită, from Constanța, a graduate of "Ciprian Porumbescu" Conservatory, showed a special interest in forming a choir and an instrumental band. The songs performed by his choir and instrumental band have changed "something" in the advent tradition. The songs have become livelier, more melodic, changing the slow and sacred rhythm to the dissatisfaction of some more conservative members. Even if for the time being, he was stopped by the church pastor and by various religious members, he continued to be in charge of the music education of young people. According to the cult inspector, the music which Nicușor Gheorghită tried to introduce resembled the folk style. But we do not have information about the cult inspector's musical culture. (A.S.S.C., no. 61/3 March 1980, 3).

At the Christian Evangelical Church, there was a tendency to organize choirs and orchestras only for the sake of the affirmation, so that the young and the children would be better known. And at the Pentecostal cult, many of the texts with religious content were put on the music of ballads, doinas (traditional Romanian song), folk songs and even on the rhythm of soft and romantic music (A.S.S.C., no. 412/4 June 1973, 6). In Cluj County, Tudorache, a member of the Pentecostal cult, together with his children, set up a musical band performing ballads with religious texts (A.S.S.C., Lungeanu 1974, 61). Despite these more liberal trends, the conservative elements, who oversaw the religious training of

children and young people, continued to educate them both religiously and musically in a Christian spirit.

Conclusions

Due to the steps taken, the neo-Protestant churches managed to keep their children and young people in the sphere of religion, and this was done in a context where, at a national level, in 1989, the highest proportion of unbelievers was concentrated in the most intellectual occupations such as pupils and students. Although they were not, in themselves, methods of catechization, the choirs, brass bands, and orchestras played the role of establishing a strong spiritual link between the individual and the church. Organized initially for the beautification of religious services and for the attraction of children and young people to religious music, the musical bands subsequently performed the role of making their participation in the worship services more pleasant and have been of a deep missionary character, being used in religious wedding ceremonies, baptisms, funerals, as well as on caroling occasions.

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The Laying Hands, Religion or Social?

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ABSTRACT: The 21st century will be a religious one or not. The revolutions in the former communist bloc seemed to turn the world into churches and set the tone for bringing religion back to the forefront. A rediscovery of the values of the Christian faith will produce a pure and true religion. One of these values is putting hands. Both Jesus Christ and the apostles were healed, "poured out" the Holy Spirit upon the converts, and consecrated men to the ministry by laying on of hands.

KEYWORDS: ethic, morality, values, miracles, laying hands, Roman-Catholic, Orthodox, Protestantism

Introduction

Since ancient times, the hand had a significant symbolic meaning, being considered the symbol of human action. Hand washing was the symbol of innocence, prayer was accompanied by raising hands to heaven. The right hand generally symbolizes strength and power. Holding the right hand raised symbolizes protection and favor. In the Bible, the hand of God is presented as an instrument of power (Olsen 1990, 125).

History of Laying Hands

In the Old Testament, the practice of laying on of hands is common: Jacob blessed his sons Joseph by laying on of hands (Genesis 48:8); Aaron, as high priest, laid his hands on the head of the goat for Azazel, to symbolically transfer the sin of the people upon him (Leviticus 16:21); Joshua was appointed a descendant of Moses by the laying on of hands (Numbers 27:18, Deuteronomy 34:9).

The laying on of hands in the case of Jesus Christ meant miracles, blessings, and compassion. He dealt with difficult cases: lepers, deaf-mute, blind, sick with serious and incurable diseases at that time, resurrection from the dead, but also simple cases such as blessing children. He did all these things not to force others to accept Him, but because He had come to fulfill the needs of the oppressed (Isaiah 61:1-3; Luke 4:18-19). Christ's purpose was for all these people to receive more spiritual healing than physical healing, but this did not always happen (the healing of the ten lepers, of whom only one received spiritual healing – Luke 17:17-19).

Some consider Christ a great guru, initiated during His childhood in India or One who heals through telepathy, bioenergy or hypnosis (McDowell 1994, 292-293). Spiritual healing achieved through telepathic transmission of bioenergetic information is one of the simplest ways to explain the divine grace sent to the human being (Munteanu 1998, 178).

The explanation is based on the golden rules of telepathy: you cannot be telepathic if you have hatred and envy in your soul; you cannot be telepathed unless you learn the golden rules of love; telepathy is the simplest and most difficult method of transmitting information, because it requires a high degree of spiritualization; telepathy can be achieved only on a perfect mental vacuum, otherwise they are only transmissions from one's own subconscious; the world of telepaths is a distinct world, for it presupposes peace, calm, and love; the world of telepaths is a relaxed world, for it has only the rule of unconditional love and forgiveness; telepathy is the subtle way of transmitting information, and through it, information can be

obtained from all fields, from all bedridden and ungodly spirits, from all the angels and all the spirits of the Earth (Munteanu 1998, 176-177).

This list fits very well with the teachings about love, forgiveness, understanding, about maintaining a close connection with the divinity promoted by Jesus Christ, which could validate the opinion of the supporters of this idea. However, Christ also healed by word, not just by touch. Although these "golden rules" of telepathy are very Christian at their core, it does not prove that Jesus was a follower of such a healing method (through telepathy or bioenergy).

He also did not teach any of His disciples that when He was before a deaf-mute, He would put His fingers in His ears and spit in His mouth to heal Him. He did not encourage, in any case, to put a spit mixed with spit in the eyes of a blind man to restore his sight. Jesus did not make all these gestures to give them a mystical character. His touches spoke, sent non-verbal messages to those with whom he interacted, not bioenergy or any magical power.

Filled with the Holy Spirit (Acts 2:4; 4:31), the apostles laid their hands on their fellow men, healing the sick (Acts 3:7-8; 5:12.15-16; 9:17; 19:11-12; 28:8), giving the Holy Spirit to those who received the Word (Acts 8:17; 19: 6) or consecrating them in various ministries (Acts 6: 6).

Such things were accomplished not only through the apostles, but also through other believers consecrated to God. Here, for example, by putting his hands on Ananias, Saul regains his sight (Acts 9:18) and is filled with the Holy Spirit (Acts 9:17); the church at Antioch consecrated Paul and Barnabas as missionaries (Acts 13:2); Timothy was consecrated in the ministry by the elders (1 Timothy 4:14; 2 Timothy 1:6). Also, in his Epistle, James mentions another form of laying on of hands: the anointing of the sick with oil (James 5:14-15).

The early Christians did not lay their hands on the sick to cause them to choose Christ, but did so in a selfless way, to meet their needs and deliver them from suffering (healing of Publius' father - Acts 28:7-10). Of course, they too would have wanted all these people to receive more spiritual healing than physical healing.

The laying on of hands did not convey healing, blessings, or the Holy Spirit, but they all came from God. The laying on of hands was a symbolic act and not a means by which divine power came (White 1994, 134-135), because, for example, the Holy Spirit could come upon men without the laying on of hands (Acts 2:4; 4:31; 10:44).

In conclusion, the laying on of hands, in general, does not transmit any power in itself, but only God is the one who heals, yet in the right of Christ, we cannot separate His gestures from His divinity.

As for the apostles, the laying on of hands is a symbolic act and not a sacramental one. Although healings also took place through the apostles (some amazing, being enough for even the shadow of Peter to rest on a sick person and he was healed), this power did not come from them, but was given to them by God.

The Roman Catholic position

The anointing of the sick became a sacrament in the Roman Catholic Church. The first document underlying the transformation of this ritual of the early church into a sacrament is a letter dated 417 AD of Pope Innocent I to Decentius, bishop of Gubbio. Based on the text in James, the pope notes that the oil is blessed by the bishop and applied to the sick person by the bishop or priest (McBrien 1980, 784).

In the Middle Ages, anointing became more and more a sacrament of preparation for death, other than the original purpose of healing the sick. The Second Vatican Council made a clear distinction between the sacrament of anointing the sick and the sacrament of

preparation for death. Anointing is not a sacrament of those who are about to die, but in the holy anointing of the sick, accompanied by the prayer of the priest, the whole Church commends the sick of the Lord, who suffered and was glorified, asking Him to give release and rescue (McBrien 1980, 785-787).

Regarding the laying on of hands for consecration in services, the Roman Catholic Church states that all those who have been baptized are in some way priests of Christ. However, ordained priests differ from those baptized not only in rank but also in essence. There are three degrees of ordination: bishop, elder and deacon; bishops as successors of the apostles are superior to others (McBrien 1980, 806-807). All the ordained have a supernatural power to administer the sacraments, through which they offer the beneficiary supernatural grace. According to the Council of Trent on Baptism and Ordination, the priesthood is imprinted with a character that can never be taken away (Olsen 1990, 121).

The Orthodox position

The priesthood of Christ, in Orthodox opinion, is exercised through three steps: bishops, priests and deacons. Each bishop is the successor of all the apostles and is therefore considered a partaker of the same hierarchical grace and of the same teaching and guardian of the Church. After that, each bishop is ordained by several bishops in the name of the whole episcopate, receiving the same grace and the same teaching that all the apostles and all the bishops had and at the same time being able to share to the priests, and through them to the faithful of his diocese, the same grace and the same unchanged teaching (Staniloaie 1997, 157).

This uninterrupted succession of grace comes through the intercession of persons who, with grace, also transmit their faith in the Holy Spirit. In other words, with the succession of the grace of the apostles we have the succession of faith from them. The priesthood as the objective mediator of Christ includes in it the present actuality of the work of Christ (Staniloaie 1997, 158).

Christ ordains invisible, directly and visibly, through bishops, bishops, priests, and deacons, communicating to them the Holy Spirit or the infinite love of God and of God, which is in His body. However, this communication is made through the prayers of the first apostles, then the bishops (bishops: 1 Timothy 1:6; Titus 1:5; priests: 1 Timothy 5:22; Acts 14:22; 20:28; deacons: Acts 6:6; 1 Timothy 3:10, etc.).

In conclusion, both the Orthodox and the Roman Catholic position are identical in terms of the mystique of ordination. The ordained receive special powers, based on apostolic succession and “once ordained forever ordained”. Also, the laying on of hands is hierarchical, there are three levels of the priesthood, the first level (the bishop) ahead of the other two.

The Protestant position

In his book *A Prelude on the Babylonian Captivity of the Church*, Martin Luther attacks the concept of Roman Catholic ordination, saying that it is ridiculous to consider it a sacrament of God, something He did not establish. This sacrament, he continues, is the invention of the pope's church. Ordination is nothing but a ritual in which one is called to serve the Church (Olsen 1990, 153).

For his part, Calvin attacks this sacrament of the Roman Catholic Church, saying that all these claims are nothing but insults to Christ. Both, however, speak in favor of the priesthood of all believers (Olsen 1990, 153).

Both Calvin and Luther found biblical support for the laying on of hands in the installation ceremony. But they considered this event to be only a ritual or ceremony, as it

had no power or force in itself. Regarding the installation in a service, what matters is not the ceremony, but the calling of that man (Olsen 1990, 157).

In conclusion, these Protestant positions, supported by Luther and Calvin, condemn Catholic mysticism, supporting the biblical position on the laying on of hands, that of a symbolic act and not a sacramental one.

Rediscovering the value of laying on of hands

At the end of the twentieth century, the question arose as to whether or not the next century would be a religious one. Today, the healing and "descent" of the Holy Spirit are phenomena specific to charismatic movements, but they are viewed with great skepticism and great reservations by Christianity and beyond. In fact, the phenomenon itself is very limited. Laying on of hands is the only event in all Christianity practiced today.

The phenomenon of healing is very rare, if not almost non-existent (Boice 2000, 582). In Augustine's opinion, the only reason there are no miracles today is that the world should not become too accustomed to them and the faith should cool. However, he does not deny that the phenomenon still exists, but on a small scale (Augustin 1997, 59-60).

Throughout the history of God's people, miracles and healings have taken place in the time of Moses, Elijah, and Elisha, but also in the time of Christ and the apostles (isolated during the Babylonian captivity (Rotaru 2015,188-193)). Therefore, God chooses when the phenomenon of miraculous healings occurs. In other words, it does not necessarily depend on the faithfulness of the people or their representatives.

During His life, Jesus Christ was not content to draw attention to Him alone as a miracle worker or healer. He wanted to take their minds away from the earthly and lead them to the spiritual (White 1997, 204). The Savior performed miracles only when absolutely necessary, and each miracle was intended to heal them spiritually (White 1997, 296).

For their part, Christians contemporary with Christ were eager to be free from sickness and suffering, but they were not interested in spirituality. In other words, for many Jews, His miracles did not produce faith or spiritual values (White 1997, 317).

God does not work miracles where He has left to man the means to accomplish a particular work, yet we must not lose sight of the fact that the Bible speaks of the existence of the gift of healing (White 1997a, 121). On the other hand, miracles should not be the goal but the formation of a noble character (Matthew 7:21-27).

Although the world today is greedy for "hunger for flesh," by which we mean erotic touches, yet we must not forget that man's hands can produce healing touches to the soul, producing comfort, or soothing the pains of others. We must not overlook the marginalized by society, the sick or neglected. Jesus Christ took time to deal with such people. He laid His hands on these beings, but He does not work miracles where a simple gesture of sensitivity can bring healing.

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A Miscellaneous Perspective on the Issue of Modernity

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ABSTRACT: The assessment of a concept had constantly been a challenging phase in respect of the precise moment of appearance, all the more as the postulation – *modernity*- was considered controversial and complex along its entire history. An aspect that had to be mentioned was the fact according to which the idea of modernity could not be conceived but within the parameters of a particular awareness of the time, namely the historic, linear and irreversible one. Modernity would be purposeless if a society had not regarded the temporal-sequential concept of history as representative and organized temporal categories in accordance with a mythical and recurrent pattern. Although the notion of modernity was assimilated almost automatically to secularism, the main corresponding constitutive element had been the sense of unrepeatable time, not compatible with a religious *Weltanschauung*. The premodern societies highly considered the religious doctrines in contrast to actual realities the public opinion of which did not appear as the prerogative of an educated minority, but a constantly enhanced forum of social communication.

KEYWORDS: modernity, civilization, chronicle, society, individual, culture

The history of mankind collates in effect a series of two successive, melded but not similar chronicles. In point of the former, it might be assessed the fact according to which people lived closely grouped in tight communities. Even the greatest empires, colossal conglomerates, have functioned under prevailing local living structures. The time flowed slowly/imperceptibly, whereas the perception was of a never-changing world, at least as regards its essential data. There were no disruptions within the framework of the innate community to significantly alter the proper course. Thereafter, the evolution was towards an inclusive world, whilst the pace accelerated. The entire process throttled by the middle of the XVIIIth century, *the modernity*, and continued up to present time, generation after generation. The traditional structures initially fissured, and then fell apart, the moment for mankind to reach the age of inventions. As opposed to the conservative world with its corresponding values transmitted from generation to generation, the modern one was incessantly being created. Nothing could withstand the attrition of time. Decade after decade, history had systematically altered the plain bonds of solidarity, thus determining the individuals unto an ever-growing and less coherent world. The progress may have been considered not being an alert one, but with modernity, evolution has marked a significant expedited path. Hence, humans have acquired more civil liberties but at the same time confusion is part of the process as the number of potential alternatives has been modified. Phoniness, a characteristic of the novel world tends to monopolize each aspect of the society whereas the individuals have relentlessly constructed the ideal world at the risk to give rise to the worst one. An analysis as regards the socio-religious aspect of this new world might be difficult to be realized as it either induces transient vanities or captures completely the individual. Still, there are particular ideas or concepts that the hectic life might slight but the consciousness of the individual has the role to valorize, namely *the intrinsic universality* of human values, *the significance* with respect to the origins of historical patterns/models and *the subtle triumph of the truth* beyond the alienation, a characteristic inherent to secularization (Baconsky 1999, 170).

