



UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION

Revista de Științe Politice.
Revue des Sciences Politiques
No. 77 • 2023



UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION

Revista de Științe Politice.
Revue des Sciences Politiques

No. 77 • 2023



Editorial Board

Editor in chief: Anca Parmena Olimid, University of Craiova, Romania

Deputy editor in chief: Cătălina Maria Georgescu, University of Craiova, Romania

Managing editor: Cosmin Lucian Gherghe, University of Craiova, Romania

Regular members:

Pablo Arconada-Ledesma, Universidad de Valladolid, Spain

Simber Atay, Dokuz Eylül University, Turkey

Adisa Avdić-Küsmüş, Ankara Yildirim Beyazit University, Turkey

César García Andrés, Universidad de Valladolid, Spain

Mihai Ghițulescu, University of Craiova, Romania

George Gîrleşteanu, University of Craiova, Romania

Daniel Ghiță, University of Craiova, Romania

Yevheniy Haydanka, Trnava University, Slovak Republic

Eglantina Hysa, Epoka University, Albania

Mihaela Camelia Ilie, University of Craiova, Romania

Ylber Sela, Institute for International and Political Studies, North Macedonia

Paweł Skorut, Pedagogical University of Krakow, Poland

Elena Todorova, American University of Europe-FON, Republic of North Macedonia

Agnieszka Kisztelińska-Węgrzyńska, University of Łódź, Poland

International Advisory Board

Dan Claudiu Dănișor, University of Craiova, Romania

(Chairman of the International Advisory Board)

Jonuz Abdullai, South East European University, Tetovo, Macedonia

Lillian Barria, University of Illinois, United States of America

Jan Bureš, Metropolitan University of Prague, Czech Republic

Jakub Charvat, Metropolitan University of Prague, Czech Republic

Andrzej Dubicki, University of Lodz, Poland

Konstantinos Gogos, Aristotle University of Thessaloniki, Greece

Patricia Gonzalez-Aldea, Universidad Carlos III de Madrid, Spain

Francesco Guida, Università degli Studi Roma Tre, Rome, Italy

Jerry Harris, National Secretary, Global Studies Association of North America, United States of America

Ioan Horga, University of Oradea, Romania

Nikolaos Intzesiloglou, Aristotle University of Thessaloniki, Greece

Hasan Jashari, South East European University, Tetovo, Macedonia

Rafał Jung, University of Łódź, Poland

Petr Just, Metropolitan University of Prague, Czech Republic

Marek Ołędzki, University of Lodz, Poland

Ali Pajaziti, South East European University, Tetovo, Macedonia

Gabriela Rățulea, Transylvania University of Brașov, Romania

Steven D. Roper, San Francisco State University, United States of America

Virgil Stoica, "Alexandru Ioan Cuza" University of Iași, Romania

Katarzyna Walerysiak, University of Lodz, Poland

Technical and online assistance: Speranța Predoi, University of Craiova, Romania

Contact: Revista de Științe Politice. Revue des Sciences Politiques

University of Craiova, 13th A. I. Cuza Street, Craiova, 200585, Dolj, Romania. Phone /Fax:

+40351.403.149, Email: cezos2023@gmail.com and cezos2013@gmail.com.

Website: <http://cis01.central.ucv.ro/revistadestiintepolitice/>

© 2023–All rights reserved to Universitaria Publishing House. The Journal is published quarterly.

(Online) - ISSN 2344 – 4452

ISSN–L 1584 – 224X

No. 77 • 2023

**Revista de Științe Politice.
Revue des Sciences Politiques**



© 2023 – Universitaria Publishing House

Authors are fully responsible for the entire content of their papers. The articles published in *Revista de Științe Politice. Revue des Sciences Politiques* represent the personal opinion of the author(s). The procedure of the article submission for reviewing and publication implies that the work has never been published before (excepting published courses, academic lectures, academic theses), that is or was not considered for reviewing and publication elsewhere (in English or in other language), that its publication is assumed by the author(s) and its possible acknowledgements were obtained with the consent of the authorities for publication. The information, perceptions and views set forth in the articles are those of the author(s) and do not necessarily reflect the official opinion of the RSP Editors and/ or its International Advisory Board members. Photocopying, Single photocopies of single/multiple articles may be done for personal use under the provisions of the national copyright laws. Electronic storage of the articles contents. Permission from the Editorial Board is required in case of electronic storage or use electronically of any material (article, editors' notes, reviews etc.) contained in this journal (entirely or partially). All translations from English to Romanian/ Romanian to English are the author's.



NOTE of the EDITORIAL BOARD: *Revista de Științe Politice. Revue des Sciences Politiques* is abstracted by / indexed in:

EBSCO

Political Science Complete (accessed **March 29, 2023**)
 Database Coverage List: <https://www.ebscohost.com/titleLists/poh-coverage.htm>
 Category Social Sciences & Humanities/ Area Studies/ Eropean Studies:
<https://www.ebscohost.com/titleLists/poh-subject.htm>
 Central & Eastern European Academic Source (accessed **March 29, 2023**)
 Database Coverage List: <https://www.ebscohost.com/titleLists/e5h-coverage.htm>

ProQuest Database: Political Science Database

ProQuest Political Science Database Title list accurate as of **25 March 2023 (position 1110)**
http://tls.search.proquest.com/titlelist/jsp/list/tlsSingle.jsp?productId=1005684&_ga=2.52655656.1051237904.1586630685-491238151.1586630685

INDEX COPERNICUS

ICI Journals Master list, <https://journals.indexcopernicus.com/search/details?id=29570>
 ICV 2021: 100.00; ICV 2020: 91.36; ICV 2019:94.31; ICV 2018: 97.28; ICV 2017: 88.23; ICV 2016: 78.07; ICV 2015: 65.59; ICV 2014: 65,01 • Standardized Value: 6.55; ICV 2013: 5.04

ERIH PLUS

<https://kanalre.gister.hkdir.no/publisering/kanaler/erihplus/periodical/info.action?id=486286>

ERIH PLUS Interdisciplinary research in the Social Sciences disciplines: Political Sciences and International Relations
 OECD classifications: Other Social Sciences Political Science

CEEOL

Central and Eastern European Online Library
<http://www.ceeol.com/search/journal-detail?id=2102>

KVK Catalogue Karlsruhe Institut für Technologie

<https://kvk.bibliothek.kit.edu>

Gale Cengage Learning - Academic OneFile

Report Generated 03/02/2023 (position 17444) <https://support.gale.com/tlist/products/>

Google scholar

https://scholar.google.com/citations?user=geaF_FgAAAAJ&hl=ro; h-index: 12; i10-index: 25

JISC Library Hub Discover

<https://discover.libraryhub.jisc.ac.uk/search?&keyword=1584-224x>

TIB Leibniz Information Centre University Library

<https://www.tib.eu/en/search/id/TIBKAT%3A590280090/Revista-de-%C8%99tiin%C8%9Be-politice/>

Réseau Mir@bel

Mir@bel est piloté par Sciences Po Lyon, Sciences Po Grenoble, la MSH Dijon/RNMSH et l'ENTPE
<https://reseau-mirabel.info/revue/3046/Revista-de-Stiinte-Politice>

Polska Bibliografia Naukowa

<https://pbn.nauka.gov.pl/core/#/journal/view/5e715c9646e0fb0001cb2ef2/d5591413-f693-4a5f-b60e-f54b786edbc6>

ACNP Catalogo Italiano dei Peridici

<https://acnpsearch.unibo.it/journal/2601620>

Information Matrix for the Analysis of Journals

<https://miar.ub.edu/issn/1584-224X>

WorldCat

<https://www.worldcat.org/title/Revista-de-Stiinte-Politice-Revue-de-Sciences-Politiques/oclc/896853479>

CONTENTS

Revista de Științe Politice. Revue des Sciences Politiques

RSP • No. 77 • 2023

The 3 I's in Organizational Culture and Resilience: Information, Investments & Innovation

| | |
|--|----|
| LavinIU Costinel Lăpădat, <i>Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act</i> | 9 |
| Narcis Eduard Mitu, <i>Can the Tax Gap be a Useful Tool in Terms of Tax Performance?</i> | 20 |
| Ileana Mihaela Chirișescu, Floriana Anca Păunescu, <i>Foreign Direct Investment and International Political and Legal Environment</i> | 29 |
| Cristi Spulbar, Ramona Birau, Jatin Trivedi, Anca Ioana Iacob (Troto), Ion Florescu, Rachana Baid, <i>Investigating volatility patterns for a cluster of developed stock markets including Austria, France, Germany and Spain by using GARCH models</i> | 41 |
| Daniel Alin Olimid, Anca Parmena Olimid, <i>Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371</i> | 49 |
| Floriana Anca Păunescu, Ileana Mihaela Chirișescu, <i>The New European Neighbourhood Policy</i> | 62 |
| Irina Gvelesiani, <i>Lex Salica and Common Law from the Historical Perspective</i> | 71 |
| Ramona Birau, Cristi Spulbar, Abhaya Kumar Kepulaje, Mircea Laurentiu Simion, Ion Florescu <i>Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland</i> | 80 |
| Florin Nacu, <i>Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”</i> | 88 |

| | |
|--|-----|
| Andrzej Dubicki, Marek Ołędzki, <i>The problem of establishing air connections between Romania and Great Britain after World War II</i> | 100 |
| Raluca Lucia Paul, <i>The obligation to motivate a judgement</i> | 112 |
| Daniela Alina Mic (Mărgineanu), <i>Regional cooperation with the countries in the area and Romania's participation in international organizations</i> | 120 |
| Lavinia Costinel Lăpădat, Anca-Floriana Păunescu, Maria-Magdalena Lăpădat, <i>Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary</i> | 127 |
| Daniela Alina Mic (Mărgineanu), <i>The main mechanisms and instruments used in Romania's foreign policy with the aim of materializing foreign policy objectives</i> | 138 |
| Irina Gvelesiani, <i>New Insights into the Origin of the Trust</i> | 144 |
| CEPOS NEW CALL FOR PAPERS 2024 | 154 |
| RSP MANUSCRIPT SUBMISSION | 171 |



ORIGINAL PAPER

Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act

Laviniiu Costinel Lăpădat*

Abstract:

Ronald Reagan and Barack Obama are two of the most significant presidents in the history of the United States of America. Both served as leaders during times of economic uncertainty and implemented economic policies that had far-reaching effects on the country's economic landscape. Ronald Reagan's "trickle-down economics" was a cornerstone of his economic policies during his presidency from 1981 to 1989. His policies were centred on the idea that by cutting taxes on the wealthiest Americans, it would stimulate economic growth and create more jobs. On the other hand, Barack Obama's Affordable Care Act was focused on providing access to affordable health care to all Americans, regardless of their income level. This paper seeks to compare and contrast the economic doctrines of Ronald Reagan and Barack Obama, with a focus on their ideologies, policies, and impacts on the American economy.

Keywords: *Reagan, Obama, trickle-down, Obamacare, economics.*

* Assistant Professor, Ph.D, University of Craiova, Faculty of Letters, Department of Applied Modern Languages, Craiova, Romania, Phone: 0040773985380, Email: lapadat_laviniiu@yahoo.com. ORCID ID: 0000-0001-6107-1011.

Laviniu Costinel Lăpădat

Ronald Reagan and Barack Obama are two of the most significant American presidents of the 20th and 21st century, respectively. Although they come from different political parties and ideological backgrounds, they both had a unique political vision that helped shape the nation's political landscape and they both implemented vastly different economic doctrines during their presidencies. Reaganomics was based on supply-side economics, emphasizing tax cuts, deregulation, and tight monetary policy. On the other spectrum, Obama's economic doctrine emphasized government intervention to address inequality and promote economic growth, through policies such as stimulus packages, healthcare reform, and financial regulation. While both policies had their benefits and drawbacks, they reflect fundamentally distinct ideologies and approaches to economic policy.

Ronald Reagan, the 40th president of the United States, served two terms from 1981 to 1989. Reaganomics was his economic doctrine, which was based on supply-side economics, popularly known as trickle-down economics. The primary goal of Reaganomics was to stimulate economic growth by reducing government intervention in the economy, cutting taxes, and promoting private sector investments. According to Reagan, “the top 1% of income earners in America pay 25% of all personal income taxes, yet earn only 10% of the nation's personal income. Isn't that fair?” (Reagan, 1982), further affirming that “The best social program is a productive job for anyone who wants it” (Reagan, 1982). Thus, the theory behind this policy was that by reducing the tax burden on the wealthy, they would have more money to invest in businesses, which would, in turn, create more jobs and boost economic growth. Nevertheless, Reagan believed that high taxes discouraged people from working and investing, which negatively affected economic growth. His administration reduced the top marginal tax rate from 70% to 28%, which provided incentives for businesses to invest and individuals to work harder. The tax cuts also increased disposable income, which in turn led to increased consumer spending (Laffer, 2004).

Critics argue that Reagan's trickle-down economics failed to achieve its intended results and instead led to an increase in income inequality. As economist Joseph Stiglitz stated, “Reaganomics created a larger divide between the rich and poor, with the wealthy becoming wealthier, and the poor becoming poorer” (Stiglitz, 2017:103). The same rhetoric is reflected in Nobel laureate economist Paul Krugman's statement: “the promised benefits of trickle-down economics - greater economic growth, more jobs, and higher incomes for all - have never materialized” (Krugman, 2015). According to these critics, the tax cuts primarily benefited the wealthy, which led to an increase in the gap between the rich and poor. A study conducted by the Congressional Budget Office in 2011 found that income inequality had increased significantly since the late 1970s, with the top 1% of income earners experiencing significant income growth by 275% between 1979 and 2007, while the bottom 20% saw their incomes grow by just 18% during the same period, suggesting that the benefits of economic growth have not been shared equally across society. (CBO, 2011).

Another hallmark of Reaganomics was deregulation. The Reagan administration believed that excessive government regulation hindered economic growth by stifling innovation and competition. They sought to reduce regulation in several industries, including finance, telecommunications, and transportation. Deregulation of the airline industry, for instance, led to increased competition and lower prices for consumers. Reaganomics also placed emphasis on monetary policy, particularly the use of interest rates to control inflation. The Reagan administration appointed Paul Volcker as

Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act

chairman of the Federal Reserve, who pursued a policy of tight monetary control. Volcker's policies resulted in high interest rates, which helped to curb inflation, but also contributed to a recession in the early 1980s. In his article "Obama's Regulatory State versus Reagan's Deregulatory State", Chait is drawing a comparison between Reagan's strong commitment to deregulation and his equally strong commitment to Cold War-era foreign policy. He argues that Reagan's fervour for deregulation was a key factor in shaping the economic landscape of the 1980s and beyond, "Reagan was almost as passionate about deregulating the economy as he was about defeating communism" (Chait, 2015), underscoring the importance of Reagan's deregulatory policies in the broader context of his presidency.

Barack Obama, the 44th president of the United States, served two terms from 2009 to 2017. Obama's economic doctrine was centred around government intervention in the economy and addressing inequality. The Obama administration implemented several policies to achieve these goals.

One of the most significant economic policies implemented by the Obama administration was the American Recovery and Reinvestment Act of 2009, which was a \$787 billion stimulus package. The goal of the stimulus package was to jumpstart the economy by creating jobs, providing tax relief to families and businesses, investing in infrastructure, and funding various social programs during the Great Recession (White House, n.d.).

The Affordable Care Act, also known as Obamacare, was another significant policy implemented by the Obama administration. Barack Obama's Affordable Care Act was designed to reduce income inequality by providing access to health care services to all Americans, regardless of their income level. Obama stated in a 2016 speech, "for all the good that the Affordable Care Act is doing right now -- for as big a step forward as it was -- it's still just a first step. It's like building a starter home -- or buying a starter home. It's a lot better than not having a home, but you hope that over time you make some improvements. [...] The Affordable Care Act has done what it was designed to do: It gave us affordable health care." (Obama, 2016). The ACA was seen as a starter home or a starting point to build upon, rather than a final solution to the problem of healthcare in the country. The implication is that there is still much work to be done to improve the healthcare system, even after the implementation of the ACA. The Affordable Care Act is just the first step towards achieving the goal of providing comprehensive and affordable healthcare to all Americans. It is an important foundation, but more work still needs to be done to improve and expand upon it. By using this metaphor, Obama is emphasizing the long-term vision behind the Affordable Care Act and the need for continued progress towards achieving universal healthcare. In this sense, the ACA aimed to provide affordable healthcare to all Americans by expanding Medicaid and providing subsidies to help individuals purchase health insurance and to cover more low-income individuals.

Proponents of the ACA claim that it has led to significant improvements in the American health care system, reducing the number of uninsured Americans and improving the quality of health care services. As healthcare policy experts Sherry Glied, Stephanie Ma and Anaïs Borja stated, "Expanding Medicaid coverage and establishing state marketplaces have not only decreased the number of Americans who are uninsured but has substantially improved access to care for those who gained coverage" (Glied et al., 2017). Hence, one of the most significant impacts of the ACA has been the reduction in the number of uninsured Americans. According to a report by the Commonwealth

Fund, the percentage of Americans who were uninsured fell from 20% in 2010 to 12.4% in 2016 (Collins et al., 2017). This has had a significant impact on the health and well-being of millions of Americans, as they are now able to access essential health care services without facing financial hardship. The ACA has also had a positive impact on the American economy. According to a report by the Department of Health and Human Services (2016), the ACA has led to the creation of thousands of jobs in the health care sector, as well as significant savings for businesses and individuals who have been able to access affordable health insurance. Furthermore, the ACA has helped to reduce the growth in health care costs, which had been a major driver of economic inequality in the United States.

Even though it provided healthcare coverage to millions of previously uninsured Americans and it introduced new regulations designed to improve the quality of healthcare and reduce costs, the ACA was also criticized by some for its high costs, inefficiencies, government overreach, and lack of access to care. In his article for *Forbes*, conservative economist and healthcare policy analyst John Goodman argues that the ACA imposes new regulations, mandates, and taxes that limit innovation and competition, and therefore, fails to achieve the desired goals of reforming the system: “In the end, the ACA is not likely to foster the kinds of innovation and competition needed to transform healthcare in America” (Goodman, 2014). Furthermore, this assessment echoes similar criticisms made by other opponents of the ACA who express a perspective that the ACA is a flawed policy that has not succeeded in addressing the root causes of the healthcare problems in the US: “Obamacare has not fixed the underlying problem of rising health care costs, which continues to be a major drag on the economy” (Klein, 2017). Additionally, some argue that the ACA's mandates and regulations stifled innovation and competition in the health care industry: “The Affordable Care Act has stifled innovation in healthcare. It created enormous new regulatory hurdles that increased costs, slowed down the pace of innovation, and reduced the incentives for companies to invest in new therapies and treatments” (Hatch, 2015).

The Obama administration also implemented several policies to regulate the financial industry in the wake of the 2008 financial crisis. In response, the Obama administration implemented several policies to regulate the financial industry and prevent similar crises from occurring in the future. One of the most notable policies was the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was signed into law in 2010, introducing several new regulations for banks and financial institutions, including requirements for increased transparency and accountability, restrictions on risky investments, and the creation of new oversight agencies. The Obama administration's efforts to regulate the financial industry reflect its commitment to preventing future economic crises and promoting financial stability.

Building upon the earlier discussion, it is worth exploring the fundamental differences between Ronald Reagan's and Barack Obama's economic philosophies, and the impact those philosophies had on their presidencies. The economic doctrines of Reagan and Obama reflect fundamentally different ideologies. Reaganomics was based on the principles of supply-side economics, which emphasizes the importance of reducing government intervention in the economy to promote economic growth. In contrast, Obama's economic doctrine emphasized government intervention to address inequality and promote economic growth.

Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act

One notable distinction in their economic doctrines was the fact that Reagan and Obama had different approaches to monetary policy. Reagan's policies focused on controlling inflation through tight monetary policy and high interest rates, while Obama's policies focused on using monetary policy to stimulate economic growth during the Great Recession. Both policies had their benefits and drawbacks, with Reagan's policies leading to lower inflation and Obama's policies leading to economic growth during a recession.

During Reagan's presidency, the United States was facing high inflation rates, reaching double digits in the early 1980s, which threatened the country's economic stability. In response, Reagan's administration, under Chairman Paul Volcker, implemented a policy of tight monetary control, which involved raising interest rates to reduce the money supply and slow inflation. This policy led to a sharp increase in interest rates, with the federal funds rate peaking at 19.1% in June 1981 (Federal Reserve Bank of St. Louis, 2022). While this policy was successful in reducing inflation, it also had significant economic costs, including high unemployment rates and a recession in the early 1980s. The unemployment rate peaked at 10.8% in November and December 1982, before gradually declining over the course of Reagan's presidency (Bureau of Labor Statistics, 2022).

In contrast, during the Great Recession, the appointed Chairman of the Federal Reserve, Ben Bernanke, implemented a policy of loose monetary control, which involved reducing interest rates and increasing the money supply to stimulate economic growth. This policy was aimed at encouraging borrowing and investment, which would lead to job creation and increased economic activity. The federal funds rate was lowered to near-zero in December 2008 and remained at this level until December 2015, with additional monetary policy measures, such as quantitative easing, also being implemented (Federal Reserve Bank of St. Louis, 2022). While the impact of these policies on the economy was not immediate, they are credited with helping the United States to recover from the recession and achieve sustained economic growth in the following years (Congressional Research Service, 2019).

It is important to note that both policies had their downsides. Reagan's policy of tight monetary control led to high unemployment rates and slowed economic growth, while Obama's policy of loose monetary control led to concerns about inflation and an increase in the national debt. Nonetheless, both presidents' policies reflect their differing approaches to addressing economic challenges and their respective priorities for managing the economy.

A second key difference between Reagan and Obama was their respective views on the role of government in the economy. Reagan was a strong advocate for free-market capitalism and limited government intervention, while Obama believed in a more active role for government in promoting economic growth and social welfare. In his Inaugural Address, Ronald Reagan states that: "In this present crisis, government is not the solution to our problem; government is the problem" (Reagan, 1981a), thus, emphasizing his belief in the power of the free market and the limitations of government intervention in the economy. He argues that government can often hinder economic growth and that a more hands-off approach is necessary to allow the market to function efficiently.

Reagan's economic policies were rooted in supply-side economics, a theory that holds that lower taxes and reduced regulation can stimulate economic growth by increasing the supply of goods and services. He famously implemented a series of tax

Laviniu Costinel Lăpădat

cuts in the early 1980s, and his administration worked to reduce government regulation in industries such as finance, energy, and telecommunications. Reagan also emphasized the importance of international trade and worked to reduce barriers to trade with other countries.

Obama, on the other hand, pursued a more interventionist approach to economic policy. He believed that government had a responsibility to address social and economic inequality, and that targeted government spending could help stimulate economic growth during times of recession. His signature economic policy, the American Recovery and Reinvestment Act of 2009, included a mix of tax cuts, infrastructure spending, and direct aid to states and individuals. Obama also pursued policies aimed at expanding access to healthcare and education, and his administration implemented several new regulations aimed at improving consumer protections in the financial industry.

The impact of Reagan's economic policies can be seen in the economic growth that occurred during his presidency. From 1981 to 1989, the U.S. economy experienced an average annual growth rate of 3.4%, and unemployment fell from a high of 10.8% in 1982 to 5.4% in 1989 (Bureau of Labor Statistics, n.d.). However, critics argue that much of this growth was fuelled by government deficit spending, and that the benefits of Reagan's tax cuts were largely concentrated among the wealthy. In this direction, a comparison can be made between Reagan's policy and Obama's policy concerning their impact on the federal budget deficit. Reagan's policy led to a significant increase in the federal budget deficit, as tax cuts for the wealthy failed to pay for themselves through increased economic growth. This has had long-term implications for the American economy, as the United States now has one of the highest levels of national debt in the world. According to the Kimberly Amadeo, President Reagan implemented a series of economic policies in the 1980s, including tax cuts, deregulation, and increased military spending. Although the tax cuts were intended to stimulate economic growth by incentivizing investment and entrepreneurship, they also contributed to a growing federal budget deficit, which reached record levels during his presidency. Despite Reagan's argument that the tax cuts would pay for themselves through increased economic growth, the deficit continued to grow and eventually led to increased borrowing and debt: "While Reagan argued that the tax cuts would pay for themselves through increased economic growth, the resulting deficit grew to unprecedented levels. This led to increased borrowing and debt, which has had long-term implications for the American economy. Today, the United States has one of the highest levels of national debt in the world" (Amadeo, 2022). The article goes on to state that the growing national debt has had long-term implications for the American economy, including higher interest payments and reduced flexibility in responding to future economic challenges, concluding that the United States now has one of the highest levels of national debt in the world, which continues to be a source of concern for policymakers and economists alike.

In contrast, the ACA has had a neutral impact on the federal budget deficit. While the ACA has led to an increase in government spending on health care, this has been offset by revenue-raising measures such as the Medicare surtax used to fund the Medicare Hospital Insurance Trust Fund, which applies to high-income earners. The ACA increased the Medicare surtax from 1.45% to 2.35% for individuals earning over \$200,000 and couples earning over \$250,000. Another provision is the excise tax on high-cost health plans, also known as the "Cadillac tax", which is intended to discourage employers from offering overly generous health benefits and to help control health care

Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act

costs. These measures are designed to help fund the ACA's coverage expansion while reducing the federal budget deficit. (Kaiser Family Foundation, 2016). The Kaiser Family Foundation issue brief advocates that the tax is an important part of the ACA's financing mechanism and could help to control health care costs over the long term. This suggests that the ACA has been a more fiscally responsible policy with a more positive impact on the American economy than Reagan's trickle-down economics.

Obama's economic policies, meanwhile, were implemented in the aftermath of the 2008 financial crisis, which had plunged the U.S. economy into a deep recession. While Obama's policies were initially criticized by some as being too interventionist, many economists credit them with helping to stabilize the economy and prevent a more severe recession. By 2010, the economy had returned to positive growth, and unemployment had fallen from a high of 10% in 2009 to 4.7% in 2016 (U.S. Bureau of Labor Statistics, 2022). However, Obama's policies were also criticized by some as being insufficiently aggressive, and many argue that the economic recovery was slower than it could have been. In his book "The Return of Depression Economics and the Crisis of 2008", Paul Krugman is expressing his frustration with the economic policies that followed the 2008 financial crisis: "Like many others, I thought we had learned from the Great Depression. But that apparent lesson turned out to be misleading, and in the end we're having to learn an entirely different lesson" (Krugman, 2009:xv). The author argues that the lessons learned from the Great Depression were not as applicable as many had hoped, and that a new approach was necessary, calling attention to the challenges of navigating economic crises and the need for leaders to be flexible and adaptive in their policy-making.

Another key difference between Reagan and Obama was their approach to international trade. Reagan believed in the importance of free trade and worked to reduce barriers to trade with other countries, signing several international trade agreements during his presidency. Obama, on the other hand, was more sceptical of free trade, and his administration pursued a more protectionist approach to trade policy. He opposed the Trans-Pacific Partnership (TPP), a trade agreement negotiated by his predecessor, and his administration imposed tariffs on a range of imported goods. The impact of these different approaches to trade policy is still being debated. While some argue that free trade has contributed to economic growth and job creation, others argue that it has led to a loss of manufacturing jobs and increased income inequality. The tariffs imposed by the Trump administration, which built upon Obama's protectionist policies, were controversial and may have contributed to a slowdown in economic growth in the U.S. and other countries.

It is clear that the economic philosophies of Ronald Reagan and Barack Obama were shaped by very different individual experiences with broader social, political, and historical contexts and priorities. Reagan's policies were fixed in a belief in free-market capitalism and limited government intervention, while Obama's policies reflected a belief in the importance of government spending and active intervention in promoting economic growth and social welfare. While Reagan's policies were successful in stimulating economic growth and reducing unemployment during his presidency, some argue that the benefits were disproportionately felt by the wealthy and that government deficit spending played a significant role in that growth. Obama's policies, on the other hand, were implemented in response to a deep recession and helped to stabilize the economy, although they were criticized by some as being insufficiently aggressive. The impact of their different approaches to trade policy is also a matter of ongoing debate.

Reagan believed in the importance of free trade and worked to reduce barriers to trade with other countries, while Obama was more sceptical of free trade and pursued a more protectionist approach. The impact of these policies on economic growth and job creation is still being studied.

It is worth noting that the economic policies of both Reagan and Obama were not without their flaws and criticisms. Reagan's tax cuts and deregulation policies have been criticized for contributing to income inequality and reducing government revenues, while Obama's stimulus spending and regulatory policies have been criticized for increasing the national debt and stifling business growth. Looking ahead, the economic policies of the Biden administration may offer a new framework for comparison with Reagan and Obama. The Biden administration has emphasized the importance of addressing income inequality and investing in infrastructure and education, while also pursuing a more protectionist trade policy. It remains to be seen how successful these policies will be in promoting economic growth and addressing the challenges facing the U.S. economy.

In terms of their legacies, Reagan is often remembered as a conservative icon who helped shift the country to the right and ushered in a new era of conservatism. His policies, including tax cuts and increased military spending, had a lasting impact on the country and helped shape conservative ideology for decades to come. On the other hand, Obama is often remembered as a champion of social justice and progressive values. His policies, including the Affordable Care Act and the legalization of same-sex marriage, helped to advance social and economic equality in the country.

Researcher Maria-Magdalena Lapadat argues that the political culture in the United States has experienced significant changes in recent decades: “political culture has undergone profound metamorphoses and implicitly recalibrations of political strategies” (Lăpădat, 2022:10), meaning that these changes in political culture and strategy have noteworthy implications for the future of American politics. This shift reflects a broader change in the cultural and political landscape of the United States, as society has moved away from an emphasis on individualism and toward a recognition of the importance of social cooperation and collective efforts to address societal challenges. Furthermore, authors Păunescu and Chirișescu make reference to the importance of political responsibility in maintaining a functioning political system “political responsibility becomes the Achilles' heel where the collapse of the justification act is orchestrated” (Păunescu&Chirișescu, 2019:17). This idea is relevant to the politics of both Reagan and Obama, as both presidents were responsible for shaping the policies and actions of the US government during their respective administrations. In both cases, the success of their policies depended on their ability to navigate complex political landscapes and to take responsibility for the outcomes of their decisions. In the case of Reagan, his policies were grounded in the idea of individual responsibility and limited government intervention, which had both benefits and drawbacks for the country. Similarly, Obama's policies were grounded in a more collective approach, with a greater emphasis on social responsibility and the need for collective action to address the challenges facing the country.

While Reagan and Obama had different political visions and approaches to governing, they both believed in the power of individuals to effect change. Reagan emphasized individual freedom and limited government intervention stating that: “Government's first duty is to protect the people, not run their lives”, (Reagan, 1981b), which reveals his scepticism towards government intervention and his belief that

Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act

individuals should be free to pursue their own goals without government interference. Also, Obama viewed government as a force for good in society, with an important role to play in promoting social justice and addressing pressing issues, but also recognizes that it has limitations. He strikes a balance between individual freedom and shared action, recognizing that both are important for a healthy and just society: “I’ve never believed that government can solve every problem or should. [...] But government can’t stand on the sidelines in our efforts. Because government is us. It can and should reflect our deepest values and commitments” (Obama, 2012). Obama is not a proponent of big government or an overly interventionist approach. He recognizes that there are boundaries to what government can accomplish and that individuals and communities must take responsibility for solving their own problems. This sentiment aligns with the political ideology of classical liberalism, which emphasizes individual freedom and limited government intervention. Yet, Obama sees government as a reflection of the people it represents and believes it should embody their values and commitments, implying a more communitarian view of government. Ultimately, Reagan’s presidency can be seen as the culmination of the individualist turn in American society, reflecting the broader cultural and ideological trends of his time, while Obama’s presidency can be seen as a response to the limits of individualism and a renewed emphasis on social responsibility representing a shift in values and priorities towards collective action and community responsibility.

Both presidents were responding to unique economic and historical contexts and attempting to address complex economic challenges, and the impact of their policies on economic growth and job creation is still being studied and debated. The present research aimed at reflecting these different beliefs, understanding the ways in which Reagan and Obama framed and responded to the social and political challenges of their times, and providing insight into their legacies as political leaders.

