

SCIENTIA MORALITAS
CONFERENCE PROCEEDINGS



EDITOR: Nicoleta-Elena Hegheș, PhD

FIRST EDITION
ISBN 978-1-945298-28-8

These proceedings represent the work of contributors to the *Scientia Moralitas Conference* held online on November 22-23, 2020. The conference was organized by the Scientia Moralitas Research Institute and the Research Association for Interdisciplinary Studies (RAIS). The objective of this conference is to promote multidisciplinary research on ethics, social sciences and humanities, and stimulate dialogue on current issues affecting the real-world.

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ISBN 978-1-945298-28-8

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November 22-23, 2020
Princeton, NJ, USA

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The Future after COVID-19: Healthcare, Digitalization and Inequality

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ABSTRACT: The ongoing COVID-19 crisis accounts for one of the most unpredicted economic disruptions in the history of humankind. COVID-19 as an external shock implies widespread and sustainable changes in the way humans live, work and interact on a global scale. With economic turmoil and social perturbation opens an abyss of novel and unprecedentedly described inequalities in the legal and economic spheres. The paper addresses novel trends that may spring out of COVID-19 in the healthcare sector, in regards to digitalization and inequality. Studying these forward-looking trend predictions aids us to understand the challenges that lie ahead in our post-COVID-19 world to come.

KEYWORDS: Access to healthcare, Artificial Intelligence (AI), Behavioral economics, Behavioral insights, Comparative law, Coronavirus, Corporations, Corporate governance, COVID-19, Crisis, Digitalization, Digi-disruption, Economic growth, Healthcare, Herd immunity, History of pandemics, Interest rate, Legal frameworks, Market disruption, Pandemic, Public policy, Technology, Technological changes

Introduction

The economic fallout of the COVID-19 induced economic shock measures resemble the onset of the Great Depression of the 1930s, which – together with subsequent events – change lives around the world dramatically, unprecedentedly and lastingly (Sachs et al. 2020; Gelter & Puauschunder forthcoming 2021). Given the nature of an external shock, the currently ongoing 2020 COVID-19 crisis seems to set contemporary trends in peoples' lives, their living, working and global personal connectivity. COVID-19 implies widespread changes for the individual, corporations, economics and governance. Accounting for an external shock coming down during an already ongoing digitalization disruption, the COVID-19 crisis not only solidifies already existing liquidity constraint based divisions within the economy and society but also qualitatively opens novel inequalities divides between winning and losing industries. As a widespread external shock to the world economy and legal order flex, COVID-19 affects corporate conduct profoundly putting pressure on elder and vulnerable workforce segments but also exacerbates digitalization and connectivity divides. The legal implications and societal changes' impetus on corporate conduct will be depicted in order to derive future diplomacy and global governance prospects. From an evolutionary dynamics perspective, a trends prediction sheds light on what kind of industries are likely to fail, which ones may survive and which ones could thrive in the following years and decades to come. During a time of protectionism sentiments around the world, diplomatic missions and on-the-ground economic outposts leverage into unprecedented beacons of access to accurate information, first-aid country-specific responders but also historical memory to foster a globally competent citizenry in a post-COVID-19 world to come.

COVID-19

The Coronavirus 2019 (COVID-19) is an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The majority of infected human only develop mild symptoms of fever, cough, fatigue, shortness of breath and loss of smell and taste.

Age- and pre-condition dependent, COVID-19 can also lead to acute complications including cytokine storm, multi-organ failure, septic shock and blood clots.

While traces of the novel Coronavirus were found as early as the summer 2019 in China and also in Europe in December 2019, the COVID-19 crisis was first officially reported since December 2019 with an outbreak in Wuhan. The World Health Organization declared a state of emergency with international relevance over COVID-19 in January 2020, and in March 2020 the outbreak of a global pandemic (World Health Organization 2020a). As of October 2020, more than 40 million infected cases are documented and over one million deaths have been recorded in over 215 countries in all six World Health Organization territories (Sachs, Horton, Bagenal, Amor, Caman & Lafortun 2020). Exponentially growing numbers of infections and a lack of an effectively-tested vaccine or completely-curing medication so far but also recurrent infection patterns project that there may not be a fast end to the crisis in the near future (United Nations 2020; World Health Organization 2020b).

Healthcare

On an interconnected globe with a highly mobile 21st century population and a most contagious virus, common health and well-being are as internationally-interdependent as never before in the history of modern humankind. The endeavor of a commonly healthy world with attention for precaution against pandemics is challenged by nowadays unprecedentedly-blatant healthcare inequality around the world.

Access to affordable quality medicine and precautionary prevention of widespread diseases depend on economic prosperity and freedom from corruption. Modern healthcare being technologically advanced also requires digitalization and innovation market financialization for modern preventive and precautionary medical care.

In macroeconomic modelling, my empirical research brought forward four indices shedding light on health inequality in the 21st digital century. Internet connectivity and high Gross Domestic Product are likely to lead on AI-driven big data insights for pandemic prevention. On these dimensions, Europe, Asia and North America have optimal global healthcare leadership potential. International data on healthcare standards in relation to digitalization, economic prosperity, freedom from corruption and innovation market financialization revealed that Europe and North America feature excellent starting positions on economic productivity, digitalized healthcare and relatively low levels of corruption.

Already before the outbreak of the pandemic, Artificial Intelligence, algorithms, robotics and big data entered healthcare with booming health self-tracking devices and preventive medical care enhanced by big data insights.

COVID peaked attention for hygiene, pharmaceuticals and emergency medicine. COVID-19 healthcare apps now estimate individual contagion risks and derive large-scale health trends from big data. Digitalized healthcare heightens demand for privacy protection of vulnerable patients and anti-discrimination based on health status. Bluetooth-cartography of medical devices helps overcome bottlenecks and prevents fraud while protecting privacy. Telemedicine cures remotely all over the world.

With pre-existing prevalence, such as obesity and diabetes, but also the immune system influencing the COVID disease trajectory, preventive care and whole-rounded lifestyles gained unprecedented attention. Europe benefits from highest standards on public preventive medical care, while the United States has the most prosperous market financialization to advance medical innovations and Asia appears to have the most sophisticated data tracking software in place.

As future predictions, equal access to the internet and affordable preventive healthcare around the world would help as future pandemic precaution. Currently, 11 vaccinations are

in phase 3 trial stage, foremost coming out of Europe and North America. In the interplay of law and economics, we have tough questions ahead – such as how far market pricing should be obeyed and intellectual property laws should be enforced to ensure the highest pharmaceutical sector margins remain to uphold excellence and innovation driven by competition. A COVID-19 vaccination should be offered to the entire world to reach general immunity quickly and eradicate COVID-19. Thereby a legal strategy such as outlined by the Trade-Related Aspects of Intellectual Property Rights, or TRIPS agreement, of the General Agreement of Tariffs and Trade has been brought forward by the WTO. Since the 1990s the TRIPS agreement granted access to affordable medicine to low income countries while protecting patent rights in the developed world to ensure market remuneration for medical innovation in order to uphold high quality of medical services.

As a future prospect, digitalization and big data insights for the healthcare sector appears as long-term pandemic prevention plan. In the healthcare sector, the EU has a competitive edge as for a historically-grown wealth of data of a homogenous population as European citizens pay for free universal healthcare by automatic provision of data. Within Europe, potential exists to bundle the largest and most refined historic datasets on health of 500 million European citizens in order to derive inferences for prevalences and tailored personal medical care. In the age of information, big data has become the new untaxed wealth generation means. Novel computational advancements can now retrieve medical insights from patient data that can be capitalized, especially for preventive medical care.

Due to a highly-skilled population, the European continent is a technological innovation leader and picks up technological advancements around the world quickly and efficiently. Europe also hosts a major part of historically-grown pharmaceutical agencies that are relatively independent of market actors – in the US, for instance, big data insights are regulated by the Federal Trade Commission (FTC) and the Federal Communications Commission (FCC), two agencies that are more market oriented.

The US medical market is more fractionated into public and private sector health and features a more market-focused approach. Europe has a post-war history of stressing ethical considerations in market-driven innovations. A European track-record exists for putting a human face onto capitalism. Innovation is ennobled with an ethical imperative focus – for instance, using more precautionary standards in releasing drugs.

In the corporate sector, the German *Präventionsgesetz* or *Prevention Act* (2015) grants governmental funding to corporations for preventive self-care and team learning of healthy lifestyles. As never before in the history of industrialization, employers now watch out for creating a healthy workplace environment with hygienic interaction, constantly tracking workforce safety and requiring health self- and group monitoring. Home office flexibility outsources workplace health risks, as do newly-erected office glass walls in interior designs. The Austrian *Sozialpartnerschaft* embraces stakeholder decision making in shaping an overall healthy workplace environment.

Future advancements lie in bundling information for pandemic prevention and medical resource tracking. In order to enable a big data capitalization coupled with upholding highest ethical standards, the European Union should foster a fifth trade freedom of data to bundle AI and big data gains large scale. While big data is primarily used in the US to offer more targeted consumerism, Europe should aim for building a data stock to retrieve information for preventive care leading the world with ethical imperatives in big data insight-driven medicine. On the European level, a EU fifth trade freedom of data could set positive market incentives for sharing information, but also provide big data privacy protection and legal anti-discrimination means against misuse of sensitive data – such as stigmatization – of vulnerable patients.

Data insights should only be used for the benefit of people but not be turned against human beings. A stakeholder survey conducted in November 2019 revealed that risks in the

use of big data insights in healthcare include data misuse and leakage leading to privacy infringements, as well as biases and errors. Big data insights open gates for health care pricing, stigmatization, social stratification, discrimination and manipulation.

Big data in the healthcare sector should only be used with caution and targeted particular information release to avoid discrimination. For instance, only anonymized data slices should be made available to the public in order to avoid stigmatization, gentrification and discrimination based on predictable prevalences within population groups or certain districts. Data protection through technological advancement, self-determined privacy attention through education as well as discrimination alleviation through taxation of data transfer values are recommended. Taxation of data transfer revenues will grant the fiscal space to offset losses and the social costs of market distortions caused by new technologies taking over human tasks and entering the workforce in the medical marketplace.

De-urbanization & Digitalization

COVID-19 triggered a de-urbanization in the US – a trend to move to environmentally-pleasant surroundings. Given the contagion risk in crowded metropolitan areas and air purification being challenged in city skyscrapers with closed ventilation and elevators, corporate headquarters currently move to remote work or suburbs. Retail shifted online to lower fixed cost of real estate and health risks. Hygiene and health leveraged into core business of contemporary cityscaping – as visible in the New York public transport cleanup and consumer trends to own personal cars or bikes. Art and culture events scaled down to more rural communities or are currently re-curated for social distanced performances or even are staged in virtual luxury worlds. Gastronomy order-ins and shared virtual eating experiences are socially-distanced service sector innovations. The sharing economy started offering workspace closer to nature.

Moving to cheaper suburbs now allows a remote workforce to build wellness cocoons with attention for healthy living embedded in nature. The environment is also represented in biophilic architecture trends that resembles nature. Or fungus clothing designed as carbon-negative organic alternative to fast fashion. Hygienic antibacterial surfaces for cleanability and technologically-enhanced kitchens are booming. With precise online retailing and people spending more time at home, minimalism is trending as people are getting rid of unnecessary items at home.

The de-urbanization is yet not a ruralization, as people are not giving up luxuries of metropolitan areas, such as exchange of goods, services and ideas in highly specialized markets with diverse market actors. Today's cosmopolitan luxury shifted into virtual online spaces as COVID-19 has also perpetuated the online tech world. Physically distant, we came closer digitally than ever before. Worldwide data traffic exploded on a flat digital globe. An online multitasking workforce gained global reach, while technology reduced bureaucracy. Digitalization kicked in all industries.

As North American universities currently face high revenue losses from international students staying away and closed campus housing, universities are exploring hybrid education in larger international network consortia. Students from all over the world could thereby flexibly take courses in large international education hubs with participating institutions being far spread out over the world. Without relocation costs and visa requirements, students will also be free to study longer. Education of the future could thus become truly global, individually-specialized and life-long. Global access to online education could become an international development transformation game changer. Overall expected price adjustments for education in the United States may lift the education debt burden in the US that has already curbed large-scale consumption of the generation internship since the

beginning of the millennium. For Europe there is the potential to partner with North American elite institutions or create multi-lingual European consortia to bundle excellence.

With the digitalization disruption, however, come along novel inequalities. Inequality in internet connectivity, tech-skills and digitalization-affinity, leverages AI-human-compatibility as competitive advantage. Digital online working conditions that make individual living conditions transparent emphasize social hierarchies in our educational and work-related interactions.

On a global scale, problems arise from a dominance of digital innovations and online communication tools being centered in the United States, which imposes a data deficit, revenue losses and problems to enforce European privacy protection. The new use of digitization in the healthcare sector increases the demand for online data protection for particularly vulnerable patient groups and anti-discrimination in big data derived inferences.

Taxing digital economies could create the fiscal space to offset technology disruption fallouts and ensure education and trainings honing mindful use of new technologies. Healthy and informed access to new media needs to address the dilemma between the individual benefit from information exchange online versus the human dignity of privacy on the Internet. In the digital age, we cannot estimate what effects the sharing of private information, tranche-by-tranche, over time has in merging, in relation to large amounts of data and over time.

The anonymous participation in new virtual realities currently also brings with it completely new problems such as cyber crime, hate postings and social censorship by the online masses. Governments and traditional media have lost control of online censorship in the digital age.

In an attempt to uphold ethics and responsibility in virtual global online worlds that are currently open to us on the Internet, the European Union has launched the General Data Protection Regulation, GDPR, and taxation attempts of online revenue. European legal scholars and activists are defining legal rights of individuals to be forgotten online and the dignity of conscientious data protection and e-privacy.

Less discussed are currently opening inequalities based on international time zones that create natural barriers. Natural day and night time conditions currently implicitly connect or separate continents. Online knowledge transfer is favored due to the time harmony. Common daytimes flourish exchange, while a day-night divide disconnects us for real-time exchange.

Direct exchange in work relations, telemedicine or innovation ideas exchange are facilitated within a time zone. If the digitalized exchange persists, this may create new timezone bundles. North and South America, Europe-Africa and Central Asia-Southeast Asia-Australia are emerging as new time-harmonious clusters, which operate in the same time zone. This may finally improve the north-south divide by facilitating the exchange of information and fostering common projects – such as virtual conferences and subsidiaries. Opening the online window to a different, better world, however, will likely increase already rising mobility trends. Europe will be pegged to Africa, where digitalization ranks lowest and European officials will likely face the predicament between infrastructure development in Africa for the sake of rising migration from Africa and instigating brain drain.

Economic inequality

Globalization was already slowing down in the decade before COVID, assuming stagnating or declining international trade in goods and financial transfers around the world and abroad. With the Internet window on the world, which opens the eyes to the working conditions in foreign subsidiaries, global value chains re-shored closer to end consumers. Nationalism grew in

homeland-first politics and EU exit negotiations. At the same time, however, globalization continued with digitalized data transfer around the globe.

The COVID-19 crisis is now the most unforeseen external shock for modern humankind, which has further slowed globalization, but at the same time perpetuates digitization. By spring 2020, more than half of the world's population was in lockdowns, which slumped general consumption and reduced trade by an estimated 10% (The Economist, October 8, 2020a). In the first half of 2020, global foreign direct investments were down 49%, up to 75% in the developed world and up to 81% in underdeveloped parts of the world (UNCTAD 2020). An annual decline of 30-40% is expected by the end of 2020 (UNCTAD 2020). Unemployment increased up to 70% in the mid-career segment (The Economist, October 8, 2020b). 40 million European workers were sent into short-time work (The Economist, October 8, 2020a). The general world economic output fell by 3-5%. An estimated 8-10% drop is expected by the end of 2020 – which is 100 times the economic magnitude of the 2008-09 world recession and is estimated to increase future extreme poverty by 15% worldwide (IMF 2020; The Economist, October 8, 2020a).

The COVID-19 external shock clearly created economic losing and more losing nations. The Union Bank of Switzerland (UBS) currently describes the largest economic gap between world economies for at least 40 years (The Economist, October 10, 2020).

In contrast to earlier economic turmoil stemming from system-inherent crises creating liquidity constraints, the external COVID shock caused "social volatility" – a collectively depressed mood that largely dampened consumption. The difference to previous systemic recessions becomes apparent in the rapid recovery of well-managed financial funds – for example, the S&P 500 recovered 50% of its pre-COVID value within the first three months after the crisis and reached an all-time high in August 2020. Deutsche Bank recorded rising earnings after the onset of Coronavirus crisis in Europe, especially the investment bank branch of 43% or 2.4 billion euros. The clear distinction between COVID-19 profit and loss industries made it possible for today's highly flexible financial world to quickly exchange weakened market segments – such as oil, public transport and aviation, face-to-face service sectors such as international hospitality and gastronomy – with above-average market options – such as pharmaceutical companies and emergency medical devices for healthcare, digital technologies, fintech, artificial intelligence and big data analytics industries, online retail, automotive and interior design industries.

Inequality has increased in society since the 1990s as a result of the wave of US financial market deregulation (Piketty 2014). The financial world performance began to diverge massively from the real economy in 2008/09 and experienced the greatest divergence so far with the Coronavirus crisis that widened the gap between top performance of financial markets and negative fallout in the real economy (The Economist, October 10, 2020).

The strong contrasts between COVID-19 winners and losers as well as the deep gap between strongly positive financial market developments and the negative performance of the real economy induced by lockdowns, which is currently exposing the real economy to a wave of private bankruptcies and liquidity bottlenecks, therefore call on governments around the world to reboot financial markets to return to be a service industry – to serve the real economy.

Government bailout packages are likely to be financed over the long term by the historically-lowest, never-so-long-low key interest rates. Low key interest rates will continue to allow the capital market to flourish. But this is based on the cost of a weakening of the potential of the interest rate as a monetary policy tool, which the economist John Maynard Keynes already described as a "liquidity trap." The low interest rate policy brings along long-term external financing of past ideas, which impairs the flexibility of investors to finance future-oriented innovations and may hold back societal progress. Low interest rates on savings accounts in the real economy keep people trapped in the debt financing of past

dreams. Household debt traps are causing massive psychosocial burdens, a so-called ‘deaths of despair’ trend is already noticed in the US for mid-career death spikes induced by alcoholism, drug use and suicide (Case & Deaton 2020).

In the future, social friction is expected due to the strong polarization of financial profits sponsored by low key interest rate policy. The flexible substitutability of financial fund components in the exchange of loss segments for winning industries increases financial market profits, but at the same time reduces liquidity capacity and sustainability survival of small and medium-sized enterprises. In this sense, the generally low interest rate creates a situation that the financial world lives at the expense of the real economy.

Taxing the COVID-profit industries, especially digitization winners, could create fiscal space for redistributing some of the economic gains to industries that clearly lose from COVID-19. Taxation of digitalized economic growth during our forced digitalization disruption could provide the necessary redistribution funds to back the liquidity-dried real economy. Governments can also bring back the financial world in the service of improving and stabilizing the real economy in a stricter separation between investment and consumer banks, which already began in the course of the regulations following the 2008/09 recession. Central bank could offer diversified interest rates. Low key interest rate for driving innovation and economic growth in the financial sector that refunds higher interest rates for the real economy savings for consumers in order to avert psychosocial friction from individual over-indebtedness in households.

Online currencies, such as the currently planned European Central Bank digital currency, could help a transparent use of the currency over time to strictly divert interest rate profits and avoid arbitrage or interest rate swapping.

Mutual collateral insurance between the financial world and the real economy would also be possible in order to spread risk. Bonds have also been discussed to enable innovations while repayments should be redistributed to the real economy.

In addition, could banks be encouraged to use the current profits for future large-scale investments that add societal long-term value. For example, large construction projects but also innovation in research and development are valuable macroeconomic multipliers that can benefit society as a whole in the short and long term (Keynes). Governments and intergovernmental bodies, like the European Union, have the long-term vision and financial freedom to operate on deficits but also the regulatory means to enact large-scale redistribution and long-term wealth creation in grand investments for the future. And I look forward to discussing potential other inequalities arising from COVID-19 or the novel and exciting opportunities and positive societal advancements that come out of the crisis such as preventive medical care, reconnection with nature but also digitalization with the exciting Panelists and hopefully also some audience comments and questions.

Discussion

The uniqueness and differences of the 2019 COVID pandemic economic fallout from the 2008/09 World Financial Recession lies in the previous recession having emerged inherent in the system of capitalism and largely played out in financial constraints affecting almost all industries. The novel 2019 COVID pandemic economic fallout imposes an external shock that was fueled by communication and interaction, which differed throughout the world. The currently ongoing market communication about the pandemic serves as historic trace, whose conservation offers important insights about how the socio-psychological interpretation of an external shock echoes in economic fundamentals. Highlighting the entrepreneurial spirit during our time of unprecedented change in podcasts or written traces serves as an invaluable source of information and historic snapshot in time to conserve our very unique Zeitgeist of not only living through a

pandemic but excelling in innovation with attention for ethical mandates. Shedding a novel light on winning and losing industries of the current COVID-19 pandemic induced economic fallout serves to not only aid governments to find targeted strategies how to redistribute the gains of the crisis in order to offset the economic fallout losses in proposed inequality alleviation strategies. But it also sharpens our eyes for inequality in the COVID-19 pandemic in order to evade potential current and future social, economic legal and governance downfalls and uphold highest standards of dignity in humanity.

Although we are still in the midst of a world-wide pandemic with exponentially rising novel Coronavirus-infections, already now certain is that research can lead to a more informed dialogue about the risks but also the opportunities of COVID-19. But during a time of rising nationalism and oncoming protectionism exacerbated by travel restrictions and visa bans, access to accurate information derived from on-ground diplomats, who hone mind-opening innovation and cross-cultural competences in online embracing e-events that grow communities stronger during a time of economic upheaval, are key to shape well-informed dialogues, for a united voice of build on mutually accepted consent and a future-oriented governance of the COVID-19 crisis. All these endeavors will help balance between health, economic well-being, legally-supported social stability and sustainable quality of life of multiple generations living together through a crises that affects us all but differently.

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Robots Impact on the Labor Market – Robots versus Humans and COVID-19

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ABSTRACT: Health, education, transport, government, real estate and other sectors are in the early stages of digital transformation and, as they transform, productivity continues to grow in Romania, but at a low rate compared to other EU member states. However, while these advantages and related benefits are important to the digitalization process, perhaps the most important benefit of Industry 4.0 is its impact on the economy, especially on productivity and overall economic output. The paper is an exploratory desk research based on surveys and specialized studies to build an image of the present and the future, against the background of disruptive technologies, digital transformation, robotics, automation in the conditions of the COVID-19 pandemics. Nowadays, there is a completely issue of paradigm shift, robots will replace the human workforce, eliminating low-skilled jobs, workers being obliged to reorient their careers and retrain for the maintenance and monitoring of the robots, leaving them time to be creative for the growth productivity of the company, thus eliminating clerical work. Those who are highly qualified will benefit of high incomes and thus it will be created some inequalities, big revenues discrepancies between individuals, which will lead to an increase of tensions. The adapted statistics reveal a possible image of the labor market in the next years, in the pandemic context but also the negative and at the same time progressive impact on the economy and the society.

KEYWORDS: labor market, robots, automation, work platforms, exploratory research

Worldwide Internet usage

The main goal pursued globally for the second decade of the 21st century is the economic and social growth through digital transformation. Implementing much more advanced broadband services than the current ones, using various applications that can be accessed by those who adopt new technologies, 5G and surgical robots or dedicated devices to ease our daily tasks. We are required to update the reality we know and a paradigm shift by embracing progress and disruptive technologies.

The models that are expected to be implemented vary from one country to another depending entirely on the level of development and maturity of the market, as well as the mentality of consumers and users both individuals and organizations.

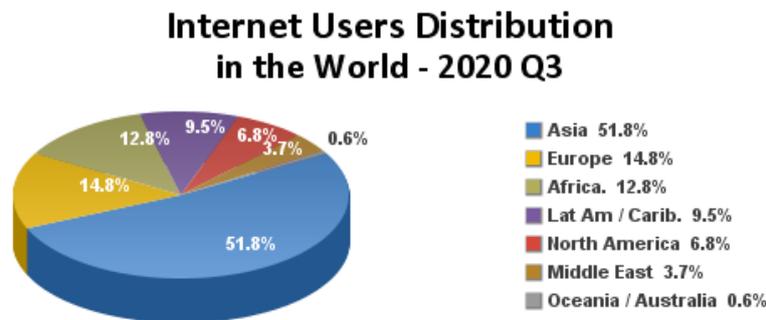
Thus, for the necessary training we need a convincing content such as the initiation of courses on digital literacy, e-government programs, e-health, e-learning. Also, network and service providers in the case of offering high quality services using new technologies following the reconstruction of the infrastructure, must be taken into account the budgets of users and needs.

The aim is to implement a broadband system that corresponds to the new trends in the IT&C sector, security concerns, greater care for the environment in areas such as education, medicine, finance so that, globally, to benefit from these services.

Digital technologies have transformed every aspect of business process, such as using e-commerce platforms to reach offshore customers, analyzing big business data to diversify products, using social media for a broader approach, and using cloud-based programs like Enterprise Resource Planning (ERP) and Human Resource Management (HRM) for productivity and efficiency. A major challenge in using these technologies is to make popular technical terminology among the employees in order to work effectively in digital environments.

Similarly, the challenge is that technical teams are aware of the business process for which digital technologies operate. This type of high-level connectivity will lead to an increase in demand for services and applications offered, such as IP television (IPTV), VoIP, cloud computing, online video streaming.

Figure 1. Internet use by region in 2020



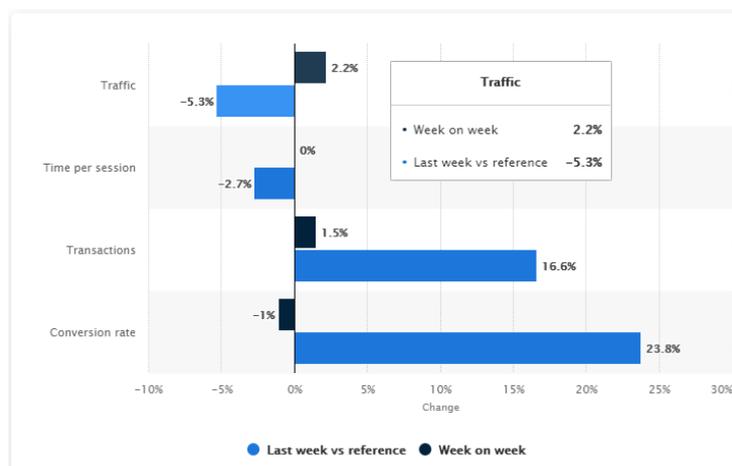
Source: Internet World Stats - www.internetworldstats.com/stats.htm
 Basis: 4,929,926,187 Internet users in Sept 30, 2020
 Copyright © 2020, Miniwatts Marketing Group

Source: Internet World Stats, 30 Septembrie, 2020, <https://www.internetworldstats.com/stats.htm>

In September 2020, **4,929,926,187** Internet users were registered Worldwide. (www.internetworldstats.com), of which **834,995,197 users** were registered in Europe. Under the conditions of COVID-19, the use of the Internet has increased exponentially, although the statistics stop on September 30, 2020, if we make a comparison with March 2020, Thus, more and more alert, mobile networks and 5G technology will reach a strong demand growth that providers will have to meet if they want supremacy and long-term upward evolution, as broadband users will want more flexibility in using m-banking or m-health applications.

