



UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION &
CENTER OF POST-COMMUNIST POLITICAL STUDIES
(CESPO-CEPOS)

REVISTA DE ȘTIINȚE POLITICE.
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CONTENTS

Revista de Științe Politice. Revue des Sciences Politiques

RSP • No. 56 • 2017

EU Civic Political Culture: Tracking Communities, Networking Societies

EDITORIAL NOTE

Anca Parmena OLIMID, Cătălina Maria GEORGESCU, Cosmin Lucian GHERGHE, 9
Note of the Editors of the Revista de Științe Politice. Revue des Sciences Politiques

ORIGINAL PAPERS

Lorena-Valeria STUPARU, 12
Some Controversial Issues of Current Romanian Civic Culture

Florin NACU, 24
“East” and “West” in the Second Half of the 19th Century – between the Need for Models and the Establishment of a Romanian National System

Gabriela MOTOI, Veronica GHEORGHITĂ, 34
The Consequences of Economic Recession on the Quality of Life in Romania, between 2009 and 2013

Petr JUST, 44
Czech Bicameralism 1996-2016: Conflict or Cooperation?

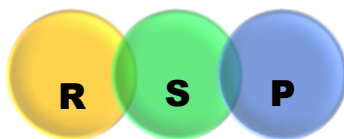
Elmi AZIRI, 54
The Impact of Public Investment on Economic Growth in Republic of Macedonia

Anca Parmena OLIMID, 64
Citizenship Values, Participation Behaviors and Community Engagement in EU Documents: Research Tools for the EU's Reports on Citizenship (2010-2017)

Mihaela ILIE, 80
The Development of the Collaboration Established between King Carol II and the Politician Armand Călinescu before February 1938

Shaima M. SAALH, May H. SRAYISAH, 90
The Death of Salesman Analysis as an Absurd Drama through Social Media and the EFL Students' Attitude towards Studying Literature

Claudiu Angelo GHERGHINĂ, <i>Suspension of the Execution of the Administrative Act with Normative Character</i>	100
Elena OANCEA, <i>The Scope of the Presumption of Innocence in Romanian Law</i>	112
CEPOS NEW CALL FOR PAPERS 2018	123
RSP MANUSCRIPT SUBMISSION	134



EDITORS' NOTE

EU Civic Political Culture: Tracking Communities, Networking Societies

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

**Anca Parmena Olimid^{*},
Cătălina Maria Georgescu^{**},
Cosmin Lucian Gherghe^{***}**

Editorial tasks

In December 2017, the fourth issue of the *Revista de Științe Politice. Revue des Sciences Politiques* (hereinafter **RSP**) maps the civic political culture.

Issue 56 designs innovative approaches to the current civic culture understandings by identifying the main cultural, social and historical tasks of the XXth and XXIst centuries.

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Why EU Civic Political Culture?

The current issue designs the analytical framework of the EU civic political culture during the last two centuries enabling an interdisciplinary discussion on the foundations of the democratic societies and good governance paths.

The objective of this current issue is a challenging and engaging message for the democratic values and principles of the EU governance being at the same time an integrative and associative theme relating other fields such as: civil society, justice, administration, economy, social media etc. in the following article themes:

- (i) the national building architecture and some current Romanian civic culture: Florin Nacu, *“East” and “West” in the Second Half of the 19th century – between the Need for Models and the Establishment of a Romanian National System*; Lorena-Valeria Stuparu, *Some Controversial Issues of Current Romanian Civic Culture*; Mihaela Ilie, *The Development of the Collaboration Established between King Carol II and the Politician Armand Călinescu before February 1938*;
- (ii) the two perspectives of the political system in institutional terms and governmental policies: Elmi Aziri, *The Impact of Public Investment on Economic Growth in Republic of Macedonia*; Gabriela Motoi, Veronica Gheorghită, *The Consequences of Economic Recession on the Quality of Life in Romania, between 2009 and 2013*;
- (iii) the trends and evolutions of the citizens' participation and community engagement in democratic societies: Anca Parmena Olimid, *Citizenship Values, Participation Behaviors and Community Engagement in EU Documents: Research Tools for the EU's Reports on Citizenship (2001-2017)*;
- (iv) social and legal patterns of the political system: Petr Just, *Czech Bicameralism 1996-2016: Conflict or Cooperation?*; Claudiu Angelo Gherghină, *Suspension of the Execution of the Administrative Act with Normative Character*; Elena Oancea, *The scope of the presumption of innocence in Romanian law*; Shaima M. Saalh, May H. Srayisah, *The Death of Salesman Analysis as an Absurd Drama through Social Media and the EFL Students' Attitude towards Studying Literature*.

Research methodology

Issue 56/2017 tasks the latest conceptual trends and recent research evolutions in the field of:

- (i) the exploration of the sampling concepts;
- (ii) the social and economic analysis;
- (iii) the legal interpretation;
- (iv) the use of tools for historical research;
- (v) the analysis of the institutional legal documents and official reports;
- (vi) the empirical methods;
- (vii) the focus group survey and results discussion;
- (viii) the quantitative and qualitative content analysis;
- (ix) the literature review of the social, political, legal patterns;
- (x) monitoring of the official databases and online legal data.

EDITORS' NOTE

Editorial policies

RSP issue 56/ 2017 (December 2017) develops a new conceptual design based on the accomplishment of the readership interests in the field of EU institutional framing, EU governance, security challenges, legal interpretation of documents, citizens' motivations, perceptions and emotions.

Starting with issue 56/2017, we map the new political, social and cultural trends that configure the society and the community around us. With every research or study, with every issue RSP publishes, the RSP Editorial Board is committed to engage more effort and support to challenge the new politics and policies challenges.

Wishing you all the best,

The RSP Editors



ORIGINAL PAPER

Some Controversial Issues of Current Romanian Civic Culture

Lorena-Valeria Stuparu*

Abstract:

The main premise from which my study starts is the existence of a historical and psychological continuity at the level of the Romanian political culture before and after communism. Relevant to the nature of political system in which it manifests and to the "basic personality" which spreads, civic culture is a variable whose value indicates the economic development and the high level of democratic institutions, the confidence and hope that decisions will depend of citizens. Civic culture also assume a concern for knowledge, a vocation whereby it grows even when political environment is not favorable to this preoccupation. The current economic and democratic crisis prove that civic culture exercise is almost impossible not only in totalitarian regimes. Beyond theoretical premises, this communication takes into account some historical and psychological features of the Romanian political culture on which it can be sketched the portrait of the Romanian citizen whose current "critical" activity is not taken into account by representatives of political power. In this respect, we use the procurement of political philosophy, but also those of policy compared, and we assume that the space (at least intentional) of democracy is that where the citizen may exercise loyalty and participatory skills. We find that underdevelopment of genuine civic culture, the persistence of patriarchal or dependent culture and offensive of subculture, the citizen passivity, corruption, careerism, opportunism and selfishness, amorality that privileges the circumstantially meaning of the civic culture led to a widespread democratic deception. Could the Romanian citizen find constructive solutions or alternatives in this decadent political situation through participatory democracy?

Keywords: *theoretical framework, historical inheritance, Romanian political culture, participatory democracy, civic culture*

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Some Controversial Issues of Current Romanian Civic Culture

The theoretical framework of the problem

Following the history and philosophy of citizenship, we find that behaviors and attitudes cultivated in any human organized community by rules and principles of law, including learning and challenging them are related to political participation of individuals in the community.

How citizens relate to political power, awareness and enforcement of rights and obligations, generally express political culture, and in contemporary democratic regimes, by widespread application of participatory connotation, it indicates the level of civic culture.

If we consider the theoretical framework, within a political system, situated in the "geometric locus" of the "basic" structural components, political culture expresses the "forces" more or less visible which guarantees its cohesion and defines its specifics, or on the contrary, contributes to its change when the system goes into crisis.

Through the size of participative dimension, the political culture acquires the connotation of civic culture, this being part of the cultural practices of free citizens.

The research of a Romanian political culture in the past and the continuity of a "characteristic style" in the events of today must take into account the historical, anthropological, psychological and philosophical inheritance.

According to the "classical" references, the notion of "political culture" is situated at the intersection of political science with philosophy and can be understood as "the subjective perception of history and politics, the fundamental beliefs and values, the foci of identification and loyalty, and the political knowledge and expectations which are the product of the specific historical experiences of nations and groups" (Brown, 1979: 1).

It is also a way of structuring the values and beliefs that load rather cognitively than emotionally the experiences and the waiting horizon (of the individual or of the collectivity).

The connections of political culture with what we call "culture" in the broadest sense, as a series of products and symbolic acts, values, mentalities and attitudes, are relevant to the character of the political system in which it manifests itself and to the citizens who are part of that system.

As we learn from *Political Culture & Political Change in Communist States*, edited by Archie Brown and Jack Gray, the concept "political culture" (applied in this book to the comparative study of the former communist states) has been used sporadically before being discussed as a possible concept of social sciences.

This terminology was sometime ago used by Lenin and was first used in English by Sidney and Beatrice Webb in the 1930s, when the two theorists questioned political education and the media role in the Soviet Union.

In modern political science, the concept has been developed and enriched by anthropologists such as Margaret Mead, Ruth Benedict or Clyde Kluckhohn and sociologists like Max Weber and Talcott Parsons.

An important theoretical stimulus in this respect was the political events of the "Third World", when the new states began to function on the basis of new constitutions and institutions, in a way that surprised them and also dismantled the people.

A first article that contributed to clarifying the concept of "political culture" was published by Gabriel Almond in 1956 with the title "Comparative Political Systems",

where political culture is defined as "the network of orientations, attitudes, values, beliefs by which the individual relates to the political system" (Almond, 1956: 391-409).

Other significant contributions in the field belonging to Sydney Verba who signed the last chapter "Comparative Political Culture" of the volume *Political Culture and Political Development* (Verba, 1969: 512-600).

Here is emphasized the psychological side of political culture. According to this meaning, the political culture of a society consists of a system of empirical beliefs, expressive symbols and values defining the situation in which political action takes place, providing the subjective orientation of politics.

In 1985 is published the work of Lucian Pye (with Mary W. Pye), *Asian Power and Politics: The Cultural Dimensions of Authority*, in which are discussed common aspects of disparate political cultures from Asia.

As in the major of his later works, Lucian Pye here reconfigures political development in Asia as a product of cultural attitudes about power and authority. He compares the great Confucianist traditions of East Asia with the cultures of Southeast Asia and the traditions of South Asia of Hinduism and Islam, exploring the national differences within these larger civilizations.

Against the grain of modern political theory, Pye believes that power differs widely from culture to culture.

Asia masses are oriented groups respectful of authority, while their leaders are more concerned with dignity and support collective pride, than solving problems.

As culture decides on the course of political development, Pye shows how Asian societies, facing the task of setting up modern nation-states, respond by shaping the paternalist forms of power that satisfy their profound psychological appetite for security.

This new paternalism may appear essentially authoritative in the eyes of the Westerners, but Pye argues that this is a valid response to people's needs, able to ensure community's solidarity and strong group loyalty.

He predicts that in the near future we will witness the development by accelerating the transformation of Asia into new versions of modern society that can avoid many of the tensions of Western civilization but can also produce a new set of problems.

This book revitalizes Asia-wide policy studies, enrolling them on a comprehensive dimension of the great differences between Asia and the West, and at the same time sensitive to subtle variations among several Asian cultures (Pye, 1985).

The methodological importance of this work for the study of political culture is crucial.

Thus, any research of an individual case (such as the case of Romania - to which we will refer in this study and which is not analyzed in the book cited here in the first lines, the authors only considering aspects of the USSR, Yugoslavia, Poland, Hungary, Czechoslovakia, China and Cuba) can not avoid the hypothesis of these professionals in political science.

Yves Schemeil uses the expression "political cultures" to draw attention to cultural pluralism, considering that there is no single political culture in reality, despite the fact that there may be common points of these multiple political cultures: attitude towards the political system, beliefs and meanings pertinent policies for a community (Schemeil, 1985).

The most important writing that seems to stimulate the researchers is *Comparative Political Culture*, Sidney Verba's essay concluding *Political Culture and Political Development* (Verba, 1965).

Some Controversial Issues of Current Romanian Civic Culture

The intellectual context in which the concept of "political culture" has been used has probably been the decisive factor in which criticism has gone until its (precipitous) rejection.

But it has at a certain time been accepted as summing up all the elements by which members of a society manifest themselves in the public space, in the community, in the sphere of collective interests and the good of society or the settlement of evil, having cognitive, axiological, creative, praxiological and communicative components.

In the "Introduction" of the book *Political Culture and Political Change in Communist States* Archie Brown states that the authors of this work have linked "political culture" to political change or continuity, without following Almond or Easton in defining the political system, using this term rather in the sense of "the network of political institutions and the pattern of political behaviour within a given state" (Brown, 1979: 3).

The relationship between the political culture and the political system on the one hand, and the economic development on the other, according to the authors of this volume, represents "quite a different matter" because economic development is an indicator of "political development".

A clear expression of this aspect appears in the study written by Jeffrey W. Hahn, *Continuity and Change in Russian Political Culture* published in the volume *Post-Communist Studies and Political Science. Methodology and Empirical Theory in Sovietology* "(...) Political culture is an important intervening variable between economic development and the development of democratic institutions. Specifically, economic development changes the way people think about politics; it predisposes them to be receptive to democratic ideas and institutions" (Hahn, 1993: 301).

Receptivity to ideas and democratic institutions is possible (...) "Because of increased intellectual and material resources available to an even-widening circle of citizens, there is a growing expectation that the making of decisions in society will be shared. In short, economic development fosters the emergence of something like a «civic culture», and the existence of such a culture is a precondition for the emergence and maintenance of democratic institutions" (Hahn, 1993: 301).

The hypothesis that "there is a significant connection between social structure and political culture" (Brown, 1979: 4) allows the observation that the social structure does not condition political culture to a greater extent than the specific historical experience of a people.

In the West and East there are societies with similar levels of economic development and class structure, whose differences in political culture legitimate the pertinence of the historical experience hypothesis as a decisive factor of the "civic ethos" and the specificity of the political culture.

As can be seen by carefully observing the "courses" and "recourses" of civilizations and states, "historical experience" is always marked psychologically and mythologically, and this is visible in the oscillation of individuals between the tendencies of asserting or suppressing the impulses of "negotiate" with the worldly power, to accept or overcome the inequalities, to sacrifice for an idea, to think of all of them or to suspend them (more or less "phenomenological").

The crossing of the psychological and mythological-symbolic factors with various other components of the inner and the social life give rise to attitudes and behaviors that express the appreciation which is given in a society to the concepts of "the city" such as: law, justice, authority, virtue, respect, dignity, freedom, rights, tolerance.

Synthesizing the intentions of those who have consecrated the concept in the 1950s and 1960s, Aurelian Crăiuțu sees in the political culture "both the product of collective history and millions of individual histories and trajectories" (Crăiuțu , 1998: 141).

It is related to "both the phenomena and the political institutions, with the traditions of their interpretation, as well as with the personal experiences of individuals" (Crăiuțu , 1998: 141), enjoying a double role: to structure the values, norms, ideals and symbols of a community to provide some guidelines for the individual's behavior in the public space (Crăiuțu , 1998: 141).

Every type of society (even the primitive one) is self-constructed by virtue of a "political culture" (ie, at least based on a mentality about mastery and obedience, respecting hierarchies, norms and rules that allow liberties), but the rudimentary or evolved aspect depends on what is called "civic vocation" (Kelley, 1979).

If, at the level of the "parochial" political culture (Almond and Verba), civic vocation tends to be null and in the case of "dependent" political culture it is barely visible, referring to the notion of "participatory political culture" (Almond, Verba, 1996: 48-49) civic vocation is characteristic.

Through its capacity as a guidelines for special social objects and processes, the political culture refers to simple citizens (who have "internalized" it in the knowledge, feelings and assessments of the political system, according to Almond and Verba) and less at the intellectual or ruling elites.

Inevitably linked to the notions of "citizen" and "knowledge", political culture implies a special interest and a concern in this direction, a vocation on which to develop even when the political environment, such as the Romanian communist totalitarian regime self-titled "democratic", ruling citizens with the right to vote but not a choice, is not favorable.

The Problem of Political Culture in Modern and Contemporary Romania

In the case of Romania, the accumulated historical and cultural capital inspires both skepticism and hope.

The Romanian Revolution of 1989 and the serious consequences (the large number of deaths and injuries, the execution of the dictatorial couple) would be indicative of the incomparably more repressive nature of the Romanian Communist regime than other communist countries, and at the same time the expression of a "high level of public hostility Against this regime" (Holmes, 1997: 83).

In its spontaneous component, as I recall as a "participatory observer", the public hostility towards the Romanian communist regime represented, on the one hand, the manifestation of a social and political despair, the achievement of the maximum level of the dissatisfaction of the mass (which wants to overcome its condition) and on the other hand (in Bucharest, Cluj, Brasov, Sibiu and in all county residences), the emergence of true solidarity (with victims and fighters from Timișoara) and not of the one imposed propagandistically (with the socialist system) even in those days.

In other words, it represented a civic reaction and attitude that expressed a level of "political culture" higher than that gained during the time devoted to the "political-ideological education" and "political information" (about the important facts of the leaders), obligatory before 1989 in any field of activity.

In cultural homes or in village schools, if not in the festive hall of the City Hall, political and ideological debates were held with senior urban guests about the importance

Some Controversial Issues of Current Romanian Civic Culture

of the most recent events, such as the Congresses and Plenaries of the Romanian Communist Party.

Which does not mean that these things were taken seriously: in most cases, a tacit agreement was born between "propagandists" and the listeners about the fictitious dimension of things that were exposed or just stated. Forms of resistance to brainwashing were not delayed, sometimes in intelligent forms, as in the case of jokes.

The peaceful *political culture of the joke* - as an indication of creativity and implicitly of freedom of consciousness and also as an expression of the ironic detachment from a regime, a system, one or more leading characters - in the last years of the dictatorship, gradually slipped into a *political culture of resentment* towards a regime embodied in 1989 by some characters and institutions (county secretaries, secretaries with propaganda, security and militia) and collapses at the moment of killing the dictatorial couple transmitted by the Romanian Television.

Innocent in itself, what we have called the "political culture of joke" has historical antecedents, because unlike the Russians, for example, about which Stephen White assert that they manifest „a highly personalised attachment to political authority, in particular to the person of the tsar" (White, 1979: 29), the Romanians had to the ruling authority (with rare exceptions, perhaps in the case of Mircea the Elder, Stephen the Great, Michael the Brave, Constantin Brâncoveanu, Alexandru Ioan Cuza) mixed feelings, which does not resemble devotion.

The Romanians' skepticism about the political class is so entrenched that even good deeds are regarded with suspicion and irony. Within the (nationally declared) Christian faith of moral restoration and hope, public opinion (also manifested by its most authoritative representatives, media professionals) drastically penalizes politicians attending religious ceremonies.

However, the presence of politicians at religious ceremonies, even admitting that it does not reflect authentic religious thirst, but just a desire to win electorally through the pious image - is simply a good thing, because there are countless stories about people who are being worn as though they were believers, even came to believe. It is perhaps a characteristic of the Romanian "political culture" *the inadequacy*, the disproportion between the combative reaction and the gravity of the incriminated fact.

Here it should be added that the lack of respect for institutions in principle is a characteristic of a man without participatory civic culture, holding a minimal political and resentamental political culture.

The violence of the refounding act of the Romanian democracy (culminating in the death of Elena and Nicolae Ceausescu on the Birth of the Lord on December 25, 1989 - at least according to official "transparent" data) raises a big question mark regarding the Christian paradigm of Romanian culture (as defined by Father Dumitru Stăniloae among others in a series of articles from the 1930s).

And it converts into the tragic, the benign caragelian feeling of Romanian "political being" stigmatized by indecision. Dumitru Stăniloae considers that for the Romanian people the Christian Religion „is the cultural foundation of all living laws in a coexistence of mutual appreciation and collaboration that ensures its unity and identity" (Stăniloae, 2004: 12).

The above quote expresses first of all Father Stăniloae's Christian love: the author of the article has the same tone as in the articles on this issue published between 1930-1945 in *The Romanian Telegraph*, as as though the campaign of imposing atheism 45 years did not would have achieved its purpose.

The cultural-political consequences of the radical revolutionary moment perceived by the active, passive or contemplative Romanian citizen show that even after they stepped into the "Garden of Delights of Democracy" (Philippe Braud), Romanian politicians, like most of citizens watching TV or listening to them on the radio have the same primal impulses to destroy their adversary (real or imaginary).

Or to dismantle them politically, legally, socially and if possible even physically; the fair competition, the sincere dialogue, the substantial debate of ideas, the serious polemic, the loud pamphlet seem far removed, although the Romanians only rarely touch the stages of violence tending to irremediably (Braud, 1993).

In this sense, the most significant in the negative sense are the "participative" attitudes manifested in the three arrivals of miners in Bucharest: one against the civilian population (June 1990), and two against the government (September 1991, January 1999).

Other manifestations of the language violence of the Romanian political culture are the controversies within the Provisional Council of the National Union, then between the legitimate power installed in May 1990 and the historical parties.

Also it manifests in the civic precariousness of electoral campaigns and contestations of candidates in elections (in the electoral years 1992, 1996, 2000, 2004, 2009, 2014, 2016), the media war between the representatives of the power (the Justice and Truth Alliance vs. the Social Democratic Party, the Liberal Democratic Party vs. the Social-Liberal Union, the Social Democratic Party along with the Alliance of Liberals and Democrats vs the National Liberal Party and the Union Save Romania).

Psychological factors

And these recent events are not only the result of the accumulation of negative emotions and resentments towards "political", "adversary", "the other", due to the tremendous historical conditions, but they represent elements in the structure of the Romanians' consciousness (as in a certain way the theoretical model of Lucian Pye suggests).

The lucid assessment of the Romanians' faults, independent of the dissolving role of aliens accused in a vulgar manner –according to Emil Cioran - of all the shortcomings of the country, is found in the Chapter IV (Collectivism and Nationalism) of the book *Romania's Transfiguration*, First Edition and Second Edition (1936, 1941), missing from the final edition, reduced to six chapters.

The fact that Romania must first have a revolution in moral, cultural and civic order (Cioran, 1941: 142) (from which only a few flashes were seen in December 1989) is equally "eternal" (just like the problems of justice in its own meaning and in social meaning) in the present phase of the Romanian wild capitalism called postdecembrist, as well as when Emil Cioran wrote *Romania's Transfiguration*.

Licheism, baronism and clientelism (notions that should be studied separately as components of the specific Romanian political culture) provide the paradoxical image of a "restoration" on the notion of the "national revolution".

A fundamental reference in this respect is represented by C. Rădulescu-Motru's work, *Vocația. Factor hotărâtor în cultura popoarelor* (*Vocation. Decisive factor in peoples culture*) (1932).

The aspect of the Romanians' vocation, "people in the process of cultural formation", was still not sufficiently researched in the 30s-40s, being instead speculated by the politicians" (Rădulescu-Motru, 1997: 147).

Some Controversial Issues of Current Romanian Civic Culture

By enumerating the already common places, such as the vocation of Romanians as mediators between Western and Eastern civilizations, the vocation of the Romanians for the continuation of the civilization of Byzantium, or the agricultural vocation of the Romanians, or "the predilection of many Romanians for politics, for poetry, for sports", Rădulescu-Motru his own hypothesis in the statement:

"The Romanians' vocation starts from where the psychology of the Romanians ends" (Rădulescu-Motru, 1997: 150).

Thus, the philosopher notes that the Romanian people are poor in "individual geniuses" and rich in "national common sense" and given that "individual vocations are the levers necessary for human progress", and "increasing the functioning of consciousness" (absolutely necessary for the progress of culture) involves the role of personalities, a resuscitation of the individualist spirit in Romanian culture is necessary. It is about true individualism, based on vocation - and we could specify, based on civic vocation - and not selfishness, the pursuit of personal interests, as happened in Romania after the "Europeanization" of the year 1848:

"All the institutions of the country have been dressed in new forms, but have not been enlivened by a new breath. The institutions were not taken seriously. Each individual as he could, tried to make them domineering instruments. Western policy has been transformed into Romanian politicalism" - what we find to be also the case today. The Romanians, as Maiorescu already had stated, "borrowed only the façade of Western individualism without borrowing the institutional fund.

While in Western Europe the individual's initiative was under the control of moral conscience, in Romania, after 1848, the initiative was left to the will of the moment and of the powerful individuals' temperament" (Rădulescu-Motru, 1997: 156, 157, 158). Today is the same, when quackeries and frauds are hailed as "free initiatives" (Rădulescu-Motru, 1997: 156, 157, 158).

Nevertheless, the brief incursion (during the interwar period) marked by thinkers representative of Romanian culture opens a way of penetrating at present, by studying the psychological and historical depths of the Romanians, based on the respect of the tradition of interpreting the political culture as a significant element of the power of culture.

The free movement of thought is a good start for political culture, in its highest dimension, namely civic.

But claiming an organized "political culture" would resemble too much with the return to the old propaganda skills, replacing "scientific socialism" with "scientific capitalism" and cultivating a "political culture of generality" (Rosanvallon, 2004: 122) no matter how noble its objectives would be (such as, for example, awareness of the role of citizens as an expression of the functioning of a rational democratic society).

Ultimately, the notion of "political culture" comes first and foremost with the work well done by everyone in its field of activity, the facts that ensure a balanced civic cohabitation.

Romania's population is not only made up of corrupt politicians and interlopers, but also from professionals at European standards, working not from the desire to get up or from a blind sentiment of debt, but simply from the belief that this is a good thing. It also implies an adequate political attitude, even when the discrepancies between the politicians' language and the referent of reality are far from political culture.

The new spirit of democracy as civic participation

Being a culture of freedom, participatory political culture (equivalent to civic culture) is also a "tool" by which the citizen probes the depths of politics, but also an "apparatus" through which he sees himself better in life policy.

Returning to the spirit of the initial definitions, concerning the post-revolutionary situation of the meaning of participatory political culture in Romania, it can be said that the process of developing well-grounded options that allow every citizen rational choice is more late than in other countries.

Instead, as social networks show it, it evolves and refines itself on the level of an increasingly large sample of a population from different social backgrounds, the language of civic culture: that of contesting, approving, supporting, commenting, claim.

The frequent and virtual encounter of such language creates attitudes and manifests itself through attitudes, which implies a culture of participation in the life of the community, whether it is narrower or wider.

Unlike the meaning of culture in general that can be individual despite being formed within or with the help of social "messages", civic culture is not an individualistic, solitary one, but one of communion and collective resonance, of broad-based broadcasting.

Once the rules have been internalized, they must be externalized.

But to do this, the post-revolutionary enthusiasm of the reconstruction is needed, to rid the apathy, the disgust, the despair of those who feel stolen, deceived, exploited by the wild capitalists who create their own political culture of egoism, cynicism and resentment towards the opposing potential.

Any revolution, after destroying an old system, built another new one. Historical examples abound.

The Romanian Revolution of December, we can say, has the reputation of being just destructive - at least economically and socially. If politically, apparently, things are good from a democratic point of view, in terms of economic life, productive infrastructure and social level, forces are polarized between wealth and poverty.

On this background, it is difficult, but not impossible, to abandon the feeling of nonsense that leads to apathy in favor of a culture of involvement, knowledge and recognition of own interest, proper to the free citizen.

Thus, for example, the January-February 2017 Victory protests against the 13th Government Emergency Ordinance of the Government of Romania expressed the peaceful revolt of those who have a minimum respect for civic dignity - and it is offensive to them to assert that they would have forced an institution, a group, a firm, an individual.

These people first came out to express their disagreement with those who give the tone of corruption and abuse in all institutions, against a spirit of arbitrary and discretionary leadership, against a feudal mentality of the rulers, against those still committed to robbery, and who were expecting from a crooked law the freedom to steal even more, to deceive even more, to lie more and more, to be even more unjust, defended by such a law.

It is also about the cultural practices of the free citizen after almost 30 years of democracy, of finding the civic spirit that does not restrict the participation and the illusion of its own power to the "ideal" level of the virtual debate.

The numbness and even the "sleep" of the civic sense have been knowingly maintained and even cultivated by political leaders, "managers" of institutions or opinion

Some Controversial Issues of Current Romanian Civic Culture

formers, who have all the interest of governing a population or some employees dominated by fear and mistrust (Stuparu, 2015: 97).

That is why those who protested in January 2017 express the ideal of civic participation that illustrates the explicit part of the deliberative democratic culture, more or less "agonistic", more or less classical.

The oscillation between the obligation and the freedom to be "civic" engaged, between duty and the right to be indifferent is thus resolved by the practical demonstration that the Romanian citizen exists and he (or she) is interested in the fate of the community and finally of himself, that he counts, despite his landlessness.

Even if the "critic" activity of the individual is not very much taken into account by the political power, if an injustice is taken into account in any state institution only if the "reactionary" is supported by someone strong, it is a normal democratic phenomenon, and we can see only those who are eager for power at all costs, those lacking in the spirit of justice, sincerity and humankind, those who have hidden dishonest facts are afraid of direct participatory democracy.

Political culture, especially in its civic-participatory dimension, is shaping, active and open to creation at the collective level, belonging to the synthesis of the spiritual life of a people and contributing, at this level, to the realization of the cultural condition that politics shares in democratic systems.

In a recent work, Loïc Blondiaux shows that contemporary democracies are looking for a new spirit, new foundations, and this because, despite the survival of the classical forms of political representation, their legitimacy "narrows" and their effectiveness is declining (Blondiaux, 2008: 5).

If the traditional structures of representative democracy are weakened in today's world, instead, the project of "democracy itself" does not seem to suffer, but on the contrary, as Blondiaux noticed :

"On the scene of the frequent political conflict, the ability of simple citizens to mobilize, to resist, to interfere with authorities outside traditional political circles and organizations has undoubtedly never been so strong" (Blondiaux, 2008: 5).

Thus, the echo of these multiple manifestations is the "increase of the word's power in the public space" manifested through "blogs, forums, participatory journalism" which gives the impression that "today the material and symbolic costs of access to public political power reached the point where whoever is allowed to make his voice heard".

Although participative value is independent of the deliberative one, the contemporary participatory views of democracy underline, as we have seen, the importance of deliberation.

As in the deliberative view, participatory democracy as seen by Benjamin Barber, can be conceived in the classical values of values: self-government, political equality, rule of law.

Against the distributed and delegated institutions, Barber argues that citizens must take part directly, not necessarily at every level and in any circumstance, but quite frequently, and especially when deciding on basic policies and when the power that matters is implemented" (Barber, 1984: 151).

Regarding the participatory status of citizenship, beyond the rights and their "redistribution" in *Citizenship and Identity*, signed by Engin F. Isin and Patricia K. Wood, citizenship is described as a set of practices (cultural, symbolic and economic) and a series of rights and obligations (civil, political and social) that define the quality of individual membership in a political system (Isin and Wood, 1999: 4).

Alternative political culture should be addressed or spoken by those who might lead the country by criteria of general interest and mobilize those who are deceived.

Conclusion

We can synthesize that in Romania we are dealing with a mixed political culture (Almond and Verba), on the various levels of conscious positioning of the citizen over the values of the city (law, justice, authority, virtue, norms, respect, dignity, Rights, tolerance).

Also, we can speak about a political culture of inadequacy mixed with unexpected moments of "punctuality".

But it can also be observed a culture of obedience (towards history and politics), mingled with a political culture of opportunism; a political culture of renunciation and passivity mixed with heroism; a passive political culture, mixed with a participatory one that still seems a luxury.

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Some Controversial Issues of Current Romanian Civic Culture

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ORIGINAL PAPER

“East” and “West” in the Second Half of the 19th Century – between the Need for Models and the Establishment of a Romanian National System

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Abstract:

Undoubtedly, the two concepts, which are usually attributed to the second half of the 20th century, from the desire to show the differences of culture, civilisation, political concept in Europe, can be studied, through translation, a century earlier, that is in the second half of the 19th century. During this historical era, there was carried out a significant political fight, between the necessity to follow certain models, and that of creating a governing and administration system, original and representative for the Romanian state and the Romanian nation.

Keywords: *East, West, cultural model, revolution, reform*

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“East” and “West” in the Second Half of the 19th Century ...

The first question that seeks an answer in this presentation is: which was the position of Romania, at the moment of 1848. Practically, 27 years earlier, in 1821, Wallachia and Moldova had been exiting from an era of regress, with a strong oriental influence (Berindei, 2003: 56). Surprisingly, it was not the West that had opened the door for modernity, although it had had some collateral influences. In 1821, despite numerous memoirs of the boyars, and the activity of boyar Dudesco, Napoleon Bonaparte, considered the factor who had propagated the ideas of the French Revolution around the world, did not regard the Principalities as an advantage for winning his battle with Russia, involving the Ottoman Empire in his plans. Consequently, an exponent of the “West” was making an alliance with a power of the “East”, against another great “eastern” force, which had registered progress under the occidental influences, in the age of Peter the Great, and Catherine the Great.

The Organic Regulations, from 1831 and 1832, represented the constitutional documents that Russia had imposed in the Principalities, for their modernisation, replacing the form of the medieval system, of Byzantine and Ottoman inspiration, whose peak was represented by the Phanariote Era. The great success of the Regulations had been the idea to abolish the internal customs between the Principalities, an essential and necessary premise, on the way towards the political union. Russia did not seem to care much if it would annex the separated or the united Principalities, because that was the political strategy of the Empire, on medium term period (Stan and Iosa, 1996: 12-13).