References:

- Amadeo, K. (2022, January 24). *Ronald Reagan: Economic Policies and Accomplishments*. The Balance. Retrieved from <https://www.thebalance.com/ronald-reagan-economic-policies-and-accomplishments-3305682>
- Bureau of Labor Statistics (BLS). (n.d.). *Civilian Unemployment Rate*. Retrieved March 20, 2023, from <https://www.bls.gov/charts/employment-situation/civilian-unemployment-rate.htm>
- Bureau of Labor Statistics. (2022). *Unemployment rate*. Retrieved from <https://data.bls.gov/timeseries/LNS14000000>
- Chait, J. (2015, October 5). Obama’s Regulatory State versus Reagan’s Deregulatory State. *New York Magazine*. Retrieved from <https://nymag.com/intelligencer/2015/10/obamas-regulatory-state-versus-reagans.html>
- Collins, S. R., Gunja, M. Z., Doty, M.M. & Beutel, S. (2017). *How the Affordable Care Act has improved Americans' health*. *The Commonwealth Fund*. Retrieved from <https://www.commonwealthfund.org/publications/issue-briefs/2017/feb/how-affordable-care-act-has-improved-americans-ability-buy>
- Congressional Budget Office (CBO). (2011). *Trends in the distribution of household income between 1979 and 2007*. Retrieved from <https://www.cbo.gov/publication/42729>

Lavinii Costinel Lăpădat

- Congressional Research Service. (2019). *The Federal Reserve's balance sheet: A primer and projections*. Retrieved from <https://fas.org/sgp/crs/misc/R45167.pdf>
- Department of Health and Human Services. (2016). *Affordable Care Act has led to historic, widespread increase in health insurance coverage*. Retrieved from <https://aspe.hhs.gov/reports/affordable-care-act-has-led-historic-widespread-increase-health-insurance-coverage>
- Federal Reserve Bank of St. Louis. (2022). *Effective federal funds rate*. Retrieved from <https://fred.stlouisfed.org/series/FEDFUNDS>
- Goodman, J. (2014). How Obamacare stifles innovation. *Forbes*. Retrieved from <https://www.forbes.com/sites/johngoodman/2014/07/23/how-obamacare-stifles-innovation/?sh=204f24a5799e>
- Hatch, O. (2015). *Obamacare stifles innovation in healthcare*. Retrieved from <https://www.foxnews.com/opinion/obamacare-stifles-innovation-in-health-care>
- Kaiser Family Foundation. (2022). *Explaining health care reform: Questions about health insurance subsidies*. Retrieved from <https://www.kff.org/health-reform/issue-brief/explaining-health-care-reform-questions-about-health-insurance-subsidies/>
- Klein, E. (2017). Trickle-down economics is a nightmare – it's time to wake up. *The Guardian*. Retrieved from <https://www.theguardian.com>
- Krugman, P. (2009). *The Return of Depression Economics and the Crisis of 2008*. New York: W.W. Norton & Company.
- Laffer, A. B. (2004). The Laffer curve: Past, present, and future. *The Heritage Foundation*. Retrieved from <https://www.heritage.org/taxes/report/the-laffer-curve-past-present-and-future>
- Lăpădat, M.M. (2022). The Influence of Media in Constructing and Deconstructing Political Imagery. *Revista de Științe Politice. Revue des Sciences Politiques*, Editura Universitaria, Craiova, No. 76, pp. 9 – 17.
- Obama, B. (2013, December 4). Remarks by the President on Economic Mobility. *The White House*. Retrieved from <https://obamawhitehouse.archives.gov/the-press-office/2013/12/04/remarks-president-economic-mobility>
- Obama, B. (2016, June 6). Remarks by the President on the Affordable Care Act. *The White House*. Retrieved from <https://obamawhitehouse.archives.gov/the-press-office/2016/10/20/remarks-president-affordable-care-act>
- Păunescu, A.F., Chirișescu, I.M. (2019). Diplomacy and Motivation in the Political Discourse. *Revista de Științe Politice. Revue des Sciences Politiques*, Editura Universitaria, Craiova, No. 62, pp. 12 – 21.
- Reagan, R. (1981a, January 20). Inaugural Address. The American Presidency Project. University of California, Santa Barbara. Retrieved from: <https://www.presidency.ucsb.edu/documents/inaugural-address-34>
- Reagan, R. (1981b). Remarks at the National Conference of the Building and Construction Trades Department, AFL-CIO. *The American Presidency Project*. Retrieved from <https://www.presidency.ucsb.edu/documents/remarks-the-national-conference-the-building-and-construction-trades-department-afl-cio>
- Reagan, R. (1982). Remarks on economic recovery. *The American Presidency Project*. Retrieved from <https://www.presidency.ucsb.edu/documents/remarks-economic-recovery>
- S. Glied, S. Ma, and A. Borja. (2017). Effect of the Affordable Care Act on Health Care Access. *The Commonwealth Fund*, May 2017. <https://doi.org/10.26099/0e35-gh36>
- Stiglitz, J. E. (2017). *The Euro: How a Common Currency Threatens the Future of Europe*. New York: W. W. Norton & Company.
- The White House. (n.d.). *The American Recovery and Reinvestment Act of 2009*. Retrieved from

Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act

<https://obamawhitehouse.archives.gov/administration/eop/sicp/initiatives/recovery-act>

U.S. Bureau of Labor Statistics. (2022). *Unemployment rate, all employees, total in United States*. Retrieved March 30, 2023, from <https://fred.stlouisfed.org/series/UNRATE>

Article Info

Received: March 28 2023

Accepted: April 02 2023

How to cite this article:

Lăpădat, L.C. (2023). *Reagan vs. Obama: From Trickle-Down Economics to the Affordable Care Act*. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 9 – 19.



ORIGINAL PAPER

Can the Tax Gap be a Useful Tool in Terms of Tax Performance?

Narcis Eduard Mitu¹⁾

Abstract:

The tax gap can be defined as the difference between the effective taxes collected and those which would be collected under full compliance. By estimating the tax gap, it is possible to obtain relevant information about the degree of compliance and its components for a specific tax or for the tax system as a whole, including its evolution over time. This information can be essential for tax administrations when deciding how to allocate their resources to improve tax compliance. Consequently, it can be a useful tool for measuring fiscal performance, as it can provide insight into the effectiveness of a government's tax collection efforts. The fiscal impacts of compliance or non-compliance are of critical interest, not just to tax administrations, but also to other stakeholders, and a growing number of countries now regularly produce and publish estimated revenue losses due to non-compliance. A good tax gap analysis enables the detection of changes in taxpayer behaviour by consistent estimates over time.

Keywords: *fiscal space, tax space, tax capacity, revenue potential, tax performance, tax gap.*

JEL Classifications: H21, H26, H27, K34

¹⁾ Associate Professor, PhD, University of Craiova, Faculty of Economics and Business Administration, Public Finances specialization, Romania, Phone: 0040251411317, Email: narcis.mitu@edu.ucv.ro, ORCID ID: <https://orcid.org/0000-0003-0265-7658>

Can the Tax Gap be a Useful Tool in Terms of Tax Performance?

Introduction

Certain studies indicate that a correlation can be identified between a country's ability to collect taxes and its level of development (von Haldenwang & Ivanyna, 2012; Fenochietto & Pessino, 2013). The capacity to collect taxes, duties and contributions is essential to a country's ability to finance essential public services such as health and education, critical infrastructure (electricity, roads, etc.) and other extremely important public goods. Given the increasingly high needs of citizens, a low level of tax collection can endanger sustainable, social, and economic development in all countries. Thus, ensuring an adequate level of income through fiscal levies to meet economic and social needs becomes the goal of any government.

Although the concept of "fiscal space" is constantly evolving and taking on different meanings that emphasize different aspects of the resource mobilization problem, a generic definition of this concept can be as follows:

Fiscal space is the financing that is available to government as a result of concrete policy actions for enhancing resource mobilization, and the reforms necessary to secure the enabling governance, institutional and economic environment for these policy actions to be effective, for a specified set of development objectives (Roy et al., 2007)

In this context, the optimal fiscal space can be seen as budgetary dimension found at disposal of a government that allows it to supply necessary resources in order to fulfil all proposed purposes, without endangering sustainability of its financial position or economy stability.

Components of fiscal space can include aspects as: system of determination and collection of taxes (fiscal asieta), fiscal reforms necessary to improve system effectiveness, management of public debt and others. As a conclusion, fiscal space can be influenced by a series of factors such as: level of possible but also actually collected governmental incomes; the dimension of public debt; inflation rate; economic stability and so on.

Capacity of governments to collect taxes, duties and contributions, tax space, represents an essential component of fiscal space. Fiscal space and tax space are two interdependent concepts, because one government, in order to generate economic stability and responsible and sustainable development, cannot spend, on long term, more than taxes, duties and contributions which it collects.

By using this approach, revenue potential or tax capacity of a country, represents the dimension of incomes (of fiscal nature) which it can generate.

When we talk about incomes generated by a country economy, must be done a distinction between income potential based on inherent (intrinsic) economic capacity of a country: "economic income potential" and the one based on which is provided by the legal framework of a country (fiscal code and related legislation): "legal income potential". Therefore, can be identified two sets of revenue potentials: one can be denominated "revenue potential (economic)," and the other "revenue potential (legal)." The difference between the revenue potential (legal) and the actual revenue collected is commonly understood as the "tax gap" (Khawaja & Iyer, 2014).

Tax gap: definitions, components and main uses

The Internal Revenue Service (IRS) - the federal tax agency in the United States, was a pioneer in estimating the tax gap, its importance constantly increasing from 1973 (the year of its emergence) to the present. (Durán-Cabré et al., 2019).

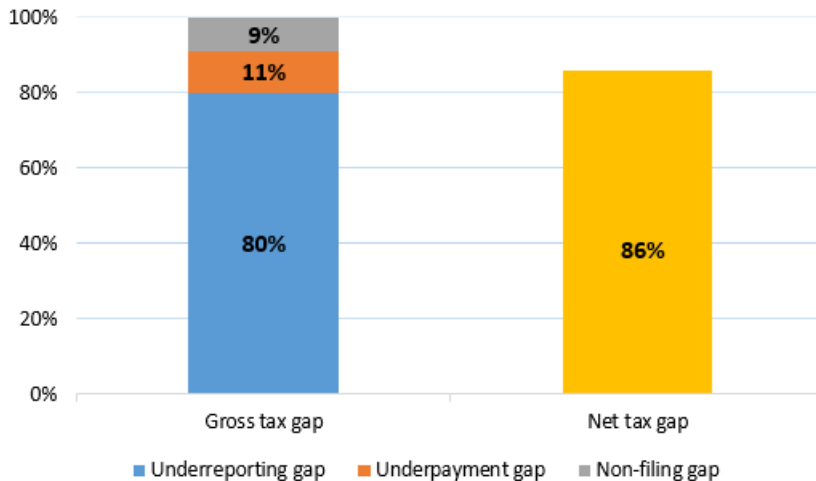
Broadly defined, the tax gap corresponds to the difference between the taxes legally due and the taxes actually collected. By tax gap estimation, can be obtained relevant information about voluntary compliance, the degree of non-compliance of fiscal obligations from perspective of fiscal system overall, or for a certain tax, including about their evolution in time. This information can become essential for governors when they decide which will be future fiscal politics capable to improve tax compliance and tax performance (Shaw et al., 2010).

In order to determine the degree of tax performance (or, more precisely, of lack of performance – the bigger is tax gap the more non-compliant is fiscal system that generates it), is also useful the tax gap differentiation in: gross tax gap and net tax gap.

The gross tax gap represents the difference between true tax liability for a given tax year and the amount that is effective paid on the legal due dates. In turn, it comprises in its composition the non-filing gap, the underreporting gap, and the underpayment gap (Alm & Borders, 2014). The percentage size of the tax gap components, in the USA, can be visualized in figure no. 1.

The net tax gap is the part of the gross tax gap that will never be recovered through enforcement or other late payments, and is calculated by adding back revenue generated by enforcement activities and other forms of late payment. (Johnson & Rose, 2019).

Figure 1. Components of the Tax Gap by Type of Non-Compliance in USA (%)



Source: Authors' processed, based on Internal Revenue Service (IRS) (2019)

Therefore, there are three sources of the tax gap: underreporting, underpayment, and non-filing. Underreporting covers non-payment due to understatement of income on timely-filed returns. Underpayment is making a payment below the legally owed tax on properly reported income on filed returns, and non-filing covers tax not paid on time when taxpayers do not file returns.

Determination and knowing the dimension of tax gap, and also the extent and development of phenomena which generates it is extremely relevant. As a consequence, according to Durán-Cabré et al. (2019), the estimation strategy of it must fulfil at least three conditions in order to guarantee rigor and transparency.

Can the Tax Gap be a Useful Tool in Terms of Tax Performance?

First of all, the results must contain representative time intervals for public decision-makers. Second of all, methodology to determine tax gap dimension must be relatively stable in time, and third, data used for estimation must be available, for governors but also for citizens, periodically, at reasonable time intervals. Periodical estimation of this indicator can serve also as an effective method to consolidate governors' responsibility towards citizens, because they offer relevant public information about fiscal administrations' performance (Heald, 2003). In this way, the obtained information can become also an useful instrument of public management and social development (Olimid & Georgescu, 2017), providing a conclusive picture of degree of performance of fiscal politics and tax administration, allowing the contributors to adjust perceptions more close to what happens in reality (Kornhauser, 2005).

Decrease of tax gap is a good method to increase level of public budget incomes in comparison with alternative ways to raise the incomes, even though, many of tax gap reduction ways come with their own costs as higher compliance burdens for taxpayers (costs for enforcement, costs for supplementary information, costs for computerization of fiscal system and so on).

Information obtained after tax gap quantification can be used to measure inequality that comes from non-application in a unitary and equitable way of fiscal legislation (Murphy, 2019). Even though this issue is rarely mentioned in public speech of governors, is of great importance.

The law must be applied equally to all. There must be confidence that the law is applied equally to all sectors of society. Inequality in public administration gives rise to unequal treatment and hence unfairness. Governments and tax professionals must create a tax system that is fair, clear and applied equally to all taxpayers. Tax fairness and equal treatment principle should look to limit the legislation, rules and behaviour that favour one segment of the taxpaying population over another (Mitu, 2016; Mitu & Stanciu, 2018).

It's also important to consider the principles of tax equity. Tax equity is a measure of the fairness of the tax system based on an individual's ability to pay. Equity in terms of contributory capacity is generally considered in two senses: vertical and horizontal. The "horizontal" concept is that those who are in a similar situation, in terms of contributory capacity, should pay the same amount of tax. The "vertical" concept means that people who are at different levels in terms of contributory capacity, must be taxed differently.

Ultimately, equality and equity, means that fiscal legislation should be applied unitary, to have as few exceptions as possible, and that all taxpayers (natural and/or legal persons) should be obliged to pay what they owe. On the contrary, there is a real social issue, that in the mind of taxpayers is translated as: the ones that are paying for their taxes are dumber than the ones that are not doing it. Once this presumption is anchored in the collective mind, can generate resentments which lead to an increase in the degree of voluntary non-compliance and sharp drop of tax performance. The honest business is sub mined by the dishonest business. This means that the honest business has more chances to fail. As a result, the economic growth, financial stability, investments in business and employment perspectives will be negatively affected. The cost of tax inequality is big, especially if this becomes endemic.

If the fiscal system is abused on large scale, the entire economic politics of a state can become inefficient. Few states can afford now to be in this position and, as a

consequence, efficient measurement of tax gap is a key instrument to evaluate fiscal and tax performance.

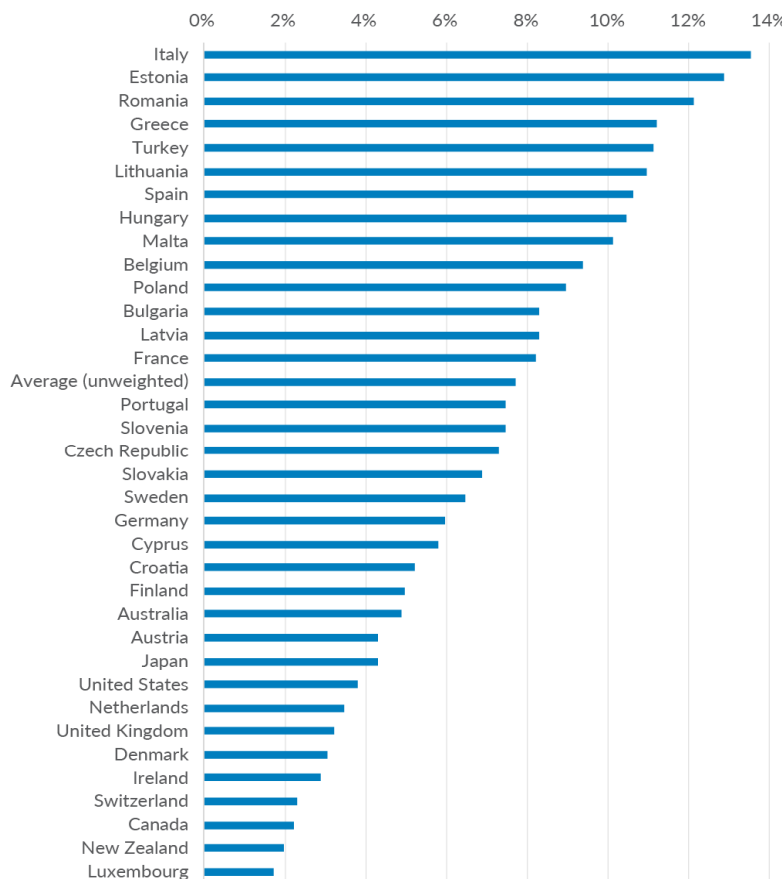
Measuring the tax gap

Literature dedicated to tax gap measurement, depending on the data used and degree of calculation detailing, identifies two major approach lines (Gemmell & Hasselidne, 2014; Raczkowski, 2015).

Macro approach (or top-down approach) uses aggregated data, with two alternatives: tax gap can be estimated by taking over of data about shadow economy and application of an average tax rate (Giles, 1997; Schneider & Buehn, 2008); or by using macroeconomic indicators, such as national consumption of GDP (Finardi & Vančurová, 2014). The main disadvantage of these methods is the fact that are not capable to make difference between each type of tax, they only measures the total tax gap (for all types of taxes). The evident advantage is given by the simplicity of their application (Dare et al., 2019), because use simple data, that are not difficult to collect.

Such an approach was used by Raczkowski și Mróz (2018) to estimate the level of tax gap for 35 countries (Figure 2):

Figure 2. The level of the tax gap (as %GDP) in 35 countries in 2015



Source: Raczkowski & Mróz (2018)

Can the Tax Gap be a Useful Tool in Terms of Tax Performance?

Micro approach (or bottom-up approach) uses microeconomic data based on taxpayers' statements corroborated with results of inspections and controls performed by tax administration, being estimated an approximate tax base for each taxpayer according to owed tax type. For example, Mazur & Plumley (2007) mention the possibility to use methods based on audit, meaning a calculation based on data obtained during fiscal controls. Among disadvantages of this approach are delayed results in time, because these are based on data which are collected *ex ante*; alteration of overall quality of control activities and fiscal inspection (Toder, 2007) due to corruption, deficient training of fiscal inspectors or very sophisticated methods used of eluding tax obligations. Another microeconomic partial approach, considered to be more precisely, is tax gap extrapolation by using data obtained in other ways than from fiscal controls and inspections. (Toro et al., 2013; Ghezzi et al., 2013). This kind of data are collected in separated investigations which covers the income field, including information related to applying individual fiscal credits/fiscal bonuses or tax-free parties of tax basis. Micro approach represents the advantage that provides information detailed on different fiscal incomes categories, allowing performance of a redistributive analysis of tax gap, which is particularly relevant when you want an *ad personam* tax gap estimation.

Conclusions

Tax gaps exist, firstly, because of tax evasion. Tax gap determination represents, many times, performing of some estimations and finding the "invisible proof" (Slemrod și Weber, 2012). Even though, tax gap cannot be totally assigned to tax evasion, because this presumes deliberated non-compliance of legal framework. Still, non-compliance can have also benign causes. Results of non-compliance by the taxpayers, without intention, of fiscal legislation can be found included in tax gap, but these are not considered to be tax evasion (Olson, 2021).

Not distinguishing between causes of non-compliance can have as a result disproportioned actions of tax bodies, of which effect can transform honest taxpayers into intentionally tax evaders. This type of tax vision failure can lead to strong erosion of taxpayers trust, which is never a good thing for a fiscal system and about which researchers showed that is vital to perform and raise voluntary tax conformity (feature of a performant fiscal system) (Mitu, 2018).

Even though there is a unanimous recognition of advantages in precise determination of tax gap and important role which it has in substantiating of some performant fiscal politics, is surprisingly how little attention is given from many national governments in determination of this indicator. Recent study of Murphy (2021), regarding number of governments that performs estimations of tax gaps, suggest, for example, that within European Union only one ex member, Great Britain, determines an annual estimation of tax gap. In approximate half of all EU member states are not performed at all local estimations for tax gap. In many of the other countries (Italy being the exception to the rule), the single tax gap considered to be a partial and particular one, because is addressed to one single tax- value added tax (VAT) – VAT gap. This punctual approach can be given by European Commission concern, which analyses this issue and publishes an annual report regarding VAT (European Commission, Directorate-General for Taxation and Customs Union, Poniatowski et al., 2022).

References:

- Alm J. and Borders K. (2014), Estimating the “Tax Gap” at the State Level: The Case of Georgia’s Personal Income Tax. *Public Budgeting & Finance*, 34(4), 61-79. <https://doi.org/10.1111/pbaf.12050>
- Dare, C., du Plessis, S. and Jansen, A. (2019), Tax revenue mobilisation: Estimates of South Africa’s personal income tax gap. *South African Journal of Economic and Management Sciences*, 22(1), 1-8. <http://dx.doi.org/10.4102/sajems.v22i1.2817>
- Durán-Cabré, J.M., Esteller Moré, A., Mas-Montserrat, M. and Salvadori, L. (2019), The tax gap as a public management instrument: application to wealth taxes, *Applied Economic Analysis*, 27(81), 207-225. <https://doi.org/10.1108/AEA-09-2019-0028>
- European Commission, Directorate-General for Taxation and Customs Union, Poniatowski, G., Bonch-Osmolovskiy, M., Śmietanka, A. (2022). *VAT gap in the EU: report 2022*, Publications Office of the European Union. <https://data.europa.eu/doi/10.2778/109823>
- Fenochietto, R. and Pessino, C. (2013), Understanding Countries’ Tax Effort. *IMF Working Paper*, WP/13/244. <https://doi.org/10.5089/9781484301272.001>
- Finardi, S. and Vančurová, A. (2014). Estimation of a Tax Gap in the Personal Income Tax by Means of National Accounts. *European Financial and Accounting Journal*, 9(2), 66–78. <https://doi.org/10.18267/j.efaj.120>
- Gemmell N. and Hasselidne J. (2014): Taxpayers’ Behavioural Responses and Measures of Tax Compliance ‘Gaps’: A Critique and a New Measure. *Fiscal Studies*, 35(3), 275-296. <https://doi.org/10.1111/j.1475-5890.2014.12031.x>
- Ghezzi, L., Ravagli, L., Rosignoli, S. and Sciclone, N. (2013), La stima del tax gap: una applicazione per la Toscana. *Politica Economica*, 29(1), 91-118. <https://doi.org/10.1429/75053>
- Giles, D. (1997), Testing for Asymmetry in the Measured and Underground Business Cycles in New Zealand. *The Economic Record, The Economic Society of Australia*, 73(222), 225–232. <https://doi.org/10.1111/j.1475-4932.1997.tb00995.x>
- Heald, D. (2003), Fiscal transparency: concepts, measurement and UK practice, *Public Administration*, 81(4), 723-759. <https://doi.org/10.1111/j.0033-3298.2003.00369.x>
- Internal Revenue Service (IRS). (2019). *Federal Tax Compliance Research: Tax Gap Estimates for Tax Years 2014–2016*. Publication 1415. <https://www.irs.gov/statistics/irs-the-tax-gap>
- Johnson, B.W. and Rose, P.J. (2019). *Federal Tax Compliance Research: Tax Gap Estimates for Tax Years 2011-2013*, Internal Revenue Service, Publication 1415. <https://www.irs.gov/pub/irs-pdf/p1415.pdf>
- Khwaja M.S. and Iyer I. (2014), *Revenue Potential, Tax Space, and Tax Gap. A Comparative Analysis*. Policy Research Working Paper No. 6868. The World Bank. <https://doi.org/10.1596/1813-9450-6868>
- Kornhauser, M.E. (2005), Doing the full monty: will publicizing tax information increase compliance?, *Canadian Journal of Law and Jurisprudence*, 18(1), 95-117. https://taxprof.typepad.com/taxprof_blog/files/full_monty.pdf
- Mazur, M.J. and Plumley, A.H. (2007), Understanding the Tax Gap. *National Tax Journal*, 60(3), 569–576, <https://doi.org/10.17310/ntj.2007.3.14>
- Mitu, N. E. (2016). Taxpayer Behaviour: Typologies and Influence Factors, *Revista de Științe Politice. Revue des Sciences Politiques*, 49, 77-87. https://cis01.ucv.ro/revistadestiintepolitice/files/numarul49_2016/8.pdf
- Mitu, N. E. (2018). A Basic Necessity of a Modern Fiscal Policy: Voluntary Compliance, *Revista de Științe Politice. Revue des Sciences Politiques*, 57, 118-130. https://cis01.ucv.ro/revistadestiintepolitice/files/numarul57_2018/10.pdf

Can the Tax Gap be a Useful Tool in Terms of Tax Performance?

- Mitu, N.E. and Stanciu, C. (2018). *Tax Principles Between Theory, Practice and Social Responsibility*. In: Idowu, S., Sitnikov, C., Simion, D., Bocean, C. (eds) *Current Issues in Corporate Social Responsibility. CSR, Sustainability, Ethics & Governance*. Springer, Cham. https://doi.org/10.1007/978-3-319-70449-4_2
- Murphy, R., (2019), *The European Tax Gap*, Report for the Socialists & Democrats Group in the European Parliament, Tax Research UK. https://www.socialistsanddemocrats.eu/sites/default/files/2019-01/the_european_tax_gap_en_190123.pdf
- Murphy, R., (2021), *Reappraising the Tax Gap*, in Unger, B., Rossel, L. and Ferwerda, J. (eds), *Combating Fiscal Fraud and Empowering Regulators: Bringing tax money back into the COFFERS*, online edn, Oxford Academic. <https://doi.org/10.1093/oso/9780198854722.003.0004>
- Olimid, A.P. and Georgescu, C.M. (2017). Social Agenda and Civic Participation within the European Union Multilevel Governance: A Content Analysis of the EU Legal Documentation (2016). *Revista de Științe Politice. Revue des Sciences Politiques*, 55, 42-56. https://cis01.ucv.ro/revistadestiintepolitice/files/numarul55_2017/5.pdf
- Olson, N.E. (2021), *Testimony on Closing the Tax Gap: Lost Revenue from Noncompliance and the role of Offshore Tax Evasion*, Senate Finance Subcommittee on Taxation and IRS Oversight, 1-22. [https://www.finance.senate.gov/imo/media/doc/SFC%20Subcomm%20on%20Taxation%20and%20Oversight%20Tax%20Gap%20-%20Olson%20-%2005-11-21%20\(final\)\(rev\)1.pdf](https://www.finance.senate.gov/imo/media/doc/SFC%20Subcomm%20on%20Taxation%20and%20Oversight%20Tax%20Gap%20-%20Olson%20-%2005-11-21%20(final)(rev)1.pdf)
- Raczkowski, K., (2015). *Measuring the tax gap in the European economy*. *Journal of Economics and Management*, 21(3), 58–72. https://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-108405b3-cdb6-41cb-953f-ceab29c9bb40/c/04_36.pdf
- Raczkowski, K. and Mróz, B. (2018), *Tax gap in the global economy*, *Journal of Money Laundering Control*, 21(4), 567-583. <https://doi.org/10.1108/JMLC-12-2017-0072>
- Roy, R., Heuty, A. and Letouzé, E. (2007), *Fiscal Space for What? Analytical Issues from a Human Development Perspective*, Paper for the G-20 Workshop on Fiscal Policy – Istanbul, United Nations Development Programme. <https://www.undp.org/sites/g/files/zskgke326/files/publications/FiscalSpaceforWhat.pdf>
- Schneider, F. and Buehn, A. (2008). *MIMIC Models, Cointegration and Error Correction: An Application to the French Shadow Economy*. IZA Discussion Paper Series No. 3306. Institute for the Study of Labor. <https://ftp.iza.org/dp3306.pdf>
- Shaw, J., Slemrod, J. and Whiting, J. (2010), *Administration and compliance*, in *Tax by Design: The Mirrlees Review*, Edited by Institute for Fiscal Studies (IFS), Oxford University Press, New York, NY. https://ifs.org.uk/sites/default/files/output_url_files/ch12.pdf
- Slemrod, J. and Weber, C. (2012), *Evidence of the invisible: toward a credibility revolution in the empirical analysis of tax evasion and the informal economy*, *International Tax and Public Finance*, 19(1), 25-53. <https://doi.org/10.1007/s10797-011-9181-0>
- Toder, E. (2007), *What is the Tax Gap?* *Tax Notes*, 117(4), 367–378. <https://www.urban.org/sites/default/files/publication/46126/1001112-What-is-the-Tax-Gap-.PDF>
- Toro, J., Ogata, K., Hutton, E. and Caner, S. (2013), *Assessment of HMRC's Tax Gap Analysis*. Washington, D.C.: International Monetary Fund. <https://www.imf.org/external/pubs/ft/scr/2013/cr13314.pdf>

von Haldenwang, C. and Ivanyna, M. (2012), A Comparative View on the Tax Performance of Developing Countries: Regional Patterns, Non-Tax Revenue and Governance. *Economics*, 6(1), 2012-32. <https://doi.org/10.5018/economics-ejournal.ja.2012-32>

Article Info

Received: February 20 2023

Accepted: March 06 2023

How to cite this article:

Mitu, N. E. (2023). Can the Tax Gap be a Useful Tool in Terms of Tax Performance? *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 20 – 28.



ORIGINAL PAPER

Foreign Direct Investment and International Political and Legal Environment

Ileana Mihaela Chirițescu¹⁾, Floriana Anca Păunescu²⁾

Abstract:

In addition to understanding policy and law, both of the country of origin and the host country, the manager in charge of international business must also consider the political and legal environment as a whole. This is important because policies and events that occur between countries can have a profound impact on companies doing business internationally.

The global international political environment has both positive and negative effects on international affairs. For this reason, the competent manager will tend to keep informed on the global political trends and seek to anticipate changes in the international political environment so that the firm should not be taken by surprise. Some international agreements are in place to ease the burden of the rights of intellectual property in those countries where the company wants to conduct business or to be protected.

In many countries, a major political risk is represented by conflict and violent political changes. A manager will seek to think twice before running investment in a country where the probability of such a change is high. If a conflict breaks out, violence directed towards the property of firm and towards the employees is very likely.

To succeed in a business trade or investment, the manager in charge of international business needs more than sheer knowledge in business management. S/he has also to do with the maze of national policy and laws. Although rarely can the political system of another country be fully understood, a competent manager will be aware of its importance and will work with people to understand how to handle the system.

Keywords: *foreign direct investment, international political environment, international law, political and legal environment.*

¹⁾ Lecturer, Ph.D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 004 0251411552, Email: chiritescumihaela@yahoo.com. ORCID ID: 0000-0002-2272-7580.

²⁾ Associate Professor, Ph.D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 004 0251411552, Email: anca.paunescu18@gmail.com. ORCID ID: 0000-0002-9646-7718.

The international political environment and international law

The effect of politics on international business is determined both by bilateral political relations between the country of origin and the host country, as well as multilateral agreements governing relations between groups of countries. Intergovernmental relations have a profound influence in numerous situations, especially if they become hostile. Among the many examples in the last decades of the twentieth century the relations between international politics and international affairs, perhaps the most notable is the relationship between the US and Iran after the Iranian revolution of 1979. Although internal changes on the political and legal levels subsequent to the revolution would certainly affect anyone doing international business with Iran, the deterioration of political relations between the US and Iran after the revolution had a significant impact on American companies. After the revolution, US companies have been harmed not only by the physical damage caused by violence, but also by the anti-American feelings of the Iranian people and the government. The resulting clash between the two governments subsequently destroyed business relationships, regardless of the feelings about corporations or agreements of each party.

International political relations have not always harmful effects. If bilateral political relations between countries improve, business stands to win. An example is the improvement of relations between the United States and Central and Eastern Europe, which followed after the official end of the Cold War. The political "heating" politically opened up potentially profitable commercial markets for the American businesses in the former Eastern bloc. For example, IBM Corporation can now operate on the Eastern Europe computer market, especially PCs.

Another positive example is the following: "Iran is one of the largest economies in the Middle East. Business opportunities in oil, gas, retail, manufacturing, industrial, medical, shipping and many other sectors are vast. One of the sectors with a spectacular evolution is that of production. Over the years, the effort of Iranian companies has been focused on the growth and development of Iranian industry. The bilateral economic and commercial relationship between Iran and Romania has always been positive. In 2021, the total trade volume between the two countries reached 483 million US dollars, five times more than in 2021. There are still many potential areas that could contribute to increased economic cooperation between the two nations, and we are hopeful that by increasing the mobility of the private sector in both Iran and Romania, we will see stronger bilateral trade relations in 2022, the year the two countries are celebrating 120 years of diplomatic relations". (Camera de Comerț și Industrie Brașov, 2022)

The global international political environment has both positive and negative effects on international affairs. For this reason, the competent manager will tend to keep informed on the global political trends and seek to anticipate changes in the international political environment so that the firm should not be taken by surprise.

In terms of international law, it plays an important role in managing the investment process. Although there is no way to compel via international laws, *certain treaties and agreements are abided by a number of countries and have a profound influence on international business operations*. For example, the General Agreement on Tariffs and Trade (GATT) and the WTO define international business practices acceptable to Member States. Although not dealing directly with companies, they affect them indirectly by providing a certain predictability in the international environment.

International law also plays an important role in protecting intellectual property rights. These involve rights to inventions, patents, trademarks and industrial design and

Foreign Direct Investment and International Political and Legal Environment

copyright literature, as well as royalties for music, artistic, photographic and cinematographic work: “Copyright ensures that authors, composers, artists, filmmakers and others receive payment and protection for their works. Digital technologies have profoundly changed the way creative content is produced, distributed and accessed. EU copyright legislation is a set of eleven directives and two regulations which harmonise the essential rights of authors and of performers, producers and broadcasters. By setting some EU standards, national discrepancies are reduced, a level of protection required to foster creativity and investment in creativity is ensured, cultural diversity is promoted and access for consumers and business to digital content and services across the single market is facilitated”. (European Parliament, 2009)

Some international agreements are in place to ease the burden of the rights of intellectual property in those countries where the company wants to conduct business or to be protected. The Paris Convention for the Protection of Industrial Property, to which Romania and other 95 other countries are parties, establishes minimum standards of protection and provide national treatment and the right to property. This means that members will not discriminate against foreigners and that companies have a year (6 months for design or trade mark) available in which to submit an application.