Information and Communication Technology (IT&C) will penetrate more and more into everyday life, offering a greater diversity of applications and services. Internet users have used technology at high rates during the Coronavirus pandemic, now present in remote conditions, making a strong impression on social life and inter-human and inter-personal communication.

Figure 2. Worldwide impact of Coronavirus on the online traffic until 06.09.2020



Source: Posted by Clement, J., 25 September, 2020, available at <https://www.statista.com/aboutus/our-research-commitment/408/j-clement>

“The global coronavirus pandemic is affecting global consumer behavior. In the week ending 6 September, online traffic in 20 different industries decreased by 5.3% compared to the reference period in January and February 2020. Online transactions increased by 16.6% compared to the index period and increased by 1.5% compared to the previous week.” (www.statista.com)

The labor market during the pandemics

The entire population of the globe suffered during the pandemics, and the economic situation of the countries is constantly deteriorating. In addition to the danger we are all in, there are other threats to the quality of psychological, social and family life.

At the psychological level, the crisis caused by the pandemic generated fears among individuals, psychoses regarding the excessive use of disinfectant products, isolation from the groups in which they integrated, care for family safety led to the obligation of the person to be alone. There is a need on the part of employers to force their employees to develop new skills and abilities in order to keep their job.

According to the Eurofund 2020 report (Ahrendt et al., 2020), “600 restrictions have been adopted since the beginning of the pandemics and are part of the strategic plan to mitigate the economic and social impact of Coronavirus.” It is also stated here from the results of an Eurofund survey (Ahrendt et al. 2020), “40% of the initiatives taken from February to mid-September 2020 focused on supporting businesses so that they can survive. From the survey data, in terms of automation, jobs that will go through an extensive automation process by 2030 are those in the fields of logistics - 52% (transport, warehousing, inventory management, construction) and manufacturing in proportion of 45%. We are in the reality of the autonomous cars without a driver, of the first flying car that was put up for sale. PAL-V manufactured the commercial Liberty - Pioneer flying machine, which they put on sale at the end of October 2020, cost \$ 599,000 and was legally introduced in the Netherlands. (<https://www.pal-v.com>) The altitude is 3500 maximum, below 11500 feet, but this was not expected for the medical and education field where the automation process will be much lower and the jobs are long-term.

Social, economic and technological change in Europe has given rise to new forms of employment and platforms. Different to the traditional “work”, transforming the traditional relationship between employer and employee. New forms of employment are also characterized by unconventional patterns of work and jobs.

In order to close the existing knowledge gaps, in 2013 Eurofound began exploring the characteristics of emerging forms of employment in EU Member States. The research analyzes, among other things, the implications for working conditions and the labor market.

Figure 3. Platform work classification



Source: Adaptation after the Eurofound 2018 Report, <https://www.eurofound.europa.eu/topic/new-forms-of-employment>

Eurofound has made a mapping practice at the European level in order to identify the emerging trends. This practice has led to the classification of two new large types of employment that are new or have become increasingly important in the European Union member states since 2000. A series of study cases conducted within the research has revealed the way in which these new employment forms operate in the member states and their effects on the working conditions and the labor market.

Eurofound continues to examine more detailed some of the new identified trends. The research conducted in 2016 has especially targeted the aspects regarding the winning potential for both the employers as well as the employees. A common study held by Eurofound and International Labor Organization (ILO) analyzes the effects of remote working and the IT&C-mobile (T / ICTM) activity on the working world.

Work platforms

Previously, Eurofound “used the term “crowd occupation” to capture the work initially associated with the concept, but the phenomenon has changed and now encompasses several types of tasks. Consequently, in its 2018 publication, Eurofound adopted the term “platform work”, employment and working conditions for certain types of platform work.” (eurofund.com)

The main features of the platform's activity are: paid work is organized through online platforms in which three parties are involved: the online platform, the worker and the client.

The work is contracted and the jobs are divided into tasks the services are provided on request. In the EU, there are many dedicated concepts, like “shared economy” or “collaborative economy”. However, these terms cover a wider range of online activities, which go beyond paid activity to include trade in tangible or capital goods, as well as non-commercial activities.

The works on the platform can be delivered online or on site (in person). The most common tasks performed include:

- professional tasks (e.g. software development or graphic design)
- transport (e.g. transport of people or delivery of food)
- household activities (e.g. cleaning)

Eurofound has identified **10 types of works on the platform** (Eurofund.com) that have reached a certain critical mass in Europe in what regards the number of platforms and the affiliated workers. The main differences between these types are in the scale of tasks, the format of service delivery (whether tasks are delivered locally or online), the level of skills required, the process by which the client is adapted to the worker (job versus competition) and the part that determines the allocation of works. The 10 types of works (Eurofund.com) are:

- on-location client-determined routine work;
- on-location platform-determined routine work;
- on-location client-determined moderately skilled work;
- on-location worker-initiated moderately skilled work;
- on-location client-determined higher-skilled work;
- on-location platform-determined higher-skilled work;
- online moderately skilled click-work;
- online platform-determined higher-skilled work;
- online client-determined specialist work;
- online contestant specialist work.

At the European level, the BusinessEurope employer group has expressed confidence in the potential of online platforms to contribute to business formation and job growth. Instead, the European Trade Union Confederation (ETUC) has expressed concern about social protection, tax law and compliance with labor law. In addition, the European Association of European Crafts and SMEs (UAPME) has expressed concern that traditional businesses will face unfair competition from online platforms.

In most EU Member States, public and political debates are led by trade unions on the uncertain employment status, working conditions and competition for traditional sectors. In several Member States, trade unions have supported strikes and initiatives by employees of the platform. For the first time in April 2018, in Denmark, a collective agreement was signed between a trade union (3F) and a platform operator (Hilfr).

National employers' groups are less active in the debate and mainly consider the potential of the platform's work to make a beneficial contribution to the economy. National governments are largely absent from public and political debates, but some have commissioned studies to monitor the evolution of the platform's work and several government initiatives (e.g. related to taxation) have already been initiated.

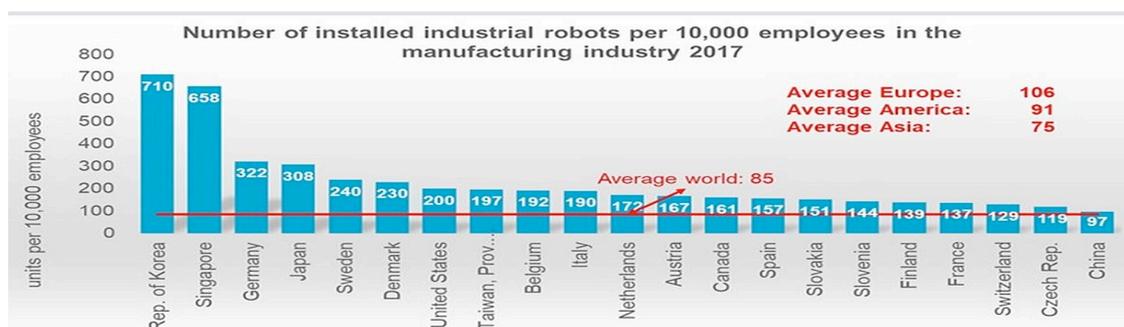
The labor market in the conditions of robotization

Asian countries achieve high educational outcomes, especially for STEM (science, technology, engineering, and mathematics) subjects, so the basic negative relationship between higher education and low automatability is valid here as well, even if different metrics must be used to show this relationship in Asia. In addition to the share of jobs and job automation, another factor that may affect Asian countries more is the current level of technology and the extent to which job automation has already taken place, which is also an important factor in future automation rates. This suggests that workforces in more technologically advanced countries, such as Japan, South Korea and Singapore, which are increasingly working with robots, have already adjusted to some degree of automation and may have a lower future risk. Instead, they can be well placed to take advantage of automation in terms of higher productivity and real wages. The impact of the automation process, according to the documentation, is expected to vary over time, as automation is based on human capabilities. On average, in the 29 countries covered, the share of jobs with a high risk of automation is estimated at around 3% by the beginning of 2020, but it is around 20% by the end of 2020, and about 30% in the middle of the 2030s.

The process of automation through robotics (PAR), which is a component of the digital transformation, will have a significant impact on the workforce, bringing fundamental changes to the jobs of the future. Software products dedicated to robotics are used to automate tasks and processes in digital business, this technology being considered especially in Romania as being at a much too high level compared to the infrastructure and technological investments made so far. But things are quite clear, robotics is not within the remit of the IT department of companies.

Managers seek to simplify as much of the routine tasks of employees by developing new technologies and dedicated software applications. "The robot automation process (PAR) involves the use of software robots that can interpret existing work processes and automate them. The software digitizes tasks based on repetitive rules and by eliminating the need for human intervention accelerates time-consuming activities and reduces errors." (Ismail, 2018)

Figure 4. Top 22 countries with density larger than 85 units



Source: IFR World Robotics 2018,

https://ifr.org/downloads/press2018/WR_Presentation_Industry_and_Service_Robots_rev_5_12_18.pdf

Technology can “move staff away from the focus on the core of the workplace and add value elsewhere in the workplace (www.mckinsey.com) by allowing employees to focus their skills on more interesting parts of the workplace, such as design, customer analysis, customer service.” In this way, the company’s activity will be able to be more creative and differentiate itself more on the market segment it occupies.

Conclusions

The impact of the automation process shows notable differences between occupations over time. In particular, it is estimated that clerical workers will have the greatest effects in the short to medium term. This includes: general and keyboard officials, customer service clerks, digital and material registration clerks and other support workers. The proportion of these clerical jobs with a high risk of automation is estimated at 10% in the Algorithm wave, rising sharply to 49% in the 2020 surge (but with a slight additional increase to 54% in the 2030 Autonomy wave, which would affect other occupations, such as more car operators and fitters).

Digitalization, innovation, connectivity and research contribute to job creation, increasing the competitiveness of businesses in global markets, improving the quality of life, ensuring social inclusion and sustainable economic growth, the efficient functioning of the European Union and its economy, social and security objectives depend on the ability to ensure an adequate level of interconnection within the single market in all its dimensions, including in the energy, transport, telecommunications and capital markets.

In an increasingly digital economy, those organizations that bridge the talent gap will enjoy a competitive advantage over those that do not, a defined digital talent strategy that meets both business objectives and needs, and Digital talent preferences is essential for sustainable development and successful digital transformation. Information and telecommunications technology (ICT) and artificial intelligence (AI) are the main driving force of the new digital economy, economic growth and social welfare, both now and in the foreseeable future. ICT must be appreciated for its true power to revolutionize the mode of production, distribution and consumption.

Although initially the effects of new technologies were overstated, it later proved that the long-term benefits they generated exceeded expectations, leading to the phenomenon and widespread process called the “digital revolution” due to the fact that the rate of ICT spread far exceeded the initial forecasts of the 1980s & 1990s. This revolution involves the integration of ICT in virtually all areas of socio-economic activities and essentially supports economic growth and prosperity.

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Ethics within Psychiatry

Objective and Subjective Approach

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ABSTRACT: Psychiatry remains a borderline medical discipline between social systems, individual bio-psychological balance, physiological health and law enforcement. Given all these implications, ethical implications become more complex and scientific borders can be outdated by subjective, moral or personal principles or by legal implications. From the simplest medical care to forensic psychiatry and scientific research, ethical problems are always torn between social welfare and patient's welfare due to important particularity of the main functional unit of psychiatry: the patient with all his specific pathologic characteristics that affect civic and physiologic fundamentals of social and medical bases: discernment and auto-conductivity. Whether it is a psychiatric disorder that affects the patient's integrity or the integrity of the socio-familial matrix, the balance between social health and the patient's life quality will end up in contradiction at some point, putting every institution involved in difficulty.

KEYWORDS: patient, psychiatry, bioethics, society, forensic

Introduction

Psychiatry is an endless source of ethical disputes. In matter of strict medical aspects, there are clearly objective principles and limitations when caring for a mental ill. His rights to well-being are not changed by his mental state and the goal to high life quality and health are the same as in any other medical discipline.

The differences appear in major psychotic disorders or when the patients become a danger for themselves or for the social environment. One aspect involves the subjectivity of the society near him as people tend to isolate and eliminate from their surroundings elements of disturbance. That is why a psychiatric patient might be isolated and stigmatized and pushed away even by his own family. Acceptance and understanding are vital for these people and isolating them will only aggravate their condition. In borderline pathology, when thinking and self-awareness are still present, depression and anxiety often worsen the clinical aspect of the disease, pushing these people to self-isolation or self-harm activities like substance abuse or autolytic ruminations.

When anti-social symptoms are attached to the clinical picture of the disease, there will be law enforcement principles that often put the sanctions and the social welfare over the patient's mental and physiologic balance (Anghel & Băcilă 2020, 1).

All these situations are putting a lot of pressure on the psychiatric doctor that has to maintain a balance and solve all social and law aspects but more importantly, has to care for the good of his patient, growing his chances of recovery or bringing him to a higher life quality and expect to a healthy social reinsertion, although this is yet another difficult issue regarding psychiatric stigmatization (Chiosa-Chiaburu 2009, 417).

Ethics of doctor-patient relationship

From the beginning, the relationship between doctor and patient in psychiatry is a real challenge. The first reason is because the way this discipline is viewed from the outside. It is very hard for an individual to accept this type of medical help and his admittance to a psychiatric clinic will be reserved and anxious, with fear of being stigmatized and judged by both family and society and why not, by the doctor himself as he is in the first place, a human being before being a medical specialist.

After this first step comes another challenge: the interview with the patient. The anamnestic review in psychiatry is all about getting the person to open his mind and his heart in front of you, a complete stranger and one in a uniform (Buda 2008, 83).

Keeping a constant line between the objective principles of medical care and moral and personal involvement is hard. On one hand, professionalism is important to keep control of the situation and respect the boundaries of medical act but on the other hand, compassion and understanding are important to get the person to open and talk freely about his problems. Keeping all these elements at a constant level involves a vast experience, practice, good moral principles and self-control in high doses. A psychiatric patient tends to be a smooth and methodical observant of every detail surrounding him because of the tension this examinations are involving. Every alteration in the examining environment and every modification in the examiner's mimic and pantomimic can reset the interview or end it (Țirdea 200, 17).

With major disorders, terms become even more difficult. Patients with low mental capacity or lack of discernment are even harder to assist or interview as their knowledge about their own good is disrupted or absent. Keeping calm in front of these situations, giving them an impression of protection and understanding is as hard for the doctor as it is important for the patient. The key, in this case, is the doctor's approach to the first contact with the ill. Respecting him, calming him and getting to understand and believe him especially when no one else understands his symptoms in that moment can solve the compliance issue (Lolas 2002, 123). After that, keeping a respectful and protective relationship without patronizing or humiliating him is vital for the patient's compliance and cooperation during treatment psychological therapy. In these cases, there is a long road from acute decompensation to mental balance and social reinstatement and it depends on getting the patient to understand and accept his need to be helped. Although resistance is often a barrier at some point of the hospitalization, contention and medication are to be administered without harming the individual physical and psychological integrity. An important fundament of psychology and psychiatry is that help must be given if asked for. Freedom of choice is a human reflex present even in the most severe mental disorders and forcing help and treatment can suffocate that reflex ending up in more damage than resolution (Ciubara 2013, 11).

It is understandable that it is humanly difficult to accept being a psychiatric patient even without discernment as it is humanly difficult to attend a psychiatric patient that does not understand the risks for himself and for his environment and cannot comply to treatment. As the characteristics of the mental disease are unchangeable, the only adaptable element remains the doctor's attitude and approach with need of a high moral and professional conduct and immense self-control (Talbot 2006, 384).

Non-voluntary hospitalization

Medical ethics and fundamentals stand on very specific principles. Some of those principles are the patient's information about the medical act and his consent on the medical act. In psychiatry, these principles can become obstacles in major psychiatric disorders as well as in psychiatric pathology in children. In the first place, psychiatric disorders do not involve a general absence of mental capacity to understand and consent for medical treatment but they can be obstacles in some cases (Schneider & Bramstedt 2006, 90). There are pathologies that involve a constant lack of competence and discernment such as major psychosis or dementia but there are also acute decompensations or life-threatening situations that involve a temporary absence of psychological capacity. At admittance, patients need to be very carefully assessed in order to evaluate their understanding of the health problem and need for treatment. Objectivity is vital in analyzing the psychological status of the patient, the presence of self or social danger, the competence of the patient regarding his state of mind and the disease, the impossibility of the patient to tend to his basic needs, the character of his disease and the motivation of his compliance or denial of the medical act. In some critical conditions, the psychiatrist can decide

for a non-voluntary hospitalization but only if all aspects tend to this solution. The ethical debate on non-voluntary hospitalization can be approached from 3 directions: one is the patient's personal attitude in front of the psychiatric examination, another one is the socio-familial view of the disease and the other one is the law's attitude in the psychiatric cases that involves it. All these directions have both a separate and a common importance in the resolution of the case (Kjellin et al. 1993, 323).

When an individual, due to a mental illness, becomes a threat to himself or to others, becoming unpredictable and lacking disease conscience, he needs to be cared for, treated and helped inside an institution and away from the dangers he represents for himself and others. Although these scenarios involve first degree relatives or law officers to implement, the autonomy of the patients is taken over by the doctor himself that will tend to his well-being and interests for all the hospitalization period. Medical law gives the doctor a very high responsibility considering him to be the only one capable to attend to his physiologic, psychologic and social problems. But as that patient does not understand his disease, he will not understand the need for his freedom to be ended, because that is the general perception. Although this measure sounds somehow drastic it is not supposed to be that way. Being hospitalized without consent does not involve a sanction for the patient as it is widely viewed in society of even in some law aspects. Although it is a safe solution secondarily for socio-familial system around the patient, it is primarily a safety solution for the patient himself. For the period of admittance, the ill is taken care of as well as every other patient is, in other medical domains, maybe with more surveillance and attention with the motivation of possible recovery or higher chances to a normal life (Alexius, Ajnefors, Berg & Aberg-Wistedt 2020, 21).

Crossing ethical boundaries is often caused by subjective clinical analyzing or excessive zeal, of course not as a bad intention but translated as an over-assessment of the acute diagnostic and socio-familial context and considering that hospitalization of the patient in that moment would protect him more from the altered climate he comes from. It may sound complicated but in present society, any modification of mental status can be stigmatized and isolated, pushing the individual to even more serious psychological distress (Palmer 2015). In other cases, families that deal with children or adults with major psychiatric syndromes tend to present the patients very often or very easily to the psychiatric emergency room considering that they cannot handle the cases or because they feel ashamed and isolated by the rest of the social network. Besides the lack of information regarding psychiatric disorders and the way to attend a mental ill inside the family or inner social circles, there is a lack of motivation for these aspects. If we add the general view on these cases, especially on mentally ill children or people with severe mental deficiency, there is an even more severe explanation for the dramatic number of such cases admitted to psychiatry instead of being taken care of at home (Radden 2002, 52).

As stated above, law officers are often presenting patients to the psychiatric emergency room. The law is supposed to present individuals that represent a danger for themselves or for others, for example, people with suicide attempts or with substance abuse problems that get aggressive. The problems begin when attendance to hospital are starting to be viewed as a sanctioning action and not as an attendance for the well-being of the individual. There are often cases when police misdiagnoses a person as a mental ill because of their attitude or misbehavior or, they choose to bring some individual for psychiatric examination as a way to sanction their actions (this being the case of some domestic abusers). As these cases represent a disrupted idea about psychiatry and a deprivation of the individual's rights it can be hard on the medical institutions as they are crowding the emergency system with non-psychiatric cases (Meynen 2016).

Another issue that psychiatric E.R. is confronting is some unmotivated inter-clinic evaluations. There are patients with temporary or discreet alterations of psychological state due to somatic problems or medical procedures. It is of interest to correctly asses the state of the patient before presenting them to a psychiatric institution and pushing them into psychologic stress above

his organic pathology as these alterations can be solved over interdisciplinary council without putting the patient in an uncomfortable situation (Reiter-Theil 2016, 45).

Ethics of forensic psychiatric expertise

Forensic psychiatry is an interface of two worlds with two distinct motivations and purposes – medicine and law. On one hand, law tends to the social and individual welfare but medicine tends to individual and general health. Although this domain is set to bring these motivations to an alignment, they cannot act as a common goal. The conflict of interests resides in the law's view over the felon as an element that needs to be isolated and eliminated from society and then sanctioned with the medical bases that legal medicine apply but psychiatry faces that felon that is brought to investigation as an individual with a disease, that need to be attended and cared for as any other medical patient (Kim 2004, 372). Of course, if that patient results to be an individual with active present discernment at the time he committed the crimes, he must face the law. Ethical principles do not permit the doctor to explain his criminal offences with psychological distress if that pathology did not interfere with his state of judgment. The responsibility in the case of forensic psychiatry prevents any specialist to align or to accede to the personal and emotional motivations of that person. Forensic medical investigations are highly objective without any personal involvement as these situations are already challenging because of the dissonance between specific law terms and relative psychiatric principles (Sidhu 2016, 58).

But returning to the ethical problematic, there is always a question of whether the social good or the patient's good is more important when attending people with felonies committed under lack of judgment. Conclusions in these cases are often an order to psychiatric treatment within a specialized institution, for very dangerous felonies or an ambulatory treatment with surveillance and periodic interview. Again, for the social and law system, this is a way to sanction the criminal offender, but for psychiatry, this is only another patient that needs treatment and faces the long way to a possible recovery and a healthy social reinsertion (Niveau & Welle 2018, 25).

Another issue tends to be the one regarding children, as every child involved in criminal activity and is under 14 years old, has to face the forensic psychiatric investigation. As these children come from altered familial and social environments, passing through a psychiatric admission and evaluation can be even more of a negative influence on their behavior and evolution, especially in pre-adolescent and adolescents with all the mental and hormonal changes influencing their brain activity and social adaptation on top of their familial and material problems. Even more so in victimology where abused children must face their fears and trauma once again during the necessary assessment of their psychological stress. It is even harder for children psychiatrists to remain objective and conclude the investigation for both society's welfare and for the child's future evolution and mental health as his future in society is at risk (Gkotsi & Gasser 2016, 58).

Ethics in psychiatric scientific research

Psychiatry remains to nowadays a vast discipline with relative and uneven boundaries and with still a lot of mysteries alongside some of the pathology. In that direction, it is understandable that this domain offers a lot of possibilities for research. The problem the scientific community hits in this field is the characteristic of the major disease with most of the patients not being able to understand, analyze and consent to participation in studies (Farmer, Owen & McGuffin 2000, 105). Of course, law offers some possibilities for these trials but ethical and clinical problems emerge even from that aspect as these regulations put other problems in front and interfere with the medical act. Some of the patients may need to stop taking their treatments in order to correctly assess their symptoms and manifestation putting them at risk of behavioral disorders or even aggressive states and severe psychotic decompensation. On the other hand, analyzing the risk for every patient in a medication trial is hard and often needs an interdisciplinary board review and familial acceptance as their

understanding of the research is limited and they cannot completely accept the risks. Although psychiatry offers a large scale of research, there are many risks and principles to be reviewed, these studies being even more difficult to resume in comparison to other medical fields (Lázaro-Muñoz et al. 2018, 15).

Conclusions

Psychiatry may offer the most complex ethical challenges in all medical domains. It's approach on the patient, the clinical and psychological characteristics of the diseases, the interdisciplinary implications are different directions of disputing deontological matters. Although the main goal of this medical field is the mental and physical integrity of the patients, just like other medical domains, the social, familial and law involvement bring other community and social purposes that can bring other implication for the psychiatric medical activity. In this case, the doctor takes over not only a responsibility for his patient but also for the social benefit and legal activity, a responsibility that needs a vast experience and medical practice, medical, social and legal culture, objectivity beyond any doubt, strong moral principle and efficient professional diplomacy.

Ethical boundaries in psychiatry, whether it involves forensic investigation, general medical attendance, or scientific research requires heavy ethical foundation and a primary care for the patient above any other interests as mentally ill people are maybe the most vulnerable community inside the social system instead of being judged, isolated and eliminated as a very large part of society still acts.

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Vulnerability of Key Institutions of the Romanian State, a Matter of Morality or Legality?

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ABSTRACT: Based on extensive journalistic investigations, it was discovered that the high official of the Romanian State, accused of falsifying his baccalaureate diploma, not only did not graduate from high school, but never held the position of deputy director at ORNISS, the institution that certifies civilians and military to access and manage state secrets. His appointment as President of ORNISS was categorized as *“the biggest system error (at least the only one known) that has occurred to date in Romania”*, the position temporarily held by Laurentiu Baranga being made after careful checks attesting to moral and legal probity of those who occupy it, and for 10 years he worked in ORNISS, being one of the officials with high positions in the state who had to guard the State precisely from the occurrence of fraud situations. As a rule, access to classified information is made on the basis of a specialized guarantee that the individual is physically, intellectually, morally and characteristically capable of doing so, without being blackmailable, so as not to become a vulnerability to information security and security status. Art. 14 of the European Convention on Human Rights provides for the prohibition of discrimination, but through the text of art. 7 of Law 182 discrimination is instituted in favor of the persons mentioned in par. (4) and a visible inequity and discrimination is created against persons who are obliged to go through the flow provided by national standards, as well as an infinite number of vulnerabilities to national security and cooperation frameworks.

KEYWORDS: investigations, falsified, ORNISS, state secrets, moral probity, classified information, information security, discrimination, inequity, national security

Short presentation about the “Baranga case” and the impact it caused in society

Born in 1967, Laurențiu Baranga received his Baccalaureate degree at the age of 32, in 1999, at the Dimitrie Leonida Technical College in Bucharest. Starting with 2007, ie at the age of 40, Laurențiu Baranga obtained a degree in Management at the Ecological University of Bucharest, completed a doctorate at the University of Wallachia in Târgoviște and attended, among others, a postgraduate course at the Police Academy.

In 2008, at the age of 41, he became an University assistant doctor at Titu Maiorescu University, although, according to his CV, he had not worked anywhere before, and since 2009, Baranga has worked at the Office of the National Register of State Secret Information (ORNISS), where he held the position of Deputy Director for 11 years, according to his own declaration of assets.

ORNISS, a state institution with a leading role in the elaboration, coordination and implementation of the national system for combating money laundering and terrorist financing, was established by Government Emergency Ordinance no. 153 of November 7, 2002, published in the Official Gazette of Romania no. 826 of November 15, 2002, approved by Law no. 101/24.03.2003, published in the Official Gazette of Romania, Part I, no. 207 din 31.03.2003.

On September 4, 2020, Laurentiu Baranga was appointed President, with the rank of Secretary of State, of the National Office for Preventing and Combating Money Laundering (ONPCSB) for a term of four years, by a published Government Decision on the same day in the Official Gazette.

Shortly after he was installed as head of the most important public authority in Romania that monitors and coordinates national activities to prevent and combat money laundering,

more precisely on October 10, 2020, Baranga was detained for 24 hours and, subsequently, sent before the court with a proposal for pre-trial arrest, being investigated in a case of fraud for inducing and misleading several public institutions, by submitting to the employment file of forged study documents that have been abolished by the competent courts.