In the last one hundred fifteen years terms as “modern”, “modernity”, “modernism” along with a series of related notions have been in relation with the historical relativism, that might be referred to as an individual form to criticize the tradition. At the end of the XVIIth

century and the beginning of the XVIIIth, the majority of the “moderns” involved in the far-famed *Querelle des Anciens et des Modernes* (The dispute between antics and the moderns) or, the English correspondent, *The Battle of the Books* have continued to consider the aesthetic as an ageless and transcendental pattern. The abolition in point of the traditional aesthetic dominance, the time frame, the change and self-awareness of the present are to become valuable sources as regards what Lionel Trilling once identified by means of an inspired syntagm “the antagonistic culture” of the modernism (Calinescu 2005, 15).

The modernity constitutes the onset for the *avant-garde*, but concurrently tuns against itself, thus being perceived as *decadence* and dramatizes the intense sense of own corresponding crisis. Albeit contradictory, the concepts of *avant-garde* and *decadence* appear to assume the form of synonyms and, in certain instants, to be even used interchangeably.

In the broadest sense, modernity is reflected by means of the irreconcilable opposition between the series of corresponding values (1) the objective time, socially measurable, of the capitalist civilization and (2) the personal existence that is subjective, imaginary being reflected in the evolution of the inner self. The latter identity with regard to the relation of time-self constitutes the essence of the modernist culture. This perspective determines the aesthetic modernity to reveal or unveil part of the motives of the profound crisis.

After the Second World War and especially starting with the 50s numerous thinkers have predicted the concept of *the postmodern epoch*, namely Arnold Toynbee, the philosopher of the culture and history that has expressed the *postmodern* term, a series of art and literary critics like Harry Levin, Irving Howe, Leslie Fielder, George Steiner (assessed the idea according to which the period might be labelled as *post-culture*). The debate has involved sociologists, as well, being determined by sociological theories and “mass society” (a phrase that has been defined by David Riesman in his best-known book *The recluse mob*, published in 1960), “the consumer society”, “mass culture” or “popular”, “postindustrial society” notions. A particular focus is required in point of the definition of both *theory* and *mass*.

The notion of mass is, by definition, vague or imprecise as Pierre Bourdieu and Jean-Claude Passeron have asserted. The phrase *mass society* or *mass culture* denotes the fact according to which each individual that belongs to the above-mentioned concepts assumes the corresponding characteristics.

The term “theory” belongs to the Greek root *theoria* that involves the sense of vision, thus one of the functions of the theory is to determine the individual to observe and to interpret phenomena and events. Therefore, theories are the means to notice what precisely holds out understanding and manners of explaining, that concentrates the attention upon specific trends, connections, or the social system as a whole. Moreover, the theories account for the social realities and helps the individual to comprehend the surrounding world, ensuring the overall view necessary for the contextualization of personal experience within the framework of relations and social institutions.

One aspect is to be emphasized, videlicet one of the most simple and nuanced discussion in respect of the culture of modernism/postmodernism has been initiated by a sociologist, David Bell, in his work *Cultural contradictions of capitalism*, thus considering that the modern society might appear omens of a possible revolution:

“We are facing a radical disjunction between culture and social structure that along the course of history have served as a basis for more direct social revolutions. The new revolution has already begun in two fundamental manners. First, the autonomy of culture starts to be perceived as being present in various aspects of life. What has been once fantasia and imagination, in present the postmodern attitude transforms it into reality. (...) For another thing, the way of being that was assimilated with the *cenacle*, has now been adopted by “the masses” ... and dominate the cultural scene” (Calinescu 2005, 17).

The phenomenon of irrepressible consumerism, the fear of boredom and the need to escape have contributed to the development of *kitsch*. The kitsch is one of the most typical

products of modernity. At this juncture there is relevant to mention the studies of The Frankfurt School members that have examined the interconnections between culture and communication in point of the artefacts representing the image of the society from that time. As an outcome, the study of culture and communication has been integrated within the framework of the critical social theory and a significant part of theory of modern society. The term culture represents “a complex aggregate that is constituted of norms, customs, repertoires of action and representation and acquired by the human being as a member of society” (Warnier 1999, 13).

Modernity and kitsch seem to exclude one another at least to the degree that modernity implies the anti-traditional actuality, the experiment, the “make it new” novelty of Pound, the acceptance of change whereas the kitsch -with all the diversity that it is encompassed by the concept- suggests repetition, triviality, being defined in a gratifying manner as an aesthetic form of the mind. Though there is the likelihood for the concept to be encountered in a variety of contexts the word lacks almost completely what one might identify as “historical profoundness”, meaning that it cannot be applied to anything concrete prior to the end of the XVIIIth century and the beginning of the XIXth century (Calinescu 2005, 266).

In other terms, the kitsch as regards the etymological and conceptual acceptance is in essence modern, the cultural stance of the present consumer society, one of the direct representations of the triumphant aesthetics and consumerist period. The individual is the one that in the end to draw the final lines so as to create the general image and to evaluate the possibilities of choice. The surrounding world displays a multitude of facets as regard reality, oftentimes deceiving or conclusive enough to distract the attention or adequate perception on the accurate variant, hence an adequate channel or source of communication in conjunction with the awareness over the concrete are to be considered as essential.

The relation between culture and communication might be successfully analyzed if one takes into account commune features, meaning that both function/exist by means of individual experiences that are subject to constant changes of component elements. In this respect, an idea has to be emphasized, that is a cultural analysis will highlight “both the manner in which the dominant ideology is structured in point of the text and the receptor subject along with the specific features that allow a brokered lecture. The cultural assessment carries the conclusion in respect of the ethnographic studies of the historical and social semnifications are in direct relation with the semiotic analysis of the text” (Kellner 2001, 50).

Nevertheless, between culture and communication cannot be established either elements of complete identity or definite priority rapports in point of the history of mankind or the formation of individual consciousness. The sociologist John Thompson considers that the aforesaid social thinkers have not took into consideration the idea according to which the development of the means of communication might represent an important issue, Furthermore, they have believed the fundamental cultural dynamics associated with the evolution of modern societies to have as basis the rationalisation and secularisation processes. Therefore, the use of the means of communication would imply the development of new forms of interaction as regards the social world, different types of relations along with other modalities of connection in point of the others and the self. The function of the communication channels cannot be limited to the transmission the information and the symbolic message towards the individuals whose relation in respect of others remain unchanged. In the situation that requires the participation of various individuals and the use of means of communication then forms of interaction are present but they differ in terms of the types of relational circumstances.

„Consequently, in a significant manner, the usage of the means of communication transforms the temporal and spatial organization of social life and creates new forms of action and interaction as well as innovative manners to exercise the power not being related with the existence of a common space” (Stanciugelu 2009, 139).

A part of the interactions that develop in the course of everyday life may implicate a combination with respect to various forms of interaction- in other terms, thus possessing a hybrid character. The individuals are subject to acquire the information and the symbolic message from different sources other than the regular ones. The establishment along with the renewal of traditions are processes that become more and more related to the mediated symbolic exchange. The manner of the communication ought to be clear as it is provided by the fact that a word fails to convey a plain meaning will fail to do what that specific word has to do. It has to be appropriate, avoiding both meanness and undue elevation (*Aristotle - The Art of Rhetoric* 2012, 160).

An essential component of communication is represented by language, one of the characteristics of the "human culture", meaning the part that the individual "adds to the culture" and not what one might inherit from ancestors. The language does not function only as a component of culture but also as a vehicle of all cultural practices, namely the word mimics the world to the same extent in which it signifies the surrounding milieu. In the work *Les mots et les choses*, Michel Foucault had demonstrated that the individual and the language were not able to coexist unless both articulated one another.

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The term and the concept of modernity have a considerable consistent and intricate history with specific phases of its corresponding evolution. The necessity for a word to render the meaning modern must have been made in the period of Cicero (Rotaru 2005, 201-202) that has borrowed the Greek term *neoteros*, later becoming *neotericus* in Latin. In the XXth century the presence of modern, modernity, modernism has recorded a significant rate of usage, the last of the terms referring to the awareness in respect of the modernity as a historical period in development with an acknowledged normative character. The core essence of the modern world might be identified as being torn between reason/judgement (organization) and temporality (the mundane character), system/ structure and history.

The historians in respect of the idea of progress have established that the well-known apothegm as regards the midget that was positioned on the back of a giant capable to see far beyond belongs to Bernard of Chartres, who died in 1126. The apothegm of Bernard is mentioned for the first time in *The Metalogicon* of John of Salisbury in 1159, has been, with good reason, considered one of the essential documents of what the literary historians identify as the Renaissance of the XIIth century. The signification is related to the fact

according to which oftentimes people know more due not to the intelligence but owing to the cleverness of the mind of some other individuals and, as an outcome, people hold precious treasures that have been inherited from the ancestors. Bernard of Chartres has compared humans with insignificant/valueless little people that are perched on the back of the extremely tall persons, being able to understand or to see at a considerable distance due not to a wider sight but because of the wisdom of wise men.

The analogy of Bertrand is quite vivid, simple to be perceived and conclusive for the mindset whilst the apparent subtle ambiguity succeeds to gather several fundamental assertions of the moderns. The semantic flexibility of the medieval analogy envisages a different perspective, namely that the people of a new epoch might be evaluated as being educated, but concurrently, less meritorious in comparison with their predecessors—they know more on account of the cumulative effect of learning.

The contrasting figures of the of the philosophers and little individuals have disappeared but the central idea of successive generations has been preserved and articulated.

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About the Work of Italian Artist Ludwig Longo in Tbilisi (1831-1914)

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ABSTRACT: The main purpose of this paper is to present a well-known Italian artist Ludwig Longo, who was once really active in Tbilisi, to the public life. Unfortunately, he has gradually been forgotten but he left precious heritage. According to this purpose the author of this article, considered to reconstruct Tbilisi passages of Longo's biography in order to make a famous this painter for modern Georgian and Italian arts historians. Main materials were found by the Fund of New Georgian Art Department of Art Museum, newspaper materials, etc. As a result of this research revealed that L. Longo was deep involved in and have obtained his place in Tbilisi. He mainly was painting portraits, as well he had covered with drawings Tbilisi Saint Trinity Church and Al. Nevelly Military Temple or "Soboro" as it was called.

KEYWORDS: Ludwig Longo, Italian Painter; Georgia; Georgian Art

The 19th century was one of the most important eras in the history of Georgia. Tbilisi became the centre of the Caucasus. A lot of foreign artists came to Tbilisi at that time, some of them were passing through, some were for a while, and some were staying forever. One of them was the Italian artist Ludwig Longo, other artists: R. Franken, L.O. Prematsi, F. Khodorovich etc. can be mentioned as well.

The main purpose of my article is to present a well-known Italian artist Ludwig Longo, who was once really active in Tbilisi, to the public. Unfortunately, he has gradually been forgotten but he left us precious heritage. It is considered as our duty to appreciate his works and contribution in art. I would like to reconstruct Tbilisi passages of his biography, if it can be said so.

When I looked through the art-related lifestyle of Tbilisi at the turn of the XIX-XX centuries, my greatest interest was drawn to L. Longo. He was fully involved in the events of art societies of that time, in addition, he was teaching painting at art schools. By this time his works are preserved in Tbilisi Sh. Amiranashvili Art Museum, in a private collection and in Tbilisi Art Academy as well. He painted the Holy Trinity Church in Tbilisi and also Tbilisi Al. Nevelly Military Temple or "Soboro" as it was called, which is no longer exists. It was demolished according to order by Beria in 1930 and the current parliament building was built in its place.

I made a decision to restore the biographical data of L. Longo which unluckily turned out to be quite complicated. I was provided with main materials only by the Fund of New Georgian Art Department of Art Museum, newspaper materials, etc.

Ludwig Longo, the son of Gaetani, was born in 1831, probably in Italy, but in which city, still remains unknown. It is also unknown where he received his education in art or when he arrived in Georgia. Based on the materials which I have gained, he had actively been involved in the cultural and artistic life of Tbilisi city since 1890 so he must have been here until 1913. He was so deeply immersed in the life of Tbilisi that he was even mentioned as a local artist of Tbilisi. He died in 1914, that is, Longo spent the last years of his life in Tbilisi, and possibly he even died here, maybe his grave is in Tbilisi, obviously this is an assumption because it is hard to prove.

We should follow the years: a fascinating story is told in one of the local newspapers of 1890, that year Tbilisi was visited by the Prince of Naples, Victor the son of Italian Emmanuel. In order to celebrate this remarkable event the artist from Tbilisi L. Longo gifted him an album which consisted of thirty artistically performed works, the local typical Caucasian characters were painted with water colour paints. The paintings were clad in Tarsicon cover (a piece of skin dyed with red, the cover was made in the Illotsi's workshop. On the top of the album the cover was three coloured which reminded of a combination of three colours: red, green and white so the colours of the Italian Flag having the following inscription: "A. S. A. R. il principe di Napol; Ricordo del Caucaso. Tiflis, 1, anno, 1890" (Tifliski Listok 1890, 95).

The aforementioned album contained mostly the sketches of characters of Tbilisi street: merchants, hairdressers, coalmen, water sellers, bread sellers, Kinto and others. This gift was really valuable. Perhaps it would be great to have an access to this album, we really would come across a lot of interesting and amazing material for us.

The same newspaper # 100 informs us that "An artist Longo from Tbilisi was given 500 rubles as a reward by the Majesty for the album which he had presented to the Prince of Italy and contained mainly the sketches of Caucasian characters" (Tifliski Listok 1890, 100).

The newspaper # 11 "Tarazi" of 1892 lets us know that "an exhibition of paintings by local artists was opened at the Tbilisi Military Museum, there were displayed 200 small and medium-sized works, including Longo's art. # 17 Typical characters of wine buyers and sellers, which is portrayed with highly considerable success" (Tarazi 1892, 11).

In 1908 The Society of Caucasus Artists organized an exhibition of artists where Longo's three paintings were presented: A guy with charcoal; An Arab and a worker who has a rest. Ludwig Longo is also an outstanding and respectable person due to the fact that he was a teacher of two Georgian artists, Lado Gudiashvili and Alexander Tsimakuridze.

I would like to mention one extract from L. Gudiashvili's memories: "There was an art school in Tbilisi at that time, where in 1910 I was taken to pass entrance exams. By the way, Mikheil Chiaureli, Keto Magalashvili and Giorgi Khmaladze participated in the process of exams with me and four of us passed the exam successfully. None of the Georgian teachers worked at the school at that time. We were taught by the German Oscar Schmerling (my supervisor), the Italian Longo, the Russian Patenkowski and the Polish Greenwich" (Gudiashvili 1979, 7).