Then, the moment of the 1848 Revolution arrived. There had already been formed a political elite, made of the young sons of boyars, who had studied in the Occident, where they had come in touch with the revolutionary ideas, especially the French ones. Tudor Vladimirescu had been training to be a clerk, in the country, a military strategist, but, although he had also got used to some of the occidental ideas, he could not completely renounce the Russian influence, Russia representing, in his view, the force that could remove the Ottoman oppression. A possible explanation, of the mistrust on addressing the Habsburg Empire, was the way in which this occidental organising power, yet reactionary and conservative in their way of thinking, was treating the Romanians from Banat, Transylvania, Bucovina. The memories of the Austrian occupation of Oltenia had not faded away, an occupation that lasted between 1718 and 1739, and which was manifested through an excessive taxation policy, a situation that had been hardly endured by the Romanians.

A century before Tudor Vladimirescu, Constantin Brâncoveanu and Dimitrie Cantemir had tried, in their specific way, to become emancipated. Brâncoveanu had oriented himself towards the Habsburgs, Dimitrie Cantemir had directed himself towards Peter the Great. Nonetheless, the two rulers had been bearing a grudge, and the intrigues of the Cantacuzin family, eager to obtain the throne from Bucharest, had led Brâncoveanu before the executioner from Constantinople, along with his four sons and the counsellor Ianache Văcărescu. At the execution, the diplomatic representatives of France and England were present, as occidental Christian powers, but the interests of these great forces from Europe, could not be stopped by the execution of this ruling family from Wallachia. For the Principalities, the Phanariote era had started, which, with feeble exceptions, was a reactionary one, based on systematic pillage. The reforms of Constantin Mavrocordat, and, generally, any reform could not survive a regime, in which the rule was who was earning more, before their rival would come and make a better offer.

Florin NACU

The condition of the Principalities was due to the fact that they were regarded, by Constantinople, only as “imperial storehouse”, an immense storage room, with products for the Ottoman Empire. Turnu, Giurgiu, Brăila, Tighina and Hotin were the rayals, citadels on the Ottoman territory, through which the pashaliks were controlling the economic monopole, this situation prolonging until 1829, when the rayals were abolished (Stan and Iosa, 1996: 13-14).

In 1846, promoting the magazine “Dacia literară”, Mihai Kogălniceanu stood against the imitation of the cultural models, especially the French ones, in the Romanian literature. The great politician and man of culture, was requesting expressively the ceasing of translations, the creation of qualitative work, of Romanian inspiration.

Imitation was regarded as a situation incompatible to the journalistic ethics, an encroachment upon the Romanian traditional values that would remain, in this way, undiscovered and not popularised.

“Dacia literară” needed to have four sections: creation, information from the journals of that time, literary critique and advertisements on the publishing of different works, scientific meeting arrangements (Kogălniceanu, 2012: 4-5).

Thus, in the period before the revolution from 1848, the Romanian men of culture wanted to develop themselves, starting from the French model, without becoming confused with it.

Nicolae Bălcescu makes the best description of the moment and meaning, of the Romanian Revolution from 1848. This is what the great historian, revolutionary man and Romanian patriot wrote, in 1850, while he was still in exile, away from the country, fighting with his disease, which would prove to be fatal, two years after: “*The Romanian Revolution from 1848 was not a spontaneous, ephemeral, without past and future event, without any cause but the fortuitous will of a minority, or the participation to the general European movement. The general revolution had constituted the opportunity, not the cause of the Romanian revolution. Its cause can be found in the deep past, its planners are the eighteen centuries of toil, pains and labour of the Romanian people, for themselves*” (Bălcescu, 1928: 24).

Although the revolution from 1848-1849 was defeated, the reactionary Habsburg Empire being saved by Russia, an equally reactionary force, as a reminiscence of the Holy Alliance from 1814, would not hesitate to support the Ottoman Empire, “the sick person” of Europe, within the Crimean War, along with France and England, the progressive powers.

In the Principalities, the social condition was a problematic one. The political rights belonged to the well-off, who were representing the categories based on qualifications when voting, while the reformers, exponent of the many, and without rights, could barely meet the conditions of wealth, in order to be elected in the internal legislative and executive forums.

The first major influence of the Occident, on the Principalities, was felt when it was brought up the idea of forming a buffer-state of the United Principalities of Moldova and Wallachia that would prevent Russia from advancing towards the Gorges. The new projected state, after the Peace Congress of Paris, in 1856, and formed through the Paris Convention from 1858, was to be put under Ottoman suzerainty, but with the collective guarantee of the Great Powers. Russia had already been deprived of the access to the Danube mouths, though the taking of the southern Bessarabia from Russia, and the annexing to Moldova. Yet, the union of the people and language, along with the fight of

“East” and “West” in the Second Half of the 19th Century ...

the 1848 generation, created the modern profile of the united Romanian state, made of Moldova and Wallachia.

The political failure of the revolution did not mean the death of the 1848 spirit. A decade later, which had been just a desiderate, became reality. Wallachia and Moldova were united in ne state, through the double election of Alexandru Ioan Cuza, on the 5th of January and, respectively, 24th of January 1859.

In order to depict, as well as we can, the historical mission of the ruler Alexandru Ioan Cuza, we are reproducing the speech delivered on the occasion of the elections from Moldova, by the continuously active statesman and highly cultivated man, Mihail Kogălniceanu: *“After 154 years of torment, humiliation and national degradation, Moldova has been repositioned on its rightful place, consecrated through its capitulations, the right to make a choice according to its will, the Ruler. Through you rising on the throne of Stephen the Great, the Romanian nation itself has been risen... by choosing you, as Ruler in our country, we intended to show the world which is the desire of the country: for new laws, new people. Oh Lord! Such great and beautiful is your mission. The Constitution from the 7 (19) of August brings a new age before our eyes, and Your Greatness is called to open it for us! Therefore, be the man of an era; make the law replace the arbitrary; make the law strong, and you, Your Greatness, as a Ruler, be kind and good-hearted; be kind especially to the people that almost all the other Rulers were inconsiderate and mean... Do whatever, so that everything would be peaceful and righteous; conciliate the passions and the grudges amongst us, and bring back, amidst us, the old brotherhood. Be simple, Your Highness, be gentle, be a citizen Ruler; may your ear be open for ever for the truth, and closed for the lies and fawning. You bear a beautiful and dear name, that of Alexander the Good. May you live long, my Lord! May we reach again, due to the justice shown by Europe, through the development of our institutions, and owing to your patriotic feelings, those glorious times of our nation, when Alexander the Good was telling the ambassadors from Byzantium that Romania does not have another protector than God Himself and His sword. May you prosper Your Greatness!”* (Scurtu, Curculescu, Dincă and Soare, 2000: 94).

The ruling of Alexandru Ioan Cuza was influenced by the political model imposed by the Emperor Napoleon III, the president who was proclaimed an emperor. The radical liberals from Romania were inspired by political ideas that belonged to the French republic spirit, but, nonetheless, they were aware that, in front of the Romanian state, had to be a foreign prince, from a European ruling family. The double election of Alexandru Ioan Cuza had been a “fait accompli” before Europe, the attitude of winner, of the Emperor Napoleon III, after 1865, had imposed the tacit acceptance of the double election, by the Habsburg and Ottoman Empires, even only during the lifetime of Cuza (Adăniloai and Berindei, 1967:161-215). The civil and the penal codes, the codes of procedure, the civil and fiscal legislation, was definitely influenced by the code of laws, of Napoleon Bonaparte. Yet, the increasingly authoritarian governing of Alexandru Ioan Cuza, the introduction of the senate, in 1864, as Corp Ponderator (Moderating Body), determined the coalition of the extremes, the liberals and the conservatives, who wished to remove the ruler, for a new prince, a foreign one, that would bring along a parliamentary life. Certainly, the Romanian parliamentarism, being just at the beginning, could not show the efficiency of the British one, strengthen amidst a revolution that had been taking place for over four decades.

The ruling of Alexandru Ioan Cuza, between 1859 and 1866, had created a united Romania, with reforms of certain occidental influence. The edifice created by Cuza,

Florin NACU

through authoritarianism, resisted until his abdication, the new-arrived Prince, Carol de Hohenzollern –Sigmaringen, being the one who brought, in 10 years, the national independence (Platon, 1985:210).

The Constitution from 1866, promulgated by the Prince Carol I, in July 1866, two months after his enthroning, on the 10th of May 1866, was inspired by the Constitution of Belgium. This country had gained its independence in the 1830s, 19th century, and had registered an outstanding progression. The King of Belgium had succeeded in obtaining a personal domain, the important African colony of Congo. It should also not be forgotten that the Deputies of the Hospodar, the leading instance after the 11th of February 1866, when Cuza was dethroned, had proclaimed King the brother of the King of Belgium, Leopold II, but he had refused, giving the impression of an imminent dissolution of the united Romania. Yet, Ion C. Brătianu, faithful to the connection with Emperor Napoleon III, succeeded in proposing the young Prussian prince, Karl de Hohenzollern-Sigmaringen, Prince Carol, relative of the Emperor Napoleon III. Owing to the fact that France had good relations with Great Britain, the latter one being ruled by a family with German origins, the young prince managed to be accepted by all the powers of Europe: Russia had to obtain the prestige that it had been seriously diminished after 1856, Turkey was in debt with the English-French friendship, which had saved it in the Crimean War, and Austro-Hungary, in competition with Germany, for the accomplishment of the German union, was oscillating cleverly between Italy, Germany and France, because Napoleon III had made, at some point before, the plan to exchange the provinces, Venice to the newly rebuilt Italy, while Austro-Hungary would have received the new-formed Moldova and Wallachia, an idea that the Austrians themselves did not agree with, due to the fact that it was involving the recognition of the Romanian nationality from Transylvania, and, implicitly, the detaching of Transylvania, Banat and Bucovina from the domination of Wien. Thus, Austria, which had become Austro-Hungary since 1867, declared itself satisfied with the enthroning of Prince Carol, owing to the fact that he would not have started an anti-Austrian campaign.

The arriving of Prince Carol, was made in socio-cultural-political environment with Balkan influences, a transition between the Ottoman orient and the West of Europe, enabled by the predomination of the French language, as the language of culture, of the French models in education, and even in army. Gradually, along with the increase of the potential conflict between France and Prussia, after the defeat of Austria, at Koniggratz in 1866, there started to be felt the emerging of the conflict, on addressing the cultural models. Prince Carol, introduced, in Army and the military rules, the Prussian element, much more favourable to him, but unpleasant for the French-model trained officers. Moreover, the German rigour, the intransigence of the young prince, his punctuality, his coldness in the relation with his ministers, made him look disagreeable, as compared to the French typical good-nature, the occidental model that was much closer to the oriental-Balkan passivity. The political men were witnessing how the prince had asked a veto right in the Constitution, how his ideas were moving towards the conservatives' ones (who would look more like the Prussian Junkers), being bothered by the radicals and the moderate liberals, who would promote openly their preference for France and Emperor Napoleon III. France and Prussia had reached, in four years, an active teasing situation, the open war, circumstances that used to be favourable to the liberals. The radicals were dissatisfied that the Prince did not offer them the entire power in the government, while the conservatives were waiting for the end of the main external confrontation. The period

“East” and “West” in the Second Half of the 19th Century ...

between 11th of May 1866-7th of August 1870 was an agitated one, from the point of view of the governing. No govern resisted more than seven months (Hitchins, 2013:31).

In the summer of 1870, amidst of the increasing French-Prussian conflict (the breaking out of the war was on the 7th/19th of July 1870), at Ploiești, there took place an event that, in the collective memory, it was called “The Republic from Ploiești”. Al. Candiano Popescu, Eugeniu Carada, inclusiv Ion C. Brătianu, C.A. Rosetti were among the conspirators. The pro-French were convinced of the eventual success of France against Prussia and wished, in that manner, to be noticed by the Emperor Napoleon III, by removing the Prince of Hohenzollern. The rumours on addressing the overthrowing of Prince Carol, which Candiano Popescu, the self-proclaimed Prefect of Prahova County and leader of Telegraful din Ploiești spread, did not have the expected effect, and certain clerks, who the conspirators had called to help, preferred to announce the government of the moderate Manolache Costache Epureanu. Furthermore, the military men, lured by the conspirators, along with a majority of them, including Ion C. Brătianu and C.A. Rosetti, were proposing the expectative. The excitement of Al.Candiano Popescu was actually fatal for the action, which was annihilated, a situation that determined Nicolae Iorga to call it “the ridiculous few-hour republic of Candiano-Popescu”. In September 1870, the disaster from Sedan removed the Emperor Napoleon III from the first position, when he was taken prisoner by the Germans.

The echoes of the conspiracy could still be heard, when, in 1871, another trouble emerged. Prince Carol was invited by the German Colony from Bucharest to attend the party dedicated to Kaiser Wilhelm I. The population from Bucharest stoned the reception hall, the prefect of Bucharest missing mysteriously from his duties, which generated the idea that he was part of the conspiracy.

Consequently, the preferences of the Romanians for the French model were still manifesting, the prince having to use a political manoeuvre, of pretending to abdicate. The convoking of the Deputies of the Hospodar from 1866 fuelled the fear that the prince could abdicate. The radical liberals stepped back and, for five years, the prince signed the decrees for the appointing of conservatives prime-ministers.

Yet, the French model stuck, owing to the fact that the German culture was hardly penetrating, the French language continuing to be the language of diplomacy. Moreover, the conservatives were not popular, due to their opposition against the idea of reconsidering the agrarian reform, initiated in 1864 by Alexandru Ioan Cuza. New anti-dynasty manifestations were emerging, this time endorsed by Russia. In 1873, the ruler Cuza was dying in exile, after the county of Mehedinți had offered him the position of deputy in the 3rd college. The bringing of the passed-away into the country was a grieving moment for the many peasants who joined the funeral procession. The Russian propaganda used manifests with the portray of Alexandru, the elder son of Cuza, on which there was written that Russia had supported the idea of the agrarian reform of the ruler. Alexandru Ioan Cuza himself had been accused of pro-Russian affinity, when sending 30,000 Russian arms to the Serbian king, Miloș Obrenovic, a fact that had represented an issue for his dethroning from 1866.

Therefore, due to the lack of popularity on addressing the conservatives, the French model was still present, although lots of men of culture and politicians, as Petre P.Carp, Vasile Pogor, Titu Maiorescu, the younger Mihai Eminescu, Ion Luca Caragiale, had become supporters of the German cultural models (Iordache, 1999, 5-9).

To them, there were added, in the next decades, numerous men of culture and politicians from Transylvania, Banat, Bucovina, who, because of the persecution against

Florin NACU

the Romanians that they had witnessed, found in Romania the appropriate ground for their aspirations.

It was the problem of the Romanians from Transylvania that generated antipathy, as regarding the German political and cultural model. Although the attitude of Russia at the Treaty of Berlin was somehow unfavourable to Romania, meaning that Dobrudja became part of Romania only after the Southern Bessarabia had been annexed to Russia, and the political class from Bucharest attributed this responsibility to the Germany led by Bismarck.

Basically, in three decades, that is from 1848 to 1878, Romania had known a remarkable internal and international progress, from the two Principalities “who had been on the way of all the troubles”, to a national, unitary and independent state.

Only after 1881, the Narodnik influence started to be felt, yet, the electorate who voted based on qualifications, was little drawn towards the Eastern ideas. The liberals were blaming the conservatives for the still unsolved agrarian question, which was again bringing forward the French model of development. Paris was a decisive influence on the Romanian culture and architecture. The French architects were more numerous than the German ones, and the builders were Italian. The affinity based on Latinity was another advantage in fighting against “the Teutonic nature”.

During the entire period when Romania adhered to the Triple Alliance, seen by Ion C. Brătianu as a necessary evil, but kept hidden from the public opinion, the attitude of Austro-Hungary had negative repercussions on the German model of perception (Stan, 1995: 21).

An expressive manifestation of the moderate conservatism was the Junimea literary circle, but their orientation, especially of the conservatives towards the Central Powers, was again manifested with certain reservations, on addressing the German spirit.

The theory of forms without content, enounced by Titu Maiorescu, was a protest against the imitation of the French model. The fact that the Romanians had copied institutions that in France were glorious, the university, the theatre, the opera, in Romanian not existing qualitative literature and gifted people, who would make themselves noticed, used to be criticised by Titu Maiorescu. He wished that the national specificity to be improved through the external influence, not the exterior to be adapted to the Romanian reality.

In 1868, Titu Maiorescu was publishing the study “*Against the nowadays direction from the Romanian culture*”, from which we are going to reproduce a quotation, essential for the vision of this man of culture and politician, on the relation between the followed model and the originality of the cultural approach.

The author gives a harsh criticism on the way in which there are analysed the essential deficiencies from the Romanian society. Thus, the Romanian had imported political models from abroad, before analysing if there is a compatibility with the internal political situation. Moreover, there were skipped essential stages in the building of the educational edifice, meaning that the institutions appeared before the selection of the teaching staff. The scientific research was severely affected by the absence of the appropriate researchers, who would work in the researching institutions, rapidly founded according to the western model. Therefore, at that time, there were no specialists, able to investigate the historical past, the resorts of the Romanian language, the processes of the natural sciences:

Titu Maiorescu brings forward the particular situation of Romania, which is that the great majority of the population is made of peasants, who constitute the category that

“East” and “West” in the Second Half of the 19th Century ...

does not enjoy any political rights, but who carry the burden of producing, paying taxes, duties, and bring money for the state's budget, who represent, when needed, the defending force:

The technical and cultural performances from the Occident made possible, in the opinion of Titu Maiorescu the true perceiving of the Romania cultural, educational and research mockery, which is, for Romania, an extremely serious situation. The author considered that the image of Romania was a disastrous one, that the foreigners were referring to Romania using criticism and derision:

Titu Maiorescu appeals to the involvement of the real potential personalities, those with true intellectual capacity that would allow them to erase the Romanian discrepancy, in relation to the occidental world. It is obvious that, for Titu Maiorescu, the historical time was representing the sine qua non condition. He was hoping that the progress of the Romanians would take place in the same time, both efficiently and rapidly, because the evolution of the western world would not stop either, which could lead to major differences, at some point becoming impossible to be removed (Maiorescu, 1989: 122-130).

The year of 1916 was practically a reconsideration of the pro-French attitude from 1866, that of one century before. France wanted retaliation before Germany. King Ferdinand was not the short, rigid and impenetrable German that King Carol I had been, deceased in October 1914, and Queen Maria was greatly involved in policy, her influence on her husband being more than obvious.

Briefly, the French cultural current was obviously preferred, owing to the fact that the founders of modern Romania had been educated in French schools. Although Prussian, Prince Carol was related more to Napoleon III, than the ruling family of Germany. He understood that the country would have only one future, because its position at the Lower Danube, and in the neighbourhood of the sea, it could not renounce the French culture in the spirit of which most of the political men had been educated. Moreover, Prince Carol considered the attitude of Austro-Hungary, on addressing the Romanian question, as refractory and harmful. If he had refused to marry a Russian princess, his heir, Prince Ferdinand, could not avoid the marriage, especially after the unfulfilled love story with Elena Văcărescu, a story of a romantic, and in the same time dramatic character, specific to the French.

At that time, the capital of Romania, Bucharest, was called “the little Paris”, but the expression was continued through the affirmation that it was placed “amid a great village”. Then, the cultural and political models were acting only in the urban environment. The world of the villages was getting in touch to the French inspiration progress through the great landlords or industrialists, bankers, who also had landed properties. From the villages, at most the employees of the landlords could become acquainted to the occidental fashions and culture. The rest of the village remained untouched, with its secular traditions. The relations between the workers and the landlords could be close to the “new-serfdom”, theorised by Constantin Dobrogeanu Gherea in 1910, when the Occident had radically different methods of development.

The socialist current had developed in the German Occident, being embraced by the Russian intellectuals, and reaching the Romanian space. Yet, the criticism of the German theoreticians, on addressing the history of the Romanians and the reforms of Cuza, made the German cultural model an unpopular one again, from easily to understand reasons (Dobrogeanu Gherea, 1910:50-51). The collaborationism of the last great conservative leader, Alexandru Marghiloman, with Germany, as occupationist, led to the

political death of the conservatism, immediately after the Great Union (Iordache, 1999, 10-15).

The French political model won the confrontation with the German political model. As a state positioned between the interests of the great empires, Romania was dependent culturally, socially and politically to the models of the developed countries, which had the statute of great power. The Romanian intellectuals did not manage to find an original way of development in the modern age. Neither did the so-called nationalist and extremist movements from the third decade of the 20th century have an exclusive Romanian feature, but, underneath, there were the occidental extremist ideologies, with racist and xenophobe accents. They represented the matrix, in which there were created the Romanian nationalist currents between the two world wars, as much as the extreme left movements had as substrate the model of the Russian socialists, with ramifications in the Francophone space, in France and Switzerland. In 1917, Germany was the state that contributed to the promotion of the radical doctrine of Vladimir Ilici Lenin, starting from April 1917, and culminating with the revolution from the 25th of October 1817. The ideology of the communism got the Soviet Russia out of the World War I. Paradoxically, in 1919, Romania removed the pro-Bolshevik government, of Bela Kun, from Hungary, on the reason that it did not recognise the historic action from the 1st of December 1918.

In conclusion, 40 years had passed from the gaining of state independence of Romania, and our country had become Great Romania. The Great Union brought together the Romanians, the Hungarians, the Saxons of Transylvania, the Szecklers, the Jews, along with the Lippovans, the Turks, the Tatars, the Serbians, the Swabians, the Ruthenians, but, after the model of the German state had disappeared from the former Romanian provinces from Austro-Hungary, the Romanians were even less tempted by the German model. The reforms of the period between the two world wars were continuing to be the French ones (Scurtu, 1982: 41). The failure of the German Republic from Weimar, the emerging of the extreme right, the ascension of Adolf Hitler, brought back, after 1927, the year when the Regency was installed, the German model. Already, in 1937, the right extreme in Romania, which wanted to become legitimate through the relating to the values promoted by the Nazi Germany, became the third political force of the country. The world was sliding towards the World War II, at an amazing speed.

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“East” and “West” in the Second Half of the 19th Century ...

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ORIGINAL PAPER

The Consequences of Economic Recession on the Quality of Life in Romania, between 2009 and 2013

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Abstract:

The economic crisis represents an ambivalent phenomenon inducing both negative, dysfunctional effects and consequences and also positive, functional ones. Of course, positive aspects are not that prominent and they mainly refer to the adoption of a more balanced behavior by economic agents and population, general decrease of prices, especially in the real-estate field (in certain cases, properties can be purchased at a third of the price required before the crisis). The negative effects or the general risks refer to the quality of the people's social-economic and cultural life at a national level, while, at the global level, the economic crisis affected the political and economic hierarchy of the world states. The article is analyzing the statistical data at European and national level, in order to confirm us that the economic crisis from 2007-2008 was characterized by the increase of unemployment, which had led to an increase of severe pauperization rate and a severe deterioration of quality of life.

Keywords: *economic recession; quality of life; unemployment; income; poverty*

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The Consequences of Economic Recession on the Quality of Life in Romania...

Introduction

Throughout time, the concept of quality of life (QOL) has enriched its meaning, being viewed as a target or a set of specific characteristics of some individuals, groups or communities (Milton, 2013). Starting with World War II, the policies of industrialized countries have oriented towards the development of socio-economic aspects of society, as well as improving the social security system. After the war, the term has been used in American literature to outline a new perspective on life, a life of quality being described from other perspectives as well, not just the material one. Even the president of the United States during 1963-1969, Lyndon Baines Johnson, said that the economic potential is one of the factors to influence the quality of life, and therefore cannot describe it as good or bad (Henning, Krägeloh and Wong-Toi, 2015: 29).

Since 1970, the term has also acquired a subjective aspect, given its focus on the individual. Therefore, besides the measuring social indicators of the concept there were also introduced those aiming social and psychological needs of man (Henning, Krägeloh and Wong-Toi, 2015). In the health research, the term was widespread, being associated to some fields of study such as sociology, medicine, economics, geography, philosophy, etc.

Quality of life: definitions and conceptual meanings

The concept of quality of life had different interpretations, being used to describe both the well-being of individuals as well as societies. The term has been used since ancient times, in the writings of philosophers, who discussed issues aiming for the meaning of life, knowledge, man endowed with the ability to choose what is best for him and others. For example, Aristotle in *Nicomachean Ethics*, “recognizes the multiple relationships between happiness, well-being, eudemonia and quality of life” (Panagiotakos and Yfantopoulos, 2011: 517).

The early Christians were the ones who first promoted the idea of beautiful and meaningful life lived in order to get divine benevolence. This spiritual fulfillment acquired by obeying religious teachings was later promoted by other religions.

In time, the term acquired meanings according to the mood of that period, social organization and the author’s ideas, “representing various schools and trends of world outlook” (Wohl, 1977: 35).

At the end of the 18th century and early 19th century, in the works of French utopian thinkers there was found the quality of life as a social category. In their thinking, a fulfilled society is built on the correspondence between aspirations and lifestyle. Therefore, they have militated in favor of new conditions of life “a different shape of human needs ad human behavior and satisfaction, derived from life” (Wohl, 1977: 35). Later, Marx’s approach was based on the analysis of real facts, which offers assessment to the quality of life. Through man’s ability to shape nature, bringing it close to his needs, man becomes a creative force, but with the development of the production process production there also appeared the alienation of man who, at work, can no longer explore his creative share and thus satisfy his own needs. In fact, the issue of quality of life was raised due to the dangers and frequently threats brought on by “the world wars and the accumulation of means of mass annihilation” (Wohl, 1977: 35). In this state, dominated by fear, people began to question the sense of moral and social order.

In general, the quality of life is defined as the assessment that the individual does on his/her own life, reported to the “culture and

value systems in which they live and in relation to their goals, expectations, standards and concerns” (World Health Organization [WHO], n.d.).

Therefore, the quality of life describes the material conditions and psychological environment of a community. Quality of life can also be described as wellbeing of the community, “a function of the actual conditions, or what an individual or community make of those conditions” (Michalos and Robinson, 2012: 23). These conditions derive from how they are perceived by the community and individuals, that is how they are understood and how they are acting in accordance with them.

According to Hass, the quality of life refers to subjective wellbeing, with the physical, psychological, social and spiritual dimensions. That is a multidimensional measurement of the contemporary living circumstances of the people, in the cultural-value context of which they belong (Hass, 1999).

Although the definitions on the quality of life are numerous and diverse, there can be identified attributes common between them, like the subjective and multidimensional nature of the concept, the individual’s feeling of satisfaction towards his own life, individual placed in a certain socio-cultural context (Poradzisz & Florczak, 2013: 117).

The most important factors determining the quality of life are physical, psychological and social welfare state. To enhance the quality of life, new tools for measurement and intervention have been developed, which imposed increasing broad meanings of the term. Therefore, these new conceptual dimensions have led to other variables indicating the quality of life such as personal beliefs, lifestyle, happiness and social relations (Salehi, Harris, Coyne and Sebar, 2014: 1).

Methods to measure the quality of life

The wide range of indicators to measure quality of life facilitated the development level of societies. In 2005, the Economist Intelligence Unit, created an index of quality of life assessment, which included both subjective and objective results. The index was calculated on a sample of 111 countries and includes new evaluation factors: material well-being (measured by Gross Domestic Product (GDP) per person), health (measured by life expectancy at birth), political stability and security (measured by evaluating these indices), family life (measured by the divorce rate); community life (measured by attendance at church and affiliation to a trade union), climate and geography (latitude measuring temperature differences between countries); job security (measured by the unemployment rate); political freedom (measured by average rating indices of political and civil freedom), gender equality (measured by comparing the average incomes between sexes) (The Economist, 2010: 1-2).

The World Health Organization (WHO) has developed two instruments for measuring the objective and subjective approaches of quality of life, WHOQOL-100 and WHOQOL-BREF. Both have an inter-cultural approach and can be applied in many cultural contexts.

The *WHOQOL-100 instrument* seeks to build a subjective evaluation of people’s lives, reporting their goals and concerns to cultural and value context (WHO, 1998: 3).

The 6 specific domains (physical capacity, psychological ability, level of independence, social relationships, environment, spirituality/religion/personal beliefs) as well as 24 sub-domains associated with them are measured through a questionnaire constructed of 100 questions, translated into 29 languages. This instrument becomes an evaluation concept which includes “the individual’s perception of health status, psychosocial status and other aspects of life” (WHO, 1998: 3).

The Consequences of Economic Recession on the Quality of Life in Romania...

The *WHOQOL-BREF* indicator was recently developed in order to make an accurate, practical assessment and in a shorter time. The 26 items enrolled in the 4 domains (physical, psychological, social relationships and environment) build profiles of the domains assessing the quality of life. Therefore, the WHOQOL-100 indicator is an alternative rapid assessment of profile areas, although it is not considering individual facets (Poradzisz & Florczak, 2013).

In the European Union, Eurostat measures the quality of life through nine dimensions, eight aiming the possibilities that citizens should have at their disposal in order to “effectively pursue their self-defined well-being, according to their own values and priorities” (Eurostat, 2015a), and the last dimension aims for the general experience of life.

The eight indicators represent individual dimensions, through which one can identify the level of development of societies as well as the welfare of the population, are (Eurostat, 2015a): *material living conditions* consider the analysis of incomes, consumption and material conditions (material shortcomings and housing); *productive or main activity* is evaluated quantitatively by available jobs, duration of working program and establishing the relationship between hours spent at work and outside it, but also qualitatively by professional ethics and the protection of the individual in the workplace; *health condition* is measured based on five sub-dimensions: life expectancy, infant mortality, number of years of healthy life, perception of one’s own state of health, but also access to healthcare; *education* is examined through the educational level of the population, the number of people who quit school at an early age and participation in lifelong learning; *use of free time and social interactions* is based on indicators measuring the time spent by individuals from diverse cultural and sporting events, performed volunteer activities, frequency of social interaction and access possibilities of social aid; *economic and physical safety* is measured by the individual’s protection and economic security; *governance and basic rights* include the participation of citizens in public and political life, the people’s level of confidence in the country’s institutions, satisfaction regarding public services and non-discrimination; *natural and life environment* is assessed through objective and subjective indicators aiming at protecting the environment, meaning their own perception and degree of atmospheric pollution.

The last dimension, general satisfaction of life, is a way of integration the “diversity of the experiences, choices, priorities and values of an individual” (Eurostat, 2015b). In general, the assessment of the quality of life is done through three general frameworks (Porio, 2015): *Millennium Development Goals* (MDGs)– proposes eight universal goals, which aim to help eradicate hunger and poverty, ensuring universal primary education, promoting gender equality, reducing child mortality, improving maternal health, fighting HIV/AIDS, malaria and other diseases, ensuring environmental sustainability and shaping a global partnership for development (Porio, 2015: 246). Although they do not consider aspects regarding urban sustainability and social unit, the indicators allow, by their ease, the development of objectives through a better fit of the assembly of circumstances and their application in specific geographic areas; *United Nations Commission for Sustainable Development (UNCSD)*– contains a set of 96 indicators (of which 50 are basic), grouped into four important dimensions: social, economic, environmental and institutional one. The indicators are built by the thematic framework that was adopted in 2001, namely: governance; health; education; demographics; natural disasters; atmosphere; land; oceans; seas and coasts; freshwater; biodiversity; economic development; global economic partnerships; consumption and

production patterns (United Nations, 2007: 9); *Livable Cities Indicators (LCIs)* – indicators used to assess the quality of life of people in a community, describing their needs, from the most basic to the most complex ones and „how the activities and choices of these individuals will impact on the lives of future generations” (The National Academies of Sciences, Engineering, and Medicine, n.d.: 22).

In Romania, The Research Institute for Quality of Life (ICCV), a research network of the Romanian Academy, aims to contribute to the development of Romanian society by researching the quality of life, social policies and the problems facing Romanian society, as well as developing intervention strategies. The study on the quality of life is one of the directions of research for the ICCV. The research program examines specific components of the indicator (health, employment, education, housing conditions, public and social services, subjective welfare), diagnoses the components diagnose and assesses the level of social change (The Research Institute for Quality of Life [ICCV], n.d.).

Poverty and unemployment in Romania during and after the economic recession

The economic recession from 2007-2010 has had a multitude of influences and negative consequences at social level, among which we can mention: reduction of jobs and of secure incomes; the increase of debtors’ rate and forced executions; pauperization of large social categories and extension of poverty; visible deterioration of life quality and chances of future evolution of human communities etc.

In Romania, within the economic crisis, population’s income has severely decreased, because of the fact that unemployment rate was increasing. Also, public and private sectors encountered severe pay cuts and also a severe decrease of job vacancies. “Companies, as well as population, have become vulnerable to the emerging changes, many of them being subject to insolvency proceedings” (Mărcuță, Mărcuță and Angelescu, 2013: 95).

For our present analysis we have chosen to analyse what was the impact of the global economic on the quality of life in Romania, taking into account the following parts: economic background; poverty and social exclusion; employment and unemployment.

As for the *economic background* we may see that a sharp down-turn during the 2008-2009 period and, as international markets became more conservative in their lending, inflows of capital fell and concern grew about Romania’s budget deficit (5.7% in 2008). In the summer of 2013 Romania was completing the implementation of the second economic adjustment programme with the EU and IMF (and some other lenders, for example the WHO) which had been requested in 2009 (European Commission, 2013).

At the beginning of the economic recession, the bank market was characterized by a severe instability because of the fact that, during 2006-2008 most of the banks have been sold “toxic” financial products (as, for example, loans with high interests and bank commissions). And when the crisis started, people who have contracted those kinds of loans and were facing unemployment problem, could not pay them back and, thus, they faced social crises. In the same time, the real estate market was severely affected, because of the “loss of assets acquired from bank loans or leasing companies, etc.” (Otovescu, Frăsie, Matoi and Otovescu, 2011: 102).

In 2012 our national economy was starting to recovery from the economic crisis, although it was a modest recovery (by 0,7%) “which continued to rise, reaching at the end of 2015 at 1,6%” (European Commission, 2013). As for the *employment and*

The Consequences of Economic Recession on the Quality of Life in Romania...

unemployment, we cannot take into consideration the definitions that tell us that, while “employment is an essential condition for ensuring economic, social and political stability in any society” (Cojocaru, Popp, 2010: 645), unemployment represents a problem that has various economic, social, political and psychosocial consequences.