Specifically, he was accused that, based on forged study documents, he held an important position in a public institution, works in higher education institutions, and currently holds a high-ranking public office, the damage claimed until currently being over 640,000 lei, representing the gross allowances received from some employers, to be completed depending on the entire evidence to be administered in the case file.

Based on extensive journalistic investigations, it was discovered that the high official of the Romanian State, accused of falsifying his baccalaureate diploma, not only did not graduate from high school, but never held the position of deputy director at ORNISS, the institution that certifies civilians and military to access and manage state secrets (Sercan 2020, 1).

His appointment as President of ORNISS was categorized as “*the biggest system error (at least the only one known) that has occurred to date in Romania*”, the position temporarily held by Laurentiu Baranga being made after careful checks attesting to moral and legal probity of those who occupied it, and for 10 years he worked in ORNISS, being one of the officials with high positions in the state who had to guard the State precisely from the occurrence of fraud situations (Striblea 2020).

How did this absurd situation come about for the society in which we live.

In 2016, the Bucharest Court of Appeal definitively abolished Baranga’s baccalaureate diploma, bachelor’s degree, doctoral degree, but also other diplomas and certificates - a total of 19 documents. The motivation was unequivocal: “*The school documents found in the file of witness Baranga Laurențiu are false, based on a false baccalaureate diploma, so he did not meet the conditions to enroll and graduate from a faculty and, further, other courses or doctoral studies*” (Sercan 2020, 1).

In that case file, the court did not directly target the former head of ONPCSB - he was only a witness, but targeted the former rector of the University “Alexandru Ghica” in Alexandria, Teleorman County, accused of falsifying hundreds of educational documents.

The decision of the Court of Appeal was unequivocal: it annulled all the documents of Baranga on the basis of which he had built both his academic career and that of public administration. For four years, from the ruling of the Court of Appeal in June 2016 until Baranga was detained on October 10, no state institution seemed to know that his entire professional past was built on a big forgery (Sercan 2020, 1).

Moreover, the Prime Minister of Romania got on September 5 to sign his appointment to the highest position that a civil servant can hold - that of President with the rank of Secretary of State of an institution of strategic importance for the State Romanian: National Office for Prevention and Combating Money Laundering.

However, after the press reported extensively about Baranga’s appointment to ORNISS, about the fact that he obtained his baccalaureate degree at the age of 32, and the first job mentioned in his CV he occupied it at the age of 41, an invisible wheel of the system was set in motion. This wheel made the General Prosecutor's Office to notify themselves and open the case file, which will certainly reveal some of the most shocking information about the degree of complicity, passivity and even tolerance of the State in front of a case of widespread imposture.

The “Baranga case” once again highlights a phenomenon that is happening in Romania and sets the tone for the social process. It is the place where the political class, author and actor of the organized absurdity, evading the rule of law, norms and presents as normal an onerous way of access to public affairs (Rusu 2020).

The culture of secrecy, respectively of the state monopoly on sensitive information, is not a new one. As early as the second half of the eighteenth century, out of military and intelligence needs, General George Washington and other commanding officers of the Land Forces inscribed on specific documents *secret* or *confidential* in communications between commandments. Further, through the organizational measures taken, General Washington became the gray eminence that outlined in the years 1777-1778 the anti-British espionage system (Rusu 2020).

Among the first regulations regarding the field of classified information seem to be those adopted in 1912 by the War Department General Orders (USA), when the documents registered "*confidential*" became accessible only *to the officer to whom intrusted*. Here is also a fundamental principle, valid even today, the need to know. However, the activity acquires normed forms in the modern era and appears as a "response" to the establishment of the norms of access to public information, which also requires the maintenance of limited, controlled access on some of them (Rusu 2020).

Beyond the possible and sometimes revealed arbitrariness, the information that mattered should remain the prerogative of places that do not "spread dangers". Objectively justified censorship strives to act so as not to create vulnerabilities. Classified information that hides crimes, administrative errors, illegalities, etc. cannot be located here, a fact registered in the dedicated legal provisions, and similar provisions are also included in the legislation of other states (Rusu 2020).

To the average person, uninterested in the field, it may seem that classified information is only the subject of military confrontations, but this is not the case at all. For example, providing evidence that a person or organization is carrying out terrorist activities (we can replace the phrase *terrorist* with *drugs*, *counterfeiting money* or any other under the sign of a major criminal sanction) or supporting such organizations is, of course, a worthwhile job, but if the information is not classified so as not to reach anyone or to be found out without knowing who those people are, we may face situations where the life of that person is endangered, the necessary, legally, neutralization missions can easily fail, and in the event that another person holds such information, he will prefer to remain silent so as not to endanger his life (Rusu 2020).

Naturally and necessarily, it is necessary to classify the information obtained from sources that may, as a result of the provision of data, endanger the security of the source and/or the family. The domains that hold and convey classified information are diverse. Some may indicate the location, quantity and quality of resources of strategic importance. Others may refer to elements of special interest to the state. Archival legislation also has provisions requiring some documents not to be made public for several decades or even longer. Some historical documents can only be accessed on a special basis. Likewise, no one imagines that anyone and anytime can see all the cash flows of the country (Rusu 2020).

The information classification system is usually similar, especially when it comes to European countries. However, correspondence, equivalence, etc. are established through specific agreements. They are based, more than "*linguistic resonance*", on the level of harm that would result from the disclosure of information. There are also information classification systems that take into account specific association considerations (between states). An example is *the Traffic Light Protocol*, a system developed by G8 countries for the exchange of "sensitive information" between government agencies and corporations. This protocol has been accepted as a model for the exchange of reliable information by over 30 other countries. The protocol provides for four levels of information sharing for the management of sensitive information (red, amber, green and white).

In order to ensure a climate of mutual trust, States establish a standardized framework so as to provide guarantees to their own citizens as well as to international partners, and policies on classified information are subject to strict regulations adopted by each country.

As a rule, access to classified information is based on a specialized guarantee that the individual is physically, intellectually, morally and characteristically capable of doing so, without being blackmailable, so as not to become a vulnerability to information security and security status. The acceptance of the Designated Security Authority (DSA) records a “Full Exercise Capacity”, established over a period of time, for a certain level and for a certain category of information (national, EU, NATO, etc.). The one who receives a level of access to classified information cannot consult all the documents from that level, making available only those considered necessary to solve, usually punctually, a situation, according to the principle of the need to know (Rusu 2020).

In Romania, ORNISS has the quality of ADS, which exercises regulatory, authorization, evidence and control attributions in accordance with the provisions of Law no. 182/2002 on the protection of classified information, of the *National Standards for the protection of classified information in Romania*, approved by Government Decision no. 585/2002, and of the *Norms regarding the protection of the classified information of the North Atlantic Treaty Organization in Romania*, approved by the Government Decision no. 353/2002. To this end, ORNISS, among others, ensures compliance with national and NATO standards for the management of classified documents and approves the issuance of security certificates for access to national classified information.

The relations between access to public information and access to classified information are established by normative acts, so as to satisfy the priorities related to the rule of law and human rights versus priorities of state existence, as well as those related to protecting the life and integrity of persons who provide information! This requires specific classifications of information, which in Romania are regulated by Law no. 182 of April 12, 2002 on the protection of classified information. According to art. 1 of this Law, the purpose for which the Law was adopted is the protection of classified information and confidential sources that provide this type of information, and the protection of this information is done by establishing the national information protection system.

Through art. 7 (1) of Law no. 182/2002 on information protection, it was established that “Persons who will have access to information classified as state secret will be verified, in advance, regarding their honesty and professionalism, regarding the use of this information”. The requirement is in accordance with the international ones (EU and NATO) and is covered by the requirements of articles 157 - 160 of the *National Standards for the protection of classified information in Romania* (Rusu 2020).

According to art. 157 of these *National Standards*, the decision on approving the issuance of the security certificate/access authorization shall necessarily take into account the indisputable loyalty of the person, as well as the character, habits, relationships and discretion of the person, to provide certain guarantees established by the same *National Standards*.

At the same time, in art. 159 and 160 of the *National Standards* are listed a series of incompatibilities for the access of any applicant to state secret information, among which we mention: the existence of criminal records or contraventional sanctions for deeds that indicate criminal tendencies; current or past existence of physical or mental illness that may cause him or her to have deficiencies in discernment; current or past manifestation of immoral behaviors or deviations from behavior that may generate the risk of the person being vulnerable to blackmail or pressure; excessive consumption of alcoholic beverages or addiction to alcohol, drugs or other substances prohibited by law that cause addiction; the possibility of being subjected to pressure from relatives or close persons that could generate exploitable vulnerabilities by the intelligence services whose interests are hostile to Romania and its allies

Given that some of the political decisions also require the consultation of classified information, the countries of the world have provided access in the field for people from political staff. Specific for our country is the fact that the persons mentioned in Art. 7 (4) of Law 182/2002 (President of Romania, Prime Minister, ministers, deputies, senators, judges,

prosecutors, assistant magistrates of the High Court of Cassation and Justice) may have access to classified information “... *without fulfilling the procedures provided in par. (1) - (3), respectively to art. 28, based on internal procedures of the institutions of which they are part, endorsed by the Office of the National Register of State Secret Information [...]*”.

Thus, instead of an objective evaluation by a specialized structure (which may even determine membership in an anti-Romanian espionage network and deny access), it was preferred to “validate” those persons *guaranteed by the trust of those who voted for them* (as it results from the statement of reasons for the adoption of Art. 7 (4))! It seems that it can also be about trusting a party list, people who have never seen each other, etc. (Rusu 2020).

Beyond inequity, major vulnerabilities are created for the activity of information protection, and the provision of classified information of the persons covered by Art. 7 (4) becomes one that creates dangers for the security of the country and not only. There is a positive discrimination in favor of the mentioned persons which is also visible by comparison with Art. 21 (1) of the EU Charter of Fundamental Rights: “*Discrimination of any kind, based on sex, race, color, ethnic or social origin, genetic characteristics, language, religion or belief, political or other opinion, membership of a national minority, wealth, birth, disability, age or sexual orientation is prohibited.*” (Rusu 2020).

The situation created by the derogating provisions of Art. 7 (4) of Law 182 compared to those of Art. 16 (2) of the Constitution (No one is above the law), corroborated with the provisions of Art. 157-160 of G.D. 585/2002 (*National Standards on the Protection of Classified Information*) gives rise to security vulnerabilities. Also, Art. 14 of the European Convention on Human Rights provides for the prohibition of discrimination, but through the text of art. 7 of Law 182 discrimination is instituted in favor of the persons mentioned in par. (4) and a visible inequity and discrimination is created against persons who are obliged to go through the flow provided by national standards, as well as an infinite number of vulnerabilities to national security and cooperation frameworks (Rusu 2020).

Conclusions

Lex ferenda, it would be necessary first of all to modify the provisions that allow certain categories of persons to obtain access to classified information only through the prism of the official position held in the Romanian State, so that, even if they were entitled to such information, there should be however a procedure for verifying the loyalty, character and relations of each individual by an authorized body (perhaps SRI, perhaps another entity independent of the temporary political control of the country’s elected officials). In this way, a greater control would be ensured over the persons who come in direct contact with the classified information of the Romanian State and the positive discrimination we were talking about before would be eliminated, Romania being obliged to respect and apply with priority both provisions of the Universal Declaration of Human Rights, as well as the other treaties to which it is a party in accordance with art. 20 of the country’s Constitution.

Secondly, the people in charge of the key institutions of the Romanian State should be rigorously checked in such a way that the problems that came to light in the “Baranga case” are notified and reported in time, before these people be appointed to the respective position and cause serious image damage both to Romania and to those who appointed them to those positions.

Last but not least, an important role in preventing these vulnerabilities is played by both the intelligence services and the Prosecutor’s Offices, which should work effectively with the information they have or obtain during specific investigations, especially when these forgeries are also proven by the courts as it happened in the “Baranga case”, being unimaginable that a character who used a whole series of forgeries in his academic career could not be stopped in time from the criminal activity that he knowingly carried out for so many years and based on which he obtained significant illegal income from public and private institutions in Romania.

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Moral Norms and the System of Legal Norms. Legal Ethics

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ABSTRACT: For a long time, after the appearance of man on Earth, the human being lived in disorder, relying only on animal instincts, strictly satisfying his primary needs for food, shelter and reproduction. Evolution, however, forced him to adopt another way of life, the social one, settling and grouping in systems of administrative organization called, at first tribes, and then villages and cities. This way of systematizing and stabilizing the population brought great changes in human psychology, especially in the nature of its consciousness, developing the concept of incipient morality. A little later, but also in the same period, the legal system appears on the background of the development of the fortress. The latter sought to derive its essence from the already existing rules, being closely related to the system of moral norms. The article aims to briefly analyze the psychological and social factors that led to the emergence and structuring of moral norms by comparison with the legal system, viewed through the prism of the evolution and organization of human life, both socially and philosophically. Some conclusions drawn at the end of the paper will aim to clearly highlight the fact that law, in general, and its system, in particular, has its beginning in moral psychology merging with it and forming mandatory socio-behavioral rules.

KEYWORDS: civil law, morality, legal ethics, philosophy, psychology, criminal law, religion, legal system, conduct, general theory of law

The emergence and development of human consciousness as an arbitrary factor of morality

The first period of the emergence and development of the human being as an exclusively dominant species was under the sign of animal individualism, in the sense that to ensure its existence, man performed actions on his own, designed to provide his primary needs for food, shelter and reproduction, to the point of committing certain acts against his peers which, nowadays, could be considered at least incriminating. In those times, however, the degree of danger and threat to human life was very high and we cannot talk about the psychological phenomenon of intuitive remorse for aggression manifested by the threat factor against the individual's own way of life (Marr 2012, 24).

The presence of such a psychological system of instinctive self-control over human behavior and manifestations within the species can be talked about only in the pre-state period of human settlement and stability, because, against the background of complex activities resulting from the need to develop lifestyle, but also due to the increase in the number of individuals within the species, the latter was forced to work with his fellows and, naturally, to take into account their needs, desires and needs. Thus it can be stated that the psychological mechanism called consciousness arises in the pre-state period of human evolution (Zlate 2000, 36).

Two great sciences have come to the aid of the development and psychological stabilization of remorse in the behavior of the human being, namely Theology and Philosophy. The former appearing before the latter, this also and because its reason for existence has its essence in the continuous need of the species to report to a superior form of organization and administration of life. Philosophers, however, took the essential ideas from theological studies, chiseled them and adapted them to social events depending on the period in which they exercised their purpose, thus giving rise to the system of social-behavioral rules called morality (Mareş P. and Mareş C. 2003, 65).

However, a system of moral norms as it is understood today can only be spoken of at the beginning of ancient times, when most of the world's migrant populations that were previously organized into tribes settled down to form their cities and social communities. During this period, in addition to the system of moral norms already entrenched in the social consciousness of the people, the forms of administrative-territorial organization allow the birth of a new set of structural and explicit norms. It is the beginning period of the legal system, formed by the totality of the legal norms springing, in essence, from the existing moral norms (Molcuț and Cernea 2013, 285).

In their incipient state, the norms that regulate the social and socio-economic relations between the members of a community and which are obligatory have extracted their essence from the rules already existing in the society at that time, in the sense that the legal norm has its roots in the moral norm which developed based on the evolution and structuring of human consciousness as a factor of self-control, which, over time, has led many jurists to consider that law comes from morality, being an integral part of it (Păiușescu 2016, 54).

However, nowadays, the continuous development and systematization of the legal system has led to its realization as an autonomous object, it still having a correspondent in the system of moral norms only a few almost insignificant elements, which makes the great contemporary jurists to consider that law and morality complement and harmonize individually in society, each source not being influenced by the other (Luburici 2014, 68).

The system of law and the system of moral norms

The development of the state as a body for controlling and ensuring the observance of the order and proper functioning of society has led to the development of sets of rules that it imposes on all its citizens through specially established institutions and mechanisms whose role is both validation and law enforcement checking its compliance. All of them are called the legal system, constantly adaptable to the dynamics of society, to the factors that contribute to its evolution and to the complexity of the relations born between its members (Ion 2008, 113).

Similar to the system of moral norms, that of legal norms is inspired by the same two moralistic sciences, namely Religion and Philosophy, with the only difference that, compared to the first which is an idealistic system that tends to elaborate abstract and universal rules, the second presents concrete aspects, general or particular applicable on narrow fields of activity, which leads to the division of the legal system into several branches of law, depending on two major social directions considered, the public and the private (Djuvara 1995, 83).

Thus, from the point of view of law, in the public domain we find branches such as Criminal Law, Administrative Law, Fiscal Law, International Law and others, and in the private domain branches such as Civil Law, Family Law, Labor Law, Commercial Law, Environmental Law and others are subject to the appropriate legal rules. However, all these areas must imperatively submit to Constitutional Law as a branch of public law, which is the fundamental law of any state and in connection with which any law of any kind must align its regulations (Cristea S. 2016, 31).

From a constitutional point of view, fundamental rights such as the right to freedom and free movement, the right to identity, the right to free expression and the right to social life correspond and identify their reason for being in the concepts of moralistic philosophy according to which the freedom of any individual ends in which the freedom of another person begins, in a fair, correct and concrete way (Ionescu 2012, 325).

In Civil Law, absolute real rights such as the right to name, personal property, housing, privacy and others related to the general and imperative obligation of all citizens of the community not to affect in any way and under any pretext these guarantees offered and protected by the state, are the real and materialized expression of the biblical Christian commandment not to

affect the good of one's fellow man, as a moral factor of social conduct and good understanding between its members. (Truşcă P. and Truşcă A. 2016, 137).

Regarding the rights and obligations characteristic of the person as an active civil subject, they correspond to philosophical and psycho-social moral perceptions so that the existence of a limited capacity to exercise or lack thereof has its equivalent in the vision that man is a continuous cognitive being active development and improvement, based on the accumulation of interpersonal relationship experience (Truşcă P. and Truşcă A. 2017, 167).

At the other pole, in the field of public law, the branch of Criminal Law also regulates social behaviors similar to religious dogmas and philosophical thinking, but which have a closer connection with the development of human consciousness, going beyond the material sphere of reason itself, directing and finding its essence in physical actions undertaken directly by the individual against his fellow man (Ştefănescu and Miroiu 2003, 132).

In this way, mandatory rules such as the prohibition of murder, theft, physical violence or any kind other than civil cases, harm in any form and by any means to a citizen are both elements of the legal system, as well as that of morality (Mitrache C. and Mitrache C. 2019, 33).

In the case of Administrative Law, as in all other related branches of law, the social conduct of civil servants must respect fair legal relations between citizens and state institutions expressly invested with special prerogatives for the administration of public patrimony in general and of relations of any kind legal with natural or legal persons, in particular, adapted and individualized to each concrete situation (Mihăilescu 2016, 88).

Legal ethics as a factor in controlling the conduct of public institutions in relation to citizens

The state, as a control body and insurer of the proper functioning of society, public order and safety and guarantor of citizens' rights and freedoms, often forms legal relations with citizens, whether natural or legal persons. In order for these relations to be capable of resolving social problems or resolving certain conflicts in favor of and in the interest of the citizen, he must keep under control the conduct of all his institutions in relation to relations between officials and individuals (Bejan 2010, 186).

To do this, a number of mandatory rules have been developed, which any civil servant or law enforcement official designed to ensure compliance with the law and good social understanding must comply with, called rules of legal ethics (Capcela 2010, 58).

In order to control its implementation, the state institutions have been ranked, so that for any public administration body or anybody of the state coercive force there is a higher institution that has the power to decide on the decisions and solutions issued by them (Sandu 2012, 218).

Thus magistrates composed of prosecutors and judges have an ethical duty to investigate criminal and civil trials, in the case of the latter, or only the first category, in the case of the former, fairly against all parties to the trial, weighing or gathering both evidence. brought against the plaintiff or the perpetrator in criminal proceedings, as well as those which favor him, in a non-discriminatory manner, regardless of the political affinity, race, color or sex of the person being tried or investigated, and if the latter is constant that any of the criteria necessary to comply with legal ethics has not been met, the law gives him the opportunity to appeal the decision of the magistrate, his trial being taken over by a higher court, competent to annul or confirm the initial decision. In this way the observance of the moral and physical integrity of the citizens in relation to the force of coercion of the state is ensured (Pivniceru and Luca 2008, 164).

Similarly, there are methods of control and conduct of civil servants in administrative institutions. They are obliged, through their job descriptions, to adopt a moral, fair and non-discriminatory behavior towards all passive subjects of law who enter into a legal relationship with them. Citizens who find that an injustice has been done to them, that they have been the victims of an abuse of power or any other irregularity that they may report, the law gives them the opportunity to complain about the incorrect situation to the hierarchical superiors of the guilty

official in case of conflict in which the local public administration is involved or to address the administrative contentious courts in case of a decision of the central public administration.

The particular sanctions that negligent or abusive civil servants may suffer vary depending on the seriousness of the act, from a simple written reprimand to the loss of a job or even a criminal sentence for very serious cases (Vasilescu 2017, 73).

Conclusions

In its beginnings, the human being lived individually, ensuring the strict necessities of food, shelter and reproduction, a period in which, his consciousness being underdeveloped enough, the formation of social relations cannot be questioned.

The evolution and stabilization of certain occupations of man has made him feel the need for his collaboration with his peers to achieve certain common goals, at which point the psychic system of self-control of behavior is born and develops.

At the beginning of the ancient age of mankind, religion was in a sufficiently advanced stage to offer rules of moral conduct, and the emergence and development of philosophy as a moralistic science allowed the birth of a system of moral norms.

Also during this period, the administrative and territorial organization of the population in cities, makes possible the emergence of a new system, that of legal norms.

If at the beginning, law as a science, found its support and essence in the already existing moral norms and grounded in the collective consciousness of citizens, the accelerated evolution of forms of social organization led to its individual development, nowadays, the norm having very few aspects in common with the moral norm.

However, it can be clearly seen that legal norms, regardless of the branch of law they regulate, respect both religious precepts and philosophical thinking on the issue of social ethics of human relations.

Institutions empowered by the state to adopt, ensure and verify compliance with legal norms must carry out their activity in accordance with legal ethics, namely respecting moral conduct towards the subjects of law with which they form social transports or, failing that, to bear the sanctions established for committing illicit and immoral acts.

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Didemoversity: The Core of Democracy at the Heart of the Modern University

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ABSTRACT: The currently skyrocketing digitalization disruption in the wake of COVID-19 holds the potential to revolutionize higher education. Digitalized education and conglomerates in the educational sector may lead to universities becoming truly global temples of information exchange. The lockdowns have also steered a wave of emotional outcry for social justice and participatory decision making. Future universities may thus also focus on embracing collective decision making and participatory leadership through the students. The future Didemoversity will thus likely feature elements of digitalization globalization and hallmarks of democracy such as participation in flat hierarchies to pursue a higher goal of universities to become social transformers and great equalizers.

KEYWORDS: Conglomerates, Collective decision making, COVID-19, Democracy, Didemoversity, Education, Equality, Inequality, Lottery, Participatory decision making, Social justice, Social transformation

International conglomerates in virtual spaces

The new Coronavirus (COVID-19) pandemic is an external shock that accelerates an already ongoing digitalization disruption but also steered an outcry for social justice and participatory change. Despite the enormous economic growth decline already obvious and prospected in the years to come, the digitalization disruption will impact education bestowing it a truly international outlook. One of the most powerful ways to enjoy luxury in the digital age is online education, which now has leveraged into a truly international experience.

COVID-19 unleashed the online technology world. Physically distanced, we became digitally closer than ever. On a flat globe, data traffic exploded. A multi-tasking online workforce gained global outreach and flexibility in digitalization cutting red tape (Puaschunder 2020c). The digitalization trend has become prevalent in education. Since the outbreak of the 2019 novel Coronavirus crisis, COVID-19 entailed massive changes in the education sector (Corlotean 2020). Teachers, pupils and students, parents, schools and local communities and, last but not least, the state were suddenly put in a position to change their rules of operation, teaching techniques or examination methods (Corlotean 2020).

With most university campuses around the world currently performing a speedy transition to online teaching and remote learning, it is certain that hybrid learning and online classwork will be perks that last forever, even after COVID-19 will have its influence on our behavior. Disruptive technology use will enable universities to cater education to the whole world at low cost and offered flexibly to students without any consideration of their location. The actual on site work are likely to be focused on research, while learning will be more likely to happen online in the virtual space. Large networks that allow swapping and sharing courses within a larger and global online consortia of universities around the world and the industry or governments will take over.

Disruptive technologies will be effective at helping students around the globe and open doors for studying “abroad” to everyone. Taking classes remotely lower costs for universities and students alike. Market segmentations will take place for high-end physical learning experiences versus low-cost online experiences. The division in these categories will likely depend on the field of study. But also hybrid short-term physical experiences coupled with online teaching are creative market options. The hybrid could be between subjects but also within a class it would be possible that students are choosing to be physically present for a premium price and the cheaper option online is sold at the same time offering virtual attendance and even cheaper solutions over time in terms of selling recordings of the same class to be watched later on.

Classes will also open up free from visa and administrative hurdles. So the digitalization disruption may become a social upward mobility vehicle that opens access to elite education to previously politically unfavorable visa applying nationals. Education therein has the potential to be the great equalizer international development has wished for ever since. Future partnerships of the technology and universities governed by international institutions will offer a broad range of hybrid online-offline teaching solutions in ample virtual spaces that serve as truly international educational hubs.

Access to virtual consortia will also offer opportunities to cherry-pick an individualized education based on interests and afar from physically reachable learning repertoires. Past mass teaching with a cohort of similarly educated will pass for a new cadre of individualized and highly specialized graduates that could select very individualized study schedules based on their specific needs and wants at a certain point in their careers. For this, the institutional support and openness to accept courses within the conglomerate consortium has to be emphasized. With the currently ongoing digitalization disruption requiring more and more refined skills in a world where the gap between skilled and unskilled labor has become the widest, the time for refined and individualized education appears to have come.

Life-long education

Universities with students that do not have to attend campus classes not only can offer flexible education with broad international outreach. Not having to be on one particular campus offers two flexibilities: international but also over time. Online classes can be attended by people from around the world. But also with no relocation costs and visa requirements having to be met, individuals are able to remain in education longer and more flexibly. Online degrees that can be acquired over long time become reasonable if people only have to attend a week a year, during which they may choose to get educated on a specific subject they need right at the moment in time in their career. Imagine signing up for a 10 year MBA program that is completed with one course per year over a decade. The advantage would be a long-term bond with education institutions and temporally flexible education – picking educational contents at the right moment in time in one’s career. Interests change, so do career-specific needs, not to mention the overall economy and societal trends. Virtual students of the future could sign up for a life-long career enhancement package. Students would not have to live off old degrees that have buckled them up for a specific field that was picked in their youth and that was studied in the past. Anachronic education and locked-in professional fields could shift to timely classes that are diverse over time. Especially in highly flexible fields, such as IT, medicine or law, in which constant education is mandatory and/or necessary, an as such long-term online degree would be beneficial to go with the time and bring back continuous legal or medical education requirements back on campus. In addition, the signing up for such a long term degree accomplishment process may be easier as it stretches out reduced online costs over time. Further, the emotional bond to institutions may grow over the long term, and educational and reputational capital can be maximized to be harvested for a long

time by the students. For the universities that are highly dependent on alumni donations this model of a life-long university relation with a career-professional would secure the continuous financialization stream and help continue the dialogue with students long-term.