According Bărbuceanu “two environments that people perform in - the educational and social environment, display problems that are qualitatively antithetical: the educational environment confronts us with problem solving situations as a matter of priority, well defined difficulties, problems for which, as a rule, there is only one accurate response”. (Bărbuceanu, 2022:183)

The Patent Cooperation Treaty (PCT) provides procedures for submitting an international application in countries where the patent is on demand, having the same effect as the submission of an application in each of these countries. Similarly, the European Patent Office examines national patent applications and issue national patents in any member state. Other regional offices: African Industrial Property Office (ARIPO), the French-speaking African Intellectual Property Organization (ORPI) and one in Saudi Arabia covering six countries in the Gulf.

Much more must be done to protect intellectual property. Because there are so many disparate regulations worldwide, intellectual property issues were an important part of the Uruguay and Doha negotiations. Knowledge is often the most valuable and competitive advantage of a company, and violation of their rights may have significant financial repercussions.

Intellectual property is a right as strong as any other physical property. “Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databased, advertisements, maps and technical drawings”. (World Intellectual Property Organization, 2022)

In addition to multilateral agreements, companies are also affected by bilateral treaties and agreements between countries doing business. For example, the United States signed Bilateral Cooperation, Commerce and Navigation (FCN) agreements with many countries. These agreements generally define the rights of American companies to do business in the host country. They normally ensure that US firms in the host country will be treated in the same way domestic firms are treated. While these treaties maintain some kind of stability, they can also be revoked, as demonstrated by the US withdrawal of the NGF understanding with Nicaragua.

The international legal environment also affects the manager to the extent to which firms should be concerned with legal disputes. Because there is no single body of international law, usually both companies are limited by the laws of the host country and the country of origin. If a conflict arises between the Contracting Parties in two different countries, which country's laws should be used and where the court will be located become an issue: "Considering what was previously presented regarding the structure of the EU and its legal order, the place that Union law occupies in the entire legal order is not easy to establish, and the borders between it and other legal systems are difficult to delimit. Two possible approaches to classification must be rejected from the outset: Union law should not be conceived as a simple collection of international agreements and should not be seen as part of or an annex to national legal systems". (European Union, 2022)

More often than not, the contract provides a clause that legally resolves the matter without further complications. If the contract does not provide such a clause, however, the conflicting parties have several solutions. They may settle the dispute in accordance with the laws of the country where agreement was made or having regard to the laws of the country where the contract will be performed. What laws should be used where the dispute will be settled are two different matters. As a result, a dispute between an American exporter and a French importer could be settled in Paris, but based on the law of the State of New York. The importance of such clauses was brought to the fore by the time-consuming legal dispute related to the incident of Bhopal in India.

In case of disagreement, the parties may choose either arbitration or appeal. The appeal is usually avoided for several reasons. It often involves delays and it is very expensive. Furthermore, companies are afraid of discrimination in foreign countries. Therefore, companies tend to prefer conciliation and arbitration, as these processes end more quickly. Arbitration procedures are often stipulated in the original contract and normally provide an intermediary deemed to be impartial by both parties. As a rule, intermediaries will be representatives of chambers of commerce, trade associations or institutions in a third country.

The political and legal environment of the host country

Politics and the host country laws affect foreign direct investment in a myriad of ways. A good manager will understand the country in which the company operates so that s/he or the company will operate normally and s/he will anticipate and plan for the changes that may occur.

Political action and risk

Usually, companies prefer to run and to conduct business in a country that has a stable and friendly government, but such governments are not always easy to find. Managers therefore need to continuously monitor the government, its policies and its stability to determine the potential political changes which could adversely affect direct investment.

Since ancient times, there were statesmen who monitored the happenings in certain states to know whether it was worth investing there or not. Șendrescu says that one of those people was Lucian Blaga: "Lucian Blaga's professional duty was to identify articles and other press information concerning Romania and to report on them. Considering that, during the longest period of the press adviser's activity, the position of Minister was fulfilled by Titulescu, most of the stories were related to his actions in international politics". (Șendrescu, 2022:216)

Foreign Direct Investment and International Political and Legal Environment

In host countries benefitting from FDIs, there is a political risk but the degree of risk varies widely from country to country. In general, the political risk is lower in countries with a history of stability and consistency. Political risk tends to be highest in countries without such a history. In a number of countries, the consistency and stability are evident on the surface are quickly removed due to major unrest caused by the frustrations of the population.

We may encounter three major types of political risk: the risk of tenure, related to property and life, *the risk of action* which refers to the interference in a firm's current operations and the risk of transfer, mainly encountered when attempts are made to transfer funds between countries.

According Kennedy, political risk can be defined “as the risk of a strategic, financial, or personnel loss for a firm because of such nonmarket factors as macroeconomic and social policies (fiscal, monetary, trade, investment, industrial, income, labour, and developmental), or events related to political instability (terrorism, riots, coups, civil war, and insurrection)”. (Kennedy, 1988:27)

In many countries, a major political risk is represented by conflict and violent political changes. A manager will seek to think twice before running investment in a country where the probability of such a change is high. If a conflict breaks out, violence directed towards the property of firm and towards the employees is very likely. Guerrilla war, civil unrest and terrorism often become an anti-investment trend, making companies and employees potential targets. American corporations and other developed countries are often subject to major threats, even in countries that take pride in great political stability. For example, in the spring of 1991, Detlev Rohwedder, Chairman of the German Treuhand (the management authority for the privatization of state companies in the former East Germany) was murdered by the Red Army faction because he was a representative of capitalism.

According Lăpădat “From a linguistic point of view, the extremely innovative use of the term instrument to refer to peace or the potential for war, while sounding the alarm that the current trajectory of humanity serves as a dire warning to the planet that a new conflagration could be the end of us as a species if swift and decisive measures are not implemented”. (Lăpădat&Lăpădat, 2022:13)

International terrorists frequently targeted plants, organizations and personnel abroad in order to enter the fight against industrialized countries led by the United States and capitalism. US firms are leading symbols of the US presence abroad and, by their nature, may have developed security and limited access of diplomatic and military bases. The methods used by terrorists against facilities include bombing, fire, aircraft hijacking and sabotage. To obtain funds, terrorists resort to kidnappings of directors, armed robbery and use of force.

In many countries, especially in developing ones, coups can lead to dramatic changes of government. The new government will often attack foreign firms as being reminiscent of the colonial past dominated by Western countries, as happened in Cuba, Nicaragua, Iran and many other countries. Even if such a change is not an immediate physical threat, they can lead to political changes that can impact heavily. In the last four decades of the last century there were coups in Ghana, Ethiopia, Iraq, Kuwait, Argentina, Chile and Bolivia, for example, that delayed serious business in foreign investment.

According Stoian “Education should focus on creating global citizens who can work with and develop technology”. (Stoian, 2019:129)

Less dramatic but still disturbing changes in government policies are not caused by the change of government itself. This occurs when, for one reason or another, a government feels under pressure to change their policy towards international investment or other ongoing business. The pressure may be the result of nationalist or religious factions spreading out anti-Western feelings. In any case, an informed manager will act and try to anticipate such changes to meet them.

A wide range of changes in trade policy is possible as a result of political concerns. All changes may affect the company's international operations; but not all have the same weight. Except extreme cases, companies usually do not have to fear violence against employees, although violence against property is very common. Also common are policy changes resulting from a new government or a new position that is nationalistic and opposed to foreign investment. The most dramatic steps such public resulting from policy changes oftentimes lead to expropriation and confiscation.

According Ionescu “But, at the national level, each new conflict generates both victims and significant material damage. Every terrorist attack does not provoke only panic and significant destruction in the very short and short term, but changes the entire economic dynamics of a state. Each terrorist attack generates a decrease in labor productivity, an exacerbated increase in national security costs, and a decrease in foreign investor confidence”. (Ionescu, 2017:27a)

Expropriation is the transfer of property by the host government to an internal entity. According to the World Bank between the 60s - 70s, a total of 1,535 companies from 22 different countries were expropriated through 511 separate actions. Expropriation is a thrilling action for many countries because it demonstrated the role of nationalism and immediately transferred a certain amount of wealth and resources from foreign companies to the host country. It also cost the host country, however, in that it made the other firms more reluctant to invest in the country in which the phenomenon had taken place. Expropriation does not relieve the host government to provide compensation to former owners. However, these compensation negotiations are often deferred and are an unsatisfactory result for the owners. For example, governments can provide compensation in the form of untransferable local currency or make compensation to the value of the company's registration. Even if companies that are expropriated may deeply regret the low payment levels, they frequently accept them in the absence of better alternatives.

The use of expropriation as a political instrument has decreased over time. In the mid-70s, more than 83 seizures occurred in one year. By the 80s, the annual average dropped to less than 3. Clearly, governments have begun to recognize that the damage resulting from expropriation outweighs the benefits.

Confiscation is similar to expropriation by the fact that it results in a transfer of ownership of the company in the host country. It differs in that the firm does not receive compensation. Some direct investment is more vulnerable than other to confiscation and expropriation due to their importance for the economy of the host country and the lack of speed in transfer activities. For this reason, sectors such as mining, energy, utilities and banks were frequent targets of such government action.

Confiscation and expropriation represent a major political risk for foreign investors. Other government actions are detrimental to foreign firms. Many countries have turned confiscation and expropriation in more subtle forms of control, such as internalization. The purpose of internalization is the same - to gain control over foreign investment - but the method is different. By internalizing the government requires

Foreign Direct Investment and International Political and Legal Environment

transfer of ownership and management responsibility. It may impose local content regulations to ensure that a large part of the products are made locally and requires a great deal of profit to be retained in the country. Changes in labour laws protecting patents and tax regulations are also used for the purpose of internalization.

According to Ionescu "The sectors most affected by terrorism in developing countries are exports, tourism and investment. The incidence of terrorist attacks in a state can result in a drop of up to 4-5% of GDP over the next year and can significantly increase insurance costs". (Ionescu, 2017:29b)

Internalization can have profound effects on direct investment and on international business for several reasons. If a company is forced to hire national as managers, it may result in poor communication and cooperation. If internalization is required in a short time, corporate actions abroad will be led by local managers lacking experience and training. Domestic content requirements can force a company to buy local stocks. This may result in increased costs, inefficiency and low quality products. Export requirements imposed on companies can cause disasters in worldwide distribution plans and force them to change or even cease activities with third countries. If government actions consist of weakening or non-coercion of the protection of "intellectual property rights", companies risk losing their competitive nature. Such steps may temporarily allow domestic firms to become imitators fast.

However, in the long run, not only the transfer of technology and science by multinationals will be discouraged, but also the stimulation of local firms to invest in innovation and progress. Finally, internalization will usually keep a country industry away from foreign competition. As a result of inefficiency, they will not be allowed to flourish due to lack of discipline on the market. This will affect international competitiveness and become a major problem when, years later, internalization will be put an end to by the government.

Foreign investment takes place abroad and is facing a large number of other risks that are less dangerous, but probably more common than the above ones. The political situation of local governments, goals can lead to impose regulations or laws to limit or control the international activities of firms.

Countries facing a crisis of foreign currency will sometimes require control concerning the transfer of capital into and out of the country. Such control may hinder the actions of a companies wanting to transfer their profits or investment in the receiving country. In some cases, trade controls are also imposed selectively to certain products or companies in an effort to reduce the imports of goods which are considered to be a luxury or sufficiently available through domestic production. Such regulations are often difficult for the manager operating in the country receiving the investment because they can affect the import of parts or stocks that are vital production activities in the country. Frequently, limitations of such imports can force a company to alter the production plan or, worse, even close down the entire plant.

Prolonged negotiations with government officials may be required to reach a compromise on what constitutes 'justified' expenditure of foreign currency resources. Because the goals of government officials and managers are often completely different, such compromises, even when they are reached, may result in damage to the company's international activities in the receiving country.

"The EU manages trade relations with countries abroad in the form of trade agreements and arrangements. The agreements and arrangements based on mutual commitments by the EU and its trading partners and are designed to create better trading

opportunities and overcome related barriers. Trading under an agreement comes with tangible benefits for businesses such as lower tariffs, improved market access, and less red tape.” (European Commission, 2022)

Governments of some countries can also raise the tax on foreign investors in an effort to control the multinational corporations and their capital. Such tax increases could raise more than enough the income of the receiving country, but they can be detrimental to the activities of foreign investors. This loss, however, will often result in decreasing the long-term revenue of the host country. Increasing the tax rate should be differentiated according to the tax imposed to foreign investors. Many governments believe that multinational companies may be tempted to move their tax burden to countries with lower tax using artificial price schemes between subsidiaries. In such cases, it is likely that governments take steps to obtain the correct contribution of multinational operations. In the United States, for example, greater focus on taxing multinational companies required by former President Clinton, at the time, led to various tax payments by foreign firms and the development of pricing policies hand in hand with the Internal Revenue Service.

Managers of investing international companies should also fear price control. In many countries, internal political pressures may force governments to control prices of imported products or services, especially in areas considered highly sensitive from the political perspective, such as food or health care. A foreign firm involved in these areas is vulnerable to price controls because the government can play with nationalistic tendencies of citizens to force controls. Especially in countries where there is high inflation, frequent devaluation, increasing costs, the international business manager may be forced to choose between close work or continue production to compensate for loss of profits in the hope that the government will issue or remove price restrictions.

Price control can also be administered so that prices should not be too low. It is widely acknowledged that governments have anti-dumping laws that prevent foreign competitors from having an incorrectly low price of their imports in order to remove internal market competitors. Since the allegations of dumping heavily depend on the definition of "incorrect" price, a firm can sometimes be the target of such accusations unexpectedly. The proof that there was no dumping can become quite onerous in terms of time, money and information disclosure.

Managers face the risk of confiscation, expropriation, nationalization or other mixtures of risks whenever running a business abroad, but there are ways to minimize this risk. Obviously, if a new government comes to power and decides to remove all foreign influences, the company cannot do much. In less extreme cases, however, managers can take actions that will reduce risk, provided they understand the causes of the host country policies.

The hostile government actions are usually the result of nationalism, the desire for independence or opposition due to colonial remnants. If a host country citizens feel exploited by foreign investors, government officials are more likely to take anti-foreign action. To reduce the risk of government intervention, an international company must demonstrate that it is concerned with the host society and it considers itself as an integral part of the host country, rather than a simply exploiting foreign corporation. The ways in which this is done include intensive local employment, training, better pay, charitable contributions and useful investment including environmental ones. In addition, the company can form alliances with local partners to demonstrate that it wants to share its profit

Foreign Direct Investment and International Political and Legal Environment

with citizens. Although these actions will not guarantee the absence of political risk, they will certainly reduce exposure to this risk.

According to Scortan “positive and activating emotions promote the use of cognitive strategies that are more beneficial for learning. They promote both intrinsic and extrinsic motivation. They promote self-regulation of learning. They are linked to a greater effort provided as well as greater attentional resources allocated to the task”. (Scortan, 2022:148)

Another action that may be taken by corporations to protect themselves against political risk is closely monitoring political developments. Increasingly, more companies acting in the private sector provide such assistance for monitoring, allowing the corporation to discover the potential inconvenience as soon as possible and respond quickly to prevent major losses.

Equally, companies can take insurance premium to cover losses due to political risk. In the US, for example, Private Investment Corporation, Overseas (OPIC) provides such insurance premiums. The cost of hedging varies by country and type of activity.

Typically, insurance policies do not cover commercial risks in the event of a claim, they only cover actual losses - not lost profits. Although the establishment of a claim can be quite cumbersome and resource-intensive, the risk premium may be critical for the survival of the company.

Despite political risks, managers of international companies should not feel overwhelmed. Many research teams and publications - such as Economist Intelligence Unit and Global Risk Assessments Inc. US, for example - make great efforts to assess country risk.

There is always a risk in international business companies. Rather than react negatively, the manager must be aware of the existence of international risk and keep informed.

All of the above point out that the ongoing discussion has focused mainly on the political environment. Laws were considered and referred only because they are the direct result of political changes. However, the laws of host countries must be considered, to some extent, as the basic legislative framework for running international business companies.

Countries differ not only with respect to their laws but to the way they enforce them. For example, over the last decade, the United States became an increasingly litigious country, in which institutions and individuals refer to court in no time. The court battles are often delayed and costly and even the threat of a trial can reduce business opportunities. Interestingly, Japan has only about 12,500 licensed lawyers, compared to 650,000 in the United States.

Actually, the Japanese do not care if the number of lawyers is a cause or an effect. In Japan dispute means that the parties have not reached a compromise, which is contrary to the Japanese tradition and results in loss of prestige. So there is a cultural predisposition to settle disputes outside the justice system.

Throughout millennia of civilization different laws and legal systems emerged. King Hammurabi of Babylon encoded a series of court decisions in a body of laws.

According to Patrick J. Kiger “but how much practical importance Hammurabi’s code had in its time is unclear. As historians point out, it’s not a comprehensive collection of laws. While the code contains detailed regulations on matters ranging from doctors’ fees for setting broken bones to the cost of renting an ox for threshing grain, there also are conspicuous gaps, such as the absence of a basic law against murder.

Hammurabi's collection of laws also may have been as much about appearance as actual governance. He promulgated them near the end of his 43-year reign, at a time when he may have been thinking a lot about how he would be remembered by future generations".(Kiger, 2022)

The Hebrew law was the result of divine commandments. Legal issues in many African tribes were settled by tribal chiefs' verdicts.

While these legal systems are important to society, from the perspective of international business companies, the two major legal systems can be divided into common law and the code-based law. Common law is based on tradition, on customs rather than on written regulations and codes. Common law, native of England, is the legal system in the United States. The law based on codes, on the other hand, underpins a comprehensive set of written regulations. It is based on the Roman law and is encountered in most countries around the globe.

The influence of politics and laws

To succeed in a business trade or investment, the manager in charge of international business needs more than sheer knowledge in business management. S/he has also to do with the maze of national policy and laws. Although rarely can the political system of another country be fully understood, a competent manager will be aware of its importance and will work with people to understand how to handle the system.

Many aspects of policies and laws are not immutable. Views can be altered or even reversed and new laws can replace old ones. Therefore, the existing political and legal barriers need to be always accepted.

The manager in charge of international business has different options. One is simply to ignore the prevailing rules and expect to get rid of them. Following this option is a very risky strategy because there is a possibility of objection and accusation. The second traditional option is to start negotiations on trade and direct investment and to expect problems to be solved through multilateral negotiations. The shortcomings of this option are, of course, the processes that are time consuming and need for control of the company.

The third option involves developing alliances with clients who can motivate legislators and politicians to consider and, ultimately, to implement changes. This option can be achieved in different ways. The first one, the direct relations, costs and benefits can be explained to legislators and politicians. For example, a manager can explain the effects of certain laws on economy and employment, and can demonstrate the benefits of change. The spectrum can be expanded to include indirect relations. For example, suppliers, customers and dealers may be asked to assist in explaining the benefits of change to the decision makers. Next to this, the public can be involved through public statements and advertisements. The development of such alliances is not an easy task. Companies often seek assistance for effectively influencing the decision-making process by the government. Such assistance is useful especially when involving narrow economic objectives or campaigns with a single dispute. Typically, those lobbyists provide assistance. Typically, there are influential persons or companies that can provide access to politicians and legislators in order to communicate new and relevant data.

Conclusions

Foreign investments play an essential role in the development of a country both economically and socially. After the fall of communism, Romania experienced a process of development of investments, as well as relations with several countries in the world. There are many risks in terms of investment, and serious involvement in relations between countries is necessary, but no nation can live in isolation without connections to other states. The policies must be granted to each other, the agreements between countries must be respected, the laws of each country must be respected.

Authors' Contributions

The authors contributed equally to this work.

References:

- Camera de Comerț și Industrie Brașov, 2022, retrieved from <https://www.ccibv.ro/opportunitati-de-afaceri-iran/>.
- European Parliament, 2009, retrieved from <https://www.europarl.europa.eu/factsheets/en/sheet/36/proprietatea-intelectuala-industrial-a-si-comerciala>.
- Bărbuceanu, C.D. (2022). *Improving Academic Outcomes and Behaviours through SEL (Social and Emotional Learning)*, Revista de Științe Politice, Revue des Sciences Politiques, no. 75, Craiova: Universitaria Publishing House.
- World Intellectual Property Organization, 2022, retrieved from <https://www.wipo.int/about-ip/en/index.html>.
- European Union, 2022, retrieved from https://european-union.europa.eu/index_en.
- Șendrescu, R. (2022). *Lucian Blaga – diplomatic friendships*, Revista de Științe Politice, Revue des Sciences Politiques, no. 73, Craiova: Universitaria Publishing House.
- Kennedy, C. (1988). *Political Risk Management: A Portofolio Planning Model*, Business Horizons, vol. I.
- Lăpădat, L. Lăpădat, M.M. (2022). *Instruments of political and social transcendence in John F. Kennedy's inaugural address*, Revista de Științe Politice, Revue des Sciences Politiques, no. 74, Craiova: Universitaria Publishing House.
- Stoian, A.M. (2019). *Education, Social and Media Communication*, Revista de Științe Politice, Revue des Sciences Politiques, no. 62, Craiova: Universitaria Publishing House.
- Ionescu, I. (2017a). *Filosofia economică a resurgenței terorismului într-o economie globalizată*, Iași: Universitatea Alexandru Ioan Cuza, retrieved from <https://doctorat.feaa.uaic.ro/doctoranzi/pagini/IonescuIrina/Documents/Rezumat%20teza%20Ionescu%20Irina.pdf>.
- Ionescu, I. (2017b). *Filosofia economică a resurgenței terorismului într-o economie globalizată*, Iași, retrieved from <https://doctorat.feaa.uaic.ro/doctoranzi/pagini/IonescuIrina/Documents/Rezumat%20teza%20Ionescu%20Irina.pdf>.
- European Commission, 2022, retrieved from <https://trade.ec.europa.eu/access-to-markets/en/content/trade-agreements-0>.
- Scorțan, D. (2022). *Placing students' emotions at the heart of the learning process, a challenge for teachers*, Revista de Științe Politice, Revue des Sciences Politiques, no. 76, Craiova: Universitaria Publishing House.
- Kiger, J. Patrick, (2022). *How the code of Hammurabi influenced modern legal systems*, retrieved from <https://www.history.com/news/hammurabi-code-legal-system-influence>.

Article Info

Received: March 21 2023

Accepted: March 28 2023

How to cite this article:

Chirițescu, I. M., Păunescu, F. A. (2023). Foreign Direct Investment and International Political and Legal Environment. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 29 – 40.



ORIGINAL PAPER

Investigating volatility patterns for a cluster of developed stock markets including Austria, France, Germany and Spain by using GARCH models

Cristi Spulbar¹⁾, Ramona Birau²⁾, Jatin Trivedi³⁾,
Anca Ioana Iacob (Troto)⁴⁾, Ion Florescu⁵⁾, Rachana Baid⁶⁾

Abstract:

The main aim of this research article is to investigate the volatility patterns for a cluster of stock markets including Austria, France, Germany and Spain by using GARCH models. All the selected stock markets are developed markets from member states of the European Union. The selected financial databases covered the sample period from January 2007 to November 2022 so as to include certain extreme events such as the global financial crisis of 2007-2008 and the COVID-19 pandemic. Our empirical findings revealed the impact of negative shocks on sample stock markets and differentiate returns from the sample period.

Keywords: *volatility clustering, GARCH models, stylized facts, uncertainty, developed stock market, extreme events, volatility transmission patterns*

¹⁾ Professor Ph.D, Department of Finance, Banking and Economic Analysis, Faculty of Economics and Business Administration, University of Craiova, Craiova, Romania, Email: cristi_spulbar@yahoo.com.

²⁾ Lecturer Ph.D, Faculty of Economic Science, University Constantin Brancusi, Tg-Jiu, Romania, Email: ramona.f.birau@gmail.com.

³⁾ Associate Professor, Ph.D, National Institute of Securities Markets, India, contact.tjatin@gmail.com.

⁴⁾ PhD student, University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: anca_ioana_iacob@yahoo.com.

⁵⁾ PhD student, University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: ionut.florescu2021@yahoo.com.

⁶⁾ Professor Ph.D, National Institute of Securities Markets, India, Email: rbaidr@gmail.com.

1. Introduction

The accuracy of the selected model is very important in achieving significant and robust results. Dutillo et al. (2021) argued that volatility represents the predominant measure of risk. Sen and Subramaniam (2019) suggested that the most frequent stylized facts encountered in empirical studies on stock markets are the following “heavy tails, volatility clustering, slow decay of auto-correlation in absolute returns and leverage effect”. In addition, Black (1976) identified at the pioneering level the existence of leverage effect which implies that the volatility of stocks tends to increase when the prices of traded financial assets decrease. Engle (1982) developed the GARCH model, which was later expanded by Bollerslev (1986), Nelson (1991) and Glosten et al. (1993) considering the GJR-GARCH model. Moreover, Engle (2001) discussed about GARCH parameterization developed by Bollerslev (1986).

According to the latest report released by FTSE Russell on FTSE Equity Country Classification of Markets which was published in September 2022, there are the following essential categories of stock markets, such as: developed, advanced emerging, secondary emerging and frontier markets. Consequently, considering the criteria that are the basis of the previous classification the selected stock markets of Austria, France, Germany and Spain are all included in the category of developed markets.

2. Literature review

Spulbar et al. (2022) examined volatility patterns in the case of Japanese stock market based on GARCH models for long time interval from July 1998 to January 2022. Dutillo et al. (2021) suggested that volatility modeling provides certain attractive opportunities for financial investors such as identifying potential risks and investment benefits. Badarla et al. (2022) have conducted an empirical study for a cluster of stock markets including Switzerland, Austria, China and Hong Kong, using GARCH models during the period from January 2003 to September 2021.

Engle (2001) provided a complex framework on volatility by using ARCH and GARCH models in applied econometrics considering the implications of heteroskedasticity. Trivedi et al. (2022) argued that financial markets highlight the ability to recover from unexpected turbulence. Nogueira and Madaleno (2022) investigated volatility effects on certain sustainability index in the context of COVID-19 pandemic using Multivariate Generalized Auto-Regressive Conditional Heteroskedasticity (MGARCH) models for the sample period from 2000 to 2022.

Tilfani et al. (2020) investigated the behaviour of certain stock markets and concluded that there is a certain level of comovement between Germany and certain other member states of the European Union (most Eurozone) but the Brexit process affected this linkage. Trivedi et al. (2021) considered that volatility clustering generates two significant scenarios, respectively the potential for higher losses but also the potential for higher financial stock returns.

3. Research methodology and empirical analysis

We randomly selected certain financial databases samples of European stock markets in order to capture the changes in volatility clusters, changes in volatility pattern, and influence on volatility shocks during the global financial crisis of 2007-2008 and COVID-19 pandemic era on the daily sample of the developed stock markets from Austria, France, Germany and Spain. The data captures the daily closing adjusted prices

Investigating volatility patterns for a cluster of developed stock markets including Austria, France, Germany and Spain by using GARCH models

from January 2007 to November 2022. Sample stock market indices contain the following: ATX index, CAC40 index, DAX index and IBEX index for the selected stock markets of Austria, France, Germany and Spain. For comparative volatility estimation, we apply GARCH (1,1) model to sample financial series returns and asymmetric GARCH model, such as Exponential GARCH model by developed Nelson (1991).

In the EGARCH specification, conditional variance is an exponential function, which allows rejection of non-negative restrictions that were restricted in earlier GARCH specifications. EGARCH, unlike earlier GARCH specifications, allows rejection of non-negative restrictions by using an exponential function for conditional variance. In the EGARCH specification, conditional variance is an exponential function that allows rejection of non-negative restrictions, which were restricted in the earlier GARCH specification. Thus, shock in ε_{t-1} has the same effect regardless of whether $\varepsilon_{t-1} > 0$ or $\varepsilon_{t-1} < 0$. By ensuring that variance is always positive, Nelson's EGARCH (1991) model captures the asymmetric reactions of time-varying variances to volatility shocks.

We apply the GARCH (1,1) model provided by Bollerslev (1986) on selected financial time series returns for comparative volatility estimation.

The selected databases have been transformed into log returns and first log difference. The following formula is used to log the data into returns and take into account the initial log difference examined using following formula:

$$Return = \ln\left(\frac{P_t}{P_{(t-1)}}\right) * 100$$

Further to test the normality, Augmented Dickey Fuller test is used.

$$(1 - L) y_t = \beta_0 + (\alpha - 1) y_{t-1} + \varepsilon_t$$

The Bollerslev model, first proposed in 1986, represents conditional variance as a linear function of lags. The ARCH coefficient (α_1) indicates a considerable influence of volatility shocks from the prior period on the current period. Whereas the other GARCH coefficient β_1 reflects the presence of volatility clustering in series returns and assesses the influence of prior period variance on current volatility. The Bollerslev's GARCH (1, 1) model is illustrated by the following;

$$h_t = \omega + \alpha_1 u_{t-1}^2 + \beta_1 h_{t-1}$$

Formula process contains mean equation and variance equation represented as the following :

$$\text{Mean equation is the following : } r_t = \mu + \varepsilon_t$$

$$\text{Variance equation is the following : } \sigma_t^2 = \omega + \alpha \varepsilon_{1t-t}^2 + \beta \sigma_{1t-1}^2 .$$

The GARCH (1, 1) model studies the dynamics of volatility and hypothesises that any shock, whether positive or negative, can cause permanent change in all future values if the product of the coefficients for ARCH and GARCH is equal to 1. If not, conditional variance shock will be classified as persistent in nature. Actual series returns, volatility shocks, and comparative asset returns for Austria, France, Germany and Spain are displayed in graphs with explanations of the specifics.

The exponential GARCH or EGARCH model proposed by Nelson (1991) that captures the asymmetric impact in the series returns.

$$\text{Log}(\sigma_t^2) = \omega + \sum_{j=1}^p \beta_j \text{Log}(\sigma_{t-j}^2) + \sum_{j=1}^q \alpha_j \left(\frac{\varepsilon_{t-j}}{\sigma_{t-j}} \left| -\frac{\sqrt{2}}{n} \right| - y_{t-j} \frac{\varepsilon_{t-j}}{\sigma_{t-j}} \right)$$

4. Empirical findings

This model adopts a lengthy form and includes an additional term for the leverage impact, which we refer to as the asymmetric effect. Because $h_t = \exp(\text{R.H.S.}) > 0$ is a constant and V_{t-1} accounts for asymmetric effect, this model ensures positive variance.

Table 1 exhibits results for Augmented Dickey Fuller and confirms that the data is now stationary.

| Variable | EV (a - 1) | t-statistic | p-value |
|----------|------------|-------------|---------|
| ATX | -0.9302 | -58.5961 | 0.0001 |
| DAX | -1.0008 | -63.5491 | 0.0001 |
| CAC 40 | -1.0778 | -38.7118 | 0.0000 |
| IBEX | -1.0370 | -38.1867 | 0.0000 |

Source: Author's computation

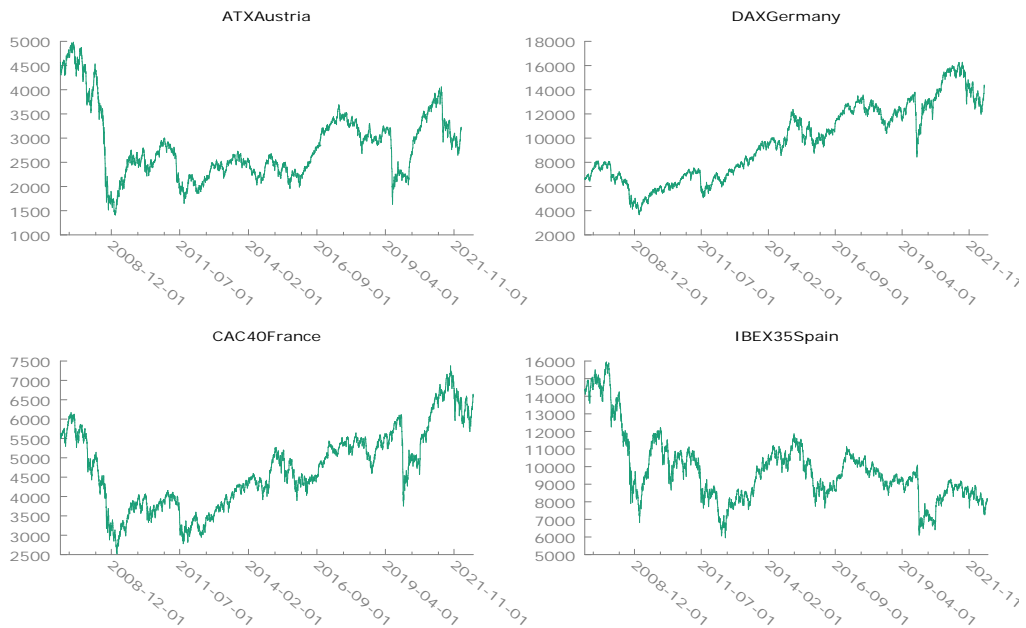


Figure 1. Random-walk pattern - sample from Austria, Germany, France and Spain
Source: Author's computation

Investigating volatility patterns for a cluster of developed stock markets including Austria, France, Germany and Spain by using GARCH models

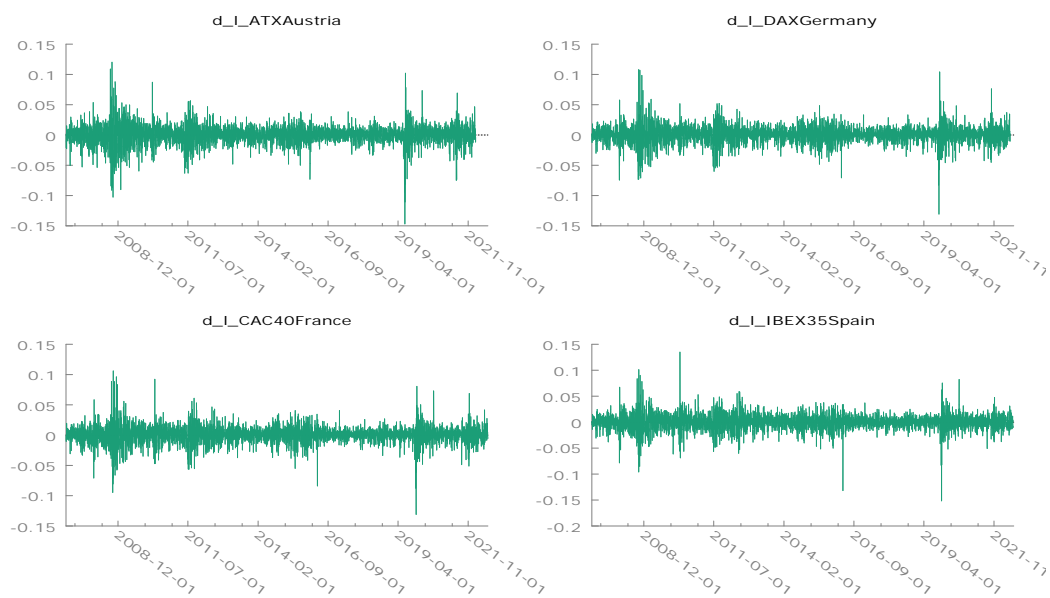


Figure 2. Stationary Log-Returns –Shocks, sample from Austria, Germany, France and Spain

Source: Author’s computation

The selected stock market indices' reactions to the global financial crisis of 2007-2008 are shown in Figures no.1 and no.2, along with the impact of COVID-19 pandemic, which is evident in the stationary representative charts' volatility clusters and the line-clearly chart's negative slope. The graphic shows that Austria and Spain, which were determined to have not recovered from the shocks of the global financial crisis, as the indexes are trading 3.57 times and 2.67 times lower than before the effect of the global financial crisis. In contrast to the performance of ATX index (Austria) and IBEX index (Spain), the selected stock indices of France and Germany stock markets, have attained far higher trading levels than during the global financial crisis.