The economic crisis from 2008 was considered to be the “the worst recession since the Second World War” (Ilie, 2014: 92), a phenomenon which affected especially the European economic system and labour market.

Certain categories of the population, such as women, immigrant workers and young people, were more affected by the economic crisis than other population categories. Being considered a vulnerable population in an economic recession, women represent a priority of European policies aimed at increasing the employment rate and, implicitly, fighting unemployment.

One reason why women are more exposed to the financial crisis would be the fact that the global labor market is still segmented (there are only female or male-dominated occupational fields) because many women undertake atypical work (part-time, and because history showed us that their rights are being neglected during periods of economic crisis (e.g. the right to equality).

The economic crisis unsettled the labour market in Romania and led to “the increase of the unemployment rate to 8.1% (first trimester of 2010)”. (Otovescu, et.al, 2011: 140), this percentage being above the national average, during times of economic stability (6,3%). At the beginning of 2010 “there were 700,000 unemployed people in Romania” (Otovescu, et.al, 2011: 140), but their number was supposed to increase till the end of 2010, taking into considerations the fact that, besides the officially unemployed persons, there were also people who were not officially registered as unemployed (for example, the NEET’s category).

According to the European Commission, in 2012, Romania had one of the lowest employments on the previous year (when it was at 63.8% (amongst those aged 20-64 years), though 62.8%) (European Commission, 2013). Basically, even if during 2006-2008 Romania was characterized by economic growth, starting with 2008, the national economy has become vulnerable “and could not keep away from the harmful influences of the recession (Fleșer, Criveanu, 2012: 137).

Another negative consequence we cannot fail to consider is the growth of the youth unemployment rate, which in 2012 was very high, 22.8%. Furthermore, according to a European Commission Report, in 2012 Romania had a high share of NEETs (young people neither in employment nor in education or training), which represented 16.8% of the EU population aged 15-24 (European Commission, 2013: 40).

Furthermore, other authors find that unemployment has negative effects, both on individuals and on society and “because this phenomenon has considerable social and economic costs” (Ilie, 2014: 96).

During 2010 and 2015, the strategies and the measures in order to reduce the youth unemployment seem to be successful. Thus, one of the positive effect was the decrease of the youth’s unemployment (to 22%). But, in the same time, as for the young NEETS’s, for example, “Romania is above the EU average with 5%, averaging 12%” (Niță, 2017: 96).

As we have mentioned above, during periods of economic crisis, certain social groups experience a particular impact on their economic and social situation, especially, youths, children and migrant workers. So, another consequence of the global economic crisis was *the increase of the global (national) poverty and so, of the social exclusion of*

vulnerable groups. In 2011, 40.3% of the population was at risk of poverty or social exclusion and this increased in 2012 to 41.7% (Eurostat, 2013).

In Europe, there were two determinants that played a major role in the impact of the crisis on poverty. The first is the rise in unemployment, especially the long-term unemployment rate, while work remains the best protection against poverty throughout the European Union.

In 2010, the European Council adopted the New Europe 2020 Strategy for “employment and a smart, sustainable and inclusive economy”, which aims to reduce by 20 million, out of 114 million (less 16%), the number of European citizens confronted poverty and social exclusion (Marlier, Natali and Van Dam, 2010). The indicator that serves as the basis for the European objective includes all those concerned by at least one of the following three dimensions: relative income poverty (at the 60% threshold of the median standard of living); severe material deprivation (on the threshold of four material deprivations from a list of nine items); the very low intensity of work in the household (at the threshold of 20% annual work).

Because of the economic crisis, the Lisbon Strategy was considered to be failed, so, in 2014 was established the net European Strategy 2014-2020, which was focused on three main priorities “1. Smart growth; 2. Sustainable growth; 3. Favourably inclusive growth” (Goga, 2014: 197).

There are also economists and sociologists who affirm that in Romania, poverty is caused especially by three elements: the labour market; family structures; migrations. It is therefore not complicated to answer the question. The significant increase in poverty since 2008 is a consequence of the crisis and the increase in unemployment. During periods of economic recession, children, youth, female, unemployed persons and “single persons with dependent children, those self-employed in agriculture and low educated people” (UNICEF, 2014) are the most vulnerable persons to the negative effects.

According to Eurostat, in Romania, almost 5 million people were exposed to the risk of poverty “our country having second highest risk-of-poverty rate in the EU28 after Greece (and closely followed by Spain)” (Eurostat, 2013).

According to the UNICEF Report - *Les enfants de la récession Impact de la crise économique sur le bien-être des enfants dans les pays riche*, in 2012, almost half of severely disadvantaged children (44%) lived in three countries: Italy (16%), Romania (14%), and the United Kingdom (14%) (UNICEF, 2014).

As a measure to diminish the effects of the economic crisis in 2011, Romania reformed its family support system in 2011, replacing two means-tested family allowances with a single benefit and adopting new provisions for single parents. However, the new benefit is less generous for families with one child. It is more generous for families with three or more children and the income ceiling has been lowered.

During the crisis, Romanians experienced a constant deterioration in the situation of families, mainly due to job losses, underemployment and cuts in public services. The median income of households with children decreased in almost half of the countries for which data are available. The number of families indicating that their situation is “very difficult” has increased in most countries.

The presence of one or more children in a household increased the risk of “worker poverty”, and this situation lasted for almost 4 years. By consequent, in 2012, “25,2% of Romanian families could not afford new clothes for their children” (Caritas Romania, 2013). In the same time, the low living standards are exposed by a lot of statistical data which showed us, for example in 2012, that “23.8% of Romanian children cannot afford

The Consequences of Economic Recession on the Quality of Life in Romania...

to eat fresh fruit and vegetables once per day” (Idem). As a conclusion we can say that poverty is sent to poor people through 5 dimensions: “employment; prices; public and private transfers; assets; and access to goods and services” (Overseas Development Institute, 2009: 151).

And one of those services which are affected during economic recession, are the educational services. Statistics have shown us that during recession, the participation in education is decreasing, because of the facts that families cannot afford to send their children to school. Also, because of the fact that the unemployment rate is high “there is a risk that parents and young people may no longer see the usefulness of investment in education”(Ilie, 2013: 480).

Poverty is a factor affecting the quality of education, obstructing the formation of the youth's learning abilities. These abilities can be severely impaired if the youth is undernourished or the household's living standard is very low. Poverty is affecting the quality of education (because of the low participation rate, the decrease of financing educational systems etc.). Moreover, if we speak about a low quality of education, this involves also the people's perception of the usefulness of education. This negative perception on education's usefulness is influencing a lot of parents' decision (especially in the rural areas) “to keep their children at school and on the decision of young people to attend a form of education or other” (Otovescu et al., 2011: 146).

In fact, these decisions, whether to attend or not school, together with the negative perception of the usefulness of education are influencing the economic growth of a community or society, and on long-term, they are favoring the persistence of the poverty for the vulnerable categories of population. This is the main argument for which some states, even if they were facing economic recession, have been made huge investments in educational system, which it is a positive measure for economic growth (even if its results are seen in short term).

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ORIGINAL PAPER

Czech Bicameralism 1996-2016: Conflict or Cooperation?

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Abstract:

Article deals with the relations between two parliamentary chambers of the Parliament of the Czech Republic while exercising their legislative power. It asks a question, whether split majorities in each of the chamber in 1996-2016 resulted into more confrontational relations between the chambers and more frequent use of legislative tools such as Senate power to amend or veto the proposed legislative initiatives or Chamber's power to override Senate vetoes.

Keywords: *Czech Republic, parliament, bicameralism, Chamber of Deputies, Senate, legislative process, coalition majority*

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Czech Bicameralism 1996-2016: Conflict or Cooperation?

Introduction

The existence and functioning of bicameral parliaments brings many challenges that individual actors of the political and constitutional system have to cope with. One of the key issues that are being studied in the connection with the functioning of the bicameral parliaments is the strength and real role of the second chamber in the legislative process, and the resulting relationship between the two chambers. In addition to the rules and processes set by the legislative norms (Constitution, Rules of Procedure etc.), this is also very much dependent on the form of the party system, the relations between the political parties and the principles of formation of the parliamentary and government majority.

The party composition of chambers in bicameral parliaments is one of the most important factors that play key role in studying, analyzing and evaluating the role, influence, importance and effectiveness of the second chambers and bicameral parliaments in general. If confrontational style of governance and coalition vs. opposition relations prevails (unlike a more cooperative system) in the country's political environment, the existence of different majorities (incongruent situation) in each of the parliamentary chamber may in the extreme cases lead even to political or constitutional crises, blockage of the legislative process, or frequent changes and amendments of laws depending on the alternation of legislative majorities. Nevertheless, it cannot be automatically guaranteed that the existence of the same majorities (congruent situation) will lead to seamless relations between the parliamentary chambers. Even within the political parties there may be different opinion fractions; in the case of the second chambers established on a different legitimacy principle than the first chambers, the different attitude of the representatives of a single entity can be influenced by differences in legitimacy and origin or sources of mandate.

The aim of this article is to analyze whether the legislative process in the Parliament of the Czech Republic at times when the bicameral legislature functioned in the situation of split majorities (incongruence) had different features and results than the one held during consensual majorities. The article will focus on the comparison of the legislative process at the time of incongruence from three aspects. First: we will take into the account the shares of the legislative bills (proposals) that were approved in the Senate in the identical wording of the Chamber of Deputies (therefore without any changes or amendments from the Senate). Second: we will analyze the situations when legislative bills passed in Chamber of Deputies were vetoed (rejected) by the Senate. Third: we will look at the activity of the Senate when returning legislative bills back to the Chamber of Deputies with proposed amendments. Because our aim is to point out whether and how the different composition of the two parliamentary chambers influenced Czech Republic's legislative process, we will look closer at the second and third aspects of whether different party composition affected the fate of the legislative bills that were vetoed or that were returned to the Chamber of Deputies with amendments.

Main research question is formulated as follows: Did the legislative process in the bicameral Parliament of Czech Republic led to higher share of conflicts between parliamentary chambers and more frequent use of veto tools during legislative process in the periods of incongruence (split majorities) during 1996-2016?

At the end of the introduction, we will note that this paper will focus only on the issue of the ordinary legislative process. In view of the different majority required for the

approval of constitutional laws (three-fifths majority of all members of the Chamber of Deputies and three-fifths majority of present members of the Senate), these will not be taken into the account in the presented analysis.

Introductory methodological notes

At the beginning of the article, we should notify the readers of several methodological obstacles that this analysis is challenged by. The first one is the fact that the Czech Republic's political party system operates in a multiparty form. Such analysis would be more easily carried out in a system where only two relevant parties exist and therefore it is easy to assess the periods of consensual majorities (congruence) and periods of dissenting majorities (incongruence). The multipartism functioning in the Czech Republic's party system forces us look at the (in)congruent situations somewhat more difficult, however, it does not make it entirely impossible.

Another relatively significant limit is the fact that minority or quasi-majority governments were often formed in the Czech Republic. Establishment and subsequent existence of such cabinets has often been dependent on the support or tolerance of the actor (or actors) standing outside the structures of the coalition parliamentary clubs. It is also necessary to deal with differences in the internal party-political organization of both chambers. The twenty-year experience with the internal structure of the senatorial clubs shows that they cannot be automatically mirrored and compared to the structure of the clubs established in the Chamber of Deputies. In the Senate, clubs that are often not composed entirely of senators elected for one political party or movement, but they often represent mixture of senators elected on the ballots of different electoral bodies. In addition, it is necessary to add that the senators elected initially as independent, may or may not become part of any senatorial club.

Last, but not least, we find the limits in the form of non-correspondent electoral terms between the Chamber of Deputies and the Senate. As long as the elections were held at least in the same (even) years,¹ albeit with a four-month delay, these terms could be more or less synchronized with some minor tolerance. However, the premature dissolution of the Chamber of Deputies and the subsequent elections in the odd year of 2013 have made the matter somewhat more complicated. I therefore kindly ask your dear readers to take note of the limits mentioned above when reading and understanding the analysis.

Czech Senate as the actor of legislative process

Before we proceed to the analysis of 20 years of legislative activities of the Czech Senate, let us introduce briefly the Senate's position in the Czech political system, and particularly in the legislative process. The Constitution of the Czech Republic, passed in December 1992 and effective since January 1993, created the Parliament as the bicameral one (Constitutional Act n. 1/1993: art. 15, section 2). The terminology used in the 1993 Constitution reflected the tradition of Czechoslovak parliament from the interwar period.² The houses were named the Chamber of Deputies (lower house) and the Senate (upper house), same as during interwar period. Authors of the 1993 Constitution, however, tried to balance the positives of Czechoslovak constitutional and parliamentary traditions with avoiding weaknesses and negatives of the practical functioning of interwar Parliament.

Interwar Czechoslovak bicameralism was not an effective one, as both parliamentary chambers were elected by the same electoral system and in fact also in the same time and for the same electoral period. Although 1920 Constitution arranged for different length of the term of office for each of the chamber: six years for the Chamber

Czech Bicameralism 1996-2016: Conflict or Cooperation?

of Deputies, eight years for the Senate (Act. n. 121/1920: § 11 and 16). In the same time the Constitution also allowed that both parliamentary chambers could be prematurely dissolved (Act. n. 121/1920: § 31, section 1). And in fact, they always were dissolved in the same time during the interwar Czechoslovakia (Kysela 2004: 384-385; Cabada 2011: 40). Therefore, composition of both parliamentary chambers was always identical, as election to both chambers were held in one time and reflected same political, social and economic conditions and mood among voters. We can argue that bicameral parliament with two identically composed chambers is not able to exercise its powers effectively.

Authors of the Constitution passed in 1992 learned this lesson and provided for more effective functioning of bicameralism in independent Czech Republic. Each of the chambers is now elected by different electoral system (Chamber of Deputies by proportional electoral system, Senate by majority electoral system; Constitutional Act n. 1/1993: art. 18, sections 1 and 2; Charvát 2012: 109 and 119), for different length of term of office (Chamber of Deputies for four years, Senate for six years; Constitutional Act n. 1/1993: art. 16, sections 1 and 2), with Chamber of Deputies being dissolvable under certain circumstances set in Constitution (Constitutional Act n. 1/1993: art. 35), while Senate cannot be dissolved under any circumstances. All 200 deputies are elected at one time, while the Senate is always renewed only partly as every two years one third of senators is elected (Constitutional Act n. 1/1993: art. 16, sections 1 and 2).

The legislative process in current bicameral parliament involves both chambers of parliament, with exception of the Act on the State Budget and Act on the State Final Account. These is the only two laws that are passed by the Chamber of Deputies only. All other legislative bills (proposals) are first discussed in the Chamber of Deputies, and if passed they are send to the Senate. The upper chamber has basically five ways how to deal with the legislative bill submitted by the lower chamber. First Senate can pass the legislative bill without any changes in the identical wording as the Chamber of Deputies (Act 90/1995: § 97, section 2; Act 107/1999: § 108). Second option Senate has is to veto the legislative bill (Act 90/1995: § 97, section 3; Act 107/1999: § 108). Another way Senate can contribute to the legislative process is to propose amendments (Act 90/1995: § 97, section 4; Act 107/1999: § 110). Fourth type of reaction is to “express the will not to deal with the bill” (Act 107/1999: § 107), which has same consequences as if the Senate passed it. Fifth option is that Senate does not pass any resolution related to the bill within 30-day limit, which again has same consequences as if the Senate passed the bill (Act 90/1995: § 97, section 2). If the legislative bill was vetoed or amended by the Senate, it is returned to the Chamber of Deputies. The Chamber of Deputies can override the Senate veto with majority of all deputies (at least 101 votes out of 200). If it fails to gain this majority, the Senate veto is not overridden and the bill is killed (Act 90/1995: § 97, section 3). If the Senate proposed some amendments, the Chamber votes first on the bill in the wording as amended by the Senate. If the Chamber of Deputies confirms Senate amended wording, the bill is adopted in Senate version. If it does not confirm Senate amended version, deputies vote on their original wording before it was amended by the Senate. In case majority of all deputies vote for the original bill, then the Chamber wording is adopted (Act 90/1995: § 97, sections 4 and 5). Different procedure applies for adopting or amending the Constitution, constitutional acts and electoral laws. However, our analysis will deal with the normal legislative process only, therefore it is not necessary to introduce this special procedure (see Kysela 2004).

Determination of the incongruent periods³

The Senate has existed for more than 20 years. Since its establishment in 1996 it has completed 10 two-year terms of office. Out of these 10 two-year terms, five times the ruling majority or majority backing ruling party /parties had majority in both houses of Parliament, therefore creating congruent situation. In the remaining five situations the majorities were split, therefore government backed by majority (quasi-majority) in the Chamber of Deputies did not maintain majority status in the Senate. Below is a basic overview broken down by the Senate terms. These were the incongruent situation that we will analyze in our article.

Table: Governmental majorities (based on Chamber of Deputies status) and their position in the Senate in 1996-2016

Senate term of office	Governmental majority in Chamber of Deputies	Position of the government in the Senate	Situation
1. 1996-1998	ODS, KDU-ČSL, ODA (99/200) <i>½ of 1998 – caretaker Cabinet</i>	majority (53/81)	congruence
2. 1998-2000	ČSSD (+ ODS as result of the “Opposition Accord”) (74+63=138/200)	majority (49/81)	congruence
3. 2000-2002	ČSSD (+ ODS as result of the “Opposition Accord”) (74+63=138/200)	minority (37/81)	incongruence
4. 2002-2004	ČSSD, KDU-ČSL, US-DEU (101/200)	minority (26/81)	incongruence
5. 2004-2006	ČSSD, KDU-ČSL, US-DEU (101/200)	minority (34/81)	incongruence
6. 2006-2008	ODS, KDU-ČSL, SZ (100/200)	majority (52/81)	congruence
7. 2008-2010	ODS, KDU-ČSL, SZ (100/200) <i>since 2009 – caretaker Cabinet</i>	majority (43/81)	congruence
8. 2010-2012	ODS, TOP 09, VV (118/200)	minority (30/81)	incongruence
9. 2012-2014	ODS, TOP 09, VV (118/200) <i>since 2013 – caretaker Cabinet</i>	minority (20/81)	incongruence
10. 2014-2016	ČSSD, ANO 2011, KDU-ČSL (111/200)	majority (49/81)	congruence

Source: Just 2016; Zabořilová 2016

That five incongruent terms can be divided into three logical stages. First stage includes the second half of the ruling period of minority Cabinet formed by Czech Social Democratic Party (ČSSD) backed by formally opposition Civic Democratic Party (ODS) via so called “Opposition Accord” signed after 1998 elections. Second stage includes two consecutive incongruent terms during which the ruling center-left majority led by the Czech Social Democratic Party (ČSSD) faced strengthening opposition led by right-wing Civic Democratic Party (ODS). And, finally, third stage includes two consecutive incongruent terms during center-right cabinets led by Civic Democratic Party (ODS) and facing majority in the Senate formed by opposition Czech Social Democratic Party (ČSSD).

Czech Bicameralism 1996-2016: Conflict or Cooperation?

First incongruent period: “Opposition Accord” signatories lost the Senate majority

The first period, when the two parliamentary chambers were in an incongruent relationship, began in the middle of the term of office of the minority Cabinet formed by the Czech Social Democratic Party (ČSSD), which governed thanks to the contractual arrangement with the major opposition party, the Civic Democratic Party (ODS), the so-called “Opposition Accord”.⁴ This alliance succeeded in imposing a new electoral law in the Senate in June 2000 (see Charvát 2013: 101-120), which according to the Constitution of the Czech Republic requires the consent of both chambers, i.e. without the possibility of overturning of the Senate decision by a majority in the Chamber of Deputies. Four months later, however, as a result of the elections to the one-third of the Senate, the two parties lost majority in the upper chamber, mainly thanks to the success of the alliance of four center-right parties, so called Four-Coalition. This alliance was formed as a reaction to the “Opposition Accord”. The four member parties of Four-Coalition were Christian and Democratic Union – Czechoslovak Peoples Party (KDU-ČSL), Union of Freedom (US), Civic Democratic Alliance (ODA) and Democratic Union (DEU).

The period of 2000-2002 therefore represents the first incongruent situation, although the majority in the Chamber of Deputies we are comparing with the Senate is reached on the basis of contractual relationship between the ruling party forming a single party minority Cabinet and the formally opposition party. From the Senate point of view it was its third term of office in the years 2000-2002. The overall course of the legislative process during this period was not marked by any major or revolutionary reversals. The proportion of legislative bills that were passed by the Senate in the identical version as in the Chamber of Deputies (65 %), bills that were returned by the Senate back to the Chamber of Deputies with amendments (25.3 %) and bills that were vetoed by the Senate (6.2 %), basically corresponded with the average for the entire twenty-year existence of the second chamber. While it is true that in the case of vetoed bills, it was upward in comparison with the previous two electoral terms. In the first and second Senate terms the proportion of vetoed bills was 4.5 % resp. 4.1 % (however, the overall average is 6.5 %).

Incongruence has also failed to address the disputes between the two parliamentary chambers on the question of subsequent deliberations on vetoed bills and bills that were returned to the Chamber of Deputies with amendments. In both cases, the proportion of the Chamber of Deputies' defiance was therefore below-average. Significant under-average was recorded especially in case of vetoed bills. While the average proportion of the Senate vetoes overridden by the Chamber of Deputies over the twenty years of the Senate's existence was 59.1 %, the Senate was overridden in only in 37.5 % of cases in the period of 2000-2002. Also, the success of the Chamber of Deputies in promoting its versions of the bills as compared to the Senate's amendments was minor and slightly below average (31 % in 2000-2002 versus the twenty-year average of 35.7 %).

A certain explanation for this situation can be found in the fact that the contractual alliance of the ruling Czech Social Democratic Party (ČSSD) and opposition Civic Democratic Party (ODS) did not apply absolutely and automatically to all the legislation initiated by the ruling party. Some bills passed through by ruling Social Democrats with the help of votes of the other political parties represented in the Chamber of Deputies at that time. That is why the voting majorities also frequently changed ad hoc. Anyway, despite the relatively confrontational relations between political parties at the time of the so-called “Opposition Accord” in general, it is obvious that the legislative process did not

suffer from these disputes. At least not so that there is a significant bias compared to the average.

Second incongruent period: coalition Cabinets led by the Czech Social Democratic Party facing strengthening opposition of the Civic Democratic Party in Senate (2002-2006)

The second incongruent period can be time-bound by the years 2002-2006, which corresponds to the fourth and fifth term of office of the Senate. During this period, Cabinets led by the Czech Social Democratic Party (ČSSD) and accompanied by two junior coalition partners Christian and Democratic Union – Czechoslovak Peoples' Party (KDU-ČSL) and Union of Freedom – Democratic Union (US-DEU) were at power. Although three Cabinets gradually served in this period, they were all composed and supported by the same political parties, and with the same majority.⁵ This coalition alliance held the minimal possible majority in the Chamber of Deputies (101 of 200 seats), however, its position in the Senate was minority from the very beginning, and this minority has been even more diminishing over the repeated successes of the opposition Civic Democratic Party (ODS) in 2002 and 2004 elections to the one third of the Senate.

In the fifth Senate term of office in the period of 2004-2006, we can register the most visible variation in the share of legislative bills adopted by the upper house in the identical wording of the Chamber of Deputies. One explanation may be the fact that at that time, in addition to the official coalition government of Social Democrats, Christian Democrats and Union of Freedom, a parallel coalition of the Czech Social Democratic Party (ČSSD) and the Communist Party of Bohemia and Moravia (KSČM) began to work more intensively. This unofficial parallel coalition had significant majority in the Chamber of Deputies – 111 votes (while the official coalition government held a close majority of 101 votes), but its position was significantly weaker in the Senate, mainly due to the low representation of the Communist senators. The use of the Social Democrat's parallel coalition with the Communists was criticized not only by other then-opposition parties but also by the official coalition partners of the Social Democrats.

While in the fourth Senate term of office in the period of 2002-2004, the share of Senate-approved acts in the wording passed in the Chamber of Deputies (65.8 %), did not exceed the average for the entire 20-year period of Senate existence (66.6 %), in the fifth Senate term of office in the period of 2004-2006, the share of approved laws dropped to only 37.8 %. Logically, the proportion of draft laws, which the Senate has returned to the Chamber of Deputies with amendments, increased to 42.7 % (while the average for the entire existence of the Senate is 24 %) in the fifth term of office. Also, the share of vetoed bills rose to 15.8 % (20-year average is 6.5 %). The shares of bills that were returned to the Chamber of Deputies with amendments corresponded to the average during fourth Senate term of office (26.1 %). The share of vetoed bills was even below the average during the fourth term (3.9 %).

However, we can register the opposite trend in case of fate of vetoed laws back in the Chamber of Deputies. In the fourth Senate term of office in the period 2002-2004, the Chamber of Deputies overrode the Senate vetoes in 70 % of cases; in the upcoming two-year period during fifth Senate term of office (2004-2006), it was only in 47.4 % of cases (the average for the period 1996-2016 was 59.1 %). However, if we analyze how Chamber of Deputies dealt with amendments coming from the Senate, we can see that the 2004-2006 period was more confrontational compared to 2002-2004. The Chamber of Deputies succeeded in passing their version of the legislative bill in 45.6 % cases in the

Czech Bicameralism 1996-2016: Conflict or Cooperation?

period 2004-2006, while in the previous Senate term of office in the years 2002-2004 it was only 31.3 % (the average for the period 1996-2016 was 35.7 %).

Third incongruent period: coalition Cabinets led by the Civic Democratic Party facing strengthening opposition of the Czech Social Democratic Party in Senate (2010-2014)

After the Senate elections in 2010, the then opposition Czech Social Democratic Party (ČSSD) won the absolute majority of seats in the upper chamber, the position they maintained and even strengthened after the Senate elections in 2012. In the eighth and ninth Senate terms of office, the two then most powerful parties of the Czech party system alternated the positions in which they were in relation to the majority in the Chamber of Deputies and the Senate during the fourth and fifth term of office of the Senate (during the second incongruent period; see above).

The share of bills approved by the Senate in the identical version as in the Chamber of Deputies was 56.1 % in 2010-2012, which is relatively low and below average. However, in the following two years, it rose to above average 77.8 %. It means that the Senate used veto power more than was overall average in the first part of this incongruent period (12.7 %), it also returned bills back to the Chamber of Deputies with amendments more (28.1 %). The fate of the bills vetoed and returned by the Senate in 2010-2012 subsequently confirmed this legislative confrontation. The Chamber of Deputies has been greatly successful in overriding Senate vetoes when the proportion of overridden vetoes exceeded 93 %. Although this is a very high proportion, it is not a historical maximum. This was achieved in the (congruent) term in 2006-2008, when the Chamber of Deputies overrode both of two Senate vetoes and therefore succeeded in 100 % of cases. However, the Chamber of Deputies marked a "record" in the period 2010-2012, as it succeeded in reconfirming its versions of the proposed bills compared to those amended by the Senate. Still, the success rate of the lower chamber was minor, because it managed to reconfirm only 48.4 % of cases.

The second half of this third incongruent period was no longer confrontational in the case the Senate vetoes. If we mentioned 93 % as the second highest proportion in the previous two years, the proportion of the Senate vetoes represented historical minimum (10 %) over the period 2012-2104. Part of it can be attributed to the fact that roughly one quarter of this Senate term has already covered the same majority of newly appointed governments.

Conclusion

The Czech political scene can often appear as a highly confrontational one from the ordinary and superficial media outlook. However, if we accept the confrontation vs. cooperation in course of legislative process in the periods of split majorities as a criterion, then this thesis would not be so unambiguous. The data do not suggest that split majorities have necessarily led to more confrontational attitudes, such as the more frequent use of vetoing of amending legislative bills by the Senate.

The available data show that the largest confrontation between the two chambers of the Czech Parliament in the legislative process took place during the fifth (2004-2006) and eighth (2010-2012) term of the Senate. In the remaining three periods of incongruence, the conflict between the chambers did not appear anyhow stronger than the average values for 20 years of the Senate's existence. At the same time, the analysis of

data showed that the congruence was not always a guarantee of a smooth running of the legislative process.

However, it remains the case that the presented analysis must take into the account the limits set forth at the beginning of this article.

Notes:

¹ The elections to the Chamber of Deputies took place in the spring of 1996, 1998, 2002, 2006 and 2010, before it was dissolved prematurely in fall 2013. The senators are elected for six years with one-third of them being elected every two years. Therefore, the Senate elections were held in fall 1996, 1998, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014 and 2016. Only in case of senator's death or resignation, the by-elections are held in different terms during the year.

² Czechoslovakia had provisional and non-elected unicameral legislative assembly called Revolutionary National Assembly in 1918-1920. This assembly passed Constitutional Charter in February 1920 and thus created bicameral Parliament composed of the Chamber of Deputies and the Senate (Act. n. 121/1920: § 6, section 1). Both houses were dissolved after Nazis took-over Czechoslovakia in 1939.

³ If not stated otherwise, all legislative data in this and following sections come from the official annual reports of the Senate, accessed via webpages of the Senate at <http://www.senat.cz>. Also, all calculations by author of this text and by Pavlína Zabořilová work with data from official annual reports of the Senate.

⁴ The full name of the "Opposition Accord" was "Treaty establishing a stable political environment in the Czech Republic concluded between the Czech Social Democratic Party and the Civic Democratic Party" signed on 9 July 1998, following the 1998 elections to the Chambers of Deputies and deadlock in attempts to form a standard majority Cabinet. Treaty was later amended by "Tolerant Patent", signed in January 2000, and lasted until the next elections in 2002, when the new Social Democratic leader Vladimír Špidla withdrew his party from the treaty.

⁵ Cabinets led by the Social Democratic Prime Ministers Vladimír Špidla (2002-2004), Stanislav Gross (2004-2005) and Jiří Paroubek (2005-2006). Vladimír Špidla left Prime Minister position and party chairmanship after the party's failure in the first European Parliament elections in 2004. Also Špidla faced strong intra-party opposition that has been trying to weaken his position for several months before the European Parliament elections. Špidla was replaced by the 1st Vice-Chairman of the Czech Social Democratic Party and Minister of Interior in Špidla's Cabinet Stanislav Gross. Gross' tenure of office lasted only eight months due to his personal and financial affairs which negatively influenced the entire party and its results in the 2004 midterm regional and Senate elections. Third Prime Minister and party leader since 2002 came in spring 2005, when then relatively unknown Minister of Regional Development Jiří Paroubek replaced Gross following his resignation.

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ORIGINAL PAPER

The Impact of Public Investment on Economic Growth in Republic of Macedonia

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Abstract

The main purpose of this paper is to estimate the impact of public investment on economic growth in Macedonia during the 2003-2014 period. Using the method of simple linear regression and ordinary least squares method (OLS) we will make assessment of the impact of public investment on economic growth in the Republic of Macedonia. According to the results of empirical research we proposed that public investments have a high impact on average real growth of the economy of the Republic of Macedonia. As we have found the majority of authors in their studies that public investments have a significant effect on the economic development of a country, and our results are of the same evaluation. Where possible we concluded that increasing public investment to 1%, would affect GDP growth for 0:35%. Since t-test shows that $t = 1.26$, is greater than 0.05 we may conclude that this ratio has significance.

Keywords: *public investment, economic growth, Republic of Macedonia, economy, development*

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The Impact of Public Investment on Economic Growth in Republic of Macedonia

Introduction

In conditions of globalization, the economy of Macedonia functions as an open market economy. In all modern economies, the state has an undisputable role and sometimes it has a primary role in the economic activity. The basic duty of the state in relation to the economy of each country's progress is the establishment and functioning of the legal and institutional platform on which economic activity takes place. Investment is the central factor in determining the gross domestic product, which is the measure of total economic output of a country. The society should invest more in order to increase its capacity to produce more goods and services with low cost which means greater productivity and economic growth. Public investments are closely related with the state and its functions. They are an important tool with what can be dealt in the economic, politic and social life of a state. An important role in the provision of public investment is played also by donors.

Public investments represent that part of national income allocated to cover public expenditures, which are general and special. Public investments mean the designation of public inputs to produce public services. There are complementarity relations between public and private investments about fulfilling one's needs in public, collective and individual at the time of production of wealth, the distribution and its consumption. Public investments play an important role in the redistribution of assets that ultimately performed well between public spending and public revenues, because the state public expenditure foreseen in the budget and performs effectively and can satisfy those needs which citizens - privates not can satisfy them with their tools. So, public investment are spending money which makes the state and other legal entities - public to meet the collective needs and the public interest. Also, public investments play an important role in the reallocation and redistribution of wealth and income within the country, from one district to another. Public sector policy in the government of the Republic of Macedonia in the medium and long term is based on the investment. Expected results are: reconstruction and modernizing the public infrastructure in order to ensure the highest efficiency taking into account the lower cost.

Growth of public investment positively will affect economic growth

To ascertain the validity of the hypothesis we will apply the method of small squares regression analysis respectively. Therefore through regression analysis will be confirmed or will cast hypothesis in question. After entering and setting hypothesis, the paper is organized as follows: in the second half will do the review of literature; in the third part through mathematical formulas will do econometric model specification and clarification of the assessment methods. Then through calculations and specialized program STATA, will replace the values of the variables found in the formula and to test the selected model; In the fourth part we will make the interpretation of the results of population and the last part is the conclusion and limitations of the model with recommendations for policy makers to and further research of this issue by other authors.