A market polarization is expected, in which the big conglomerates may swallow smaller and financially weaker colleges. The universities that will likely offer these kind of programs are the large Ivy Leagues, who can wait out the pandemic given large endowments, constant stream of funding from alumni and students drawn from waitlists while the pandemic and visa requirements are drying continuous enrollment flows. These are the ones that will outwait the smaller and lower tier colleges that are dependent on tuition. Being flexible to adapt and partner with technology providers but also being in a favorable location will likely be beneficial features of the universities of tomorrow. These universities surviving the COVID19 crisis will be able to expand their enrollment dramatically, once they transitioned effectively into remote online teaching and the market has accepted this new normal. Universities that are not able to adapt to online teaching or are not even close to a consortium solution are expected to be in financial constraints. Already in 2020, North American universities are reporting revenue losses in the hundreds of thousands stemming from missing international applicants and dormitory and canteen revenue losses.

Social justice transformation

Democracy enables individual and political freedom, political equality and participation of all citizens. In its foundation, democracy set out to enable to structure the rule of law and the citizens in relation to the political and state power. Democracy was meant to establish the necessary means of groups to be ruled by the majority. Rule of the citizens as *demos* (the people) was represented in all spheres of life, ranging from trade to production and knowledge generation to conservation as well as public discourse to law and order. The concerted action of citizens was means to become politics for all. Collective decision over common goods was chosen to breeding social harmony during an ancient time with diverse populations.

Democracy started in the 5th century before Christ in the political realm of states of *Attica*, today's Athens in Greece. The ancient Athenian city state transformed from a monarchy (rule of one), to an oligarchy (rule of some) to a democracy (rule by the people for the people with the people) as Aristotle and other philosophers and statesmen praised civic participation and direct engagement (Stüwe & Weber 2004). Democracies were sought to preserve freedom for the people under the laws they have established concertedly. In a democracy, it commonly-agreed upon laws are guarding the people and the constitution of the state. Rule of law preserves freedom of citizens (Eder 1995; Osterwald 2011).

In order to avert a social crisis and poverty, a large-scale debt reduction plan of the Senate of 400 worked on describing the general population, categorizing all citizens into 4 classes based on wealth. Under the reign of Archontat a Senate of *nobilitas* was created. Farmers and poor were freed and their debts were cancelled to overcome socio-economic misery.

Around 624 before Christ, Dracon established a powerful rule of law and wrote down the civil code. During this time, rules were changed that not family heritage but income would determine power. Around 594 before Christ, Solon then parted the citizens into 4 classes for determining diversified democratic participation and voting rights. The Senate of the 400 was drawn from all four Athenian citizens groups. A general assembly that participated in all legal action and rule of law was established. Highest citizens would become highest ranked officials, such as treasurers. Everyone could apply for public offices, such as judges and civil servants. Those parts of the population without fortune had the active voting right, but no passive to being voted into office. A census was established. In its beginnings, democracy was meant to bridge the gap in the divide of the population in the rule of *nobilis*

versus *tyrannis* splitting of the leadership, reigning and opposition of civilian society (Stüwe & Weber, 2004). Democracy was chosen to enact *Isonomy* (equal rights in front of the law to all), *Isegory* (equal rights of speech) and *Isocracy* (equal rights to rule).

Around 509 before Christ, Cleisthenes established democracy and changed power of *tyrannis* and established a political will of the citizens (Frevel, 2006). Historically, Cleisthenes reformed the political power of the free, making them independent from the *nobilitas* as they gained vote on their own political representatives into the Senate. In the beginnings of democracy, education was to control rule of law and cultivate a high civil culture (Sintomer, 2016). Cleisthenes' reform gave more power to demos and general assembly by forming a Senate of the 500 for daily administrations and decision making for the people. Cleisthenes established democratic tribunals (*Heliaia*) and democratic Senates (*Boule*) as a counterpart to the aristocratic Senate (*Areopag*). 483 before Christ Themistocles opened democracy for citizenry groups. Pericles followed this trend by giving more rights to foreigners with parents that were not from Athens. Peisistratus lowered the power of land possessing *nobilitas* to then give more rights to farmers, which led to the economic and cultural uprise of Athens and a general mobilization of citizens' forces.

Around 462-458 before Christ, Epilates and Pericles reformed how political decision are made by the Senate, courts and Assembly. Every citizen was meant to gain an understanding of democracy. Athenian democratic politics under Pericles were founded on a constitution that was called a democracy granting power in the hands not of a minority but of the whole people (Eder 1995). Freedom and equality of those who reign and those who are reigned were established through participation and self-determined crafting of laws that were voted on by rotating members of the community (Eder 1995). Private disputes were settled with everyone being equal before the law. Lottery was to evade bribery and clique (Eder 1995).

Pericles also introduced payment for jury service as the first of the state's civilian stipends, to make service attractive to the poorer citizens and enable a democratic institution to work in a democratic way. The third wealth class was enabled to join the citizenry and diets. Diets were daily allowances so that those serving the state following a lottery draw could be absent from their work and lottery of the citizen *Tribuneral*. The daily funds given to the citizens enabled the economic possibility to join the Senate and participate in juries without their families incurring financial or economic drawbacks of missing heads of families, who served in the state, for instance in the general assembly the *ecclesia*.

Democracy changed the social class system by giving power to local communities with self-ruling administration. All citizens were enabled to participate in the general assemblies to vote for laws and the judge in trials. Politics of democracy enabled citizens to rule the state. Via the lottery system, equality of all existed in elections of magistrate via lottery and responsibility of magistrates. Rule of the people was ensured by the participation in all public offices, like the Senate and the General Assembly. A lottery system opened representatives of the districts that helped in the organization of the city. Every citizen could be part of the Assembly as the lottery system enabled that intensified political participation of all in-power with no singular leadership. Overall, almost 6,000-8,000 citizens took part in the general Assembly per year over 40 days a year (Sintomer 2016). Democracy of politics of civil action were driven by the self-determination and the active participation of its people, who as civilians felt that they could shape the nature, state and form of their government.

Senate of the 500 *Boule* featured up to 1,200 citizens over its existence, or around 5% of the population. The Senate of the 500 gave every citizen the right to participate in democracy. The 600-700 *Boule* members were drawn by lottery, who helped the national Assembly in drafting laws, appointing judges and making military decisions and foreign policy as well as controlling the administration and state finance (Sintomer 2016). About 70% of the citizens above 30 were once in their lives part of the *Boule* serving in the judiciary branch.

The Senate proposed common decisions, which are approved in the *ecclesia*. All judges are drawn by lottery and every year about 6000 citizens were drawn as jury judges. Citizens are thereby directly related to law, general assembly decisions making and serving as advisors to the community (Sintomer 2016).

Public positions were drawn by lottery and every citizen could sue and be held accountable (Philipp 2000). Public officials had to justify their spending at the end of their terms. If leaving a farm to hold a public office, diets were paid. Lottery was meant to bring equality to life and to avoid pre-negotiations and nepotism as well as corruption in city and state placements. Participatory decision making was meant to enact common solution finding, acceptance of choices and breed social harmony in a highly diverse society.

The *ecclesia* was at the heart of democracy to meet in frequent intervals and discuss a broad range of issues among the people. Every citizen was enabled to file for legislation changes and could thereby impose democratic will without any repression or economic drawbacks. During the Pericles reign, thereby out of the 3-50,000 citizens about $\frac{1}{4}$ of the over 30 years old could hold a public office. Of the 10,000 male citizens, around 6-8000 thereby became a vital part of the active democracy. Polis was organized such that free and equal could rule over free and equal (Eder 1995).

Freedom of speech became a means to protest against the *nobilitas* and concerted decision making in the Assembly (Frevel 2006). Democracy in its core founded the ideals of a democratic state being ruled by equal rights, freedom of speech, common assembly and written down laws that are right, just and fair for every citizen (Frevel 2006).

The lottery system became to starkest form of organized radical democracy and had its heights during the golden ages of the Athenian democracy from the 5th to the 4th century (Sintomer 2016). Lottery could draw from people with but also without their knowledge. In lottery and a rotation of positions about $\frac{1}{4}$ th to $\frac{1}{3}$ rd of the male citizens above 30 years became part of the government in the ancient Athenian city state. Citizen thereby truly acted as a part of the community, being in a roaster for aiding in the state. Civilians were put into power for a part of the year for the Senate and for a month to become members of the executive branch (Sintomer 2016). Every citizen could be part of the lottery, which also attributed the responsibilities within the Senate that was composed by representatives of the population. The Senate was voted by lottery – its representatives were only allowed to be active once for a months and the head was only active for a day (Sintomer 2016). The Senate then was the institution within the Athenian democracy that divided legislative, executive and judicial powers. Rotation of positions ensured that individuals were not repeated and that everyone had an equal chance in terms of political participation. In all these features, the lottery system grants hope of all citizens in true participation. Problems are the full inclusion in ancient lottery forms – for instance, in the antique Athenian city state, non-citizens, children, women and slaves were excluded to be drafted – and risks of not being qualified or responsible citizens did, however, occur (Philipp 2000).

Lottery and direct democracy through a general Assembly and people jury as well as diverted political, judiciary and military rotation of power helped also other powerful ancient and modern democracies to breed social harmony and civic participation in a collective decision making. Athens, Rome, Venice, Florence, Spain and even China at some point had lottery systems during the height of ancient Republics. In the Roman Empire and Florence under the Medici during the 13th and 14th centuries but also in early Spain, lottery systems were chosen to evade disputes and breed social cohesion. Florence enacted a highly sophisticated draft to influential public offices based on the credibility, tax contribution and abstinence of crime.

Switzerland had lottery drafts until the 1800s. James Harrington in the British colony of America argued for direct democracy and lottery draft during the 18th century. During the European monarchs, the so-called *Fürstenspiegel* was meant as a civic checks-and-balances

of the leadership of the reigning class as a precursor of democracy. Great Britain had a stratified random selection to public offices (Philipp, 2000). William Penn argued for direct democracy in the Constitution for New Jersey and Thomas Paine for the appointments in the US Congress. Massachusetts, New York, Connecticut and New Hampshire had some kind of lottery draft between 1736 and 1758, New Jersey and Maryland between independence and 1800 (Philipp 2000). The values conveyed in the idea of direct democracy, including participation and rule by all inspired revolutions, such as the ones of France and America (Tocqueville, 1835). To this day, democracy is a hallmark of modern society. The rule of the people was brought to life in Abraham Lincoln's advocacy of enacting a government of the people, by the people and for the people. Political economy of race has been inspired by the ideas of equality. The representative draft serves as a micro-cosmos of society (Philipp 2000). In 1968, the US Congress passed a law for draft for juries based on a fair cross section of the community. Juries were presented for bills to better regulate as fair, neutral and without party affiliation or personal interests. As guardians of public justice, jury drafts to this day enable political novices in common law countries to judge as an enactment of participatory democracy and egalitarian society (Philipp 2000). To this day, lottery jury systems are praised as self-regulating democratic act and serve as a foundation of common law and democratic participation (Tocqueville 1835). Petition drives and *Volksbegehren* are until now common in Europe and the USA, in which citizens can point attention of the legislation to issues of concern or legal reform.

Democracy and education

Soaring income inequalities and a declining American middle class coupled with visa restrictions for international students, the North American higher education system has become under distress since the turn of the millennium (Benjamin & Ferguson 2020). A stratified market with only a handful of private universities or a few refined fields offering a clear prospect of a return on investment, demands for building internationally competitive programs with ample endowments, governmental, industry and alumni funding streams (Benjamin & Ferguson 2020). Many colleges addressing financial constraints even before COVID-19, increasingly embraced to include out-of-state students who pay full cost. They sought to attract students from abroad, including many from China (Benjamin & Ferguson 2020). With suffering from revenue losses in the wake of COVID-19, many of the non-first-tier institutions are currently heading towards major financial constraints that demand for a rethinking of the financialization strategy of higher education (Benjamin & Ferguson, 2020; Corey 2020; Finkelstein, Conley & Schuster 2016).

The current Coronavirus crisis pushing digitalization and social justice reform via participatory action, now has set the stage for a Didemoversity trend. Di-demo-versity thereby integrates the current digitalization, core values of democracy coupled with the main functions of a university. Digitalization will focus on international virtual consortia to create online virtual spaces to learn and thrive. Democratic participation will bond students to their learning realities. Universities should continue their mission to educate and foster research but should also play a vital role in becoming social transformers for the enactment of social justice.

The Didemoversity could go back to values of Pericles that the members of the community have to make decisions by themselves and find out what is right, just and fair rather than just take the law or market mechanisms to order their behavior. With the world 'university' stemming from the ancient Latin word for 'whole,' the Didemoversity should pay tribute to draw from all its members' human capital to carve out the overall strategy of the university (Corey, May 7, 2020).

The Didemoversity will take up core democratic visions such as the lottery, rotation and participation in politics and administration, justification of spending and general assembly.

Ideals of democracy or all citizens to be equal with the same freedoms will be addressed in flat online virtual worlds that will foster shared ideas and exchange of information more boundlessly. Power will be bestowed to the students, who come together in virtual worlds to discuss ideas and share their opinions to form strategies how to change the world.

In the Didemoversity model, students should gain an understanding of political action and democracy naturally by enabling a democratic university and classroom experience. The current drive towards an online gateway to the university will create a flatter space to approach different hierarchies. On a flat globe, students will be encouraged to actively take a stance on university agendas. Participatory decision making in studies and university management will engage and motivate students, who meet in online virtual spaces. Students will become a vital part of an informed administration that reflects the heart and souls of the student body, rather than being a detached administrative representation of individuals who have no personal skin in the game or are not formally educated and qualified. In a rotation of functions, students should be enabled to participate in the decision making of the university that surrounds them.

As for the blatant social justice demands of our times, a democratisation of the educational curriculum should aid future leaders to understand the political agenda of their times and directly enact social justice strategies. Universities of tomorrow could thereby become the ultimate hubs of citizenship education. Democracy at university could serve as an ultimate peace strategy that is practiced by the students as a way to harness their citizenship rights in regards to social justice. The Didemoversity should open a forum to discuss the public agenda and judge on the future endeavours of the institution. Participation and deliberation will create a sense of belonging, even when switching online.

Higher education as a principal avenue for the transmission of human capital and learning to new generations. Makes Didemoversities essential in today's digital world in which college graduates will need critical thinking skills to survive. Colleges and universities are also central to serious efforts to rectify inequalities of income and wealth (Benjamin & Ferguson 2020). The crisis can be interpreted as system change accelerator that holds advantages to shift to online teaching and international outreach. Both students and faculty should be represented on the boards of all institutions to reduce wishful thinking by administrators about the real conditions of campus life (Benjamin & Ferguson, 2020).

Today's racial disparity and socio-economic crisis stemming from systemic racism also demands for a debt reduction in higher education to release underprivileged groups from debt burdens hindering their full potential. The life-long financialization of past endeavours in debt repayment mentally locks underprivileged groups to be vital parts of the economy, to grow into entrepreneurs or future visionaries.

The Didemoversity could become a playground of deliberative democracy in the notion of John Rawls and Jürgen Habermas. Didemoversities could serve as most vibrant laboratories of ideas in a contestable democracy (Loewenstein 1957). Petition drives and *Bürgerbegehren* could carve out the structure and goals of the Didemoversity. Direct participation and a deliberative survey in the hope of participatory action enacted by the lottery among all university students would empower a truly global student body. Academics could learn during their studies how to renew dreams of equality and establish socially just democracies. In a self-regulatory radical democracy, natural behavioral laws of what is right, just and fair would be established by the students, for the students and with the students. Deliberation would also mobilize the knowledge of the institution in public gremia and participatory action. The Didemoversity thereby taps into an already ongoing trend of permanent faculty passing positions to adjuncts or student teaching fellows and assistants from 85% in 1970 to less than 25% today (Benjamin & Ferguson 2020).

Discussion

In the future, it remains on tech-entrepreneurs and social justice transforming institutions and activists, breaking the most innovative waves to implement the Didemoversity in the Digital Age whilst upholding highest ethical standards (Puaschunder 2017c). To boldly envision, design and craft the virtual luxury platforms of tomorrow connecting us for collective information exchange fueled by emotional participation in common learning platforms. But the beauty of enjoying lavish network effects and delving into world-wide collective emotional feasts also bears a responsibility to worship our common virtual luxury temples together wisely, conscientiously and sustainably (Puaschunder 2019, 2020a, b).

The new approaches to teaching and learning also imply novel inequalities in regards to private learning spaces and access to information dependent on the level of digitalization and internet connectivity. With access to healthcare and education in virtual luxury boutiques we need to rethink democratization of internet access and online availability. Public and private sector forces on the local, national, international and global levels should bundle and cross-pollinate to find create ways in embracing the masses equally with connectivity. Ethical cliffs of online access and technology affinity determining access to health, education and emotional well-being should be outlined in order to avert societal downfalls.

While the affordability of entering these virtual spaces will serve as a great equalizer offering access to affordable education around the globe, there may be the risk of an inflation of many degrees offered to students without any space constraints and a discreditation of already existing degrees lurking. Additional problems arise from missing real in-person learning and on-campus networking opportunities. Children staying with their parents to take classes may grow up less attentive to be around people their age, and there may be the risk of social isolation, heightened levels of depression and a generation of socially awkward geeks without empathy coming up in contrast to students that have had the real world learning experience in classrooms. However, if we can lower the cost of education for the upcoming generation, the educational debt burden may be lifted that was recently referred to by the New York Federal Reserve as to be putting generation internship into a prison of debt from which they cannot escape even after graduation. Virtual learning experiences may also shun students from all social-psychological burdens and peer-pressure downfalls of on-campus education if we manage to create virtual spaces upholding a healthy climate of online exchange grounded in mutual respect, ennobling culture of ethics and embracing diversity in elevating levels of inclusiveness. Overall, Didemoversities offer hope to imbue the dignity and nobility that core democratic values into our universities and digitalization can become the means to convey this spirit on a global scale.

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The Regime of Incompatibilities of Local Elected Officials and the Application of the Law in Time, from a Jurisprudential Perspective

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ABSTRACT: The special legislation on incompatibilities and conflicts of interest aims to ensure the transparency in the exercise of the stateliness and public functions and in the business environment, the prevention and sanctioning of corruption, also establishing, among the specific rules and conditions for exercising the mandate, certain incompatibilities taking into account the need to ensure the neutral fulfilment, by the persons exercising a public function of authority, of the attributions incumbent on them, in full accordance with the principles of impartiality, integrity, transparency of the decision and supremacy of the public interest. Therefore, the establishment of the case of incompatibility does not constitute, in reality, a restriction of the exercise of certain rights or freedoms, but a guarantee likely to confer an indisputable moral authority to the persons exercising the functions of mayor, president and vice-president of the county council, by ensuring impartiality, protecting the social interest and avoiding conflict of interest. From the perspective of the ethical nature of the sanction, the jurisprudential controversy concerns the possibility of disposing the sanction provided by law that would affect their current mandate, if in this mandate the acts that would attract such a sanction were not committed, the state of incompatibility not existing in this mandate.

KEYWORDS: incompatibilities, conflict of interest, mandate, public function of authority, principle of transparency of the decision, principle of impartiality, ethical nature of the sanction

Introductory considerations

The importance and necessity of regulations in the fight against corruption and the promotion of integrity in the public sector, within the national normative system, are known and accepted, these regulations representing the answer to a real requirement of Romanian society and a basic component of Romania's dialogue with its European partners in the process of assessing the fulfillment of its obligations as a Member State of the European Union. For reasons of preventing acts of corruption by certain categories of staff, namely individualized, the legislator is free to impose on that staff additional obligations, precisely in view of the activity it carries out, an activity of a certain nature and importance. As noted by the Constitutional Court of Romania in Decision no. 104/2018 published in the Official Monitor of Romania no. 446/29 May 2018, among the recommendations made by the European Commission in the reports verifying the progress made by Romania in the Cooperation and Verification Mechanism were mentioned the following: "(...) to ensure that there are no exceptions to the applicability of legislative acts on incompatibility, conflicts of interest and unjustified wealth" (Report of January 2014), "(...) explore ways to improve public acceptance and effectively implement incompatibility rules and measures to prevent situations of incompatibility" (January 2015 Report), "(...) integrity should be the guiding principle in public life and the legal framework and institutions in the field of integrity should be designed to promote this goal. It is important to improve public acceptance and effective implementation of incompatibility rules and to focus on the upstream prevention of incompatibility and conflict of interest." (Report of January 2016) or the fact that "(...) Parliament should be transparent in its decision-making process regarding actions taken following final and irrevocable decisions concerning incompatibilities, conflicts of interest

and unlawful property against its members” (Report of January 2017). Moreover, in order to combat the phenomenon of corruption, Romania ratified, by Law no. 365/2004, United Nations Convention against Corruption, adopted in New York on 31 October 2003, which provides that each State Party shall develop and implement or implement, in accordance with the fundamental principles of its legal system, effective and coordinated policies to prevent corruption favors the participation of society and which reflects the principles of the rule of law, good management of political issues and public goods, integrity, transparency and accountability (art. 5 paragraph 1). Thus, “each State Party shall in particular encourage the integrity, honesty and accountability of public officials, in accordance with the fundamental principles of its legal system, meaning that it shall apply, within its own institutional and legal systems, codes or rules of conduct for the proper exercise, honorable and appropriate of public office” (art. 8 paragraphs 1 and 2). Therefore, the application of the Convention provides that each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with the fundamental principles of its domestic law, to ensure the fulfillment of the obligations assumed under this Convention; each State Party may take the necessary measures which are more stringent or severe than those provided for in this Convention in order to prevent and combat corruption. However, taking into account the jurisprudence of the Constitutional Court of Romania, in terms of incompatibilities, the establishment of integrity standards is a matter of opportunity that falls within the discretion of the legislator. The constitutional provisions regarding incompatibilities have been taken over and developed in several organic laws, meaning that the provisions of art. 14-16 of Law no. 96/2006 on the Statute of Deputies and Senators, as republished in the Official Monitor of Romania, Part I, no. 763 of November 12, 2008, and art. 81-83 of Law no. 161/2003 on some measures to ensure transparency in the exercise of public dignity, public office and in the business environment, prevention and sanctioning of corruption, published in the Official Monitor of Romania, Part I, no. 279 of April 21, 2003. The provisions of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for amending and supplementing Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other normative acts, published in the Official Monitor of Romania, Part I, no. 621 of September 2, 2010, which regulates in Title II procedures to ensure integrity and transparency in the exercise of public functions and dignities, section 3 of ch. I of that title being dedicated to the procedure for assessing conflicts of interest and incompatibilities (see Decision of the Constitutional Court no. 81 of 27 February 2013, published in the Official Monitor of Romania, Part I, no. 136 of 14 March 2013).

Conflict of interest and incompatibilities

The provisions of Law no. 161/2003 define the conflict of interests in the sense that the person exercising a public dignity or a public office has a personal interest of a patrimonial nature, which could influence the objective fulfillment of the attributions incumbent on him according to the Constitution and others legislation. The principles underlying the prevention of conflict of interest in the exercise of public dignity and public office are: impartiality, integrity, transparency of decision and the supremacy of the public interest. In its simplest formulation, “conflict of interest” is defined as a competition between the public interest that the official (a public official or a civil servant) has a duty to preserve and his private interests (Iorgovan 2005, 446; Stan 2005, 10).

According to the provisions of art. 80 of Law no. 161/2003 the incompatibilities regarding the public dignities and the public functions are those regulated by the Constitution, by the law applicable to the public authority or institution in which the persons exercising a public dignity or a public function carry out their activity, as well as by the provisions of this

title. Therefore, the only condition imposed by the legislator for retaining the state of incompatibility is the simultaneous possession of the functions or qualities declared by law as incompatible. Unlike the “conflict of interests”, situations of “incompatibility” in the exercise of public dignities and functions are determined not generically, but nominally. Thus, each position of public official or civil servant is specifically regulated, for each case being established all the other functions and qualities that the official cannot hold at the same time as the civil service in question. The situation of incompatibility is, in fact, a continuing situation of conflict of interest. If in the case of “conflicts of interest” officials are mainly obliged to refrain from making an act or taking (participating in) a decision, in the case of “incompatibilities” the law establishes an unconditional prohibition on holding a certain public position at the same time as another, public or private (Stan, 2005, 10).

The finality pursued by the legislator by adopting Law no. 161/2003 consists in ensuring the integrity in the exercise of public dignities and functions, as well as in the prevention of corruption, as expressly provided in art. 8 para. (1) of Law no. 176/2010. Therefore, the object that circumscribes the sphere of incidence of the incompatibilities covered by Law no. 161/2003 is the protection of the integrity of persons holding a position or public dignity from possible interference caused by personal interest arising from the parallel conduct of related private activities (Chirilă 2010, 82; Nicolae 2004, 26). Equally, according to the legislator, the protection of integrity is necessarily correlated with the avoidance of corruption that could be committed as a result of combining the exercise of public functions with the development of economic activities. The High Court considers that ensuring this integrity and preventing corruption is achieved only if there are real premises of the nature of effectively threatening the social value defended, respectively when there is an overlap of the effective exercise of two functions covered by the legislator, situation in which there are generations of conflicting personal interests with the exercise of a public function or dignity. Only such an interpretation makes sense for legal regulations on the regime of incompatibilities and is likely to justify the limitation of the exercise of certain rights. A dignity, a public or private position are characterized not only by the act of election, appointment, designation or investment, but also by all the attributions, prerogatives, rights and competencies provided by law that fall into their content, and by whose concomitant and concurrent exercise in social life, by the same subject, the situations of conflict that the legislator tends to avoid by establishing incompatibilities are potentiated (Chiuariu 2016, 67; Lazăr 2016, 79; Riedel 2020, 98).

Therefore, the purpose of Law no. 161/2003, which establishes certain incompatibilities for public positions and dignities, is to ensure impartiality, protection of the social interest and avoidance of conflict of interest in their exercise. In order to achieve this goal, the sanction was instituted for the person in a state of incompatibility, respectively that of forfeiture of the right to hold any other eligible position for a period of 3 years from the end of the term - art. 1 of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for amending and supplementing Law no. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as for the amendment and completion of other normative acts (see Decision no. 418 of July 3, 2014). Thus, Law no. 161/2003 is a complex regulation which, in addition to the provisions whose main purpose is the prevention, detection and sanctioning of acts of corruption, also includes provisions from other related matters, absolutely indispensable for achieving the intended purpose. The situation is in accordance with the provisions of art. 14 para. (1) of Law no. 24/2000 on the norms of legislative technique for the elaboration of normative acts, republished, with the subsequent modifications and completions, according to which “Regulations of the same level and having the same object are included, as a rule, in a single normative act”.

With regard to local elected officials, the incompatibilities regime has been repeatedly subject to constitutional review. Thus, the Court, by Decision no. 225 of February 15, 2011,

Decision no. 1484 of November 10, 2011 and Decision no. 396 of October 1, 2013, ruled, in principle, that the regulation is a necessary measure to ensure transparency in the exercise of public functions and in the business environment, as well as to prevent and combat corruption, a measure aimed at ensuring the impartiality of the exercise of public office. The establishment of such a regulation is imposed by the need to ensure the objective fulfillment by persons exercising a public dignity or a public office of their duties according to the Constitution, in full accordance with the principles of impartiality, integrity, transparency of decision and supremacy. At the same time, by Decision no. 739 of December 16, 2014 and Decision no. 683 of October 20, 2015, the Constitutional Court held that it is not possible to perform a public function that requires transparency in the use and administration of public funds, if, at the same time, a person is engaged in the business environment, as the cumulation of two functions could affect the general interests of the community and the principles underlying the rule of law, and this incompatibility establishes a guarantee of the exercise of public office in conditions of impartiality and decision-making transparency, which aims to protect the public interest by defending the rights and freedoms of citizens. Also, by Decision no. 93 of 3 March 2015, the Court also emphasized that a combination of public and private functions could lead to the detriment of the public interest and the trust of citizens in public administration authorities.