Longo's pedagogical contribution and activities are proved by the following events: Longo opened a private art school in which students painted plaster heads with charcoal and also painted tombstones with oil paints. Al. Tsimakuridze was studying at this private art studio with Longo where he learnt his original professional artistic skills (Tabukashvili 1983, 3-4).

In the newspaper "Sakhalkho Gazeti" #984 of 1913 a response named "Do not forget" is published under the pseudonym Rish-Basha which reads as follow: "Some letters have appeared in the newspapers: A temple should be built in the name of St. Tamar ..." and the whole article contains a kind of ironic glimpse of the article, however, the considerable information for us is, for instance, following: "To whom should we paint the temple: Grynevsky or Longo" (Rich Baba, 1913).

Thus, it seems that in 1913 Longo was alive and was still working in Tbilisi. The deceased person would not be mentioned such as Rish-Baba told conveys. As for the church painting, we already have the knowledge of it, that Longo painted two churches according to the above mentioned newspaper letter about the invitation of Longo, in order to paint the churches, probably, referring to Longo as a painter of other churches as well.

We are definitely talking about two churches: St. About Trinity and "Soboro." The exact dates are unknown therefore we must to come to a reasonable dating by a logical discourse.

First of all, I will try to bring the facts first and then analyse them: The newspaper “Iveria” of 22nd May, 1897 writes the following: “Yesterday, on May 21st. A new military temple named after Alexander Nevsky was consecrated, the church is large enough and holds almost 200 four-sided Sajen (1 Sajen= 2m and 13/14 cm) space. It is build based on the Byzantine and beautifully decorated both inside as well as outside. The altar is decorated with precious icons specially ordered from Moscow, there are pictures of saints painted on the walls, In the middle there is a Chandelier hung with a 218 light-like electronic lamp, and candle holders are entirely made of bronze.

The church was consecrated by Exarch Vladimir with the presence of local clergy men. The blessing ceremony was attended by the great chief Nikoloz the son of Mickhael, the head clergy man Golitsyn with his wife, his assistant A. A Freze, Corps Commander T.,,C. Amilakhvari, Commandant Reiter, Governor T. Shervashidze, Chief of Staff, Police Chief and many others. After the blessing ceremony, everyone was invited for breakfast to the governor.”

Hence, this extract from the newspaper “Iveria” contains really interesting information for us. The new temple was consecrated in 1897 and it was perfectly decorated. Moreover, if we look at the biographical moments about Longo, which we have found, from 1892 to 1908 it is a kind of gap and his activities and contribution are less visible and difficult to find. Together with Longo A. Colchin had participated in the painting of “Soboro.” The fact is that by this time Longo must have been a well-crafted and skillful artist, otherwise he would not have been allowed to paint this temple.

In my opinion, “Soboro” must have been painted by Longo together with Kolchin from 1892 to 1897, because in these years he no longer participated in exhibitions. As for the painting of the Holy Trinity Church in Tbilisi, to my mind, the lower edge is 1898, and the upper is 1905, and why? If he finished painting Soboro in 1897, the following year he was probably commissioned to paint the Trinity. The founder was Archpriest Nikoloz Ardaziani the son of Petre, who was serving in the Trinity Church from 1859 to 1905.

As K. Tsintsadze writes that Nikoloz resigned in 1905 due to blindness. He was a highly respected clergy man, hard-working, peaceful talker, eager and tireless prayer (when he was not a mourner, he still prayed in the morning and in the evening every day), at one time a chief elder, a member of the seminary board, and chairman of audit committees, etc. Died in 1907, buried in Trinity Cathedral, which he had first domed, then he had this church painted (Tsintsadze 1994, 86). In addition to I must mention that Archpriest Nikoloz Ardaziani held the wedding ceremony of Ilia Chavchavadze and Olga Guramishvili and Ekvtime Takaishvili and Nino Poltaretskaya.

Thus, Longo must have painted the Trinity Cathedral between 1898 and 1905, in my view, the participation of several people can be seen in the process of painting. I think the painting which is preserved in the conch of the altar belongs to Gregory Gagarin, the south and north parts (arms) are made by Longo and perhaps he was assisted by Kolchin, while the the artist of the gate is unknown. In relation to the neck and sphere of the dome, it might be painted relatively later.

The existence of several layers in the church painting is best highlighted by the ornamental patterns that divide the painting into registers. However, portraits of kings and queens are mostly divided into registers, and the scenes are presented without any framing.

Consequently, based on the all facts above, it is clear that Ludwig Longo worked in Tbilisi from 1890 to 1913 or, possibly, until 1914 or until his death, which means that he spent the last decades of his life here and was his contribution was really worthwhile.

Through his work he really left an incredible and significant mark in Georgian art. However, his name was unfortunately forgotten. I have set an aim to explore Longo’s works and contribution in depth, even may restore moments from his biography, at least by reaching out my colleagues in Italy.

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Dutch Curse on Indonesia: The Morality of Asian Development Bank (ADB) Loan Projects

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ABSTRACT: Natural Resources Curse, known as Dutch Disease, is because of capital inflow which promotes increase growth and employment level. Indonesia suffers from Dutch Disease working in reverse because of capital outflow, increase unemployment and poverty, and growth retardations from its borrowing from the ADB. I termed this as Dutch Curse because of the colonial connection the Indonesian and Dutch have since the early 17th century. The Dutch Curse is constantly inflicting Indonesia since 1969 because of ADB loans and their disbursement conditionalities. To resolve these issues, it takes more than just the realignment of Indonesia and ADB cooperation, but also moral responsibility and conscious awareness.

KEYWORDS: Dutch disease, Dutch curse, disbursement delays, unsustainable development, negative impact, poverty, unemployment, wealth leakages

JEL Classification: C6, E5, F34, H81, I32, N70

Introduction

"If we want to truly understand the convoluted ways in which official aid affects different economic outcomes, we need to plunge into archives, analyse data in detail, carefully look for counterfactuals, understand the temperament of the major players, and take into account historical circumstances. This is a difficult subject that requires detective-like work." (Edwards 2014).

So, I began my investigation by looking at the historical context of development assistance and the establishment of ADB. Before proceeding, let's see the definition of morality from the Cambridge Academic Content Dictionary (2021) *"a personal or social set of standards for good or bad behavior and character, or the quality of being right and honest."*

Werner (2015, 2) bemused on the outset of development works' strange beginning that coincided when decolonization began in the 1940s. Concurrently, a new study branch of development economics was born. The anthropologist Eric Wolf (1972) argues that capitalism operates in a law that protected ownership of the means of production and to deny access to laborers' products. Thus, the laws function as norms and mechanisms for exerting pressures from more powerful society and the exigencies of the local ecosystem (1972, 2002). This appears to be a powerful analytic approach that lays the foundation for exploring the impacts of capitalism on ecosystems. The ADB operations in all its 68 member countries appear following this pattern through its establishment act that national law must ratify.

In the global capitalism, undeveloped regions were essential to the developed nations' wellbeing because they served as sources of cheap labor, products, and markets for manufactured goods, outlets for cheap capitals for larger profits, and exploitation for poorly paid workers (Edelman & Haugerud 2005, 11). For this purpose, developing countries, including Indonesia, were enticed to be integrated into world capitalism as satellites (or becomes members) for delivering limited, controlled, and unsustainable economic activities for developed countries (Frank 1989). He argues it is part of the plan to keep them

undeveloped, subordinated and structurally dependent upon foreign capital and external markets for economic viability (Frank 1989).

Biersack (2006, 9) identified the capitalist initiatives for subordinating the developing countries to a global power structure to make their penetration, which ramifications, are impervious to the layperson's eyes. Wolf (1982) shows that the significance of global capitalist processes affects the local human cultures and environments. He belabored on historical accounts during European colonization, starting around the 1700s and expansion into the Global South in the quest for spicy and minerals that had created the modern economy we are in today. His observation succeeding the Dutch colonization of Indonesia that begun in the early 1600s.

Ecological Debt (or Plunder)

In this article, I draw the exemplum from Wolf's description to expound on the generic phenomenon observed in the ADB's lending operation in which Indonesia as a borrower, has laboured all the conditions to obtain loans to finance its economic development requirements but is denied direct access to the approved loans fund unless it complies with another set of disbursement conditions. I argue that the formation of ADB under the guise of regional cooperation and/or integration is following the subordination pattern described by the scholars referred above by looking specifically at Indonesia's borrowing from ADB and their impacts on Indonesia's economic development indicators. Kathleen J. Hancock (2009) remains us a more detailed description, through her book title "*Regional Integration: Choosing Plutocracy*". As plutocracy refers to the wealthy entities controlling the government, Hayter (2009 as cited by Baird) plainly expresses "[t]he actual function of aid from western governments and their agencies, ... is to subsidise the operations of the private corporations and banks of the West."

Ecologically unequal exchange, or simply means 'plunder' is a concept recently developed as a challenge to mainstream economic theories of trade (Hornborg 1998). Martinez-Alier *et al.* (2014), term this as "ecological debt" to describe the plunder from international trade and their environmental impacts. In this context, I argue that capital flights, both licit and illicit, because of ADB's disbursement delays that normally take more than 7-year, as the product of international trade and agreements, are one form of ecological debt by showing their negative impacts on Indonesia's currency exchange rate, growth, unemployment, and poverty. Pettigrew (1926, 30) shows that banker monopolizes money and credit to plunder the producers of their toils.

Dutch Curse

The Dutch East India Company or *Vereenigde Oostindische Compagnie* (VOC), was state-sponsored merchant operations. They have colonized Indonesia from the early 17th into the 20th century. VOC fostered the spread of—among other—diseases, slavery, bureaucracy, globalization, environmental and cultural destructions, poverty, lack of modern basic infrastructure, and exploitation on an unfathomable scale (Shorto 2013). It gave birth to modern banking, central banks, capital markets, stock exchange, and planted the seed of multilateral co-operations bank to develop colonized lands. During this period, the Dutch generated billions of dollars of capital from Indonesia in various forms—including slave trading—and flown them to the Netherlands. Even today it remains the largest multinational cooperation borne from plundering the wealth, cultures, and environment of its colonies.

Often associated with the natural resource curse, the Dutch disease describes the causative relationship between economic development growth in one sector and a reduction in another. The International Monetary Fund (IMF) described the putative theory as national revenues increase, including those gotten from debt capital, foreign aid inflows induce the strengthening of the national currency gauged from the stability of the exchange rate

(Ebrahim-Zadeh 2003). The theorized impacts would be, among others, increased growth, job creation, revenues, and poverty reduction.

Contrary to the description of Dutch disease, particularly with the capital inflows and strengthening of the national currency, Indonesia's Rupiah suffers from depreciation since 1967 (data from fxtop.com only available from 1967, Figure 1) about the same time it became ADB's members in 1966.

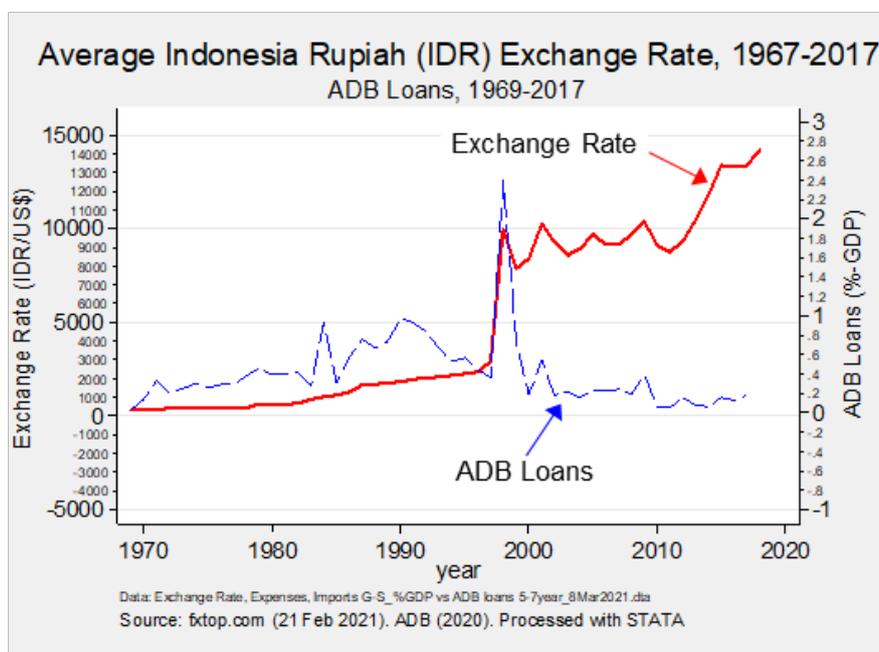


Figure 1. Indonesian Rupiah vs US Dollar

One of the World Bank staffers (Jarotschkin and Kraay 2016, 235) has identified a similar currency depreciation pattern as a result of development aid disbursement delays using over 100 countries' data. They establish that "*there is little evidence that aid inflows lead to significant real exchange rate appreciations*". Their results show after 5 years of delay, for every 1%-GDP of aid, the national currency depreciates 0.5% (Jarotschkin and Kraay 2016, 236).

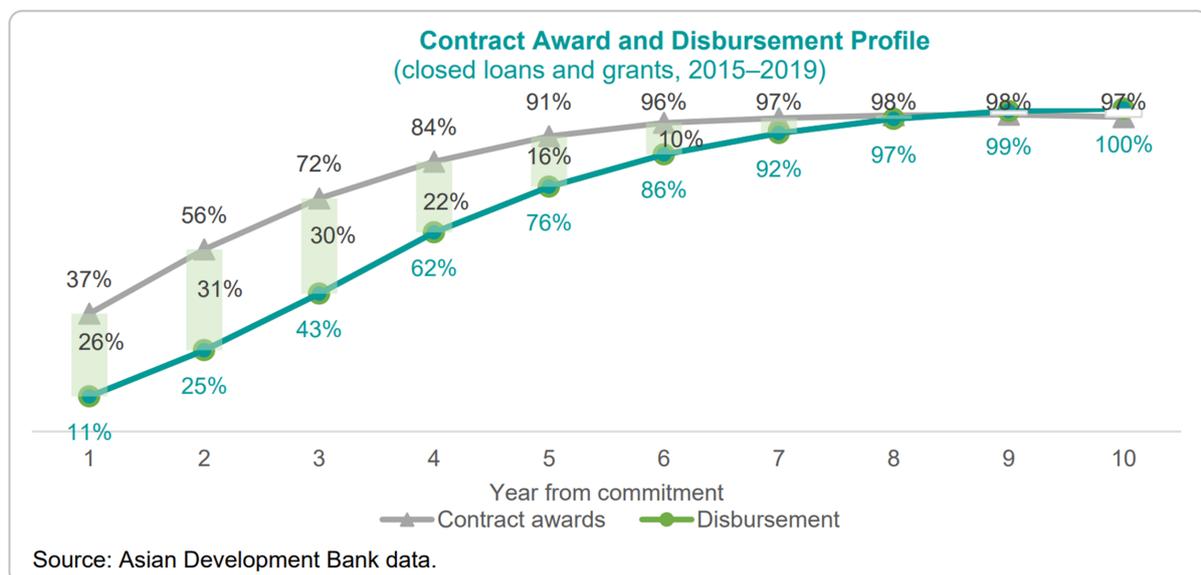
Although the depreciation shown is not entirely caused by ADB loans, we can attribute a portion thereof to them since the bulk of ADB loans to Indonesia is denominated in US dollars. Accordingly, Ingratubun *et al* (2021a) exhibit that ADB loans, had they been disbursed 100% in year-1 show stabilizing effect that holds Rupiah constant at Rp2000 per one US dollar. However, after 5-7 years of delays, ADB loans display destabilizing result in which for every 1 %-GDP of ADB loan disbursement delay, Indonesian Rupiah depreciates by about 33% which is more extreme than Jarotschkin and Kraay (2016) finding.