Public investment and fiscal policy

Two groups of opinions influence political decisions on public investment. On the one hand, there are microeconomic opinions dealing with the effectiveness and costs and benefits of individual projects. On the other hand, macroeconomic aspect focuses on the overall level of public investment, short-term effects in the economy and the long-

term sustainability of public finances. Microeconomic opinions justifying public investment (as opposed to private investment) based on market failures arising from the difference between financial income and social income. Investing should be taken where the social benefits exceed costs for funding. However, the nature of public goods of some good investment suggests that financial income will be lower than the social benefits and costs. The private sector can adopt social income and will therefore provide less than what you need for this type of investment. When governments can adopt social benefits, direct public investment is justified. The macroeconomic aspect presents two separate opinions. As a component of public expenditure, investment has affected the cyclical position of the economy. Instead of the difference between investment and current budgets, the total deficit is the one that determines the impact of fiscal policy on the total consumption. Microeconomic criterion does not take into account the time of investment expenditures in terms of economic targets for stabilization. Second, we have to consider the longer-term fiscal sustainability aspects (Toigo and Woods, 2016). Due to differences between social and financial income, group projects of public investment financed by government debt, each of which have passed the test of microeconomic efficiency, can lead to unsustainable fiscal position. Sufficiently is to note that high levels of debt affect, among other things, on the economy through (Toigo and Woods, 2016): "crowding out" of private investment efficiency through higher interest rates (Toigo and Woods, 2016); increase budgetary resources should be diverted to "unproductive expenditure" for debt repayments rates (Toigo and Woods, 2016); reducing the available maneuvering room for the government to implement policies for stabilization (Toigo and Woods, 2016).

Opinions about sustainability are important because while each investment project, based on its quality, can improve well-being, their full impact may put public finances on track towards unsustainability potential large losses of welfare resulting from macroeconomic instability and deteriorating structural conditions. This process can be considered a marginal investment which puts debt above the level that is considered sustainable, though it is socially important negative end to the economy as a whole, for example in terms of its impact on long-term interest rates. If instead of borrowing, investment is financed through taxation, then opinions about its sustainability remains a place of different microeconomic efficiency. Heavy losses of twisted effects of taxation would have to be included in calculating the benefits of the project against its costs. In this case, the total investment limit in general would be sustainable levels of taxation. It is therefore crucial to harmonize the three criteria of microeconomic efficiency, fiscal sustainability and stabilization in a comprehensive framework to manage fiscal policy and public investment.

The special treatment for public investments case

A minimum of three arguments that accentuate the special nature of investments were presented: the potential to be self-financing; intergenerational fairness; political-economic questions that present a tendency against public investments. Firstly, public investments can be self-financing by the money acquired from these projects (e.g. user fees) or by the long-term positive effects of economic growth, taxes and public revenue. Economic literature presents different means by which public investments improve economic growth (Kessides, 1993): adding transitional costs to public sector production, which helps to lower the expenditures – partially through the effect of transactional costs, increased access to markets and market data and improved competition in the export/import markets; increasing the productions of other factors (labor and other capital)

The Impact of Public Investment on Economic Growth in Republic of Macedonia

by allowing the use of additional technologies and improving the access and availability of data as well as the collection of additional private resources; having a structural influence over the supply and demand; e.g. public infrastructure contributes to economic diversity (especially regarding open technology such as communication which enables application of modern technologies in major part of the sectors).

A significant and growing part of empirical literature studies the potential influence of public capital over production, productivity and production factors. It is theoretically valid that investing can be self-financing. However, a substantial number of qualifications are to be applied. First, the project can have a social value since it increases economic growth. But, depending on the effective tax rate, public financial incomes can still be lower than the favorable costs of the funds (including tax charges associated with the debt or tax finances). Despite this, the percentage of influence of the GDP over some investment projects will be indecisive due to the great length of the production cycle. The percentage of influence will be sensitive to the decrease rate percentage and the tax rate which can change over time. When planning public finances, I would recommend a cautious approach that includes a rigorous decrease of unsafe projects. Second, even when the project increases wealth without creating economic growth (e.g. by decreasing travel length or delivering an educational project, such as the museum), there will be a theoretical possibility to elicit the willingness of users to pay for the service. Even so, the capability to involve user fees depends on the nature of the investment. If the investment creates means or services which are public goods, the characteristic of indispensability does not allow paying for their usage. Even when investing is not a public good, the opinions of other market failures, for example asymmetrical data (like the difficulty the customer faces when choosing the exact amount of health services that need to be taken), deserve better arguments or opinions about the distribution that can lead to policy makers not compelling the users to pay for the services provided by public investments.

The third remark is that the properties of enhancing growth do not relate specifically to those components of public expenditures classified as an investment to a national account. Some items of current expenditures can allow financial incomes to be self-financing. For example, accumulated incomes in human capital (e.g. skills, education etc.) can have an advantageous effect in the long-term growth and the tax basis, but big portion is classified as current expenditures. Nonetheless, there is a balance between completely accepting this opinion and preserving the transparency of the financial frame. It is difficult to adopt a definite definition of growth improving expenditures after the generally accepted fiscal standards are withdrawn. According to Pietro Toigo and Roberts Woods “national accounts have clear and effective definition (there can be other political reasons for preferring this definition, discussed below). It should also be mentioned that some investment projects are not self-financing simply because they are of bad quality and their effect over growth, or amount of user fees, is overestimated or underestimated”.

Since the fiscal frame cannot escalate the quality of investment by itself, a special treatment for macroeconomic level investment needs to be prepared in order to execute a detailed investment plan for evaluation. Furthermore, intergenerational influence of investments is different from that of current expenditures. Big infrastructure projects, like roads, create a flow of services for effective development of investment that can continue for more than 40 years, while the benefits from current expenditures are materialized when the expenditures are made. According to the principle of intergenerational fairness, the costs made to cause flow of services need to expand through generations that have use of them. Empirical evidences demonstrate that expenditures of public capital investments

have a tendency to substantially increase in the distant future. Therefore, the current expenditures need to be financed by current tax incomes, while the investments have to be financed by current and future tax incomes. The most convenient way for the government to expand its investment spending is to finance, at least some fraction of them, by debt. This debt can be paid back by future generations who will also benefit from the investment.

The concept of intergenerational fairness is relatively accessible, but its application can be complicated. Public expenditures finance a big part of public services that can be utilized by different age groups at any time. In order to evaluate the intergenerational influence of public expenditures, the combination of provided goods and services is as important as the difference between current and investment expenditures. Consequently, the identification of different effects over current and investment expenditures is just one of the elements that aid the attainment of intergenerational fairness. There are also more complex dynamics that have an impact on the distribution of expenditures over the groups in a generation. The financial frame should balance out these complexities with the need for explicit and simple rules.

The third argument for distinguishing public investments is part of the political-economic opinions. As soon as the benefits from the investments are materialized in the distant future, public investments can experience an unfavorable treatment in comparison to the current expenditures during the fiscal savings. As underlined by the literature for political economy and fiscal politics (Alessina and Perroti, 1994), the lobby and personal interests have a tendency to cause a partiality in favor of current expenditures. Hemming and Ter-Minasian (2004) noticed that it is easier to reduce the investment expenditures than to reduce the current expenditures, simply by allowing a faster loss of value of investment means through decreasing the maintenance expenditures or stopping some big infrastructure projects. Current expenditures, on the other hand, tend to be focused on in projects that require a permit, public sector employment, salaries and pensions which are politically difficult to reduce. This focus in the short-term political-economic opinions during the long-term efficiency leads to social losses, since growth improving investments are inevitable, but the effects of neglecting investments in public infrastructure occur after a long time.

The fiscal adjustment is based on the reduction of effective public investments rather than the control of current expenditures or the strengthening of incomes, which can also lead to a misevaluation of the structural fiscal position of a country (Easterly, 1999). Difficult choices will be deferred when the investments are extended due to the political and economic consequences of the low-level public capital investment history. Similar misevaluation can be made about the effect of intergenerational fairness. If the effect of the fiscal tightening was assessed with regard to the deficit and debt inclusion, it would be more auspicious for future generations since public obligations are minimized. Despite that, the fiscal consolidation that lowered public investments would be detrimental to the legacy of future generations because of the loss of welfare improvement investment. It suggests that the balance between means and obligations instead only that of obligations (debt) can possess an advantage in the analysis of the influence of politics over generational fairness. This will be further discussed in the following chapter.

Review of the literature

Despite the fact that the relationship of public investment and economic growth has a long period of research, it has a voluminous literature, again this area has numerous

The Impact of Public Investment on Economic Growth in Republic of Macedonia

spaces that are far away from the particular response. A part of literature has a positive direction, where it is given that public investments lead to economic growth, not only through positive effects on the economy, such as the provision of education, health, scientific research, advanced technology, but they also promote the growth of private investment, which directly affect real economic growth. On one hand, studies put in to question the efficiency of public investment and its relationship with private investment in the other hand, and argue that public investment incentives not necessarily have a favorable impact on economic growth of a country.

Khan et al. (1990) examine the relative importance of public and private investment in promoting economic growth in a large group of countries in development. The study's results show that private and public investments have a different influence over economic growth, private investments have a much wider impact and direct than public investment. There were also changes in terms of effectiveness that public and private investments generate. Devarajan et al. (1996) presented data on 43 countries in development, which proved that government spending does not have any significant effect on economic growth. Pritchett (1996) suggests another explanation for Devarajan, he discovers hypothesis "White Elephant", under which he argues that public investment in developing countries that are often used for projects are unproductive and inappropriate. As a result, the share of public investment may be too weak a measure to affect current public capital increase. Public investment should be a source of endogenous growth. A endogenous economic growth, which has output is stochastic trend, temporary policy changes have long-term consequences of output. Barro (1991) examines the effect that bring public investment consumer and public spending in the economic growth of countries. After analysis of several variables, he confirmed that public investment didn't have any significant effect on economic growth rates, while the rate of economic growth negatively correlated with the share of consumer spending in government. In 1993, Easterly and Rebelo (Easterly and Rebelo, 1993) used panel data to investigate the contribution of transport networks that have economic growth. Came to an important conclusion of the study that existed a strong relationship between economic growth and public investment in transport networks. Nazmi and Ramirez (1997) analyzed the impact of public and private investment. They jumped at the conclusion that public investment had a positive and significant effect in increasing the whole production. At the same time they concluded that the impact of public investment was statistically ident with the impact of private capital expenditures. The issue of whether additional public investment is an effective political strategy will depend primarily in the nature of the process of economic growth, as well as levels of public investment and other types of public spending. A fiscal policy strategy would be reasonable if increased public investment, would have a positive effect and increase the country's economy. Public investment should be measured by the marginal effects that they bring. The fact that a public investment has a positive influence does not mean that increasing public investment would represent an effective strategy of economic growth.

Empirical analysis on testing the effects of exchange rates

Once we have reviewed the empirical evidence of public investment in relation to economic growth, now through an econometric model will test how it will affect the growth of public investment and public spending in the economy of the Republic of Macedonia. First we will present econometric model specification and estimation method and thereafter will analyze the data in empirical paper and will realize estimating

econometric model and as a result will make the interpretation of results. In addition to this part will check the validity of hypotheses that we defined in the introduction to the paper.

Econometric model specification and evaluation of small squares (OLS)

Using the method of simple linear regression and ordinary least squares method (OLS) we will make assessment of the impact of public investment on economic growth in the Republic of Macedonia. We will present the following linear regression model three dimensions:

$$Y = B_1 + B_2 X_1 + B_3 X + u_i$$

• Y - represents the dependent variable - (variables that explain, regrestant, endogenous, predicted etc.), in our case research as the dependent variable is economic growth (GDP); X - represents the independent variable (regresor, exogenous, which predicts etc.), in our case as independent variables are public Investments (IP) and public spending (G); B1, B2 and B3 are known as parameters, or otherwise known as the valuation coefficients, where the constant parameter B1, and B2 and B3 represent the parameters of the evaluation of variables that are independent; u_i - is stochastic variables, in different literature can be seen even with the term Error Term, this component contains all the factors or variables that affect the pattern but are not foreseen in the model, is a random variable without observation which can take positive or negative value.

Evaluation of small squares (OLS)

The simplicity of this model stems from the assumption for the error term, assumed to $e \sim N(0, \sigma^2)$. In other words, knowing the value of the term error model which does not explain anything about the other variables (distribution of error term is independent of other variables), and the error term observations are not correlated with each other. In principle only is normally distributed with $E(e) = 0$ (error term has an average 0) and a constant change. And for a given X series no correlation between observations for more terms are heteroskedastic error. Put another individual observations over time are different individual observations and such approach may be justified in cases where the sample size from indirect data is very small. However, ignoring the panel structure of the data assuming that the error term is independent and identically distributed, leading to results that are not appropriate in many models. Following concerns raised by classic linear regression model, effective assessment can be achieved using the method of small squares (OLS).

The data econometric model are considered as follow in Figure 1 and Figure 2.



Figure 1. Macedonia GDP Growth Rate. Source: Trading economics, Macedonia GDP Growth Rate. Retrieved from: <https://tradingeconomics.com/macedonia/gdp-growth>

The Impact of Public Investment on Economic Growth in Republic of Macedonia

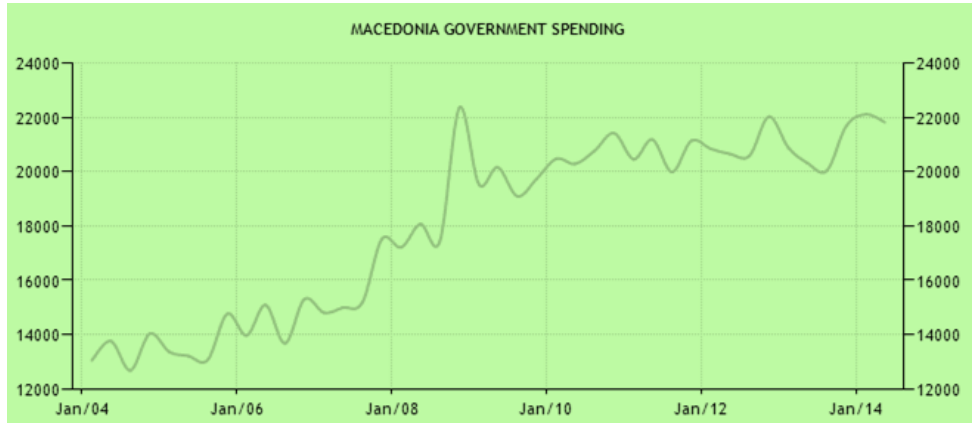


Figure 2. Macedonia Government Spending. Source: Trading economics, Macedonia Government Spending. Retrieved from: <https://tradingeconomics.com/macedonia/government-spending>

Calculation of econometric model and interpreting the results of population

Now we will do econometric model assessing the impact of public investment (capital) and public spending in real economic raising the Republic of Macedonia. Our aim is that through analysis that we are dealing regression checking the validity of the hypothesis that presented at the beginning of this paper. Since in our case the data are in percentage (%), then it is not necessary that you incorporate these data in the log. We have included three variables model, there is an exogenous dependedvariableor which is GDP and two variables that are public investment and public spending. Below we will present the model as multiple regression.

The Econometric model is as follows:

$$Y (\text{real GDP}) = B1 + B2 (\text{pub. inv}) + B3 (\text{pub. spending}) + U_i$$

Where Y represents real GDP or regresantin, constant coefficient B1, B2, B3 and B4 assessment partial quotients public investment and public spending and error-which represents standard. By STATA_12 software will do the calculation of the equation coefficients evaluation of sample regression function. After estimating the coefficients do evaluation B1, B2 and B3, making substitutions respective values will present three-dimensional regression function.

$$\begin{aligned} \text{GDP} &= 36.79 + 0355\text{pub.inv.} - 0.762\text{pub.spending} \\ &\quad (\text{se}) 13:52 \quad 12:28 \quad 0.68 \\ &\quad (\text{t}) 2.72 \quad \quad 1:26 \quad \quad -1:12 \end{aligned}$$

According to the results of empirical research we proposed that public investments have a high impact on average real growth of the economy of the Republic of Macedonia. With this conclude that the eventual increase public investment to 1%, would affect GDP growth for 0:35%. Since t-test shows that $t = 1.26$, is greater than 0.05 we may conclude that this ratio has significance. Based on this result we can prove the hypothesis of the paper submitted at the beginning of which states that: *Increase public investment will contribute positively to economic raising*. Meanwhile, regarding the impact of public spending in real economic raising the Republic of Macedonia, the outcome could show the not significant effect of public spending in the economy i.e. during the calculation of

the model indicated that an eventual change of public spending to 1%, will negatively affect economic raising to -0.76%. Seeing t-test is valid -1.12, which is less than 0.05 according to this we can see that this ratio does not significate.

With the results obtained above, we are compatible with most of the studies done in developing countries such as Davarjan (1996) presented data on 43 put into development, which proved that government spending does not have any significant effect on growth, Pritchett (1996) suggests another explanation for Davarajan, he discovers hypothesis "White Elephant", under which he argues that public investment in developing countries that are often used for projects are unproductive and inappropriate. As a result, the share of public investment may be too weak a measure to affect current public capital growth, Barro (1991), examines the effect that investment bring public and public consumption spending in the economic growth of countries. After analysis of several variables, he confirmed that public investment don't have significant effect on economic growth rates, while the rate of economic growth negatively correlated with the share of consumer spending in government. All these results of this research and to others reflect the real situation in Macedonia.

Conclusion

The main aim of this paper is to analyze the impact of bringing increased public investment and public spending in the economy of the Republic of Macedonia. On the basis of empirical results obtained from the model we find that public investment have a significant effect on the domestic economy, which according to these estimates econometric We support our hypothesis formulated at the beginning, which says: Increase investment public would impact positively on economic raising. As we have found the majority of authors in their studies that public investments have a significant effect on the economic development of a country, and our results are of the same evaluation. Where possible we concluded that increasing public investment to 1%, would affect GDP growth for 0:35%. Since t-test shows that $t = 1.26$, is greater than 0.05 we may conclude that this ratio has significance. However, the figures presented in public by the government and the reality that we live are very different, because not every public investment is efficient. According to the data imply that the more public investments have so many would increase the economy of Macedonia, but this will happen only if the investment would be with profit in the long term and any additional investments also bring economic growth addition, only then can we accept the fact that as far as the state invest the higher would be the economy. This testifies the fact that Macedonia has a high public investment, but not high economic growth, ie not with the same proportion, as public investment should be productive, such as investment in infrastructure, in power plants, education, health, technology where all these conditions would allow easier for private businesses which have a direct impact on the domestic economy, where instead of these investments, they are oriented in the construction of Skopje in 2014, we monument unnecessary and that have twice the negative effect since they are imported from other countries.

Like any other research and this research we own contains some specific limitations which may mention the exclusion of all variables needed to determine more accurately the impact of public investment in the economy, as one might say that if public investments are made spread throughout the country (distribution of investment), the source of funds used are the debts or accumulation of the country's economy, etc.

The Impact of Public Investment on Economic Growth in Republic of Macedonia

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ORIGINAL PAPER

Citizenship Values, Participation Behaviors and Community Engagement in EU Documents: Research Tools for the EU's Reports on Citizenship (2010-2017)

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Abstract

The present analysis of the linkage citizenship values - participation behaviors - community engagement focuses on a *four-linkages methodology* for enabling high-listed concepts within the context of six official documents of the period 2001-2017: (1) “Report from the Commission Fourth Report on Citizenship of the Union (1 May 2001 – 30 April 2004)”; (2) “Report from the Commission Fifth Report on Citizenship of the Union (1 May 2004 – 30 June 2007)”; (3) “Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee On progress towards effective EU Citizenship 2007-2010”; (4) “EU Citizenship Report 2010 Dismantling the obstacles to EU citizens’ rights”; (5) “Report from the Commission to the European Parliament, the Council and the European Economic and Social committee and the Committee of the Regions under Article 25 TFEU On progress towards effective EU Citizenship 2011-2013”; (6) “EU Citizenship Report 2017 Strengthening Citizens’ Rights in a Union of Democratic Change”. The study appeals to the quantitative and qualitative content analysis of more than forty key topics configuring the citizenship values - participation behaviors - community engagement within the official documentation of the European Union.

Keywords: *citizenship, participation, community, European Union, engagement*

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1. Introduction

The present study reviews the linkage citizenship values - participation behaviors -community engagement within the European Union (EU) legal framework. Citizenship and participation patterns have been designed as part of the European institutional establishment. A set of legal developments challenges and assist the citizen participation and community engagement within the European governance. While much studies have focused citizenship and civic engagement, there is a recent debate on the mobilizing contexts, social identity, norms of citizenship and good governance (Kotzian, 2014: 58-83; Rumelili, Keyman, Isyar, 2011: 1295-1316). Kotzian admits in his study that the exigencies of the citizenship values are enabled as a “precondition” for the functionality of the human society and for the governance features determining a three-level framework for the attachment to: the civic values and norms legitimacy of the political system, the welfare policies and the individual-level characteristics (Kotzian, 2014: 58-83). Joppke also argues that the citizens’ manifestations and the citizens’ involvement in the public sector and their relationship with the state authorities define the new framework of the transformation of citizenship according to: the status, the rights and the identity (Joppke, 2007: 37-48). The literature findings feature a multi-disciplinary analysis that indicate the EU governance legitimacy and institutional effectiveness. This institutional legitimacy and effectiveness associate: (i) the differences in institutional perception of the role of European treaties, citizens access to institutions, appropriate institutional information and communication (ii) the community perception and citizen participation operationalizing identity, life, family and nationality accounts (iii) the political and security settings examining the specific area of the: role of political actors and the role of the institutional actors; (iv) the legal outlines and justice approaches to freedoms, fundamental rights and related concepts.

2. State of research and conceptual framing

The conceptual framing of the research tools investigates a variety of social, political and legal concepts focusing on a cross-scale monitoring of the EU’s Citizenship Reports in the period 2001-2017. The study explores the appearances of more than forty key concepts linking the contexts of: (i) “citizenship” and “participation”; (ii) “participation” and “community engagement”; (iii) “citizenship” and “community engagement”.

2.1. Section 1. “Citizenship” and “participation” context

The research dimension of “citizenship” and “participation” reviews the systematic conceptual approaches to a variety of concepts and social norms setting attitudinal influences. The study considers the recent literature’s extents “beyond market integration” and the members state’s transition challenges (Wollenschläger, 2010: 1-34; Dalton, 2008: 76-98 Olimid, 2013: 9-13). Moreover, the EU citizenship, the citizen participation and the community engagement assign the primacy of the institutional governance in the field of rights and freedoms. The research on “citizenship” and “participation” examines three patterns designing higher relevance to the analysis and considering: (i) the report of the influenced decision making and core freedoms (Kostakopoulou, 2007: 623-646); (ii) the examination of the norms, social activism and “institutional forms of participation” (Bolzendahl, Coffé, 2013: 45-63); (iii) the

observation of the legal-conceptual fundamentals of the EU's citizenship interrelating the civil, social and political rights (Soysal, 2012: 1-21; Straughn, Andriot, 2011: 556-580), the boundaries of citizenship and the gaps of the social cohesion or human development (Faist, Bilecen, 2014: 282-293; Olimid, Olimid; 2016: 35-47) and the linkages of social protection, social citizenship and citizenship functions (Davy, Davy, Leisering, 2013: S1-S4; Turner, 2007: 5-18; Revi, 2012: 452-462). Moreover, Turner argues that the citizenship functions examine more the social solidarity issues based on the investigation of the "identity, civil virtue and community" (Turner, 2007: 5-18). Revi also accepts the "social citizenship" development, but he also determines its new normative appearances claiming for "real equality", "social rights" and "civil liberties" (Revi, 2012: 452-462).

2.2. Section 2. "Participation" and "community engagement" context

The research dimension of "participation" and "community engagement" has three dimensions: (i) the social dimension of the civic engagement within the community experience assigning the family, community, friends and professional extents (Taylor, Pancer, 2007: 320-345) ; (ii) the political approach enhancing the concept of the "European identity" (Lobeira, 2012: 504-517) or the "compulsory community service" (Henderson, Brown and Pancer, 2012: 93-103); (iii) the normative perception and legal determination exploring the patterns of the legal between individual involvement and specific levels of involvement in the society (Lundåsen, 2015: 140-157). Henderson et al. argues that the "positive actions" explore the following social patterns: the "community service"; the "political activism"; the "political involvement"; the "civic engagement" (Henderson, Brown and Pancer, 2012: 93-103). Overall, Lundåsen maps a different form of the political participation and involvement: the relationship between the voluntary association and the level of involvement in community activities (Lundåsen, 2015: 140-157). The author contributes to the understanding of forms of participation and the community policies and processes based upon a multilevel local sample (Lundåsen, 2015: 140-157).

2.3. Section 3. "Citizenship" and "community engagement" context

The third determinant of "citizenship" and "community engagement" links the findings of: (i) the "civic culture" and local government enabling political legitimacy and policy cohesion (Andrews, Cowell, Downe, 2010: 595-610) and (ii) the research of education, "engaged citizens", "good citizenship" and "citizenship curriculum" (Tonge, Mycock, Jeffery, 2012: 578-602). Andrews et al. promote the idea of the "civic culture" as a form to empower and support the citizens and to enhance the local decision making processes and the "social harmony" (Andrews, Cowell, Downe, 2010: 595-610). Moreover, Tonge et al. identify the substantial role of the "citizenship education", "civil engagement (volunteering)" and "civic activity" drawing upon the "emerging policy challenges" of "better-engaged citizens" (Tonge, Mycock, Jeffery, 2012: 578-602). In this direction, Stephens argues that the "standard understanding" of citizenship draws on the following characteristics: (i) the acknowledgment of the "political community"; (ii) the etwork of ideas within a community; (iii) the various patterns of understanding and analysing the concept of "community" (Stephens, 2010: 31-46).

3. Research questions

The research questions of the present study explore the conceptual approaches of more than forty key concepts featured in six EU's Citizenship Reports delivered for the period 2001-2017. The research questions accumulate particular factors (family, society, community, state etc.) by increasing the citizenship, participation and community

engagement to resonate within the EU governance as follows: *Q_a*: What are the main determinants of the linkage citizenship values – participation behaviour - community engagement? *Q_b*: Why the EU'S Citizenship Reports are relevant for the focused topics? *Q_c*: Why the linkages like citizen-institutions, political and security, society and community, law-rights associate the value citizens approach to the European governance establishments? *Q_d*: What are the average values of all the selected topics while analysing the comparative appearances in the period 2001-2017?

4. Methods and methodology

The research focuses on a *four-linkages methodology* for enabling high-listed concepts within the context of six official documents for the period 2001-2017: (1) “Report from the Commission Fourth Report on Citizenship of the Union (1 May 2001 – 30 April 2004)” (hereinafter *D₁*); (2) “Report from the Commission Fifth Report on Citizenship of the Union (1 May 2004 – 30 June 2007)” (hereinafter *D₂*); (3) “Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee On progress towards effective EU Citizenship 2007-2010” (hereinafter *D₃*); (4) “EU Citizenship Report 2010 Dismantling the obstacles to EU citizens’ rights” (hereinafter *D₄*); (5) “Report from the Commission to the European Parliament, the Council and the European Economic and Social committee and the Committee of the Regions under Article 25 TFEU On progress towards effective EU Citizenship 2011-2013” (hereinafter *D₅*); (6) “EU Citizenship Report 2017 Strengthening Citizens’ Rights in a Union of Democratic Change” (hereinafter *D₆*).

4.1. Research settings and design

All six documents (*D₁*-*D₆*) are analysed using the word count approach and the results are detailed in Table 1, Table 2 and Table 4. *Positive conceptual framing* is designed using each concept. Difference of the findings for each document and linkages result in the many conceptual variations (Column 2-6). Tables 1-4 correlate the results of the quantitative content analysis of the EU documentation between 2001 and 2017. Table 5 classifies the average value of the selected topics by ranking the following scales of the results: (i) between 2,00-5,00; (ii) between 5,00-10,00; (iii) between 10,00-50,00; (iv) 50,00-110.

4.2. Research design

For each concept, the analysis assigns N_{1-n} as the focused concepts ranging simple to complex conceptual determinants for each linkage: (i) the institutional linkage (L1) (Table 1 and Figure 1); (ii) the social linkage (L2) (Table 2 and Figure 2); (iii) the political linkage (L3) (Table 3 and Figure 3) and (iv) the rights linkage (L4) (Table 4 and Figure 4). Tables 1, 2, 3, and 4 show the results of the searches and reporting the *values of top to low ranked concepts* for each document (*D₁*-*D₆*) and each linkage (Figure 1, Figure 2, Figure 3 and Figure 4). For each table (Table 1-Table 4), we consider for: (i) Column 1 the selection of the researched topics; (ii) from Column 2 to Column 7 the tables represent the results of content analysis of each concept and their conceptual variables (such as *institution, treaty, European Union, European Parliament, petition(s), Member State(s), citizenship, citizen, information, communication* etc.) and (iii) Column 8 the display of the average results for each topic and each document analyzed (also detailed for all the topics in Table 5 and Figure 5). The number of the rows reports the number of topics considered for analysis (from $N_1, N_2, N_3, N_4, N_5...$ to N_n) (Column 1, Table 1, Table 2, Table 3, Table 4).

4.3. Research sample

The concepts investigated display: (i) a *conceptual mapping* enabling the research agenda of citizenship-participation-community engagement and (ii) a *conceptual monitoring* of the top to the low ranked concepts displayed in Tables 1-4. The *four-linkages methodology* is based on a five-steps content analysis setting using the official EU documentation of the six reports on EU citizenship released between 2001-2007 and comprising more than 50 topics as follow: Step 1: Establishment of the Research settings (research questions and research agenda); Step 2: Development of the concept mapping (key topics, relating concepts etc.); Step 3. Enabling the content analysis and acknowledgement of the research findings on the four linkages; Step 4. Development and monitoring of the conceptual monitoring; Step 5. Results and discussions (Diagram 1).

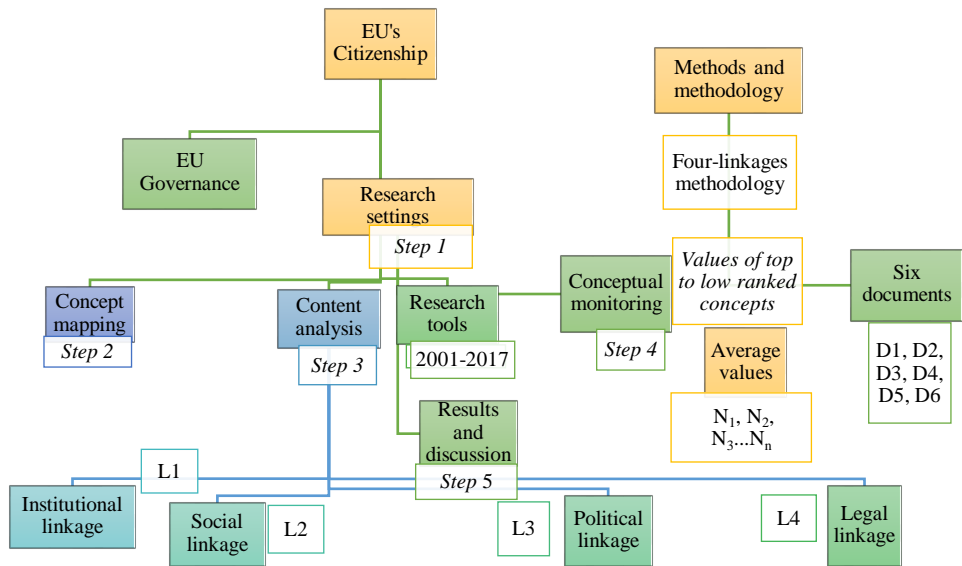


Diagram 1. Research mapping and conceptual monitoring settings of citizenship, participation and community engagement within the EU’s Citizenship Report (2001-2017). Source: Author’s own representation

5. Results and discussion

5.1. Institutional Linkage

Table 1 explores more than fourteen concepts from N_1 (*institution*) to N_{14} (*residence*) relating topics that define the conceptual frames of the institutional linkage with multi-options and forms of text using and phrase implementation such as: *treaty* (N_2), *petition* (N_5), *European Union* (N_3), *complaint(s)* (N_7), *information* (N_{12}), *communication* (N_{13}) (Table 1, Column 1). Table 1 also highlights the fact that the institutional linkage also enables a based-to-complex conceptual framework mapping the institutional engagement such as: *institution* (N_1), *European Union* (N_3), *European Parliament* (N_4), *Ombudsman* (N_6), *Member State* (N_8). The third core category of the first linkage bases the discussion in the core understandings of *citizen* (N_{10}) - *citizens* (N_{11}) - *citizenship* (N_9) (Column 1). Following the number of appearances of each topic in each of the six documents (Column 2-Column 7), the results of the Table 3 enable the top ranked concepts of *citizens* (303 results) (N_{11} , Column 7), *Member State* (65 results) (N_8 , Column 3), *citizenship* (57 results) (N_{10} , Column 7) and *information* (44 results) (N_{12} , Column 5).

Citizenship Values, Participation Behaviors and Community Engagement in EU...

This institutional approach to the citizenship tasks enables a particular feedback on the information and communication processes within the EU framework. Moreover, the citizens' motivations and expectations are explored to determine whether repeat institutional engagements encourage more community involvement (Table 1). The three top ranked concepts emphasize the relationship between the individual level of the analysis and the community level (Table 1 and Figure 1). For the topic of *residence*, Table 1 identifies the following results: 8 results (N_{14}, D_6), 13 results (N_{14}, D_5), 14 results (N_{14}, D_4), 19 results (N_{14}, D_3), 20 results (N_{14}, D_2), 28 results (N_{14}, D_1). In Column 8, the analysis indicates the following average results from the lowest to the highest values: *residence* (17 average result); *institution* (3,33 average result); *treaty* (3,33 average result); *Ombudsman* (4,66 average result); *petition(s)* (6,66 average result); *communication* (6,83 average result); *complaint(s)* (7,5 average result); *European Union* (10,83 average result); *citizen* (15,5 average result); *European Parliament* (16,83 average result); *information* (19,5); *citizenship* (37,5 average result); *Member State(s)* (54,66 average result); *citizens* (average result 101,33) (Table 8, Column 8).