Sanctioning the incompatibility of local elected officials. Controversial case law on the application of the law over time

Recent judicial practice has found that at national level, the jurisprudence of administrative litigation courts is non-uniform in terms of how to resolve appeals seeking the annulment of the order issued by the prefect which establishes the premature termination of the mayor's term., pursuant to art. 160 para. 1 lit. b of OUG no. 57/2019 (art. 15 paragraph 2 letter b) of Law no. 393/2004), as a result of the finding and sanctioning, in the conditions of the law regarding the integrity in the exercise of public functions and dignities, of a state of incompatibility. Specifically, it is the situation in which a local elected mayor was in a state of incompatibility during the exercise of the previous term and this was found in an evaluation report prepared by the National Integrity Agency, whose legality was challenged. The court decision confirming the legality of the evaluation report remains final in the next term of the same mayor, in which the order of the prefect is issued, the annulment of which is requested by the mayor. In other words, the question arises as to the extent to which the sanction of legal termination of the mandate of a local elected official due to the incompatibility in which he was, may intervene and interrupt the next term, unaffected by incompatibility and obtained in the electoral process.

The legal framework incident to the legal issue consists of the provisions of OUG no. 57/2019 of July 3, 2019 on the Administrative Code - Art. 160 – “Legal termination of the mayor's mandate (1) The mayor's mandate terminates, by law, in the following cases: (...) b) finding and sanctioning, under the law on integrity in the exercise of public functions and dignities, of a state of incompatibility; (...) (3) The date of legal termination of the mandate in the case provided in par. (1) lit. b), in case the legality of the evaluation report by which the state of incompatibility was found has not been contested, is the expiration date of the period in which the mayor has the right to contest the evaluation report, under the law on integrity in exercising public functions and dignities. (4) In the situation in which the legality of the act provided in par. (3), the date of legal termination of the mandate is the date of the finality of the court decision. (...) (7) In all cases of premature termination of the term of office of the mayor, the prefect shall issue an order establishing the termination of the term of office of the mayor. At the same time, art. 15 para. 2 lit. b) of Law no. 393/2004 on the Statute of local elected officials (repealed by art. 597 paragraph 2 letter h) of GEO no. 57/2019 of July 3,

2019, on the Administrative Code) provides: (...) (2) The quality of mayor and, respectively, of president of the county council ceases, by right, before the expiration of the normal term of office in the following cases: (...) b) incompatibility” (Stan 2005, 10; Cojanu 2019, 56; Ștefan 2013, 29).

Also, the provisions of art. 25 para. (2) of Law no. 176/2010 establishes the sanction of forfeiture of the right of the person released or dismissed from office as a result of committing the disciplinary violation provided by law or against which the existence of conflict of interest or state of incompatibility to exercise a public function or dignity the provisions of Law no. 176/2010 for a period of 3 years from the date of issuance, dismissal from the respective public position or dignity or of legal termination of the mandate. This 3-year ban concerns the public positions or dignities provided by Law no. 176/2010, except for the electoral ones. And Law no. 59 of April 8, 2019, for the amendment and completion of Law no. 161/2003 regarding some measures for ensuring transparency in the exercise of public dignities, public positions and in the business environment, prevention and sanctioning of corruption, published in Official Monitor of Romania no. 268 of April 9, 2019, in point 2 provides that: “In Article 91, after paragraph 1, a new paragraph is inserted, paragraph 1 ind 1), with the following content: “(1 ind. 1) incompatibility lasts until the date of termination of the term in which the local elected official exercised a function or quality incompatible with it or until the date on which the function or quality that determined the state of incompatibility ceased”.

In a jurisprudential opinion it was shown that, interpreting the provisions of art. 25 and art. 26 para. 3 of Law no. 176/2010 on integrity in the exercise of public functions and dignities, for the amendment and completion of Law no. 144/2007 regarding the establishment, organization and functioning of the National Integrity Agency, as well as for the modification and completion of other normative acts, the court finds that the state of incompatibility of a person constitutes a disciplinary violation and is sanctioned according to the specific regulation of dignity the state of incompatibility was definitively established, the derogations provided in Law no. 176/2010, being those provided by par. 4 in art. 25 and para. 3 in art. 26 of the same normative act regarding the sanctions applicable in case of these disciplinary violations (which are more serious than the reprimand or warning) respectively those regarding the beginning of the prescription term for finding the disciplinary violation and applying the corresponding sanction. (...) If the person has held an eligible position, he/she can no longer hold according to the Decision of the Constitutional Court no. 418/03.07.2014, another eligible function provided by art. 1 of Law no. 176/2010 for a period of three years from the termination of the mandate, and in case the person no longer holds a public position or dignity at the date of finding the state of incompatibility or conflict of interests, the 3-year ban operates according to law, by on the date of the finality of the evaluation report, respectively of the final and irrevocable of the court decision confirming the existence of a conflict of interests or a state of incompatibility. (...)

It is true that, according to art. 15 para. 2 of Law no. 393/2004 on the Statute of Local Elected Representatives, the state of incompatibility entails the legal termination of the mayor's mandate, but in this case the state of incompatibility of the plaintiff found in the evaluation report of the National Integrity Agency does not concern this function but that fulfilled it as mayor, in the term of office 2012-2016. This circumstance was not noticed or motivated by the defendant who, starting from the final finding of the incompatibility of the applicant for the position of mayor, considered that this incompatibility reflects on the second term in an eligible position. The court considers that the provisions of art. 9 para. 1 index 1 of Law 161/2003, which clearly establishes the duration of the state of incompatibility, had to be taken into account when issuing the contested order, and, compared to the fact that the report of the National Integrity Agency found that the state of incompatibility took place between 19.06.2012 - 10.12.2014, the Prefect had to state, in relation to this legal provision, that at the

time of issuing the order the state of incompatibility no longer existed and can no longer affect the mandate of mayor 2016-2020.

Thus, the court concludes that from the perspective of not applying the provisions of art. 91 index 1 para. 1 of Law 161/2003, as amended by Law no. 59/2019, the contested order is illegally issued. It is obvious that by applying par. 1 index 1 of art. 91 of Law no. 161/2003, the plaintiff was not in a state of incompatibility at the date of issuing the order, it ceasing according to the text mentioned “on the date of legal termination of the mandate in which the local elected official exercised a function or quality incompatible with it” on the date of legal termination of the mayor’s mandate, which occurred in 2016. Therefore, the condition provided by art. 15 para. 2 letter b of Law no. 393/2004 (no incompatibility), the Prefect illegally issued Order no. 281/11.07.2019, finding unjustifiably the premature termination of the mandate of the Mayor of the Municipality of R. (sentence no. 404/2019 pronounced on August 14, 2019 in the file no. 1384/102/2019 by the Mureş Tribunal - Contentious Section Administrative and Fiscal).

The second jurisprudential solution, the court considers as unfounded the reason invoked by the plaintiff regarding the fact that he ended his term as mayor in which he was found incompatible in 2016, when validating the result of local elections that had place on June 5, 2016, and the sanction can only be related to an employment relationship in force and not to a completed one, only the incompatibility committed in the exercise of the current mandate, is the cause of legal termination of the mayor's office. The court shows that art. 160 of the Administrative Code does not distinguish regarding the mandate regarding which the state of incompatibility has been identified, but stipulates that the mayor's mandate terminates, by right, in case of finding and sanctioning, under the law on integrity in the exercise of public functions and dignities, a incompatibility states, the date of legal termination of the mandate being the date of finality of the court decision, in case the legality of the evaluation report has been ascertained. On the other hand, it is true that based on art. 91 para. 1 ind. 1 of Law 161/2003, the state of incompatibility lasts until the date of legal termination of the mandate in which the local elected official exercised a function or quality incompatible with it or until the date from which he ceased the function or quality that determined the state of incompatibility, but these legal provisions cannot remove the application of the provisions of art. 160 of the Administrative Code, in the context in which the mayor. From our point of view, although both opinions are judiciously motivated, we understand that we agree with the first jurisprudential solution. Beyond the arguments already set out in the considerations of the courts that have adopted this solution, we also take into account the fact that According to art. 91 paragraph 1 ind 1 of Law 161/2003 “The state of incompatibility lasts until the date of legal termination of the mandate in which the local elected official exercised a function or quality incompatible with it or until the date on which he ceased the function or quality that determined the state of incompatibility. "The considerations for which the initiators of this amendment requested its introduction in Law 161/2003 were those that “it would not be ethical to impose a sanction that affects the current mandate if in this mandate no acts were committed that would attract such a sanction, the state of incompatibility not existing in this mandate”, as it results from the statement of reasons. This provision was verified in terms of legality by the Constitutional Court, which by Decision 456/2018 validates the legality and the need to regulate the duration of the state of incompatibility, holding in point 65 that the provision of art. 91 paragraph 1 ind 1 was necessary because the duration of the state of incompatibility was not concretely legislated. Therefore, the prefect had to ascertain at the issuance of the order the existence of a state of incompatibility that would lead to the termination of the mandate prematurely. Provided that the mayor was no longer in a state of incompatibility on the date on which the order should have been issued in order to verify that the condition of the existence of the incompatibility was fulfilled at that time. It follows from these legal provisions that, in the event that the

mandate of the local elected official or the position exercised by him who determined the state of incompatibility has ceased by law, the sanctions provided by law for incompatibility no longer apply. the period of forfeiture of 3 years provided by art. 25 para. 2 of Law 176/2010 could not be applied to him at that time. From the point of view of the court, if within that term the person obtained, as a result of the elections, “the same position” and the state of incompatibility regarding the eligible position previously held, the capacity to be elected must cease, ending his term of office before the deadline.” (in this sense: the civil sentence no. 291/2020 pronounced on March 19, 2020 by the Dolj Tribunal - Administrative and Fiscal Litigation Section in file No. 215/63/2020).

Conclusion

From our point of view, although both opinions are judiciously motivated, we understand that we agree with the first jurisprudential solution. Beyond the arguments already set out in the considerations of the courts that have adopted this solution, we also take into account the fact that According to art. 91 paragraph 1 ind 1 of Law 161/2003 “The state of incompatibility lasts until the date of legal termination of the mandate in which the local elected official exercised a function or quality incompatible with it or until the date on which he ceased the function or quality that determined the state of incompatibility.” The considerations for which the initiators of this amendment requested its introduction in Law 161/2003 were those that “it would not be ethical to impose a sanction that affects the current mandate if in this mandate no acts were committed that would attract such a sanction, the state of incompatibility not existing in this mandate”, as it results from the statement of reasons. This provision was verified in terms of legality by the Constitutional Court, which by Decision 456/2018 validates the legality and the need to regulate the duration of the state of incompatibility, holding in point 65 that the provision of art. 91 paragraph 1 ind 1 was necessary because the duration of the state of incompatibility was not concretely legislated. Therefore, the prefect had to ascertain at the issuance of the order the existence of a state of incompatibility that would lead to the termination of the mandate prematurely. Provided that the mayor was no longer in a state of incompatibility on the date on which the order should have been issued in order to verify that the condition of the existence of the incompatibility was fulfilled at that time. It follows from these legal provisions that, in the event that the mandate of the local elected official or the position exercised by him who determined the state of incompatibility has ceased by law, the sanctions provided by law for incompatibility no longer apply.

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The Construction of the Family Ethic in Turkey

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ABSTRACT: The Republic of Turkey in 1923, is established on the foundations of secularism and modernity. The newly established state, which turned its face to the West by rejecting the legacy of the Ottoman Empire, carried out a modern nation building project with the imagination of a new nation, family and citizenship. Through family planning policies, the modern nuclear family was supported as a disengagement from the Ottoman traditional society. Due to secularist policies, beliefs, morals, values, ethics were accepted as individualistic matters and pushed to private sphere. This family-oriented modernization and ideal of national family required the construction of a new citizen woman who incurred the responsibility of raising new patriot generations devoted to principles of the reformist state. However, this perception of family and woman began to change in the last few decades especially with the neoconservative and neoliberal policies adopted by the rule of the Justice and Development Party (JDP). In accordance with the earlier governments, the family preserved its privileged position, however, with a new assignment on family which instrumentalizes ethics, morals and beliefs in the public sphere compatible with its policies. The birth control policies have come to an end and the care giving services assigned to families instead of public service, which eventually requires a renovation of duties and responsibilities of the family and women. This paper intends to analyze the mobilization of beliefs, morals and ethics for the sake of construction of the social order.

KEYWORDS: family, neoconservatism, neoliberalism, Turkey, values, Early Republican era

Introduction

The political ideology of the governments creates ideal family models and population policies that are integrated to general ruling mechanisms. The family planning signifies the desire of transforming the social order and in what direction the change should be. One of the ways that governments justify their intervention in fertility is to present an ideal family model cemented with morality and ethics in harmony with the governing ideology of the time and a promise of wealth for the future. The ruling powers of Turkey, for the third time intervening to change the fertility levels, in line with their political agenda (Özbay 2014, 106). The first intervention coincides with the foundation years of the republic that aimed national family. The Republic of Turkey that is established after the dissolution of the Ottoman Empire and decade-long war period, substantially lost its human capital. At that time, when fertility was high enough, abortion was banned, and contraceptive methods were prohibited. Early marriages were encouraged, and fertility has increased even more. With the adoption of the Law on Population Planning in 1965, the policy was changed in order to reduce the high fertility rate. The abortion ban was first relaxed and further liberalized in 1983. The minimum age for marriage has been raised and education programs were organized for women on family planning which eventually paved the way for a decline in fertility. The third intervention is taking place today. Together with the rule of Justice and Development Party (JDP), neoconservative and neoliberal policies are adopted in the last few decades which intend to design a new sacred family.

Turkish Modernization and the National Family

The dissolution of the empires after the First World War and the establishment of the nation states brought about irrevocable changes in the traditional social structures and governance. The Republic of Turkey that is established after the dissolution of the Ottoman Empire is the case in

point of a societal transition from traditional to modern one. Established upon the bases of secularism and modernity, the newly established state, embarked a total modernization and secularization project which is not limited to political and economic area but also has implications in societal life and daily lives of the people. Disregarding the Ottoman legacy meant the refusal of every traditional aspect which are assumed as the remnants of backwardness and failure. Even in the early stages of the modernization process, it was understood that the lifestyles and mental structures of the actors acting in this structure had to be transformed in order to establish a modern political structure (Aytaç 2007) .

By turning their face to the West, the state elites carried out a modern nation building project with the imagination of a new nation, family and citizenship that was assumed to construct a modern citizen instead of subjects of the king and this citizen should be modernized and secularized by detaching beliefs, morals, values and ethics to private sphere. The ultimate goal that this transformation process was expected to reach was the realization of the ideal of a community of citizens made up of autonomous and rational individuals who were desired to lead a happy and peaceful life in their own home (Aytaç 2007, 17). By inventing a traditional past (Hobsbawm and Ranger 1983, 1) to refrain, this new family required the creation of a new citizen woman together with invention of traditional family and society. Imagining of an urbanized nuclear family on the basis of modernist reasoning, the elites created a misrepresentation of the traditional family by labeling it with the terms of extended family, child marriages, polygamy, agricultural society, veil and high fertility rate. Although this idealization was challenged by asserting that the Ottoman rural society has a monogamist nuclear family structure to a large extent (Duben and Behar 1991; Olson 1982); the stereotypical images of the traditional family were associated with backwardness which should be eliminated from.

Hence, the "New Life" understanding, which has been on the agenda since the first years of the constitutional monarchy, gained strength with the republic. This was the main axis that brought the Republic to the crossroads from the Ottoman Empire. However, the state capacity and financial possibilities were limited due to the post-war conditions to realize a cultural revolution. The new nation-state was starting out as poor and underpopulated where population fell from 20 million to 13 million within today's borders (Shorter 1985, 421). Medical capacity was limited which causes dramatic increase of child deaths. Due to loss of adult males, poverty was increased together with prostitution. In the whole world, the loss of the adult generation because of wars made the intergenerational problem more pronounced. Young generations lost their trust to their parents and religious beliefs were weakened. Technological innovations and Taylorism initiated a revolutionary process in production that paved the way for a new consumerism. In Turkey, these crises were felt more deeply due to the reform concerns the Republic, longing for secular norms and abandoning eastern culture norms and transition to western civilization. So, the incompatibility to reforms were experienced together with trauma (Toprak 2017, 16).

As society was shaken to a great extent, the family institution, which was the backbone of the order, collapsed, and moral problems came to the fore. Hence, the issues of family and women occupied the agenda of the intellectuals since the early modernization movements (Sirman 2013, 3). In the similar vein, these issues protected their privileged position in the new Republic. The Ottoman Empire gone with its moral and cultural codes, and the new state had to build a new person. According to this frame, theology was positioned against reason and the role of the new secular state was to abolish power of religious ideas, laws, values and customs to enhance people to higher rationality by cleaning of superstitions (Davison 1998, 179). Rejecting the past was not enough, it had to instill new values in his people and 'becoming modern' (Yashin 2000, 52) and 'raising the people to the level of modern civilization' were the mottos. The traditional, patriarchal extended family of Ottoman society was one of the institutions that revolutions aimed to change (Kongar 1999, 586).

The Repositioning of Women

The subject of the family planning are principally the women whose lives are directly affected by changing policies that usually end up with the repositioning of the women at home, at market and in the society and target was liberation of women (Bilge Zafer, 1; Kongar 1999, 586). In order to disconnect from the past, a legal revolution, that brought new rights to women for a more egalitarian and harmonious family life, began. The Swiss Civil Code was accepted, women gained political, economic and social rights (Abadan-Unat 1978; Taşkıran 1973). However, these state-led the modernization movements controlled by the elites did not evolve as a result of demands originating within society and let women movements to determine their agenda but they were imposed from above. (White 2017) Hence, the liberalization movements were limited within elites' envisaged framework (Zihnioğlu 2003).

As modernism grounds its existence on the basis of traditional-modern dichotomy, Chatterjee, claims that the binary relationship between traditional and modern was also an indicator of a much more strong dichotomy between outer and inner (Chatterjee 1989, 625). Sancar adds that, modernism, capitalism and nationalism processes that describes the last two centuries of Turkish history by focusing on state and market-based strategies would remain incomplete without family based regulatory strategies. While western oriented modernity has gained a very strong regulatory power with the feature of dividing human life into different areas such as society-state, family-society, private-public, civil-political, personal-social and attributing different aspects to sociability; it also creates a division between family life and social life. In this share, family is defined as the sphere of spirituality and morality, sentimentality, together with biologic needs and sentimental values whereas the society is defined as the sphere of the material, namely the profit, conflict, violence and power. These two opposite spheres are also constructed with the gendered characteristics. The femininity of the family and private sphere creates a unity based on difference with the masculinity of the social sphere (Sancar 2004, 3). With this mindset, the family has excluded from the economic interest represented by society and the power to establish politics. Seeing that the Turkish modernization project is fictionalized upon creation of a modern national Turkish family which bases upon the image of contemporary Turkish woman, what happens is the repositioning of the women in the family by excluding them from the area of politics and economics.

The value of the family as an institution in a nation-state, stems from production of populations. There is not only a health concern but also a moral aim to keep the citizens under control behind the state's incentives for fertility to take place especially within the family. Since the definition of a good citizen requires one to respect the law as well as to respect his social duties and therefore to be responsible to his family, raising good sons or good citizens is not considered as two different projects on the basis of nationalist ideology. While good citizenship for women means motherhood, for men this status corresponds to the father who has a job to support his family. In countries where modernization movement comes top-down like Turkey, ensuring the legitimate ground of coexistence of the people under the roof of a single nation is the state's duty. At this stage, the state resorts to systematic propaganda or political socialization through institutions for the establishment of national consciousness. By this way, the moral structure of the society is ensured by the solidarity between the family members (Şerifsoy 2000, 157).

Women were undergoing a transformation in line with the progress of the country and were part of the revolution (Toprak 2017, 128). Consequently, the new roles of women were defined as new motherhood and housewives in a frame of a new ideal of femininity while constructing the home and the family. Women operated as political actors only to the extent that they performed sexual and reproductive rather than social or political roles. According to Miller, the sexual and reproductive nature of citizenship is situated in the modern state's

relentless inclusion (Miller 2007, 349). This new positioning of women as mother and wife also drew the line of realm of freedom.

Both Kandiyoti and Kadioğlu define the republican woman who is a citizen before being an individual. This type of woman is modest, hardworking, faithful, Western looking but observant to tradition in private, dedicated to the principles of the Republic, good wife and self-sacrificing mother. In that sense, the image of Kemalist woman reflects the pragmatism of Kemalist ideology and it occurs as a combination of confounding images. An educated businesswoman at work; organizer woman that has social mobility at social clubs, associations and organizations; a good wife and mother that is aware of her duties at home; a woman who has biologic function; a feminine woman that pleases her husband at parties and balls (Kadioğlu 2006, 31). Reproduction turned into a political duty as one of the most basic peculiarity of citizenship; in other words, motherhood made identical to citizenship. The house and the family occupied central places in cultural spaces that would become modernized. In fact, idealizing the modern Turkish household was complementary to the modern nation-state designs of Turkish nationalists. As opposed to the primitive and traditional methods of the old generations, the authors reported more scientific and modern housework methods (Yashin 2000). In short, the republican women were idealized as well-educated, well-behaved daughters of the Kemalist fathers. These daughters were educated by modern methods and they can be socialized in men's society. In this context, the women were emancipated by reformist laws but remained unliberated in practice (Kandiyoti 1987, 330).

Economic Development and the Happy Family

Governments adopted population growth as official view to strengthen the new republic. With the General Health Protection Law enacted in the 1930s, the mission of increasing the population was given to the Ministry of Health and Social. Importing, domestic production and sale and use of all kinds of contraceptive and abortion drugs, and equipment were prohibited. Providing information on this matter was prevented and it was a crime to abort intentionally. Over time, the population increased rapidly. On the other hand, health, education, housing and similar services remained far from meeting the needs of the society (Kongar 1999, 596). Thousands of women died of miscarriage on their own, became disabled, worn out due to excessive births and became ill especially in rural areas (Özbay 2015, 89; Kongar 1999).

The slogan of the early republican government was "tough, cheerful and populated Turkey". However, by the 1960s, it became a hungry, unhappy and crowded country. Therefore, in 1965, the new ideal was achieving economic development through lowering the fertility rate. Through legislating the Law on Population Planning numbered 557, which constitutes a turning point in population policies, propaganda regarding the import, distribution and sale of contraceptive tools and drugs was legalized, the way for abortion was paved, and the General Directorate of Population Planning of the Ministry of Health, the implementing unit of the New Population Policy, was established (Özbay and Shorter 1970; TUSİAD 1999). For the ideal family, fertility was not encouraged but reduced. The "happy" family was also a Western-looking nuclear family; but now few children were targeted instead of many. Happiness meant quality of life. Families could improve their quality of life by having as many children as they could take care of and raise well. In summary, few children were necessary for the happiness of the family, the welfare of the state (Özbay 2014, 108).

Until the emergence of leftism and Islamism as contestant frames to suppress the potentially feminist voices in 1970s, republican patriarchy claimed a monopoly over women's issues (Coşar and Yeğenoğlu 2011, 558). It was only after the 1980 coup d'état that women started to voice their demands from an independent feminist perspective.

Beginning with the 1980s, the Islamists began to adopt identity politics with a demand of existing in the public sphere (Diner and Toktaş 2010). Moreover, 1980s were a milestone for the economic liberalization compatible with the neoliberal policies of the world. The articulation of neoliberal policies with government-backed rise of Islamic capital resulted in the emergence of a new Islamist bourgeois class and a change in Islamists' relationship with the state. One other result of this transformation was the emergence of new Islamist intellectuals accompanying to bourgeoisie, and consequently new lifestyles.

Diverging from the earlier era, the Islamist intelligentsia of the 1980s began to criticize secular values and reformist project of Turkish modernization. The loss of Islamic essence and departure from the true path of Islam were highly debated issues among the Islamist groups that blame Westernization and secularization for this corruption. Media, publishing and literature peaked up in this era as a crucial tool to organize mass movement by means of daily newspapers, weekly and monthly journals, private radio and TV channels, movie and cartoon agencies (Duman 1995; Çayır 2007). Islamist intellectuals were strongly opposing the hegemony of the West and modernity in daily lives and they earnestly warned the Muslim people to be cautious about the tricks of the modernity, capitalism and moral decline.

Neoliberalism, Neoconservatism and the Sacralized Family

With the rule of the Justice and Development Party (JDP) in 2002, neoliberal policies come to a climax which builds its road upon Islamist politics. The articulation of neoliberal policies with government-backed rise of Islamic capital resulted in the emergence of a new Islamist bourgeois class and a change in Islamists' relationship with the state. Unlike pre-1980s, the times when capitalism was declared as an arch enemy based upon its contradictory character with Islamic values, contemporary Islamists adopted the image of, secular, consumerist and individualized. despite their seemingly irreconcilable differences, how the conservatives adopted neoliberal policies? Tuğal's answer, absorbing the Islamic challenge to capitalism post-2000 and Islamist supporters began incorporating neoliberalism and values of modernity so smoothly, as opposed to the Islamism's historical disaffection of the Western capitalist ideology (Tuğal 2009). Cooper (2017) claims that, the union of neoliberals and social conservatives is more than merely political; it reflects a shared, if sometimes disavowed, understanding that the market does not supply its own pre-requisites but requires the family as a necessary support. The neoliberalization of economic and social policies has been accompanied by the strengthening of their conservative aspects in many countries and combined effects of neoliberalism and neoconservatism on feminist studies has discussed in literature (Brown 2006; Porter 2012). However Elomäki and Kantola goes further than analyzing the combined effect of neoliberalism and conservatism, and adds nationalism to complete a successful triangle that shapes feminist politics (Elomäki and Kantola 2018).

During seventeen years of rule, the family has always been a fundamental constituent of the conservative Justice and Development Party. This transformation had unfavorable unintended consequences in terms of moral values, family structure, rising devoted generations and solidarity of the society. Thus, in the last few years, the solidarity of the family has been underlined heavily and represented as the treasure of the nation which ensures the survival of the country and became the target of enemies. Moreover, family is assumed as power of the nation, core of the civilizations and strengthening the families is the only way to maintain a strong state and a peaceful society (Daily Sabah 2019; Sabah Gazetesi 2019). Together with the economic losses, the undertone denunciations upsurge in the conservative groups and made inroads to severe self-critiques. In this atmosphere, moral values and family come into prominence as effective remedies to consolidate the solidarity of the people.

The institution of family is sanctified by today's government to fulfill its duties to neoliberalism, neoconservatism and nationalism. To regulate intimacy and the family, the Directorate of Religious Affairs, under Turkey's neoconservative government, deploys state-employed religious functionaries to provide citizens with advice and guidance on family life despite the assumed separation of religion and politics (Kocamaner 2017, 2018). The government is not the only institution who calls attention to the importance of the family; tens of non-governmental organizations were established in the past few years to protect the family together with the active participations and contributions of the prominent figures, intellectuals, activists, writers, and volunteers of the conservative segment of society. In order to strengthen this ideal family, Islamic broadcasters started producing family-friendly entertainment programs and shows. Islamic TV's intend to their family-focused programming as civil initiatives against what they see as the increasing corrosion of the "moral fabric of the family" and weakening of family values in the society (Kocamaner 2017).