Money purchasing power depreciation and/or inflation is another form of non-transparent taxation that is subject to the Laffer curve (Fields 2020, 14) and a capital loss (Paliwala 2020) which Indonesia has been paying since 1967 with its ever-depreciating Rupiah. The Laffer curve has its origin from Ibnu Khaldun's work (Khaldun 1377, 352) which hints that the end of a dynasty is marked with ever-increasing taxes.

I argue that currency depreciation is another form of rent or non-transparent taxes for being integrated into world capitalism as their satellite (Frank 1989). This shows that Indonesia has been obtruded with Dutch disease, working in reverse, since joining ADB. I call this a *Dutch Curse* because historically the Dutch were reluctant to let go of Indonesia as its cash-cow colony and imposed on several incomprehensible conditions during power transfer negotiations post-1945 of Indonesia's declaration of independence. One of which for Indonesia to pay off their (the Dutch) debts of about \$1.13 billion in 1949 during and after

300-year colonizing Indonesia (Isnaeni 2010). Strangely, Indonesia agreed. The Netherlands is one of the shareholders of the ADB.

Indonesia endures capital loss in form of outflows, not only during Dutch colonialization but also from borrowing from the ADB (Fauzi and Ingratubun 2020). This is because of its infamous disbursement delays that could take more than 7-years (Figure 2) before disbursing the debt funds into the economy of Indonesia, which in most cases are not 100%. For comparison, commercial banks take only 35 minutes (Werner 2014, 14). A study by the Organization for Economic Co-operation and Development (OECD 2003) discovered that disbursement delays are one of the five most burdensome donor practices that may cause aid ineffectiveness. Diarra (2011, 7) has empirically identified that the "disbursement delays approach" by donors is one of the principal causes of aid volatility despite some studies show different results (See Diarra 2011, 2, footnote 4). The Lowy Institute (2017) reported that "the ADB has been criticised for being too slow and bureaucratic, and for not adequately addressing the needs of its clients."



Source: Figure 16, ADB Annual Portfolio Performance Report (APPR) 2019

Figure 2. ADB Actual Disbursements

The main reason for Indonesia's borrowing from the ADB is to help the government's intervention, for promoting growth and trade. ADB's official mission is poverty eradication in the Asia and Pacific region. Gann and Duignan (1979, 30) argue that following the example of the Dutch in Indonesia, King Leopold of Belgium philosophy in Congo was that "the colonies should be exploited, not by the operation of a market economy, but by state intervention ..." The ADB was established to provide its members with resources for their state interventions in developing their economies. However, this comes with conditionalities.

At this point, I am intrigued to see Indonesia's economic development performance (Figure-3) compared with ADB overall loans impacts to Indonesia (Figure 4). These figures were plotted using fractional polynomial regression with STATA software. I opted for this regression as both their Akaike (AIC) and Bayesian (BIC) Information Criteria are much smaller compared with the regressions (i.e., linear, smoother polynomial, and quadratic). Smaller AIC and/or BIC suggest that the result is more accurate. I used public data provided by the World Bank (2020) and ADB (2020). From these 2 figures, we see that ADB loans are performing worse than Indonesia's national development. If we look closely at the poverty alleviation chart, Indonesia is performing extraordinarily well reducing poverty from about 90% to around 10% as the current GDP increases annually. On the contrary, ADB loans

worsen Indonesia’s poverty as their values (%-GDP) increase relative to Indonesia’s GDP from around 5% to 70%. These figures serve as evidence that Dutch Curse is busy at work making Indonesian poorer through ADB loans.

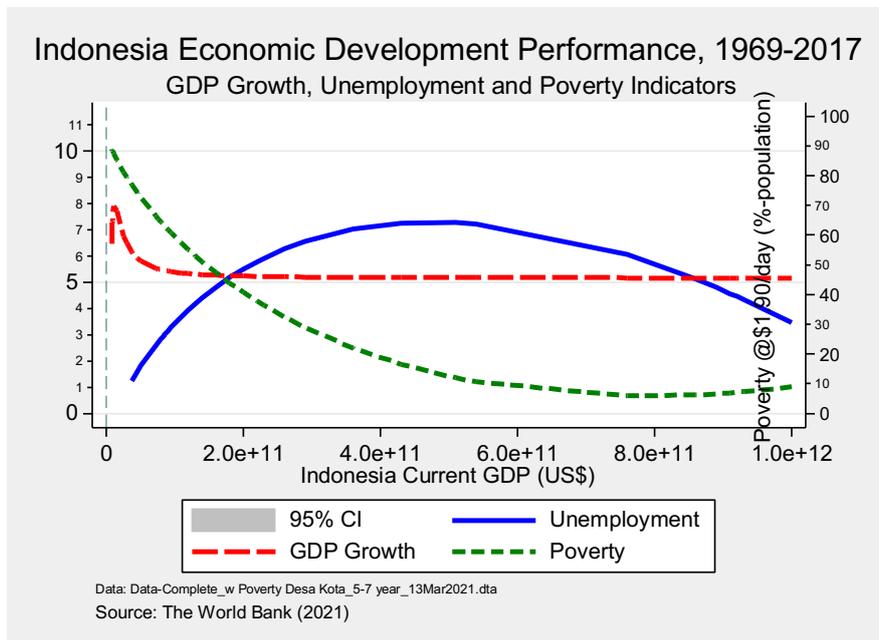


Figure 3. Indonesia Development Indicators

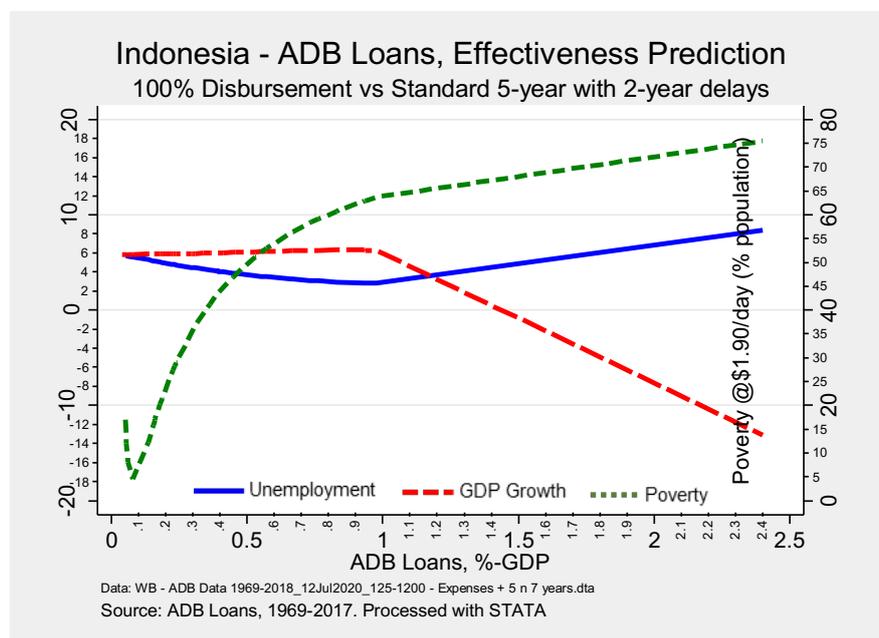


Figure 4. Indonesia-ADB Loans Negative Impacts

Indonesia’s poverty has a long history most notably because of over 300 years of Dutch colonization which ended in 1945. Since then, Indonesia has been fighting to eradicate poverty including joining the ADB in 1966. Ingratubun *et al.* (2021b) share their empirical observations on ADB’s disbursement delays that because of them the energy poverty begets more poverty in various forms. Not only in the form of deteriorating poverty, but also negative growth (Fauzi and

Ingratubun, 2020), and increased joblessness (Cahyadie *et al.* 2021). Zonday (2018) expresses this as “*poverty charges interest*”.

Bryant (ed. 2015, 182) states the arguments by certain capitalists that resource curse (or Dutch disease) is a mechanism in which more money for the local authority will only produce more poverty hence they argue those monies should be better managed by corporations (or quasi-government-quasi-corporation, such as ADB since it has shareholders) than by the local or national governments. This is similarly reasoned by the development partners, including the ADB, as one justification for withholding aid disbursements with the chief arguments that the recipients are lacking capacity, despite contrary evidence that shows Indonesia has about 200 times larger disbursement capacity than ADB (Cahyadie *et al.*, 2021, 7). In ADB loans case, they hold the loan money by delaying disbursements. This is like Wolf's description of denied access to labor products. Hence the *Dutch Curse* is infecting Indonesia.

My findings, as exhibited in Figure 3 and 4, show Indonesia's ADB loans, instead of increasing growth, retard and reduce it to negative. Despite initially reduced unemployment until at 1%-GDP, beyond this ADB loans, as they increase, constantly heighten unemployment level. Likewise, poverty is worsened instead of reduced which is contrary to ADB official rhetoric and published mission of poverty eradication.

Establishment of ADB

The planning and establishment of the ADB was about the same time World War 2 and decolonization ended between the 1940s-1960s. ADB adopts '*one Dollar one vote*'. Japan and the US combined hold 31.142% of the voting power. Japan is the largest holder (\$1.3 trillion) of US Treasury securities thus it is the reason to provide relentless support to the US commercial interests in ADB operations. Hudson (2003, 239-240) elaborates that in 1969, the US approached its bilateralism through the appearance of multilateral development, which was in fact “[a] *predominantly bilateral United States program*”, to lessen domestic opposition. This is part of the US tactic recommended by Congress in 1957 in using Japan and other nations' resources for burden-sharing in supporting US geopolitical and commercial interests.

The US Congress (1968a, 280) record on the US and its allies' investment in ADB registers that “*we find that many of the members... put in \$1 and get out \$7 [or 700%].*” Furthermore, “[w]hen the Japanese parliament was supposed to vote for the US-Japan Security Treaty in the 1960s, continuing US occupation, all opposition parliamentarians were arrested by the police... Then “majority” approved.” (Werner 2020). Subsequently, Calder (1988) discovered evidence of “*gaiatsu*” described as a Japanese policy as a reaction to US pressure in transmitting aid flows across borders and regions, in exchange for safeguarding the security and interests of Japanese multinational firms and US market access. This appears as a conflict of interests (COI).

Conflict of interest (COI) in ADB

Kilby (2006, 2011) shared that since ADB's establishment, it has been criticized for COI as its two main shareholders, Japan and the United States (US), have more strategic influence over lending, policy, and staffing decisions (citing Krasner, 1981). The president of the World must be American and Japanese citizen for the ADB (Kilby 2006). Kilby finds evidence that is quantitatively and statistically significant that the US and Japan have a strong influence on ADB's disbursement rates (Kilby 2011, 227) and questions their relative merits on economic grounds (Kilby 2006 3). Albeit COI is akin to corruption (ADB 2008, xiii), Chavez (2002) expresses that ADB is not doing what it preaches on integrity and COIs as “*There are just too many elements of the governance principle that threaten the very foundations of the Bank.*”

ADB supervisory, terms as fiduciary, roles present both appearances of conflicting interest whereby it controls the flow of disbursement through its No-Objection (NO) procedures, in which ADB's approvals have to be obtained before making any progress. Borrowers can opt to proceed without ADB's NO and later apply for reimbursement while risking being refused funding for the corresponding action. If ADB objects part of- or fully the Withdrawal Application (WA), the amount claimed will not be paid and kept under ADB's control. During which, the loan fund creates multiple-folds money under fractional reserve banking practices or money multiplier (Nichols, 1994 revision, 11, 1st Published in 1961), earns compounded interests and commitment fees (min 0.15% (15 bps)) for ADB or whoever holds the funds (commercial banks) on its behalf. This explains, despite rhetoric and narratives of reducing implementation delays, yet it persists since its establishment in 1966 of about 2 years delays (US Congress, 1968a, 274; 1968b, 25-26 and Ministry of Finance, Republic Indonesia - MOF-RI data 2020).

This exhibit, on one hand, a conflict with temporal values of money in which money, where it stays invested in the bank or flows out into the economy, generating additional benefits such as raising income, creating jobs or reducing unemployment, poverty alleviation, and stimulating economic growth among others. On the other hand, US Government's record (1968a, 274) disclosed that ADB is earning interest from commercial banks on their time deposit.

Indonesia's paid-in (in-cash), subscribed capitals, and guarantees (in-kind) to ADB which under banking practices are categorized as Promissory Notes (PNs) following Bill of Exchange 1882 thus can be traded as securities or leveraged to create money. Each signed LA is a tradable security and bank reserve (Nichols 1994, 11; Werner 2016 and IMF 2019) and adding to Indonesia's securities to ADB. These can be used as 100% full loan-fund-disbursement collateral. Despite this and Indonesia's much larger disbursement capacity, ADB is asserting on controlling the disbursement and strangely GOI agrees. Hence, for Indonesia's national development planning, Rodney (1973, 33) reminds us of being underdeveloped, that; *"Power is the ultimate determinant in human society... When one society finds itself forced to relinquish power entirely to another society, that in itself is a form of underdevelopment."*

ADB insists on following its interpretation of its Charter, Article 14 to ensure that they used loan proceeds for eligible items and their intended purposes. However, this practice presents the appearance of- and/or real COI which ADB defines as *"any situation in which a party has interests that could improperly influence that party's performance of official duties..."* (ADB's Integrity Principles and Guidelines 2015, 6). *"A situation that appears to be a conflict of interest may be enough to undermine public confidence, even if an actual conflict does not exist..."* (ADB 2008, 6). The test is, **'who is benefited from ADB's disbursement delays?'** The longer the fund is undisbursed, the bigger commitment fees the borrower has to pay to ADB while it profits from compounded interest and fees on the undisbursed amounts.