Table 1. Institutional Linkage (L1)

0	1	2	3	4	5	6	7	8
	Selection of Topics (items and variables)	Report from the Commission D_1	Report from the Commission D_2	Report from the Commission D_3	EU Citizenship Report D_4	Report from the Commission D_5	EU Citizenship Report 2017 D_6	Average
	Period (year)	2001-2004	2004-2007	2007-2010	2010	2011-2013	2017	
N ₁	<i>Institution</i>	2	2	2	4	2	8	3,33
N ₂	<i>Treaty</i>	21	4	13	9	5	5	3,33
N ₃	<i>European Union</i>	8	4	21	17	3	12	10,83
N ₄	<i>European Parliament</i>	19	3	18	23	16	22	16,83
N ₅	<i>Petition(s)</i>	5	10	10	0	14	1	6,66
N ₆	<i>Ombudsman</i>	7	8	7	0	6	0	4,66
N ₇	<i>Complaint(s)</i>	8	9	10	8	7	3	7,5
N ₈	<i>Member State(s)</i>	46	65	65	50	46	56	54,66
N ₉	<i>Citizenship</i>	26	27	50	48	17	57	37,5
N ₁₀	<i>Citizen</i>	56	5	14	11	3	4	15,5
N ₁₁	<i>Citizens</i>	52	40	54	128	31	303	101,33
N ₁₂	<i>Information</i>	7	1	9	44	1	55	19,5
N ₁₃	<i>Communication</i>	9	3	5	18	3	3	6,83
N ₁₄	<i>Residence</i>	28	20	19	14	13	8	17

Source: Author's own selection and compilation based on the content analysis of the documents retrieved from:
http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf;
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>;
http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf;
http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf; http://europa.eu/rapid/press-release_IP-17-118_en.htm

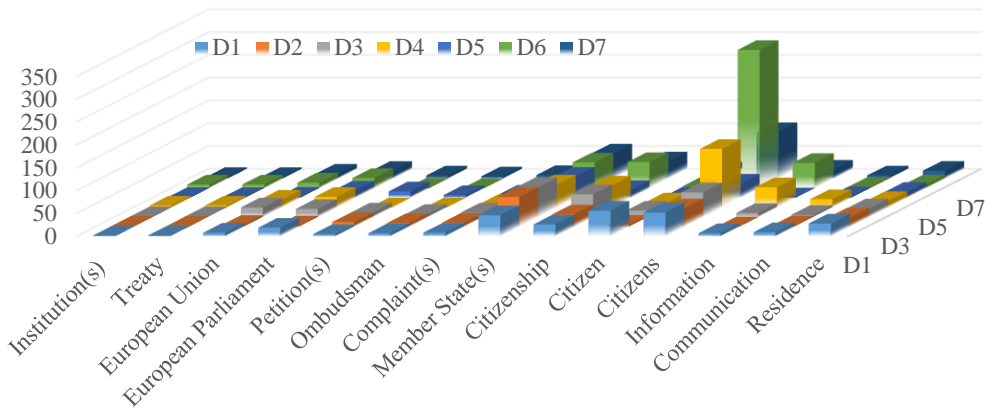


Figure 1. Institutional Linkage (L1). Source: Author’s own selection and compilation based on the content analysis of the documents retrieved from: http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf; <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>; http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf; http://europa.eu/rapid/press-release_IP-17-118_en.htm

5.2. Social linkage

Table 2 undertakes a social analysis of the individual and community baselines for the topics of: *community (ies)* (N₁), *life* (N₂), *identity* (N₃), *integration* (N₄), *health* (N₅), *freedom* (N₆), *mobility* (N₇), *education* (N₈), *family* (N₉), *assistance* (N₁₀), *initiative* (N₁₁), *protection* (N₁₂), *society* (N₁₃), *public* (N₁₄), *nationality* (N₁₅), *person (s, al, ally)* (N₁₆), *participation (participate)* (N₁₇), *worker (s, ing)* (N₁₈) (Column 2, Table 2). The next six columns confirm the various results for the checked topics of the Column 1 by adding and grouping the social-community variables of: (i) *motivation and initiatives of personal and community engagement* (N₃, N₄, N₆, N₇, N₁₁, N₁₇); (ii) *individual factors and community encounters* (N₁, N₂, N₉, N₁₄, N₁₅, N₁₆, N₁₈) (iii) *European society’s outcomes* (N₅, N₈, N₁₀, N₁₂, N₁₃). This three levels of the social linkage lead to the following changes considering the highest ranking of the selected topics: *health* (35 results, D₄, N₅, Column 6), *protection* (19 results, D₄, N₁₂, Column 5) and *public* (46 results, D₇, N₁₄, Column 7), *life* (21 results, N₂, Column 7). Table 2 also adds to the social analysis of the individual and community baselines the personal variable, which depends on three coefficients: 1. the *mobility* dimension; 2. the *initiative* dimension and 3. the *integration* dimension (Figure 2). Column 8 of the Table 2 indicates the average results (considered from the lowest to the highest) as follows: *identity* (2,66 average result); *freedom(s)* (3,5 average result); *society* (3,66 average result); *mobility* (3,83 average result); *education* (3,83 average result); *community(ies)* (5,83 average result); *assistance* (6,16 average result); *initiative* (6,33 average result); *worker(s, ing)* (8,66 average result); *person(s, al, ally)* (11 average result); *protection* (11,83 average result); *nationality* (11,66 average result) (Table 2, Column 8).

Citizenship Values, Participation Behaviors and Community Engagement in EU...

Table 2. Social Linkage (L2)

0	1	2	3	4	5	6	7	8
	Selection of Topics (items and variables)	Report from the Commission	Report from the Commission	Report from the Commission	EU Citizenship Report	Report from the Commission	EU Citizenship Report 2017	Average
	Period (year)	D_1	D_2	D_3	D_4	D_5	D_6	
	Community (ies)	2001-2004	2004-2007	2007-2010	2010	2011-2013	2017	
N ₁	Community (ies)	13	8	10	3	0	1	5,83
N ₂	Life	1	3	2	8	2	21	6,16
N ₃	Identity	1	2	1	2	1	9	2,66
N ₄	Integration	3	12	4	1	1	7	4,66
N ₅	Health	1	1	0	35	0	10	7,83
N ₆	Freedom(s)	5	2	2	4	2	6	3,5
N ₇	Mobility	2	2	0	9	1	9	3,83
N ₈	Education	4	0	1	6	2	10	3,83
N ₉	Family	9	8	7	5	8	16	8,83
N ₁₀	Assistance	7	2	0	11	0	17	6,16
N ₁₁	Initiative	0	2	6	10	10	10	6,33
N ₁₂	Protection	10	10	9	19	7	16	11,83
N ₁₃	Society	1	2	3	4	0	12	3,66
N ₁₄	Public	9	7	3	12	1	46	13
N ₁₅	Nationality	13	15	15	3	18	6	11,66
N ₁₆	Person (s, al, ally)	11	9	13	12	3	18	11
N ₁₇	Participation (participate)	5	9	11	4	6	31	11
N ₁₈	Worker (s, ing)	7	3	6	14	7	15	8,66

Source: Author's own selection and compilation based on the content analysis of the documents retrieved from: http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf; <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>; http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf; http://europa.eu/rapid/press-release_IP-17-118_en.htm

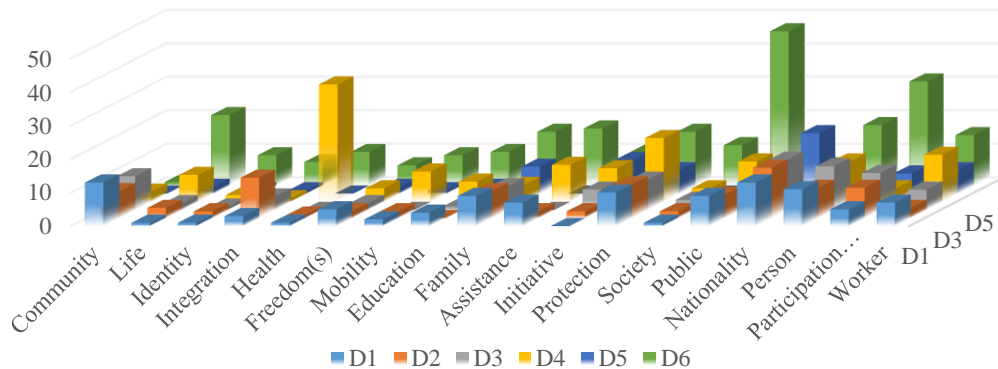


Figure 2. Social Linkage (L2). Source: Author's own selection and compilation based on the content analysis of the documents retrieved from: http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf; <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>; http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf; http://europa.eu/rapid/press-release_IP-17-118_en.htm

Moreover, the topics of Member State involvement and participation becomes also decisive once the selection of the *assistance* and *protection* are comprised ranging for

the first topic from 11 results (D₄) and 17 results (D₇) to 16 results (D₇) and 19 results (D₄) (Table 2 and Figure 2).

5.3. Political linkage

The political linkage adds other determinants making the correlation between the information and the dialogue topics. Clearly, the political linkage motivates and links: (i) the national factors by exploring the appearance and influence of the topics: *states* (N₄, Column 1) and *political parties* (N₅, Column 1) and (ii) the European patterns by largely scrutinizing the impact of national events and the motivation of information and dialogue of the topics: *European* (N₆, Column 1), *cross-border* (N₈, Column 1) and *Charter of Fundamental Rights of the EU* (N₉, Column 1) (Table 3 and Figure 3). Overall, Table 3 suggests the highest levels of the appearances of the following topics: *European* (127 results, D₆), *security* (40 results, D₆), *states* (54 results, D₄) and *cross-border* (32 results, D₄).

Table 3 and Figure 3 also splits the political linkage into two main components expressing the motivation of engagement: (i) the *policy* component (N₂) connecting the following results in the period 2001-2017: 3 results (D₁ and D₄) and 8 results (D₆) and (ii) the stimulating features of *dialogue* (8 results for D₆ and 4 results for D₄) and of the *Charter of the Fundamental Rights of the EU* (9 results for D₁) (Table 3 and Figure 3). Moreover, the average results of Column 8 indicate (from the lowest to the highest average result): *dialogue* (3,33 average result), *Charter/ Charter of Fundamental Rights of the EU* (4 average result); *states* (43,33 average result); *political parties* (3); *security* (9,66 average result); *European* 71,33 average result); *cross-border* (10,8 average result) (Table 3).

Table 3. Political Linkage (L3)

0	1	2	3	4	5	6	7	8
	Selection of Topics (items and variables)	Report from the Commission	Report from the Commission	Report from the Commission	EU Citizenship Report	Report from the Commission	EU Citizenship Report 2017	
	Period (year)	D ₁	D ₂	D ₃	D ₄	D ₅	D ₆	Average
N ₁	<i>Political</i>	5	11	1	20	1	27	10,83
N ₂	<i>Policy</i>	3	2	5	3	4	8	4,16
N ₃	<i>Security</i>	3	2	1	12	0	40	9,66
N ₄	<i>States</i>	29	43	51	54	33	50	43,33
N ₅	<i>Political parties</i>	4	6	0	4	1	3	3
N ₆	<i>European</i>	49	38	65	114	35	127	71,33
N ₇	<i>Dialogue</i>	1	2	2	4	3	8	3,33
N ₈	<i>Cross-border</i>	1	1	0	32	0	20	10,8
N ₉	<i>Charter/ Charter of Fundamental Rights of the EU</i>	9	1	3	3	7	1	4

Source: Author's own selection and compilation based on the content analysis of the documents retrieved from: http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf; <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>; http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf; http://europa.eu/rapid/press-release_IP-17-118_en.htm

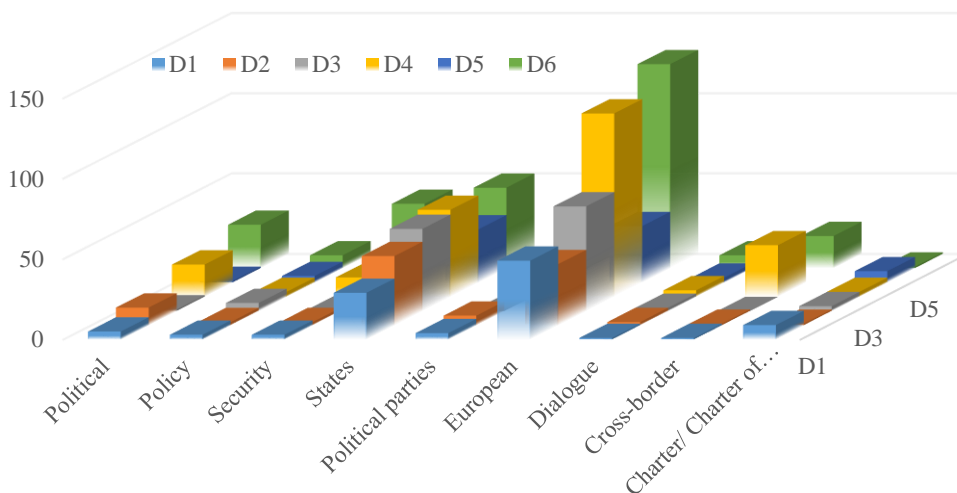


Figure 3. Political Linkage (L3). Source: Author’s own selection and compilation based on the content analysis of the documents retrieved from: http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf; <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>; http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf; http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf; http://europa.eu/rapid/press-release_IP-17-118_en.htm

5.4. Rights linkage

Table 4 and Figure 4 develop the rights linkage applied to ten topics taken into account the measurement of the appearances in the six documents (D1-D6). The results identify the main determinants of the legal encounters of citizenship-participation-community engagement study as follows: (i) the *legal* component: *law* (N₁, N₂, N₃, N₄, N₇, N₈, N₉, N₁₀) (ii) the *diplomatic* and *consular* component (N₅, N₆). The rights linkage is highly influenced by the topics of: *rights* (131 results, D₇), *directive(s)* (42 results, D₇), *law* (28 results, D₄) and *electoral* (20 results, D₆). The topics displayed in Table 4 and Figure 4 refer to the EU law and fundamental rights noting the top values of the topics of *justice* (17 results for D₄ and 20 results for D₆); *fundamental rights* (14 results for D₂, 13 results for D₁ and 10 results for D₃) and *EU law* (12 results for D₃ and 9 results for D₅).

As can be observed from the results of Table 4, the majority of the topics display constant elements reporting: 1-4 results (N₂-D₂, N₅-D₅; N₅-D₆; N₁₀-D₃ etc.); 5-50 results (N₁-D₅; N₂-D₃; N₁₀-D₂; N₇-D₆; N₄-D₆ etc.); 51-150 results (N₃-D₆; N₃-D₄) (Table 4 and Figure 4). Considering the average results of the Column 8, Table 4 indicates the following findings: *diplomatic* (3,66 average result), *EU law* (5,66 average result), *regulation(s)* (6,66 average result); *regulation(s)* (8,33 average result); *fundamental rights* (9,33 average result); *justice* (9,83 average result); *law* (17,83 average result); *directive(s)* 23,16 (average result) *rights* (67,5 average result).

Table 4. Rights Linkage (L4)

0	1	2	3	4	5	6	7	8
	Selection of Topics (items and variables) Period (year)	Report from the Commission <i>D₁</i> 2001-2004	Report from the Commission <i>D₂</i> 2004-2007	Report from the Commission <i>D₃</i> 2007-2010	EU Citizen-ship Report <i>D₄</i> 2010	Report from the Commission <i>D₅</i> 2011-2013	EU Citizen-ship Report 2017 <i>D₆</i> 2017	<i>Average</i>
N ₁	<i>Law</i>	9	15	24	28	7	24	17,83
N ₂	<i>Justice</i>	4	2	7	17	9	20	9,83
N ₃	<i>Rights</i>	48	39	43	116	28	131	67,5
N ₄	<i>Fundamental rights</i>	13	14	10	4	6	9	9,33
N ₅	<i>Diplomatic</i>	6	7	3	3	2	1	3,66
N ₆	<i>Consular</i>	6	7	8	10	7	12	8,33
N ₇	<i>EU law</i>	0	0	12	6	9	7	5,66
N ₈	<i>Directive(s)</i>	25	22	17	10	23	42	23,16
N ₉	<i>Regulation(s)</i>	7	4	4	3	1	21	6,66
N ₁₀	<i>Electoral</i>	9	7	2	9	3	20	8,33

Source: Author's own selection and compilation based on the content analysis of the documents retrieved from:

- http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf;
- http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf;
- <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>;
- http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf;
- http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf;
- http://europa.eu/rapid/press-release_IP-17-118_en.htm

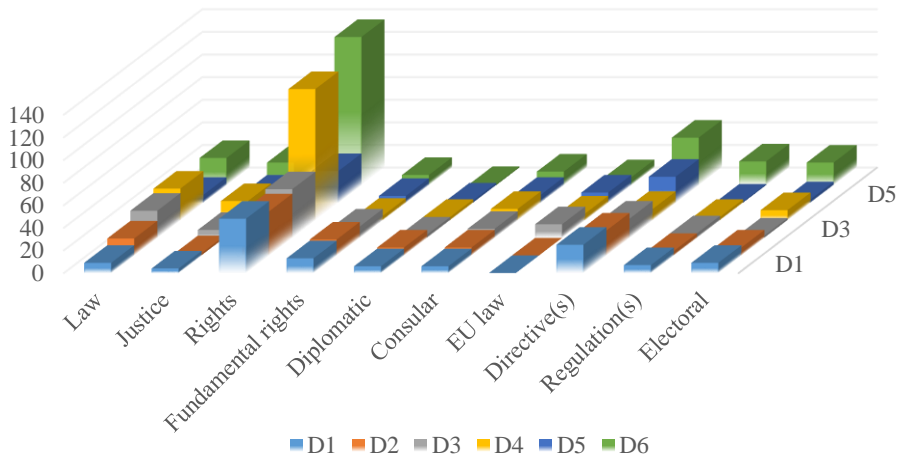


Figure 4. Rights Linkage (L4). Source: Author's own selection and compilation based on the content of the documents retrieved from:

- http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf;
- http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf;
- <http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>;
- http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf;
- http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf;
- http://europa.eu/rapid/press-release_IP-17-118_en.htm

Citizenship Values, Participation Behaviors and Community Engagement in EU...

5.5. Average value

Table 5 indicates the average values of the selected topics from the lowest to the highest. Column 1 of the Table 5 indicates the average values of the selected topic, Column 2 and Column 5 indicate the topics and the Column 3 and Column 6 indicate the average value for each concept: (i) average value between 2,00 and 5,00: *identity* (2,66); *political parties* (3); *institution* (3,33); *treaty* (3,33); *dialogue* (3,33); *freedom(s)* (3,5); *society* (3,66); *mobility* (3,83); *education* (3,83); *Charter/ Charter of Fundamental Rights of the EU* (4); *policy* (4,16); *Ombudsman* (4,66); *integration* (4,86); (ii) average value between 5,00 and 10,00: *community(ies)* (5,83); *assistance* (6,16); *initiative* (6,33); *petition(s)* (6,66); *communication* (6,83); *complaint(s)* (7,5); *health* (7,83); *worker(s,ing)* (8,66); *family* (8,83); *security* (9,66); *cross-border* (10,8); (iii) between 10,00-50,00: *European Union* (10,83); *political* (10,83); *person (s, ally)* (11); *participation (participate)* (11); *nationality* (11,66); *protection* (11,83); *public* (13); *citizen* (15,5); *European Parliament* (16,83); *residence* (17); *information* (19,5); *citizenship* (37,5); *states* (43,33); (iv) between 50,00-110: *Member state(s)* (54,66); *European* (71,33); *citizens* (101,33).

Table 5. Average values of the selected topics

No.	Topic selection (items and variables) (I)	Average value (from lowest to the highest) A ₁ - A ₂₁	No.	Topic selection (items and variables) (II)	Average value (from lowest to the highest) A ₂₂ -A ₄₁
A ₁	<i>Identity</i>	2,66	A ₂₂	<i>Worker (s, ing)</i>	8,66
A ₂	<i>Political parties</i>	3	A ₂₃	<i>Family</i>	8,83
A ₃	<i>Institution</i>	3,33	A ₂₄	<i>Security</i>	9,66
A ₄	<i>Treaty</i>	3,33	A ₂₅	<i>Cross-border</i>	10,8
A ₅	<i>Dialogue</i>	3,33	A ₂₆	<i>European Union</i>	10,83
A ₆	<i>Freedom(s)</i>	3,5	A ₂₇	<i>Political</i>	10,83
A ₇	<i>Society</i>	3,66	A ₂₈	<i>Person (s, al, ally)</i>	11
A ₈	<i>Mobility</i>	3,83	A ₂₉	<i>Participation (participate)</i>	11
A ₉	<i>Education</i>	3,83	A ₃₀	<i>Nationality</i>	11,66
A ₁₀	<i>Charter/ Charter of Fundamental Rights of the EU</i>	4	A ₃₁	<i>Protection</i>	11,83
A ₁₁	<i>Policy</i>	4,16	A ₃₂	<i>Public</i>	13
A ₁₂	<i>Ombudsman</i>	4,66	A ₃₃	<i>Citizen</i>	15,5
A ₁₃	<i>Integration</i>	4,66	A ₃₄	<i>European Parliament</i>	16,83
A ₁₄	<i>Community (ies)</i>	5,83	A ₃₅	<i>Residence</i>	17
A ₁₅	<i>Assistance</i>	6,16	A ₃₆	<i>Information</i>	19,5
A ₁₆	<i>Life</i>	6,16	A ₃₇	<i>Citizenship</i>	37,5
A ₁₇	<i>Initiative</i>	6,33	A ₃₈	<i>States</i>	43,33
A ₁₈	<i>Petition(s)</i>	6,66	A ₃₉	<i>Member State(s)</i>	54,66
A ₁₉	<i>Communication</i>	6,83	A ₄₀	<i>European</i>	71,33
A ₂₀	<i>Complaint(s)</i>	7,5	A ₄₁	<i>Citizens</i>	101,33
A ₂₁	<i>Health</i>	7,83			

Source: Author's own selection and compilation based on the content analysis of the documents retrieved from:

http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf;

http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf;

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>;

http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf;

http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf;

http://europa.eu/rapid/press-release_IP-17-118_en.htm

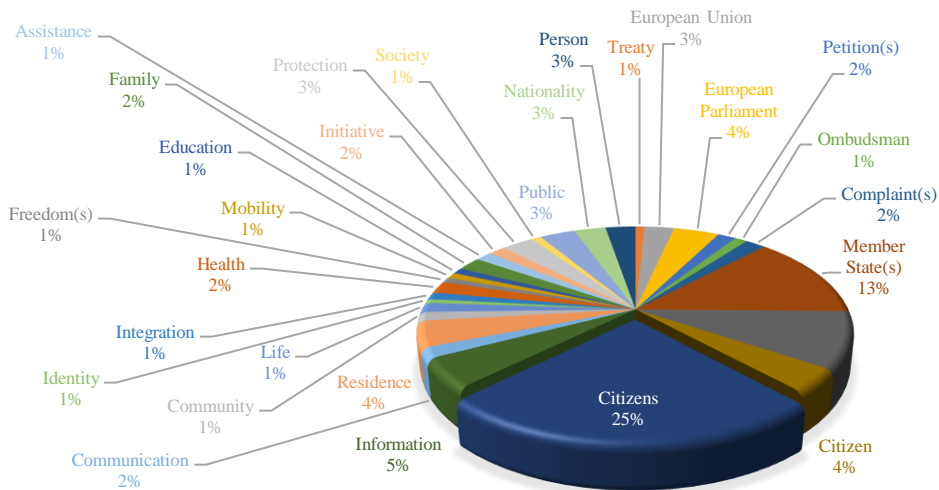


Figure 5. Average values of the selected topics.

Source: Author's own selection and compilation based on the content analysis of the documents retrieved from:

- http://ec.europa.eu/justice/citizen/files/com_2004_695_en.pdf;
- http://ec.europa.eu/justice/citizen/files/com_2008_85_en.pdf;
- <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0602&from=EN>;
- http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf;
- http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf;
- http://europa.eu/rapid/press-release_IP-17-118_en.htm

Conclusions

The study of the four linkages: institutional linkage (noted L1) (results displayed in Table 1 and Figure 1); (ii) social linkage (noted L2) (results displayed in Table 2 and Figure 2); (iii) political linkage (noted L3) (results displayed in Table 3 and Figure 3) and (iv) rights linkage (results displayed in Table 4 and Figure 4) answers to the research questions regarding the main determinants of the linkage citizenship-participation-community engagement. The relevancy the European Commission Reports on the citizenship of the Union also profiles the linkages of citizen-institutions, political and security, society and community, law-rights. This four-linkages approach associates and outlines the European governance establishments by linking the internal results of the content analysis with the external results developing the conceptual mapping of the top ranked concepts of the six documents.

The substance of the analysis is focused upon a broad category of topics and their conceptual variables describing the citizenship values – participation behaviors - community engagement enabled within the report on citizenship regarding the period comprised between 2001 and 2017. Table 5 determines the average value of the analysis identifying: thirteen topics between the average value of 2,00 and 5,00; eleven concepts between 5,00 and 10,00; fourteen concepts from 10,00-50,00 and three concepts between 50,00-110.

In response to the institutional challenges of the period, the analysis challenges the need to map the investigation on participation and engagement both at national and European level, at individual and community engagement linking and highlighting the core position of the following topics: *citizens, information, Member State* (Table 1);

Citizenship Values, Participation Behaviors and Community Engagement in EU...

public, life, protection (Table 2); *security, states, cross-border, European* (Table 3); *rights, law and directive(s)* (Table 4). As pointed out by the results identified, mapping the linkages between the citizenship norms, participation behaviors and community engagement is intrinsically a complex process. The citizenship's linkages are a multifaceted conceptual entity associating various topics and undertaking complex understandings that are designed to better define and identify its role within the European Union official documentation.

The consequences of these challenges are reflected in the content analysis outcomes providing evidence at both Member State level and also at the EU level. The above analysis mechanisms optimally show that the linkage (citizens-European Union-Member State) is designed to motivate and enable the EU institutional establishment and the policies within EU governance.

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ORIGINAL PAPER

The Development of the Collaboration Established between King Carol II and the Politician Armand Călinescu before February 1938

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Abstract

The paper intends to describe of collaboration between Carol II and Armand Călinescu not only from a descriptive perspective, but more like from an analytic point of view, taking into account the arguments that determined the beginning and the development of this relationship. The reason for studying this topic is the importance of these two personalities in the Romanian history; it is true that the period of their close collaboration was very short (from 1938 to 1939), but those two years were marked by essential events, that influenced the future evolution of Romania.

Keywords: *King Carol II, Armand Călinescu, Government, political parties, National Peasants' Party*

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The Development of the Collaboration Established between King Carol II ...

Introduction

In the first part of the paper, I will make a brief description of the two statesmen, insisting especially on Armand Călinescu, as the most important parts of King Carol II's life are already known; at the same time, I will try to identify the different stages of their interaction, beginning with their first approaches, continuing with the period that Armand Călinescu was the Ministry of Internal Affairs and finishing with Călinescu as the President of the Council of Ministers. The second part will effectively describe the relationship of collaboration between Carol II and Călinescu, their meetings representing the core of the research. In the third part, I will try to find the reasons that the King took into account when he appointed Armand Călinescu in Octavian Goga's Government, in December 1937. The fourth part will try to identify Călinescu's main initiatives as Ministry of Internal Affairs, a position from which he had a close collaboration with the King and at the same time a position from which he demonstrated his loyalty to the Sovereign. In the end, I will try to conclude which were the main reasons that established a relationship of collaboration between the King Carol II and the politician Armand Călinescu.

Carol II and Armand Călinescu – establishing a relationship of collaboration

As an active person, with a stubborn nature and sometimes being easily influenced by some of the people that he surrounded himself with, the King Carol II wished not only to be involved in the Romanian politics, but to essentially influence its evolution. His fickleness made him abandon his royal prerogatives in the years that followed the World War I, but his wish to be involved in politics again determined him to claim the Throne of the Romanian Kingdom in June, 1930. After becoming King, his autocratic personality made him constantly try to dominate the policy-makers and to obtain a large independence in order to be able to unilaterally take the state decisions. In this respect, he set in motion different actions, such as: appointing governments of national union, dividing political parties in order to enfeeble their strength, creating around him an influential political and economical group on which he could lean on, orchestrating the coup d'état from February 10th/11th, 1938, elaborating a new constitution, outlawing traditional political parties, creating a single political party.

Regarding Armand Călinescu's personality, before entering the political life, he worked as a lawyer. He graduated the Faculty of Law and the Faculty of Philosophy from the University of Bucharest. He had a PhD in Juridical Sciences in Romania and a PhD in Economical and Political Sciences in France (Paris) (Chivulescu, 1998: 12). His wish of entering politics was expressed very early; his father tried to enroll him in the National Liberal Party, as one can find out from the conversations that Mihai Călinescu had with Ion. I. C. Brătianu. Nevertheless, young Călinescu joined the Peasants' Party in 1919 and he quickly approached Ion Mihalache, the leader of this party; their good relationship did not change until the dissensions that appeared in 1937. In 1922 he became the leader of the Argeş county organization of the National Peasants' Party (NPP) (Călinescu, B., 1990: 22), while in 1928 he was appointed as the Prefect of same county (Călinescu, B., 1990: 83). He was elected as a NPP deputy for the first time in 1926 (Nedelea, 1991: 153) and, after that year, he was constantly present in all the future legislatures (Chivulescu, 1998: 15). In 1929 he was appointed as State Secretary in the Ministry of Agriculture and Domains and beginning with 1930 he became State Secretary in the Ministry of Internal

Affairs; he held this last appointment each time a Government was led by the National Peasants' Party (Savu, 1967: 61-62). His earnestness and work devotion were his main characteristics beside his speaker's talent, which he showed in the Romanian Parliament (Călinescu, A., 1993).

Taking into account my research, I consider that the relationship of collaboration between Carol II and Armand Călinescu can be divided into three different stages. The first stage includes their approach period and the strengthening of the trust relation between the Sovereign and his politician; this part can be chronologically placed before the coup d'état from February 10th/11th, 1938. The second stage covers the period from February 1938 to March 1939, when Armand Călinescu was appointed as Minister of Internal Affairs; he was actually the true leader of the Government and he consolidated the position of "King's man". The third stage includes the period when Armand Călinescu led the Government as the President of the Council of Ministers (March to September 1939); his relationship with the King was closer than in the previous years and he was *de facto* and *de jure* leader of the Government.

The present paper will comprise the first stage of their relationship, while the period that follows after the coup d'état will be analysed in different future studies. Returning to this first stage, I see it divided into three essential intervals, namely: the period of approach between the Sovereign and the young national peasant leader, placed before the establishment of the Goga-Cuza Government from December 1937, the second period, that includes the appointment of Octavian Goga's Government and the reasons that led the Monarch to entrust to Călinescu the Interior portfolio and the third stage which includes the actions the new Internal Affairs Minister undertook to fulfill the mission given to him by the King.

The approach period between Carol II and Armand Călinescu

For the first part of the period when Carol II was on the Throne of Romania, his relationship with Armand Călinescu does not go beyond the established framework with most of the young political elite of that time; in order to have a clear picture of the connections set between the two, I will point out some of the defining elements of the political life of the 1930s and where exactly on that spectrum one can find Armand Călinescu.

Ever since coming to Romania and ascending on the Throne, on June 8th, 1930, King Carol II sought, on the one hand, to be as much involved in the policy of the country as he wanted to become the main decision maker; on the other hand, in order to be able to hold a strong control in the state, he tried to come closer to as many politicians as possible. At first glance, the desire to approach the political elite may seem justified, given the position that the Monarch occupies within the powers of the state; what needs to be emphasized is that the King adopted a rather exclusive policy, namely, whether the politicians were in the category of those who agreed with him and implicitly agreed with the "counselors" around him (Țurlea, 2010), or they were seen as opponents, in which case Carol II did everything possible not to have to negotiate with the respective politicians.

The leaders of the two big parties – the National Peasants' Party and the National Liberal Party – Iuliu Maniu and respectively Constantin I. C. Bratianu (NLP chairman beginning with the year 1933) were placed in the first category. It is true that Maniu, Prime Minister in office at Carol's arrival in the country, passed to the opponents' camp only after several months of unsuccessful attempts to place himself (as party chairman) and

The Development of the Collaboration Established between King Carol II ...

implicitly the political parties in a position privileged to the King. This is why the Monarch tried to approach younger politicians from the second echelons of the large parties; an eloquent example was Gheorghe Brătianu who responded to the appeal to go to the Royal Palace with Carol's coming to the country, and disrespecting the NLP directive by this gesture was excluded from the party (Scurtu and Otu, 2003: 288). Following the same principle, helped by a contest of circumstances, in January 1934, to the surprise and indignation of the old leaders of the NLP, the King appointed young liberal Gheorghe Tătărescu as Prime Minister (Scurtu and Buzatu, 1999: 283-285).

Where exactly in this continuous "game of power" was Armand Călinescu? As mentioned above, he had a spectacular evolution in the political career, the important position occupied within the NPP and the public functions he held, imposing him as one of the young politicians of the country.

Starting from these two premises – the Sovereign's attempt to come closer to the young political elite and the rise of Armand Călinescu among this elite – there was at least a supposed approach between the King and the future President of the Council of Ministers. The first contacts were formal, being made in the official framework and by virtue of the position each one occupied. During the reign of King Carol II, Armand Călinescu, as evidenced by his writings, was increasingly involved in party politics and country politics, becoming so much more interested in the actions of the King; in his journal, there were kept many references on the evolution of the relationship between him and the Monarch. Following this information, it can be observed that there were no animosities between the two and a mutual appreciation characterized their relationship.