Table 2 Summary of Descriptive Statistics

| Variable | Mean | Std. Dev. | Skewness | Kurtosis |
|----------|-----------|-----------|----------|----------|
| ATX | -8.71E-05 | 0.016 | -0.47 | 7.79 |
| DAX | 0.0001 | 0.014 | -0.19 | 7.79 |
| CAC 40 | 4.48E-05 | 0.014 | -0.25 | 7.86 |
| IBEX | -0.0001 | 0.015 | -0.35 | 9.22 |

Source: Author’s computation

By using the ADF test, we have proven that the ARCH effect is there. It confirms at a 1% level. Our models are now applicable to every time series. We point out that a negative value for the correlation coefficient, particularly for the GARCH and E-GARCH models, gives evidence for potential leverage effects. We can look at used models and research it in the ways listed below (Table 3).

Table 3 Estimations for GARCH and EGARCH models

| Variable | Model | Mean Equ. | Omega | Alpha | Gamma | Beta | P-Value |
|----------|--------|-----------|----------|---------|---------|--------|----------|
| ATX | GARCH | 0 | 4.64E-06 | 0.1125 | NA | 0.8685 | 1% all |
| | EGARCH | 5.00E-05 | -0.3371 | 0.15887 | -0.1103 | 0.9753 | IS/1% |
| DAX | GARCH | 0.0006 | 4.09E-06 | 0.1059 | NA | 0.8729 | 1% all |
| | EGARCH | 0.0001 | -0.3487 | 0.1298 | -0.1312 | 0.9719 | IS/1% |
| CAC40 | GARCH | 0.0005 | 4.72E-06 | 0.1296 | NA | 0.8488 | 1% all |
| | EGARCH | -5.35E-05 | -0.3448 | 0.1169 | -0.1608 | 0.9712 | IS/1% |
| IBEX | GARCH | 0.0002 | 5.26E-06 | 0.1207 | NA | 0.8585 | IS/1% |
| | EGARCH | -0.0003 | -0.3231 | 0.1452 | -0.1211 | 0.9755 | 10% & 1% |

Source: Author's computation

The lagged conditional variance coefficient (β_1) in the GARCH (1, 1) model deviates significantly from zero. This suggests that all four-time series show evidence of volatility clustering. The fact that the sum of the ($\alpha_1 + \beta_1$) coefficient is a unity indicates the importance of shocks to the conditional variance. The ARCH effect is represented by (1) while the GARCH effect is represented by (β_1). For the stock markets of Austria, Germany, France, and Spain, we create the equation ($\alpha_1 + \beta_1$). The results of the computation of ($\alpha_1 + \beta_1$) using a simple calculator are Austria's ATX (0.981), Germany's DAX (0.978), France's CAC 40 (0.974), and Spain's IBEX (0.979). The figure that is the closest to zero indicates that a heavy blow's strong shock is attenuated at a relatively modest speed. GARCH model fitted to all the mean variances except for the Spain stock market where only conditional variance equation provides the significance at degree of 1%. The conditional mean variance is not delivering significant values. However, for the asymmetric EGARCH, the conditional variance equation provides the information at 1% significance level and contrasting with the results of GARCH estimates, the conditional mean variance are insignificant for all the sample markets.

Here, we see that the value of (γ) is not zero and that the exponential GARCH (EGARCH) confirms the existence of leverage (asymmetry) in the volatility of closing stock indices in the sample of Austria, Spain, Germany and France. It implies that the volatility of the selected European stock markets found with the asymmetric impact and negative news has a stronger impact on volatility than positive news. In other words, stock markets of Austria, France, Germany and Spain tend to respond to more shocks during the non-positive event than the positive events. In essence, the EGARCH model depicts the log of the variance or standard deviation as a function of the lagged logarithm of the variance or standard deviation and the lagged absolute error from the regression model. This paradigm enables an unequal response to the lagged error. This indicates that selected samples of European stock markets i.e. Austria, Germany, France and Spain, all have the asymmetric behaviour pattern indicating that these stock markets tend to be more volatile during the negative shocks and forward the impact for the longer period than the positive tendency of movements.

Investigating volatility patterns for a cluster of developed stock markets including Austria, France, Germany and Spain by using GARCH models

Conclusions

This empirical study investigates the changes in volatility and persistent of volatility in selected sample of European developed stock market based on GARCH (1,1) and EGARCH (1,1) models. Results indicate that volatility is more persistent in the case of stock market in Austria compared to the rest sample markets. Further, we find presence of asymmetric effect in all sample markets indicating that the negative shocks will invite more negative shocks compared with positive shocks. All selected sample market provided volatility clustering evident during global financial crisis of 2007-2008 and COVID-19 pandemic. The sample stock markets from Austria and Spain have not yet recovered the returns since the global financial crisis as the trading levels are still at lower level that were being traded before the global financial crisis events. In addition to that we find all sample market creating leptokurtic effect where the returns demonstrated left fat tails. Moreover, negative shocks occur more frequently than positive ones.

Authors' Contributions

The authors contributed equally to this work.

References:

- Badarla, S., Nathwani, B., Trivedi, J., Spulbar, C., Birau, R., Hawaldar, I.T., Minea, E.L. (2022) Estimating fluctuating volatility time series returns for a cluster of international stock markets: A case study for Switzerland, Austria, China and Hong Kong, *Physics AUC - Annals of the University of Craiova, Physics*, 31, 43-52.
- Black, F. (1976) Studies of stock price volatility changes. In *Proceedings of the American Statistical Association, Business and Economical Statistics Section* 177.
- Bollerslev, T. (1986) Generalized autoregressive conditional heteroskedasticity. *Journal of Econometrics*, 31(3), 307-327.
- Duttalo, P., Gattone, S.A., Di Battista, T. (2021) Volatility Modeling: An Overview of Equity Markets in the Euro Area during COVID-19 Pandemic. *Mathematics*, 9(11):1212. <https://doi.org/10.3390/math9111212>.
- Engle, R. (1982) Autoregressive Conditional Heteroscedasticity with Estimates of the Variance of UK Inflation. *Econometrica*, 50, 987-1008.
- Engle, R. (2001) GARCH 101: The Use of ARCH/GARCH Models in Applied Econometrics, *Journal of Economic Perspectives*, American Economic Association, vol. 15(4), pages 157-168, <https://www.aeaweb.org/articles?id=10.1257/jep.15.4.157>.
- Glosten, L., Jagannathan, R., Runkle, D. (1993) On the Relation between the Expected Value and the Volatility of the Nominal Excess Return on Stocks. *The Journal of Finance*, 48(5), 1779-1801. <https://doi.org/10.1111/j.1540-6261.1993.tb05128.x>.
- Nelson, D. (1991) Conditional heteroskedasticity in asset returns: A new approach. *Econometrica*, 59(2), 347-370. <https://doi.org/10.2307/2938260>.
- Nogueira, M.C., Madaleno, M. (2022) Are Sustainability Indices Infected by the Volatility of Stock Indices? Analysis before and after the COVID-19 Pandemic. *Sustainability*, 14(22), 15434, <https://doi.org/10.3390/su142215434>.
- Sen, R., Subramaniam, M. (2019) Stylized Facts of the Indian Stock Market. *Asia-Pac Financ Markets* 26, 479-493, <https://doi.org/10.1007/s10690-019-09275-3>
- Spulbar, C., Birau, R., Trivedi, J., Hawaldar, I.T., Minea, E.L. (2022). Testing volatility

- spillovers using GARCH models in the Japanese stock market during COVID-19. *Investment Management and Financial Innovations*, 19(1), 262-273. doi:10.21511/imfi.19(1).2022.20.
- Tilfani, O., Ferreira, P., Dionisio, A., Youssef El Boukfaoui, M. (2020) EU Stock Markets vs. Germany, UK and US: Analysis of Dynamic Comovements Using Time-Varying DCCA Correlation Coefficients. *Journal of Risk and Financial Management*, 13(5):91. <https://doi.org/10.3390/jrfm13050091>.
- Trivedi, J., Spulbar, C., Birau, R., Mehdiabadi, A., Florescu, I. (2022). Do European, Middle-East and Asian Stock Markets Impact on Indian Stock Market? A Case Study Based on NIFTY Stock Index Forecasting. *Scientific Annals of Economics and Business*, 69(4), 599–613. <https://doi.org/10.47743/saeb-2022-0028>.
- Trivedi, J., Afjal, M., Spulbar, C., Birau, R., Inumula, K.M., Pradhan, S. (2021). Modeling emerging stock market volatility using asymmetric GARCH family models: An empirical case study for BSE Ltd. (formerly known as Bombay Stock Exchange) of India. *Revista de Științe Politice. Revue des Sciences Politiques*, No. 70, 167 – 176.
- *** - <https://www.ftserussell.com/equity-country-classification>

Article Info

Received: January 16 2023

Accepted: February 10 2023

How to cite this article:

Spulbar, C., Birau, R., Trivedi, J., Iacob (Troto), A.I., Florescu, I., Baid, R. (2023). Investigating volatility patterns for a cluster of developed stock markets including Austria, France, Germany and Spain by using GARCH models. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 41 – 48.



ORIGINAL PAPER

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

Daniel Alin Olimid¹⁾, Anca Parmena Olimid²⁾

Abstract:

Objectives: The current study distinguishes the importance of social data and health security at the European Union (EU) and Member States (MS) levels in accordance with the legal provisions of Regulation (EU) 2022/2371 (2022). **Methodology:** Therefore, the study focuses on the conceptual and legal analysis aimed to: (1) identify the legal framework of cross-border threats facing health and social sectors; (2) determine the health processes and measures by underlying the causes leading to “serious cross-border threats to health” [Article 2(1) Regulation (EU) 2022/2371]; (3) identify the legal information of primary legal issues as defined within Article 3 of the Regulation (EU) 2022/2371] (e.g. “case definition”, “monitoring”, “health in all policies”) (4) develop a research plan for the legal concepts, terms and theories regarding information systems, information and exchange. The research also develops a content analysis using the Word Counter tool aimed to evaluate the distribution of words for selected legal text. **Results and discussion:** The results of the research develop a multidimensional overview of the factors and “indicators for surveillance” in MS [Recital (2), Recital (6), Article 7(1), Article 13(11) Regulation (EU) 2022/2371]. **Conclusions:** Anchoring the research on information exchange, and personal data protection combined with health security and resilience extends the analytical framework of the Regulation (EU) 2022/2371 providing a proper understanding of the digital platform, early warning response [Article 18 Regulation (EU) 2022/2371], alert conditions [Article 19 Regulation (EU) 2022/2371], health risk assessment [Article 20 Regulation (EU) 2022/2371], coordination of policies and responses [Article 21 Regulation (EU) 2022/2371].

Keywords: *information exchange, personal data, health security, resilience, EU.*

¹⁾ Lecturer, Ph.D., Biology Specialization, University of Craiova, Romania, Email: daniel.olimid@edu.ucv.ro. <https://orcid.org/0000-0001-5583-668X>.

²⁾ Associate Professor, Ph.D., Faculty of Social Sciences, University of Craiova, Romania, Email: anca.olimid@edu.ucv.ro. <https://orcid.org/0000-0002-7546-9845>.

Introduction

The study comprehensively analyses the relationship between information exchange, personal data protection and health resilience within Regulation (EU) 2022/2371 (2022). Launched in 2022, the Regulation is enshrined within the principles of transparency [Recital (20) Regulation (EU) 2022/2371], independence and impartiality [Recital (30) Regulation (EU) 2022/2371], subsidiarity [Recital (41) Regulation (EU) 2022/2371] and proportionality [Recital (41) Regulation (EU) 2022/2371]. The linkage between information, data protection and health resilience is also captured by recent literature aimed at fostering cross-border integration and cooperation in the field of healthcare (Haist, Novotný, 2023: 124-142; Scola, 2016; Su, Richardson, Wen, Pagán, 2011: 859-876), but also to focus the role of information exchange, resilience and protection of personal data in times of crisis (Brousselle, Brunet-Jailly, Kennedy, Phillips, Quigley, Roberts, 2020: 369-408; Lenton, Boulton, Scheffer, 2022). Therefore, the current study emphasizes (a) the relevant historiography for the concepts of information exchange, health resilience and personal data; (b) the legal analysis of the Regulation (EU) 2022/2371 focused on “cross-border threats to health” and (c) the quantitative and qualitative analysis using the Word Counter research tool applied to the Regulation (EU) 2022/2371.

Materials and methods

The methodology of the study provides an in-depth overview of the thematic of research divided in *three* parts: (a) a literature review of the field; (b) the legal analysis of the key topics of the Regulation (EU) 2022/2371; (c) a quantitative and qualitative analysis of the Regulation (EU) 2022/2371 using the Word Counter keyword-based analytical and statistical tool (Lin, Lin, Wen, Chu, 2016; Vijayasathy, Gould, Gould, 2015: 476-493; Bhargava, D’Ignazio, 2015). Word Counter is a numerical online tool counting the number of words in a document used to analyze the keyword density for one word, two words or three words. The current study applies the keyword-based analytical and statistical tool of Word Counter for the text of the Regulation (EU) 2022/2371 with the aim to identify the multiple themes and patterns relevant for the information, health, data and resilience fields. The benefits of using the Word Counter tool are the analysis emphasizes that the research in the field validates the importance of some prominent topics (one, two or three words) for European Union documentation.

Literature review on information, ethical governance and health security

The main empirical question of the current research is whether legal provisions and legal concepts of the EU legislation [namely Regulation (EU) 2022/2371] are substantially connected and correlated with recent scientific advances and developments. Therefore, our study approaches two linkages related to (a) the conceptual and analytical research of cross-border medical care utilization and integration (Amuedo-Dorantes, Rivera-Garrido, Vall Castelló, 2022: 859-876; Cooke, 2022) and (b) the interface between ethical

and institutional governance and medical research (Olimid, A.P., Olimid, D.A., Chen, 2018: 1305-1310; Nadalutti, 2020: 1377-1392; Olimid, A. P., Olimid, D. A., 2019: 729-735). Given both the important role of information exchange and health systems resilience, recent studies also highlight the need for social engagement and environmental sustainability (Wills, 2019; Olimid, D.A, Olimid, A.P., 2022a: 114- 121;

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

Olimid, D.A., Olimid, A.P., 2022b: 122-131), public health emergency and security (Khan, O'Sullivan, Brown, Tracey, Gibson, Génèreux, Henry, Schwartz, 2018). Other findings investigate the association between the urban governance and resilience during COVID-19 (Hunter, 2021:115-125; Ringsmuth, Otto, van den Hurk, Lahn, Reyer, Carter, Magnuszewski, Monasterolo, Aerts, Benzie, Campiglio, Fronzek, Gaupp, Jarzabek, Klein, Knaepen, Mechler, Mysiak, Sillmann, Stuparu, West, 2022). Concerning the development of new legal provisions and scientific approaches, the literature also assesses the challenging tasks of international health security (Gostin, Katz, 2016: 264-313), the European Health Union (Gallina, 2023) and information security (Sohrabi Safa, Maple, Watson, Furnell, 2018: 238-245). A second area where the literature considered often necessary to identify the conceptual relationship between health security and resilience is the conceptualization and normative fundamentals of human security and the relationship between individual and community security (Kokki, Ammon, 2023; Rushton, 2011: 779-796; Stoeva, 2020).

Documenting health, information and resilience

The second part of the research follows the legal analysis and arise from the acknowledge of the: (1) cross-border threats facing health [Recital (29) and Recital (31) Regulation (EU) 2022/2371] and social areas, namely: “social partners” and “social services” [Recital (31) Regulation (EU) 2022/2371]; (2) health perspectives, processes and measures by underlying the emergencies causes leading to “serious cross-border threats to health” [Article 2(1) Regulation (EU) 2022/2371] and “public health emergency” [Recital (35) Regulation (EU) 2022/2371]; (3) identification of the diversity of approaches to legal information here including: “health data” [Recital (39) Regulation (EU) 2022/2371]; “health risk-assessment” [Recital (38) Regulation (EU) 2022/2371]; “information exchange” and consultation with MS [Recital (43) Regulation (EU) 2022/2371]; “response planning” [Recital (43) Regulation (EU) 2022/2371]; processing and protection of personal data [Recital (37), Recital (39), Recital (46), Article 18(2)(4), Article 27, Article 28 Regulation (EU) 2022/2371]. In this context, the stated purpose of Regulation (EU) 2022/2371 covers specific issues responding to public health actions and measures focusing on the cross-border threats to health sector as defined and categorized by Article 2(1)(a)-(e). Therefore, the legal framework provides specific objectives and definitions [Article 3 Regulation (EU) 2022/2371]. The definitions of the main legal concepts and terms provide detailed guidance of the “case definition” [Article 3(2) Regulation (EU) 2022/2371]; “communicable disease” [Article 3(3) Regulation (EU) 2022/2371]; “control tracing” [Article 3(4) and Article 13 Regulation (EU) 2022/2371]; “epidemiological surveillance” [Article 3(5) Regulation (EU) 2022/2371]; “public health measure” [Article 3(9) Regulation (EU) 2022/2371]; “medical countermeasures” [Article 3(10) Regulation (EU) 2022/2371] and “health system capacity” [Article 3(13) Regulation (EU) 2022/2371].

As noted above, the Regulation (EU) 2022/2371 develops a set of five specific findings regarding: (1) the institutional level for discussions, consultation and coordination between MS developed by the HSC (Health Security Committee) [Article 4 and Article 21 Regulation (EU) 2022/2371] and Joint Procurement Agreement [Article 12 Regulation (EU) 2022/2371]; (2) the planning and response level for cooperation and information exchange [Article 5 Regulation (EU) 2022/2371]; (3) MS preparedness actions and measures, EU governance and resources [Article 6-11 Regulation (EU) 2022/2371]; (4) digital platform rules and guidance [Article 14 Regulation (EU)

2022/2371]; (5) norms and procedures for Early Warning and Response System (EWRS) [Article 18 Regulation (EU) 2022/2371]. Accordingly, Regulation (EU) 2022/2371 develops an extended approach to the coordination of response at the HSC level requires three stages of analysis. *First*, the research observes the relation to the domain of information exchange [Article 21 Regulation (EU) 2022/2371], national responses and institutional engagement [Article 21(a) Regulation (EU) 2022/2371] and “temporary public health measures” [Article 22 Regulation (EU) 2022/2371]. *Second*, the Regulation (EU) 2022/2371 conducts an extensive approach to the EU public health emergency [Chapter 4 Regulation (EU) 2022/2371]. *Third*, the legal provisions describe the personal data protection regarding the EWRS functionality [Article 27 and Article 28 Regulation (EU) 2022/2371].

Results and discussions

The content analysis of Regulation (EU) 2022/2371 using the Word Counter tool is aimed to evaluate the distribution of words for selected legal texts. Furthermore, the Word Counter analysis emphasizes a total of 21.138 words for the Regulation (EU) 2022/2371. Table 1 shows a prominent presence of the words considered to be important for the theme of Regulation (EU) 2022/2371 namely: “health” (323 words); “border” (127); “response” (121); “data” (102); “threats” (87); “surveillance” (78); “information” (84); “threat” (53).

Table 1. Keyword density for one word

| No. | Keyword | Density | % | No. | Keyword | Density | % |
|-----|---------------------|---------|----|-----|------------------------|---------|-----|
| 1. | <i>health</i> | 323 | 4% | 26. | <i>threat</i> | 53 | 1 % |
| 2. | <i>Union</i> | 194 | 3% | 27. | <i>procurement</i> | 52 | 1 % |
| 3. | <i>Regulation</i> | 172 | 2% | 28. | <i>bodies</i> | 49 | 1 % |
| 4. | <i>Commission</i> | 169 | 2% | 29. | <i>coordination</i> | 47 | 1 % |
| 5. | <i>article</i> | 157 | 2% | 30. | <i>joint</i> | 47 | 1 % |
| 6. | <i>Member</i> | 152 | 2% | 31. | <i>authorities</i> | 45 | 1 % |
| 7. | <i>European</i> | 136 | 2% | 32. | <i>agencies</i> | 43 | 1 % |
| 8. | <i>states</i> | 135 | 2% | 33. | <i>monitoring</i> | 42 | 1 % |
| 9. | <i>border</i> | 127 | 2% | 34. | <i>diseases</i> | 41 | 1 % |
| 10. | <i>response</i> | 121 | 2% | 35. | <i>emergency</i> | 41 | 1 % |
| 11. | <i>national</i> | 102 | 1% | 36. | <i>communicable</i> | 40 | 1 % |
| 12. | <i>data</i> | 102 | 1% | 37. | <i>assessment</i> | 40 | 1 % |
| 13. | <i>Council</i> | 96 | 1% | 38. | <i>procedure</i> | 39 | 1 % |
| 14. | <i>preparedness</i> | 95 | 1% | 39. | <i>order</i> | 39 | 1 % |
| 15. | <i>threats</i> | 87 | 1% | 40. | <i>risk</i> | 39 | 1 % |
| 16. | <i>Parliament</i> | 84 | 1% | 41. | <i>Committee</i> | 38 | 1 % |
| 17. | <i>information</i> | 84 | 1% | 42. | <i>countermeasures</i> | 38 | 1 % |
| 18. | <i>prevention</i> | 80 | 1% | 43. | <i>acts</i> | 37 | 1 % |
| 19. | <i>surveillance</i> | 78 | 1% | 44. | <i>network</i> | 36 | 1 % |
| 20. | <i>accordance</i> | 66 | 1% | 45. | <i>epidemiological</i> | 36 | 1 % |
| 21. | <i>measures</i> | 61 | 1% | 46. | <i>support</i> | 36 | 1 % |
| 22. | <i>medical</i> | 59 | 1% | 47. | <i>international</i> | 35 | 1 % |
| 23. | <i>HSC</i> | 59 | 1% | 48. | <i>activities</i> | 35 | 0 % |
| 24. | <i>ECDC</i> | 57 | 1% | 49. | <i>protection</i> | 33 | 0 % |
| 25. | <i>decision</i> | 56 | 1% | 50. | <i>systems</i> | 33 | 0 % |

Note: Table 1 displays keyword density of 1 word (selection).

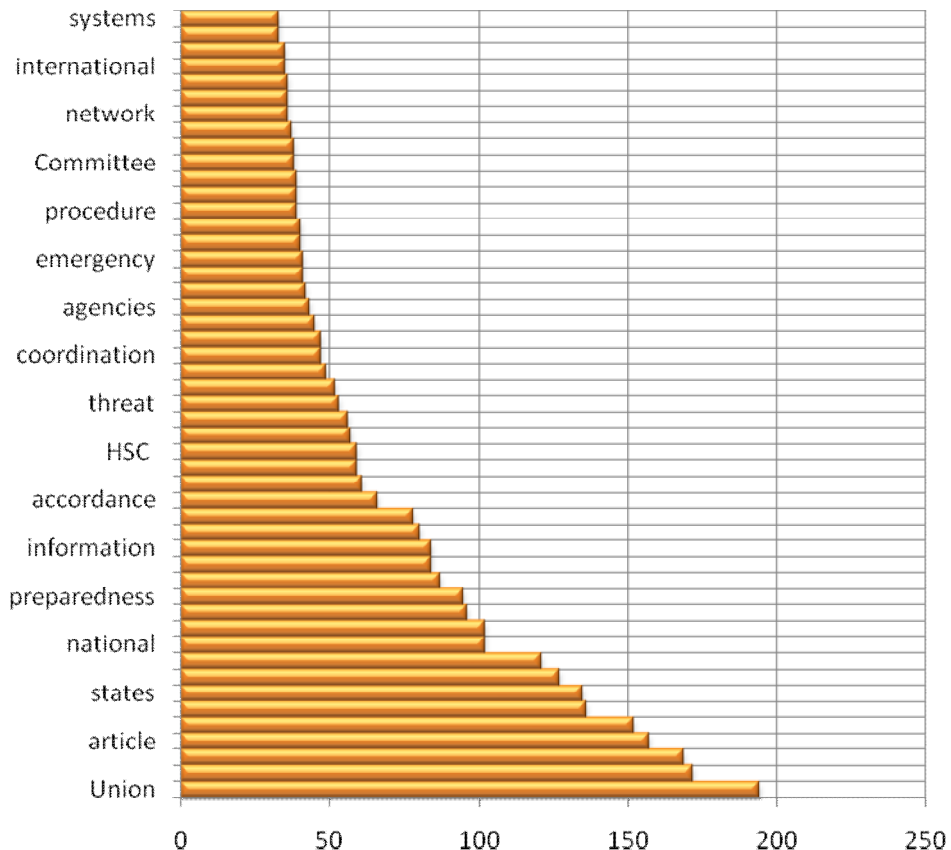
Data source: Authors’ own compilation based on the results of the context analysis of the Regulation (EU) 2022/2371 (<http://data.europa.eu/eli/reg/2022/2371/oj>) using the Word Counter tool.

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

The most used terms (> 100 keywords) vary from “data” (102) to “health” (323) and tend to refer to sector terms [e.g. “health” (323); “border” (127); “national” (102); “medical” (59)] and institutional framework [e.g. “Commission” (169); “Member” (152); “Council” (96); “Parliament” (84); “HSC” (Health Security Committee) (59); “ECDC” (European Centre for Disease Prevention and Control) (57); “authorities” (45); “agencies” (43); “Committee” (38); “systems” (33); “surveillance” (78); “monitoring” (42); “procedure” (39); “network” (36); “support” (36);] (Table 1).

Graph 1 contains selected topics allowing for comparison of the keywords density for one word. Topics such as “systems”; “activities”; “support”; “network”; “countermeasures” and “procedure” provide information on institutional and functional indicators demanding coverage of effective measures and actions for the prevention of cross-border threats. Moreover, Graph 1 includes key topics used to estimate data preparedness and response planning. Other coverage concepts explain the prevalence of the topics in the area of institutional support and MS coordination (e.g. “prevention”, “coordination”, “Parliament”, “national”, “states”, “Union”).

Graph 1. Variations of the keyword density for one word



Data source: Authors’ own compilation based on the results of the context analysis of the Regulation (EU) 2022/2371 (<http://data.europa.eu/eli/reg/2022/2371/oj>) using the Word Counter tool

Table 2 indicates the frequency distribution of two words emphasizing the need for Regulation (EU) 2022/2371 to develop a planning and response road map for cross-border threats to the health suggesting a statistical development among the priorities in the EU and national policy agenda (e.g “cross-border” (124 words); “preparedness response (77); “border threats” (69); “threats health” (69); “border threat” (34); “competent authorities” (32); “response planning” (27); “national competent” (23); “Member State” (19); “response plans” (15); “acts adopted” (11).

Moreover, Table 2 states on focusing the key areas for cross-border cooperation and preparedness needed for policy and measures plans. Table 2 also shows the focus of the Regulation (EU) 2022/2371 tracing the information and trends of health resilience and data exchange.

Seven keywords, four from the institutional perspective [“health emergency” (23 words); “emergency Union” (16); “epidemiological surveillance” (35) “medical countermeasures” (36)] and three from a medical standpoint [“health emergencies” (13); “special health” (14); “communicable diseases” (28)] express the insights and patterns of the mechanisms of preparedness response.

This approach is followed by the legal provisions for data protection [“personal data” (28); “data protection” (10); “processing personal” (10)], information exchange [“network epidemiological” (15); “Member States” (133); “Member State” (19)] and knowledge on “risk assessment” (17 words), and “early warning” (20 words) (Table 2).

Table 2. Frequency distribution of two words

| No. | Keywords | Density | % |
|-----|-------------------------------------|---------|-----|
| 1. | <i>Member States</i> | 133 | 5 % |
| 2. | <i>cross-border</i> | 124 | 4 % |
| 3. | <i>European Parliament</i> | 84 | 3 % |
| 4. | <i>preparedness response</i> | 77 | 3 % |
| 5. | <i>border threats</i> | 69 | 3 % |
| 6. | <i>threats health</i> | 69 | 3 % |
| 7. | <i>prevention preparedness</i> | 59 | 2 % |
| 8. | <i>joint procurement</i> | 44 | 2 % |
| 9. | <i>agencies bodies</i> | 39 | 1 % |
| 10. | <i>Union agencies</i> | 38 | 1 % |
| 11. | <i>medical countermeasures</i> | 36 | 1 % |
| 12. | <i>epidemiological surveillance</i> | 35 | 1 % |
| 13. | <i>border threat</i> | 34 | 1 % |
| 14. | <i>competent authorities</i> | 32 | 1 % |
| 15. | <i>personal data</i> | 28 | 1 % |
| 16. | <i>communicable diseases</i> | 28 | 1 % |
| 17. | <i>response planning</i> | 27 | 1 % |
| 18. | <i>advisory committee</i> | 27 | 1 % |
| 19. | <i>implementing acts</i> | 25 | 1 % |
| 20. | <i>national competent</i> | 23 | 1 % |
| 21. | <i>health emergency</i> | 23 | 1 % |

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

| | | | |
|-----|------------------------------------|----|-----|
| 22. | <i>article regulation</i> | 23 | 1 % |
| 23. | <i>early warning</i> | 20 | 1 % |
| 24. | <i>Member State</i> | 19 | 1 % |
| 25. | <i>reference laboratories</i> | 18 | 1 % |
| 26. | <i>risk assessment</i> | 17 | 1 % |
| 27. | <i>emergency Union</i> | 16 | 1 % |
| 28. | <i>network epidemiological</i> | 15 | 1 % |
| 29. | <i>response plans</i> | 15 | 1 % |
| 30. | <i>national prevention</i> | 15 | 1 % |
| 31. | <i>health measures</i> | 15 | 1 % |
| 32. | <i>procurement procedure</i> | 14 | 1 % |
| 33. | <i>health issues</i> | 14 | 1 % |
| 34. | <i>third countries</i> | 14 | 1 % |
| 35. | <i>special health</i> | 14 | 1 % |
| 36. | <i>digital platform</i> | 14 | 1 % |
| 37. | <i>European Union</i> | 13 | 0 % |
| 38. | <i>human origin</i> | 13 | 0 % |
| 39. | <i>health emergencies</i> | 13 | 0 % |
| 40. | <i>platform surveillance</i> | 13 | 0 % |
| 41. | <i>response plan</i> | 12 | 0 % |
| 42. | <i>international organisations</i> | 11 | 0 % |
| 43. | <i>communicable disease</i> | 11 | 0 % |
| 44. | <i>acts adopted</i> | 11 | 0 % |
| 45. | <i>monitoring early</i> | 10 | 0 % |
| 46. | <i>human health</i> | 10 | 0 % |
| 47. | <i>data protection</i> | 10 | 0 % |
| 48. | <i>processing personal</i> | 10 | 0 % |
| 49. | <i>examination procedure</i> | 10 | 0 % |

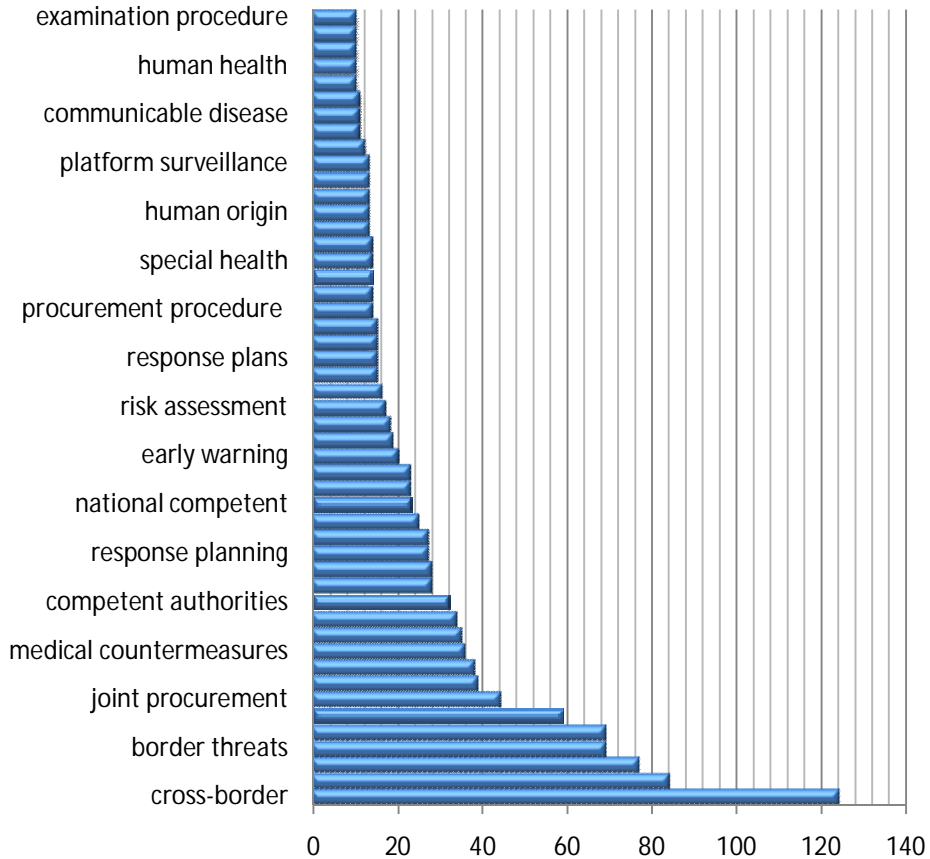
Note: Table 2 displays the Keyword density of two words (selection)

Data source: Authors' own compilation based on the results of the context analysis of the Regulation (EU) 2022/2371 (<http://data.europa.eu/eli/reg/2022/2371/oj>) using the Word Counter tool

Graph 2 entitled “Variations of the keyword density for two words” is relevant for the impact of four topics called to generate increased impact to institutional resilience and capacity [“response planning” (27); “monitoring early” (10); “platform surveillance” (13); “examination procedure” (10)]. Therefore, Graph 2 suggests that serious cross-border threats to health” [Article 2(1) Regulation (EU) 2022/2371] should frame a new action programme for “response plan”. These broad fundamental indicators include: (a) the need for institutional and capacity building [“network epidemiological (15)”; “national prevention” (15) and “platform surveillance” (13)]; (b) adaption of policy management and practices related to health sector [“joint procurement” (44); “procurement procedure” (14); “examination procedure” (10)]; (c) inclusion of

indicators demanding coordination at EU and MS levels [Recital (12) Recital (13) Recital (15), Recital (17) Regulation (EU) 2022/2371]. In this context, three keywords prioritize the health sector requirements for “epidemiological surveillance” [Chapter III Regulation (EU) 2022/2371] and “preparedness and response planning” [Chapter II Regulation (EU) 2022/2371], namely: “prevention preparedness” (59); “response planning” (27) and “health emergencies” (13)].