OECD (2007) defines a COI *"occurs when an individual or a corporation (either private or governmental) is in a position to exploit his or their own professional or official capacity in some way for personal or corporate benefit."*

Hancock (2009, 2) posits that the designer of international agencies, the like of ADB, such as the US and Japan do not delegate the policy-making to other bodies or representatives. They simply hold the veto power often cloaked with their voting policy that was purposely designed for favoring them. By controlling the policy-making, the entire region under the guise of regional integration, the designer or the majority shareholders are benefiting their constituents which mostly the developed countries. She reiterates this *"[u]nder plutocracy, only the Designer enjoys veto power. Second, the Designer now controls policy for the entire integration area. This allows the Designer to more fully benefit its winning coalition."* (Hancock 2009, 48)

The COI causes a capital flight of 4.98%-GDP from Indonesia's total loans from ADB which is almost double the expected return of 700% per \$1 (2.91%-GDP) by developed member countries in their investment in ADB (US Congress 1968a, 280). The evidence to date shows that ADB loan volatility through disbursement delays is not incidental. On the same tone, Hayter (1971) argues similar practices are imperialism in disguise and cannot result in any meaningful economic benefits. If any at all, it would only be incidental and not planned. Rostow (1960, 102) considers foreign assistance, which he refers to as pre-conditions fathered by colonialism, and their conditionalities as the “*external intrusion by more advanced societies*” as the price, rent, or tax the developing country has to pay for their membership in the international arena (Frank 1989). Acemoglu *et al.* (2001) attribute this as economic retardation in less developed countries (former colonies) because of the creation of extractive institutions. “*The main purpose of the extractive state was to transfer as much of the resources of the colony to the colonizer, with the minimum amount of investment possible*” (Acemoglu *et al.* 2001, 2). Hence, for Indonesia, the Dutch Curse is well at work.

ADB Disbursement Delays in Indonesia

Aid disbursement delays, however defined, constitute a significant worldwide problem... It was therefore surprising to discover, once again, that there appear to be no clearly defined and generally accepted ways of measuring this problem. In addition, there appears to be no systematically collected and recorded data on this subject. (Leurs 2015, 380)

Development banks, such as the ADB, operate in similar ways to traditional banks (Mazzi 2013, xxvi). However, unlike borrowing from a commercial bank where the fund or bank credit disbursement in full and deposited into the borrower-controlled account upon Loan Agreement (LA) signing, borrowing from ADB does not work like this (Figure 2). The ADB ties its disbursements with certain conditionalities and controls the loan account. Kanbur (2000, 413-416), a former World Bank staffer, expresses that conditionality of whatever type has failed in Africa and they designed it to fail as a systemic imperative to ensure the aid keeps flowing. Conditionality incriminates the actual issue that is “*one of an unhealthy interaction between donor and recipient processes which propagate aid dependence but are not so simple as to be characterized as the strength of the donors and the weakness of the recipients*” (Kanbur 2000, 414). This is similar to the subordination observed by Biersack (2006). To date, as shown by Howarth (2017, 33) that the infliction of conditionality is a nuisance, highly controversial, and ineffective.

Leurs (2005, 381) expresses that “*[t]he importance of disbursement delays is reflected in their consequences*”. Ingratubun *et al.* (2021b), exhibit ADB energy loans cause about a 300% increase in energy poverty in Indonesia because of fund control through disbursement delays. The controlling or withholding of the loan funds appears to stem from questionable intentions. One of which as described by a former US Senator Pettigrew (1922, 50-51);

“How conscientiously this control over money has been exercised is indicated by the actions and utterances of the bankers themselves....

In 1862, the creditors of the United States, the Bank of England, sent the following circular to every bank in New York and New England:

*Slavery is... I and my European friends are in favor of, for slavery is but the owning of labor and carries with it the care for the laborer, while the European plan, led on by England, is for capital to control labor by controlling the wages. **THIS CAN BE DONE BY CONTROLLING THE MONEY.** The great debt that capitalists will see to it is made out of the war must be used as a means to **control the volume of money.** To accomplish this, the bonds must be used as a banking basis.” (Emphasized)*

This evidence should prepare us to see the negative impacts of disbursement delays as means of money control not only by the ADB but also other development partners.

Browne (2006) expresses that once one understands the real objective of the donors that are not entirely for development works, they claim to deliver, how one measures their effectiveness will be largely affected. He stresses that "[i]ndeed, where aid is allocated mainly for the 'wrong' purposes, it may be better to hope for failure." This brings us to the question of morality as defined by the Cambridge Dictionary and makes us ponder about the quality of being right and honest of both the Government of Indonesia (GOI) and ADB as its development partner. This includes the truthiness about their publications on the ADB loans operation results and outcomes.

Teresa Hayter (2009 as cited by Baird) who wrote the book "*Aid as Imperialism*" in her response to the New Internationalist magazine argues that aid, in whatever form they are delivered, with the impression that they are intended for poverty alleviation, cannot be believed. She further elaborates that, after a long and slow investigation she reached the painful conclusion. That it is not a conspiracy theory "*some aid projects may be beneficial but others not. "... above all, the policies which governments have to adopt to get the (aid) money are deeply damaging to the interests of the poor. I believe, therefore, that official government aid, on balance, does more harm than good to the poor of the Third World.*"

Recommendation

In fixing the issue of lack of funding for economic development, it should make us ponder what Keynes (1933, 756) eloquently expresses "*above all, let finance be primarily national*" in his lecture on self-reliance. Or perhaps no ADB loans at all and maximize national funding sources.

Conclusion

As ADB loans appear worsening Indonesia's economic development indicators while at the same time leaving the traces of Dutch Curse fingerprints that is busy at work since early 1600s, one should carefully examine the ADB official rhetoric and published narratives as Lord Acton expresses "*Official truth is not actual truth.*"

Given the negative evidence exhibited, it is hard not to question the morality and demand the responsibility and conscious awareness of both the government of Indonesia (GOI) and ADB who provides the US dollar denominated loan financing, for its externally funded development programs.

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Impact of the Covid Pandemic on Management Decisions Regarding the Content of Benefits Packages

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ABSTRACT: The Covid-19 pandemic took us all by surprise, affecting all areas of activity at national and international level. This situation has forced us to change both our private and professional life. Depending on the specificity of the activity carried out by each employee, there were sectors of activity that continued their activity with physical presence, with employees going to work every day, but the vast majority had to adapt to the new conditions of activity. What happened on the labor market in this new situation? There were companies that temporarily suspended their activity and later had to close it, because they could no longer cover expenses during the crisis. There were many cases in which the employees' option was to give up their job, temporarily, with managers being put in a position to find solutions and manage them so as to get over these unwanted events.

KEYWORDS: management, benefits, pandemic, tools, team

Introduction

Along with the emergence of the pandemic worldwide, the states of the world have had to identify and adopt budgetary and political measures able to ensure liquidity in order to support citizens from a professional and personal point of view.

In addition to these measures, at EU level, "the Commission suggested comprehensive measures of mobilization **of every euro in the EU budget in order to protect lives and living standards**. The Commission has launched a new initiative, the Support to mitigate unemployment risks in an emergency situation (SURE) **tool**, which will help people keep their jobs and help their families. The Commission has also suggested redirecting all available structural funds to the response to the coronavirus crisis."

"The flexibility of state aid rules allows Member States to introduce aid schemes (e.g voucher guarantee schemes and other ways to support cash flow) in order to support businesses and to guarantee that reimbursement claims caused by coronavirus pandemic are met."

"The SURE programme helps Member States to cover the costs of national technical unemployment schemes, and similar measures allow companies to maintain their jobs. The Commission also supports partnerships between employment services, social partners and businesses, in order to facilitate retraining, especially for seasonal workers" (European Commission 2021).

The impact of the Covid pandemic on management decisions regarding the content of benefits packages

Taking into account the decisions taken at national and international level in a pandemic situation, the issue of what happens within the company was raised. What decisions can a manager make to help his/her employees? How can managers motivate their own employees in order to keep them in the company?

A big problem was the impossibility of physical interaction with and between employees. Managers had to reorient themselves, mainly, towards online communication.

Thus, they had to invest in equipment and work software. Digitization has proven to be essential by means of the use of software networks.

- “Slack- a chat system used by most companies, which can be divided into different communication channels, such as a general one and others for other sub-departments, teams or projects. This is much more useful than a classic chat or group.

- Zoom - a more complex tool than Skype, ideal for conferences with multiple users and presentations. The number of users doubled earlier this year along with the spread of Coronavirus.

- Google Drive - the sharing system that contains options for document, table or presentation files, in which you can track the activity of all contributing users, you can save previous versions and use the entire suite with the entire team.

- Google Hangouts Meet - ideal and simple for online meetings, with or without a video camera, in which two or more people can enter an invitation on their Google calendar and then speak, write and share files.” (UpRomania 2021)

Thus, they found effective ways to convey all objectives clearly, in order to be understood and completed while meeting deadlines. Ways to socialize with the team were identified online, in order to replace the previous meetings during which members could talk about different personal, family, professional topics, etc.

“The “listen and answer” technique involves an active and sustained communication of managers with the members of the teams they coordinate. It is about encouraging communication, about creating an environment in which any employee and team member feels that he/she can raise questions and requests to which they will receive answers and help. It is also called the feedback technique and is all the more important as employees see it as a technique that helps them evolve and enrich their know-how. (...)

- An attractive work environment involves several factors including:
 - An attractive salary package, adapted to the level and requirements of the market
 - Important non-salary benefits: food vouchers, vouchers, gym memberships, health insurance in private medical networks, company car, etc.
 - Opportunities for promotion at work
 - A competitive work environment
 - A prestigious company (...)

Rewarding employees is a means of motivation with good results in the long run, especially as long as the rewards are fair and directly proportional to the employee's efforts and value. Rewards for employees can be direct, indirect, material or non-material, depending on the company's possibilities, the employee's activity, and the nature of the job.

(...) A number of tools from different registers are used to motivate employees. Often these tools must be used in parallel because the needs of the individual are related both to issues strictly necessary - a sufficient income for housing, food, etc., and tools referring to needs such as professional recognition.

Useful tools for motivating employees are divided into:

- Tangible motivating factors: a motivating salary (aligned with market revenues), financial rewards (when achieving objectives), bonus plans, prizes, material and financial benefits

- Intangible factors: influence in decision making, success, recognition of the role in the company, career development, job security, belongingness, promotion, praise, involvement in new projects (of a larger scale), flexible working hours (the possibility to work from home)” (Sodexo 2019).

“The pyramid of needs or Maslow's Pyramid, the pyramid of wishes, on the other hand, are components of certain theories, the former conceived by the American psychologist Abraham Maslow (...), and which establish some hierarchies that condition our behavior and

which could provide a key to our inner balance and to the motivation or lack of motivation in the choices we, willingly or unwillingly, always make or when we undertake or abandon activities, plans, life projects, etc. (...)

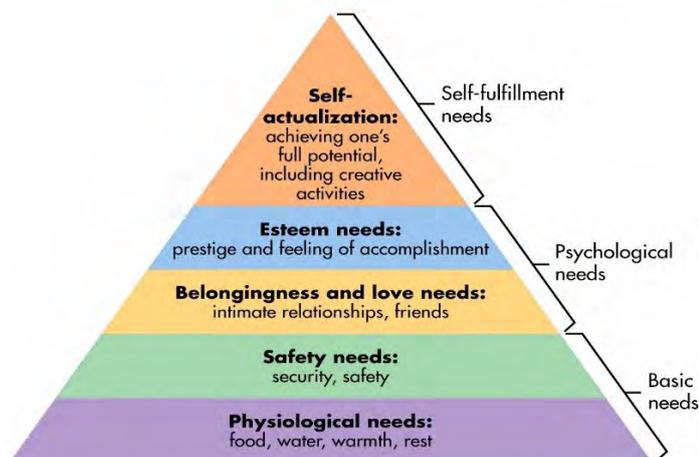
According to the American psychologist, there are five levels of human needs. Once a level is achieved or when he feels that it would be so, man enters a temporary phase of relative balance, after which he passes to the next level of needs, the course being from the base of the pyramid to the top. Maslow explains that it is the unsatisfied level the one which guides human behavior. It would be useless, even impossible, to try to accomplish some needs at the top of the pyramid, if the basic ones are not met.

The pyramid of needs drawn up by the American psychologist Abraham Maslow highlights five levels of needs, from the primary ones, which he calls vital or psychological needs, going through security needs (stable and predictable environment, housing, job, etc.), through the ones of belongingness (love, integration in a group, etc.), esteem (trust, self-respect and appreciation of others), to the needs of self-actualization/self-realization, which give a meaning to existence. (...)

Maslow's pyramid contains the basic needs and not the wishes of people. It is natural to ask what the difference between needs and wishes is. A need is a dissatisfaction, a lack of an essential need to live - organic, social, mental, etc. Dissatisfaction or lack is expressed by means of sensations: hunger expresses the need to eat, fear expresses the need for security, etc., and if these needs are not met, they can block a person's life or development.

Wish has its origin in the subconscious, and in the plane of the conscious it takes the form of an emotion regarding a non-vital need, something that can be very strong, but not essential for life. Housing, food, medicine, etc. are necessities, while going out to a restaurant, brand clothes, holidays, etc. are wishes" (Deștepti.ro 2018).

Figure 1. Maslow's Hierarchy of Needs



Source: McLeod (2020) Maslow's Hierarchy of Needs

Given the needs of employees during a pandemic, HR departments, which manage the workforce within a company, have become more important and the manager has made efforts to strengthen it. In addition to recruitment, employment and training, the HR department had to identify new means of efficiency and optimization. Employees began to feel increasing pressure and needed additional support from the company. Since more and more companies had to move their activity in the virtual media, internal and external meetings were cancelled and replaced with online ones, to communicate all the information necessary for the proper conduct of business in real time.

During this period, the emotional state of the employees was affected, and HR departments had to invest new resources in order to maintain an emotional balance. For this reason, companies have identified new strategies to offer employees as benefits packages.

“After being asked what were the new benefits that they received in the last 12 months, participants in the latest study conducted by eJobs Romania mentioned professional psychological counselling, increase in the value of food vouchers, subscriptions to private medical clinics, health insurance or gift vouchers for partner stores. But if they were put in the position to set up their ideal package of benefits, they said that to what they already received they would add a budget for the home office fit-out works, psychological counselling, a private voluntary pension, a company car or personal development courses” (Economica.net 2021).

Also, in order to support employees and employers, Law 296/2020 for amending and supplementing Law no. 227/2015 on the Tax Code, has undergone a number of changes that have created new tax facilities in addition to the previous ones. These have been used by companies as an additional offer in terms of benefits packages.

“Companies can grant certain amounts of money monthly in order to cover the expenses generated by teleworkers, and the value can be deducted within the limit of 400 lei per month per employee from the profit tax. In addition, companies do not have to pay payroll taxes for this money granted to teleworkers. This amount that can be deducted by the employer is not related to the salary, but is related to covering certain expenses of the employee that the company normally pays when the employees are at the office. Specifically, we are talking about expenses for electricity, heating, water and internet bills, but also for the purchase of office furniture and equipment.

Employers’ costs of testing and vaccinating employees are exempt from payroll taxes. An amendment to the Tax Code resulted in the inclusion of the costs generated by epidemiological testing and vaccination of employees in the category of salary income or similar income that are excluded from taxation and from the calculation of pension and health contributions. (...)

Micro-enterprises and payers of specific tax are exempt from paying taxes for the company cars granted to employees. Thus, starting from the income statement for January 2021, the payers of micro and specific tax will no longer pay income tax and social contributions for pensions and health for the company cars offered to their employees. However, the fiscal framework refers, in principle, only to small cars.