Beginning with 1933, at the same time with the establishment of Alexandru Vaida-Voevod's Government, Carol's affinity for Călinescu was obvious, the latter being kept in the new Government as a State Secretary of the Interior, even though the Minister had been changed – G. G. Mironescu replaced Ion Mihalache. Regarding this situation, Puiu Dumitrescu, the King's personal secretary, told Călinescu that although there were voices opposing him at the Royal Palace, Carol said he appreciated him a lot and therefore did not want to be a barrier on his career (Calinescu, A., 1990: 136).

It can be noticed that King Carol II, by speculating the disagreements within the NPP, managed to maintain and amplify the "dissidence" of the "centrist" group, whose leader became, in time, Armand Călinescu. Those who were part of that group were identified, on the one hand, by the opposition they made to Iuliu Maniu within the party and, on the other hand, by the kindness they showed to the Sovereign. In this respect, the benevolent attitude of the King in regard to Călinescu is an eloquent example of Carol's approach (Nedelcu, 1981: 262).

The Sovereign's interest towards the young national-peasant leader can be observed in 1935, when he can be found in the letters that Ion Sîn-Georgiu, the informant of the King (Călinescu, A., 1990: 260), sent to the Sovereign. The laudatory praise that Sîn-Georgiu made to Călinescu contained information about the young politician's culture and talent and, at the same time, there were references about his special political qualities. Along these letters two other aspects were relevant to the King: on the one hand, the shaping of Călinescu's position as an "opponent" to the policies promoted by Maniu and, on the other hand, the loyalty that he manifested to the Crown, both indicating that in the future Armand Călinescu could become very useful to the Sovereign (Nedelcu, 1981: 262-263).

Due to differences of opinion between the Monarch and the main leaders of NPP – Ion Mihalache and Iuliu Maniu in particular – a meeting occurred between the Sovereign

and Armand Călinescu as representative of the National Peasants' Party. Richard Franasovici, at the time the Minister of Public Works and Communications, suggested to Călinescu to ask for an audience to the King, this being part of the Sovereign's approach of getting closer to the national-peasant youth (Călinescu, A., 1990: 293). The audience took place on May 25th, 1936, when Armand Călinescu tackled two main problems: the administration and, respectively, the issue of the extremist currents (especially the Iron Guard). The meeting was a good opportunity for Carol to confirm and to strengthen his opinion about the peasants' leader of the young generation, whom he enjoyed seeing as a "steady man" (Călinescu, A., 1990: 303). Incidentally or not, since that meeting, the press conveyed the idea that Călinescu would have played for NPP the same role played by Gheorghe Tătărescu for NLP (Călinescu, A., 1990: 304); this role was that of King's liaison in the party, a person who, in the event of a disagreement between the Sovereign and the leaders of the old generation on the issue of Government, to be appointed as a Government member. Shortly after that, Călinescu proudly wrote in his journal that he had been the only one of the NPP secretaries of state that Carol had personally included in the guest list for a Palace reception from early June 1936 (Călinescu, A., 1990: 304).

For that period, Gabriel Marinescu (the Prefect of the Capital Police) was the person from King's entourage who most often came in contact with Armand Călinescu; he was the one who confirmed to Călinescu that he had begun to enter into Sovereign's grace, saying that Carol saw him as the most serious and most energetic man from NPP (Călinescu, A., 1990: 312). In a conversation with the General Nicolae Condeescu, another close person of the Royal Palace, Călinescu tried to clarify his supportive policy toward the Monarch and strongly argued that the King could rely on NPP "centrists", who were closed to him (Călinescu, A., 1990: 315).

For the end of 1936, Armand Călinescu recorded in his daily notes his first interactions with the King, during which the Sovereign began to express his direct regard to him and, at the same time, to suggest a possible collaboration. When going on two consecutive nights at the events held at the Royal Palace – a ceremony attended by the parliamentary committee of which Călinescu was a part and, respectively, a gala concert – the NPP politician had two conversations with Carol, both initiated by the Monarch. The general tone was a very good one suggesting closeness; during the discussions the King thanked him for his attitude adopted during the last period (Călinescu, A., 1990: 326-327). The Sovereign expressed his satisfaction with Călinescu's behavior because it showed opposition to the politics of Iuliu Maniu; the position of the young national peasants' leader had become closer to what the King desired than to what the party was proposing to undertake. Carol pointed out that Armand Călinescu's direction was in line with his own vision: "If you continue doing this, you will definitely please me" or "I advise you to go on the same way" (Călinescu, A., 1990: 326, 327). In his turn, Călinescu assured him of his devotion, underlining that "the serious people will be around the King" (Călinescu, A., 1990: 327).

At the beginning of 1937, Armand Călinescu continued to have a good relationship with the King, as different persons confirmed him – Gheorghe Tătărescu, Prime Minister at that time, Valeriu Pop or Gavrilă Marinescu (Călinescu, A., 1990: 330, 342, 347). A new audience with the King in May 1937 denoted the evolution of the relationship between the two; the Monarch, who proved to be kind but reserved at the previous audience, was more open to the young politician, discussing important issues related both to the internal and external policy (Călinescu, A., 1990: 348-349).

The establishment of Octavian Goga Government – December 29th, 1937

The end of the only complete mandate of a Government during Carol II's reign – that of Gheorghe Tătărescu (1934-1937) (Brătianu, Carol II, Antonescu, 1992: 42-43) – brought the problem about the creation of a new Cabinet which had to organize elections for the legislative forum. The end of 1937 was abounding in events that led to a premiere on the outcome of the elections: long and sterile consultations between the Sovereign and some political party leaders; Ion Mihalache's refusal to become prime minister (Scurtu, Buzatu, 1999: 329) and the creation of a new NLP government led by Gheorghe Tătărescu; the vague promises of traditional political parties, which made the electorate become disinterested or turn to nationalist groups (Chistol, 2007: 600-601, Scurtu, Mocanu and Smârcea, 1995: 438); the signing of the November 25th non-aggression pact between Iuliu Maniu (NPP), Corneliu Zelea Codreanu ("Everything for the Country" Party) and Gheorghe Brătianu (NPL-"georgist") joined by Constantin Argetoianu (the Agrarian Party) (Argetoianu, 2001: 252).

Organized by an "worn-out" government and taking into account the aggravation of the party confrontation in the electoral campaign as well as the King's attempt to feed the fight, the result of the parliamentary elections appears as a predictable consequence: National Liberal Party – 35.92%; National Peasants' Party – 20.40%; "Everything for the Country" Party – 15.58%; Christian National Party – 9.15%; Hungarian Party – 4.43%; PNL-"georgist" – 3.89%; Radical Peasant Party – 2.25% (Scurtu and Otu, 2003: 377-378). Speculating the newly created situation – none of the parties obtained at least 40% of the votes (a premiere for the parliamentary elections in Romania) – King Carol II decides to appoint Octavian Goga as Prime Minister, although the political party led by him was only fourth in voters' preferences, with 9.15% of votes (Chistol, 2007: 627, Argetoianu, 2001: 308, Nedelea, 1991: 132-144).

Without insisting on the members of the new Cabinet or its significance in the Sovereign's political plan, I will focus on the implications of Armand Călinescu's appointment in that Government. By bringing a powerless politician to the leadership of the executive, the Monarch created more room for maneuver in imposing trustworthy people in the key posts of the Cabinet. In my opinion the most important was Armand Călinescu, who took over the Ministry of the Interior; Călinescu, together with the Premier Octavian Goga, and Ernest Urdăreanu, at that time Administrator of the King's Domains, established the governmental structure, by secretly meeting, with King's acceptance, in General Condeescu's house (Călinescu, A., 1990: 362-363; Argetoianu, 2002: 8).

With small but sure steps, Călinescu began to gain the King's trust; along with the Monarch's confidant – Ernest Urdăreanu – and the Prime Minister, who obviously had to participate in the consultations, the only one who took part in the creation of the new Government was Călinescu. Regarding the situation, in his notes, Constantin Argetoianu launched a scenario that could have been possible and could explain the trust that the Sovereign offered to Armand Călinescu. According to this scenario, the King would have pursued by the appointment of the new Government to create an "attack and defense instrument", at the same time relying on a rift within the NPP, "the pivot of the whole movement" being Călinescu. The leader of the Agrarian Party believed that if Călinescu had been followed by several NPP important members, the Sovereign would have wanted to drop down Goga and to appoint Călinescu as the new Prime-minister. Broadly, Argetoianu believed that the Monarch would have wanted to repeat the scenario followed

with the liberals, when the main character had been Gheorghe Tătărescu (Argetoianu, 2001: 319).

The debates on the composition of the future Government were established in the second half of December 1937, the main artisans of the new formula being, as mentioned earlier, Octavian Goga, Ernest Urdăreanu and Armand Călinescu; the latter had become, as Constantin Argetoianu argued, “the Sovereign's trustworthy man in the Council of Ministers, whom the King relied on to prevent the Government from making madness” (Argetoianu, 2001: 310). In the new Council of Ministers Călinescu, the Minister of the Interior, was in charge of a position which allowed him to thoroughly control the police forces and to impose censorship whenever he considered it necessary.

Along with Armand Călinescu, the King imposed three other NPP leaders in the Government, as follows: Virgil Potârca interim until January 6th, 1938 at the Ministry of Agriculture and Domains and latter at the Ministry of Public Works and Communications; Vasile Rădulescu Mehedinți at Ministry of Justice and Dinu Simian, Secretary of State at the Ministry of Internal Affairs (Scurtu, 1983: 388). The exclusion from NPP was one of the immediate consequences that Armand Călinescu and his party colleagues, who had held positions in the Government, had to face (Argetoianu, 2001: 310). Although Călinescu explained his actions, on the one hand, by his loyalty to the Crown and, on the other hand, by his desire to separate from the politics led by Iuliu Maniu as president of NPP (Călinescu, A., 1990: 362), he was seen, along with his “separatist” colleagues, as traitor (Argetoianu, 2001: 307, 309). The most violent reaction came, as expected, from the old leaders of the NPP and especially from Maniu (Scurtu and Buzatu, 1999: 335-336).

Armand Călinescu – the King’s trustworthy man

The appointment of Armand Călinescu was not accidental, his entry into the new Government, as the leader of one of the most important ministries – the Ministry of Internal Affairs – was made in order to accomplish several objectives that the King had in mind. One of the most important tasks that Călinescu had in the new Government was to fight the Iron Guard and its leader, Corneliu Zelea Codreanu. After the disturbing result (for the King) which the “Everything for the Country” Party had obtained in the elections, it was clear to the Monarch that the popularity of the Guard did not diminish, but, on the contrary, it was in full ascension (Scurtu, 1983: 386). Călinescu’s appointment is also explained by the fact that he was one of the most virulent opponents of this organization, a politician who constantly fought by taking positions and acting against the representatives of the Iron Guard. As a part of the government, the new Minister of the Interior was thus going to fight against the legionnaires (Carol II, 2001: 135).

By putting Călinescu on the list of Ministers, Carol accomplished another goal – the breakup of the “centrist” group of NPP, which led on the one hand, to the weakening of the party and, on the other hand, to the decrease of influences that Maniu manifested inside NPP, as some national-peasants’ members began to see him guilty of Călinescu's departure. Armand Călinescu's appointment as Interior Minister – “a guarantee” for the sovereign (Carol II, 2001: 135) – was also made by Carol with the intention of counterbalancing the extremist actions that Octavian Goga and Alexandru C. Cuza could have put into practice once they had been given the Government.

Arriving in office, Armand Călinescu did not disappoint his royal “supporter”; only two days after his appointment – December 31st, 1937 – the new Minister organized a meeting attended by the Secretary of the Interior, the Secretary General of the Ministry,

The Development of the Collaboration Established between King Carol II ...

the Gendarmerie Commander and the Director of General Safety; taking into account the difficult situation of the country, the Minister of the Interior sent a series of clear directives that were meant to maintain order (Nedelcu, 1981: 331). Among the first measures adopted by Călinescu was the suspension of different publications, such as “Adevărul” (“The Truth”), “Dimineața” (“The Morning”) and “Lupta” (“The Fight”) (Călinescu, A., 1990: 365). In less than a week since the assumption of the new position, Călinescu replaced the head of the Gendarmerie, where he appointed General Bengliu, a close friend of his, and also installed several NPP prefects (Nedelcu, 1981: 331). Among the actions taken by the Minister of the Interior to strengthen his position in the Government and, at the same time, to combat the infiltration of legionnaires in any sector of the Internal Affairs, one can mention: a strict record and monitoring the persons or institutions that intervened the Ministry of Interior; the limitation for the provincial police personnel to travel to the capital; the abolition of the outside interventions regarding the promotions in the Ministry (Nedelcu, 1981: 331; Mușat, Ardeleanu, 1988: 773); various measures to ensure the secrecy of telephone conversations (Nedelcu, 1981: 371).

Shortly after his appointment, the initiatives taken without consulting the Prime Minister determined the antipathy of the CNP leaders to Armand Călinescu, the next step being the conflict between the two parts (Nedelcu, 1981: 333); his position in the Government was not affected, however, as his actions were always supported by the Sovereign (Călinescu, A., 1990: 373). Initial disagreements within the Government were transformed, with the onset of the new electoral campaign, in open conflicts between the CNP representatives and the police forces that were under Călinescu's command (Nedelcu, 1981: 332, 333); referring to the groups created around the three personalities of the Government, Călinescu, Goga and Cuza, Constantin Argetoianu mentioned those divergences as “the war of the three roses” (Argetoianu, 2002: 10), which proves that the conflict became known to the public opinion. In this respect one can mention the clashes that took place in Craiova in the first days of January 1938 (Argetoianu, 2002: 11).

The Minister of Internal Affairs, acting not as a member of the Government, but as “the King's trusted man”, gave orders that sometimes referred directly to the CNP members, who paradoxically acted upon the instructions of their leader – the Prime Minister Octavian Goga. The hardest retaliations from the law enforcement forces headed by Călinescu resisted the members of the Iron Guard (Călinescu, A., 1990: 373-374) a formation on behalf of which the students organized protests strikes (Argetoianu, 2002: 71; Nedelcu, 1981: 373).

All the actions taken by Armand Călinescu, along with his increasing devotion to the Monarch, made him acquire the King's confidence, as Ernest Urdăreanu himself testified (Călinescu, A., 1990: 366; 367). Carol, convinced that he had made the right choice for the Interior Ministry, began to consult Călinescu for different aspects that were not necessarily the subject of his ministerial position. An example of this was the invitation of the Minister of the Interior to conduct the work of the Economic Council, although, as he himself said, he was not running a ministry in the economic area. Moreover, within that meeting, Călinescu made proposals with which the King agreed; referring to that, Armand Călinescu noted in his journal: “I proposed that and Rex [the King] approved” (Călinescu, 1990: 366). Mentioning this phrase is very important, because during their close collaboration, especially after the establishment of the monarchical authority regime, Carol, having strong confidence in Călinescu's expertise and also his good faith, started to take into consideration his advices; the formula mentioned above was thus often used by Călinescu in his daily notes.

The cooperation between the King and the Minister is also proved by the very frequent meetings of the two or by the meetings between Armand Călinescu and Ernest Urdăreanu (the King's most reliable person at the Palace) (Călinescu, A., 1990: 364-377); moreover, the close connection between them was proved by their agreement during their direct meetings. As it was previously mentioned, Carol did not hesitate to consider the proposals that the Interior Minister made; at the same time, Călinescu, highly calculated by nature, consulted the Sovereign for the smallest details in order to carry out the tasks that the King drew to him (Călinescu, A., 1990: 373).

Conclusions

In my opinion, the loyalty that Armand Calinescu proved to the King during the period of the Government led by Octavian Goga and the promptitude he had shown in complying the tasks that he was given represented only a part of the factors to be taken into account in analysing the development of the collaboration between the Sovereign and Călinescu. If I have to make a forced comparison, considering only these two qualities of the Minister of Interior, one can compare him to Gheorghe Tătărescu, who was also a close collaborator of the King and, at the same time, a political man whom the Monarch appreciated. From my point of view, what distinguished Armand Călinescu from the other politicians with whom Carol II interacted was his vision regarding the political scene and, more importantly, the opinions that Călinescu had regarding the problems of Romanian politics. Paradoxically, two men with different principles cemented their collaboration on similar beliefs, on the one hand, regarding the manner of acting in the political sphere and, on the other hand, on the way that the state institutions should function.

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ORIGINAL PAPER

**The Death of Salesman Analysis as an Absurd Drama
through Social Media and the EFL Students' Attitude
towards Studying Literature**

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Abstract

This study deals with exploring absurd drama, *Death of a Salesman* as a model through social media. The study emphasizes on sharing more than one student with their teacher for the analyzing the play. The information and details are exposed according the students' sharing in a dialogue way with their teacher and then they conclude an analysis paragraph for each section. In their analysis they focus on exploring absurd drama "Death of Salesman tragedy" to enlighten the modern literature theories. The study consists of two parts: the first is a literary analysis paper and the second is the investigation of the EFL students' attitude towards English literature after using social media.

Keywords: *absurd, Arthur Miller, social media, EFL students, studying literature*

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The Death of Salesman Analysis as an Absurd Drama through Social Media ...

Introduction

Death of the Salesman a play of absurd drama written by Arthur Miller, it is a struggle of a man to find a progress in the new society of United State. In this essay, the authors present a study of applying the social media for teaching and learning. Nowadays, and with the growth of the new technology of communication, social media is a mean to encourage user, to share their experience, opinions, senses and emotions. The audience will be more connected with the drama and able to understand the events and climax clearly. Both, the teacher and the student will able to participate and analyze the play. The essay consists of two parts, the first part is to exposes the modern literature theories, absurd drama aspects and the different authors' contributions and Arthur Miller's *Death of a Salesman* through various critical interpretations of the absurd drama aspects and the tragic end of the salesman. The second part is in Finding out the EFL students' attitude towards studying the literature after using social media. The sample is represented by fourth grade students, Department of English language, College of Education for Women /University of Baghdad., an attitude questionnaire is used as a study tool after verifying its psychometric characteristics. The result shows that the students have positive attitude towards English literature after studying through the social media. Accordingly, several recommendations and suggestions have been set foreword.

Brief Biography

Arthur Miller (1915-2005) American playwright, he was born in in a Jewish family in New York. His father was a clothing business, the family moved to Brooklyn to improve their income. Miller from his early youth decided to be a writer and he joined Michigan University and study journalism. He worked in the Federal Theater Project, he married his college sweetheart, Mary Slattery in 1940. Miller wrote "*All my Sons (1947), Death of the Salesman(1949), The Crucible(1952), A View from the Bridge(1955), The Misfits(1961), After the Fall (1964), The Prince (1968), The American Clock (1980), The Last Yankee(1993), Broken Glass(1944) and Peter's Connections(1998)*. In his last play, *Fishing the Picture (2004)*, Miller returned to the subject of Monroe. Miller published an autobiography, *Timebends*, in 1987" (Brich, Hooper, 2012: 465).

Absurd Drama and Death of Salesman

Human beings have been seen as isolated creatures in a strange world with no truth value or meaning. This is an aspect of Jean-Paul Sartre and Albert Camus existential philosophy. On the theatre, the existentialists set the people in abnormal surroundings and put the dramatist in new context, this is according to Sartre's works. For Camus, the absurd is the true state of existence (Marinero, 2007: 2). Arthur Miller, (1915-2005) was one of the most famed writers of the absurd, has a developed social mind comes as a result of his experience. He expresses this experience in form of drama and other literary fields. Miller is consider as an author who is influenced by the context of the modern times. In his drama *Death of Salesman*, he has rejected some of the old traditions and changed them with modern concepts. The hero is presented to be lasting element, he suffers and the audience learn from his suffering. Miller explores in his writing the existential theme of isolation and alienation. Willy Lowman, in *Death of salesman*, is a man who is alienated and lives in isolation and the isolation is what drove him to his suicide. He is the perfect example of a man alienated by a society that is controlled by money and power. Further, "*he had*

the wrong dream. All, all wrong...He never knew who he was"(Act II: 103). Willy Loman is a man trying to realize the American Dream. However, his failure to achieve it lies in his inability to waver from his belief in its promises (Dennehy, Higgins, 2005: 1). The phrase 'Absurd Drama' coined Martin Esslin's book 'The Theatre of Absurd'. The term is useful as "A device to make certain fundamental traits which seem to be present in the works of a number of dramatists accessible to discussion by tracing the features they have in common." By 'Absurd', Camus meant a life lived solely in a universe which no longer made sense because there was no God to resolve the contradictions. According to this philosophy that Beckett created his famous play 'Waiting for Godot'. Miller mentions in this drama the belief in God who punishes man for his mistakes. The characters at absurd drama are distinguished by their vagueness and presented as puppets to convey the theme. The absurd drama theme touch the deep level of the audience's minds. It guide the audience to get the sense of non-sense, to be aware of the events and to get fun with absurdity (Hussain, 2012:1). Eradam (1978:17) describes the Theatre of the Absurd as representing the sense of senselessness of the human life and inaccuracy of the mind image for the concrete image as emerging poetic language from these images. The Theatre of the Absurd is a reaction to the lack of faith from contemporary life and an attempt to emphasize on the beauty and purity by guiding man to face the ultimate realities in his life. The Absurd Theatre leads the man to new life by waking him up to avoid the existence that has become silly, mechanical and imperious. Absurd drama aims to change the surrounded world further from the limits of human abilities. It leads man far from static life to new innovative form of life (Tiwari, 2012: 2). According to Zhu (2013: 1466), the absurd drama is a reflection of suffering, cruelty and danger in real life. This reflection forms an atmosphere of the devaluation of life in modern society and losing an identity in it. Human being in modern society feel lonely, frightened and despairing. Therefore, emptiness becomes the true essence of their daily lives and their minds full with Isolation and absurdity. The modern society produce the Theater of the Absurd to reflect the people ignorance of the real meaning and destination of their lives. They feel lonely and helpless because their suffering of little care or concern. Theater of the Absurd is unique in its ability to express the original and true features of this society.

Existentialism is the philosophy that comes up in Paris during the rise of the Theatre of the Absurd. Therefore, they are associated with each other. This association represented with calling the Theatre of the Absurd as Existentialist theatre by Esslin. The Existentialist philosopher, Albert Camus, advocates the concept of "absurdism". Absurdism is called Existentialist in the Franz Kafka's work which labels absurdism as Existentialist (Tiwari, 2012: 2). The absurd drama is defined as: "Lyrical theatre which uses abstract scenic effects, many of which have been taken over and modified from the popular theatre arts: mime, ballet, acrobatics, conjuring, music-hall clowning" (Tiwari, 2012: 5).

Stone (2017: 3) also narrates that Willy Loman is the protagonist of Arthur Miller's *Death of a Salesman* play. He is the main unforgettable character who's lost his popularity and sales. A tragedy, depicts the downfall of the protagonist in which a tragic hero is a person of some status who falls from his or her noble position over the course of the events. However, the tragedy of Willy Loman isnot represented in his falling from any noble status because he is only an ordinary salesman, Willy Lomanis, an American modern man who fulfill the drama of America. Arthur Miller chooses the salesman as a character for "the death of salesman" play to cover some aspects of the American society. The salesman in this society works for brighter future. Willy Loman considers the

The Death of Salesman Analysis as an Absurd Drama through Social Media ...

successful life as a matter of other opinion in him. His being well liked by people, his believing that he is in the right place in the life and personal attractiveness makes him successful. However, this illusions destroyed by the pressure of reality. The success in life come from the person himself rather than seeking it through others opinion, the identity crises is the tragedy of Willy Loman. It is a social play, which focus on the consequence of man's evaluate himself, and an exploration of betrayal those values. It is a faith in the supremacy of the material over the spirit.

Flashback is the core of the play, most the events are not related to the current setting. Willy go back with his memories to the times that his two sons were younger. He remember them when Biff and Happy were at high school. However, they are in their thirties at the time of the play. Miller uses different literary devices to provide hints and clues about what will occur in the future. Miller puts Willy Loman on the stage and once carry him back to his memories and other time open his mind to the future. Willy's wife Linda tells Biff and Happy about Willy's many automobile accidents. These accidents give hints for Willy Loman suicide because a witness says that Willy intentionally drove towards the bridge. We can say that the dominant, main theme is that Willy's distorted idea of the American dream brings about his demise. Success can be realistic with American dream and determination. Loman believes that success is the result of being social human, so he transfers this idea to his sons Charley and Bernard and there wear able to achieve success through determination. Willy Loman was the hero that he did not come to understand himself or make the correct decisions in the end. He was willful about his deep beliefs, against of the truth which was in front of his face, and his competition sense of arrogance and jealousy prevented him from leading his life correctly. He did not at all achieve what he wanted to, he attempted to live through his sons, but he was disappointed again when they did achieve their aims, he did not accept that it was his. In the end, Willy reached in a grief or depression, so committed suicide.

Miller and the New Tragedy

Arthur Miller is considered one of the greatest play writers in America after WWII, in this play, he focuses on the falling of a great man with high value. The works of Miller have independence of event, they stand in contrast of American tradition, but he as a playwright knows that the theater must dedicate itself to the public matters. He recognizes his audience as a person, his play ought to make sense to the common-sense people. The dominate theme in general drama of the twentieth century is a tragic apprehension about the human condition. The American drama tries to light and record the kind of crises in our times. As a result of living in a capitalist society that emphasizes material values, Miller had written a short story about a failed salesman when he was young, he transformed the story into one of the most successful dramas in the history of the America. He conveys one of the major themes in this drama, Loman denies his present and takes pleasure in his past. He believes that it is difficult to accept the present as he is and so he spent more time to restore his life system and make himself an alternative reality even if he had to live in the past only. Miller focuses on the relationship between society and the individual's concept of self, Willy Loman has a flawed sense of self. He is obsessed not only with financial success but also, more specifically, with appearances and impressions and with an important mind and "loved" by others. Willy passes these surface values on to his sons, Biff and Happy. In a play, Biff becomes more aware of his real needs and feelings and frees himself from this upsetting concept of himself that his father caused. Miller aims to describe the real life of people in society and ordinary American

family, with the effect of economic and politics changes. Willy Loman falls down, but also his family. In this idea, Miller writes about the modern tragedy rather than the classical one. He changes according to the new culture needs after 1930s, When American dream changed to be a nightmare, the chance to live in peace turn to be of despair. He conveys to us how capitalism moves people to false dreams and vaults that leads to the tragic death and reveals that America, which demands freedom and consolation, passed through dark ages of persecution and abuse. In reading *Death of the Salesman*, it's important to get the message of how life should be lived, it depends on the idea of realism. Nobody can imagine and live, we should accept shocking and good, and face the worst circumstances to avoid reaching to the pessimistic end.

Social Media and the EFL Students' Attitude towards English Literature.

The Problem of the Study

Learners' attitude is an important factor that has a significant effect on learners' language learning. It has a distinguished influence on the learners' behavior and on their performance. Accordingly, the learners who have positive opinions and ideas about language learning, have positive attitude towards language learning (Abidin et al., 2012: 119). Last decades give birth to new ways of communication that influence all parts of life. These ways are called social media. Social media impacted the interaction of people around the world and the way of getting the information (Allam, Elyas, 2016: 1). Because of its ability to deliver immediate and varied samples of language to a wide audience, many teachers are looking to the Internet for content to use in the language classroom. While it is fairly common to use online resources, such as video, still images and audio, social networking sites are just beginning to make their way into the language classroom (Sorensen, 2013: 4). The use of Social Media for teaching and learning has been connected to the theory of connectives as the basis of its implementation, suggesting that the ability to access information when needed has become the main feature of learning in this information era. He further explains that the emphasis of learning has shifted from the accumulation of knowledge to the capacity to know more through an individual's connection to a particular source of knowledge. The theory of constructivism could also serve as the basis for social media use in education, as its application allows pedagogy designs with meaningful social interaction and community sharing. In ELT contexts, socio-cultural theory has also been related to the use of social media in the instruction process (Inayati, 2014:778).

The aim and limitations

The study aims at finding out the students' attitude to study literature by using social media (fourth year EFL students at the Department of English, College of education for women, University of Baghdad; academic year 2015-2016; literary text: "Death of Salesman").

Definitions of Basic Terms

Attitude

Montano and Kasprzyk (2008: 71) defines the attitude as "the individual's beliefs about outcomes or attributes of performing the behavior". Conversely, a person who holds strong beliefs that negatively valued outcomes have a negative attitude.

The Death of Salesman Analysis as an Absurd Drama through Social Media ...

Social Media

Social media is defined by Inayati, (2014: 777) as "one of the current phenomena in the technology advancement that touches many aspects of life, including education". Social media has developed to be an essential part in our life. It is a tool for people to share information and communicate in wide world.

Literature in EFL Classes

Yimwilai (2015: 14) says that "studying literature in an EFL classroom is beneficial for many reasons: it involves a profound range of vocabulary, dialogue, and prose; appeals to the imagination and enhances creativity.

Literature Review and Related Previews Studies. Attitude towards Language Learning

The psychological and social aspects are as important as intellectual perspectives for language learner. Motivation and attitude are psychological aspects for language learning. Abidin et al. (2012: 121) illustrate this by saying that: "Besides the intellectual perspective, the nature of language learning has psychological and social aspects and depends primarily on the learners' motivation and attitude to learn the target language. The ability of the students to master a second language is not only influenced by the mental competence or, language skills, but also on the students' attitudes and perceptions towards the target language"

Social Media in Language Classes

With the rapid development of tools for language learning both on and offline, technology has become a vital part of language instruction. Indeed, the use of technology is so engrained into language curricula that it has become normalized and even expected. The development of these capabilities comes with the implication that they are constantly evolving with no end in sight. We can easily observe that within the last ten or fifteen years, the power and mobility of technology has increased exponentially, making its way into users' homes, cars, classrooms, and even their pockets (Sorensen, 2013:12-13).

Literature in EFL classes

Literature is vital context for teaching languages, Healy (2009: 179) lists several reasons behind the necessity of using literature in language classes: "Firstly, for pleasure. Most people enjoy good stories, and so literature is motivating, often more interesting than the texts in proprietary EFL course books. Secondly, literature encourages students to exchange their thoughts and feelings and interact with one another in a meaningful way, as they share the story and the characters, and suspend disbelief in tandem with their peers. Thirdly, it encourages students to think about concepts and ideas and to develop attitudes towards them." In short, literature can be an important factor in promoting the study of English literature, developing students'academic, cultural, linguistic and intellectual learning" (Healy, 2009: 179). The role of literature in language teaching has been interpreted in past years, during the stage of structural dominance, literature had a narrow effect in teaching EFL. The emphasize was on the good writing and illustrations of the grammatical rules of the language. The new teaching methods focus on remarkable revival of interest in literature as one of the resources available for language learning.

Previews Studies

The study: *EFL Students' Attitudes towards Learning English Language: The Case of Libyan Secondary School Students*" (Abidin et al., 2012) aims at investigating

Libyan secondary school students' attitudes towards learning English. The students' attitude is investigated according to the behavioral, cognitive and emotional aspects. It explores if the demographic variables gender, field and year of study have significant differences in the students' attitudes towards English language. The sample is represented by 180 students. The students are selected from three grades from three specializations of Basic Sciences, Life Sciences, and Social Sciences. The study instrument is an attitude questionnaire of constructed by the researcher. After ensuring its psychometric characteristics, validity and reliability, it is given to the study sample. The analysis of gathered data show the following results: the students show negative attitudes towards learning English three aspects of attitude i.e., cognitive, behavioral, and emotional; there are statistically significant differences according to gender and field of study but there are not statistically significant differences according to the year of study.

The study: *Perceptions of Using Social Media as an ELT Tool among EFL Teachers in the Saudi Context*" *English Language Teaching* (Allam, Elyas, 2016) focused on the development of the technology and the wide spread of the social media among the youth, particularly, university students. The study aims at investigating impact of using the social median in language classes on the way people learn and interact with each other. This study is a descriptive quantitative one. It uses a survey instrument to gather the data. The participant consist of (75) randomly chosen male and female English as a Foreign Language (EFL) teachers at two Saudi tertiary institutions. The questionnaire, the study instrument, consist of 14 items where each item had five Likert-type responses. The results show that: the participants agree strongly with value of social media in language classes in the Saudi context; the using of social media may work as distractor for the students' intention, consequently, result in the opposite of the intended effect of their usage.

The study: *Student Attitudes toward Social Media Technology as a Enhancement to Language Acquisition* (Sorensen, 2013) This study aims at finding out: the students' attitudes toward technology in general; the students' attitudes toward online language learning tools in a social media context. A design based research approach is used for implementing teaching method of a social networking environment. Thus, the students could study in authentic language samples and practice using the language in real life situations. The results show that: the students have positive general attitudes toward technology in general; the students have positive attitudes toward online language learning tools in a social media context.

Discussion of Previews Studies

The previews three studies share the present study in aims, the first one aims at investigating the attitude of the students towards studying English language. The second and third studies explore the using of the students to the technology and social media in studying English language. The sample of the present study is female university students compering with the first and third studies mixed students and the second one a sample of teachers. The tools of the present study as well as the previews studies are questionnaires. The results of the first previews study has supported the problem of the present study in that the students have low attitude towards studying English language. The other studies show that the students using of technology and social media affected their attitude towards studying English language in general. Accordingly, the present study investigates the attitude of EFL students' attitude towards studying English literature through social media.

The Death of Salesman Analysis as an Absurd Drama through Social Media ...

Methodology

Participants

The participants are 60 female students. They are selected from fourth class\ Department of English Language, College of Education for Women \University of Baghdad.

Design

This study is a descriptive one in which a questionnaire is employed as a measuring instrument.

Instrument

The measuring instrument is an attitude questionnaire which focused on the attitudes towards learning English. It is modified to measure the attitudes towards learning English literature. The items are adopted from the attitude questionnaire which is constructed (Abidin et al., 2012). There are 45 items concerning language attitudes, 30 items are positive and 15 items are negative. The items are put in a 5-point Liker scale from Level 1: Strongly Disagree to Level 5: Strongly Agree.