The family is expected to perform various vital responsibilities such as preservation of the core values of the society and maintain the pass down of these values to new generations; and raising the future generations of the country who will be the warrant of a strong and peaceful society. These slogans of strong family-strong society are promoted to legitimize its welfare politics which attempts at shifting social care from state to familial sources and essentially to women as primary caregivers (Yazıcı 2012). The idiom of sanctity of the family, requires a family that creates social bonds to provide service to disabled and aged members, babies and children, that eventually relieves the state from an economic burden. Although it applies to religious and traditional discourse, this new family ideal should not be considered as a retreat, but it is the product of the neoliberal policies economically and neoconservatism culturally.

As a result, the family stands at the junction point of political, economic and social organization of a society. In order to regulate the society in harmony with the ruling ideology, the governments assign certain tasks for families. These roles are fundamentally about controlling the fertility. In order to get the consent of the people, values, ethics and morality are put into action. Together with the neoliberalism, the tasks of families went beyond the scope of fertility and they act as economic units that lights economic burden of the state as well. Together with nationalism and conservatism, a new morality, that uses the discourses on religion and tradition, was created to strengthen the family.

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The Relationship between Plagiarism and Morality

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ABSTRACT: This paper aims to analyze the following issue: plagiarism is considered to be an unethical behavior, and the perpetrators are to be sanctioned, including expulsion from their institution. Sometimes, we should admit, plagiarism is accidental. The ability to produce unique content without being plagiarized is like securing a software or biotechnology patent. A patent is the inventor's method of protecting his intellectual property and livelihood. Copyright infringement is a violation of the rights of the copyright holder when the material whose use is restricted by copyright is used without consent. Acts of plagiarism are morally reprehensible because the rules of the codes of ethics for students, academics, writers and scholars are intentionally violated. In this case, it is important to note that most cases in which the act of plagiarism has been determined can be discussed as intentional, as people choose to copy the material as the fastest way to cope with the task. As a result of such activities, the idea of intellectual freedom is also taken into account. Therefore, it is possible to pay attention to the reasons for discussing the facts of stealing other people's words and ideas as being morally wrong.

KEYWORDS: plagiarism, morality, moral values, deception, ethics.

Plagiarism

The word *plagiarism* has its roots in the Latin *plagiarius*. According to the Online Dictionary of Etymology, the word means "kidnapper, seducer, robber, one who kidnaps another's child or slave" (Valpy and Jackson 1999, 345) and was used by the Roman poet Martial to describe another poet who he had robbed the works. Plagiarism is defined as "the unauthorized use or close imitation of another author's language and thoughts and their representation as an original work of one's own person" (Romanian Academy 2009, 974) This violates the author's right to ownership of the work, which is a fundamental moral right. In academic circles, plagiarism is considered unethical behavior, and perpetrators can be punished, including expulsion from their institution.

A student, borrowing an idea from a website while doing research forgets to attribute it to the author. Obviously, it is a small problem when it is a sentence or a short paragraph. It is a bigger problem when several paragraphs or chapters make their way into the paper. In many industries, content production is a business model. Most publishers produce books, magazines and websites as a means of attracting readers, subscriptions and revenue. Plagiarism is a direct attack on this business model. If the integrity of a publisher's content is not protected, it dramatically lowers the value of the service they provide to their customers.

Simply put, the originality of an author's content is not the point of a philosophical or moral debate, but rather the central element of a business model. The ability to produce unique content without being plagiarized is like securing a software or biotechnology patent. A patent is the inventor's method of protecting his intellectual property and livelihood. If a biotechnology company makes a discovery, it is in their best interest to protect their rights to this invention. At the same time, an author or publisher must protect their content from plagiarism. As we read, study, experiment, and gather perspectives, we rely on other people's ideas. Based on their ideas and experiences, we create our own ideas. In academia, the originality of the content, whether it is produced by students or educators, is essential for educational activity. If student plagiarism remained uncontrolled, it would drastically reduce the value of a diploma. There are many types of plagiarism. We cite only a few of them: (Gravetter and Forzano 2015, 122).

Direct plagiarism: is the word-for-word transcription of a section of someone else's work, in which the user does not use the appropriate quotation marks or quotations. Such deliberate actions are considered ethical and academic dishonesty.

Self-plagiarism: occurs when a person submits his or her previous work or a mixture of previous tasks without the permission of the teachers involved.

Patch writing: It is also called "mosaic plagiarism". Occurs when a student borrows sentences from a source without using quotation marks. Or find synonyms for the author's language, but keep the same general structure and meaning of the content.

Accidental plagiarism: such a situation occurs when a person neglects to cite their sources or cites them incorrectly. Unintentional paraphrasing or grouping of words that match another source may also fall into this category. Cases of accidental plagiarism are taken as seriously as any other plagiarism.

By following simple suggestions, plagiarism and its negative consequences can be easily avoided. In most cases, we can avoid it by quoting original sources. A simple acknowledgment that certain materials have been borrowed from that source can keep things normal. A student can certainly improve his learning of different citation styles to avoid such academic problems. Plagiarism Checker X also tried to help students by creating a dedicated "reference guide" page. Even if we try our best, we may fall prey to plagiarism, unintentionally. Therefore, the last option is to download a plagiarism detector such as Plagiarism Checker X and use it for every task.

The method of detecting plagiarism, however, can be seen as quite controversial, as its effects are often considered questionable. Needless to say, online plagiarism check devices, like any machine in general, are far from impeccable, and their process of analyzing academic activity is anything but impeccable. Therefore, even the work written entirely by a student and belonging exclusively to the person who composes it can be seen as easily plagiarized by an online plagiarism detector. Consequently, it is impossible to rely on online detectors, which is why most academic institutions allow a plagiarism margin of 3-10%.

A central and very important point is represented by the ancient view of plagiarism, in those days there was no plagiarism it was considered a theft. The ancients were guided by the universal law (Do not kill, Do not steal). The great German philosopher Immanuel Kant portrays in one of his great works the struggle between legal laws and moral laws.

Kant's ethics and morality

The objects of practical reason are Good and Evil. The object of practical reason is understood as the relationship between the will and the action by which he or his opposite would be achieved, but considered according to a principle of reason. Starting from the concepts of good and evil, Kant identifies the categories of freedom, metaphysics of the theory of law, The Theory of Law and The Metaphysical Principles of the Theory of Virtue. The division of the metaphysics of morals into the theory of law and the theory of virtue is due to the fact that there are two kinds of laws of freedom, with the duties involved: legal laws and moral laws.

Kant's ethical view is deontologically oriented (it refers to the good or bad actions performed by a moral agent out of duty, as opposed to those performed by a moral agent for a good or bad consequence) and is centered on the concept of duty. It is based on the idea that reason is good in itself and that all individuals are rational beings. His major contribution was the theory of the categorical imperative which states that you must always act according to such a maxim that can become at the same time a universal law (e.g.: do not kill, do not steal etc.), namely be applicable to all in an identical situation.

The analysis of practical reason defines those judgments which comprise a universal determination of the will and to which practical rules are subordinated. Practical principles are maxims or practical laws, depending on their subjective conditioning (valid for the will of the subject) or objective (valid for the will of any rational being).

The foundation of the metaphysics of morals - this Kantian work has the role of preparing the ground for the edification of moral philosophy, or, in Kant's words, of researching and establishing the supreme principle of morality (Immanuel Kant, *The foundation of the metaphysics of morals; Critique of practical reason*, translated by Bagdasar). It consists of three parts: The transition from moral knowledge of common reason to philosophical knowledge, The transition from popular moral philosophy to the metaphysics of morals; The transition from the metaphysics of morals to the Critique of pure practical reason. Three parts - three passages, necessary for the elaboration of a pure moral philosophy "fully cleansed of all that can only be empirical" (Immanuel Kant, *The foundation of the metaphysics of morals; Critique of practical reason*, op. cit., 7).

A moral philosophy cleansed of all that is empirical is necessary because a law, in order to assert its moral validity, in other words to prescribe an obligation, cannot rely only on the authority of men, but on the concepts of pure reason. Moral laws are not simple practical rules, valid for people, but a priori laws, valid for any rational being.

The Relationship Between Plagiarism and Morality

Plagiarism is not the same as copyright infringement. Although both terms may apply to a particular act, they are different concepts, and false claims by the author are generally plagiarism regardless of whether the material is protected by copyright. Copyright infringement is a violation of the rights of the copyright holder when the material whose use is restricted by copyright is used without consent. Instead, plagiarism is concerned with the undefeated growth of the plagiarized author's reputation or with obtaining academic credit, which is achieved through false claims by the author. Thus, plagiarism is considered a moral offense against the plagiarist's audience (e.g., a reader, listener, or teacher).

Plagiarism is also considered a moral offense against anyone who has offered a benefit to plagiarism in exchange for what is specifically supposed to be original content (for example, the publisher, employer or teacher of the plagiarist). In such cases, acts of plagiarism can sometimes be part of a claim for breach of the plagiarist's contract or, if knowingly, for a civil error. Authors and creative people devote a lot of time, resources, skills and knowledge to producing intellectual property. Plagiarism is a sign of disrespect for a person whose ideas are being copied. Plagiarism is morally wrong for two reasons.

First of all, because it is dishonest and a form of lying. When we pretend to have created something that we actually simply copied from someone else, we are lying. We mislead our listeners into believing that we have done something we did not actually do, and we can personally gain from it, for example, "if we are praised or judged competent for something, we are not really competent for. So, usually, it's not just about theft, but a kind of lie, which intends to deceive another (teacher) by presenting that work as his own creation" (Florea 2018, 107).

Secondly, because we are stealing from the creator the work of recognition that he would have rightly deserved. This recognition can take many forms, from fame and respect to monetary compensation in cases where the plagiarized work is the one on which the creator obtains income from the sale of children. If we make money by selling what someone else has created, then that money would belong to the creator and not to us. "Plagiarism was not always morally reprehensible, much less legal. It became a problem only when two conditions were met: the institution of authorship was established, that is, people were recognized as authors, and when the world of universities and research developed, becoming one of hyper specialization and intensive publication of articles and books, a world based on funding applications" (Vica, Socaciu, Gibeau 2018, 109).

Plagiarism is an important ethical issue that should be discussed as a morally reprehensible act, because plagiarism is direct theft based on dishonesty in relation to students and scholars who share their ideas and are based on intellectual property rights. The progress of the internet

contributes to this process due to the possibilities of access to open and available documents written by different people. However, many people choose to ignore the ethical aspects of academic writing and focus on violating the idea of academic integrity while plagiarizing.

Acts of plagiarism are morally reprehensible because the rules of the codes of ethics for students, academics, writers and scholars are intentionally violated. In this case, it is important to note that most cases in which the act of plagiarism has been determined can be discussed as intentional, as people choose to copy the material as the fastest way to cope with the task. As a result of such activities, the idea of intellectual freedom is also taken into account. Therefore, it is possible to pay attention to the reasons for discussing the facts of stealing other people's words and ideas as being morally wrong.

Plagiarism is part of the broader concept of cheating in school. Plagiarism is stealing and lying, while assimilation is the process of educating the mind to gain knowledge from a wide variety of sources. Plagiarism is unethical because it goes against typical college and class standards that require students to create original papers and projects. The purpose of written projects and schoolwork is to help students think, create and communicate critically in writing. If we plagiarize, we bypass this educational goal.

If the use of the words of other authors can be verified with the help of various plagiarism detectors, theft of ideas is a more complex procedure that cannot be successfully determined in all cases. "Plagiarism is a form of moral corruption, but also of material corruption, and, like any phenomenon of corruption, it fades like translucent whiteness when it is brought to light. Any corruption becomes visible, shameful when it is revealed. This happens with plagiarism, with the so-called scientific works elaborated in the penitentiary in improbable conditions" (Alexandrescu 2020).

Conclusions

We can conclude that plagiarism is unethical for three reasons:

- First, it is unethical because it is a form of theft. By taking the ideas and words of others and pretending to be yours, you are stealing someone else's intellectual property.
- Secondly, it is unethical because the plagiarist subsequently benefits from this theft.
- Third, a degree is proof of the skills and knowledge of its holder. If a student wins a job based on a grade he or she did not get, it could be a risk to others.

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Inequality in the 21st Century: Climate, Digital Skills and Access to Education

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ABSTRACT: In the 21st Century, inequality has many faces. This paper addresses three inequalities in the domains of climate change, digitalization and social justice in the eye of unequal access to education. The inequalities are first presented and then creative inequality alleviation strategies. Climate change requires attention for fairness that the costs of climate change mitigation and adaptation are spread equally within society, between countries and over time inbetween generations. Inequality arises in the access to quality healthcare that varies dramatically around the world. Access to good education is another area of inequality concern and in order to breed social upward mobility, a bundling strategy is proposed that aids excellent and struggling students.

KEYWORDS: Access to Education, Climate change, Digitalization, Equal Chances, Fairness, Inequality, Skills, Social Justice

Climate Justice

The Mapping Climate Justice project proposes a 3-dimensional climate justice approach to share economics benefits and the burden of climate change in a right, just and fair way around the globe. Theoretical foundations and macroeconomic modelling are justified and grounded on ethical imperatives. Building on the categorical imperative (Kant 1783/1993) to only engage in actions one would want to have incurred onto oneself and Rawls' (1971) veil of ignorance to evaluate ethical dilemmas without considering if one is on the benefitting or suffering edge of ethical dilemmata implications, the ethical climatorial imperative demands for an equalization of the gains of climate change around the globe in order to offset for climate change losses (Puaschunder, 2010; Puaschunder 2018).

First, climate justice within a country should pay tribute to the fact that low- and high-income households carry the same burden proportionate to their disposable income, for instance, enabled through a progressive carbon taxation, consumption tax to curb harmful behavior and/or corporate inheritance tax to reap benefits of past wealth accumulation that may have offset climate change. Secondly, fair climate change burden sharing between countries advocates for those countries benefiting from a warmer environment to also bear a higher responsibility regarding climate change mitigation and adaptation efforts. Macroeconomic modeling of Gross Domestic Product (GDP) change prospects in the wake of global warming reveal climate winners and losers. Based on the starting mean climate temperatures and GDP compositions of each country in the world as well as climate change temperature projections in the future and temperature peak conditions for GDP production; climate change gains and losses outlined helps find ways how to share the benefits and burdens of global warming in a fair way around the world. Thirdly, climate justice over time proposes an innovative tax-and-bonds climate change burden sharing strategy in order to share the burdens and benefits of a warming globe equally between generations (Puaschunder, 2017a, b; 2019a, b, c).

All these recommendations are aimed at ensuring to distribute the climate change benefits and burdens within society in an economically efficient, legally equitable and practically feasible way now and also between generations.

Future Climate Wealth of Nations: The novel project extension introduces Future Climate Wealth of Nations by the concept of climate flexibility defined as the range of temperature variation of a country. In a changing climate, temperature range flexibility is portrayed as a future asset for international trade of commodities but also for production flexibility leading to comparative advantages of countries. A broad spectrum of climate zones has never been defined as an asset or comparative edge in free trade. But future climate change lowering the overall range of temperature around the world will diminish territories' flexibility in terms of changing economic production possibilities. The more climate variation a nation state possesses, this novel project argues, the more degrees of freedom a country has in terms of GDP production capabilities, which will be a future asset and trade advantage. Temperature zones will be captured as strategic drivers of growth and trade assets determining the wealth of nations. Land and the productivity of land in a favorable climate is missing in standard growth theory and will be integrated into the contemporary economic theories. These preliminary insights aid in answering what financial patterns we can expect given predictions the earth will become hotter but also climate instability risks will be considered. Already now, the degree of climate flexibility is found to be related to human migration inflow and assumed to underlie commodity price fluctuations. The previously defined climate change winner and loser index will be blended with the novel insights on climate flexibility, leading to an unprecedented outlook on future climate wealth of nations in a world burdened by climate change. Lastly, future climate change induced market and financial changes are planned to be retrieved from scarcity of agriculture production and backtested with real-world price movements in a time series. Individual commodities price distributions will become the foundation for commodity price expectation estimates in the environmental domain. Market prospects and public policy implications are pursued to be derived in order to aid the greater goal to implement climate justice and environmental governance now and for future generations.

Artificial intelligence, big data and robotics in healthcare: The currently ongoing COVID-19 crisis challenges healthcare around the world. Public and private sector healthcare provision differ between countries. On an interconnected globe with a highly mobile 21st century population and a most contagious virus, global health appears as internationally-interdependent as never before in the history of humankind. More than ever before, pandemic precaution requires globally-carried solutions and risks management based on internationally-harmonized action. The endeavor of a commonly healthy world is hindered by the nowadays unprecedentedly-blatant health inequality around the world.

The global solution against a global pandemic but also to provide essential healthcare is likely to feature components of technological advancement and economic productivity as a starting ground for vital solution finding. Anti-corruption is a necessary prerequisite for healthcare provision and quality medicine in the public sphere. Market financialization of a society raises private sector funds for research and development in medicine. A market-oriented implementation of vital health provision appears beneficial and efficient in combating future healthcare crises. Technology-driven growth, corruption free-healthcare and well-funded markets fostering innovation account for the most prospective public and private sector remedies of the global COVID-19 crisis. The vital ingredients of technological sophistication, economic growth potential, market financialization of innovations, corruption-freedom and access to quality healthcare differ vastly around the world.

Puaschunder's (2020) in combination with Beerbaum (2020)'s macroeconomic model innovatively combines the mentioned facets in four different indices to highlight international

differences in economic starting positions as well as public and private sector healthcare provision potential around the world. Four indices were calculated in order to stress the different components' impact on artificial healthcare provision prospects. The results serve as indicator where in the world global pandemic medical solutions may thrive in the international arena. Reflecting the different pandemic crisis alleviation strategies concurrently allows capturing unknown interaction effects of internet connectivity being positively correlated to corruption freedom and general access to quality research. Pegging remedy credentials to certain regions of the world also holds invaluable insights on what territories of the world should take the lead in different sectors when bundling our common world efforts to overcome the COVID-19 pandemic together.

Based on macroeconomic modelling, my empirical research brought forward four indices shedding light on health inequality in the 21st digital century. In its entirety, the four indices highlight different facets of the future of medical care in order to bundle our common efforts strategically in overcoming COVID-19 and thriving in an overall healthier and more digitalized world to come. International data on digitalization, economic prosperity, healthcare standards and innovation market financialization revealed inequality in global connectivity being related to corruption-freedom and better general healthcare. The currently ongoing COVID-19 crisis has created awareness for the global interconnectivity of healthcare but also heightened attention to the drastic medical standard differences around the world, which unprecedentedly leverages the sustainable development mandate to grant equal access to healthcare for all. Artificial healthcare employing the use of telemedicine and big data-supported preventive medical care grant hope in bringing quality medicine to remote areas of the world (Puaschunder, Gelter & Sharma, 2020).

Artificial healthcare inequality and healthy preventive lifestyles connected to ecowellness: Future research should investigate how to overcome health inequality in combination with digitalisation and corruption. First, the unique opportunities (e.g., telemedicine, big data-enhanced preventive medical care, Bluetooth tracking of medical devices in order to overcome bottlenecks and fraud) but also the potential ethical pitfalls (e.g., privacy concerns, inequalities in access to internet connectivity, discrimination and stigmatization of groups and territories with unfavorable prevalences) of digitalization in the healthcare sector will be explored (Puaschunder & Beerbaum, 2020). The role of digitalization will be thematized with a heterodox view, questioning ethical imperatives in the big data age and envisioning the most innovative extensions in the digital century – such as robots having recently gained citizenship in Saudi Arabia and the legal implications of eternally living robo-citizens for society, democracy and sustainable development addressing space and resources constraints. Then the role of corruption in its negative relation to artificial intelligence and internet connectivity but also in light of its negative correlation with access to quality healthcare will be investigated based on country-specific case studies around the world (Puaschunder, 2019d, e, f). This will highlight case studies of positive and negative real-world examples of corruption and corruption alleviation being related to the state and access to healthcare. This will also qualitatively outline the vast differences and implications healthcare inequality in the 21st century. As for the global perspective of the research and the detected country-differences, the transferability from those leading on good AI and healthcare conditions to those low on the index, especially those with low internet coverage, will be addressed. Success factors but also potential pitfalls of AI innovations transfers between countries with particular attention to the role of corrupt and internet coverage will be investigated. In addition, access to healthcare and global connectivity innovations will be proposed and empirically-backtested based on market financialization parameters and price behavior in industry-comparisons and time series. Within society, healthcare inequalities will be addressed in order to debrief on nation-state internal health inequality. Access to medical aid based on social classes will be thematized in order to find

health and quality of life equalizers. Lastly, the connection of prevention via a healthy lifestyle with eco-friendliness will be explored in order to find governance directives how to implement sustainability via healthy lifestyles. Methodologically, case studies and legislative but also corporate governance tools will be compared cross-sectionally between countries and over time in historical progress in order to derive inferences on success factors but also downfall risks in strengthening healthy lifestyles that are also eco-sensitive with attention to exploring heterodox Post-Keynesian interaction variables, such as the role of the state, unions, nutrition, arts and culture. Mitigating disease risks and the prospect of access to affordable quality healthcare for all are thereby innovatively also coupled with sustainability thanks to an ecowellness lifestyle. Media studies will address the role of information transfer online communicating global pandemics in creating social volatility causing economic turmoil will be addressed as creative and easily implementable communication nudge that may prevent bottlenecks and system downfalls in the healthcare sector. Overall, this research on the use of digitalization for access to healthcare would serve the pledge for pandemic prevention at a low coverage cost that is balanced within the ecological limits to growth.

Organizations: Educational inequality

Educational inequality: Thomas Piketty's (2014) *Capital in the 21st Century* revolutionized economic thoughts on inequality. Started by the 2008/09 World Financial Crisis and thematized in the subsequent Occupy movement but also revitalized in the post-COVID-lockdown period, attention to rising inequality regarding wage, opportunity and wealth led to advocacy for a more equal society.

Economic wealth transfer in dyads of exchange between crystallized value based on heritage (e.g., royal families, legacy admits) and merit-based equality represented by outperforming overachiever offsprings from families with underprivileged backgrounds. The theoretical economic model argues for beneficial economic outcomes if social capital holding legacy admits connect with outperforming ambitious strivers of underprivileged backgrounds who represent excellence at higher education institutions. On the societal level, within networks favorable environments may serve as transformation hubs if connecting social capital with merit-based underprivileged excellence.

Overall, this research strives to grant hope in Piketty's outlook of rising inequality. Innovatively finding economic merits of inequality when paying attention to undescribed value transfer and economic growth opportunities, when social capital of legacy admits' social capital and social networking connectivity is directly exchanged for excellence strategies and intellectual reputation of merit-based outperformers. In the 21st century, however, excellence should be debunked and democratized by being coupled with diverse opinions in the need the most pressing social justice pledges of our times.

Discrimination of excellence: Future projects should pay attention to social justice and phase in minorities but also try to unravel the socio-psychological foundations of inequality in order to find creative equalizer strategies. Discrimination of excellence, which is the unjust treatment of outperformers and overachievers, will be described in order to propose an inequality alleviation strategy in connecting overachievers with discriminated-against groups and bundle these two groups in a mutual exchange transaction strategy to alleviate inequality. While overambitious individuals offer insights and practice to be productive and striving for excellence, minorities may offer novel and timely excellence in diversity and very much needed discrimination alertness strategies.

After a theoretical foundation of Discrimination of Excellence and introduction of strivers as uebergroups in society, the research will empirically focus on qualitative case studies, diary technique collected data and an external review report in the higher education

sector to vividly capture discrimination based on excellence (Study 1). Qualitative analyses of PhD studies blog entries reveal a pattern of outperformers being forced out of higher educational institutions to successfully continuing in higher-ranked institutions (Study 2). Evidence of intangible admission criteria, unfair testing situations and delayed or unsuccessful academic promotion statistics serve as additional evidence on discrimination against excellence. Resistance to share information on testing and promotion criteria transparently are detected to allow for discrimination (Study 3). Macro-economic analyses reveal industries that are prone to breed discrimination based on excellence (Study 4) to estimate the short- and long-term losses of discrimination of excellence based on economic trickling down and too-big-to-fail arguments but also Keynes' multiplier innovatively applied in endogenous growth theory alongside including health and societal risks in the wake of discrimination (Study 5). Macro-economic cross-sectional and time series analyses in the laboratory of modern world history outline socio-economic costs of slowing outperformers and abolishing intellectual advancement (Study 6). Artificial intelligence increasing the currently unprecedentedly wide divide between skilled and unskilled labor is predicted to even higher importance of attention to excellence in the future (Study 7).

Search for creative inequality alleviation strategies: While theoretical presenting a preliminary idea of an economic model of value transfer between equality and inequality, my subsequent research will test qualitative and quantitative empirical data on direct and indirect transactions and interaction outcomes between equality and inequality representing agents within societal networks. Further, a field experiment and applicability check in real-world settings are endeavored to be pursued.

In addition, planned research will focus on finding legal codifications, economic action and public policies as well as corporate workplace incentives to protect performance free from discrimination. The concept of overachieving strivers will be compared to disability in the light of the negative socio-psychological consequences outperformance may face in the general public. Awareness building, transparency and mandatory access to information on hiring, testing and promotion criteria appear as natural remedies besides legal action to restrict discriminating individuals, institutional and systemic structures. Cultures-of-excellence safe havens but also rescue funds for those whose career has taken a hit due to discrimination of excellence are economic monetary-grounded loss alleviation strategies. Sociological and psychological attempts to combat discrimination of excellence will target at overcoming a polarization between outperforming uebergroups and outgroups by transfer strategies that advocate for exchange between excellence ingredients of outperformers in lieu of knowledge on discrimination coping strategies of underperformers.

Overall, planned research will capture excellence as an asset of the economy and society. As a most innovative extension on the knowledge of economic growth, the research will also address the socio-economic value of luxury in its purest form representing excellence in society as a Gestalt that represents more than the sum of its pieces, a unique mastery over the world that serves a shared common purpose and works towards long-term endeavors. But it will deconstruct the traditional form of luxury and excellence by peeling it off from the elite with monetary means in connecting excellence with diversity and beauty in social inclusion. In particular, the strategic alliance of out- and underperformers offers the vision of a more productive and anti-discrimination-sensitive workplace, economy, democracy and society. Respect for excellence offers individual well-being derived from meeting diverse human beings with elevating equal respect and dignity. Attention for discrimination of excellence coupled with sensitivity for diversity promises economic prosperity grounded in large-scale individuals' striving and societal advancement that is ennobled by mind-opening diversity.

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Abuse of Office

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ABSTRACT: The paper presents the topic regarding the crime of abuse of office, a crime provided by the current Criminal Code in Chap. II - *Offenses service*, Title V - *Crimes of corruption and service*. The paper presents the legal definition of this crime, its legal object, with the two aspects: special and material, the subjects of crimes and criminal participation. It also talks about the constitutive content, consisting of the objective side, the material element of the objective side, the causal link between the action or inaction provided by the legislator and the immediate consequence, the form of guilt in terms of the subjective side, and the forms, modalities, sanctions and procedural aspects of this type of crime.