Adoption aid/benefit granted to employees is not subject to taxation. Employees will be able to receive adoption aid from the employer, for which no income tax and social contributions will be paid. Adoption benefits were introduced by means of Law 296/2020 on the list which also includes burial aids, aid for serious and incurable diseases, aid for childbirth or gifts in cash or in kind.

Leave benefit granted to employees is taxed if it exceeds the value of the average salary in the country. Law 296 established a limit for the non-taxation of the money offered to employees for leaves at the level of average gross earnings. Specifically, the amounts granted by companies to employees for tourist or treatment services - including transport for them and their families, when they go on holiday - that exceed an average gross salary will be subject to income tax and payment of social security contributions for pensions and health.

For gift vouchers offered to employees other than your own, only income tax is paid. Starting from this month, gift vouchers granted to employees other than your own are considered income from other sources, for which only the income tax of 10% is paid to the state budget, and not the social contributions to pensions and health. Specifically, the same Law 296 introduced bills (banknotes) in the form of gift vouchers in the category of income from other sources. (...)” (Extrasalary benefits 2021)

These amendments have been made in addition to the previous tax facilities provided for in the Tax Code and which remained in force.

“Private medical subscriptions and voluntary pensions. The limit of 400 euro/year applied in the case of private health subscriptions granted to employees represents a non-taxable advantage if the amounts for these insurances are borne by the employer. In the case of income tax, these expenses incurred by the employer are expenses deductible from the income tax, if they are similar income. For this type of expenses, the employer does not pay any social contributions.

In addition, the expenses that the companies make with the contributions to the voluntary pension funds of the employees can be deducted in full, in the case of the profit tax, within the limit of 400 euro/year per employee. Anything above this limit is considered a non-salary benefit and is taxed accordingly.

Company phone. If the company phone is also used for personal purposes, the related part of the expenses is taxable income for the employee. However, if the respective amount is deducted from the employee's salary, the value of the subscription will no longer be taxed.

Food, gift, nursery or cultural vouchers. For the employer, from the perspective of the profit tax, gift vouchers, cultural vouchers and nursery vouchers are part of the category of deductible social expenses within the limit of 5% applied on the value of the expenses with the salaries of the personnel, according to the Tax Code. Food vouchers are deductible up to the values provided by law. The most used bills are food vouchers. These are granted monthly to employees, either in printed or electronic format, only for the purchase of food or the payment of meals. (...)

Gift vouchers represent bills/banknotes that can be granted by employers to employees, occasionally, for various social expenses.

Cultural tickets are bills/banknotes that can be granted to employees monthly or occasionally and can be used to pay for various cultural goods and services: books, textbooks, music albums, movies, but also subscriptions or tickets to shows, concerts, movie screenings, museums, festivals or theme parks. (...)

Nursery vouchers are bills/banknotes issued each month to employees who do not benefit from parental leave for the child up to two years of age (or three years in the case of a disabled child) and the related allowance(...)” (Intelligent Accounting 2021).

Thus, the selection and creation of a benefits package by the company depends on several factors: age, marital status of the employee, level of educational and professional training, the field in which he/she will work, the employee having the opportunity to negotiate and choose a flexible benefit scheme, provided by both the Romanian state and the employer.

Conclusions

The labor market is constantly fluctuating. There are situations when there is an acute shortage of staff or situations in which employers try to find solutions to keep their employees, because until that moment they consider them the best, the best performing for the company. The tendency of employees is to turn to companies that offer salary packages that also include various attractive non-salary bonuses.

For this reason, employers are increasingly concerned with motivating and keeping their employees. If they are motivated, they will become more productive, and companies that want to attract or keep their specialists must consider employee motivation as a priority. When an employee is motivated his/her performance will also increase, as he/she becomes more productive, loyal and enterprising.

During this pandemic, competition on the labor market has grown, with employees turning to the best offer on the labor market and employers being forced to review their company policy, pay scales and benefits packages.

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Mediation Procedure in Case of Crime of Preventing the Freedom to Practice Religion

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ABSTRACT: In this article we intend to highlight the particularities of the mediation procedure in the case of crimes of preventing the freedom to practice religion provided in article 381 of the Romanian Criminal Code. Mediation applies in criminal cases concerning offenses for which, according to the law, the withdrawal of the prior complaint or the reconciliation of the parties removes the criminal liability. According to the Criminal Code in force, crime of preventing the freedom to practice religion is one of those crimes that are subject to mediation. Mediation includes two phases: the phase preceding the mediation procedure, in which the parties come to find out about the advantages of mediation. Once they have taken note of this, the parties shall decide whether or not to accept the mediation and shall send the invitation to mediation to the opposing party through the mediator. A second phase is the actual mediation, which can take place in a single session or more, being both joint sessions and separate sessions, depending on the will of the parties. The mediation procedure can be concluded by a mediation agreement, by denouncing the mediation contract or the failure of the mediation is ascertained.

KEYWORDS: religious freedom, crime, parties, prior complaint, criminal mediation

Introduction

In Romania, freedom of conscience is one of the fundamental freedoms of citizens, guaranteed by the Romanian Constitution in art. 29. The Constitution prohibits restrictions on freedom of conscience and religion, as well as forcing an individual to adopt a religious belief contrary to his or her beliefs. The constitution stipulates that all cults are autonomous from the state, and religious groups are free to organize “according to their own statutes”.

Constituting an essential value, the social relations that revolve around freedom of conscience are subject to the provisions of Law no. 489 of December 28, 2006, on religious freedom and the general regime of cults, republished in Official Gazette no. 201 of March 21, 2014, essential in this regulation being to ensure the full freedom of conscience and the exercise of religious cults or the activity of religious associations.

Mediation is the legal tool so necessary today for resolving various types of conflicts in society. In the opinion of D.-V. Diaconescu and not only, mediation is the only alternative to relieve the judge of the suffocating burden of solving the numerous and complex cases with which he enters the courtroom, given that the austerity budgets of state institutions do not create current premises for increasing staffing schemes courts (Diaconescu 2012, 1).

Law no. 192 of 16 May 2006 on mediation and the organization of the mediator profession, published in the Official Gazette no. 441 of May 22, 2006, as subsequently amended and supplemented, contains general regulations regarding the conduct of mediation, which may take place outside or in a dispute pending before the prosecutor’s office or the court. Within Chapter VI entitled “Special provisions on mediation of disputes”, the law contains two sections, including mediation in criminal cases (art. 67-70).

Like other forms of conflict resolution, the parties are essential to the mediation process. With regard to persons who may be parties to mediation, the law provides that parties to mediation may be natural persons and legal persons. The quality of party to the mediation procedure is acquired once the mediation contract or clause is signed. As regards the notion of

party to the mediation procedure, it does not overlap with the notion of party to the judicial process both in scope and importance. Thus, persons who, in a judicial process, would not meet the conditions to be a party can be part of the mediation process (procedural quality, etc.). To this is added that category of conflicts which, as a rule, are suitable for mediation, not for a trial, a situation in which the mediator will not become a party to the process. However, in some cases, the scope of the notion of part of the mediation process coincides with that of the judicial process. Thus, in the case of criminal mediation, the parts of the judicial process coincide with those of the mediation process. At the same time, if in the judicial process the role of the parties is “essential”, we could say that in the mediation procedure it is overwhelming, as mediators have a much more important and active role, being those who give and accept the solution to the conflict between them (Păncescu 2014, 41).

In addition to those directly involved in the conflict, other persons may also have the status of party. Thus, in order for mediation to have mutually convenient, efficient and lasting results, we concede that at least sometimes it is necessary to involve other people who are not directly involved in the conflict. Thus, among them could be: the minor’s parents, the employer etc. This circle of people differs from other participants in mediation, such as: the representative, the lawyer, the expert, the witness, the interpreter, etc. (Păncescu 2014, 42-43).

With regard to the relationship between the mediators, it should be noted that the parties to the conflict, most often resulting from non-compliance with a contract, are not always on an equal footing. But, in mediation, the report tends to balance, which is one of the great strengths of this procedure (Păncescu 2014, 43).

As mediation aims to resolve conflicts between individuals, it goes without saying that there are at least two opponents in this procedure. However, the law allows mediation to take place between more than two parties. As no distinction is made, in the case of co-participation, both several natural and legal persons may be parties to the mediation, as well as from both categories; also, the number of parties with the same interests may differ, as may the number of parties with opposing interests. Such cases can be encountered especially in the case of disputes pending before the courts, brought before a judicial mediation procedure. Regarding co-participation, we also mention the fact that it is possible that only some of the parties reach an agreement, while others close the mediation procedure, in which case they will be able to resort to trial, arbitration, etc. (Păncescu 2014, 43-44).

In the case of offenses referral to prior complaint, such as crimes of preventing the freedom to practice religion, the judicial bodies are obliged to inform the parties about the possibility and advantages of using mediation and to guide them to resort to this method of resolving their disputes.

Crime of preventing the freedom to practice religion

Article 381 - *Preventing the freedom to practice religion* of Romanian Criminal Code stipulates:

“The act of preventing or disturbing the freedom to practice any ritual specific to a religion, which was organized and operates according to the law, shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.

The act of forcing a person, by coercion, to take part in the service of any religion or to perform a religious act related to the practice of a religion shall be punishable by no less than 1 and no more than 3 years of imprisonment or by a fine.

The same penalty shall apply to forcing an individual, by violence or threats, to perform a religious act forbidden by the religion, organized according to the law, to which he belongs.

Criminal action shall be initiated based on a prior complaint filed by the aggrieved party”.

The crime of preventing the freedom to practice religion protects the relations regarding the social coexistence, whose normal formation, progress and development are conditioned by the defense of the freedom of the person’s conscience and the unhindered exercise of the ritual of a

religious cult that is recognized and works according to the law. The existence of such deeds in social life determined the legislator to incriminate them in order to defend the freedom of the person's conscience and the free exercise of the ritual of a religious cult (Grofu 2016, 96).

An organized cult presupposes the existence of worshipers (priests), houses of prayer (churches, temples), places of deposit of the remains of the deceased (cemeteries, crematoria), the community of people belonging to that cult. The exercise of worship is done through religious services, by attending houses of prayer, by baptismal ceremonies, weddings, funerals, etc. The protection of criminal law is addressed to the entire religious community, which is guaranteed the freedom of any form of worship (Diaconescu and Duvac 2009, 987).

The special legal object of the crime of preventing the freedom to practice religion is represented by the social values of freedom of conscience and the free exercise of the ritual of a religious cult, as well as by the social coexistence relations formed around and due to these social values. Criminal protection concerns the respective social relations, and not the cults themselves, whose content and ritual may vary from one cult to another and which may persist or disappear due to causes outside the legal protection (Dongoroz et al. 1972, 651).

In the second and third paragraphs of the text, the protection of the law is addressed to each person who is guaranteed the freedom not to participate in religious services, not to perform religious acts against his will (Vasiliu and Pavel 1977, 428), respectively of not fulfilling, by being subjected to violence or threat, an act forbidden by the cult, organized according to the law, to which it belongs.

The material object of this crime may be the body of the person or persons on who acts of violence or coercion would be committed in order to prevent the free exercise of a religious cult. Things that serve or are intended to serve the exercise of religious worship may also be a material object if the action is committed against them which results in the impediment or disturbance of the free exercise, for example, the goods are destroyed, stolen or hidden for this purpose. When this happens, it is in real contest with the crime of theft or aggravated theft or the crime of destruction.

The direct active subject - the perpetrator of the crime of preventing the freedom to practice religion can be any person who is criminally liable, without any quality being required.

In any case, this crime is likely to be committed in the form of instigation and complicity.

The main passive subject is the state, as a representative of the society that is directly threatened by the damage caused to the relations on social coexistence and the social values to which they correspond. In addition to the main passive subject, the secondary or adjacent passive subject may be the person against whom the action was taken to prevent the free exercise of the ritual of a religious cult or who was forced, by coercion, to it. The adjacent passive subject can be singular or plural.

In the case of the standard offense provided in article 381 para. (1) of the Romanian Criminal Code, the scope of persons who may be secondary passive subjects is restricted to those who share the religious cult whose free exercise is impeded or disturbed.

In the case of the variant provided in par. (2), the scope of persons who may be passive subjects of the crime does not suffer any restriction, so that any person whether or not he shares the cult in the exercise of which he is obliged to participate or assist, may be a secondary passive subject of the crime. The plurality of passive subjects will determine a real plurality of crimes of impeding the freedom of worship (Diaconescu and Duvac 2009, 989).

In the assimilated variant provided in par. (3), the scope of persons who may be secondary passive subjects is restricted to those who are obliged, by violence or threat, to perform an act prohibited by the cult, organized according to the law, to which they belong (Grofu 2016, 98).

Neither the aggrieved party nor the offender can be forced to accept mediation, but in case they consent to it, mediation is to take place in such a way that each of the parties' right to legal assistance and, if that's the case, an interpreter, is guaranteed (Păroșanu, Balica and Bălan 2013, 9).

The objective side

1. The material element is different in the three variants of the crime of preventing the freedom to practice religion.

The material element of the typical crime, provided in art. 381 para. (1) of the Romanian Criminal Code consists in the action of preventing or disturbing the free exercise of the ritual of a religious cult that is organized and operates according to the law.

At the variant provided in par. (2) the material element consists in the action of forcing a person to participate in the religious services of a cult or to perform a religious act related to the exercise of a cult without his will. To compel means to cause a person to commit the said acts against his will and conscience.

At the variant provided in par. (3) the material element consists in the action of forcing a person, by violence or threat, to perform an act prohibited by the cult, organized according to the law, to which it belongs, against his will and conscience.

2. The immediate consequence is the creation of a state of danger for the relations of social coexistence related to the freedom of conscience and the freedom to exercise a religious cult, a state in which this cult cannot be exercised or cannot be exercised normally.

3. The causal link between the action which constitutes the material element and the immediate consequence of the analyzed crime results implicitly from the materiality of the deed committed by the active subject.

The subjective side

In its standard form, the crime can be committed with both direct and indirect intent, the latter being the case when the perpetrator, although he did not seek to prevent or disturb the free exercise of the ritual of a religious cult, nevertheless accepted the consequences of the event and thus the emergence of a state of danger.

In the case of the species variants from par. (2) and (3) the intention is direct because the person who obliges another, by coercion, to participate in the practice of a religious cult, respectively, by violence or threat, to perform an act prohibited by the cult, organized according to law, to which it belongs not only to predict with certainty the result of its action of coercion, respectively of violence or threat, but it aims precisely at the production of this result.

Preparatory acts, although possible, are not incriminated. *The attempt*, although possible, is not incriminated. The consumption of the crime takes place at the moment of committing the incriminated actions and of producing the state of danger for the social relations protected by the text of article 381 of the Romanian Criminal Code.

Penalties

In the standard version, crimes of preventing the freedom to practice religion are punishable by imprisonment from 3 months to 2 years or a fine. In the case of the species variants provided in par. (2) and (3), the sanction is imprisonment from one to 3 years or a fine.

The criminal action is initiated upon the prior complaint of the injured person, the withdrawal of the prior complaint removing the criminal liability of the person in respect of whom the complaint was withdrawn, according to art. 158 para. (2) of the Romanian Criminal Code. Jurisdiction in the first instance rests with the court.