Reliability

By using The Statistical Package for the Social Science Program (SPSS) version 17.0, an analysis of item reliability was determined through the reliability coefficient test. The acceptable value of Crombach Alpha is 0.878 which shows acceptable consistency of reliability.

Validity

To investigate the validity of the questionnaire items, the questionnaire is given to the jury members (see table 1)and they advocated that the items of the questionnaire are valid to investigate study aim.

Table 1. The Academic Ranks, Names, and Locations of the Jury Members

<i>No.</i>	<i>Academic Rank</i>	<i>Name</i>	<i>Field</i>	<i>College</i>
1	Professor	Al-Rifa'i , FatinKhairy, Ph.D	ELT	College of Education/Ibn Rushd, University of Baghdad
2	Professor	Sa'eed, Mu'ayad M. Ph.D	ELT	College of Education/Ibn Rushd, University of Baghdad
3	Professor	Shaimaa Al-Bakri	ELT	College of Education/Ibn Rushd, University of Baghdad
4	Assistant Professor	Al-Timimi, Salam Hamid, Ph.D	ELT	College of Education/IbnRushd, University of Baghdad

Source: Authors' own compilation

Administration

After teaching the students by using social media for teaching literature (The Death of Salesman), the researchers are required to explain the instructions of the questionnaire form to the students. They are asked to signify the extent to which they agree or disagree with the items of the questionnaire. The total administration to complete answering the questionnaire lasted about 40 minutes.

Data Analysis

The collected data is analyzed by the SPSS Program aiming to answer the research questions quantitatively. To achieve the study aim, descriptive statistics is conducted to determine the frequency, the mean, the variance and the standard deviation of the gathered data.

Results

The result shows that the t-test computed value of English literature attitude (9.56) is higher than tabulated value (2.02) at the level of significance (0.05). This result reveals that the participants have a positive attitude towards learning English table (1).

Table 2. T-test Value of Attitude Questionnaire

N	mean	St.D	Test value	Df	t-test		significance
					computed	tabulated	
45	167.64	22.908	135	44	9.56	2.02	0.05

Source: Authors' own compilation

Conclusion and Recommendations

The goal of this study is to explore the university students' attitude towards English literature after studying it through social media. The results of the study suggest the students have positive attitude towards English literature after studying it by using social media. Based on these findings, some implication could be dawned. First, the ELT educators' could employ social median the education institution to promote blended learning, or learning using both face-to-face and on-line platforms, thus also promoting the better integration of technology in education. Second, the students could use the social media for continuous professional development. This particular attitude should be best employed by the education institution management by including more aspects of social media use in teaching and learning in their professional development programs.

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ORIGINAL PAPER

Suspension of the execution of the administrative act with normative character

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Abstract

Suspension of an administrative act is the legal institution available to injured parties who consider that they have a harmed right or legitimate interest, by which, in certain cases specifically provided by law can obtain the suspension of the legal effects of an administrative act for a certain period of time. The suspension is conditioned by the existence of a well-reasoned case and by preventing an imminent harm, in order to allow a judge to decide it. It is a derogation from the principle that administrative acts are mandatory and enforceable *ex officio* and it has been legally regulated to give interested parties the protection of certain rights which may be irreparably or with huge efforts fixed through illegal acts of the administration, which were cancelled by the court of justice. The matter is based on the provisions of art. 14 and 15 of Law no. 554/2004 on administrative contentious. The legal provisions regulate two different situations. Article 14 establishes the situation when the suspension of the administrative act is requested before the court has been noticed with the action for cancelling the administrative act and the suspension can be decided until the court will decide on the substance, respectively the rule of art. 15 regulates the situation when the request for suspension can be submitted in the same time with the main legal action for cancelling the act or by separate request and the suspension may be ordered until the final and irrevocable resolution of the case. In the particular case of the administrative act with normative character, the suspension has the consequence of suspending all legal effects and consequently the suspension of any individual administrative acts issued on its ground.

Keywords: *Suspension, Normative, Administrative, Legal Effects, Courts*

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Suspension of the Execution of the Administrative Act with Normative Character

General considerations

Suspension of the execution of the administrative act is a judicial form of control over its legality, which requires the cessation of the legal effects for a limited period of time. Through this legal instrument, the party does not obtain the protection or recognition of the claimed right but only a partial and provisional protection during the trial in which it requested the cancellation of the harmful administrative act.

The institution is represented by the provisions of art. 14 and 15 of Law no. 554/2004 (Law. No 554/2004 regarding the administrative litigations published in the Official Gazette no. 1154 of 07 December 2004) which gives the possibility to suspend, for a period of time, the legal effects of an administrative act.

The regulation is a more elaborate approach of the institution of suspension of the execution of an administrative act, regulated for the first time by the provisions of art. 9 of the Law no. 9/1990. Suspension of the effects of the administrative act raises an exception to the rule that administrative acts are enforceable *ex officio*. As pointed out in the literature (Iorgovan, 2005:66), but also in relation to the legal definition given to the administrative act, it is issued in the accomplishment of the public power and as a consequence it is enforceable *ex officio*. It represents an enforceable title by itself, and therefore there is no need for any investment procedure by the courts or other state bodies, enjoying a presumption of legality. This presumption of legality derives from the fact that the activity of the administration is fully subject to the law; consequently, all administrative acts are presumed to be legal, and enjoy authenticity, meaning that it comes from the authority who issued it, and veracity, meaning that it actually reflects what the issuing administrative authority has decided. For these reasons, the beneficiary of the act may rely on the coercive force of the state to carry out the prescriptions of the act against the person who is bound by the administrative law report.

Under these circumstances, the suspension of the effects of an administrative act is an exception from its enforceability and implies the suspension of effects, even if the act is in force, not being cancelled by any court decision or revoked by the eminent authority. And, as any exception, it applies to strictly limited and namely set by the law cases, as we will be analysing in the following. We argue the fact that the possibility of suspending the effects of an administrative act is closely related to its nature and to the presumption of legality that characterizes it. This presumption is not absolute, as in the case of final court judgments that are final and has the force of *res judicata*, but relative, which means that it can be reversed by the opposite prove, both with full effects in the case of the action for annulment of the act but also with limited effects, in exceptional cases requiring the suspension of the execution of the act in order not to produce the effects for which it was issued.

The suspension procedure is not aimed at judging the substance of the litigation but merely verifies the appearance of the legality of the administrative act. The final goal is to provide temporary protection against the possible effects of an unlawful administrative act. From this perspective, we can say that by suspension a temporary balance is established between the public interest characterizing the administrative act and its enforceable force, on one hand, and the individual interest until the final decision of the court regarding the legality of the ac, on the other hand.

For the administrative acts entered into the civil circuit it represents a legal instrument at the expense of the issuing public authority, which can no longer revoke such

acts, as it finds that the issued act is contrary to the law and may require the provisional suspension until judicial control is completed by the courts.

Suspension of execution is a direct way of control, an express action by the person who considers himself/herself to be injured in a right or legitimate interest, being excluded the possibility of suspending the administrative act by way of exception.

The forms of suspension

Suspension of the enforcement of the administrative act may be **judiciary** when it is ruled by the court of law, **by right** when it operates by virtue of an express legal provision. Unlike the possibility of revoking the administrative act, the issuing public authority does not have at its disposal any legal instrument which could allow the suspension of the administrative act. However, in spite of this, we can say that upon receipt of the preliminary complaint or even ex officio until the time of enforcement, the authority has the possibility not to enforce the administrative act when it observes faults of legality until a final reverification of the legality of the act by the internal authorities. We can say that this situation is similar to a suspension. Unlike revocation, which is based on the principle of revocability of administrative acts, stated by the doctrine and legally acknowledged by the provisions of art. 6, which regulate the preliminary complaint, the suspension of the execution by the administrative authority is not legally regulated.

Some authors (Brezoianu, 2004:90) argue that nothing prevents the issuing body from suspending the act it has issued, or it may be ordered by the hierarchically superior body that may decide to suspend the execution of an act issued by the subordinate administrative body. It can be appreciated that if the public authority can do more, namely to revoke the act, to abolish it, nothing can prevent it from doing less, namely to suspend the act, according to the principle which states *qui potest plus potest minus*.

However, the suspension of the enforcement of the administrative act is an exceptional measure derogating from the principle of legality and ex officio enforcement of the administrative act. The lack of legal provisions laying down the conditions and the exact situations in which the public authority could suspend the execution of the administrative act would lead to arbitrariness in the activity of the administration which could suspend acts as it pleases. This situation would eventually lead to the non-application and non-enforcement of the law, contrary to the essence of being of any administration.

Suspension of the enforcement of the administrative act cannot be seen as a temporary revocation, which can also intervene for reasons of opportunity. The measure brings into question the legality of the act and it aims at the temporary cessation of negative consequences over the subjects. The administration is either required to enforce the administrative act or to revoke it if it finds it unlawful or inappropriate. It has right to choose an option.

From this perspective, a suspension of the enforcement of the administrative act for reasons of opportunity would mean an obvious violation of the principle of legality of administrative acts. It is not acceptable for a public authority to adopt an administrative act, implicitly to consider it opportune, then to suspend it temporarily for the fact that it would not be opportune any more, and then to decide the termination of the suspension. Such an administrative activity would be characterized by dilettantism and lack of professionalism, but would jeopardize the legal life and the security of legal relations as well as the rights and freedoms of individuals, especially with regard to administrative acts with a normative character applicable to a large number of subjects. (Contrary opinion

Suspension of the Execution of the Administrative Act with Normative Character

Petrescu, 2009: 355). If revocation is a rule of the judicial regime of the administrative acts, suspension should always be an exception. Last but not least, it should be emphasized that the right of judicial review of the courts to grant suspension in exceptional cases, subject to the fulfilment of express conditions, is not granted by law also to the administration.

Therefore, we believe in the statement expressed by the doctrine (Ionescu, 1970:269) that only in the case of an express legal provision the administrative body may suspend the execution of the administrative act and it must be accepted only by exception and only at the request of the injured person. (For example, in the field of public procurement, the Council may order the measure of suspension of the award procedure or the application of any decision taken by the contracting authority under Art. 22 of Law no. 101/2016). Suspension **by right** operates by virtue of law, in specific areas provided by certain legal provisions (For example, the situation described by the provisions of art. 32 par. 3 from O.G. no. 2/2001 on the legal regime of contraventions, the contravention complaint suspends the execution of the process-verbal of contravention. Or the situation of challenging the building permit, as the procedure was regulated in the original form of Law no. 50/1991 regarding the authorization of the execution of the construction works, art. 12 paragraph 3 stipulating that by the introduction of the action the authorization for construction or dissolution shall be suspended by law, and, as a consequence, the court shall order the suspension of the works until the substantive settlement of the case.) or for certain active subjects, holders of the action in administrative contentious.

As regarding the right of tutelage, it has a constitutional consecration through the provisions of art. 123 par. 5 and represents an objective administrative control distinct from the judicial one of the courts that has a subjective nature, which refers to the person, the subject claiming an injury and invokes the provisions of art. 14 or 15 of Law no. 554/2004 to obtain the suspension. Concerning the right of tutelage in Law no. 215/2011 (Law no. 215/2011 of the local public administration published in the Official Gazette no. 204 of 23 April 2001), we find special provisions regarding administrative acts with normative character. The provisions of art. 49 par. 2 set a period of 5 days from the date of official communication to the prefect, in which the decisions of the local council of normative character must be made public.

This period does not constitute a period of suspension for the execution of the act, in our opinion, but is a period by which the enactment of the administrative act with a normative character is prolonged. During this period, the act is not in force, so its legal effects cannot be suspended. Some authors considered that this period sets a suspension before the entry into force of the administrative act with a normative character adopted by the local public authorities (Tofan, 2015: 65). The decision of a local council with a normative character becomes mandatory and produces legal effects only after it has been made public. Only from this moment it can be suspended. The 5-day period is given to the prefect to have time to analyse the legality of the act, which involves erga omnes legal effects, and to act accordingly if he considers that the act is unlawful. Therefore, that period does not have the nature of a suspension of the enforcement of the act.

We can also bring up the question of the authority's refusal to revoke the act as a result of the right of the prefect to exercise his right of tutelage. In this situation, the question of the legality of the act and of the administrative divergence will be settled in court, the act being suspended by right only from the moment of filing to court the request made by the prefect. Until the moment the court is notified, a possible publication of the normative administrative act leads to the enforcement of its legal effects.

Special suspension by right

The provisions of art. 14 and 15 of Law no. 554/2004 state special suspensions by right which operate either in relation to the attitude of the public authority, or in relation to the solution of the court which handles the substance of the case in the first instance. Thus, the new act, issued by the public authority, is suspended, having the same content as the one suspended by the court. The law sanctions the bad faith of the authority that sees itself compelled not to enforce an administrative act temporarily suspended by the court and adopts another one with the same potentially harmful content. We can say that in this case the excess power of authority is presumed by law and the legal norm reflects the authority of judged case of the decision of the first instance that ordered the suspension. Even if the new act is a new legal act and is presumed to be legal and enforceable *ex officio*, the final solution of the first instance rightly paralyzes the legal effects of the new act and suspends it. This case of suspension, although it operates lawfully, it requires nevertheless the intervention of the court. The court is the one who observes that the acts are similar in content and also observes the suspension by right, without analysing the fulfilment of the cumulative conditions of the well-justified case and the existence of an imminent damage. For this reason, the law expressly stipulated that for the new issued act there is no longer necessary to file a preliminary complaint.

We believe that it is not absolutely necessary for the new act to be issued by the same administrative body, and it may also be issued by its superior body, or by one from the same administrative structure to handle this special case of suspension. The provisions of art. 15 par. 4 set another special suspension by right, which is the consequence of the power of judged case, this time the relative one (Tăbărcă, 2004:564) of the judgment of the court which cancels the administrative act in the first instance and the decision is not final. In this case, if the party has obtained the cancellation of the administrative act at the court of first instance, the measure of suspension, which was previously ordered under Art. 14, is extended by right until the final and irrevocable decision of the case, even if the complainant did not request the suspension of the enforcement of the administrative act according to Art. 15. The legal provision in this situation is not intended to suspend the effects of another administrative act, but only prolongs the term of suspension of the one ordered under the conditions of art. 14 until the decision of the court of first instance, namely until the time when the decision remains final. Being a suspension by right, it operates without the party acting in any way in the law case to request further suspension under Art. 15.

The **judicial** suspension of the enforcement of the administrative act is governed by the legal provisions of Law no. 554/2004 through two hypotheses:

Hypothesis art. 14

The legal provisions establish two forms of the suspension of the administrative act in relation to the state of the administrative or judicial proceedings of the person who considers himself / herself injured. Article 14 governs the situation in which the party filed the compulsory preliminary complaint to the issuing administrative authority of the allegedly harmful act for its revocation.

The hypothesis assumes that the party did not initiate the judicial proceedings for cancelling the administrative act and is waiting for the reply from the authority to the preliminary complaint. In this situation, the enforcement of the act may be suspended by judicial action, until the court of first instance makes its decision on the substance over

Suspension of the Execution of the Administrative Act with Normative Character

the request of the complainant to cancel the administrative act. The legal provisions presume that the party, after receiving the answer to the preliminary complaint, which is not in his favour, shall address the court for the cancellation of the act and the recognition of the claimed right.

The text of the article was completed by Law no. 262/2007, meaning that if the party receiving the reply to the preliminary complaint fails to bring an action for annulment of the act within 60 days, the suspension shall cease by right and without any formality. The provision sanctions the passivity of the party who obtains the suspension of the execution of the act under the provisions of art. 14 and does not initiate the procedure to cancel the act in court.

Hypothesis art. 15

The second hypothesis regulated by the provisions of Art. 15 of the Law no. 554/2004, concerns the situation in which the party has already started the judicial procedure for cancelling the harmful administrative act. From analysing of this article, and also the provisions of art. 20 which regulate the appeal in administrative matters, we can say that the request for suspension cannot be filed directly in the appeal. However, it can be filed throughout the trial, including when the litigation in substance is actually in the judicial process of appeal, but it must be filed to the court of first instance. The party may request the suspension of the act by the main claim in front of the court, by which he also requested the cancellation of the administrative act, or he can get the suspension also through a distinct claim to the court of justice. The court having jurisdiction over the main claim is competent in resolving also the request for suspension. In this second hypothesis, the court orders the suspension of the enforcement of the administrative act until the decision is final and irrevocable. (in the current stage of the civil proceedings, the decision remains only final and the notion of irrevocability of a court decision is removed).

The conditions for suspension

Being a judicial procedure which has as consequences the derogation from the principle that administrative acts are enforceable *ex officio*, the legislator limited the cases of suspension only to exceptional circumstances. Thus, the legal provisions make the suspension of the execution of the administrative act conditional on the existence of a well justified case and on the prevention of imminent damage. Besides these two conditions, it is necessary to file a preliminary complaint to the issuing administrative body to request its revocation, under the hypothesis of art. 14, or to have an action on the substance against the administrative act which is the object of the dispute, under the hypothesis of art. 15 of the Law no. 554/2004. If the party did not address the administrative body which issued the act with a preliminary complaint, the solution is the inadmissibility of the action in suspension, lacking an essential element of admissibility of the action. In some specific areas, such as tax law or public procurement, the legislator requires a special condition of paying a bail.

The legislator expressly defined the notions of well-justified case and imminent damage by Article 1 paragraph 1 let. s and t of Law no. 554/2004. These conditions must be fulfilled cumulatively, failing to fulfil one of them leading to the rejection of the action.

Both the well-founded case and the imminent damage must be met concretely in the case brought to justice. Therefore, there is no foundation in the appreciation of the court which merely makes a theoretical analysis of these legal conditions and does not hold the actual fulfilment of them. (I.C.C.J. Jurisprudența, 2008:71). The analysis of these

conditions does not imply the judgement of the case in substance. But, as in the case of the presidential decree, the judge sees the substance, performs a brief analysis of the appearance of the law. In the case of suspension, he has two specific criteria to report to, the two conditions mentioned above. The settlement of the request for suspension does not imply an analysis of the factual and legal grounds on which is based the claim regarding the substance of the cause, the judge considering only the reasons related to the request for suspension itself (<http://www.scj.ro/1093/Detaili-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=67548>). By the decision 370 of 18 October 2013 of Craiova Court of Appeal, unpublished, having to resolve the request for suspension of the execution of the normative act, namely Order no. 733/2013, held that the court was required to restrict its verification only to those circumstances which are obvious by fact and / or law and which are capable of casting doubt on the presumption of legality given by default to an administrative act.

We consider that such obvious circumstances, capable of producing a serious doubt regarding the legality of an administrative act, may be the issue of an administrative act by a body which has no jurisdiction or which exceeds its jurisdiction, the administrative act was issued under provisions declared unconstitutional, the administrative act is not reasoned, there is an important modification of the administrative act in the way of administrative appeal. In particular, the criticism on the non-jurisdiction of the issuing body proved to be unfounded, the Court holding that it was issued by the competent authority designated, according to Art. 6 par. (1) and (3) from the Ordinance no. 27/2011, to authorize driver schools as well as driving instructors.

The Court held that the contested Order was issued in compliance with the provisions of Art. 3 par. 2 of Law no. 24/2000 regarding the norms of legislative technique for the elaboration of the normative acts according to which the norms for legislative technique are applied accordingly to the elaboration and adoption of the draft orders. In this respect, the Court holds that the Order was issued on the basis and in the execution of some normative acts with superior legal force, related to the field of road transportation, strictly limiting to the framework established by the acts on the basis and in the execution of which it was issued, without having any provisions contrary to their stipulations. The well-founded case is likely to defeat the principle of the legality of the administrative acts and may intervene if the administrative authority exceeds its regulatory competence. Imminent damage is the **second condition** that must be met for suspension of the administrative act. If the first hypothesis from the legal definition concerns the existence of damage which must be material and foreseeable, the second hypothesis refers to the disruption of the operation of a public service or a public authority. The reference to the public service concerns mainly the administrative acts with normative character. The legislator, besides the predictability feature, specifically added that the disturbance must be serious. Thus, not any disruption of the functioning of a public institution or public service determines the suspension of the act but only the one of a certain degree of severity. Its assessment belongs to the judge.

The magnitude of the severity and the adverse consequences related to the activity of the administration imposed the completion of the Law no. 554/2004 in the sense of widening the range of the subjects that can request the suspension of the normative administrative act by the Public Ministry. Thus, Law no. 262/2007 added paragraph 3 to the provision of art. 14 stipulating that the request for suspension of the normative administrative act may also be introduced by the Public Ministry, ex officio or at its

Suspension of the Execution of the Administrative Act with Normative Character

request, when the case involves a major public interest, which could seriously disrupt the functioning of an administrative public service.

That provision limits the role of the Public Ministry in the administrative process, which has the right to bring legal proceedings in the case of an action on the substance for both individual administrative and also normative acts, whereas in the case of suspension it can only act in the case of administrative acts with normative character only when the public interest calls for it, namely in the event of serious disruption of the functioning of an administrative public service. We appreciate (contrary opinion Râciu, 2009: 311), that the legal provision is a strict interpretation and it excludes a request for suspension from the prosecutor to suspend the effects of an individual administrative act. The individual administrative act has effects only on a particular subject; the possible damage to the subjective right or the legitimate interest only by it can be complained. The provision of art. 14 establishes that only the **injured person** may file a request for suspension, the Public Ministry not being able to claim personal injury in the case of an individual administrative act. It should be noted that in order to appeal the individual administrative act on the substance in court, the Public Ministry must have the prior consent of the party to whom a right or legitimate interest has been violated.

On the other hand, the above-mentioned text from the law does not make the request for suspension of the Public Ministry conditional on the existence of an action in substance. We believe that this should be mandatory, since the failure to promote such an action in substance would make the suspension decided in court not to have any effects.

The condition of imminence of the damage presumes that the execution of the administrative act has begun. The imminence of the damage is not presumed, but must be proven by the injured person. The fulfilment of the condition relating to the imminent damage presumes the administration of evidence which would prove the invoked issues, in this regard the simple presentations made by the applicant will be considered to be irrelevant.

We consider that the performance of an obligation, established by an administrative act enjoying the presumption of legality, cannot be considered as damage on itself, within the meaning of Art. 2 par. 1 lett. §) from Law no. 554/2004. From a pecuniary point of view, any reduction of the patrimony is equivalent to damage, but from the legal point of view the damage means only the illicit reduction part of the patrimony.

Particular aspects regarding the suspension of the enforcement of an administrative act with normative character

The provisions of art. 14 of the Law no. 554/2004 regarding the subject of the act under this procedure does not make a distinction between individual administrative acts and normative acts, but establishes that only individual acts can be temporarily suspended. Therefore, both individual administrative acts and normative acts may be a suspended from enforcement by the contentious administrative court. On the other hand, bilateral assimilated administrative acts such as administrative contracts cannot be subject to suspension, may possibly be subject to special procedures for suspension (eg in public procurement area the provisions of Article 33 of Law 101/2016). In this context, we can point out that the object of the suspension of execution is, in principle, similar to the object of the action in the contentious administrative, with the mention that the suspension can only be ordered in respect to the acts liable to be enforced. No assimilated administrative acts may be suspended such as the refusal of the administration or the refusal to settle a request or acts who's control is excluded by the contentious

administrative, for example the Emergency Ordinance, the normative acts adopted by the Government being issued in virtue of the legislative powers delegated by Parliament.

The institution of the suspension of the administrative act aims to cease for a limited period the effects of the administrative act with normative character. Consequently, the act must contain norms that can be enforced, namely to produce legal consequences, respectively to be in force (Bogasiu, 2013:248) An abrogated administrative act with normative character may no longer be subject to suspension, because it cannot produce legal effects.

We can talk about two categories of norms that can be suspended. There are norms that are enforceable and that can be enforced even by the administrative act that encompasses them, having in this situation immediate norms. But we consider that also the general and abstract norms which organise administrative procedures and which have the purpose of adopting individual administrative acts can be subject to suspension, and in this case we can talk about mediated norms. A first issue to be considered concerns the range of the effects of the admissibility of the request to suspend the execution of an administrative act with normative character, from the perspective of the persons who participated or not in the case in which the suspension of the execution was ordered.

Regarding this controversy, the public prosecutor notified the HCCJ (High Court of Cassation and Justice) with an appeal in the interest of the law regarding the interpretation and application of the provisions of art. 14 and 15 of Law no. 554/2004 on contentious administrative with subsequent amendments and completions and of art. 435 C.pr.civ. The case concerns the assumption of the admissibility of the request for suspension of the enforcement of an administrative act with a normative character and of the effects of this solution towards the parties of the litigation as well as on third parties. By third parties, we mean subjects who were not party to the trial but who are targeted and who are potentially injured in a legitimate right or interest by the administrative act of a normative character. The referral of the Public Prosecutor identified two guidelines, as a result of verifying the case-law on the effects of admitting the request for suspension of the enforcement of an administrative act with normative character.

In a first opinion, some courts considered that the decision to admit the request for suspension of the enforcement of the administrative act with normative character had *inter partes* effects, so that persons who were not parties to the judgment in question cannot benefit from the effects of the suspension.

Other courts have held that administrative acts with a normative character are addressed to an indeterminate number of subjects of law and which, once cancelled by a final court judgment, cease to produce *erga omnes* effects, in relation to all these subjects of law, then the admission of the request to suspend the enforcement of those normative acts also produces effects on third parties, not involved in the trial. The opinion of the public prosecutor is in the sense of the second case-law, an opinion which we also consider as being in accordance with the legal provisions and their essence. At the time of writing this paper, the High Court did not decide the appeal in the interest of the law. Administrative acts with normative character by their nature concern generic situations and impersonal subjects, the legal effects not referring strictly to individual isolated situations but are generally valid and applicable.

Therefore, suspension should also apply to all subjects to whom it is intended, whether they were or they weren't part to the litigation in which the act was suspended. The opposite opinion is not pragmatically from procedural point of view and would load the courts unnecessarily, because in the event of final acceptance of a suspension request,

Suspension of the Execution of the Administrative Act with Normative Character

any successive claims would be highly likely to be admitted as a result of the authority of judged case. In a comment to decision no. 770/2012, the High Court of Cassation and Justice having to decide the appeal against sentence no. 417 of September 23, 2011 of Craiova Court of Appeal, considered that "the regulation, in the present case, takes effect only against a body of public administration, establishing its structure, which is why it is an individual administrative act. As a result, the suspension of the order in another case produces effects on the respective parties, only the suspension of the normative administrative produces effects *erga omnes*" (<http://www.scj.ro/1093/Detaili-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=68067>). Although, in the present case, the act inferred to the judgment was not a normative one, we note the Supreme Court's opinion on the effects of the suspension of the normative act on all the subjects of law to which it is addressed.

In support of this view are also the provisions of Art. 14 par. 4 of the Law no. 554/2004 stipulating that the suspension of the enforcement of the administrative act shall have the effect of terminating any form of enforcement until the expiry of the suspension period. As the text does not distinguish which forms of execution cease, with respect to which individuals or situations, we consider that all forms of execution, implicitly all legal effects of the suspended administrative act are temporarily interrupted for all persons and situations. It can be argued that, unlike the cancellation of the administrative act with normative character, its suspension does not have the consequence of publishing in accordance with the provisions of art. 23 of Law no. 554/2004. In this way, it could be said that the solution of suspension would not be public *erga omnes*.

However, what we are interested in are the effects of suspension and not the suspension solution itself. From the perspective of the effects, we note that the authority was part of the process in which the suspension of the normative act was ordered. For the authority, the solution is mandatory from the date of the final stay, which means, at the latest, the date of the final decision on the appeal.

From the moment of the final stay, the court decision has the power of judged matter, with regard to the solution of suspending the administrative act with normative character, which means that from that date it is mandatory for the issuing public authority, which will no longer enforce the act in any way. More precisely, as the legal text says, it ceases any form of enforcement by the authority. Implicitly, the passivity of the authority will affect all subjects of the normative administrative act. The effects of suspension become thus *erga omnes*. Another issue may be the range of the effects of the admissibility of the request for suspension of the enforcement of an administrative act with normative character, on the basis of which several individual administrative acts were adopted.

The above arguments are fully valid and in this situation the *erga omnes* character of the suspension should not be understood only with regard to the subjects of the administrative act with a normative character, but also all the juridical situations that have been carried out under the authority of the normative administrative act. Furthermore, we recall that by suspending the administrative act with normative character its effects are stopped for a temporary period of time. Consequently, if these legal effects materialized in certain issued individual administrative acts, we also consider that these are suspended as well.

The issued individual administrative acts are legal acts of their own and are themselves enforceable *ex officio* and are presumed to be legal. However, we consider that, if the administrative act with a normative character has been suspended, all its effects are suspended, not only those which may be produced in the future, but also those already

produced, from this category being part also the individual administrative acts issued under the normative act.

The purpose of suspension is to protect citizens from the harmful effects of an administrative act, and since the judge considered that there is a well-founded case and to prevent an imminent loss, it means that any unlawful effects have been already produced, namely the individual administrative acts harm the targeted persons.

A partial suspension only in regard to the future effects would limit the application of the provisions of Art. 14 and 15 of Law no. 554/2004 in time without any legal ration and, on the other hand, would create discrimination between the subjects to whom the administrative act of a normative character is addressed in respect of which individual administrative acts and those against which have not yet been issued and will not be issued during the suspension period.

Finally, we add the fact that, given that the cancelation of the administrative act with normative character produces effects against all the targeted persons, even more the suspension would have erga omnes effects.

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Suspension of the Execution of the Administrative Act with Normative Character

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The Law no. 101/2016 on remedies and judicial actions in the matter of awarding public procurement contracts, sectoral contracts and concession contracts for works and concessions of services, as well as for the organization and functioning of the National Council for Solving complaints, published in the Official Gazette no. 393 of 23 May 2016.

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ORIGINAL PAPER

The Scope of the Presumption of Innocence in Romanian Law

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Abstract

The present article considers the contemporary criminal procedural doctrine treating the presumption of innocence both as a procedural guarantee enjoyed by prosecuted or tried persons, but also as a reflection of the constitutionally protected fundamental right (Art. 23, par. 11 of the Romanian Constitution). Moreover, the article presents other legal dispositions, for example the European legal protection, the Romanian Code of Criminal Procedure and the current judicial practice.

Keywords: *presumption of innocence, Romania, law, jurisprudence, judicial practice*

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The Scope of the Presumption of Innocence in Romanian Law

The contemporary criminal procedural doctrine treats the presumption of innocence both as a procedural guarantee enjoyed by prosecuted or tried persons, but also as a reflection of the constitutionally protected fundamental right (Art. 23 par. 11 of the Romanian Constitution: “Until the judgment of conviction remains final, the person is considered innocent”, a text regulated in the section entitled “Fundamental Rights and Freedoms”). The presumption of innocence was formulated in the “Declaration of human and citizen rights” of 1789, which was used in different wordings in various international documents¹. In the Code of Criminal Procedure of 1968 the presumption appeared initially as a probation rule in art. 66², and subsequently³ consecrated as a basic rule in criminal trial.

The European protection standard is found in Art. 6 par. 2 of the Convention, according to which “Any person accused of an offense is presumed innocent until his/her guilt is legally established”.

This regulation mainly produces two categories of consequences: (1) as far as judicial bodies are concerned, according to the text they have to prove their impartiality during their entire activity and to safeguard the procedural rights of the accused. The judge must be cautious in summarizing the indictment and to emphasize objectively both the prosecution and the defense arguments. An example in this regard may be art. 374 par. 2 Code of Criminal Procedure: “the President explains to the defendant what the charge is, informs the defendant of the right not to make any statement ...”. Or if in the prior stage of the pre-trial chamber after the defendant is served with the indictment against which he/she can formulate criticisms, what is the usefulness of reading the indictment and what explanations” must the judge give? If at this stage the defendant asserts that he/she did not “understand” the judge that would “explain” to him should not be presumed as being biased⁴; (2) as far as the accused is concerned, the presumption of innocence implies for him/her the right to propose evidence in his/her defense and not to testify against himself/herself. These are included in art. 14 paragraph 3 of the International Pact on Civil and Political Rights, which states that “any accused has the right not to be forced to testify against himself/herself or to acknowledge his/her guilt”. The European Court ruled that, despite the fact that art. 6 par. 2 of the Convention does not expressly mention the right to silence and the right not to contribute to its own accusation (*nemo tenetur se ipsum accusare*), these are generally recognized international rules that bears the notion of “fair trial” consecrated in art. 6.

The jurisprudence and also the doctrine (Lefterache, 2015: 50) state that by adopting the presumption of innocence, there have been multiple restructurings of the criminal process that must meet the following requirements: the guilt is set in a trial, meeting the procedural guarantees, because the mere accusation does not mean establishing the guilt; the burden of evidence lies with the judicial bodies, which is why the interpretation of the evidence is done at each stage of the criminal process, the conclusions of a judicial body not being mandatory and definitive for the next phase of the trial; until the conviction decision is taken, until it remains final the defendant has the status of an innocent person, when a final conviction decision is taken, the presumption of innocence is overturned with *erga omnes* effects; the conviction must be based on clear evidence of guilt, and in case of doubt that can not be removed by evidence, it must be pronounced an acquittal decision.