Graph 2. Variations of the keyword density for two words



Data source: Authors’ own compilation based on the results of the context analysis of the Regulation (EU) 2022/2371 (<http://data.europa.eu/eli/reg/2022/2371/oj>) using the Word Counter tool

Table 3 entitled “Frequency distribution of three words” shows three basic procedures and instruments designed to establish correlation between (a) the major components of “prevention, preparedness and response planning” [Chapter II Regulation (EU) 2022/2371] here including: “cross-border threats” (69 words); “prevention preparedness response” (58); “network epidemiological surveillance” (15); “national competent authorities” (23); (b) policy and programming calling for cooperation [Recital (30), Recital (38), Recital (39), Recital (40) Regulation (EU) 2022/2371] and

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

“coordination of response” [Recital (33), Article 2(4), Article 21 Regulation (EU) 2022/2371]; “joint procurement procedure” (14); “Union prevention preparedness” (11); “monitoring early warning” (10); “joint procurement medical” (9); (c) “processing personal data” (10); “related special health” (13); “border threat health” (34); “health emergency Union” (16).

Table 3. Frequency distribution of three words

| No. | Keywords | Density | % |
|-----|---|---------|-----|
| 1. | <i>European Parliament Council</i> | 77 | 5 % |
| 2. | <i>cross-border threats</i> | 69 | 5 % |
| 3. | <i>border threats health</i> | 68 | 5 % |
| 4. | <i>prevention preparedness response</i> | 58 | 4 % |
| 5. | <i>Union agencies bodies</i> | 38 | 3 % |
| 6. | <i>Regulation European Parliament</i> | 35 | 2 % |
| 7. | <i>cross-border threat</i> | 34 | 2 % |
| 8. | <i>border threat health</i> | 34 | 2 % |
| 9. | <i>preparedness response planning</i> | 27 | 2 % |
| 10. | <i>national competent authorities</i> | 23 | 2 % |
| 11. | <i>health emergency Union</i> | 16 | 1 % |
| 12. | <i>network epidemiological surveillance</i> | 15 | 1 % |
| 13. | <i>preparedness response plans</i> | 15 | 1 % |
| 14. | <i>national prevention preparedness</i> | 15 | 1 % |
| 15. | <i>joint procurement procedure</i> | 14 | 1 % |
| 16. | <i>substances human origin</i> | 13 | 1 % |
| 17. | <i>related special health</i> | 13 | 1 % |
| 18. | <i>digital platform surveillance</i> | 13 | 1 % |
| 19. | <i>special health issues</i> | 12 | 1 % |
| 20. | <i>preparedness response plan</i> | 12 | 1 % |
| 21. | <i>Member States Commission</i> | 11 | 1 % |
| 22. | <i>Union prevention preparedness</i> | 11 | 1 % |
| 23. | <i>monitoring early warning</i> | 10 | 1 % |
| 24. | <i>combating cross-border</i> | 10 | 1 % |
| 25. | <i>processing personal data</i> | 10 | 1 % |
| 26. | <i>joint procurement medical</i> | 9 | 1 % |

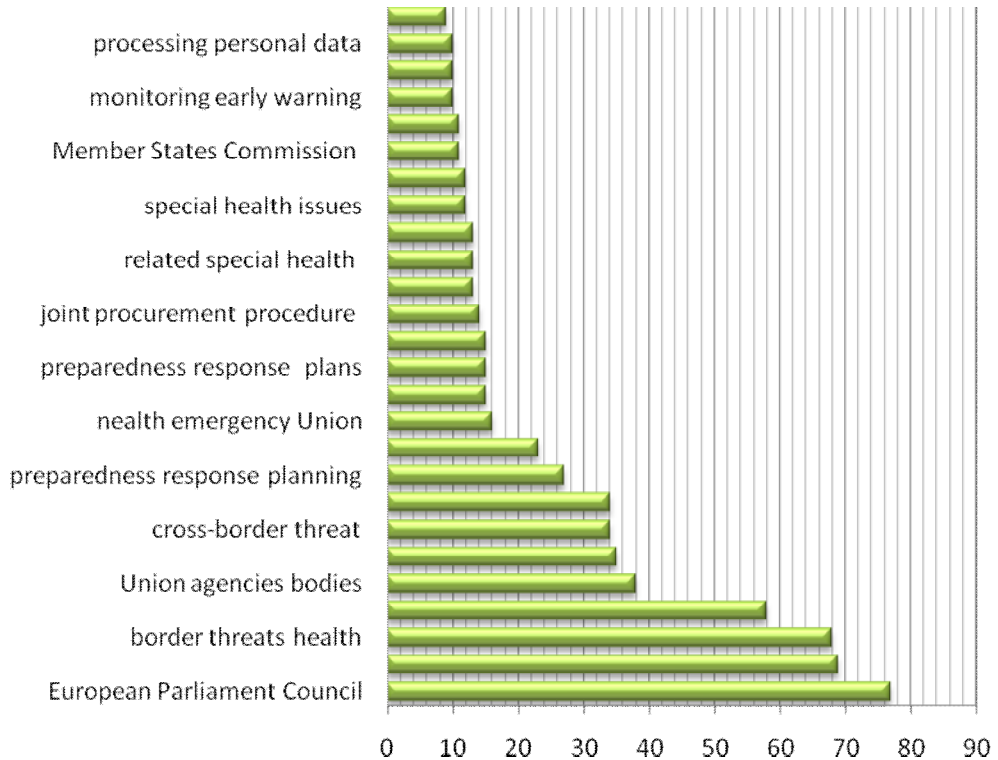
Note: Table 3 displays the Keyword density of three words (selection).

Data source: Authors’ own compilation based on the results of the context analysis of the Regulation (EU) 2022/2371 (<http://data.europa.eu/eli/reg/2022/2371/oj>) using the Word Counter tool

Graph 3 entitled “Variations of the keyword density for three words” shows the framework for formulated actions and key domains concluding the extent to which the legal provisions of the Regulation (EU) 2022/2371 are provided. Graph 3 also provides the institutional and functional priorities by outlining the need for a common action plan. In this context, the most used terms are “Union agencies bodies” (38 words) and “network epidemiological surveillance” (15). Furthermore, in this broad perspective, the “processing of personal data” [Recital (39), Recital (43), Recital (46), Article 27 and

Article 28 Regulation (EU) 2022/2371] undertakes principal activities involving responsibilities of MS [Article 27(1) Regulation (EU) 2022/2371].

Graph 3. Variations of the keyword density for three words



Conclusions

In conclusion, the study reveals the conceptual and analytical basis for the research of the Regulation (EU) 2022/2371 by enlightening the role of data and information exchange and health resilience. Moreover, the results of the research increase the relevance of the legal provisions to social and policy development. Then with institutional and functional linkages, the conceptual and analytical research provides operational guidance to fundamental keywords aimed to establish relevance among various domains of planning and implementation.

Authors' Contributions:

The authors contributed equally to this work.

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

References:

- Amuedo-Dorantes, C., Rivera-Garrido, N., Vall Castelló, J. (2022). Reforming the provision of cross-border medical care: Evidence from Spain. *Health Economics*, 31(5), 859–876. <https://doi.org/10.1002/hec.4481>.
- Brousselle, A., Brunet-Jailly, E., Kennedy, C., Phillips, S.D., Quigley, K., Roberts, A. (2020). Beyond COVID-19: Five commentaries on reimagining governance for future crises and resilience. *Can Public Adm.*;63(3), 369-408. doi: 10.1111/capa.12388. Epub 2020 Sep 25. PMID: 33173236; PMCID: PMC7646656.
- Cooke, E. (2022). Preparing Europe for future health threats and crises – the European Medicines Agency; ensuring safe and effective medicines and medical devices. *Euro Surveill.*;27(42):2200798. doi: 10.2807/1560-7917.ES.2022.27.42.2200798. PMID: 36268739; PMCID: PMC9585881.
- Gallina, S. (2023). Preparing Europe for future health threats and crises: the European Health Union. *Euro Surveill.*; 28(5):2300066. doi: 10.2807/1560-7917.ES.2023.28.5.2300066. PMID: 36729114; PMCID: PMC9896607.
- Gostin, L.O., Katz, R. (2016). The International Health Regulations: The Governing Framework for Global Health Security. *The Milbank Quarterly*, 94, 264-313. <https://doi.org/10.1111/1468-0009.12186>.
- Haist, J., Novotný, L. (2023). Moving across Borders: The Work Life Experiences of Czech Cross-border Workers during the COVID-19 Pandemic. *JCMS: Journal of Common Market Studies*, 61, 124-142. <https://doi.org/10.1111/jcms.13362>.
- Hunter, M. (2021). Resilience, Fragility, and Robustness: Cities and COVID-19. *Urban Governance*;1(2), 115–25. doi: 10.1016/j.ugj.2021.11.004. PMCID: PMC9374562.
- Khan, Y, O'Sullivan, T, Brown, A, Tracey, S, Gibson, J, Généreux, M, Henry, B, Schwartz, B. (2018). Public health emergency preparedness: a framework to promote resilience. *BMC Public Health*; 18(1):1344. doi: 10.1186/s12889-018-6250-7. PMID: 30518348; PMCID: PMC6280369.
- Kokki, M, Ammon, A. (2023). Preparing Europe for future health threats and crises - key elements of the European Centre for Disease Prevention and Control's reinforced mandate. *Euro Surveill.*; 28(3):2300033. <https://doi.org/10.2807/1560-7917.ES.2023.28.3.2300033>.
- Lenton, TM, Boulton, CA, Scheffer, M. (2022). Resilience of countries to COVID-19 correlated with trust. *Sci Rep.*; 12(1):75. doi: 10.1038/s41598-021-03358-w. PMID: 34992222; PMCID: PMC8738739.
- Lin, CW, Lin, MJ, Wen, CC, Chu, SY. (2016). A word-count approach to analyze linguistic patterns in the reflective writings of medical students. *Med Educ Online*. 2016 Feb 1;21:29522. doi: 10.3402/meo.v21.29522. PMID: 26838331; PMCID: PMC4737714.
- Nadalutti, E. (2020). Can Cross-border Cooperation Boost Cross-border Ethical Governance? *JCMS: Journal of Common Market Studies*, 58: 1377–1392. <https://doi.org/10.1111/jcms.13043>.
- Olimid, A.P., Olimid, D.A., Chen, F.I (2018). Ethical governance of the medical research: clinical investigation and informed consent under the new EU Medical Devices Regulation (2017/745). *Rom J Morphol Embryol*, 59(4), 1305-1310. <https://rjme.ro/RJME/resources/files/59041813051310.pdf>.
- Olimid, A. P., Olimid, D. A. (2019). Ethical assessment of the EU health policy under the Directive 2011/24/EU: approaching patients' rights and cross-border healthcare. *Rom J Morphol Embryol*, 60(2):729-735. <https://rjme.ro/RJME/resources/files/600219729735.pdf>
- Olimid, D.A, Olimid, A.P. (2022a). EU Policies on Learning Environmental Sustainability and Climate Change: What Social Implications for Human and Organizational

- Development and Resilience? *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 114-121. https://cis01.ucv.ro/revistadestiintepolitice/files/numarul73_2022/11.pdf.
- Olimid, D.A., Olimid, A.P. (2022b). Social Engagement-Environment Changes-Health Equity Linkages: A Literature Review of Human Determinants and Resilient Policies. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 74, 122 – 131. https://cis01.ucv.ro/revistadestiintepolitice/files/numarul74_2022/11.pdf.
- Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (Text with EEA relevance). PE/40/2022/REV/1. *OJ L 314*, 6.12.2022, p. 26-63. <http://data.europa.eu/eli/reg/2022/2371/oj>.
- Ringsmuth, AK, Otto, IM, van den Hurk, B, Lahn, G, Reyer, CPO, Carter, TR, Magnuszewski, P, Monasterolo, I, Aerts, JCJH, Benzie, M, Campiglio, E, Fronzek, S, Gaupp, F, Jarzabek, L, Klein, RJT, Knaepen, H, Mechler, R, Mysiak, J, Sillmann, J, Stuparu, D, West, C. (2022). Lessons from COVID-19 for managing transboundary climate risks and building resilience. *Clim Risk Manag.*; 35:100395. doi: 10.1016/j.crm.2022.100395. Epub 2022 Jan 11. PMID: 35036298; PMCID: PMC8750828.
- Rushton, S. (2011). Global Health Security: Security for Whom? Security from What?. *Political Studies*, 59, 779-796. <https://doi.org/10.1111/j.1467-9248.2011.00919.x>.
- Scola, A. (2016). Legal, Financial, Social, and Political Interdependencies with Cross-Border Integration. In *Cross-Border Mergers and Acquisitions*, S.C. Whitaker (Ed.). <https://doi.org/10.1002/9781119268451.ch3>.
- Sohrabi Safa, N., Maple, C., Watson, T., Furnell, S. (2018). Information security collaboration formation in organisations. *IET Inf. Secur.*, 12, 238-245. <https://doi.org/10.1049/iet-ifs.2017.0257>.
- Stoeva, P. (2020). Dimensions of Health Security-A Conceptual Analysis. *Global Challenges*, 4, 1700003. <https://doi.org/10.1002/gch2.201700003>.
- Su, D., Richardson, C., Wen, M. and Pagán, J.A. (2011). Cross-Border Utilization of Health Care: Evidence from a Population-Based Study in South Texas. *Health Services Research*, 46, 859-876. <https://doi.org/10.1111/j.1475-6773.2010.01220.x>.
- Vijayasathy, L. R., Gould, S. M., Gould, M. (2015). Cues for Better Writing: Empirical Assessment of a Word Counter and Cueing Application's Effectiveness. *Business and Professional Communication Quarterly*, 78(4), 476-493. <https://doi.org/10.1177/2329490615594801>.
- Wills, M. (2019). Information Security Fundamentals. In (ISC)2® SSCP® Systems Security Certified Practitioner Official Study Guide, M. Wills (Ed.). <https://doi.org/10.1002/9781119547921.ch2>.

Article Info

Received: February 22 2023

Accepted: March 06 2023

Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371

How to cite this article:

Daniel Alin Olimid, Anca Parmena Olimid (2023). Accuracy of Information, Data and Health Resilience: An Analytical Study of the Regulation (EU) 2022/2371. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 49 – 61.



ORIGINAL PAPER

The New European Neighbourhood Policy

Floriana Anca Păunescu¹⁾, Ileana Mihaela Chirițescu²⁾

Abstract:

The European Neighbourhood Policy (ENP) underpins a new approach to the relations between the European Union and its neighbouring countries, which goes beyond the traditional cooperation approach. This policy provides a framework to strengthen the neighbourhood relations and to enhance cooperation with the neighbouring countries of the enlarged EU in order to create an area of prosperity and good neighbourliness, a “circle of friends” at the EU borders. The European Neighbourhood Policy Objectives: the ENP main objective is to share the benefits the EU enlargement of 2004 with its neighbouring countries. Furthermore, another central objective, which was established by the European Security Strategy of 2003, aims at increasing security in the neighbourhood of the enlarged Union.

The main axes of the new approach are: adaptation of the EU support to its partners in compliance with the progress recorded on political reforms and consolidation of democracy, further support for sustainable economic and social development as well as the establishment of regional partnerships, with each of its neighbours, according to a shared policy, based on mutual accountability. The main source of funding is the new European Neighbourhood Instrument (ENI), which will provide most of the budgetary support to the partner countries, especially through bilateral, regional and cross-border cooperation programs.

Most partner countries have saluted this approach, and many of them have expressed an ever increasing commitment to further develop their political and economic reform and to cooperate even more intensely with the EU.

Keywords: *the European Neighbourhood Policy (ENP), the new European Neighbourhood Policy (NPVE).*

¹⁾ Associate Professor, Ph.D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 004 0251411552, Email: anca.paunescu18@gmail.com. ORCID ID: 0000-0002-9646-7718.

²⁾ Lecturer, Ph.D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 004 0251411552, Email: chiritescumihaela@yahoo.com. ORCID ID: 0000-0002-2272-7580.

The New European Neighbourhood Policy

The European Neighbourhood Policy

The European Neighbourhood Policy (ENP) was set up in 2004 in order to prevent the emergence of potential new demarcation lines between the enlarged EU and its neighbours, thus aiming to strengthen the prosperity, stability and security of all partners involved. This policy framework is based on the values of democracy, rule of law and respect for human rights and it applies to the nearest 16 neighbours of the EU: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco Palestine, Syria, Tunisia and Ukraine. Essentially, the ENP underlies a bilateral policy between the EU and each partner country, enhanced by regional cooperation initiatives, i.e. the Eastern Partnership and the Union for the Mediterranean.

Legal background: Article 8 of the Treaty on European Union; Part **V** of the Treaty on European Union (**Union's External Action**) and Articles 206-207 (trade) as well as Articles 216-219 (international agreements) of the Treaty on the Functioning of the European Union (TFEU).

Through the European Neighbourhood Policy (ENP), the EU facilitates its neighbours a privileged relationship, based on a mutual cause in view of enhancing common values (democracy and human rights, rule of law, a good governance, market economy principles and sustainable development). The ENP endorses policy coordination and further economic integration, increased mobility and socio-professional networking. The degree of accomplishment of this relationship depends on the extent to which these values are shared. The ENP is distinguished from the process of enlargement, but does not affect the manner in which the relations between the neighbouring countries and the Union may evolve in the future. In 2010-2011, the EU has reviewed the ENP and reinforced the emphasis laid on the promoting of sustainable and deep democracy and the inclusive economic development. Deep and sustainable democracy includes above all freedom and fairness of choices, joint efforts to combat corruption, judicial independence, democratic control over the armed forces and freedom of expression, cooperation and association. In the same climate, the EU has also emphasized the role that the civil society plays in this process and put forward its “more for more” principle, according to which the Union shall develop closer partnerships with those neighbouring countries that achieve greater progress towards democratic reform. In two separate resolutions adopted on 7 April 2012, the EU Parliament welcomed this review and provided guidance for the European External Action Service and the Commission on the implementation of the ENP.

The new European Neighbourhood Policy

In 2011 the EU completed the all-encompassing review of the European Neighbourhood Policy (ENP), in response to the manifold challenges such as: the need to support the democratization process carried out in all countries of the EU southern neighbourhood, the European-oriented goals of some East-European partners, as well as the need to strengthen the Eastern Partnership and the new opportunities facilitated by the entry into force of the Lisbon Treaty. The European Neighbourhood Policy package, which encompasses the two documents mentioned above, assesses the first year of implementation of the new approach. Likewise, it recommends a roadmap to revive the implementation of the Eastern Partnership, providing guidelines for the work undertaken in view of the next summit in autumn 2013. The new ENP builds on the achievements of the EU neighbourhood policy since its launch in 2004 and provides a rejoinder to the requirements of the partner countries to benefit from more freedom and a better life.

This novel policy offers new forms of support for various socio-economic sectors and introduces further incentives to continue the reforms. The climax of a review and of extensive discussions with governments and civil society organizations within the EU and the 16 ENP partner countries, found in the neighbourhood of Southern and Eastern Europe, is the proposal submitted in May 2011 by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy.

In Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions informed that: “the Lisbon Treaty has allowed the EU to strengthen the delivery of its foreign policy: co-operation with neighbouring countries can now be broadened to cover the full range of issues in an integrated and more effective manner. This was a key driver for initiating a review, in consultation with partner countries and other stakeholders, of the European Neighbourhood Policy (ENP) in summer 2010. Recent events throughout the Southern Mediterranean have made the case for this review even more compelling. The EU needs to rise to the historical challenges in our neighbourhood”. (European Commission, High Representative of the European Union for Foreign affairs and Security policy, 2011)

The proposal, also based on Eastern Partnership, launched in 2009, established the main priorities and directions of the renewed ENP strategy which aimed to strengthen individual and regional relationships between the EU and its neighbouring countries by means of a “more funds for more reforms”- oriented approach, which consists in providing additional funding on condition of mutual accountability strengthening. In addition to the EUR 5.7 billion which have been already allocated for the period 2011-2013, supplementary funding in the amount of 1.24 billion euros were transferred from other current resources and made available to support the ENP. Moreover, the Lisbon Treaty has provided the EU further sustenance in the implementation of its foreign policy.

Admittedly, this proposal increases further development of the “Partnership for Democracy and Shared Prosperity with the Southern Mediterranean”, adopted in March 2011, as a prompter action to the riots and the democratic aspirations that emerged in North Africa. The European Council also agreed the proposal of the High Representative to increase the loans granted by the European Investment Bank (EIB) to the Southern Mediterranean countries with 1 billion euros for the same period. The European Bank for Reconstruction and Development (EBRD) supported the request for the extension of banking operations in the Near East and North Africa, starting with Egypt. It is expected that annual loan volumes will have reached, by 2013, approximately 2.5 billion euros per year.

The results of the new European Neighbourhood Policy

In May 2011 Ștefan Füle, European Commissioner for Enlargement and European Neighbourhood Policy says that: “With so much of our Neighbourhood in a process of democratic change, this review is more important than ever. It is vital that we in the EU make a comprehensive offer to our neighbours and build lasting partnerships in our neighbourhood to reinforce democracy and inclusive economic and social development”. (European Commission, 2011)

The objectives of the new European Neighbourhood Policy as they were formulated in the 2011 Communication entitled “*A new response to a changing Neighbourhood*” are:

The New European Neighbourhood Policy

- priority support for those partners who are committed to building sustainable and genuine democracy, ensuring respect for human rights;
- supporting the development of a joint economy so as the EU neighbours to be able to trade, invest and develop in a sustainable framework while reducing social and regional inequities, generating employments and improving the living standards of their residents;
- strengthening the regional dimensions of the European Neighbourhood Policy, especially the Eastern Partnership and the Union for the Mediterranean, developing coherent regional initiatives in areas such as trade, energy, transport, migration or mobility to complement and enhance bilateral cooperation with neighbouring partners;
- providing of appropriate mechanisms and tools to achieve these goals.

According Lăpădat L. C. & Lăpădat M. M. “utilising the instrument of spirituality to mitigate political, descent represents a personal contribution and communicational intervention from the very eloquent and powerful message generator”. (Lăpădat & Lăpădat, 2022: 152).

The main axes of the new approach are: adaptation of the EU support to its partners in compliance with the progress recorded on political reforms and consolidation of democracy, further support for sustainable economic and social development as well as the establishment of regional partnerships, with each of its neighbours, according to a shared policy, based on mutual accountability. The main source of funding is the new European Neighbourhood Instrument (ENI), which will provide most of the budgetary support to the partner countries, especially through bilateral, regional and cross-border cooperation programs.

Most partner countries have saluted this approach, and many of them have expressed an ever increasing commitment to further develop their political and economic reform and to cooperate even more intensely with the EU.

In Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions informed that : “The EU does not seek to impose a model or a ready-made recipe for political reform, but it will insist that each partner country’s reform process reflect a clear commitment to universal values that form the basis of our renewed approach. The initiative lies with the partner and EU support will be tailored accordingly” (European Commission, High Representative of the European Union for Foreign affairs and Security policy, 2011).

One year after the launch of the Communication, the EU assess the results of its new policy, namely:

- EU has redirected its assistance programs and provided an additional EUR 1 billion for the period 2011-2013, which will be allocated via two innovative programmes, i.e. the “SPRING” Programme (Support to Partnership, Reform and Inclusive Growth) designed for the countries of the Southern Neighbourhood and the “EaPIC” Programme (The Eastern Partnership Integration and Cooperation) for eastern EU neighbours. This action has led to the increase of the borrowing ceilings of the European Investment Bank with 1.15 billion euros and secured the extension of the mandate of the European Bank for Reconstruction and Development on the EU’s southern neighbours;

- having applied the principle of “more progress, more support”, the EU supported those partner countries who have undertaken political reforms. The EU financial assistance granted to Tunisia doubled, expanding from 80 million to 160

million in 2011. On the other hand, the EU has countered swiftly in view of suspending any cooperation relations with those countries responsible for serious human rights violations and imposed a wide range of sanctions against such regimes, while redirecting its entire support towards the civil society and the affected populations;

- in parallel with the resumption of the official 5 + 2 negotiations in view of resolving the Transnistrian conflict in the Republic of Moldova, the cooperation with the Government of the Republic of Moldova intensified, thus extensive EU measures to build up confidence were released while the EU sanctions imposed to Transnistria have been progressively revised; 30 years after the start of the Transnistrian war, explosions are heard again near the Dniester.

In an article signed by Simion Ciocină, Viorel Cibotaru says: “March 2 - 1992, 2022 - is a conventional number. For me, the war started as a conflict, because the phenomenon of separatism was born gradually. From the beginning, it took shape as a movement to reject the process of social emancipation of the citizens of the Republic of Moldova and the process of national rebirth that began in 1988. At that time, on the left side of the Dniester there were over 100 enterprises of union importance, with a number impressive of specialists from different corners of the Soviet Union. This blanket was conservative enough, including towards the process of national rebirth” (Ciocină, 2022)

Concurrently, substantial progress has been registered on the political association with partner countries. Thus, further negotiations were launched concerning an Association Agreement (AA) with Moldova, Georgia, Armenia and Azerbaijan. Also, considerable progress with regard to the economic integration has been registered (the so-called complex and comprehensive Free Trade areas are also part of the Association Agreements). In this climate, negotiations with Moldova and Georgia opened and in the foreseeable future negotiations with the Armenia will open as well. At the turn of the year, similar negotiations may be opened with Jordan, Morocco and Tunisia.

The European Union has also contributed to the makeup of sustainable democracies having organised election observation missions in Tunisia and Algeria, it also delegated field experts for the elections in Morocco, provided technical support to Egypt and accepted the Libyan invitation to observe its future election and agreed to delegate an election assessment team for all Libyan main cities.

Despite the concluding negotiations on an association agreement with Ukraine (including a complex and comprehensive Free Trade area), followed by the initialling of the agreement in March, current concerns that still persist in the internal political situation of Ukraine could prevent the rapid signing and ratification of this agreement, unless there are solutions to this problems. Significant progress has been also registered with regard to the mobility area.

Thus, prospective measures towards visa liberalization with the Eastern partners, i.e. with Moldova, Ukraine and Georgia have been taken. A mobility partnership was recently established with Armenia and negotiations on a Mobility Partnership with Azerbaijan could be launched in the foreseeable future. Also, Belarus was made a special offer in this respect. Regarding the southern neighbouring countries, further dialogues on migration, mobility and security have been opened with Morocco and Tunisia, thus smoothing the way towards mobility partnerships. The Communication proposes a dialogue with Jordan. Following the request formulated by the European Council in March 2012, the Commission Staff Working Paper on “Partnership for Democracy and Shared Prosperity” underpins a roadmap to specify the

The New European Neighbourhood Policy

objectives, the instruments and the actions necessary for the implementation of the EU policies in the southern Mediterranean partner countries. Also, the Project of the European Foundation for Democracy was initiated, focusing, in the first instance, on the neighbouring countries and on the paramount goal line to grow considerably scholarship funding in education as well as on the European programmes and initiatives with view to the civil society and especially to the involvement of women in politics and society.

The key feature of the new European Neighbourhood Policy is highlighted by the importance allotted to mutual accountability. In this context, surveillance reports and recommendations for each partner country have been drawing on. These recommendations aim to encourage the partner countries to defend the freedom of expression, regular associations and meetings and to promote women's rights and equality between women and men. They also recall the establishment of independent and effective judicial system and highlight the sustained efforts to combat corruption and implement reforms in the field of security.

The Eastern Partnership

As agreed on the event of the Eastern Partnership Summit, held in Warsaw in 2011, a Joint Communication recommends a roadmap until the summit of the Eastern Partnership, which will take place in autumn 2013. The Communication describes for the first time the full range of bilateral and multilateral activities of the Eastern Partnership. In the same spirit, the roadmap reaffirms the shared commitment of the EU and of the partner countries in Eastern Europe with reference to democratic reforms and economic makeover, setting out an ambitious agenda with a view to the following-year-summit, which will be held in Vilnius. This initiative will secure the achievement of the objectives established within the Eastern Partnership, i.e. political association acceleration and strengthening of the economic integration of the EU partner countries, increased mobility of citizens within a safe and well-managed framework, as well as the promoting of cooperation in various sectors.

The High Representative, Catherine Ashton, declared“...the Roadmap will help partner countries accelerate their transition towards democracy and market-oriented economy by providing a monitoring tool in support of their reform process. The more partner countries achieve tangible progress in their reform efforts, the more the EU will be prepared to support them. It is also vital that partners make renewed efforts to resolve the conflicts which have blighted the region for far too long. The EU stands ready to strengthen its support to those who are ready to take courageous decisions and turn the page”. (European Commission, 2012)

This policy tool has been developed in consultation with the European Member States, the Eastern European partners and the civil society. The Roadmap illustrates, transparently, for all partners, the Eastern Partnership objectives, the policy actions that the partners should adopt and the EU sustenance to achieve these objectives as well as the results that may be attained until the following summit on Eastern Partnership that will be held in autumn 2013. The Communication examines the current situation of certain partners, the values and principles that the Eastern Partnership underpins: freedom, democracy, human rights, fundamental freedoms and the rule of law. Furthermore, bilateral partnership progresses within the Partnership are examined. With reference to the political association and the economic integration, the Association Agreement between the EU and Ukraine has been completed with a view to establishing a complex and comprehensive Free Trade area. Similar advanced negotiations are

ongoing with the Republic of Moldova, Georgia, and Armenia, and with Azerbaijan in an early stage. With regard to the mobility of citizens, Moldova and Ukraine have already established action plans concerning visa liberalization, while a similar dialogue has been initiated with Georgia. Similarly, ongoing negotiations are in progress with Armenia and Azerbaijan on agreements to facilitate the issuing of visas and readmission, while a similar offer is put forward by the EU to Belarus. In the same climate, the agreements with Moldova and Ukraine on visa facilitation have been amended, a fact which will facilitate the issuing of visas for the residents of these two countries. As to the multilateral approach of the Eastern Partnership, four thematic platforms have been established, i.e.: the launching of further cooperation in novel areas such as public administration reform, transportation, migration and asylum. Thus, new programs of integration and cooperation within the Eastern Partnership have been recently adopted, thus providing additional financial support amounting to 130 million euros for the period 2012-2013 for those countries that have made significant progress on issues of democracy, human rights and the rule of law.

Within the Eastern Partnership, particular attention was attached to the involvement of all the elements of the society. In order to facilitate the involvement of civil society organizations in the implementation of the partnership, the Civil Society Forum was established in 2009, its role was acknowledged by the EU Member States and the Eastern European countries following the decision to invite its representatives to permanently participate to the four Eastern Partnership multilateral platforms. The Roadmap is designed as a practical toolkit for the monitoring and the assessing of the Eastern Partnership progress, encompassing a single set of documents for the EU Member States as well as for the Eastern European countries, which frame the objectives agreed and the policy measures undertaken by each partner country as well as the EU support for the implementation of these measures and deliverables. The Road map also outlines the measures designed to ensure the concrete progress by autumn 2013. The progress on the implementation of the Eastern Partnership objectives will be assessed by the EU and the partner countries on the occasion of annual meetings of the foreign affairs ministers of the Eastern Partnership member countries.

In Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions informed that: “The partnership will develop with each neighbour on the basis of its needs, capacities and reform objectives. Some partners may want to move further in their integration effort, which will entail a greater degree of alignment with EU policies and rules leading progressively to economic integration in the EU Internal Market”. (European Union, 2015)

The civil society grew thus aware that there is a need of complete engagement and commitment in supporting democracy, a sustainable socio-economic development, a good governance and the rule of law, for as it is expected to facilitate the transition process of the partner countries while stimulating reforms and promoting the values of the Eastern Partnership.

However, we must be aware that countries must preserve their own identity, their own values and cultures beyond any social, economic or political advantage that any kind of agreement could facilitate.

As Burtea-Cioroianu also states: “National identity plays an important role in defining us in relation to others from other cultures and nationalities, because through it we express our dignity, our essence, the fact that we belong to a territory and a people.

The New European Neighbourhood Policy

Economic, political, social and even psychological aspects can have major implications in the discourse on an individual's national identity” (Burtea-Cioroianu, 2022:137)

Conclusions

There are several types of agreements between the states of the world - they can be peace agreements signed by mutual consent, they can also be territorial agreements by establishing fixed borders between states. There may also be trade agreements, customs, financial, legal, investment agreements, health agreements, education agreements.

In general there can be no states without any signed agreement with neighbors or other states on the same continent.

Free movement and human rights to travel freely anywhere in the world have generated the need for various types of agreements between states.

Authors' Contributions:

The authors contributed equally to this work.

References:

- European Commission, High Representative of the European Union for Foreign affairs and Security policy, 2011 retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0303:FIN:en:PDF>.
- European Commission, 2011, retrieved from https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_11_381.
- Lăpădat, L. Lăpădat, M.M. (2022). *Analytical elements and social discourse deconstruction in Barack Obama's inaugural address*, Revista de Științe Politice, Revue des Sciences Politiques, no. 74, Craiova: Universitaria Publishing House.
- European Commission, High Representative of the European Union for Foreign affairs and Security policy, 2011 retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0303:FIN:en:PDF>.
- Ciochină, S. (2022). *Noi singuri ne-am pus bomba separatismului*, retrieved from <https://www.dw.com/ro/la-30-de-ani-de-la-%C3%AEnceputul-r%C4%83zboiului-transnistrean-l%C3%A2ng%C4%83-nistru-se-aud-din-nou-explozii/a-60987742>.
- European Commission, 2012, retrieved from https://ec.europa.eu/commission/presscorner/detail/en/IP_12_474.
- European Union, 2015, retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52015JC0050>.
- Burtea-Cioroianu, C.E. (2022). *National identity and intercultural communication in the teaching of Romanian as a foreign language*, Revista de Științe Politice, Revue des Sciences Politiques, no. 75, Craiova: Universitaria Publishing House.

Article Info

Received: March 21 2023

Accepted: March 29 2023

How to cite this article:

Păunescu, F.A., Chirițescu, I. M. (2023). *The New European Neighbourhood Policy. Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 62 – 70.



ORIGINAL PAPER

Lex Salica and Common Law from the Historical Perspective

Irina Gvelesiani¹⁾

Abstract:

The Salic law (*Lex Salica*) is intensely treated as the old Germanic law, which has become the most famous of the so-called barbarian leges. It was created during the victorious reign of Clovis, a founder of the Salian Empire in northern Gaul (Kremer & Schwab, 2018 : 241). The Salic law clearly demonstrated the influence of the Visigothic and Burgundian models (McDaniel, 2012 : 132) and became very influential during the Carolingian regime. It is believed that one could find the most aspects of the Carolingian-style in tenth and eleventh-century England (Wormald, 2014 : 249-250). However, there is no direct evidence of the availability of *Lex Salica* in Britain before the 10th century.

The paper presents an innovative attitude towards the study of the relation between the Salians' legal code *Lex Salica* and English common law. The greatest attention is paid to the appropriate historical and juridical contexts, cross-national activities, linguistic and juridical contacts, contact-induced changes, etc. The results of the research reveal that *Lex Salica* could be available in Britain before the 10th century. Moreover, there was an evident inter-influence of the Frankish and British legal systems.

Keywords: *common law, English law, juridical-linguistic study, Lex Salica, Salian Empire.*

¹⁾ Associate Professor, PhD, Ivane Javakhishvili Tbilisi State University, The Faculty of Humanities, English Philology specialization, Georgia, Phone: + 995 5 93 32 70 07, Email: irina.gvelesiani@tsu.ge.

The General Introduction

Lex Salica/Salic law has always been treated as the most Germanic of all the barbarian legislations (except the Anglo-Saxons' law) (McDaniel, 2012 : 132). It became a territorial law code in northern Gaul (McCoy, 2021 : 22).

The legal historians express different ideas regarding the creation of the Salic law. On the one hand, it is believed that *Lex Salica* was made during the 4th century for the Frankish military dependants and their families settled in Far Gaul (Poly, 2016 : 35). On the other hand, it is supposed that the Salic law was written between 476-496 (Taylor, 2006 : 543). In accordance to WALLACE-HADRILL's opinion, *Lex Salica* had to be an unamended work of the 6th century. Moreover, the bombastic prologue of the longer version had to be written in the 8th century. The format of the whole collection might be created in the ninth century (Wallace-Hadrill, 1962 : 76).

Despite the above mentioned, it is more probable that *Lex Salica* came to us from the reign of Clovis (486-511) (Pollock, & Maitland, 1991 : 136) – a founder of the Salian Empire in northern Gaul (Kremer & Schwab, 2018 : 241). The Salic law became very influential during the Carolingian regime. It is believed that one could find the most aspects of the Carolingian-style in tenth and eleventh-century England (Wormald, 2014 : 249-250). However, there is no direct evidence of the availability of *Lex Salica* in Britain before the 10th century.

The paper presents an innovative attitude towards the study of the relation between the Salians' legal code *Lex Salica* and English law. The greatest attention is paid to the appropriate historical and juridical contexts, cross-national activities, linguistic and juridical contacts, contact-induced changes, etc.

***Lex Salica* from the Historical Perspective**

Let us initially discuss the Salian Franks' law. The majority of scholars agree that this law was created during the reign of Clovis / Chlodwig – a governor, who unified the Salians and the Ripurians. Under Clovis' rule, the Franks controlled present-day France down to the Loire. When Chlodwig died in 511, he left behind the rather large kingdom (Robinson, 1993 : 201).

It is believed that before Clovis' reign, the Franks' customary laws had existed in an unwritten form: those "barbarian" laws were unwritten and committed to the memories of various tribal elders. Moreover, these early fringe peoples did not consider law to be the manifestation of the authority of some state or ruler. In the context of this vision, the law was not something created by a legislator, it was inherited. The recording of the law was carried out by the assistance of the Gallo-Roman jurists (*The Salic Law* : 48), who might reflect the impact of the Roman legal tradition. Moreover, the Frankish legal system clearly demonstrated the influence of the Burgundian and Visigothic models (McDaniel, 2012 : 132).

It is also noteworthy that the Salic Law Ordinance found in the Franco-Germanic Salic Law Code actually regulated inheritance to lands in families (*allodial lands*) (Hanley, 1994 : 107). Moreover, *Lex Salica* contained the civil and criminal law statutes (Kremer & Schwab, 2018 : 241). It was revised by the first emperor of the revived medieval Roman Empire of the West, King Charlemagne, who tried to substitute the Roman legal ideas and law for the Teutonic usages (Sherman, 2014 : 319). Around 800, King Charlemagne issued the laws for the Saxons and the Frisians. Moreover, he revised the Salic law as *Lex Salica Karolina* and issued the series of capitularies for

Lex Salica and Common Law from the Historical Perspective

other peoples under his rule. The Salic law was definitely used as the basis for the Frankish preparation of laws for the Alemanni (in the 7th century) as well as the Saxons, the Thuringians, the Bavarians and the Frisians (in the 8th-9th centuries). These laws constituted what could be collected of the whole body of the tribal custom by which the Germanic peoples lived and their analysis is less advanced than is that of the capitularies and diplomas. They may not tell us very accurately how the tribes of the immediate post-migration period lived, but they definitely indicate how the educated men of the Carolingian age thought they had lived. Accordingly, these laws are significant in the sense not intended by their compilers (Wallace-Hadrill, 1962 : 94).

The Salic law survived as the personal law of the Franks long enough to be remembered at the time of the French Revolution (McDaniel, 2012 : 143-144). Although *Lex Salica* was expanded and revised under the Carolingian and Merovingian kings, it was slowly forgotten. However, in the middle of the fourteenth century, the Salian Franks' legal system was rediscovered by Richard Lescot and the monks of Saint-Denis. It enjoyed the second lease on life from the beginning of the fifteenth century, when it was officially adopted by the French Crown as the post factum justification for the exclusion of women from the royal succession (Taylor, 2006 : 543). Nowadays, *Lex Salica* exists in about ninety manuscripts written between the eighth and twelfth centuries and recopied in the fifteenth and sixteenth centuries (Kremer & Schwab, 2018 : 241).

It is supposed that the Frankish laws were closely related to the Saxon laws (McDaniel, 2012 : 133). It is also believed that the British legal system could be influenced by the Franks' legal system in the 7th century, when some parts of the so-called Ine's laws might be written following the Frankish model (Liebermann, 2022 : 1-13). Moreover, some scholars claim that similarly to the Laws of Æthelberht of Kent, the Frankish code dates from the immediate post-conversion period (*The Cambridge Companion to Old English Literature*, 1991 : 4).

We believe that looking through the appropriate historical and juridical contexts may be useful for finding more relevant implications regarding the relation of *Lex Salica* and the English law codes created by different kings.

The Frankish-British Relations – the Historical Overview

The question of Frankish-British relations has attracted various scholars' attention. On the one hand, it was claimed that the Anglo-Saxons had communications with the continent, for instance, King Æthelbert of Kent's wife Bertha was Frankish (McDaniel, 2012). This marriage signified contacts between two kingdoms – Francia and Kent. The material culture of the latter showed the strong Frankish influence (Rowley, 2011: 101-102). On the other hand, it is believed that the missionary works strengthened the links binding England to the continent in the seventh and eighth centuries. Bede's work implies a key role for Frankish Gaul in the conversion of Wessex and East Anglia, while Biscop's glaziers and masons as well as some of his books came from Gaul (*The Cambridge Companion to Old English Literature*, 1991 : 5). It is also supposed that Pope Gregory might have deliberated to deploy the Anglo-Saxon missionaries, brought up and educated in the continental monasteries, for the mission to England (Lemke, 2015 : 29; 306). Moreover, the Carolingians were much indebted to the great missionary school of York for the sent books and men. Wherever the English missionaries settled, the British manuscripts appeared. Some reached the big Frankish monastic libraries, for instance, Corbie, Tours and St. Denis (Wallace-Hadrill, 1962 : 106).

The British-Frankish relations could be strengthened by 688, when the West Saxons were in possession of the safe harborage of the Solent from which a direct crossing could be made to the part of north Francia (afterwards, called Normandy) (Yorke, 1995 : 300). Moreover, the Isle of Wight and Kent (mainly, its eastern part) were two territories that showed the strongest links with the Frankish world. The distribution of imports in the early Anglo-Saxon sites (dated c.450–650) revealed that a wide number of communities had had access to the items or materials from Francia. The Franks and the Anglo-Saxons imposed control on the merchants of Byzantine and Roman origins (McDaniel, 2012 : 121). It is also significant that imports from the Frankish world were found in many cemeteries in Kent and in the Isle of Wight. For instance, Chessell Down, shows a high percentage of the people buried with the imports between the late 5th century and the end of the 6th century (Bavuso, 2021 : 298-301).

The history reveals other facts depicting of the Frankish-British relations, for instance, in 856 in the Frankish palace of Verberie, Æthelwulf – the son of Egbert of Wessex – was betrothed to Judith, a daughter of Charles the Bald. When Æthelwulf died in 858, Judith married his son and successor Æthelbald (Yorke, 1995 : 197-198). It is important that contrary to the custom, the king took an unusual step of having Judith sit beside him on the throne. Supposedly, it meant that the Carolingians were highly respected in Wessex.

It is significant that during the reign of King Alfred (Æthelbald's brother), the relations with Francia were intensified. The connection between the Gaulish / Frankish and Anglo-Saxon England episcopate was close. This fact may be attested by Grimbold of St Bertin's presence at Alfred's court and by Archbishop Fulco of Rheims' letters (Lemke, 2015 : 381). Alfred recruited the Franks and the Mercians to help rejuvenate West Saxon Church. The same king recruited some scholars from Mercia, including Bishop Waerferth of Worcester, in the early 880s, followed by Grimbold of St. Bertins and John, the Saxons from the Frankish empire around the middle of the decade (Yorke, 1995 : 199-200). It was obvious that the English liturgy borrowed from the Frankish one (Wormald, 2014 : 86).

The study of the sphere of medicine seems also important to highlight the British-Frankish relations. Famous scholar D'ARONCO paid attention to the development of medicine of tenth-century Anglo-Saxon England. As a result, he indicated that the new trends in the medical writing and thus in the medical studies began earlier, after the Anglo-Saxon reform of Benedictine monasteries. That reform drew on the fruitful, well-established connections with the Lotharingian as well as the Carolingian monasteries in continental Europe. From Saint-Bertin, Corbie, Fleury sur Loire and Saint Peter in Ghent there was a continuous flow of books and men to England, among which there were the medical writings that flourished in the Carolingian monasteries (D'Aronco, 2007 : 57-58). Moreover, the medical works were gradually included in the coherent miscellanies that were made up of various patristic and biblical texts as well as different philosophical, medical, rhetorical and historical works. Those miscellanies became a model for the entire Carolingian period.

It seems important that the British-Frankish relations were depicted in the free rendering of *Orosius's Historiarum adversum paganos libri VII* (c. 417) – “*The Old English Orosius*” – which may be treated as a product of the transfer of knowledge or learning (*translatio studii*) from Carolingian Francia to Anglo-Saxon England. This transfer facilitated the spread of the new ideas about the history, religion, kingship, philosophy and empire (Leneghan, 2015 : 658). Moreover, the new standards were set

Lex Salica and Common Law from the Historical Perspective

for the book typology and educational strategies (conjectural and partially unrecoverable) influencing the surrounding countries, including the British Isles. In the ninth century, the continental copies of the Carolingian works arrived in England. Despite this fact, at the initial stage, the response to the Carolingian learning was moderate. It is also noteworthy that in tenth- and eleventh-century England, the educational texts mainly comprised different grammar primers and the study of various Latin authors – some classical and several Christian works, a few Carolingian and some native writers (Lendinara, 2007 : 59-67).

The relation between England and Francia was depicted in the collection “*Cambridge, Corpus Christi College 190*”, which was probably made in stages at Worcester, with additions made at Exeter in the mid-eleventh century. The Exeter additions seem to attest to a shift in the focus of the collection, from the reproduction of the documents from the Carolingian Church «to which the [Anglo-Saxon] Benedictine reformers went for the regulatory literature they needed», to their vernacularisation. It is important that among the core texts of “*Cambridge, Corpus Christi College 190*”, we may single out “*Excerptiones pseudo-Ecgberti*” – the selection of the Frankish *Capitulare episcoporum*, which comprised the laws for the clergy drawn up at the synod held under King Charlemagne (Sciacca, 2007 : 94-96).

The Frankish and Anglo-Saxon Monuments of Law

After looking through the appropriate historical context, let us discuss the juridical context, namely, the relation between Frankish and Anglo-Saxon monuments of law.

Some scholars express their opinions regarding the connection of the British and Frankish legal systems, for instance, it is believed that similarly to the Laws of Æthelberht of Kent (d. 616), the Franks’ code was created in the post-conversion period. However, *Lex Salica* was written in Latin, while Æthelberht's laws were issued in the English language (*The Cambridge Companion to Old English Literature*, 1991 : 4). It is also believed that similarly to the continental legal systems, the laws of Æthelbert could be created in Latin. However, after a particular period of time, they might be translated into the vernacular i.e. into the English language (Tveit, 2016 : 43).

The apparent similarities between the English and Frankish laws can be seen in case of a dower. The dower of the English legal system derived in the unbroken historical development through the *dos ad ostium ecclesiae* of Bracton and Glanville, the Norman *douaire* and the Frankish *tertia*, from the purchase price or *weotuma* and the *morgen-gifu* of the heathen Germans (Young, 1905 : 174). Moreover, in case of the English legal system, the boc-land was essentially the same estate as the Merovingian. Additionally, in accordance to Duke Alfred's will, the British estate of folc-land, would seem to be the analogue of the Carolingian benefice (Lodge, 1905 : 94).

The relation between the English and Frankish legal systems can be seen in case of the trial by jury that dates from the institution by King Henry II of the inquest of jurors or recognitors. What was the origin of the jury? The prevailing opinion now is that the jury is not of Anglo-Saxon, but of Frankish or continental European origin, familiar to the Normans and imported into England by them. This Frankish inquest used by restored Roman Emperor Charlemagne and his royal successors quite naturally seems to imitate certain features of the Roman legal procedure. The Roman root – the most important, if not an exclusive source – of the English trial by jury is probably the

judices, or persons selected by a praetor in the Roman law to determine the facts in the legal controversies (Sherman, 2014 : 324).

The influence of the Salic law may be found in the British law books and treatises. Let us discuss some of them. At the initial stage, it is important to overview the earlier laws, for instance, Kentish King Æthelberht's law. According to famous scholar DEANSLY, the charter evidence might signify that even in the 7th century Æthelbert modelled his court on the literate Frankish court prior to the arrival of Augustine's mission (Rowley, 2011 : 102). The same idea was expressed by FULK and CAIN. These scholars claimed that Æthelberht had placed Augustine and his mission under his own protection by copying into his code the provisions for their security inspired by the Frankish laws (Brooks, 2015 : 117). It was also believed that at the end of the sixth century, *Lex Salica* functioned as an example for the law code of Æthelberht. This fact became clear from the stylistic similarities as well as from the inclusion of the Frankish word *leode*, the word which means vassals of the king and which was not used with this meaning in other Anglo-Saxon monuments (Kerkhof, 2018 : 42). It is also important that nineteen of Æthelberht's chapters had 'parallels' with early *Lex Salica* (Brooks, 2015 : 117).

Æthelberht's code was expended by his heirs – Hlothere, Eadric and Wihtræd. It is significant that the twenty eighth chapter of Wihtræd's laws seems to be identical to the twentieth chapter of King Ine's laws. The latter survived due to the efforts of Alfred the Great, who presented Ine's laws as the appendix to his laws (Fulk & Cain, 2003 : 150-153).

Let us discuss the post-conquest legal text-books and treatises. The study of "*Leges Henrici Primi*", a textbook, which was written in 1108-1118, shows that the author made the use of the Anglo-Saxon laws. He referred to *Lex Ribuarica* for the canon of inheritance and fetched the rule, which we should be rash in applying to England of the twelfth century (Pollock & Maitland, 1898 : 267). However, in some cases, the author stopped gaps with some extracts from *Lex Ripuarica*, *Lex Salica*, the Frankish capitularies and some collections of the canons (Maitland, 1908 : 73). It is also believed that he stole the passage from *Lex Ribuarica*, which has been regarded as one of the oldest testimonies that we have to the growth of the community of conquests among the Franks. Supposedly, the author did not have anything English to set against this (Pollock & Maitland, 1898 : 402).

Another significant legal source is the first book of the legal treatise "*Quadripartitus*". The study reveals that it used some Anglo-Saxon juridical lexical units and presented the traces of the Frankish terminology. It employed the term "intertiare" for *anefang* instead of the Anglo-Saxon *befon* or *aetfon*. "*Quadripartitus*" called the *outlaw forisbannitus* and translated *meldefeoh* by *delatura* (Brunner, 1908 : 15). It is also worth mentioning that the English writ of praecipe had its prototype in the Frankish *indiculus commonitorius* (Brunner, 1908 : 28).

Some scholars suppose that equity derived from the Salic law. According to ADAMS, the Franks, at a very early period, seem to invest their king / ruler with equitable powers. Consequently, King Charlemagne facilitated the development of the Frankish law in this direction. The Franks' equitable procedure survived in Normandy and was carried by the Angevin and Norman kings to England, where it made the foundation of the later development of the common law (Adams, 1905 : 24). It is significant that the Title 46 of *Lex Salica* presented the rules of transferring assets / ownership to an intermediary. This transfer implied the disposal of the assets in favor of

Lex Salica and Common Law from the Historical Perspective

the indicated persons, the so-called beneficiaries, after a transferor's death. The similar rules of disposition of the property has been presented in the common law (Tendan, 2021: 28) since the Norman conquest.

It is noteworthy that after the Norman invasion, the Germanic-Norman laws were united with the Germanic-Anglo-Saxon laws. Therefore, for more than a century after the invasion, only minor changes might occur in the substance of the Anglo-Saxon legal system (Tucker, 1991 : 130-136). Moreover, for a considerable time, the Anglo-Norman law adhered to the ancient Frankish tradition in not distinguishing between a contract and a title (Holmes, 1908 : 713). Even the common law *trust* seems to be formed in accordance to the legal institution *affatomie* presented in the Title 46 of *Lex Salica*.

The Major Conclusions and Outcomes

The above presented overview of the sources depicting the legal history of the U.K. shows that at the earlier stages the common law might stand in a particular connection with the legal codes of the continent, mainly, of Francia. *Lex Salica* and *Lex Ripuaria* influenced the development of jurisprudence in Britain.

Moreover, the study of the historical context reveals that the appropriate missionary and monasterial works strengthened the links binding England to the continent in the 7th-9th centuries. The royal marriages of the Kings of Wessex and Kent stipulated the spread of the Franks' culture and language. The distribution of imports in the early Anglo-Saxon sites indicated that a wide number of communities had access to the items or materials from the continent, mainly, from Francia. The development of the sphere of medicine and maritime life clearly depicted the British-Frankish relations.

Accordingly, it can be concluded that the contacts with the continent, namely, with Francia, could facilitate the transplantation of the Frankish legal institutions as well as lexical units / terms into the Anglo-Saxon soil. It seems acceptable that the copies of the Frankish legal texts, namely, *Lex Salica* and *Lex Ripuaria* could be in circulation in England before the Norman Conquest. They might be accessible to the lawmakers, royals as well as some ecclesiastical figures.

References:

- Adams, H. (1905). The Anglo-Saxon Courts or Law. In Adams, H., Lodge, H. C., Laurence J. & Young, E. *Essays in Anglo-Saxon Law*, Boston: Little, Brown, and Company, pp. 1-54.
- Bavuso, I. (2021). Balance of Power Across the Channel: Reassessing Frankish Hegemony in Southern England (Sixth–Early Seventh Century), *Early Medieval Europe*, 29 (3), 298-301.
- Brooks, N. (2015). The Laws of King Æthelberht of Kent: Preservation, Content, and Composition. In O'Brien, B., & Bomb B. (editors), *Textus Roffensis Law, Language, and Libraries in Early Medieval England*, Turnhout: Brepols Publishers, pp. 105-136.
- Brunner, H. (1908). The Sources of English Law. In The Association of American Law Schools (editor), *Select Essays in Anglo-American Legal History*, Boston: Little, Brown and Company, pp. 15-28.
- D'Aronco, M. A. (2007). The Transmission of Medical Knowledge in Anglo-Saxon England: the Voices of Manuscripts. In Lendinara, P., Lazzari, L. & D'Aronco, M. A. (editors), *Form and Content of Instruction in Anglo-Saxon England in the*

- Light of Contemporary Manuscript Evidence*, Belgium: Brepols Publishers, 2007, pp. 35-58.
- Fulk, R. D. & Cain, Ch. M., (2003). *A History of Old English Literature*, Malden, MA: Blackwell publishing LTD.
- Hanley, S. (1994). The Monarchic State in Early Modern France: Marital Regime Government and Male Right. In Salmon, J. H. M. & Bakos, A. E. (editors), *Politics, Ideology, and the Law in Early Modern Europe: Essays in Honor of J. H. M. Salmon*, Rochester: University of Rochester Press, pp. 107-126.
- Holmes, O. W. (1908). Early English Equity. In The Association of American Law Schools (editor), *Select Essays in Anglo-American Legal History*, Boston: Little, Brown and Company, pp. 705-721.
- Kerkhof, P. A., (2018). Language, Law and Loanwords in Early Medieval Gaul: Language Contact and Studies in Gallo-Romance Phonology. Leiden: Leiden University.
- Kremer A. & Schwab, V. (2018). Law and Language in the *Leges Barbarorum*: A Database Project on the Vernacular Vocabulary in Medieval Manuscripts. In Benham, J., McHaffie, M. & Vogt, H. (editors), *Law and Language in the Middle Ages*, Leiden, Boston: Brill, pp. 235–261.
- Lemke, A., (2015). *The Old English Translation of Bede's Historia Ecclesiastica Gentis Anglorum in its Historical and Cultural Context*, Göttingen: Universitätsverlag Göttingen.
- Lendinara, P. (2007). Instructional Manuscripts in England: The Tenth- and Eleventh-Century Codices and the Early Norman Ones. In Lendinara, P., Lazzari, L. & D'Aronco, M. A. (editors), *Form and Content of Instruction in Anglo-Saxon England in the Light of Contemporary Manuscript Evidence*, Belgium: Brepols Publishers, 2007, pp. 59-67.
- Leneghan, F. (2015). Translatio Imperii: The Old English Orosius and the Rise of Wessex, *Anglia*, 133(4), 656–705, DOI 10.1515/anglia-2015-0058
- Liebermann, F. (2022). King Ine (688–726) and the Writing of English Law in Latin, *The English Historical Review*, (137), 1-13.
- Lodge, H. C. (1905). The Anglo-Saxon Land-Law. In Adams, H., Lodge, H. C., Laurence J. & Young, E. *Essays in Anglo-Saxon Law*, Boston: Little, Brown, and Company, pp. 55-120.
- Maitland, F. W. (1908). Materials for the History of English Law. In The Association of American Law Schools (editor), *Select Essays in Anglo-American Legal History*, Boston: Little, Brown and Company, pp. 53-95.
- McCoy, S. (2021). *Anthimus, Vinidarius and the Issue of Romanitas Cooking and Identity in the Sixth-Century West*, Master's Thesis, University of Ottawa. Retrieved from: Anthimus, Vinidarius and the Issue of Romanitas: (uottawa.ca)
- McDaniel, R. D. (2012). *Decline and Fall? The Institutional History of Post-Imperial Western Europe, AD 400-800*, New Mexico: University of New Mexico.
- Pollock, F., & Maitland, F. W., (1898). *The History of English Law Before the Time of Edward I*, Volume II, Cambridge: Cambridge University Press.
- Pollock, F., & Maitland, F. W., (2013). *The History of English Law Before the Time of Edward I*, The USA: The Lawbook Exchange, Ltd.
- Poly, J. (2016). Freedom, Warriors' Bond, Legal Book. The Lex Salica between Barbarian Custom and Roman Law. *Clio@Themis*, (10), 1-36.
- Robinson, O. W., (1993). *Old English and its Closest Relatives: A Survey of the Earliest Germanic Languages*, Stanford: Stanford University Press.

Lex Salica and Common Law from the Historical Perspective

- Rowley, Sh. M., (2011). *The Old English Version of Bede's Historia Ecclesiastica*, England: Boydell & Brewer Ltd.
- Sciacca, C. (2007). *An Unpublished Ubi Sunt Piece in Wulfstan's 'Commonplace Book': Cambridge, Corpus Christi College 190*. In Lendinara, P., Lazzari, L. & D'Aronco, M. A. (editors), *Form and Content of Instruction in Anglo-Saxon England in the Light of Contemporary Manuscript Evidence*, Belgium: Brepols Publishers, 2007, pp. 217-251.
- Sherman, Ch. P. (2014). The Romanization of English Law. *The Yale Law Journal*, (23), 318-329.
- Taylor, C. (2006). The Salic Law, French Queenship, and the Defense of Women in the Late Middle Ages. *French Historical Studies*, (29), 543-564.
- Tendan, R., (2021). *Anomalies in the Recognition of the Legal Personality of Trusts in South Africa*, Mini-dissertation, South Africa: North-West University.
- The Cambridge Companion to Old English Literature*. (1991). In Godden, M. & Lapidge, M. (editors), Cambridge: Cambridge University Press.
- The Salic Law. (n.d.). Retrieved from: <https://portal.southern.edu/history/Documents/Diller/Salic%20Law.pdf>
- Tucker, Ch. E. (1991). Anglo-Saxon Law: its Development and Impact on the English Legal System. *USAFA Journal of Legal Studies*, (2), 127-202.
- Wallace-Hadrill, J. M., (1962). *The Barbarian West, A.D. 400-1000: The Early Middle Ages*, New York: Harper & Row.
- Wormald, P., (2014). *Papers Preparatory to The Making of English Law: King Alfred to the Twelfth Century Volume II from God's Law to Common Law*, London: Early English Laws.
- Yorke, B. (1995). *Wessex in the Early Middle Ages*, London and New York: Leicester University Press.
- Young, E. (1905). The Anglo-Saxon Family Law. In Adams, H., Lodge, H. C., Laurence J. & Young, E. *Essays in Anglo-Saxon Law*, Boston: Little, Brown, and Company, pp. 121-182.

Article Info

Received: March 22 2023

Accepted: March 30 2023

How to cite this article:

Gvelesiani, I. (2023). *Lex Salica and Common Law from the Historical Perspective*. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 71 – 79.



ORIGINAL PAPER

Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland

Ramona Birau¹⁾, Cristi Spulbar²⁾, Abhaya Kumar Kepulaje³⁾,
Mircea Laurentiu Simion⁴⁾, Ion Florescu⁵⁾

Abstract:

The main aim of this research paper is to investigate long-term causal linkages and volatility patterns based on a comparative empirical study between the developed stock markets from USA and Netherland. The selected sample period covers a very long time interval, from February, 2000 to February 2023. The econometric framework includes a series of statistical tests such as Augmented Dickey Fuller (ADF) test, but also Granger causality test and VAR models. The empirical results are relevant and contribute to the existing literature regarding the behaviour of developed stock markets.

Keywords: *causality test, VAR models, volatility spillovers, developed stock market, investor, COVID-19 pandemic, extreme events.*

¹⁾ Faculty of Economic Science, University Constantin Brancusi, Tg-Jiu, Romania, Email: ramona.f.birau@gmail.com.

²⁾ Department of Finance, Banking and Economic Analysis, Faculty of Economics and Business Administration, University of Craiova, Craiova, Romania, Email: cristi_spulbar@yahoo.com.

³⁾ Department of Management Studies, Mangalore Institute of Technology & Engineering, Mangalore, India, Email: abhaya.kepulaje@gmail.com.

⁴⁾ University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: simionmircealaurentiu@gmail.com.

⁵⁾ University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: ionut.florescu2021@yahoo.com.

Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland

1. Introduction

Considering the importance of stock market dynamics on the global economy, the main objective of this research study is to examine long-term causal connections and volatility patterns. In addition, the sample stock markets are both very important and influential, such as the stock markets from USA and Netherland.

The COVID-19 pandemic significantly affected the investment behavior and implicitly the dynamics of the stock markets. However, the global financial crisis of 2007-2008 generated much more intense turbulence regarding the behavior of stock markets, being observed very sharp decreasing trends.

FTSE Russell has launched the official report on FTSE Equity Country Classification of Markets during September 2022. Moreover, stock markets are included in certain major categories such as developed, advanced emerging, secondary emerging and frontier markets. According to this selection criterion, both stock markets for USA and Netherlands are included in the first category of developed markets.

2. Literature review

Suwannapak and Chancharat (2022) investigated the volatility patterns of stock market from Thailand in the context of COVID-19 pandemic based on GARCH-BEKK models. Lee (2020) considered it is appropriate to perceive the COVID-19 pandemic as “one of the most economically costly pandemics” from past periods of time considering the investment opportunities it can provide to strategic investors who understand the crisis behavior of the stock market.

Liu et al. (2023) investigated the linkage and correlation between the stock markets of United States and China using GJR GARCH model for the long time period starting from January 2001 to July 2021, which also covers the global financial crisis of 2008 and COVID-19 pandemic. The research study conducted by Spulbar et al. (2022) examined the volatility spillovers considering the developed stock market from Japan based on GARCH models during the selected long - time period from July 1998 to January 2022, also considering the impact of COVID-19 pandemic and other extreme events.

Birau et al. (2021) have also developed a research study in order to investigate volatility patterns focusing on selected developed stock markets from Spain and Hong Kong based on GARCH family models for the selected period from January 2015 to September 2021. In addition, Liu et al. (2020) investigated the impact of COVID-19 pandemic based on a cluster including 21 major stock market indices and revealed an interesting perspective on certain issues such as abnormal stock returns, but also on the pessimistic sentiment and uncertainty perturbation of investors.

3. Data and research methodology

This empirical study aims to examine the nexus between the S&P 500 index of USA and AEX index of Netherland. Moreover the sample period for the collected databases is starting from February, 2000 to February 2023 which includes a total number of 5786 daily observations for the selected stock market indices such as S&P 500 index and AEX index. To examine the causal relationship (Kumar et al., 2022) have used Pearson correlation and Granger causality test statistics.