The preliminary complaint is the procedural act by which the person injured by a crime manifests his will to be prosecuted by the perpetrator, an act without which the criminal liability cannot intervene and, as a result, cannot begin or continue criminal proceedings (Coadă 2013, 136). This can be formulated only by the injured person, both individuals and legal entities. Under certain conditions it can be formulated by other people.

In the doctrine, the withdrawal of the preliminary complaint is defined as representing the manifestation of the will of the injured person to waive the criminal complaint previously introduced, until the final decision (Bulai and Bulai 2007, 369-371). Withdrawal of the prior complaint is a cause that removes criminal liability, but does not remove civil liability. Thus, the injured person can apply to the civil court, within the general limitation period, to recover the damage.

Mediation procedure in case of crime of preventing the freedom to practice religion

The mediation procedure can be carried out in several stages, namely:

- Before notifying the judicial body;
- Between the moment of notification and the moment of starting the criminal investigation;
- After the start of the criminal investigation;
- In the trial phase.

Art. 69 of the Mediation Law refers to the situation in which the parties resort to mediation, before notifying the criminal investigation bodies by the victim with the prior complaint, namely in the extra-procedural phase. At this point, recourse to the mediation procedure between the parties to the conflict as a result of the crime of preventing the freedom to practice religion can take place at the initiative of either of them (victim or perpetrator). If the mediation ends with the reconciliation of the parties, the injured person can no longer notify, for the same deed, the criminal investigation body or, as the case may be, the court, the mediation agreement being a cause of impediment for initiating criminal proceedings.

After the beginning of the criminal trial in the case of crimes of preventing the freedom to practice religion, the parties may resort to mediation, either on their own initiative or on the recommendation of the judicial bodies, with the consent of the parties. The moment until which this procedure can be ordered during the criminal trial is the finality of the decision. The mediation ordered during the criminal trial may end without the parties reaching a result. For this reason, it was provided to suspend the criminal trial during the mediation. The suspension of the criminal trial lasts until the closing of the mediation, but not more than 3 months from the date of signing the mediation contract.

If the parties reach a result, the prosecutor or the court will resume the criminal trial and will order or pronounce, as the case may be, the waiver of the criminal investigation, respectively the termination of the trial. The parties will submit to the judicial body the agreement and the minutes of concluding the mediation in original and electronic format.

Prior procedure to concluding the mediation contract

Mediation is a process in which the parties participate voluntarily and which gives them the opportunity to decide, of their own free will, the fate of the conflict between them. In order to choose mediation, the parties must first of all express their will to resolve the conflict amicably, and not by other means. Then, they must choose mediation as the right means of resolving the conflict, among other amicable ways. When choosing mediation, an important role is played by the information session on mediation, the mediator's explanations, the recommendations of other authorities and institutions, but also the defenders who assist the parties (Păncescu 2014, 154).

The agreement of the will of the parties in the sense of resorting to mediation may meet either simultaneously or successively. Thus, they can agree on mediation, both through a prior mediation clause contained in a contract and by appearing together in front of a mediator. Alternatively, one of the parties may invite the other party to try to resolve the conflict through mediation, either in person or by presenting to the mediator, proposing mediation to the other party, according to art. 43 para. (1). The offer can be accepted or rejected within a period set by the mediator, which cannot exceed 15 days. It has as object the acceptance of mediation and the conclusion of a mediation contract, subject to the rules regarding the offer and the acceptance of the offer (Păncescu 2014, 154).

The invitation will be written and will be sent by means that can ensure the confirmation of receipt (registered letter, fax, e-mail etc.). The invited party may accept or reject the offer made. Acceptance can be made by presenting it to the mediator, or by letter addressed to the mediator. The mediation contract can only be signed in front of the mediator and in the presence of all parties.

Per a contrario, the party to whom the invitation to mediation was sent may refuse. The refusal of the mediation offer may be express or tacit, either by refusing to respond to the invitation, or by not presenting the mediator on two fixed dates, for reasons not attributable to him. Express refusal can only be made in writing.

Once an agreement has been reached on the use of mediation, the next important step is to choose a mediator. The mediator has the duty to refuse to take over a case, according to article 31 of Law no. 192/2006, if there is a conflict of interest that may affect its neutrality and impartiality.

The conclusion of the mediation contract marks the beginning of the mediation procedure.

Carrying out mediation

Mediation takes place in a restricted setting compared to the court, which means that only the parties will be present, who may or may not be accompanied by lawyers, counselors or trusted persons and the mediator, precisely to create a relaxing atmosphere for them.

If the parties wish to come to mediation accompanied by lawyers, counselors or someone you trust, even relatives or close friends, they can attend the meeting / mediation sessions, signing a confidentiality agreement.

Mediation is based on cooperation between the parties which is mainly based on negotiation and cooperation. The mediator stressed that parties cannot impose a solution, which derives from the fact that mediation, in essence, is an assisted negotiation parties. The mediator has no decision-making power over the content of the agreement, but he can propose some solutions to the parties or analyze their proposed solutions.

If the parties have already made a request for a summons or a prior complaint, they may address the mediator at any stage of the proceedings and may present the mediation contract to the judge to suspend the settlement of the case.

If the mediation presents some difficult or controversial aspects, the mediator may request, with the agreement of the parties, the point of view of a specialist. This is possible even if the mediator specializes in that area.

Closing the mediation procedure

The closure of the mediation procedure in the case of crimes of preventing the freedom to practice religion can take place in any of the ways provided by law: mediation agreement, failure of mediation or termination of the mediation contract.

If the parties reach an agreement, the mediation ends with a mediation agreement. This can be a total agreement, which means that the parties agreed on all the issues that were the subject of the mediation, but also partially, when only part of the issues were resolved. After

the conclusion of the agreement, the parties will go to the notary or to the court, as the case may be, for approval or authentication.

In the case of a partial agreement, the parties find another way to resolve the remaining unresolved issues, namely arbitration or the court.

The agreement concluded following the mediation has the value of a document under private signature. The parties may choose to authenticate or approve the agreement.

There is also the possibility that the parties do not understand each other. As a result, a report is signed to close the mediation procedure, and the parties can choose another way to resolve the dispute.

The minutes that will be used to conclude the mediation of crimes of preventing the freedom to practice religion should show whether the parties have been granted the stated guarantees, or, if that's the case, should state that the parties have waived their rights (Păroșanu, Balica and Bălan 2013, 9).

Regardless of the outcome of the mediation, the mediator must not lose his optimistic, relaxed tone that leads the party to a state of confidence in the mediator's ability and professionalism, to congratulate the parties in case of success, and in case of failure to thank the parties for their efforts for reaching an amicable settlement (Mitroi 2010, 52).

Conclusions

Mediation is a means of resolving disputes, along with other such modalities, whether jurisdictional or non-jurisdictional. Mediation does not exclude, in case of failure, the possibility for the parties to resort to trial or arbitration.

The lack of communication and dialogue between the people in conflict and the perpetrator of the crime of preventing the freedom to practice religion and its victim contributes to the perpetuation of a state of tension that increases the risk of more serious situations, even violence, and no reconciliation of success. At mediation, the emphasis is on taking responsibility, on restoring the relations between the parties through communication, which leads to the reduction of stress levels, accumulated tensions, resentments and last but not least to the creation, development and maintenance of a healthy environment in the family and community. Mediation in criminal cases is not free. This could lead to reluctance to use this dispute settlement mechanism. The legal expenses advanced by the state shall be borne by the party provided for in the mediation contract, as well as on the expenses advanced by the parties.

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Basic Stages of the Crime Scene Investigation

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ABSTRACT: In the present paper were analyzed aspects regarding the tactical activity of the crime scene investigation. The purpose is to present, from a procedural point of view, the way of carrying out this activity, the importance of carrying it out, the presentation of the two stages of the research on the spot, including the activities and the way of carrying them out.

KEYWORDS: scene, forensic investigation, *iter crimini*, static stage, dynamic stage

Introduction

Crime scene investigation is a predominantly technical activity, but with tactical components carried out by specialized criminal investigation bodies that allows direct perception of the situation of the place where the event occurred, often criminal, determining the circumstances in which it was committed and revealing material evidence in order to expertise and interpret them, with the aim of identifying the author and proving his guilt (Buzatu 2013, 27).

Crime scene investigation is the first forensic investigation activity in the case of facts that present a special danger: homicide, rape, robbery followed by the death of the victim, catastrophes or serious accidents, organized crime (Ciobanu and Stancu 2017, 5).

With regard to the meaning of the term “Crime scene” or “Place of the crime”, this expression refers not only to the actual place of the crime, but also to the nearest areas or other places from which it can be deduced data on the preparations, commission and consequences of the deed, including the ways of access and withdrawal of the perpetrator in the criminal field (Bercheșan 2001, 251-252).

The importance of the crime scene

Crime scene investigation is one of the most important activities carried out by the judiciary in order to achieve the purpose of the criminal process (Olteanu and Ruiu 2009, 9).

The crime scene is the most important place for the criminal investigation, being most of the time, the starting point of the forensic investigation. Here are the traces of criminals and victims, visible or in a latent state, left intentionally, through negligence or ignorance. The traces are waiting to be discovered and interpreted according to scientific criteria, established by the practice and theory of Forensic (Buzatu 2013, 27).

The main purpose of this activity is to discover, fix and remove the traces created by the perpetrator, the means and tools used, as well as to clarify the circumstances in which a crime was committed or an event with judicial implications occurred.

The place of the crime is the most important source of obtaining objective information about the deed, the perpetrator and the circumstances in which he acted and therefore the crime scene investigation contributes decisively to finding out the truth (Ruiu 2013, 15).

The crime scene investigation ensures the direct perception of the ambiance of the place of crime, even if its commission was not accompanied by material changes, or although accompanied by such transformations, they were the subject of direct findings in the initial phase of the criminal process (phase tracking) (Ciopraga and Iacobuță 1997, 238).

It offers the criminal investigation body or the court (when the latter shift to the crime scene) the opportunity to form an accurate picture of the particularities of this place and the circumstances in which the deed or event occurred (Ruiu 2013, 15).

The actual investigation of the crime scene

The crime scene investigation is carried out in compliance with the following general rules (Grofu 2019, 29):

- Crime scene investigation is carried out immediately, avoiding haste and superficiality (Alămoreanu 2000, 164);
- The actual duration of the crime scene investigation will be adequate, reasonable, without limitations in time and space;
- Crime scene investigation must be carried out meticulously, in its entirety and objectively (Grofu 2019, 29).
- Crime scene investigation will take place on the basis of a carefully developed plan (Cârjan 2005, 462);
- The forensic equipment will be used depending on the nature and characteristics of the crime scene;
- during the crime scene investigation, all the findings made, as well as the data of interest to the case, will be noted and taken into account to be recorded in the report that will be drawn up at the end of the crime scene investigation (Pletea 2003, 37-39).

In organizing the activity, the head of the research team will have to consider the application of other tactical rules specific to the research as such:

- a) *Limiting the number of people* entering the researched area to what is strictly necessary. In the preparation phase, only the team leader will enter the crime scene, possibly accompanied by an assistant or a forensic doctor, if the crime resulted in human casualties;
- b) *Prevention of any change in the state or position of things*, in parallel with the preservation of traces and avoiding the creation of other traces that may disorient the research;
- c) *Fixing the access and movement ways* of the team members in the perimeter of the crime scene, as well as in the place where the discovered material means of evidence are to be stored, of other objects to be picked up and transported to the specialized laboratories;
- d) *Wearing protective equipment* (suit, gloves, and mask) to protect traces and prevent their contamination, especially in the case of biological traces.
- e) *Prohibition of comments, assessments or discussions* on the nature of the act, the circumstances in which it was committed, the state of the traces, so as not to influence, in one way or another, the conduct of the investigation, as well as witnesses present at the scene (Stancu 2015, 368 -369).

The investigator must be an intuitive observer and have thorough technical knowledge.

The investigation of the crime scene, which largely amounts to the discovery and interpretation of the traces, must be systematic. The elaboration of a research plan on geometric-spatial bases will allow the choice of the most indicated positions for photographing and locating traces (Ionescu 2007, 28).

Crime scene investigation goes through two stages, namely: the static stage and the dynamic stage. This distinction has a conventional, scientifically useful character, but it should not be accepted as something rigid and absolute.

The multitude and diversity of situations that can be encountered in practice, may require that some of the activities in the static stage be performed in the dynamic stage and vice versa, the two stages can intertwine, the reason being given by the need to quickly obtain results that to be able to constitute a starting point of the investigation (Olteanu and Ruiu 2009, 40).

Crime scene investigation in the static stage

The static stage represents the first contact with the crime scene, without touching anything, the research being limited to observation (Buzatu 2013, 37).

The investigation can start from the center and continue to the edge of the crime scene or from the main object. In closed places, on well-defined portions of land from the center to the edge or vice versa (Ciobanu and Stancu 2017, 26).

In an open place (yard, field, forest) the research is performed by moving in a spiral from the main object (corpse, fire, crashed car) to the edges - eccentric or vice versa - concentric. Depending on the specifics of the case and the topography of the place (access roads, natural barriers), the examination can be performed by dividing the land into squares. The search for traces will be oriented in all directions, including upwards (roof, poles, and trees). It is important that the research is done or redone as much as possible in daylight as the artificial one can leave certain parts in the shade or darkness.

In a closed place (apartment, warehouse) the observation starts from a fixed point, continues by moving along the walls, usually clockwise and finally to the main object (victim's body, money box) together with the objects and the surrounding traces (Buzatu 2013, 37).

The static stage involves carrying out the following activities:

1. Observation of the crime scene

It will be carried out by traversing the perimeter of the crime scene (in the case of open spaces or large spaces), or by surveillance, from a single well-chosen point, performed on the crime scene, with the naked eye or with optical devices, in order to obtain data (in the case of closed places).

2. Orientation of the crime scene

Orientation of the crime scene involves finding or recognizing the direction and direction in which the cardinal points are in relation to the crime scene, as well as determining the positioning of the crime scene in relation to its neighborhoods (Grofu 2019, 30).

This activity also involves the topographic survey of the relief characteristics (necessary for the elaboration of the sketch), as well as the establishment of the distances between the traces and the material means of evidence discovered, specifying their reciprocal position (Bercheșan 2006, 65).

3. Entering the place of the deed and going through it

The activity is carried out exclusively by the persons with attributions on the line of the investigation on the spot, the penetration being made only through the access points and traversing the crime scene, only on the route marked by the forensic specialists. It is forbidden the access of persons not related to the crime scene investigation activity (Grofu 2019, 30)

Depending on the particularities of the crime scene, such as, for example, an apartment, warehouse, factory hall, yard, public road, etc., the judicial body has the obligation to fix the exact image of the whole picture of the crime, by establishing the condition and position of the doors and windows, furniture, appliances and installations (domestic and industrial), various objects, traces (Stancu 2015, 369).

Work procedures in the field of the crime scene investigations require the wearing of special protective equipment designed to prevent contamination of the crime scene. The first to enter the crime scene are the forensic specialist, accompanied by the head of the research team and, if necessary, other specialists. Also within this activity, the access road in the research area will be marked (Grofu 2019, 31).