The presumption of innocence is legal in nature and relative, can be countered, removed by proving the guilt found by a final criminal judgment. It should be noted that

according to the Romanian Constitution the presumption is removed in the case of a conviction judgment while art. 4 Code of Criminal Procedure does not include the mention of conviction. As such, according to the Code of Criminal Procedure, any final criminal judgment constitutes a reference in this matter and not only those of conviction. Thus, the presumption also operates in the situation in which the court pronounces a final criminal judgment ordering the cessation of criminal proceedings (Theodoru, 2008: 98). This approach enshrined in art. 4 Code of Criminal Procedure is found as an example in the ECHR decision of 14.04.2009⁵ which stated that “A distinction must be made between decisions that reflect the feeling that the person concerned is guilty and those who merely describe a state of suspicion. The former violate the presumption of innocence, and the others have many times been considered in accordance with the spirit of art. 6 of the Convention ... The Court reiterates also that the presumption of innocence is violated if without legally establishing in advance that the accused is guilty and in particular without he/she having had the chance to exercise the rights of defense, a judgment given against him/her reflects the view that he/she is guilty. The same can happen without a formal finding. It is sufficient a motivation to believe that the judge considers the party concerned to be guilty ... The Court of Appeal has established the limitation of criminal liability ... The Court has ruled on the offenses of forgery and the use of falsehoods to be sure... it considered that all of the evidence adduced shows that the plaintiff had committed that offense. Then it closed the proceedings by applying the rules on criminal liability limitation. In the Court's view that reasoning might give the impression that the plaintiff had committed the offenses for which he/she was indicted.... it did not limited to describe a “state of suspicion or a hypothesis”, it presented as established certain facts mentioned in the indictment ... It follows that, by closing the proceedings, the court of appeal called into question the applicant's innocence”.

If we assume that the beneficiary of the presumption of innocence is the person on trial for which the court pronounced a solution to close the criminal trial it arises naturally the question whether it is or not fulfilled the requirement of impartiality of the same court called to rule bindingly on the civil side in that criminal trial.

It should be noted that by the decision 586 of 13.12.2016 of the Constitutional Court we returned to the legislative solution of the Code of Criminal Procedure of 1968, which by art. 346 par. 4 obliges the criminal court to resolve the civil side in the case of termination of the criminal proceeding as a result of the intervention of the criminal prescription. The considerations of this decision are structured on the need to solve the judicial proceedings for the recovery of damages within a “reasonable time” notion that, in the view of the Constitutional Court, constitutes “an imperative that results from the principle of the lawfulness of the criminal trial provided in art. 2 of the Code of Criminal Procedure” (par. 22) and on the fairness of the procedure⁶.

The question arises whether a defendant in respect of which the court ordered the cessation of the criminal proceedings as an effect of the prescription may be considered “innocent” if the same court ruling the civil side obliges the defendant to pay the sums representing the damages claimed by the injured person who was civil party.

It remains to be seen whether this comeback will re-launch the debate on the meaning of the notion of “guilt” as having a different meaning in criminal proceedings than the meaning used in the Criminal Code (Pavel, 1978: 10).

Recent doctrine (Ghigheci, 2014: 68) highlighted that “the presumption of innocence is different from the assumption of innocence because the latter would be compatible (only with a solution of acquittal but not with any solution of acquittal)

The Scope of the Presumption of Innocence in Romanian Law

because it clearly demonstrates the innocence of the defendant while the innocence solution is also compatible with other solutions, such as those ordering the cessation of the criminal proceedings because it was prescribed the criminal liability or those in which a person could not be held guilty by procedural reasons ... ”.

The beneficiaries of the presumption are the suspect and the defendant but also any other persons even if it was not filed a criminal charge against them. Such situations may arise, for example, in the situation provided by art. 61 Code of Criminal Procedure when “there is a reasonable suspicion of committing a crime, “but there is still no criminal prosecution initiated even in rem. The presumption of innocence has been extended beyond the criminal proceedings in areas such as contraventions, having as a benchmark in ECHR jurisprudence, the gravity of the sanction that the person sanctioned by contravention⁷ might receive.

The presumption of innocence is operative even when there are indications or even evidence of guilt, the defendant being a beneficiary of the presumption throughout the criminal proceedings. The authorities of the state in general, the judicial bodies in particular have to respect the presumption that the suspect or the defendant benefits from. The existence of the presumption of innocence has as a consequence the freedom of the person accused of having a passive attitude, not being obliged to prove anything. The burden of proof is on the accuser during the criminal proceedings (*eius incumbit probatio qui dicit, non qui negat*).

The presumption of innocence cannot be an impediment in carrying out the criminal proceedings. Each judicial authority facing a criminal case has as its starting point the presumption of innocence, the bringing of the criminal case in the next procedural stage can be done in the presence of certain evidence of guilt. For the prosecutor who orders the prosecution of a defendant, the presumption of innocence is not operative in relation to the evidence on which the indictment is based. For the Pre-trial Chamber judge, the presumption is fully applicable, including when it orders the trial to begin, for the court (first instance or appeal) the presumption operates during the settlement of the case, becoming inoperative for the judge of the first instance if it pronounces a conviction and *erga omnes* if it remains the conviction on appeal, at the same time with pronouncing the final judgment.

The presumption of innocence has all its effects during the criminal proceedings until the final judgment is pronounced and in the case where preventive measures have been taken against the accused person because taking preventive measures is conditioned by the existence of a reasonable suspicion that a person has committed an offense, suspicion that results from “reasonable evidence or indications” (article 202 of the Code of Criminal Procedure), whereas “the conviction shall be pronounced if the court finds beyond reasonable doubt that the deed exists, constitutes an offense and has been committed by the defendant” (article 396, par. 2 Code of Criminal Procedure). This text is corroborated with art. 103 par. 2 Code of Criminal Procedure which establishes the obligation to make a decision “with reference to all the assessed evidence” the conviction may be ordered “only when the court is convinced that the allegation has been proven beyond any reasonable doubt”.

Taking, prolonging or maintaining preventive measures during the criminal proceedings is not incompatible with respecting the presumption of innocence, it does not imply that the court rules on the case merits⁸ but only on the existence of reasonable evidence or indications that leads to a reasonable suspicion that a person has committed a criminal offense. At this stage, the evidence is not assessed by reference to the guilt or

innocence of the defendant on the merits of the criminal case. The presumption is not removed in case of doubt as to the factual determination of the facts, doubt that is in the benefit of the suspect or defendant. The jurisprudence has raised the question of the scope of the rule in dubio pro reo. More precisely when can it be capitalized? The question is legitimate given the words at the beginning of art. 4 par. 2: "After acquiring the entire rules of evidence ...".

The current judicial practice seems to incline towards the solution that this rule can be capitalized at the end of the criminal prosecution phase and appropriately at the end of the substance judgment and respectively in the appeal. The problem arose when the defendants invoked in the course of criminal prosecution when the judge of rights and freedoms solved the proposal for a preventive measure formulated by the prosecutor. The recourse to this rule at the time of the mentioned trial has attracted the interpellation of the judge of rights and freedoms, which, through a semi-rhetorical wording (emphasizing that the proposal explicitly indicates that there is still evidence to be acquired) it asked for explanations on the possibility of invoking the rule in dubio pro reo. Simply listening to the recordings of such meetings is sufficient to show the frequency of such situations. This interpellation is the best situation because it raises the idea that the problem deserves at least attention. However, it is common practice that in the conclusion of the proposal to avoid simply recalling the rule in dubio pro reo which implicitly points to the orientation of the judicial practice to pay attention to the rule at the exhaustion of the mentioned procedural phases. It is possible that this approach is based on the idea that since the existence of reasonable suspicion is verified in the light of reasonable evidence or indications referred to in art. 202 Code of Criminal Procedure, including, it is not appropriate to recourse to dubio pro reo.

It should be noted, however, that the rule is set by the legislator in the title reserved for the principles and not as a rule in the titles governing different phases of the criminal proceedings. It is no less true that in the procedure the more a norm is "special" (in the sense that it has been decreed to solve certain situations), the more that norm is considered to be justified to be applied than a norm that has a broader field of application and it is obvious that the matter of preventive measures is regulated in a special title.

A practical solution to this problem would be that this rule can be invoked in the course of criminal prosecution taking into account the "entire evidence" acquired up to that point, in the given example - the proposal to take a preventive measure. In favor of this view it is also the argument that the proposal can only focus on preventive arrest or home arrest (the others may also be ordered by the prosecutor), and the legislator conditions⁹ ordering them by the existence of evidence without or "indications" expression which is part of a norm referring to all preventive measures.

The synthesis of this issue was made by the Supreme Court¹⁰ that retains the complementary character of the rule in dubio pro reo, pointing out that to the extent that the evidence adduced in support of the person's guilt contains information that is doubtful about the perpetrator's guilt in relation to the imputed act, the criminal judicial authorities cannot form a conviction that becomes a certitude so that the accused must be acquitted. The same decision states that "before being a matter of law, the rule in dubio pro reo is a matter of fact". The criminal justice requires judges not to rely on probability but on the certainty acquired on the basis of decisive, complete, certain evidence in the judgments they pronounce.

All lawyers (and not only) know the saying "better than ten guilty persons unpunished than an innocent in prison". The number of "unpunished guilty persons" may

The Scope of the Presumption of Innocence in Romanian Law

be higher or lower than “ten” depending on the emphasis that is being made on respecting the presumption of innocence and its corollary, “the accused benefits from doubt”. The justification for this claim lies not only in the need to avoid a judicial error that has resulted in the punishment of an innocent person but also in the argument that once the innocent person is punished the real guilty person is free.

The principle of the presumption of innocence is not equivalent to the expectations of the judicial bodies (the burden of proof is mainly on the prosecutor), but presupposes the necessity of proving the guilt through certain evidence.

Voices authorized in doctrine (Volonciu, 2015: 15-16) support the choice of a “middle way”, the need that the application of the presumption of innocence to make possible for persons who have committed crimes to be held criminally responsible without violating their fundamental rights and freedoms. Carefully and charily, this desiderate can be found in everyday legal reality.

The relative recent past of jurisprudence has provided numerous examples of whether or not to retain the presumption of innocence in the case of arrested accused persons present in court in prison uniforms or the exposure of the accused persons in handcuffs or keeping the accused persons in a “box” during the debates etc. The penitentiary uniform is no longer a topical issue, but it did not take too long since ECHR judgment of 04.03.2008¹¹ that stated the violation of the presumption of innocence, referring to the fact that a prisoner in pre-trial detention had to wear a penitentiary uniform, during the hearing for the examination of the application for release, where we can ask ourselves how long it will pass (hopefully that there is no need for ECHR decisions in advance) to give up the so-called “boxes” for the defendants arrested in the meeting rooms. The more it is necessary to dismantle those enclosed places, the more their use not only affects the presumption of innocence, but also impedes seriously the right to defense.

The existence of the defendant’s criminal record among the papers of the file raised the issue of respecting the presumption. There is no text in the Code of Criminal Procedure governing the express obligation to submit the suspect or defendant's criminal record by the criminal prosecution bodies, but always the criminal record is attached and sometimes if the length of the trial is long, coming close to the end of the debates the court ex officio or upon request orders updating¹². Although there is no express rule in the Code of Criminal Procedure implicitly, it results from disparate rules the obligation of submitting the criminal record¹³.

Fear that the existence of the criminal record in the case file could affect the presumption of innocence, the judicial practice gave a negative answer arguing that the representatives of the judiciary bodies, in particular magistrates, are law professionals, specialized persons that it is difficult to admit that they could be influenced in their decisions in a concrete case by a criminal record that reflects the existence of a criminal history. The impartiality of judges is indeed a requirement that must be accepted ab initio, but it may be possible that during the procedures to receive diffusely or even explicitly solutions that the contents of the criminal record may play a role. As long as the criminal record has no repercussions on the merits of the criminal case deducted from the trial, the presumption of innocence is not affected.

The connection between the presumption and the impartiality is otherwise seen in the context in which it affects the merits. Thus in a case¹⁴ the court rejected the request for an expert examination to determine whether or not the knife corpus delicti had or did not have blood traces and, if so, to determine whether it belonged to the defendant, the injured party or none (provided that they accused each other of using the knife) with the

inherent motivation of the sentence: “considering that there is evidence that the defendant is the owner of the knife and that by using this instrument, he/she applied to the injured party XY two knife strokes” and “finding the cause in the state of proceedings it has granted the floor on the merits to the parties”. This violation of the presumption of innocence was sanctioned by the Court of Appeal¹⁵ because it can no longer hold impartiality and correlatively that the presumption of innocence would have worked since before the closing of the debates the judge had told who was guilty and what were the facts.

In concrete cases, when exposing reasons why some evidence is rejected, we may encounter inappropriate formulations that may “shade” the presumption of innocence. Is it likely that this particularity to cause a lack of concrete reasoning often encountered in the case of rejection of the evidence, almost standardized rejection by reducing to “the evidence is not pertinent, conclusive and useful”?

The approach of the presumption of innocence is sometimes made in a wider context, in connection with the incidence of other principles, in particular with freedom of speech. This is because it is true that the obligation to respect the presumption rests primarily with the state authorities and especially with the courts but there are cases (e.g. ECHR Rupa c. of Romania) in which transcripts of audio recordings have come into the hands of the press representatives. Often, press representatives have “firm” beliefs for or against an accused person based on “sources” or external arguments in the course of judicial proceedings and such as to undermine the presumption of innocence. The objective of attracting the audience leaves out the presumption even though it is acclaimed on screen simultaneously with “analyzes” that leave room for a different belief than that of the speaker itself. Harmonization may have as a starting point a better civic education of the receptors that may diminish the audience of media campaigns in which the presumption is pronounced declaratively, followed by a series of reasons why the “criminal” that has not yet been judged “is going to answer for all deeds and research will continue to discover all the facts he/she has committed”.

This rhetoric is also found in the conduct or vocabulary of some representatives of the authorities usually in the early stages of inquiries. In the later phases of the criminal trial, it is worth mentioning the coincidence of the appearance in the press of articles in which usually fragments of the indictment are displayed about the time when the cause is ruled on the merits.

The need for information, the right to information, the obligation to inform are imperative”, the satisfaction of which can be achieved without transforming the defendant into the “outlaw”, without the presumption of innocence losing its content at least in public space.

Although art. 4 par. 1 Code of Criminal Procedure circumscribes the beneficiary of the presumption as being “any person” as opposed to art. 6 of the Convention, which states in paragraph I “criminal charges and in paragraph II, the person accused of an offense” which denotes a broader scope of the presumption in the internal norm, however contrary to the ECHR jurisprudence which extended the scope of the application of the presumption in other areas (eg the Anghel case cited above) domestic law is reluctant to make this extension.

One of the issues around which the discussions do not seem to be exhausted is whether or not the presumption of innocence is affected in the context of its invocation in another litigation of an extra-criminal nature but which arose as a result of the existence of a criminal case. Specifically, X a civil servant is being investigated for committing an

The Scope of the Presumption of Innocence in Romanian Law

offense “during his/her service or in connection with the duties of the civil service¹⁶”. If the civil servant is put on trial mandatorily, “it will be ordered the civil servant to be suspended”.

The act of suspension (administrative act) that the “person that is entitled to appoint in the public office” is obliged to issue may be appealed against at the administrative contentious court. Constantly the Constitutional Court, through numerous decisions (decision 48/2003, decision 482/2006, decision 748/2007 and others) rejected the unconstitutionality exception of art. 86 par. 2 stating that this text does not violate art. 23 par. 11 on the presumption of innocence because the constitutional text “establishes the presumption of innocence exclusively for criminal liability” and “the ground for the suspension of the civil servant is not of a criminal nature”.

It should be noted that the legal basis for the suspension is putting on trial. It results that during the prosecution, regardless of the nature or the gravity of the accusation¹⁷ and regardless of the length of the prosecution phase, the civil servant exercises his duties unhindered. Putting on trial is marked by the issue of the indictment followed by the registration of the case at the competent court. The Judge of Rights and Freedoms, the Judge of Pre-trial Chamber or the Criminal Court have no prerogative to verify the suspension which is the direct effect of putting on trial. Putting on trial is legally left to the prosecutor's sovereign. The contentious court invested with the settlement of the application for annulment of the suspension administrative act, issued *ope legis* at the time when it was ordered to be put on trial, is obliged to analyze the administrative act and cannot ignore the decisions of the Constitutional Courts, so that the rejection solutions prefigures from itself.

A “settlement” solution of the problem in question could be the following: Suspension from office may be ordered by the prosecutor by ordinance, provided the criminal action has been initiated. This argument is explained in reality by the fact that from the moment when the criminal action is initiated and until the court is notified, the exercise of the service duties by a person who becomes the defendant for one of the offenses listed in art. 54 lit. h of L. 188/1999 would call into question the legitimacy of the acts and measures taken and could even affect even the duties of the officials adjacently organized (hierarchically superior or inferior or horizontal hierarchical).

The order may be appealed at the judge of rights and freedoms and at the time the court starts the trial to verify, on request or *ex officio*, whether the grounds for the suspension subsist.

Suspension of service relationships may be given the legal nature of a procedural measure that can be taken or revoked starting with the initiation of criminal proceedings until the final judgment on the merits when in case of acquittal, the suspension ceases to be lawful and in case of conviction the court will also decide on complementary punishments among which the discussed situation provided in art. 66 par. 1 lit. g C.p.¹⁸.

However, it cannot be denied the direct link between the criminal case and the cause of the appeal against the suspension ordered as a result of prosecution. Finally, it should be noticed the obvious contradiction between art. 86 par. 2 and the full content of art. 54 lit. h of L. 188/1999¹⁹.

Any comment is superfluous when you find that according to art. 86 par. 2 when putting on trial the public servant is suspended and according to art. 54 a public office may be occupied by a person who “has not been convicted” for committing the same offenses for which the officer sued has been suspended.

The presumption of innocence is not applicable in the enforcement stage of the punishment or in the case of exhaustion of the criminal proceeding with the pronouncement of a solution for the termination of the criminal trial (in which it has not been established whether the defendant is guilty or not, for example, the prescription has intervened). In this example, the official cannot request in a subsequent trial to retake its office by invoking the presumption²⁰ (Chiriță, 2008: 292).

“The subsistence” of the presumption of innocence can be addressed in other varied situations, among which illustrative is the case of prosecuting 2 (three, four or more) co-authors. “A” recognizes the facts and asks for a simplified procedure, “B” does not recognize, disputes the evidence from the prosecution, asks for new evidence. The agreed solution in practice is often the disjunction. “A” is tried in a simplified procedure and convicted. The judge giving this solution refrains from hearing the case in which the defendant is “B”, but the judge's decision on A's case corroborates (how much?) significantly the presumption of innocence that “B” should benefit. It is undoubtedly more equitable a common judgment not only to preserve “appearances” in respecting the principles (although in the procedure in a beneficial sense, appearances have their weight) but to ensure a unitary judgment, a just balance.

The European Court has held that the existence of so-called presumptions of guilt in national law is not necessarily contrary to the European Convention. However, these must be provided within reasonable limits, in order not to deprive the presumption of innocence of its substance. In the doctrine, it was shown that according to ECHR jurisprudence, they are compatible with the observance of the right provided by art. 6 parag. II: recording of telephone conversations, biological sampling, body or home search, fingerprinting, alcohol tests, blood tests, etc. Like the presumption of innocence, the presumption of guilt is not conclusive, it must be possible to look for the evidence to the contrary.

Notes:

¹ For example. The Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10.12.1948 provides in art. 11: “any person accused of having committed an offense is presumed innocent as long as the guilt has not been established in a public trial with the necessary guarantees for defense.

² Code of Criminal Procedure 1968 art. 66 par. 1, “The accused or defendant enjoys the presumption of innocence and is not obliged to prove his innocence”.

³ By L. 281/2003 it was introduced art. 5²: “Every person is considered innocent until the determination of its guilt by a final criminal judgment”

⁴ Maybe art. 374 par. 1 and 2 should be reworded.

⁵ Didu c. of Romania, published in the Official Journal 740 of 30.10.2009 paragraphs 38-42

⁶ Constitutional Court Decision 586/2016 parag. 30: “The Court therefore finds that the choice of the person injured by committing an offense for the recovery of his claims through the civil action promoted in the criminal proceedings is justified by the speedy resolution of the criminal cases and the various procedural incidents occurring during this procedure, independently of the will of the injured party and which it can not anticipate at the time of the choice between the criminal and the civil courts must not affect the fairness of the settlement of its action by extending it beyond a reasonable time”.

⁷ Anghel c. of Romania, Decision of 31.03.2008; par. 67-68: “Although States have the possibility to exclude from the criminal law some offenses and penalize them rather by means of a contravention rather than a criminal offense, the perpetrators of the offenses must not be in an unfavorable situation simply because the applicable legal regime is different from the applicable law in criminal matters ... In short,

The Scope of the Presumption of Innocence in Romanian Law

the Court thinks that removing the contravention outside criminal law does not raise problems in itself, breach of fundamental safeguards - including presumption of guilt - that protects citizens against possible abuses by the authorities, is an issue to be examined under Art. 6 of the Convention ... The Court considers that in the present case the plaintiff has not been fairly tried, as provided by art. 6 of the Convention”.

⁸ Decision of CC: 73/200, Decision 38/2007, Decision 76/2005, Decision 245/2006

⁹ Art. 218, art. 223 Code of Criminal Procedure.

¹⁰ For example, decision 3465/2007 of ICCJ, Criminal Section

¹¹ The Samoilă and Cionca case c. of Romania – In ECHR Bulletin no. 5/2008, pag. 75 et seq.

¹² Notifications to county police inspectorates or inquiries from criminal enforcement offices, or ordering judgments concerning the defendant, etc.

¹³ In the early stage of the criminal trial - art. 107 Code of Criminal Procedure regulates under the marginal name “questions about the suspect or defendant” the need that at the hearing to be asked questions about “criminal history or other criminal proceedings”. Texts that lead to the same obligation are those governing the content of the indictment or reference to the “criminal history” that makes art. 223 par. 2 Code of Criminal Procedure, etc.

¹⁴ Judgement in criminal case 58 of 27.03.2013 unpublished, pronounced by the Court of Vânu Mare in the file no. 1110/332/2012

¹⁵ Decision no. 1525 of 05.07.2013 pronounced by the Court of Appeal of Craiova, unpublished

¹⁶ Art. 86 of L. 188/1999 (1) The liability of a civil servant for offenses committed during his service or in connection with the duties of the public office he/she occupies shall be accounted according to the criminal law.

(2) If the civil servant is sued for committing an offense of the nature provided in art. 54 lit. h, the person having the legal capacity to appoint in the public office will order the suspension of the civil servant from the public position he/she holds.

¹⁷ The condition that the crime be part of the enumeration contained in art. 54 lit. h of L. 188/1999: “... crimes against humanity against the state or against authority, corruption and service offenses, crimes that prevent the execution of justice, forgery crimes or intentional crime that would make it incompatible with the exercise of public office”.

¹⁸ Art. 66 par. 1 lit. g) Code of Procedure: “The complementary punishment of prohibiting to exercise certain rights consists in the right to occupy the post, to exercise the profession or job or to carry out the activity which was used for committing the offense”.

¹⁹ Art. 54 lit. h of L. 188/1999; A person who fulfills the following conditions may hold public office: ... h) has not been convicted of committing an offense against humanity, against the state or against the authority, corruption and service offenses, crimes which prevents the execution of justice, forgery crimes or intentional crime which would make it incompatible with the exercise of public office”.

²⁰ ECHR, Moullet case c. of France, Dec. 13.09.2007.

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CEPOS NEW CALL FOR PAPERS 2018
8TH INTERNATIONAL CONFERENCE
AFTER COMMUNISM. EAST AND WEST
UNDER SCRUTINY

Craiova (Romania), House of the University,
23-24 March 2018

Dear Colleagues,

We are delighted to invite you to participate in the 8th International Conference AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY in Craiova, Romania, 23-24 March 2018. More than two decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researches in the field of Communism and Post-Communism: research experiences and scientific knowledge. Like a "pointing puzzle", 29 years after the fall of communism, the conference panels explore emotional detachments, but also a peculiar involvement creating and exploiting the inter-disciplinary developments of the East-West relations before and after the crucial year 1989 in the fields such as: political sciences, history, economics and law. The conference will be hosted by the University House and during two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers) are invited to raise the issue of the study of recent history of the former communist space in connection with the Western world. We are confident that all of us will focus during these two days on what is important to move the research in the field forward. We dear to state that we even bear the moral obligation to do that.

Best regards,

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- Communism, transition, democracy;
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- Rights, identities policies & participation;
- Education, media & social communication;
- Administrative history and governance within South-Eastern Europe during transition;
- Political leadership, democratization and regional security;
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- Knowledge transfer and competitiveness in regional economies;
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- Integration, identity, and human rights in European systems;
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DEAD-LINE FOR SUBMITTING A PROPOSAL: 19 FEBRUARY 2018

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Casa Universitarilor/University House (57 Unirii Street, Craiova, Romania). You can view the Conference location and a map at the following address: <http://www.casa-universitarilor.ro/>

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The 8th International Conference "After communism. East and West under Scrutiny" (2018) will be held in Craiova, a city located in the South-Western part of Romania, at about 250 km from Bucharest, the national capital. The airport of Craiova (<http://en.aeroportcraiova.ro/>) has flights to Timisoara, Dusseldorf,

CEPOS NEW CALL FOR PAPERS 2018

Munchen, Ancone, Rome, Venezia, London, Bergamo etc. Other airports, such as Bucharest (Romania) (<http://www.aeroportul-otopeni.info/>) is located at distances less than 240 km from Craiova and accommodate international flights. Train schedule to Craiova can be consulted at InterRegio CFR (<http://www.infofer.ro/>) and SOFTRANS (<http://softrans.ro/mersul-trenurilor.html>).

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The Conference Registration Desk will be opened from Friday, 23rd of March 2018 (from 08.00 a.m. to 18.00 p.m.) until Saturday 24th of March 2018 (from 08.00 a.m. until 14.00 p.m.), for registration and delivery of conference bag with documents to participants. The Conference Registration Desk is located in the lobby of the University House Club, 1st Floor.

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- * Conference materials (including a printed version of the Book of Abstracts of the Conference)
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- * Coffee Breaks-March 23, 2018 – March 24, 2018. During the two days conference, 3 coffee breaks are offered.
- * Welcome reception (March 23, 2018)
- * Lunch (March 23, 2018) offered in the University House Mihai Eminescu Gala Room
- * A Festive Gala Dinner and Cocktail (March 24, 2018) offered in the University House Mihai Eminescu Gala Room
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- * Lunch (March 24, 2018)
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http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-

[2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-)

[2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

Miami University Oxford, Ohio, USA

<http://www.lib.miamioh.edu/multifacet/record/az-9ce56f97d1be33af92690283c0903908>

German National Library of Science and Technology

<https://getinfo.de/app/Revista-de-%C5%9Ftiin%C5%A3e-politice-Revue-des-sciences/id/TIBKAT%3A590280090>

Bibliotek Hamburg

<http://www.sub.uni-hamburg.de/recherche/elektronische-angebote/elektronische-zeitschriften/detail/titel/144583.html>

Sabre Libraries of University of Sussex, University of Brighton and Brighton and Sussex NHS

<http://sabre.sussex.ac.uk/vufindsmu/Record/1584224X/Details>

University of Southern Denmark

<http://findresearcher.sdu.dk:8080/portal/en/journals/revista-de-stinte-politice%28ca92579a-2621-46ec-946f-21e26f37364d%29.html>

Edith Cowan Australia

<http://library.ecu.edu.au:2082/search~S7?/.b2071921/.b2071921/1%2C1%2C1%2CB/marc~b2071921>

University College Cork, Ireland

<http://cufts2.lib.sfu.ca/CJDB4/CCUC/journal/375867>

Region Hovedstaden Denmark

<http://forskning.regionh.dk/en/journals/revista-de-stinte-politice%2811468a3a-a8be-4502-b8d6-718255c47677%29.html>

WorldCat

<https://www.library.yorku.ca/find/Record/muler82857>

York University Library, Toronto, Ontario, Canada

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Wellcome Library, London, United Kingdom

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The University of Kansas KUMC Libraries Catalogue

<http://voyagercatalog.kumc.edu/Record/143742/Description>

University of Saskatchewan, SK

<http://library.usask.ca/find/ejournals/view.php?i>

Academic Journals Database

<http://discover.library.georgetown.edu/iii/encore/record/C%7CRb3747335%7CSREVIS TA+DE+STIINTE%7COrightrresult?lang=eng&suite=def>

Journal Seek

<http://journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1584-224X>

Sherpa

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University of New Brunswick, Canada

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State Library New South Wales, Sidney, Australia,

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Electronic Journal Library

https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736

Jourlib

<http://www.jourlib.org/journal/8530/#.VSU7CPmsVSk>

Cheng Library Catalog

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Open University Malaysia

<http://library.oum.edu.my/oumlib/content/catalog/778733>

Wayne State University Libraries

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<http://cook.westernsem.edu/CJDB4/EXS/browse/tags?q=public+law>

NYU Health Sciences Library

<http://hsl.med.nyu.edu/resource/details/175011>

Swansea University Prifysgol Abertawe

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Harley E. French Library of the Health sciences

<http://undmedlibrary.org/Resources/list/record/129818>

Open Access Articles

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Olomuc Research Library, Czech Republic

<http://aleph.vkol.cz/F?func=find->

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&ccl_term=sys=000070018&con_lng=eng&local_base=svk07

California State University Monterey Bay University
http://sfx.calstate.edu:9003/csumb?sid=sfx:e_collection&issn=1584-224X&serviceType=getFullTxt

University of the West
<http://library.uwest.edu/booksub.asp?OCLCNo=9999110967>

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http://mobil.ub.uni-koeln.de/IPS?SERVICE=TEMPLATE&SUBSERVICE=EZB_BROWSE&SID=PETERSPFENNIG:1460334557&LOCATION=USB&VIEW=USB:Kataloge&BIBID=USBK&COLORS=7&LANGUAGE=de&PAGE=detail&QUERY_URL=jour_id%3D111736&REDIRECT=1

Biblioteca Electronica de Ciencia y Tecnologia
http://www.biblioteca.mincyt.gob.ar/revistas/index?subarea=148&area=34&gran_area=5&browseType=discipline&Journals_page=17

University of Huddersfield UK
<http://library.hud.ac.uk/summon/360list.html>

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<http://www.sulb.uni-saarland.de/index.php?id=141&libconnect%5Bjourid%5D=111736>
EKP Publications
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OHSU Library
<http://www.ohsu.edu/library/ejournals/staticpages/ejnlr.shtml>

Valley City State University
<http://www.ohsu.edu/library/ejournals/staticpages/ejnlr.shtml>

Centro de Investigaciones Sociológicas, Spain
<http://www.cis.es/cis/export/sites/default/>

Archivos/Revistas_de_libre_acceso_xseptiembre_2010x.pdf
Drexel Libraries
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ILAN University Library

http://muse.niu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress&set.user.locale=en_US

Dowling College Library

<http://www.dowling.edu/library/journaldb/keyword4.asp?jname=revista>

Universite Laval

http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.fulltext=yes

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

<http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2017)

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases:

Ethic & International Affairs (Carnegie Council), Cambridge University Press-

<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

ELSEVIER GLOBAL EVENTS

LIST <http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny>

CONFERENCE ALERTS-<http://www.conferencealerts.com/show-event?id=171792>

10TIMES.COM-<http://10times.com/after-communism-east-and-west-under-scrutiny>

Hiway Conference Discovery System-<http://www.hicds.cn/meeting/detail/45826124>

Geopolitika (Hungary)-<http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/>

Academic.net-<http://www.academic.net/show-24-4103-1.html>

World University Directory-

<http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769>

Science Research Association-

<http://www.scirea.org/conferenceinfo?conferenceId=35290>

Science Social Community-<https://www.science-community.org/ru/node/174892>

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-

<http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Oxford Journals – Oxford Journal of Church & State-

<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>

Conference Alerts-<http://www.conferencealerts.com/country-listing?country=Romania>

Conferences-In - <http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Socmag.net - <http://www.socmag.net/?p=1562>

African Journal of Political Sciences-

http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk

Researchgate-

https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism_East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania

World Conference Alerts-

<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>

Edu events-<http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Esocsci.org-<http://www.esocsci.org.nz/events/list/>

Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>

Science-community.org-<http://www.science-community.org/ru/node/164404/?did=070216>

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

THE ATLANTIC COUNCIL OF CANADA, CANADA-
<http://natocouncil.ca/events/international-conferences/>

ELSEVIER GLOBAL EVENTS LIST-
<http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf>

GCONFERENCE.NET-
http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CONFERENCE BIOXBIO-<http://conference.bioxbio.com/location/romania10>

CONFERENCE TIMES-<http://10times.com/romania>

CONFERENCE ALERTS-<http://www.conferencealerts.com/country-listing?country=Romania>

<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>

<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>

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NATIONAL SYMPOSIUM-<http://www.nationalsymposium.com/communism.php>
SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>
ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/
CONFERENCE WORLD-<http://conferencesworld.com/higher-education/>
KNOW A CONFERENCE KNOW A CONFERENCE-
<http://knowaconference.com/social-work/>
International Journal on New Trends in Education and Their Implications (IJONTE) Turkey
<http://www.ijonte.org/?pnum=15&>
Journal of Research in Education and Teaching Turkey-
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>
CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see
<http://natocouncil.ca/events/international-conferences/>

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as: American Political Science Association, USA-<http://www.apsanet.org/conferences.cfm>;
Journal of Church and State, Oxford-
<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;
NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>
International Society of Political Psychology, Columbus, USA-
http://www.ispp.org/uploads/attachments/April_2014.pdf
Academic Biographical Sketch, <http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>;
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism:_East_and_West_under_scrutiny:_Fourth_International_Conference
Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Politicas y Sociologia, futuro Consejo Nacional de Colegios Profesionales, Madrid,
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References:

The references cited in the Article are listed at the end of the paper in alphabetical order of authors' names.

References of the same author are listed chronologically.

For books

Olimid, A. P., (2009a). *Viața politică și spirituală în România modernă. Un model românesc al relațiilor dintre Stat și Biserică*, Craiova: Aius Publishing.

Olimid, A. P., (2009b). *Politica românească după 1989*, Craiova: Aius Publishing.

For chapters in edited books

Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles

Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Științe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Științe Politice. Revue des Științe Politice*, 39, 49-58.

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