To examine the causal relationship between the price and returns of two commodities, price and returns of equity and commodities, the vector auto-regression model has been used by Kumar et al. (2021b). Hence, in order to examine the causal

relation here, we have applied Granger causality test and VAR models. To avoid the spurious estimations, it is advised to test the series for stationary. In this study Augmented Dickey Fuller (ADF) test has been used to test the stationarity. Several researchers (Bhat et al., 2022; Kumar et al., 2021a) have used and recommended ADF test for stationarity tests.

4. Analysis and empirical results

The price and the return series of AEX and S&P 500 index are plotted in Figure 1. The plotted graph shows mixed trend in the study period. The downward trend till 2002 is evident in both AEX and S&P 500 index series; thereafter an upward trend is visible till the end of 2007. 2008 onward a sharp decline is evident till late 2009. The major reason for such decline is the sub price crisis or 2008 financial crisis. After the crisis recovery, both the indices have shown a good rally till 2019.

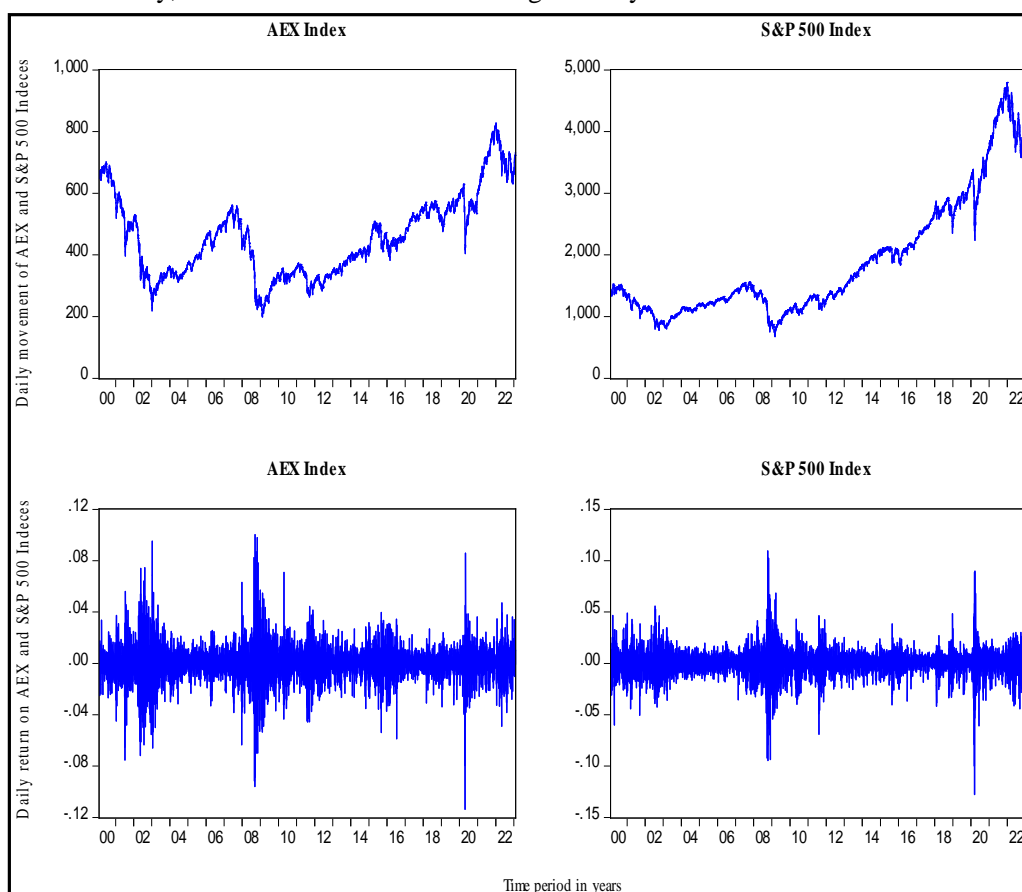


Figure 1: Price and return series of AEX and S&P 500 Index
Source: Authors processing

Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland

The minor market crash in the late 2019 or early 2020 is also evident in both the markets; the COVID 19 is the major reason for such decline. The COVID-19 pandemic recovery started from mid 2020 and the stock market went up till late 2021 and minor corrections are evident in the recent past. The line graph of AEX index resembles the S&P 500 index. This gives an initial clue of the positive relationships among AEX and S&P 500 index. Further, the presence of auto correlation is also evident from the line graph of AEX and S&P 500 indices. Moreover, a formal testing for stationarity is performed and presented in Table 2.

The descriptive statistics for the price and return series of S&P 500 index and AEX index are presented in Table 1. The mean and median for the return series of AEX index and S&P 500 index are equal 0.00 as following. However, the standard deviations of these return series are greater than 0.00. This implies that the daily returns on AEX and S&P 500 stock indices are more volatile.

A negative skewness of -0.21 and -0.37 for AEX and S&P 500 indices respectively implies the extreme losses or longer left tail in the return series. The Kurtosis value of the return series implies the presence of several fat tails in the series. The descriptive statistics confirms the presence of auto correlation in the series. The ADF test results for stationarity of the series are presented in Table 2. For the price series of AEX and S&P 500 indices, the absolute critical values at 1, 5 and 10% level are greater than the absolute t-statistics of the ADF test; the probability values are also greater than 0.05. This confirms the presence of serial correlation in the price series of AEX and S&P 500 indices. However the probability values of 0.00 for the return series of both AEX index and S&P 500 index confirmed that the series are free from serial correlation.

Table 1. Descriptive statistics for the price and return series of AEX and S&P 500 indices

| Statistics | Price series | | Return series | |
|--------------|--------------|---------------|---------------|---------------|
| | AEX Index | S&P 500 Index | AEX Index | S&P 500 Index |
| Mean | 457.09 | 1884.51 | 0.00 | 0.00 |
| Median | 445.25 | 1433.46 | 0.00 | 0.00 |
| Maximum | 827.57 | 4796.56 | 0.10 | 0.10 |
| Minimum | 199.25 | 676.53 | -0.11 | -0.123 |
| Std. Dev. | 130.54 | 974.710 | 0.01 | 0.01 |
| Skewness | 0.55 | 1.24 | -0.21 | -0.37 |
| Kurtosis | 2.67 | 3.57 | 10.31 | 13.23 |
| Jarque-Bera | 318.34 | 1553.65 | 12934.39 | 25379.41 |
| Probability | 0.00 | 0.00 | 0.00 | 0.00 |
| Observations | 5786 | 5786 | 5785 | 5785 |

Source: Authors computations

Table 2. Results of test for autocorrelation

| Test for autocorrelation: AEX Index | | | | | | | |
|--|-----------|--------------------|--------------------|-------------------------------|-----------|--------------------|--------------------|
| Panel a: Price series | | t-Statistic | Probability | Panel b: Return series | | t-Statistic | Probability |
| ADF test statistic | | -1.33 | 0.62 | ADF test statistic | | -76.49 | 0.00 |
| Test critical values | 1% level | -3.43 | | Test critical values | 1% level | -3.43 | |
| | 5% level | -2.86 | | | 5% level | -2.86 | |
| | 10% level | -2.57 | | | 10% level | -2.57 | |
| | 10% level | -2.57 | | | 10% level | -2.57 | |
| Test for autocorrelation: S&P 500 Index | | | | | | | |
| Panel a: Price series | | t-Statistic | Probability | Panel b: Return series | | t-Statistic | Probability |
| ADF test statistic | | 0.48 | 0.9862 | ADF test statistic | | -24.70 | 0.00 |
| Test critical values | 1% level | -3.43 | | Test critical values | 1% level | -3.43 | |
| | 5% level | -2.86 | | | 5% level | -2.86 | |
| | 10% level | -2.57 | | | 10% level | -2.57 | |
| | 10% level | -2.57 | | | 10% level | -2.57 | |

Source: Authors computations

The Granger causality test results are presented in Table 3. The probability value of 0.00 for the null hypothesis, the price series of S&P 500 index does not cause the price series of AEX index confirms that the S&P 500 cause the AEX index. The null hypotheses for the return series has been rejected at 90% level, with probability values of 0.06. These two probability values confirm that the S&P 500 index of the USA cause the AEX stock index of Netherland. Further, the bivariate VAR model has been developed to test the lead-lag relationships between the AEX index and S&P 500 index.

Table 3: Granger causality test results

| Null Hypothesis | Obs | F-Statistic | Prob. |
|--|------------|--------------------|--------------|
| S&P 500 index does not Granger cause AEX index | 5785 | 11.3125 | 0.00 |
| AEX index does not Granger cause S&P 500 index | | 0.07486 | 0.93 |
| Return on S&P 500 index does not Granger cause the return on AEX index | 5784 | 2.80628 | 0.06 |
| Return on AEX index does not Granger cause the return on S&P 500 index | | 1.14719 | 0.32 |

Source: Authors computations

As the price series of both AEX and S&P 500 series are not stationary, the return series of these two series were tested for serial correlation. The ADF test statistics in Table 2

Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland

confirmed that the return series of AEX and S&P 500 are stationary in their 1st differences. Hence the return series of AEX and S&P 500 are taken for the further bivariate VAR analysis.

Table 4: Lag length selection criterions

| Lag | AIC | SC | HQ |
|------------|------------|-----------|-----------|
| 0 | -11.66 | -11.65 | -11.65 |
| 1 | -11.67 | -11.66* | -11.66* |
| 2 | -11.67 | -11.65 | -11.66 |
| 3 | -11.67 | -11.65 | -11.66 |
| 4 | -11.67 | -11.65 | -11.66 |
| 5 | -11.67 | -11.64 | -11.66 |
| 6 | -11.67 | -11.64 | -11.66 |
| 7 | -11.67 | -11.64 | -11.66 |
| 8 | -11.67* | -11.63 | -11.66 |

Source: Authors computations

To select an appropriate lag length for this bivariate model, the Akaike Information Criterion (AIC), Schwarz information criterion (SIC) and the Hannan-Quinn information criterion (HQ) are considered. The SIC and HQ criterion recommended an appropriate lag length as 1 and AIC as 8. The information criterion statistics for AIC, SIC and HQ are presented in Table 4. As both SIC and HQ are in favour of lag length 1, we continued our analysis with VAR (1) model.

The estimates of VAR (1) bivariate model has been presented in Table5. In this univariate VAR system with lag length 1, we had 2 endogenous variables and lag length k (1). Hence, we have $2 \times 1 +$ exogenous intercept $c = 1$ regressors for each equation in the system. In this bivariate VAR, there are 2 equations and a total of 6 estimates in the output. In Table 5 regression coefficients with standard error, *t*-statistics and the probability values are shown. There two significant coefficients in the VAR table at 99% level. Both of these coefficients (-0.03) of S&P 500 index with AEX index and (-0.1) of S&P 500 index with S&P 500 index are negatively significant. This implies that the previous day's index value of S&P 500 index will negatively influence the AEX and S&P 500 indices values. The negative coefficient of S&P 500 with its own previous day's value is stronger than that of negative coefficient for AEX. This implies that the initial correction in the index value happens in S&P 500 index of the USA and that correction lead to a minor correction in the AEX index on the same day. This further strengthens the evidence for significant causality relationship between AEX and S&P 500 index. The outcome of Granger causality test and the VAR (1) model are consistent to conclude that the AEX index follow the S&P 500 index or the S&P 500 index lead the AEX index.

Table 4: VAR (1) regression estimates

| Variable | AEX Index (-1) | | S&P 500 (-1) | |
|--------------------|----------------|--------|--------------|------|
| AEX Index (-1) | -0.01 | 0.6317 | 0.00 | 1 |
| | -0.01 | | -0.01 | |
| | [-0.48] | | [-0.00] | |
| S&P 500 Index (-1) | -0.03 | 0.0 | -0.1 | 0 |
| | 0.0 | | 0.0 | |
| | [-1.98] | | [-8.01] | |
| C | 0.0 | 1.0 | 0.0 | 0.22 |
| | 0.0 | | 0.0 | |
| | [0.14] | | [1.22] | |

Source: Authors computations

5. Conclusions

This research study aimed to examine the causal relationship between the S&P 500 and AEX stock indices of the USA and Netherland respectively. The price series of these two indices were not stationary and the 1st order differenced series are stationary. The descriptive statistics concluded that the return of AEX and S&P 500 are more volatile. Further, the Granger causality tests proved that the S&P 500 index cause the AEX index value, the null hypothesis that the S&P 500 does not cause the AEX has been rejected for both price and return series at 99 and 90% levels respectively. The VAR (1) model confirmed that the yesterdays S&P 500 will negatively influence the today's value of S&P 500 index, this lead to negative influence on the value of the AEX index. This could be a good reference for day traders of S&P 500 and AEX stock indices.

Authors' Contributions:

The authors contributed equally to this work.

References:

- Bhat, S., Kumar, K.A., Spulbar, C., Birau, R., Pinto, P., Hawaldar, I. T., Rebegea, C. (2022). Investigating the impact of normal and abnormal loss factors in garment industry: A case study based on a jeans manufacturer in India. *Industria Textila*, 73(05), 560–563. <https://doi.org/10.35530/it.073.05.202188>
- Birau, R., Spulbar, C., Trivedi, J., Florescu, I. (2021) Modeling volatility in the stock markets of Spain and Hong Kong using GARCH family models in the context of COVID - 19 pandemic, *Revista de Științe Politice. Revue des Sciences Politiques*, 72, 3 – 21.
- Kumar, B.R.P., Kumar, K. A., Pinto, P., Hawaldar, I. T., Spulbar, C., Birau, R., Anghel, L.C.

Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland

- (2022). Crude oil futures to manage the price risk of textile equities: An empirical evidence from India. *Industria Textila*, 73(4), 438–446. <https://doi.org/10.35530/IT.073.04.202177>
- Kumar, A.K., Pinto, P., Hawaldar, I.T., Spulbar, C., Birau, R., Minea, E.L. (2021a) Forecasting Areca Nut Market Prices Using The Arima Model: A Case Study of India, *Annals of the „Constantin Brâncuși” University of Târgu Jiu, Economy Series, Issue 2/2021*, pp.4-18, „Academica Brâncuși” Publisher, ISSN 2344 – 3685/ISSN-L 1844 – 7007, https://www.utgjiu.ro/revista/ec/pdf/2021-02/01_Kumar.pdf
- Kumar, K.A., Pinto, P., Hawaldar, I. T., Spulbar, C.M., Birau, F. R. (2021b). Crude oil futures to manage the price risk of natural rubber: empirical evidence from India. *Agricultural Economics – Czech*, 67(10), 423–434. <https://doi.org/10.2139/ssrn.3953802>.
- Lee, H.S. (2020) Exploring the Initial Impact of COVID-19 Sentiment on US Stock Market Using Big Data, *Sustainability*, 12(16):6648. <https://doi.org/10.3390/su12166648>.
- Liu, J., Wan, Y., Qu, S., Qing, R., Sriboonchitta, S. (2023) Dynamic Correlation between the Chinese and the US Financial Markets: From Global Financial Crisis to COVID-19 Pandemic, *Axioms*, 12(1):14. <https://doi.org/10.3390/axioms12010014>.
- Liu, H., Manzoor, A., Wang, C., Zhang, L., Manzoor, Z. (2020) The COVID-19 Outbreak and Affected Countries Stock Markets Response. *International Journal of Environmental Research and Public Health*, 17(8), 2800, <https://doi.org/10.3390/ijerph17082800>.
- Spulbar, C., Birau, R., Trivedi, J., Hawaldar, I.T., Minea, E.L. (2022). Testing volatility spillovers using GARCH models in the Japanese stock market during COVID-19. *Investment Management and Financial Innovations*, 19(1), 262-273. doi:10.21511/imfi.19(1).2022.20.
- Suwannapak, S., Chancharat, S. (2022) Stock Market Volatility Response to COVID-19: Evidence from Thailand. *Journal of Risk and Financial Management*, 15(12):592. <https://doi.org/10.3390/jrfm15120592>.
- *** - FTSE Russell, FTSE Equity Country Classification, Annual Announcement, Published on: 29 September 2022, https://research.ftserussell.com/products/downloads/FTSE-Country-Classification-Update_latest.pdf (accessed on 10 January 2023).

Article Info

Received: February 23 2023

Accepted: March 02 2023

How to cite this article:

Birau, R., Spulbar, C., Kepulaje, A. K., Simion, M.L., Florescu, I. (2023). Investigating long-term causal linkages and volatility patterns: A comparative empirical study between the developed stock markets from USA and Netherland. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 80 – 87.



ORIGINAL PAPER

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

Florin F. Nacu¹⁾

Abstract:

The article aims at presenting the evolution of the communist elite in Romania, between two moments essential for the history of the communist movement: the year 1941, in which Romania joins Nazi Germany in the fight against the USSR, and the year 1958, in which the Soviet troops withdraw from Romania and the Romanian political regime gradually begins to emerge from the tutelage of Moscow, following its own active cadre policy, trying to lay the foundations for a national communism.

We will see what the social and intellectual basis of the “communist elite” was, and the occurrence of the events, that was, a “class enemy” reached the top of the communist movement, stepping over the “class struggle”. There are also cases of cooperation even with politicians considered to be from the “old regime”.

Keywords: *class struggle, communist elite, class enemy, Romania, changes, period 1941-1958.*

¹⁾ Scientific Researcher III Florin F.Nacu, PhD, ICSU “C.S. Nicolăescu-Ploșor” Institute for Research in Social Sciences and Humanities, Craiova, Romania, Email: florinnacu86@yahoo.ro.

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

Preliminary and introductory considerations

The beginnings of the communist movement in Romania must be sought during the events related to the outbreak of the Bolshevik counter-revolution of October 25 / November 7, 1917. At that time, the socialists, who were maintaining some connections with the socialist movement of the late nineteenth century had quickly dissociated themselves from the followers of the Bolshevik-inspired communist movement.

The latter had begun actions aimed at the disappearance of Romania as a state, attacks against the Romanian royal family, the confiscation of the Romanian treasure on January 26, 1918 that had been deposited in Russia in the years 1916-1917, for fear of its confiscation by the troops of the Central Powers.

The Communist Party of Romania, founded in 1921, had been quickly illegalized in 1924, because of the actions considered to be against the national integrity of Romania, which took place especially in Bessarabia (Nacu, 2019: 29).

Meanwhile, until 1941, when Istvan Foriș, a communist of Hungarian origin, became the head of the party that was illegally active, the communists had been present, even if not in such large numbers as the communist historiography later appreciated, at the strike in 1918, at the strikes in Lupeni in 1929 and Grivița in February 1933. The attack of December 8, 1920, the attacks against Constantin Argetoianu, minister of internal affairs, had been planned by communist activists coming from outside Romania, in this case, anarchists, whose existence becomes a reality from the second half of the nineteenth century in Europe, the USA, where they distinguished themselves in attacks against royalties, American presidents, etc. In the first years of life of the Romanian communist political force, the anarchists had also been present. Max Goldstein, the mastermind of the 1920 attack, was an anarchist. The anarchists, however, were unreliable because they knew nothing but to impose terror and commit violence. On the contrary, the communist administration that the Romanian communists dreamed of, similar to their Soviet and other parts-of-the-world resident comrades, was one of order, of equality imposed by force by the elimination of class enemies, while the anarchists did not believe in order because, by definition they were opponents of any norm. Thus, it is known, Soviet communism imposed itself through harsh norms, rules, the elimination of opponents and the creation of their own order, followed by the creation of the “new man”. On the other hand, anarchists could not be regarded as new people.

Dictator Joseph Visarionovici Stalin will contribute to the removal of the anarchists whom he will blame on Leon Trotsky, by his real name Lev (Leiba) Davidovich Bronștein. His assassination in 1940 by a man of Stalin's, Ramon Mercader, would somehow make anarchism disappear as a weapon of the communists on the way to power.

It is a constant fact that leaders who had no Romanian origin had been preferred in the leadership of the Party of Communists in Romania, although they had been born in the Romanian space or in the vicinity of Romania. Only the first communist leader had been Romanian: Gheorghe Cristescu, a small entrepreneur, “bourgeois” according to the canons of the class struggle, called “Plăpumarul” – the Duvet-Maker, for understandable reasons. It seems that this leader, at one time, had rented a hotel in Călimănești in the interwar years. Leaders such as carpenter Elek Koblos, of Hungarian origin, Vitaly Holostenko, a Ukrainian worker, followed by other leaders such as Alexander Gorn (a Polish Jew born in Warsaw), Boris Ștefanof (Bulgarian communist, grandson of Christian Rakovsky), the Hungarian journalist from Transylvania Istvan Foriș (Scurtu, 2007: 67).

Florin Nacu

During this period, a number of communist leaders of various ethnic origins, as well as from different social categories stand out. Lucrețiu Pătrășcanu was a lawyer of bourgeois origin, the son of a historian and publicist D. D. Pătrășcanu, with prodigious activity at “Viața Românească”, together with Petre Marcu-Pandrea, who would become his brother-in-law, by Ion Gheorghe Maurer, Lucrețiu Pătrășcanu will be a lawyer who will defend the communists tried, then arrested for political crimes. Ana Pauker with unfinished medical studies was a Jewish woman from Codăești-Vaslui, named Hannah Rabinshon. She will marry Marcel Pauker, a young man of wealthy, but fervent socialist family.

An elite officer of the Romanian Army, Lieutenant Emil Bodnăraș, valedictorian of the Artillery in 1930, assigned to Sadagura, near Cernăuți, leaves fraudulently for the USSR, from where he returns in 1935 and is arrested in the North Railway Station. After a period of detention, he is released and has various tasks on the part of the party. His brother, Manole Bodnăraș, worked in Craiova, at CFR-Romanian Railways. Although he is believed to have deserted, there is also the hypothesis that Emil Bodnăraș (with a mixed Ukrainian-German-Romanian origin) infiltrated the ranks of the communists in the USSR at the order of the Romanian Security. The fact is that, after 1941, he is to be an exponent of the national wing, managing the change of Istvan Foriș and the replacement with Gheorghe Gheorghiu Dej (Botoran&Dobrinescu, 2003: 19).

An important component of the Romanian communists was given by communists of Jewish origin (many from Bessarabia) such as Boris Grundberg - Alexandru Nikolski, future head of the Security, Leonid Titminetki (renamed Leonte Tismăneanu), Leonte Răutu (Lev Oigenstein), Iosif Chișinevski (Jakob Roitman), Gizela Vass (Gitta Vass), Silviu Brucan (Saul Brukner); Romanian origin - Gheorghe Gheorghiu-Dej, Nicolae Ceaușescu, Alexandru Drăghici, known head of the Ministry of Interior, Gheorghe Apostol, Corneliu Mănescu, Hungarian: Erno Neulander-Valter Roman Leon Szylagyi (Leontin Sălăjean), Vasile Luka (Luka Laszlo), Gagauz-Alexandru Bârlădeanu, German-French: Ion Gheorghe Maurer (Jean Georges Maurer).

Valter Roman, Leonte Tismăneanu and others were part of the international brigades that fought in Spain against General Franco.

Somehow, parallel to the communist movement, but having an anti-fascist political background, the first head of the communist government, Dr. Petru Groza, made his career. Petru Groza was a left-wing intellectual, a member of the Romanian National Party and even a minister in two interwar governments. In 1933, he founded the Ploughmen's Front, and in 1935, he created, together with MADOSZ, the Popular Anti-Fascist Front.

Petru Groza would support, during his time as prime minister, many points of view, some even contrary to the desires to marginalize names, such as Traian Vuia, for instance (Nicolescu, 2003: 250).

I. Period 1941-1944

It was the period when a large part of the communists who were working in Romania, after several internships in prisons such as Doftana, Caransebeș, Văcărești and after several trials occasioned by the attacks at the Parliament, the strikes in Lupeni and Grivița, or after expulsion decisions, would take refuge in the USSR.

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

Obviously, Ion Antonescu's decision to overcome the borders of Bessarabia on the Eastern Front, along with Germany, stirred the spirits not only at the level of the communists' opponents, such as Maniu, Brătianu, Mihalache, but also created an effervescence among the communists who had not liked the action of June 22, 1941, when the Soviet Union was attacked by Germany and on the territory of Romania (Smeu, 1997: 228).

However, in 1939-1940, when the interwar external orientation of Romania was finalized, most of the Romanian communists were in prisons, and from September 1940, the legionnaires were in power. However, it seems that Stalin wanted to take advantage of the establishment of the Legionary Workers' Corps in 1936, and it was then that many of the communist activists were ordered to infiltrate the Legionary Movement. This infiltration had three main directions: the first was that the Legionnaires, or the Iron Guardists, were not controlled by the Security, so the communist meetings could be made under the very noses of the Security, or the Legionnaires, somehow easier. Secondly, the legionnaires wanted to kill opponents such as Armand Călinescu (guilty of the Grivița aggressions in 1933), Nicolae Iorga (the one who had campaigned for the Great Union as a historian and had pronounced himself against the cession of Bessarabia and Northern Bukovina), Virgil Madgearu (theorist of the associative-cooperative system, so an opponent of the integral communist cooperative system), people whom the communists also wanted liquidated (Antonescu also wanted them eliminated), but they did not want to assume the moral guilt of their liquidation (Berindei, 2008: 125).

Thirdly, many reprehensible actions were to compromise the legionnaires even worse, as destroyers of the national economy, which would have increased the rise of the communists who would have posed as saviours.

The association between the legionnaires and Ion Antonescu, the neglectful attitude of the democratic opposition that preferred to deny itself, made the communist propaganda accuse the liberal and peasant leaders, in the 40s, of association with the fascists to the country's disaster.

Ana Pauker stayed, between 1926-1934, in the USSR, then she was arrested as a result of the trial in Craiova in 1935, and, in May 1941, she left for the USSR, being exchanged with the Bessarabian unionist Ion Codreanu, detained in the USSR.

Lucrețiu Pătrășcanu, who managed to stay in the USSR, then for a while in communist prisons, would end up having a forced domicile in Poiana Țapului thanks to his family's ties to the Royal Palace.

Erno Neulander-Valter Roman, Leonte Tismăneanu and his wife Hermina Marcusohn, a nurse in the civil war, also stayed in the USSR until after the act of August 23, 1944.

By order of Ion Antonescu, all the communists from the prisons were gathered in the Târgu Jiu Camp, separated from the section where the legionnaires arrested after the 1941 Rebellion were imprisoned. There are reports that Istvan Foriș was a leader who had an agreement with the Antonescu government, being changed in 1944, by the Romanian Communists with Gheorghiu-Dej. The Romanian communists had learned (probably from their colleagues in Moscow) that Ion Antonescu had planned the execution of the communists in prisons as saboteurs in order for the public opinion to divert its attention from the incompetence of the Romanian military commanders on the front.

Gheorghe Gheorghiu Dej was the leader of the communists in prisons. In prison, the former conspirator Victor Precup, a former colonel accused of wanting the

Florin Nacu

assassination of Charles II, will approach the Communists and put his relations in the Army in the service of the party.

Lucrețiu Pătrășcanu, Emil Bodnăraș were free. Corneliu Mănescu and Ion Gheorghe Maurer had been officers on the Eastern Front, but they had managed to evade and hide, contributing to the spread of communist ideas and the increase in the number of basic organizations or communist cells.

When having to put the Romanian communist movement to rights, Stalin himself had a role. With the exception of Cristescu-Plăpumaru, Boris Ștefanof and Istvan Foriș, many Romanian communists were executed as Trotskyists. Among them, there were also Christian Racovsky, Vitali Holostenko, Elek Koblos, Alexander Gorn, Catherine Arbore or Alexander Dobrogeanu Gherea. Thus, the Moscow core that dreamed of taking power at any cost, was greatly diminished.

In 1943, Dr. Petru Groza joined the Anti-Hitlerist Popular Front. Gradually the names of doctors such as Dimitrie Bagdasar (he contributed to the “Red Aid”, in 1942, led the Union of Patriots, in 1944, he signed an appeal to Ion Antonescu, along with other intellectuals to stop the war that was increasingly unfavorable to Romania), Florica Bagdasar, Daniel Danielopolu, C.I. Parhon appear among the supporters of anti-fascism, which ensured their presence in leadership positions within the communist governments, even after March 6, 1945.

During the negotiations for the conclusion of a truce, in Cairo, Stockholm and Ankara, Barbu A. Știrbey sends the famous telegram “Create a communist party!” This comes in the context in which, as early as 1942-1943, the idea had transpired from the correspondence of the British and American diplomats that Romania would be admitted to the armistice only under the conditions dictated by the USSR (Romania was fighting against it on the Eastern Front) and the Soviet diplomats had hinted that a truce would never be negotiated with a government that would not include representatives of the Romanian communists.

Therefore, Lucrețiu Pătrășcanu enters the scene, who participates in the negotiations with the historical parties, the liberals, the peasants, the social democrats, laying the foundations of the plan to remove Ion Antonescu, dictator, government leader, a plan that was accepted by King Michael, the constitutional head of the Romanian Army, a fundamental element in the action against Antonescu.

In the summer of 1944, Gheorghe Gheorghiu Dej is helped to escape by Ion Gheorghe Maurer, Emil and Manole Bodnăraș. It is hidden in the house of Ioan Marina, a priest from Vâlcea, who would later become patriarch under the name of Iustinian Marina (Berindei, 2008: 129).

Therefore, now we can see what role Emil Bodnăraș, Lucrețiu Pătrășcanu, Ion Gheorghe Maurer played in the triumph of the cause of the national communists who started before the Moscow group that would have agreed even with the destruction of Romania's integrity and its transformation into several Soviet republics or with the loss of territories in favour of the USSR, Hungary, Bulgaria.

Practically, on August 23, 1944, the Romanian communists manage to steal the start to their colleagues in Moscow, and the Soviet armies entered, on August 30, 1944, in a Bucharest liberated by the Nazis and with their push into the controlled areas of North-West Transylvania.

Towards the end of 1944, the Communists tried to get closer to the leader of the National Liberal Party, Gheorghe Tătărescu, a man who did not despise the left-wing policies and who had realized, among the few democratic people of the time, since 1943,

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

that the chances for the Anglo-Americans to help Romania did not exist, a fact confessed to Raoul Bossy.

Petru Groza became deputy prime minister in the second Sănătescu government, after the moment of October 13, 1944, when the communists and social democrats, together with the Ploughmen's Front, had formed the National Democratic Front, denouncing the collaboration with PNL (National Liberal Party) and PNT (National Peasants' Party) that had led to the removal of Ion Antonescu from the head of the government.

II. Period 1945-1948

Present as deputy prime minister in the Rădescu government as well, Petru Groza plays his chances and manages to be appointed prime minister by Stalin, being sworn in by King Michael on March 6, 1945. The Deputy Prime Minister and the Foreign Minister becomes Gheorghe Tătărescu, a man whom Lucrețiu Pătrășcanu and Gheorghe Gheorghiu Dej considered much less compromised than Iuliu Maniu. The period is one in which everything transforms. Already the communists are isolating the royal family (the king goes on royal strike but has no internal and external supporters), winning the 1946 elections through fraud. In 1946, he sentenced the Antonescu group to death. In 1947, he arrested Iuliu Maniu and the leading peasants who wanted to leave the country, then sentenced them to heavy prison sentences. It had been an action thought out in detail by Alexander Nicholski. Gheorghe Tătărescu did not escape terror either, as he managed to be released before his death. In 1946-1947, critic Tudor Vianu, an aristocrat of culture, agreed to be Romania's ambassador to Belgrade, after which he was marginalized (Nacu, 2021: 83-87).

Another intellectual, the writer Mihail Sadoveanu, a Moldovan aristocrat agrees to join the Communists, he being the President of the Presidium of the Great National Assembly on December 30, 1947, when the people's republic was proclaimed.

On December 30, 1947, King Michael abdicated under pressure from the communists who proclaimed the People's Republic. In 1948, the nationalization of industrial properties and assets would be made, a new Constitution was given and the collectivization of agriculture began, which would end in 1962 (Constantiniu, 1997: 289).

The year 1948, more precisely the date of October 13 marks the merger of the PSD with the PCdR, in the Romanian Workers' Party (PMR). The first rupture at the top of the party begins, with the ouster of Lucrețiu Pătrășcanu, who had been Minister of Justice in 1944 and who had obtained the amnesty of the communists imprisoned in the era of illegality. Lucrețiu Pătrășcanu was accused of right-wing deviationism, of being an imperialist spy and executed after a trial directed in 1954.

Behind the Pătrășcanu case, it was the ego of Gheorghe Gheorghiu Dej and the hatred of Ana Pauker, who dreamed of having her and the Moscow group in control of Romania. It is the last moment when there was still a cooperation between Ana Pauker and Gheorghe Gheorghiu Dej.

III. Period 1949-1958

Although many attribute to Marin Preda the phrase “obsessive decade”, in reference to the period when Ceaușescu dreamed of restoring the active proletarian-cultism, between 1949-1958. In 1953, Stalin's death offered Gheorghiu Dej the chance to remove the Ana Pauker-Vasile Luka-Teohari Georgescu group.

Florin Nacu

One point needs to be made. Ana Pauker lost her husband, Marcel Pauker, executed by Stalin. She herself was in danger of being arrested at the time. Her children even remembered that, at one point, Ana Pauker had told them that if she left home and did not get to the evening, they, the children, should head to the Moscow train station and take a train to the border with Romania. It was claimed that she had just denounced her husband because this was how she could save the children and even her own life, because she had said that she could not contradict Stalin's manner of thinking. Later, in Bucharest, she had stated that she could call Stalin as many times as he wanted.

Teohari Georgescu was a communist who became head of the Ministry of the Interior. During his time, the robbery took place at the National Bank of Braşov, as well as the attack on the Romanian Legation in Bern, where the "Beldeanu group", an anti-Communist action that revealed the espionage actions of the Romanian communists under Moscow's tutelage in the West.