KEYWORDS: abuse of office; legitimate interest; civil servant; injury; defective act

Introduction

As is well known, abuse of office appeared in the Criminal Code of 1864 and later in 1936, along with abuse of power and excess of power. Currently, abuse of office is found in the New Criminal Code, in art. 297 Chap. II - *Offenses service*.

The crime of abuse of office is one of the crimes that harm both the natural person and the legal person by the defective fulfillment of the service attributions, causing a damage or an injury of their legitimate interests. Exceeding the attributions as well as the abuse of power determined the use, without reason, of the public force.

Abuse of office is the field where many illegalities take place, leading to the disorganization of all public institutions, thus installing corruption.

An important role of this crime is played by the civil servant, who is the active subject of this crime, he being the main culprit by restricting the exercise of a person's right or by creating a situation of inferiority to him.

As a rule of this crime, the quality of civil servant must exist at the moment of committing the deed. Being a deed committed with direct intent, seeking to obtain benefits for himself or third parties, the legislator ruled that the penalty be imprisonment from 2 to 7 years and a ban on exercising the right to hold public office.

Through this punishment, the legislator seeks to protect the relations regarding a good development of the service attributions of the persons in the public domain.

The legal content of the crime of abuse of office

“(1) The act of a public employee in the line of duty, does not meet the act or fulfills improperly and thereby causes damage or harm to the rights or interests of an individual or a legal person shall be punished by imprisonment for 2-7 years deprivation of the right to hold public office.

(2) The same punishment is sanctioned act of a public employee in the line of duty, restricts the exercise of a right of any person or creates this situation of inferiority based on race, nationality, ethnic origin, language, religion, sex, sexual orientation, political affiliation, wealth, age, disability, noncontagious disease or HIV/AIDS.” (Article 297, Romanian Criminal Code).

The object of the crime

An analysis of the legal object of the crime of abuse of office calls into question the fact that, by regulation, the legislator sought to protect social relations, for whose existence and normal development, it is necessary to protect the relations regarding the proper performance of people's duties operating in the "public service" in the broadest sense, while in the case of corruption offenses, the social protection value is much wider, the legal object of the crimes in the group of corruption offenses being formed by social relations in order to whose existence and development requires the protection of activities of public interest, such as to support the authority of public institutions or public interest, as well as perennial values such as democracy, the rule of law, respect for human rights, normal economic and socio-moral development of a society, the national security of a state (Barac 2014, 14).

The material object, as a rule, does not exist. To the extent that the criminal activity is exercised over a registered good, the material object will be represented by that good or signed up. Examples: abusive confiscation of a thing, faulty wording of a document, modification of a civil status act or another public act (Cristiean 2017, 195).

Subjects of the crime

In the literature, it is justifiably stated that by the notion of subjects of crime are designated the persons involved in the commission of a crime, either by committing the deed or by bearing the consequences (Ristea 2011, 87).

Therefore, the direct active subject of the crime is qualified and can only be an official or a civil servant.

In the variant provided by art. 308 of the Romanian Criminal Code, active subject of the crime may be a person who exercises, permanently or temporarily, with or without a remuneration, a task of any nature in the service of a natural person from those provided in art. 175 paragraph 2 or within any legal entity. The quality of civil servant or civil servant must exist at the time of committing the crime (Cristiean 2017, 195).

When *the active subject* of the crime is the civil servant, the legal person cannot be criminally liable, because he cannot have that quality. It was noted in judicial practice that when the active subject is the person provided in art. 308 of the Romanian Criminal Code, he can be employee and the liability of the legal person. The solution is wrong. Even in this situation, the legal person cannot be criminally liable for the crime of abuse of office, because it presupposes the existence of service relations, or the legal person cannot exercise official duties (Rotaru, Trandafir and Cioclei 2016, 271).

Criminal participation is possible in all its forms, co-authorship, complicity and instigation. For the existence of co-authorship, it is necessary that all perpetrators have the special quality required by the incriminating text. Complicity and instigation are possible regardless of the quality of the participants (Cristiean 2017, 196).

The main *passive subject* of this crime is the public institution, the public authority, the legal person, the civil servant provided in art. 175, paragraph (2) of the Romanian Criminal Code, for which the active subject works, because their prestige, their reputation suffer.

The adjacent passive subject is the person whose legal interests were harmed by the perpetrator (Popa n.d., Academia.edu).

The objective side

Observing the construction of the norm contained in art. 297 of the Criminal Code, we find that the material element of the crime also absorbs inactions - does not perform an act - and actions - performs an act in a defective manner.

The doctrine fixed the content of the two phrases, starting from the legal definition of the crime and taking into account the jurisprudence established in the application of the text, which has, as we have shown, a very long life in Criminal law (Dongoroz et al. 1972, 82).

The material element of the objective side may be the non-fulfillment of an act or its defective fulfillment and the restriction of the exercise of a right (Cristiean 2017, 196). The expressions used by the norm are synthetic expressions that include situations, such as: violation or non-compliance with the obligations imposed by legal provisions, exceeding the service attributions, abusive use of the service attributions (Dongoroz et al. 1972, 82).

The use of such synthetic expressions corresponds to the language of law, characterized by generality. The European Court of Human Rights itself has acknowledged that “due to the general nature of laws, their wording cannot be absolutely precise, so that in any system of law, including Criminal law, there are inevitably elements of judicial interpretation, whereby the legislative ambiguities are elucidated” (Bârsan 2010, 578).

The existence of the crime requires the fulfillment of the following essential requirements:

- The action or inaction relates to an “act”, that is to say to an official’s duty
- The civil servant or official is in the exercise of his/her duties, namely to carry out activities related to his/her duties included in the job description or to carry out certain provisions received from the hierarchical heads, in accordance with the law;
- The performance of the action must be in a defective manner, namely the act or operation must have been performed differently than was required
- The non-fulfillment of the act consists in the omission of the perpetrator to carry out the operation to which he was obliged according to the law or the job description.

The immediate consequence of the action/inaction, which constitutes the standard variant provided by paragraph 1, consists of two consequences, respectively a damage or injury of the rights or legitimate interests of a natural person or of a legal person. It is about those damages that harm the legal interest, namely the interest recognized by law to a person.

In the doctrine, it was stated that, although the harm of a person’s legal interests involves any violation, any harm, be it physical, moral or material, to the interests protected by the Constitution and the laws in force, according to the Universal Declaration of Human Rights, the range of interests to which the legal text refers, being very broad (with reference to the regulations established by the Criminal Code of 1968), for the deed to be a crime it is required to present a certain gravity, otherwise there is no social danger of a crime, the deed being able to attract as a case, either the administrative responsibility or the disciplinary responsibility, but in no case the criminal responsibility (Dobrinoiu and Neagu 2011, 193).

In the aggravated manner provided by art. 309 of the Criminal Code, the immediate consequence of the crime consists in the production of particularly serious consequences (Cristiean 2017, 198). In order for the material element to complete the objective side, a causal link is necessary between the activity carried out by the perpetrator and the immediate consequence.

The subjective side

The form of guilt for the standard version of the crime of abuse of office is direct or indirect intent. In the species variant, the form of guilt is the direct intention because the action by which a situation of inferiority is created for a person, must be committed on the basis of race, nationality, ethnic origin, language, religion, sex, sexual orientation, political affiliation, wealth, age, disability, chronic non-communicable disease or HIV/AIDS infection. If in the standard variant, the motive and the purpose represent external factors, factual elements that can contribute to a fair judicial individualization of the deed, in the species variant the motive constitutes an essential requirement of the subjective side, being an essential, intrinsic element of the crime.

Forms, modalities, sanctioning regime and procedural aspects

The preparatory acts are not incriminated. Attempted crime of abuse of office is not punishable. The crime is consumed instantly, at the moment of performing the action-inaction. The norm of incrimination provides two normative modalities for each variant, which correspond to the action-inaction that constitutes the material element. The crime can be presented in different factual ways, generated by the circumstance in which the abuse in the service took place. The sanctioning regime consists of imprisonment from 2 to 7 years and a ban on exercising the right to hold public office. The criminal action is initiated ex officio (Dungan n.d.).

Conclusions

Abuse of office is one of the offenses that cause damage or injury to a natural or legal person, the act being committed intentionally, there is no abuse of office through fault. According to art. 297 of the Criminal Code, the action or inaction refers to the duties of the service that fall within the competence of the perpetrator and represent a criminal social danger.

We note that for the existence of this crime, the direct active subject must be a qualified one, in our case - the official or civil servant as well as the direct active subject.

As regards the performance of an act, it must be performed in a defective manner, otherwise than it should have been; at the same time, the non-fulfillment of the act must consist in the omission of the perpetrator to perform the duty of service imposed on him. The legislator also presents the option provided by paragraph 2 of the Criminal Code, regarding race, wealth, age, chronic illness, etc.

The punishment provided by the legislator is imprisonment from 2 to 7 years, and as a complementary punishment, the prohibition of the right to hold a public office.

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The Social Communication of the Street Children

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ABSTRACT: Around this theme, regarding the “social communication of the street children” some prejudices have been created and a confusedly natured opinion war is going on, as well as the subject itself asks for a special analysis effort that has to be made with lucidity and profoundness, because it’s about a problem of distinct complexity. The Romanian society has been marked by the apparition of this “children of the street” phenomenon after 1990. The “children of the street”, as a nationally extended social phenomenon, is tied directly with the poverty rate in the different parts of the country. The main area where these children come from is Moldova (a third of the total number). The territorial indicator of poverty shows a concentration of poverty in the north-eastern part of the country (in Moldova). The poverty rate for this region is 40.61%, the highest in the country. The Romanian society has been marked by the sudden apparition of this phenomenon in the 1990 and by a raise in the number of children of the street. In 1990 there were 3500 children of the street registered, in 1995 there were 6000 and, in the present, there are over 8500 children at a national level. The children of the street represent the children category that live on the streets – a social phenomenon encountered widely everywhere in the world, but accentuated in the industrialized societies.

KEYWORDS: children of the street, social communication

“The social perception of the street children” is a piece that has a lot of soul put into, thinking of what we could do for the children of the street. It raised a series of delicate problems.

This is due to the fact that around this theme, regarding the “perception of the homeless children of the street” some prejudices have been created and a confusedly natured opinion war is going on, as well as the subject itself asks for a special analysis effort, that has to be made with lucidity and profoundness, because it’s about a problem of distinct complexity.

Undoubtedly, these questions arise: Why and how does a child end up on the streets? What is the magnitude of this phenomena in our country? What are the effects that the street environment has over the growth of the child? What are the most effective ways to intervene? Who are the children of the streets?

The social and economic changes in Romania have had a big impact over the whole social system, including over the structure and organization of the family. In this context, an increasing amount of children experiment a new way of living, being driven to the streets by the social costs of the reform, as well as by the alteration of the inter-human relations within the family nucleus.

The children and youths of the streets are those children or youths, that stay permanently or only a part of the day on the streets, procuring for themselves, even illegally, the ways to get by, without receiving any form of protection from the part of their parents or any other person empowered by the law.

Children need to find themselves an opinion space as if they were adults. They need experimentation grounds, places and fields opened to action, in which things are not established, defined once and forever and named definitely. That space, that they have found and in which they feel free and unbounded, is the street. Children need to feel that the social environment accepts them. They need to be able to relate through their interaction with the social environment to both the adult world and his own world.

The theoretical part of the piece presents the street phenomenon with its conceptual delimitations, classification, determined factors, characteristics of the families, these children come from, and their deviant behaviors. In the theoretical part, it’s also analyzed the social problems on the perception of life and the social protection of the children of the street.

The Romanian society has been marked by the apparition of this “children of the street” phenomenon after 1990. The problematic of these kids was and keeps being an actuality, on one hand it’s because of the specific of this social phenomenon and, on the other hand, it’s because of the different ways to diagnose and to initiate concrete measures for its diminution.

The “children of the street”, as a nationally extended social phenomenon, is tied directly with the poverty rate in the different parts of the country. The main area where these children come from is Moldova (a third of the total number). The territorial indicator of poverty shows a concentration of poverty in the north-eastern part of the country (in Moldova). The poverty rate for this region is 40.61%, the highest in the country.

This region includes two thirds of the most impoverished communities (89 out of 137), one third of the ones at risk (86 out of 227). The studies and analysis performed by the Institute of Research on the Quality of Life show that families with more than two children and mono parental ones are affected the most by poverty. In these families the majority of the population is aged between 0 and 16 years old.

The causes which determine a child to end up on the street environment are poverty, family violence and running away or leaving placement centers at the age of 18. From existing studies in Romania, comes out that the family is the main environment of provenience for the children of the streets, being responsible for approximately 80% of the cases of children ending up on the streets. This situation also marks the zone over which to intervene in order to prevent the phenomena. Only 14% of children and youths come from state care institutions.

This distribution of causes points out that family is the main “reservoir” of children of the streets, whether it is by the fact it influences through poverty, violence or indifference the decision of the child to leave his or hers home, or by the fact that because of a lack of a home the whole family ends up on the streets. It also shows that 6% of the children end up on the streets because of individual wishes (to be free, independent). Behind these statements the absence of interest from the parents regarding the children’s growth is to be understood (Salvați copiii 1999, 56-57).

The Romanian society has been marked by the sudden apparition of this phenomenon in the 1990 and by a raise in the number of children of the street. In 1990 there were 3500 children of the street registered, in 1995 there were 6000 and, in the present, there are over 8500 children at a national level. The children of the street represent the children category that live on the streets – a social phenomena encountered widely everywhere in the world, but accentuated in the industrialized societies.

The causes of this phenomena are extremely complex, both individual and social factors intertwine, economic and material, which realize cumulative effects that grow the proportion of the phenomena. The consequences are extremely grave: behavior disorders, aggressiveness, violence, deaths, embolisms, sexual abuses, and the absence of moral and cultural norms. On a society level the consequences are: juvenile delinquency, the expansion of illiteracy, the spread of venereal diseases and AIDS, prostitution and the new generation of children born on the streets. UNICEF studied this phenomena at a global level and elaborated a typology of the children of the street that also is available in our case:

- the children on the streets, that spend most of the day on the streets and that abandoned school - 53%;
- the children present only temporarily on the streets, period that can last from a couple of days to a couple of months – of them 21% are recoverable (runaways);
- the children permanently on the streets, that have abandoned school definitively.

By studying the way of organization of these children, from A. Muntean’s point of view, a nomadic, tribal and a below the normal conditions of hygiene and morality lifestyle is observed.

In their poor language, that is specific to them, the children of the street have created and circulated their own myths, expressing metaphorically the insecurity of their lives. One thing that is shocking, though, is the fact that none of these myths are positive (Muntean 2001, 18).

The social report with the world is generated by the ambivalent attitude of the social towards them and the conscience of a devaluation doubled by an immature judgment, in the early stages of development. Society rejects them, on one side, and, at the same time, has an attitude of compassion towards them.

The street can create the opportunity of unexpected gains through methods that their moral judgment can indulge without barriers. Between the children and the world, a “victim-executioner” type of rapport arises.

The street means for them “drug, freedom, money and entertainment”, and the symbol of life is represented by the home, the space where they would feel secure. The dream of a home is acutely present for these children, the home being everything which is normal – “a life like any other normal person”.

In the urban environment the zones preferred by the street children are the central ones. In over 50% of the cases they practice begging, they stay out of peripheral areas and use night shelters in the central zones. There is an interesting balance in the choice of central and peripheral zones regarding the season and the way group association works. The mobility of the street children has ample dimensions. In the months of May to September they head to Bucharest and Constanța, while, in the winter, they head to Bucharest. Most of these children come from torn apart families, instable materially, morally or affective-wise. Socialization in these kids is, therefore insufficient and inappropriate.

A large part of the children of the streets have adopted a pre delinquent and delinquent behavior, given the extreme situations they encounter. Aggressiveness and violence are manifested in order to obtain food or shelter, sometimes power over the group. The main source of existence is begging. The children of the streets are often used on the black market as work force, and they, in order to survive, practice hard and dangerous works, not suited for their age or the payment they receive.

The large amounts of time spent on the street (56% are on the streets for 4-9 years) indicate: the inefficiency of the care centers for the street children, the risks that teenagers face; promiscuity, drug abuse, lack of responsibilities, their accustoming to certain liberties, the degradation of their health, the impossibility of being trained scholarly/professionally, prostitution, gloomy perspectives as adults (beggars, bums, delinquents).

The situation of the sexual abuses in the case of street children presents a highly diversified picture, prostitution is a main source of income for the children of the streets especially for the girls and pedophilia is the privilege of the boys preferred by foreign citizens.

There are cases of underage youths that go abroad, being used on the sex market; such cases are frequent in Holland and Germany.

The intervention strategies regarding the protection of the “children of the street” has to rely on rich empirical information on the phenomena and, firstly, with regard of these kids’ career. For example, hypothetically speaking, such career regards:

- I. The objective and profound cause of the “running away”;
- II. The motive (subjective) or the circumstance used in this case;
- III. The way of abandonment (running to other relatives, integration in a street group, leaving to begging or to stealing, wandering in the street or on public transportation, etc.);
- IV. The evolution of preferences in the street (begging, stealing, vagrancy, marginal street groups, acceptance of other relatives – grandparents, uncles, etc.);
- V. Building a new identity and new social representations;
- VI. The dynamic of the style of life and the ways of survival;

- VII. Insertion in the street environment and adopting the new way of life;
- VIII. Social commuting between street and family (the rhythm of the hypothetical return within the family);
- IX. Definitive remigration to the original family;
- X. Definitive social reinsertion in an institution or in another family (including building his own family).

Unfortunately, children that live on the streets are robbed of most of their rights. Children of the street represent the category most exposed to the exclusion risk, which, in most cases, beg on the street (80%), wash cars (16%) or rob (14%). The phenomena is worrying because if the lack or inefficiency of the social politics for this category, even though the efforts of institutions, civil societies, NGOs, through the programs they ran, have been notable, the results haven't been on par with these activities meant to solve the problems.

In Bucharest, immediately following 1990, living permanently on the streets were, maybe, a couple dozens of children. The most recent approximations made by the National Authority for the Protection of the Children Rights (ANPDC) shows that around 400-500 children were working on the streets of Bucharest at the end of 2004, even this might be a conservative estimation. The number of children that work on the streets during the day has risen. Many of the children that work on the street confront health problems, including dermatological affections, scabies, injuries and burns, some even having tuberculosis and hepatitis, while most of them also show signs of chronic sub nutrition.

The extending of the "children of the street" phenomena is favored by various factors: macro-social (economic status, poverty, familial-educational instances, school etc.), micro-social (neighborhood gangs), weakening of the "family's control", micro-communitarian (neighbors, friends, relatives, teachers, etc.). These factors act in the vicinity of the child and even though he's not directly involved in this reality as a social actor, the consequences are being well felt. In the theoretical part regarding the influence of the social problems on the perception on life of the children of the streets.

The social control subject regularly to normative systems and socially accepted "value scales" are replaced hypothetically, in the case of the street children, with the influence or group pressure (gangs that function by different rules and values, most of the times being anti-social). Made to choose between the family and the street or between the school and the gang, because he still lacks sure norms and a normal family attachment, he chooses the most attractive option: the street and the group.

The child develops other social representations and builds another identity, different from the one the family, school and macro-society gives him. UNICEF offers us the following definition by enouncing five characteristics of the street children:

- a. They live on the "streets" (canals, railroad stations, parks, etc.);
- b. Weak relations with their family or relatives (if existent);
- c. They develop own "strategies" for survival;
- d. "The people on the streets" replace their original family;
- e. They are exposed to major risks and dangers.

Lucchini Riccardo speaks of six parameters of the social concept of "children of the streets", each representing an importance for the adequate acknowledgment of this minority and to realize an efficient way of protection:

- a. The physical space in which the street child lives – in Romania the term of "boschetar" has been launched regarding this;
- b. The time (temporal dimension) that the child spends in the street environment, the alternation between the streets and the others;

- c. The group of interaction or streetwise social learning of the child, who he spends time with and his network;
- d. Street activities, what they do on the streets or within the public space;
- e. The identity of the child built on the public space, that is the image of himself and the representation of the street and society in his conscience;
- f. The motivation of leaving or of his preference for the street environment, in spite of his family, school or institution (Miftode 2004, 149-155).

I have studied the bibliography from the current doctrine, like for example: Practices in social care, Sagebiel, J., Muntean, A., (2007) / For a sociology of aspirations by Chombard de Lauwe, (1972) / General Psihology by A. Cosmovici (2005).

Regarding the protection of the “children of the street” this imposes the profound knowledge of the causal factors and the favoring conditions, out of which, in the first influence line is the lack of familial control and, thus, of primary socialization;

- a. The original families’ dismantling through divorce or the death of one parent (mono parental families offer the streets many problem-children);
- b. The familial promiscuity state (the cases where parents live in concubinage, the child lacking one of his natural parents, violence states and a permanent tension in such families etc.);
- c. The state of poverty and generalized “filthiness” (material, moral, affective, relational, etc.);
- d. The authoritarian family, lack of support and familial privacy, “the generation conflict”, the practice of a “free union” as a family, the precocious initiation of the children’s sexual lives etc.;
- e. Alcoholism, violence, drug abuse, heavy smoking, familial immorality, deviating from the social norms etc.;

The complete image of the “children of the street” and the dynamic of the phenomena, both national and international, generates perceptions and ambivalent evaluation in the eyes of the great audience. Is it about the “oppressed of fate, tragic destinies, psycho-social deviances or bravado”, the run from the order and law? The answer is even more difficult as the “surrounding environment” offers a large diversity of children met on the streets, without guardians, parents or educators.

The defining and delimitation of this minority is imposed by the necessity for intervention regarding the reduction and stopping of this negative phenomenon of the “transitioning” Romanian society. Important for their real protection is to identify the following:

- a. Their original families, because most children of the street are mostly runaways or castaways.
- b. Their provenience environments in the case that their families can’t be found or are refused by the child.
- c. Their last home, because most of them have been integrated in many institutions that they just run away from.
- d. The real “children of the streets”, orphans, abandoned, “uprooted” from their communities, from torn-apart families, etc. and the micro-groups they are a part of (Miftode, 2004).

Strictly on an empirical level it’s about the precarious living conditions, general lack of comfort, “waiting” (reported to the data of the contemporary civilization), the bad influence of some commercial TV programs, the ideologization of rights (abstract) and the fetishization of liberty (ignoring any responsibility, familial, scholar, communitarian and social).

In the opinion of Ursula Șchiopu, “the society has a nuanced programmer of its requirements towards human ontogenesis. It is known that that what is allowed to a child, is not allowed to a young person; what is allowed to an elderly person, is allowed less to a teenager. More than that, the fact remains that a child does not always understand what is allowed to an elderly person.” (Șchiopu 1979, 9).

The practice of social assistance confronts on a daily basis with the reality of the pressure given by the autonomous culture of the children, the socialized childhood, the institutionalized educational background and the local public control opinion. In this wide array of pressure there is a need to include also the social perception of the children of the street on life in order to capitalize the social perspective.

To express the overlap of influences, natural in the society of which we are a part of, the shared factor presents in the activity of each and every one of us, the French writer A. de Musset said: “You are imitating someone even when you are planting a cabbage” (Musset 1960, 3).

Also, in the opinion of J. Sagebiel the diagnosis of the social problems allows for relieving, describing and systematic evaluation of the information that the active factors have access to and that are considered relevant for the identification of the problem and resource analysis. In the case of a specific situation (child neglect, family violence, etc.), the constitution of a global image of the given situation is built with the help of all persons involved (parents, children, nurses, doctors, etc.) (Sagebiel 2007, 400).

In the conception of Chombard de Lauwe, the apparition of a necessity generates a state of tension at the subject level, reflecting the necessity. Not satisfying that need and the chronicization of the state of unmet satisfaction determines the apparition of the human problem. It needs to be pointed out that the need is not the problem (human or social); there are, therefore, human needs outside the problematic situations: “Preventive actions, for example are made by a different logic than actions that target the solving of a problem. We can talk, in this case, of the need to prevent of a population, without an identified manifested issue” (Chombard de Lauwe 1972, 18). Problematic situations are determined by the unmet human needs, but the identification of the problem isn’t reduced to just identifying the needs that generates it, because neither the needs nor the perception of society over them have been the same forever. “Perception is an act of observation of the concrete reality”, says A. Cosmovici (Cosmovici 2005, 110).

In the modern world, the chronic poverty, family abandonment, unemployment, criminality, drug abuse, prostitution, insecurity and social mess represent situations that can be filed as social problems. The children of the street face problems like these every day, some of these have not been always considered problems in previous centuries, for example: illiteracy, drug abuse or the alarming growth of urban peripheries; In exchange, the world, at that time, confronted great plagues, infantile mortality, etc.

The present piece was necessary for the knowing of the children that live on the streets of Constanta, a growing phenomenon after the year 1989. The analysis of the social perception on street children is complex because of the numerous problems that they confront with, difficult problems, even for adults. These problems can’t get solved as a whole, unless each child’s problem is approached one at a time. The understanding of the generating causes of major conflicts for these children of the street ensure the fundamental necessary work methods to be applied on the collectivity, methods better suited for the areal specific of Constanța.

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The Myth in de Martino's Italy

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ABSTRACT: Being a preoccupied researcher of the myth and contrasting the theories of Mircea Eliade, Ernesto de Martino elaborated an authentic teaching of the existential crisis by theorizing about the myth. Likewise, he has found solutions to the aforementioned matter, mainly by his own disappearance down in history: the cataclysm of non-presence. Without pretending to be a mythologist, de Martino studies the myth pertaining to the lower classes of Italian culture, respectively those of southern Italy. The matter of myth study concerns de Martino, resulting in him making up his own theories that contrast those of Eliade or even Croce. Preceding him, Giuseppe Pitre had made himself known as an illustrious ethnologist due to his remarkable contributions. De Martino and Eliade's previously established relationships is an intellectual one based upon the discrepancies between their individual theories. Therefore, since de Martino mainly contradicts Eliade's hypotheses and demonstrations, the two theoreticians are mostly treated as oppositors. In de Martino's works it is to be noticed a clear evolution of concepts, as he initially dismantled various theories belonging to the myth, theories that he later reinterpreted. Thus, while dealing with myths that are part of the Italian cultural heritage and national identity, de Martino discovers the sacred, but also the persistence of the European ancient culture.

KEYWORDS: myth, culture, tradition, identity, the sacred

Introduction

De Martino's work and his way of thinking gather together the innovative force of a scholar who has managed, without any doubt, to bring about a revolution in the ways of ethnological and anthropological research. Initially disputed, De Martino was later rediscovered due to some favorable trends of cultural interest. He is, therefore, responsible for creating a complex mechanism of thorough study, analysis, understanding and valorification of the traditional social frameworks which are, after all, the origins of European culture. In fact, the capacity of traditional societies to stand up to the ordinary, to confront the present and the ways they have secured their constant presence throughout generations isn't only through the systematic and sometimes agonizing effort of subsisting, but also due to the existence of those cultural frameworks which represent the means of survival when it comes to mentalities, social rapports and psychological representations.