4. Activities concerning traces and material means of proof

These activities lie in: searching, discovering, marking, numbering and protecting places where traces are found; selecting the traces to be removed immediately, in order to prevent their modification or alteration; selection of traces and material means of evidence that must be fixed immediately due to their condition, or taken quickly as a result of their transient characteristics (Grofu 2019, 31).

5. *Establishing iter criminis*

The establishment of the *iter criminis* has a specific value for investigation, allowing both the determination of the circle of suspects and the discovery of the traces created by the perpetrator and the tools used to commit the crime and, implicitly, their operative identification (Ionescu 2009, 41).

6. *Orientation photography and video recording, sketch photography and video filming and main object photography and video filming*

The activity is carried out mainly by forensic technicians, because it requires specialized knowledge. When the situation requires it, the execution of photographs and video recordings can be done by other people with a minimum of knowledge in this regard, which must be emphasized that it is absolutely necessary to train all police officers on this line, regardless of specialization.

7. *Development and verification of initial versions*

In this stage of the research, hypotheses are elaborated, based on the first obtained data, in connection with the nature of the deed, the participants, the mobile, the mode of operation, the way of forming traces (Grofu 2019, 32).

The dynamic stage on crime scene investigation

The dynamic stage is distinguished by complexity, involving the participation of all team members in conducting investigations and the full use of forensic technical-scientific means at their disposal (Olteanu, Ruiu 2009, 44).

It is the most complex and laborious stage of crime scene investigation (Buzatu 2013, 38).

After performing the activities specific to the static stage, a thorough examination of all traces and material means of evidence discovered in the investigated perimeter is carried out, which are estimated to be related to the possible illicit activity carried out, with the possibility of moving trace objects, depending on the technical possibilities of the endowment.

Each object, possibly the corpse or corpses, will be carefully examined in the case of illicit activities that have resulted in the death of one or more persons, with the aim of discovering all traces of interest to the research and clues, in connection with the training, position and other elements, in connection with the traces, likely to explain the development of criminal activity (Olteanu and Ruiu 2009, 44).

The dynamic stage involves moving objects, looking and examining them on all sides. Latent traces (digital impressions) are sought and highlighted by illuminations with sources equipped with filters with various wavelengths (Ionescu 2007, 29-30).

This moment of investigation involves:

1. *A thorough examination of the body of the victims*, of any object allegedly bearing traces or which served to commit the crime, being allowed to reach or change their position. Particular attention is paid to the discovery, fixation and removal of traces of crime, according to their type and nature (handprints, footprints, biological traces, traces of burglary tools, microtraps), in this category including material evidence (Stancu 2015, 370).

2. *Photographs, detailed video recordings are made*, the sketch of the crime scene is finalized and the drafting of the report begins (Buzatu 2013, 38)

We mention the fact that in this phase investigations are made to obtain complete data about the victim regarding concerns, circle of relationships, relatives, the place where the crime was committed, the possible perpetrators (Ciobanu and Stancu 2017, 29).

3. *The first statements of witnesses, victims and suspects are taken separately*, respecting the tactical rules of the hearing specific to the investigation stage (Buzatu 2013, 38).

It is recommended that the statements be recorded on tape. Assuming that video recordings were made on the spot, it is advisable to check the quality of the recording, for a possible resumption of it, if it is not successful (Stancu 2013, 370).

4. *Clarification of the negative circumstances* - non-existence of what should have existed if the deed had actually been committed, as was deduced from the first findings (Buzatu 2013, 38).

The need to clarify the negative circumstances is an argument for a thorough examination of each piece of land, each object, even if, apparently, it has nothing to do with the deed under investigation.

We mention the fact that in many cases, the negative circumstances reveal the intention of the perpetrators of some crimes to mask the character of their deed or to confuse the investigations (Ciobanu and Stancu 2017, 29).

5. *Packing traces and objects separately* so as not to contaminate them. The envelopes, containers and packages will be sealed and will bear identification labels, including the content, order and nature of the sample, the name and signature of the person who took the sample (Buzatu 2013, 38).

The dynamic stage of the crime scene investigation is a natural continuation of the activities carried out in the static stage and is characterized by detailed analysis of each trace or means of evidence discovered, being possible the movement of objects, increasing the intensity of the complex elaboration process and verification of the versions, both on the basis of the results of the technical activities and on the basis of the results of the other activities carried out on the spot, such as hearings, reconstructions, judicial experiments, presentations for recognition, body searches etc., continuation and reevaluation of the interpretation discovered on the spot, in order to elaborate and verify versions, outlining a socio-psychological profile of the perpetrator and ascertaining the negative circumstances, related to the clarification of possible concealments (Olteanu and Ruiu 2019, 47).

Conclusions

The crime scene investigation stages occupies a very important place in Forensics, offering the possibility to the criminal investigation bodies, which travel to the crime scene, to obtain information on the commission of offenses provided by the Criminal Law.

If in the static stage the criminal investigation body becomes directly and completely aware of the place where the crime was committed, taking the first measures consisting in delimiting the place or finding the victims, in the dynamic stage, the whole team must participate and conduct the investigation. Allowing the movement of objects, as well as the thorough search lead to the realization of the premises of finding the truth.

It can be observed that this stage, of the crime scene investigation, can offer various possibilities for solving the case, through the technical-scientific means that Forensic discipline makes available to the criminal investigation body.

From the point of view of legal regulation, the research on the spot can be ordered, according to art. 192 paragraph (1) in the New Code of Criminal Procedure, by a reasoned resolution of the criminal investigation body, and in the trial phase, by the court, by a conclusion. We can also talk about the tactics of conducting the research on the spot, taking a series of specific measures for a more efficient and correct development of the activity.

In order for the criminal investigation body to travel to the crime scene, it must be notified in one of the ways established by the legislator and, in turn, the criminal investigation body will have to identify the person who made the complaint or denunciation, to determine the place committing the act and ordering urgent action with regard to travel to that place.

Thus, the circumstances and consequences of the crime can be assessed, as well as the identification of the perpetrator of the crime in question. It can be said that crime scene investigation is a probative process in finding out the truth.

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The Specificity of the Right to Strike in the Case of Certain Categories of Public Sector Personnel

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ABSTRACT: The present study aims to analyze some aspects related to the right to strike regime. We aim to start from the general to the individual, from this right, in its capacity as a fundamental right of employees and continuing with the particularities of manifestation within certain categories of people. These are public sector staff in general and some categories of staff in this sector, in particular. A first approach considers civil servants, which is the most discussed and disputed category in the doctrine of labor law and, respectively, the doctrine of public law. The second approach concerns some civil servants subject to a special status, such as staff in the public order and safety system. Can they exercise their right to strike? If not, why not? If so, to what extent? The usefulness of the theme was determined by what is happening in contemporary reality.

KEYWORDS: rights, freedoms, the right to strike, personnel, the public sector, civil servants, civil servants with special status

The right to strike, a fundamental right of the employee

The Romanian Constitution (1991/2003), revised and republished, recognizes **the employees' right to strike** in art. 41 para. (1), and specifies the objectives/ purposes of the strike, respectively *the defense of professional, economic and social interests*.

From the outline of the categories of interests that may be the object of the strike, it results that **the political strike is prohibited**, as expressly provided in art. 190 (art. 190 para. (*2) provides that "*The strike cannot pursue political goals*") of Law no. 62/2011 of the social dialogue (republished in O.G. no. 315/30 May 2012). This law defines the notion of strike in art. 181 as meaning *any form of collective and voluntary cessation of work in a unit*. A very close definition can also be found in the Labor Code, approved by Law no. 53/2003 (republished in O.G. no. 345/18 May 2011), art. 234, according to which "*The strike represents the voluntary and collective cessation of work by employees*". If we compare the two definitions, we find that the only difference between them is in the final part, Law no. 62/2011 referring to **the place** where the cessation of work is manifested, respectively *in a unit*, while the Labor Code emphasizes **who stops working**, respectively *the employees*. We point out, in this context, **the regulatory parallelism**, which is one of the harmful phenomena faced by the Romanian legal system, contrary to the provisions of art. 16 of Law no. 24/2000 regarding the norms of legislative technique (The text stipulates that "*In the legislative process it is forbidden to establish the same regulations in several articles or paragraphs of the same normative act or in two or more normative acts. In order to emphasize some legislative connections, the reference norm is used*").

We note from the beginning that although the constitutional text refers to **employees**, in reality it also targets **civil servants** (Popescu and Dima in Muraru and Tănăsescu (coord.) 2019, 353), staff category with a distinct status, currently regulated by the Administrative Code (adopted by GEO no. 57/2019, published in O.G. no. 555/5 July 2019), in its sixth part.

Paragraph (2) stipulates that **the organic law** is to establish three aspects: **the content of the right, its limits**, as well as **the guarantees necessary to provide essential services for society**. *The organic law* to which the Constitution refers is currently represented, as we have shown, by Law no. 62/2011 of the social dialogue. The Labor Code is added to it, which in

art. 233 stipulates that “*Employees have the right to strike to defend professional, economic and social interests*”. As noted in the specialty literature, “*this article does nothing but take over the provisions of art. 43 para. (1) of the Constitution (...)*” (Gâlcă 2015, 636) which we have previously stated.

With regard to civil servants, the Administrative Code regulates for them the right to strike in art. 416, which provides, in par. (1), that “*Civil servants have the right to strike, in accordance with the law.*” and in par. (2) the fact that “*Civil servants on strike do not receive a salary and other salary rights during the strike.*” We find that the Administrative Code establishes a provision that the Labor Code does not expressly enshrine, namely that, during the strike, the participants in it do not benefit from salary or other salary rights. The norm must be corroborated with art. 514 para. (1) letter i) of the Administrative Code according to which, among the cases in which **the legal suspension of the civil service’s** employment report occurs is the case in which the civil servant *takes active part in the strike, in accordance with the law*. In our opinion, **this type of suspension should take place by law and not on the civil servant’s initiative**, given that **the initiative manifests itself when the civil servant takes part in the strike**. Thereafter, if the civil servant had the initiative to participate, **the suspension shall be *de jure***.

However, the rule is also common to employees. Instead, it is common to refer to a **law regulating the strike conditions**. *The law* to which the Administrative Code refers is the same Law no. 62/2011, resulting in a **common regulatory framework for both employees and civil servants regarding not only the strike regulation, but also of other issues closely related to it**, such as **trade unions and labor disputes**, specifying that the content of the law contains specific provisions for civil servants.

Peculiarities of the right to strike. Special case, the police officers

There are derogations from any fundamental right, taking into account certain categories of staff. Sometimes such derogations are provided for in the Constitution itself. Example, art. 40 stipulates that *the People’s Advocates, magistrates, judges of the Constitutional Court, active members of the army, **police officers** and other categories of civil servants* established by organic law **are exempted from the right of political association**.

As for **the police officers**, they are **civil servants with special status, regulated by Law no. 360/2002** (published in O.G. no. 440/24 06 2002). Art. 45 of this law regulates *the restriction of the exercise of certain rights and freedoms*, and letter e) contains the prohibition for the police officer *to declare or participate in strikes as well as rallies, demonstrations, processions or any other political gatherings*.

The restriction of the exercise of certain rights or freedoms is allowed, in principle, by the Constitution, in art. 53, but certain conditions are imposed that must be observed in order for the restriction to be admissible. These are the following: the restriction should be made only **by law**; to be imposed by certain **situations**, which are provided **in a limited way**, respectively *for the defense of national security of order, public health or morals, citizens’ rights and freedoms, the conduct of criminal investigation, prevention of the consequences of a natural disaster or a particularly serious accident*: the rule of **proportionality** between the restrictive measure and the cause which determined it; application of the restriction measure in a **non-discriminatory** manner; restriction **is necessary in a democratic society**; not to restrict, by restriction, the existence of the right or freedom not **to infringe on the existence** of a right or freedom.

Some of the dimensions established by the constitutional text were enshrined in Law no. 429/2003 revising the Constitution and we refer to **the condition that the restriction be necessary in a democratic society**.

If we relate this constitutional framework to the professional category of police officers, we appreciate that the limits it outlines are respected. First it is a law of restriction; the restriction

rules were established in consideration of the defense of national security and public order, which fall within the competence of the police. According to art. 1 of Law no. 218/2002 (Romanian Police Law, republished in O.G. no. 170/2 April 2020), the Romanian police *is the specialized institution of the state that exercises attributions regarding the protection of fundamental rights and freedoms, of the person, of private and public property, prevention and discovery of crimes, observance of public order and peace, in accordance with the law*. Analyzing these provisions, we find that **the values defended by the Romanian police, in most of them, are limited to those that art. 53 of the Constitution** lists them as conditions that allow a restriction of rights or freedoms, referring to the other conditions that we have listed above, we consider that they are also met, so that the restriction established by art. 45 of Law no. 360/2002 falls within the constitutional benchmarks.

The question is whether in practice these regulations are complied with. What if we are not witnessing a collision between legal norms and administrative practices? In our opinion, unfortunately, the answer is yes. And the fact that this is happening is also explained by the way in which the unions in the police sector act, violating the restrictions established by the law that enshrines the status of the professional category they represent. We believe that things are related to each other. **The unions**, according to art. 9 of the Constitution, have the mission to contribute to **the promotion of the professional, economic and social interests of their members**. Hence the conclusion that **they cannot interfere with politics, they cannot become instruments of political struggle, neither as organizations nor through their leaders**. Not infrequently we find, in Romania and in other states, that trade unions and their leaders become the flag bearer of political battles, engage in political positions, and abandon union work in favor of the political sphere.

We also find the involvement of police officers in carrying out strikes, which they initiate, in which they participate, violating, in our opinion, the specificity of police status, with the rights, but also with the restrictions of rights and freedoms enshrined in law.

Hence the problem: what to do?

Conclusions

We do not intend to give answers through this study, especially to this question. And especially when the answer would involve a symbiosis between law, sociology, social psychology and politics or geopolitics. Such an approach could be assumed, perhaps, in a doctoral thesis or in a monographic paper.

What we intend to do is **to point out aspects** on which, in the future, not only the legislator, but also the political factor should focus on them. Genuine democracy cannot be conceived outside of strict rules. Regulations regarding the restriction of certain rights or freedoms can also be found in international documents and we have in mind art. 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified by Romania by Law no. 30/1994, published O.G. no. 135/31 May 1994) or art. 52 of the Charter of Fundamental Rights of the European Union, which the Member States have undertaken to comply with by the Treaty of Lisbon (The Charter was proclaimed on 7 December 2000 and entered into force with the Treaty of Lisbon on 1 January 2009).

Regarding the mission of the legislator, in our opinion, he should be concerned in the future with the creation of a more categorical and stricter normative framework, which will outline the restrictions, but also impose sanctions that intervene in case of their violation. Everyday realities around the world are fraught with situations in which this public service turns law into a law abuse, in which the principle of proportionality is ignored, reaching the most tragic situations. And the organization of strikes, rallies, demonstrations of all kinds, by the public police service not only takes place, but also acquires dimensions that transform the police officer from a

guarantor of public order and peace, of respect for authority, into a disruptive of these values, which can affect the stability of the state and constitutional democracy.

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