Beyond De Martino's huge share in the anthropology field, through his contributions and conceptual developments placed in the theoretical plan, however, the researcher's results have achieved the most significant status in the field research area. De Martino chose to manifest a different type of interest in relation to his object of investigation: understanding it through the effective approach into the intimacy of the issue, the direct confrontation with 'the vivid social' of the rural world and the placing of the observation method on an unprecedented qualitative scale. Obviously, we speak of all these placing them in a rigorous scientific and methodologic context, but they were initially looked at with skepticism, especially because of their strongly innovative character. Therefore, the cultural folk background becomes revalued, thanks to a rigorous but complex method specific to the scientist in the laboratory, who manages to extract evidence without the alteration of the study subject. Obviously, for the certainty of obtaining this kind of objective, De Martino was permanently aware of the importance of using the most efficient techniques and methods, some even unused before, but technically available at the time of his research. In this case, we are talking about social facts of the ordinary folk, in which De Martino participated by

generating a real reform in the study of ethnology, just like Pitre, in the same way up to him, chose to treat the rural world with an interest that was passionately focused on the documentation of the Italian folk 'soul'.

The Myth in de Martino's Italy

It is important to emphasize the parallels between De Martino and Pitre, especially noting their ways of being anachronistic to their specific times, both ethnologists usually being against any "fashionable" currents. Likewise, the former of the two can be recognized as a venturesome spirit in the field of knowledge, a researcher who has never shied away from innovation. The search for raw forms of knowledge coming right from the source, a process specific to De Martino, reminds us of Pitre's uninhibited interest in gaining access to the inception of the folk spirit in its many forms of artistic expression: from songs to meaningful proverbs, from customs, beliefs and superstitions to values that speak about the authenticity of rural lifestyle, these make up Pitre's specific interests. He therefore becomes one of the first researchers to attract the attention of academics towards folklore, just as De Martino manages to disinhibit, through the incorporation of modern technology, the research methods used in anthropology and ethnology until then. In doing so, he directly opposes Pitre's ways. This constitutes the breaking point between the two, not taking into consideration their commonalities, such as their mutual interest in folklore and its most authentic forms.

In Pitre's case, an especially remarkable fact would be his effort in adopting cultural codes of behavior and language specific for the traditional times while not limiting himself by being a simple observer, being De Martino's precursor in on-site research and the use of various instruments in the process of observation. Therefore, taking advantage of the XX's century innovative technologies, De Martino uses, without a second thought, the resources brought upon by the ethnological cinema (in this regard, he collaborates with many film directors, thanks to whom he uses both black and white and color film). His field research is, from then on, helped by many specialists in different domains, such as psychiatrists, sociologists, psychologists and even musicologists.

The approach best fits in the category known as "critical ethnocentrism", adopted by De Martino as a reference point for his dense background in the scientific field, being in the position of surpassing his masters, who start from the idea of a thorough study of folk traditions with the ability to renew, complete and streamline the knowledge about a world that's on the verge of disappearing. Thus, warding off Croce's historical perspective, De Martino critically reconstructs ethnologic and anthropologic currents, practicing a systematic trade with the English Frazer anthropological school, even going through Durkheim or Bruhl's historical and religious studies. Thanks to the aforementioned scholars he gets to put ethnology in the category of historic and cultural studies which incorporate the idea of "progressive folklore". This last idea represents a solid argument for De Martino's maturity in the scientific field, as he very well understands the changing character of creation, determined by social, cultural and historic changes. Since the study object itself is not a simple one in form, as it has a very complex substance, sustained by vast material that needs different kinds of analysis, De Martino starts using the comparative method, respectively the diachronic and synchronic one.

An innovative method of sampling folk material constitutes the next level of innovation proposed by De Martino in addition to the theoretical one (as shown above), this being one of the most important ways of enriching the folk texts archive. De Martino had proved to be a true pioneer of photography, an essential instrument in the elaboration of scientific probes and necessary for further critical analysis. Along with audio and video recordings, the new research tools allowed not only the streamlining of the research process, but also the capture of details and nuances with a crucial role in interpretation. Similarly to getting accustomed to

the modern techniques which De Martino presents to the world of academics, he restructures his method of applying questionnaires while elaborating individual files with an extremely efficient typological distribution.

At the same time, De Martino's pioneering work took place under the constant surveillance of teams of learners, for which the Italian scholar acquired not only the role of master and guide, but also that of true maker of a new research school that would later take over and expand his vision and work style. A particular aspect is constituted by the group of cinematographic arts professionals that have surrounded De Martino, making him an indirect initiator of the documentary-style cinematography, respectively that of Italian anthropology. From then on, De Martino acknowledges the importance of film in academic research, something even further proved by the making of *Lamento funebre*, a 1954 documentary under the direction of Michele Gandin. Later on, further research in Lucania and Salento would prove to be even more fruitful concerning the making of cinematic documentaries and short films.

Thus, De Martino proves to be a visionary spirit in a major sense, especially concerning the impact that visuals have come to occupy in our days, being an inseparable part of communication theory, a tool that allows the unaltered transmission (culturally genetic) of inheritance accumulated over the generations. Moreover, technology has been able to provide valuable information regarding the study and detailed understanding of the concepts that play a central role in De Martino's work, the most important of them all being the myth.

It needs to be noted that "the myth", beyond some interpretations of scholars like Blaga and Barthes, ends up being studied by De Martino through the practice of a difficult, but full of satisfaction incursion of deconstruction and conceptual reclassification. This approach, paradoxically, can be very helpful, especially when trying the approach suggested by De Martino – inextricably tied to the two essential elements, *rite-ritual*, that need to be understood distinctively, not through the conceptual similarity initially proposed by De Martino -, following the major keys of interpretation of the myth, both on the level of the environments of the Italian and Romanian academic territories, and pertaining to the fundamental aspects of the European tradition as a whole. Regarding this last aspect, De Martino has the merit of deconstructing and interpretatively researching the concept of the myth following, unapologetically and enthusiastically, the outlook of Eliade, together with the reflections of personalities like Benedetto Croce or Cesare Pavese. Therefore, we can ascertain that the analysis of the myth can only be made by truly exceeding the limits of a simple comparative approach, placing us on a higher analytical level, one related to the entire European culture.

Returning to De Martino's understanding of the myth, which he designates as the symbolic substance of cultural rite and an instrument used for transcending the limit: "namely, a critical moment for the existence on which weighs the extreme risk of the collapse of the ethos of transcendence and, therefore, that of presence" (De Martino 2005, 244), and will "also reveal the horizon that recovers this risk, a conversion of the annihilation of presence and its reintegration into simply being" (De Martino 2005, 70), such we may understand how is actually presents a double transcendence where the rite alters the cultural norm, expressing a "history of origins" related to the moment of crisis. In De Martino's terms, "each moment from the day to day life, from birth and until death and in every civilization, is a critical moment from an abstract point of view" (De Martino 1995, 122). Therefore, the cultural norm encompasses the entire human existence, during which the critical moments can be distinguished, so called "fundamental elements" (De Martino 1995, 122) that De Martino relates to the entire moment of becoming: "there is the possibility of a radical crisis, and this fatal existential misery can manifest itself by dragging us into nothingness even before physical death reaches us, and that misery is a much greater catastrophe than death" (De Martino 2000, 21-22). This is the moment when the ritual specific rule is applied to achieve

transcendence, De Martino emphasizing that not all cultural rules become ritual rules, but the latter become functional only once they reach the existential limits, identified philosophically by “the articulation of becoming inside a system of well-defined critical moments (birth, war, death)” (De Martino 2002, 662). Therefore, “each ritual party repeats periodically conforming to a precise ethnographic code, provokes a mythic period of time, more accurately a period of regeneration and rebirth in which symbolism and mythology have a considerable share” (De Giorgi Pierpaolo 2004, 21-34).

Being, as shown, substantially related to the very structure of being, the myth can be accessed via the mythical narrative. There can be found multiple aspects pertaining to human life and, therefore, of nature, aspects that most often remain hidden from a normal glance. De Martino remarks this concept’s significance, especially in terms of the most importance function that the myth brings around: a link between divinity and man as a constitutive factor of a community’s ethos. As such, a community is the place where traditions and rituals develop in a way that can tell us a lot about the structure of the human unconscious. Moreover, the myth becomes an important factor in the discovery of human aspirations in various fields such as art, literature, music, rituals. This furthermore proves why De Martino recognizes its universality, even in light of its multiple forms and, later on, metamorphoses. The myth presents both the cultural rituals and the tools used for overcoming existential and natural limits, especially when used with the precise function of breaking down cultural norms in history.

Conclusions

Focusing on the rich and complex conceptual content of the myth and contrasting the theories of Mircea Eliade, Ernesto de Martino elaborated an authentic teaching of the existential crisis by theorizing about the myth. Likewise, he has found solutions to the aforementioned matter, mainly by his own disappearance down in history: the cataclysm of non-presence. Without pretending to be a mythologist, de Martino studies the myth pertaining to the lower classes of Italian culture, respectively those of southern Italy. The matter of myth study concerns de Martino, resulting in him making up his own theories that contrast those of Eliade or even Croce. De Martino and Eliade’s previously established relationships is an intellectual one based upon the discrepancies between their individual theories. Therefore, since de Martino mainly contradicts Eliade’s hypotheses and demonstrations, the two theoreticians are mostly treated as opposites. In de Martino’s works it is to be noticed a clear evolution of concepts, as he initially dismantled various theories belonging to the myth, theories that he later reinterpreted. Thus, while dealing with myths that are part of the Italian cultural heritage and national identity, de Martino discovers the sacred, but also the persistence of the European ancient culture.

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Textile Waste, Ecology and Commercialism

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ABSTRACT: The area of the fashion industry has never been stronger and the consumption and purchase of clothing, fashion, sports, children's, business is constantly growing. Parts of the world do not resist the consumer mentality, which also depends on the personal attitude of the individual, and the poorer part of the world is the one that produces clothes for minimum wages. Throughout history, clothing has served to protect against the weather, beautify and last until almost complete wear and tear. It was expensive, and the average resident didn't spend on a wardrobe like it seems today. The field of clothing is comprehensive and interesting both sociologically and psychologically and there is often an exaggeration in consumption which strengthens both production and the fall in product prices. With the fall in price, fall and quality, clothing, not fashion, because it is debatable to talk about the meaning of fashion that it had decades ago and the definition, which speeds up the process of changing the purchase and rejection of clothing. In contrast to the mass consumption of cheap clothing, there are large fashion houses with extremely unaffordable and high prices of unique items. The problem and question of ethical principles lies in piling up unnecessary clothes, buying supplies and discarding that same wardrobe in a few months. Textile waste can be recycled in organized societies, and the opposite ends up in landfills that, like any other landfill, pollute the environment. Conscientious societies or individuals will manage their clothing sensibly, but so-called "shopping" often occurs, especially among women. One of the effective ways that is slowly being accepted in all societies is second hand selling, or selling worn clothing. Until recently, it was "shameful" to buy worn clothes, while today conscious individuals buy worn clothes, finishing them, styling them and combining them into wearable variants for all time. The ethical problem that arises with this issue is the relationship between surplus and deficit and individual communities, families, countries. The problem is wastefulness and uncontrolled spending, while underdeveloped countries exploit textile workers for inhumanely low wage prices. In many countries, children's rights are also violated, where children sit connected to sewing machines throughout the day. This endangers the child's right to education, freedom, and development in the personal, intellectual, and all other fields. We observe opposites and poles from extra consumer societies or individuals who buy uncontrollably and thus support such a form of production, creating non-degradable waste, to the exploitation of the poor and children on the other hand. The gap and differences are growing, the price of labor is falling, thus the prices of products, waste and surplus are growing and the circle is closed. The poor, the ignorant sink deeper and deeper, while the excess of money and the need for imaginary desires in another part of the world grow. The same problem occurs in many other industries. The solution is very simple, but utopias are not possible until human consciousness changes, and it takes time. Technology and science are still ahead of the development of the consciousness of the majority of the population.

KEYWORDS: apparel. waste recycling poverty profligacy

Introduction

The causes of decorating and dressing the human body are different – from the mere need to protect the body from weather disasters The fashion industry clearly manifests all the main features of capitalism – the urge for-profit and consequent exploitation, the power arising from the possession of social means of production and the very real need to overthrow the precarious system in which we currently live. Today, the model of the socially acceptable identity of the individual relies mainly on the values of a capitalist society: power, money, brands and consumption, but also its short-termism. The monopolized nature of fashion media has a strong

influence on the culture of fashion and the creation of fashion laws; from fashion magazines to fashion blogs that lack critical reporting on the fashion industry today we meet on a daily basis.

Dress and fashion trends

Fashion (lat. *modus*, way of life, assembly of customs, culture of a people and group) is not a habit in dressing., " Fashion as a phenomenon of modern society means little more than the act of dressing. to an internal desire to express and emphasize diversity.

Fashion differs from the custom of dressing and decorating as a set of institutionalized norms in that it derives from modern body design as a dynamic principle of the adoption of the cult of the new. As long as there is no cult of the new, dress is conditioned by tradition, but has not yet arrived in the form, system or order of fashion. Clothing is defined by economic conditions – a form of weather endurance, and seasonal renewal. By contrast, the fundamental feature of fashion is the social dynamics of "in" and "out". In this way, it confirms the presence and permits of local and global self-determination The entire global sphere regulates and organizes hybrid identities, flexible hierarchies and a large number of mutual relationships. Clothing depends on the design process, while fashion depends on acceptance within society.

The word "fashionable" is often used incorrectly today, as a synonym for "fashion" t.j. in accordance with fashion". Terminology suggests that fashion changes every year, but changes actually occur in clothing. This does not necessarily include a change in fashion. Change is not the primary aspect of fashion – it appears in the economic concept and establishes discontinuity as the basis of continuity. Unlike dress, fashion is primarily defined by the character of social legality, not by the character of instability.

The first steps towards fashion begin when the wear is presented to a wider audience through fashion shows, photos and advertising. In doing so, actual attilements are confronted by the art of stage. Fashion gives social purpose. Fashion-assisted clothing is supplemented by social, economic, cultural and symbolic factors, which within society give additional value to the clothing item, i.e. the wearer. Fashion is so much more than just the public. Fashion is function and meaning. Fashion is created and expanded using a mimicry related to imitation, especially leading "celebrity" personalities/icons – and their odysies, as well as a mimicry of advertising images and fashion magazines. As a result of imitation, fashion – accepted by a group in society – will always be a more or less uniform image.

Fashion and consumer society

An industrial society that has transformed into a post-industrial or mass-consumption society has led to an accelerated pace of economics and industry. Fashion can no longer be as expensive as in earlier times, when the cost of first purchases or efforts to change behavior and tastes compensated the length of fashion.

The more an item is subject to a rapid change of fashion, the stronger the need for cheap products of its kind. This is where the distinctive circuit emerges: the faster fashion changes, the cheaper things become, and the cheaper they become, the faster fashion changes happen, which encourage consumers and force manufacturers.

The growing role played by broad masses of consumers in fashion trends is just a sign of greater democratisation. In reality, the imposition of fashion trends by industrialists and traders continues to prevail, because the production of goods and their distribution is in their hands, not the numerous consumer audiences.

We can understand the approach to the study of consumer culture through which we can also understand fashion and its related concepts Consumption, given the increasing

production of goods in capitalism: consumption is equivalent to the requirements of the economy.

The ways people use good to create social connections and differences.

Emotional pleasure in consumption, for dreams and desires associated with the world of goods. Modern society constantly encourages people to spend, and to exceed their needs. This creates artificial, unnecessary needs or a "demand for luxury" (which is often never met).

People are persuaded to spend more than they really need, and this is the cause of many troubles in modern society. An example of wastefulness is fashion itself, and as such it boosts sales and accelerates capital spin.

We can empirically determine the consumer society through different landmarks – improving living standards, abundance of goods and services, culture of things and leisure time, hedonistic and materialistic morality.

A society focused on spreading needs, overhauling production and mass consumption according to the rule of obsolescence, attractiveness and diversity, and leading the economy into the realm of fashion. All industries strive to mimic the methods of fashion designers. Everywhere, the scale of accelerated model change and stylization is imposed."

The form of fashion is manifested in its radicality in the accelerated pace of product change and in the volatility of industrial matters. Economic logic has simply thrown out any ideal of durability, and production and consumption are governed by the rule of ephemera.

Exploitation of workers

Fashion brands make money from exploitation. Many textile workers in the EU cannot survive on pay. Fashion brands frequently violate labor laws in Eastern European countries.

Adidas, Primark and Zara are among many Western brands accused of profiting on wages and violating workers' rights in Eastern Europe and Turkey.

About 3 million workers in countries from Slovakia to Georgia are cheap labor for Western European fashion brands, according to the report. Among the companies profiting from such practices are some luxury brands such as Prada and Hugo Boss.

In the textile industry, a predominantly female workforce is working, which is forced to work overtime, and give up annual leave in order to receive a basic salary, which is below the existential minimum.

Bulgaria and Romania are members of the EU and salaries 130 euros. Wages are also devastatingly low, and working conditions are terrible. The situation is alarming in Turkey, India and Cambodia. In all four countries, wages are far below the amount required for a dignified life, and the biggest gap exists in Bulgaria where workers receive only 10 percent of the estimated decent wage.

Workers face great stress, pressures to work faster and verbal violence by superiors, such as insulting and calling workers non-workers, slackers and similar derogatory names.

Change won't happen if we shop more "quality" than when we collectively organize and fight for them. The textilian industry in Ethiopia harvests the fruits of cheap electricity and low labor costs, as a simple seamstress earns about seven and a half kuna a day. Managers there point out that there are also opportunities for progress. One of the solutions of the textile industry would be if profits were evenly distributed to the workers who create it - fashion houses and fashion designers who encourage production. It is necessary to protect employees and only a happy employee can create and produce well and successfully.

The following standards amongst others apply to textiles: CPSIA, e.g. Standard for the Flammability of Clothing Textiles, ASTM Textile Standards, REACH Regulations for Textiles, China Product Standard for Textiles.

Instant fashion

Materialism (according to material), the philosophical view that matter is the basis of overall reality, while opinion and consciousness are its products as well as forms of its appearance; an opinion, life attitude or attitude that puts interest in material goods at the center of human impulses. People feel they should "have" and that they always "deserve better."

Greater prioritization of materialistic values, with a negative association with personal well-being, leads to more frequent feelings of negative emotions (fear, anger, sadness) and less frequent positive feelings (happiness, joy, vitality). A higher degree of materialism is associated with shorter and more conflicting interpersonal relationships, lower levels of empathy, a higher tendency to compete, a higher degree of machiavellism, a higher degree of prejudice and a greater need for social dominance, environmentally unconscious attitudes, etc. Materialistic values are not only associated with negative effects on their own well-being, but are disastrous for the environment of the individual.

Materialists and individuals with external life goals (money, fame, image) will be less involved in recycling, turning off the lights, using both sides of paper, cycling and will generally have a larger environmental footprint. Public policy is required to consider devising interventions that will make citizens more focused on internal (community aid, self-development and connection with others) and transcendental life goals to foster environmentally conscious civic behavior.

The textile business has a brutal, global competition in which every coin counts. The phenomenon of "instant fashion" resulted in t-shirts and pants being produced as quickly and cheaply as possible. Clothing has become a single-use product, as evidenced by some research data. In Germany, they came up with the data that people buy on average five new garments a month, but they wear them half as much as they did 15 years ago. Such cheap and mass-produced goods can hardly be socially and environmentally sustainable.

Modern society is based on materialism and thus encourages excessive accumulation of things and creates consumption addicts, which most people find difficult to resist because "have" becomes "be", "I buy, therefore I am". Shopping is among 10 modern addictions, reaching 5% of the population in some Western countries. How serious the problem is, the facts about emotionally and financially devastated families speak.

The growth of materialistic values undermines the human sense of well-being and as such is bad, the question is what can or should be done.

Recycling economy

Pollution is one of the biggest problems of today and has not been taken away in any area. This very problem is one of the greatest flaws of man-marking the time in which we live. Waste is not garbage, but only unused discarded waste becomes garbage. Waste is all materials resulting from human activity and are not reusable or rejected by someone. It occurs in all spheres of human activity from everyday household life to waste from service and manufacturing activities. 3 to human health and the environment. Solving this problem is a difficult task that penetrates various branches of knowledge and skills, which significantly complicates the path to efficiency. In order to establish an efficient and well-functioning waste management system, it is important that the public understands and supports the system.

The second half of the 20th century brings a significant increase in the population, especially in large cities. The rapid development of technologies and a modern way of life are creating a growing consumer society. Large amounts of waste are generated, which is a growing problem.

An economy based on the organizational structure of textile waste management is a closed circle of economics as the opposite concept of a linear economy guided by the principle of "take, make, consume and cast."

The main problem in waste management – problems based on linear management principles where the product is completely disposed of. As waste management becomes a major problem of today, linear principles are tried to be replaced with circular ones, where the object is tried to repair, dispose of or completely amended to be reused after use. This method of waste management is not only a form of waste collection, but a much more complex concept that seeks to process different developments.

The circular economy has the potential to have a positive impact on the development of today's society and it is therefore important to practice as much as possible in order to preserve the environment. Sustainability in the form of the exploitation of waste textiles would significantly reduce the re-production of fibres, textiles or clothing whose production literally destroys the environment and people's lives. In this way, management would significantly reduce the many problems of the entire fashion industry – from fiber manufacturers through large fashion corporations to every separate household.

Knowledge of the circular economy reinforces the need for the individual to treat at least his own textile waste that arises when sewing or in the form of discarded textiles and clothing, which in this day and age more and more appear all around us in the form of garbage and polluting the environment with its hoarding.

The success of individual recycling schemes depends almost entirely on customer support, i.e. the success of the Households. Laws and economic incentives can change human behaviour, but creating public awareness and the will to follow waste management instructions can also be very effective

The idea behind the revolutionary concept of 21st-century economics, i.e. the concept of economics, is that it's not the first time that the world has been in the eulau. the concept of a circular (circular) economy, is very simple but also very ambitious transition from a linear, unsustainable 'take-make-consume-cast' model in which the product reaches the end of its life cycle, to the circular model of 'take-fix-repair-recycle-recycle-reuse' Thus it will extend the life of the product and thus create new business models and new jobs with new profits but also environmental preservation.

All stages of the circular economy are interconnected, and the production and processing phase of the product is based on the concept of exchange of by-products in such a way that one waste material from one production process enters as a resource into another. The end of the cycle indicates the stages of collection and recycling, with the main aim being to reduce the amount of resources coming out of the system and ending up as waste. Such a concept lays the groundwork for eco design and eco innovation, advanced technologies, energy efficiency and the use of renewable energy sources.

The circular economy includes industry, business models and lifestyle habits that treat waste as a reuse resource. Such a challenge presents a great opportunity for the development of both SMEs, which can drive the whole economy and provide a sustainable way out of economic crises.

Circular economy in the textile sector

Today, the textile industry is one of the big environmental pollutants and large quantities of textile waste are produced every year in the municipal economy. Although it is classified as biodegradable, such classification is only partially justified as much of textile waste is poorly degradable. Incineration creates hazardous gases for the environment and the use of such technology is only possible in sufficiently large waste incineration plants equipped with efficient flue gas cleaning devices. For this reason, it is recommended to use different

recycling procedures for textile waste. In order to address textile waste, a number of initiatives are being developed around the world within the textile industry sector aimed at reducing the negative impact on the environment and the community. One such measure is the use of textiles. The average life span of garments is thought to be around three years and is then thrown away. One million tonnes of textiles are dumped in landfills each year, most of which come from households. Although most come from households, textile waste also occurs in the processes of factory production of fiber, clothing production and in the sales industry. We call such waste post-industrial waste, which is contrary to post-consumer waste, which mainly ends up at various flea markets and in charity shops.

Recycling

Recycling of textile waste is the most favorable option from an environmental and economic point of view. Recycling maintains its meaning only in the event that consumers of manufactured recycled material are insured. If there are no potential consumers, they remain a useless product – so-called, waste. If recycling is not possible, it is envisaged to burn textile waste, where the meaning is not attached to destroying textile waste but its hot use.

The recycling of textile wastes can be used for several different technological procedures. The procedures depend on the type of waste and the potential use of the resulting recycling, and it is interesting information that 97% of textile waste can be recycled. All stages of reconstruction into a new product at the same time enable the preservation of the environment and non-renewable natural resources. Textile waste recycling, in addition to economic, has an ecological component, and as a result, it has become more and more current in recent decades. Since waste material is used, it should not be a problem but a favorable opportunity. What is extremely important for this kind of narrative of management is to inform society about the possibilities and benefits of handing over unnecessary clothing and textiles. Society needs to be able to understand the organization of the collection system and its importance – which has become more frequent lately. The expansion of collection points is essential for the collection system of second-hand clothing, and in recent times they have started to appear more and more in the form of public containers for textile waste. Textiles of good quality and without errors or mechanical damage should be sorted and then passed on to the social services of local authorities and NGOs that provide clothing to those in need. Good quality clothing should also be delivered to second-hand clothing stores for charity. In addition, to prove that such clothes can be a fashion item, it is forwarded into the hands of designers who will redesign it.

Recycling is the most likely

It is feasible from absolutely all discarded materials, separating them and using separately or a combination of several different materials in one work. It can be developed in space in the form of various ideas and installations or as a surface product that can have a visual artistic purpose or subsequently be used for the performance of new usable or artistic objects. In art, the author is the one who sets boundaries and determines the final product of his performance.

Conclusions

Fashion has existed forever, and a special proliferation is experienced by the accumulation of excess value, i.e. Luxury. Until recently, it was considered class fashion, separating more layers from the lower ones (and vice versa), and serving as a means of connecting individuals of the same position. In modern society, class boundaries are softened, fashion is democratized, with fashion styles beginning to dictate wide masses, street fashion. With the development of industry, consumer society, marketing, fashion enters all layers of society, constantly accelerating the pace

of fashion changes. This has led to the fact that there is no longer one fashion, but there are only fashions, which coincides with the rise of individualization: the individual settles into society by consciously building his own lifestyle and image of life, managing the impression of himself, using fashion as a cultural code of communication and giving his personal stamp to the age of reflexive modernization. The connection between fashion and media exists on multiple levels. Fashion is simply socially relevant to be talked about in the modern media. Fashion shows from major fashion cities are featured in the daily news, and other major fashion events and fashion spectacles are being followed. Fashion magazines analyze celebrity styles, offering their readers tips on how to resolute them. Designers need celebrities as much as celebrities need designers, and the media needs both designers and celebrities to promote their products – clothing designers, and celebrities themselves. What is important for the fashion of today is its rapid expansion and change that the media allows for itself; from television, fashion magazines to fashion blogs. The theory of fashion must therefore be multidisciplinary taking into account all the breadth and depth of the fashion phenomenon in society.

The consequences of fashion popularity are the increase in production, the shorter shelf life of a particular textile product, and the exploitation of workers of the textile industry.

A large amount of textiles on the market creates more competition, falling product prices, and thus a decrease in the value of work for the textile industry. The accumulation of clothing and textile and fashion products encourages further production - as needs are dictated by consumers. A large amount of unsoated garments are produced and thus textile waste is still one of the largest pollutants of the environment. Refreshing the commoners and society is hard work, not to say utopia. It is possible to introduce legislation in relation to households towards textile waste suitable for recycling.

Textile waste, fashion and the closed circle of the economy can solve the ongoing phenomenon of increased demand and consumption of textile goods, and the distribution of profits can solve the problem of exploitation and currently too low incomes of workers in textile production.

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MORALITAS

FIRST EDITION

ISBN 978-1-945298-28-8