Vasile Luka had drafted the reform of the monetary stabilization that would lead to the disappearance of a large amount of money supply, under the guise of getting rid of the "bourgeois and landlord speculators". The reform would turn against him, being then tried and arrested at Râmnicu Sărat where he would die in 1963, it is said, on the same floor of the prison as the "class enemy", Ion Mihalache (Coposu, 2014: 118).

Between 1946 and 1947, Valter Roman was head of education and propaganda in the Romanian Army, then, until 1951, head of the political directorate of the Army, and later, until 1943, Minister of Post and Telecommunications. He was expelled from the party's governing bodies and, from 1957, he administrated the Political Publishing House until 1983.

Leonte Tismăneanu worked since 1948 at the PMR Publishing House, then the Political Publishing House, he taught Marxism-Leninism at the University of Bucharest. In 1956, being involved in the investigation of the student Paul Goma, together with the academicians Iorgu Iordan and Mihai Novicov, he did not agree with the arrest of Paul Goma. In 1958, he was investigated by the party for being divergent, and, in 1960 he was expelled, then working at the Meridiane Publishing House. His wife worked as a teacher in medical education and then worked in various management positions in the medical administrative system. The two are the parents of political scientist Vladimir Tismăneanu, an excellent analyst of the period of Romanian communism.

In this truly obsessive decade, the vast majority of intellectuals, politicians and exponents of the art of the interwar period were arrested and considered enemies of the people. Their extermination in the concentration system began, including at the canal construction site that would be abandoned and then resumed in other conditions by Nicolae Ceauşescu, who would only partially use the route started in the 50's (Lazitch&Drachkovitch, 1986: 383-384).

There is another aspect, rather silenced in the years of communism. In August 1945, one year after Antonescu's landing, a pact took place between Ana Pauker and the legionary leader Nicolae Petrascu. Legionnaires in the country, who had not become involved in anti-Semitic crimes against intellectuals or had not participated in the anti-Soviet war, were assured that if they laid down their weapons and denied themselves of the Iron Guard, they would be able to receive positions in the new structures. The Communists wanted not to fight on all fronts, the historical parties were hated by both communists and legionnaires. In addition, in 1936, enough communists had infiltrated the Legionary Workers' Corps. Thus, from August 1945 to May 1948, many legionnaires entered the communist lines, some with the thought the communists had

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

previously had (to keep the Legionary doctrine for better times), others even attracted by the new times. The communists needed the Legionnaire fanaticism to liquidate the democratic opposition. However, from May 1948, controlling everything, the Communists turned the page and arrested the Legionnaires. It was only when Romania wanted to join the UN and was supposed to release political prisoners, in 1964, a general amnesty also released the Legionnaires from among the political prisoners, many of whom were sent to Bărăgan or as workers (Georgescu, 1992: 207).

It is worth mentioning that, in this decade, in Dobrogea, Banat, Argeş-Muscel, Făgăraş, partisan resistances took place (former royal officers, former legionnaires, young people with anti-Communist views, former legionnaires who, arrived at the Anglo-Americans, trained in commando troops and parachuted by the Anglo-Americans with combat missions). However, the espionage actions of Kim Philby, a Soviet agent infiltrated into the British secret services, made the USSR aware of the allied plans of the partisans, maps of areas and groups of resistance, which were gradually liquidated. Realizing that the Soviets were somehow aware of these actions, after the de-Stalinization initiated by Khrushchev, choosing the tactics of a cold war and against the background of decolonization in Africa and Asia, the Anglo-Americans decided to stop supporting the local anti-communist resistances. Some partisans were caught, others resisted, like Ion Gavrilă Ogoranu, who surrendered late in the 60's, not being caught.

Another delicate moment of the period of persecution of Greek Catholics. Patriarch Justinian Marina tried to convince Iuliu Hossu to switch to Orthodoxy. In addition, many hierarchs such as Antonie Plămădeală or Bartolomeu Anania agreed, in those years, to support the communist regime. Bartolomeu Anania tried, in the U.S., to convince Valerian Trifa, a legionary bishop who fled to the West to return home. Subsequently, Valerian Trifa's legionary past was made public and the U.S. withdrew his citizenship (Ramet, 1989: 374).

In 1952, Alexandru Drăghici began his activity as a torturer, and Nicolae Ceauşescu entered the political bureau of the PMR, the first step of the later ascension.

After Stalin's death in 1953, Gheorghiu Dej eliminated the Ana Pauker-Vasile Luka-Teohari Georgescu group. Ana Pauker would be disembarked from the party leadership (in 1946 she had been Foreign Minister, appearing on the cover of Time) and died marginalized and switched to office work in 1960, still unable to be executed, although Dej would have liked to, and Teohari Georgescu would also live in the shadow of the power he once had.

In 1956, the Hungarian revolution took place, quelled by Soviet tanks. Gheorghiu Dej even wanted to send Romanian troops to Hungary. However, the reformist leader Imre Nagy was detained in Romania in Snagov, and then sent to Hungary where he was executed, being rehabilitated in the autumn of 1989. It was claimed that it was the communist leader Valter Roman who would have convinced Imre Nagy to come to Romania to escape an eventual execution in the USSR.

Other names rise in this period, such as Alexandru Moghioroş (ethnic Hungarian-Mogyoros Sandor), the journalist Grigore Preoteasa became foreign minister in 1956-1957.

The latter died in 1957, when the plane with the PMR delegation from which Dej was missing, but in which Nicolae Ceauşescu was, seriously injured at the time, inexplicably crashes at Vnukovo near Moscow.

Florin Nacu

In 1958, Soviet troops in Romania withdrew to the USSR. At that time, Gheorghiu Dej took some measures to remove those suspected of overly obvious collaboration with the USSR and Soviet advisors.

Gradually, at the level of the party, it begins to grow the star of Gheorghe Apostol, of Constantin Pârvulescu, of Chivu Stoica, a railway worker, arrested in 1933 after the strikes in Grivița and who would become prime minister between 1955 and 1961.

Dragan Jordan Rusev, a communist illegalist of Bulgarian origin, who became Petre Borilă, who would also hold positions in the party and in the communist government, was also remarked.

Not only Tudor Vianu and Mihail Sadoveanu had been attracted by the communist ideology, even if by only a part of it. Iorgu Jordan, Alexandru Graur, renowned academics had positions of responsibility. The writer George Călinescu wrote the novel *Bietul Ioanide*, where he shows the regime changes in the interwar and post-war period (Berindei, 2008: 139).

A curious situation is that of Constantin Argetoianu, a former prominent politician in the interwar years. Although, in the 20s he was a vehement anti-Communist, ordering arrests of the communists (escaping from the attacks planned by them), then in the 40's he created the Union of Work and Good Will, in which he hoped to attract communists. In addition, although he had left the country before the waves of arrests among politicians, he returned believing that he could hold leadership positions, because he knew a lot about the undertones of the interwar policy that he thought he could exploit in front of the communists. Obviously, it was a delusion, although Argetoianu had been a master of political intrigues and betrayals, more skilful even than Iuliu Maniu, he would be arrested and die imprisoned (Nacu, 2021: 88-92).

Between 1949 and 1958, it occurs an important situation, less known in the history of Romanian communism. After the Greek civil war, which took place between 1946 and 1949, the defeated Communist partisans took refuge in socialist states, including Romania. The Greek refugees found jobs here, some even in the party apparatus being ideologized, even if they did not know Romanian (most of those who were in key positions spoke Russian rather than Romanian, because many had no Romanian origin). Subsequently, they also suffered from the purges because some Greek communists liked the Moscow line, others liked the anti-Soviet line, the latter being supported, especially after the death of Gheorghiu Dej, by Nicolae Ceaușescu. And the accusation of being a Tito supporter was brought against the Greeks who had come to Romania after having previously fled to Tito's Yugoslavia, which had been in conflict with Stalin since 1948.

After Stalin's death, many Greek activists were purged from the political apparatus, working in agriculture, industry, trade, medicine and even in the Securitate, the Army, their children attending classes in Romanian schools with the Romanian children.

Conclusions

Therefore, we have seen that the rise to power of the Communists in Romania was not made exactly according to the rules of the “class struggle”. First of all, in the communist movement, “class enemies” entered, that is, rich people who had socialist views. They intuited the political change meant to occur after fascism and Nazism had shown their limits.

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

Then, there came the party activists with other origins but Romanian, despite the fact that they were born in Great Romania. Their origins were often Jewish, Hungarian, and there was no shortage of ethnic Bulgarians either, coming from the sphere of nationalists who had found refuge in Soviet communism, nor some ethnic Germans.

There was asked a question: why many communist activists in Russia and Romania were of Jewish origin. First of all, the first communist thinkers, such as Friedrich Engels, Karl Marx, Vladimir Ilyich Lenin, Constantin Dobrogeanu Gherea were Jews of origin. To follow the ancestry of fascism, then of Nazism, Nazism being clearly oriented on anti-Semitism and the disappearance of Jews as a race, as a nation.

Or, as anti-Jewish pogroms had taken place in Russia, Jews had to adhere to egalitarian ideologies advocating against racial hatred, and for the creation of social equality.

The road to this equality would be seen differently. The Bolshevik counter-revolution of 1917 fully triumphed in 1923, but after Lenin's death, disagreements arose between the followers of internationalist communism - Trotsky, Zinoviev, Kamenev, Buharin and the national state: Stalin, Kirov, Ejov, Malenkov, Beria.

During the 30s, Stalin also had an attitude against the Jewish communists whom he accused of plotting, but also against Trotsky and his group. But until then, as Romania was seduced by right-wing extremism and anti-Semitism in the 20s and 30s (LANC, Legionary Movement, Nationalist-Agrarian Party), many Jews born in Bessarabia (some before 1918), of Russian culture adhered to Lenin's ideas and came in the interwar period to fight against Greater Romania.

However, the 30s lead to the aggregation of a structure of national thought, favoured by Stalin himself, indirectly through the hunting of the Trotskyists. The liquidation of most of the leaders of the PCdR refugees in the 30s in Moscow, the existence of intellectuals attracted by socialism or others who disliked fascism, Nazism and Iron Guardism, approached the Communists.

There were two moments when the national communists asserted themselves: in August 1944, when they avoided the establishment of a communist government brought by the Red Army, after allegedly engaged in fighting on the territory of Romania, and after 1953, at Stalin's death. It was then that the national communists got rid of the “Muscovites”.

However, names like Lucrețiu Pătrășcanu and Vasile Luca become victims of their own comrades, the first because he was a nationalist who did not believe in the supremacy of communism over the national spirit (although it seems that Dej wanted to get rid of him, because Pătrășcanu had been the man from August 23, having a moral ascendancy), the second because he had been too zealous in carrying out his tasks, and Hungarian origin was invoked when stabilisation generated negative effects above the estimated average. Ana Pauker fell for two reasons: Jewish origin and adherence to the USSR. Although Dej had given the order of arrests and executions of peasants who opposed collectivization, Dej tried to blame Ana Pauker by wanting to show that she as a Jew who had dreamed of an egalitarianism that did not fit into the Romanian communist vision. Collectivization ended in 1962, 2 years after the death of Ana Pauker, and she was seen responsible for the abuses of the years 1948-1952.

Why did intellectuals, be they with left-wing views, adhere to the communist cause? Obviously, first of all, they did not agree with fascism, Iron Guardism and

Nazism. Secondly, they had noticed the gaps between Romania and the West, the poverty in the countryside, the moral corruption in the urban area.

How can the presence in the communist governments of a Petru Groza be explained, or even of the former liberal prime minister Gheorghe Tătărescu? Evidently, they were people who had seen the decline of the system in which they had lived, democracy had been flawed and the exit to communism seemed just to them.

Obviously, many of them, in the 70's, would be at the forefront of dissent against Ceaușescu's dictatorship, but between 1964 and 1972, many of them were included in the great industrial and cultural projects, and even convinced important names in emigration, for the scientist Henri Coandă to return home.

There was also an Iron Guard component among the Romanian communists. Between 1945 and 1948, in order to more quickly seize the positions of control, the Communists tried and succeeded in a partial reconciliation with the Iron Guard. It was a manoeuvre of mutual exploration, but the communists, as they had rid themselves of the liberals and the peasants, would also get rid of the Legionnaires.

Hence, the “communist elite” was very diverse between 1941 and 1958. Initially left-wing intellectuals, former politicians, and later workers and peasants entered this PMR political elite. The contribution of foreigners was very high at first, but as national communism prevailed, the number of ethnic Romanians in positions of responsibility increased.

References:

- Berindei, D. (2008). *Istoria românilor - cronologie*, Bucharest: Cartex Press.
- Botoran, C., Dobrinescu, V. F. (2003). *Istoria Românilor*, vol. III, Bucharest: Enciclopedică Press.
- Constantiniu, F. (1997), *O istorie sinceră a poporului român*, Bucharest: Univers Enciclopedic Press.
- Coposu, C. (2014), *File dintr-un jurnal interzis. 1936-1947, 1953, 1967-1983*, Bucharest: Vremea Press, 2014, p.116-118.
- Georgescu, V. (1992), *Istoria românilor de la origini până în zilele noastre*, Bucharest: Humanitas Press.
- Lazitch, B., Drachkovitch, M. (1986). *Biographical Dictionary of the Comintern*, Stanford: Hoover Institution Press.
- Nacu, F. (2019). The Hungarian Soviet Republic of 1919 and the Romanian Intervention. A Historiographical Analysis. *Revista de Științe Politice. Revue des Sciences Politiques*, (66), 29-39.
- Nacu, F. (2021). The main political ideologies in Oltenia (1920–1989). *Anuarul ICSU-C.S. Nicolăescu-Ploșor*, (22), 83–92.
- Nicolescu, N. (2003). *Șefii de stat și de guvern ai României (1859 - 2003)*, Bucharest: Meronia Press.
- Ramet, P. (1989). *Religion and Nationalism in Soviet and East European Politics*, Duke: Duke University Press.
- Scurtu, I. (2007). *Istoria Contemporană a României*, Bucharest: Editura Fundației România de Măine Press.
- Smeu, G. (1997). *Dicționar de Istoria Românilor*, Bucharest: Trei Press.

Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”

Article Info

Received: March 03 2023

Accepted: March 14 2023

How to cite this article:

Nacu, F. (2023). Changes in the composition of the “communist elite” 1941-1958 - from the “class struggle” to the collaboration with the “class enemy”. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 88 – 99.



ORIGINAL PAPER

The problem of establishing air connections between Romania and Great Britain after World War II

Andrzej Dubicki¹⁾, Marek Olędzki²⁾

Abstract:

The issue of the development of air connections interrupted by the outbreak of World War II was important for the individual countries concerned. Unfortunately, as in the case of other aspects of politics, the broadly understood aviation policy was also subject to the conditions of the so-called "Great Politics" and also reflected the state of political relations between East and West. London, as the capital of the British Empire, was a desirable and prestigious destination for air transport. Romania did not maintain direct connections in the interwar period, although it was interested in potentially opening connections to the British Mandate in Palestine. After World War II, due to the control of Romanian air transport by the Soviets – it was not possible to open connections – in the absence of appropriate agreements between London and Moscow. Such possibilities appeared only at the time of formal independence of the Romanian aviation market from the tutelage of the USSR. Also important in this respect was the détente in mutual relations, which actually opened up the possibility of tourist exchange between the countries concerned. The example of Romania was interesting because, unlike other countries of the socialist camp, the opening of regular communication was preceded by quite intensive cooperation in the field of charter flights. Performed by British private carriers. Finally, regular cooperation was established in an asymmetrical manner and launched for political, not economic reasons – as a kind of security of Romanians regarding the purchase of British BAC 1-11 aircraft.

¹⁾ dr hab. Andrzej Dubicki, prof. UŁ, Uniwersytet Łódzki, Faculty of International Relations and Political Studies, Poland, Email: andrzej.dubicki@uni.lodz.pl. ORCID: 0000-0002-9949-210X.

²⁾ dr hab. Marek Olędzki, prof. UŁ, Uniwersytet Łódzki, Faculty of Philosophy and History, Institute of Archaeology, Poland, Email: marek.oledzki@uni.lodz.pl. ORCID: 0000-0002-9851-2324.

The problem of establishing air connections between Romania and Great Britain after World War II

Introduction

Air communication after the Second World War gained more and more importance, both as a means of facilitating the movement of people between individual points on the map, but also as an important element in shaping international relations. Very often, through the analysis of air relations, it is possible to conclude about the state of relations between the countries concerned, broadly understood. The discussed example – the establishment of air relations between Romania and the United Kingdom allows to indicate several important elements characteristic of broadly understood air diplomacy. In addition to the obvious element of facilitating movement, it is worth paying attention to the important category of prestige that in the 60's surrounded national airlines (especially for the Romanians) – which was related to the choice of the airport where the Romanian carrier could land. On the other hand, the British also wanted to use relations with Romania to sell their own aerospace products – of course, this needed an adequate political dimension. This article is based primarily on the analysis of materials gathered in the British National Archives (London), while in order to fully present the discussed issue, it will be necessary to confront those findings with Romanian archives. The time frame covers the period between: the start of talks in 1963 and the Romanians reaching the desired state of affairs, i.e. landing at Heathrow, which happened in the winter flight schedule of 1970.

Background

The tradition of direct air connections between Romania and Great Britain is not too long, especially considering the scope of mutual cooperation in the interwar period, especially regarding the volume of British investments in Romania, which should inevitably generate an appropriate volume of traffic. Due to its distance and geographical location (apart from routes to the British colonies), Romania appears to have remained outside the orbit of interest of the British airlines. Some chances of changing the situation would probably take place in the early 40s. From April 1939, *British Airways Ltd* began flights to Budapest; therefore, it could have been expected that in the near future it would be extended to Bucharest, but the outbreak of war effectively prevented this.

Also, the Romanian airline *LARES* did not expand in the north-western direction, its longest flight in this direction led to Warsaw and Berlin, where from April 17, 1939 it was possible to change to a plane to London.

After the end of World War II, the network of connections provided by Western airlines and, on the basis of reciprocity, their eastern counterparts was not very extensive. First of all, this resulted from the limitation, or rather the freeze of tourist traffic between Eastern Europe and the West, which was a consequence of the pauperization of societies, and institutional restrictions preventing individual foreign travel either to Western European countries in the case of countries from behind the "Iron Curtain" or in the opposite direction (Lobel, 2004: 159). Officially, to travel behind the Iron Curtain, you had to have permission from the State Department. Since the end of the 40s, the countries of the socialist bloc were on the "black list" subject to exit restrictions. Nevertheless, such attempts have happened, especially from the West, where often under the guise of a holiday in Western Europe it was possible to obtain a passport on which the trip to the countries of the Eastern Bloc was made, of course, the consequences fell on the delinquent only after returning to the USA (Hearings ..., 1969:

357). It is worth mentioning that formally a passport was required when leaving the USA only from 1952.

Economic issues – ticket prices – horrendous from today's point of view, were not the only limitation affecting the possibility of travel. With regard to the "ordinary" factors, it is also necessary to mention the difficult process of buying a ticket in international transport, especially for citizens of socialist countries. Here the biggest problem was to obtain an individual passport and later obtain (legal) funds for the purchase of a ticket. By the way, we must remember that formally the possession of foreign currencies and bullion was, at least until around 1956, formally prohibited, so if someone had more money to buy a ticket, he almost immediately became a suspect. When it comes to travel from West to East, important restrictions were: the formal ban on e.g. US citizens traveling to areas outside the Iron Curtain, and also important – the absurd conversion rate of the local currency (leu, zloty, crown) to the US dollar, which resulted in the belief in the high prices level prevailing in Poland or Romania (NYT, January 8, 1956). In the case of the People's Republic of Poland, this rate was defined as \$ 1 = PLN 4 (until 1957). Later we are also dealing with a "special rate" also used in tourist installments, or in currency exchange by foreigners by the ratio of \$ 1 = PLZ 24, which significantly improved the attractiveness of Poland as a tourist destination). In the case of Romania, it was \$1 = 11.20 lei (1952-1953), then \$1 = 6 lei (1954-1971) [BNR]. Only the introduction of the so-called "special exchange rates", or simply "turning a blind eye" to the exchange of at least part of the currency on the "black market" improved the chances of attracting tourists by individual countries (BNR). However, this required a serious volume of investment, especially in tourist infrastructure, which had to be attractive for the "foreign exchange" tourist. Therefore, in the case of Romania, we observe for a very long time the advantage of organized tourist traffic – ensuring adequate "occupancy" of seaside resorts.

Aviation agreement negotiations

The first attempts to organize connections between Romania and Great Britain can be observed in 1963, but initially they were quite sluggish, what the British side did not fail to use during later negotiations in 1965 – pointing out that this sluggishness actually cost Romanians the opportunity to fly to Heathrow – because in the meantime the policy of allowing new carriers to this airport has changed (BT 245/1304, 4-8 X 1965).

At the beginning of 1964, the British negotiating strategy was to agree to one TAROM flight per week with 84 seats Il-18 with a possible increase in frequency if necessary, while in return priority was expected for British charter airlines for servicing Romanian Black Sea resorts, this was actually a *sine qua non* condition for further agreement (FO 371/176184). These conditions were repeated several times in correspondence with the Romanian side, e.g. on March 2, 1964. (FO371/176184, GA 3137/1).

Particular attention was paid to the issue of the distribution of income generated by summer charter flights, and it was also mentioned that, for example, the charter permit in 1963 was issued with violation of the principle of equal distribution of profits, and under clear pressure from the Foreign Office (FO371/176184, GA 3137/2). It was suggested not to repeat this mistake in the future, especially as it was a good negotiating point for the introduction of scheduled flights. Maintaining the profit distribution ratio 50:50 was motivated by the complementarity of the proposed solution with those used in relations with other carriers. The first proposal for charter flights from the Romanian

The problem of establishing air connections between Romania and Great Britain after World War II

side for the 1964 season assumed that TAROM would make 30 flights with the Il-18 aircraft (which gave an average of 89 people per flight) – which meant a total of 2670 seats, while the British (BUA - British United Airlines) were offered the opportunity to take 15 flights by Bristol *Britannia*, which was to secure 1830 seats (this gave 122 seats per flight). This difference in availability (68%:32%) was not accepted by the UK aviation authorities. It was suggested to reduce the number of flights carried out by TAROM to 20 flight operations, or to offer "oversized" flights together with the BUA – but this certainly did not suit the Romanian side to the end, because it deprived it of possible budget revenues. The question of the exact distribution of seats on charter flights was constant, theoretically fluctuating in the range of 50-60% in favor of one of the airlines. It is worth mentioning that despite the fact that the British carrier sometimes changed (in 1966 it was BUA, in 1967 Caledonian), the offer of places was actually constant - about 3000 per year and unlike, for example, Bulgaria did not change, and even it decreased during the tourist season (BA 245/1304; 36).

The analysis of the aviation market made in 1964, showed that the biggest problem in the further development of British-Romanian cultural, scientific or sports contacts (so very important due to broadly understood public diplomacy) is simply the cost of air travel, which at that time was at the level of almost 100 pounds, this was quite significant (corresponding to about two months average earnings of a worker – 14 pounds weekly) (Parliament). Therefore, there were interpellations calling for a possible reduction in the prices of air connections – which, understandably, could have a positive impact on traffic on routes that operated below the profitability limit (this concerned most of the traffic in the eastern direction) (FO 371/176184, GA 3137/4). This was the matter of regular connections, because, as already mentioned, there was no problem with tourist traffic, organized on the basis of charters, here flights were properly filled. This was due to quite specific British legal regulations regarding the connection between the regular transport market and the charter market. It particularly concerned transport to European destinations. The solution itself was known as *Provision one* - it regulated the minimum price for a week's holiday (package holiday) at the level of a regular, return air ticket according to the IATA tariff (Woodley, 2016: 20). This shows the desire to defend to a certain extent the interests of the main British carrier BEA, and on the other hand, a certain irrationality of IATA tariffs – since it was possible to sell a flight and a week's stay at the same price – so it is not surprising that regular flights to Romania were used only by people on business trips, i.e. rather those who did not have to take into account the costs. The very idea of applying reduced prices for connections was difficult to implement because in the market realities of the time, prices were regulated by the relevant provisions of IATA, therefore the only possibility of obtaining lower prices for flights was to admit a carrier from outside this organization who would not be bound by its provisions. In Romanian case this was in theory very simple because TAROM was not a member of this organisation until 1993, but the problem was that there was also the British counterpart, who was a member of IATA, so both sides were bound by IATA's regulations. Another option was to use the rather controversial mechanism (Affinity Group Charter Flights), which allowed members of certain organizations to buy charter flights – but this solution was used rather on transatlantic lines. Another option was the use of ITX (Inclusive Tour Excursion Fares) fares, which allowed IATA members to sell flights as part of purchased packages at a correspondingly lower price – but this solution was only possible on scheduled flights (25-35% reduction, depending on the size of the group) (Woodley, 2016: 20).

As far as Romania's popularity as a tourist destination is concerned, one should also remember about another mechanism, today more associated with the reality affecting the inhabitants of socialist countries. These were amounts that could be spent on foreign holidays – in the interesting period they were set at £100 for the British (until 1966) and later reduced to 65 pounds as a result of the crisis, of these 50 pounds were issued in travellers' cheques and 15 pounds in cash. Hence the relative popularity of Eastern European countries as cheaper countries, where these amounts allowed for a bit of "madness". This was an additional spur for the countries of the Eastern Bloc to make their own currency exchange rates more realistic, so that they would also be attractive to Western tourists – hence the "Special exchange rate" solutions appeared in the legislation (Naokoło Świata, 1957: 481-482).

Nevertheless, negotiations on the opening of a regular service, initiated in 1965 (4-8 October), were still ongoing (BT 245/1304: 76). From the beginning, the British indicated that according to their actual policy, the destination point for the Romanian carrier would be London-Gatwick. This was a derivative of the policy denying new carriers the possibility of using London Heathrow. However, for a long time Romanians preferred Heathrow in the talks, this led to their *de facto* suspension in 1966. In its arguments, the Romanian side also used prestige issues and assessed that sending TAROM to the second airport in London was a matter of discrimination against the Romanian carrier (BT 245/1304: 8). Finally, the Romanians relented and decided in February 1967 to take advantage of the possibility of using this airport (BT 245/1304: 24). The Romanian position referring to the category of prestige was simply related to the perception of the airline as a kind of ambassador of its own country, therefore sending it to a second-class airport, where it was supposed to cooperate with private (i.e. not national) airlines, was treated as a kind of diplomatic failure and a blow to the prestige of a given country (Gidwitz, 1980: 22). Today, this factor has actually disappeared with the popularization of air travel, but in the 60's it was still important; also within the framework of regional competition, as was pointed out by the Romanian side – that, for example, TABSO – the Bulgarian airline could land at Heathrow whilst Romanians are denied this right.

Romanians were finally given the opportunity to fly to the United Kingdom, initially on the basis of a temporary permit, which had to be renewed from time to time. They were inaugurated on the basis of a provisional agreement (1 February 1967) on 5 April 1967, i.e. with the entry into force of the summer flight schedule (BT 245/1304: 20b). Regular flights took place twice a week, but according to residual data on the number of passengers transported, it should be said that they were not overcrowded. A total of 473 passengers were carried in both directions from April to the end of June 1967 (244 to London; 229 to Bucharest), but there were flights with only one passenger (BT 245/1304: 30). To this must be added a certain number of passengers in transit. The official, ceremonial inauguration of the connection took place on July 5, 1967 (BT 245/1304: 42). It was combined with a special three-day tour for 12 British guests, with the task of signing a connection agreement (minute) and presenting them the resorts of the Black Sea (BT 245/1304: 36).

In a sense, we must also remember that the British usually tried to combine the issue of opening connections with an attempt to sell to the country concerned the products of their own aviation industry, which after all experienced huge competition from American industry.

The problem of establishing air connections between Romania and Great Britain after World War II

BEAs were not interested in starting scheduled air services between London and Bucharest, this was rather unique for the Eastern Bloc. Nevertheless, we must remember that in relation to other countries behind the Iron Curtain, attention was very often paid to other factors that complement the needs of the aviation market. In the case of flights to Bucharest, this decision was economically justified, for example by the volume of passengers carried on TAROM flights which started in 1967. The British were aware of the fact that they would have to subsidize regular flights, thus generating further losses on the eastern section was apparently out of the question. Nevertheless, it was not possible to completely abandon the Bucharest service for prestige reasons – at the same time, talks were underway about selling BAC 1-11 aircraft and perhaps other constructions to Romanians, so any obstruction of the subject could be negatively received by Romanians. In addition, some misunderstandings were also generated by the lack of consent of the British to land TAROM at Heathrow airport - instead, flights from Romania were diverted to Gatwick, due to the lack of slots at London's main airport - It was explainable that the first phase of the airport's construction was completed in 1966 with the opening of the long-haul terminal. (Higham 1995: 22); although the actual, as it seems from the analysis of sources, reason was the desire to raise the status of Gatwick by operating it also with modern machines. On the other hand, Heathrow, despite its status, was much less well connected (the Tube arrived here only in 1977, i.e. 15 years after the first Romanian-British talks). Gatwick, on the other hand, was located next to the railway line, which significantly improved its accessibility (Higham, 1995: 23). The problem that the Romanian side wanted was the status of London for Romanian passengers. While London was supposed to be their destination, the problem would not occur – possible complications arose when treating the capital of Great Britain as a transfer point – here the inconvenience was the need to transfer between two airports, but the British, due to the expected low traffic on the line, were even willing to take on the possible costs of transfer connections. Interestingly, British factors, wanting to get out of the deadlock to some extent, suggested transferring the airline to Bucharest to another carrier – in this case Eagle, which was the line responsible for introducing an "inclusive tour" holiday ('50s) and in this formula was also present on the Romanian market in the summer season. (Endres, 1985: 12) or BUA (Endres, 1985: 12).

Another operator directly interested in granting Romanians landing rights in London was BOAC, whose analyses indicated the legitimacy of launching flights to London, especially in the context of quite large (in their opinion) traffic between Romania and the USA, or even Australasia, which of course gave British airlines a chance to take over this traffic, at least on the non-European section. In this case, the different positions of the two British airlines clearly emerged – while BEA did not see the economic sense of operating connections (in the context of intra-European traffic), the BOAC, already responsible for long-haul flights, saw it completely differently, suggesting that in the absence of interest from state carriers, it should possibly look for people willing to operate the connection among private carriers. The second negotiating option, which was still "on the table", was to allow traffic only through TAROM, a solution already applied in the case of the agreement with France from 1962, where Air France also did not take flights in the first season after the launch of the route.

Finally, the agreement was concluded in 1967. The British were not convinced of the advisability of opening connections between Bucharest and London until the very end, pointing to the dubious interest in the Romanian direction on the part of British passengers, because only such passengers could count on BEA in the economic realities

of the time. For this reason, the Romanians suggested allowing flights to TAROM, with the proviso that the British would be able to start them when they saw fit. Initially, the British negotiating strategy assumed a refusal to reach an agreement in this form (an asymmetric agreement). British negotiators did not fully agree with this position of their ministry, drawing attention to the fact that the Romanian direction is promising because it can potentially be expected to generate profits by taking over Romanian passengers from transatlantic flights who have so far used connections via Brussels or Paris (FO371/176184). In addition, the Romanian side stated that the rejection of such a proposal, which does not actually assume direct risk, will be perceived as politically motivated, not economically, i.e. it would be a manifestation of bad will, which in turn could affect direct trade relations between the countries concerned. The Romanians also stressed that the French had previously agreed to such a Romanian proposal. In such circumstances, a British refusal could mean problems in concluding other trade agreements that the British were interested in (FO371/176184). In addition, it was feared that this could potentially be interpreted as a lack of support for the policy of independence from Moscow, which Bucharest was just embarking on. For this reason, it was suggested that even if there was no desire to sign an official agreement, the Romanian airline should be allowed to fly to London in the form of a temporary agreement. Romanians, for their part, were in favor of maintaining initially 1-2 flights per week, with possible frequency changes after the season (winter/summer) taking into account real demand on the route.

State of relations during the "Gatwick" period

The flights were launched in the 1967 timetable – the relevant temporary but no longer provisional permit was given to the Romanian side on 7 July 1967 (BT 245/1304: 62), it was valid until the end of March 1968, when it had to be renewed. The British acted in this case in accordance with their opinion, directing flights from Bucharest to Gatwick airport, which in turn did not please the Romanians very much, but he had to, at least for some time, approve this solution. The original permit was quite similar to the document regulating the opening of connections with Poland 10 years earlier.

Stopovers were also provided for in this case – this time in Vienna and Brussels, but it was only provided for passengers arriving / departing to Bucharest; on the Vienna-Brussels-London section, *TAROM* did not have the corresponding commercial rights (BT 245/1304: 62). It was proposed to add a stopover in Vienna through the negotiations of the agreement, but this idea was finally abandoned, although the original permit provided for stopovers in Vienna, only the next of them, valid from 1 April 1968, did not provide this possibility (BT 245/1304: 63). The Romanian airline was given the opportunity to fly twice a week, initially "traditionally" for the Romanian side, the aircraft intended to make the connection was Il-18, but relatively quickly it was replaced on this route by specially purchased British BAC 1-11 aircraft, which were to enter service on March 1, 1969.

Finally, for a relatively long period of time, the connection between Bucharest and London was provided only by the Romanians. The British (BEA) decided not to begin scheduled flights until 1969, despite frequent appeals from British business to introduce Bucharest to the BEA network. The increase in interest in Romania at the end of the 60s was undoubtedly due to the new style of conducting politics by Nicolae Ceaușescu, who at least posed as a politician independent of Moscow, e.g. by not breaking political and economic relations with Israel (1967), or refusing to participate in

The problem of establishing air connections between Romania and Great Britain after World War II

the aggression against Czechoslovakia in 1968. In this case, decision-makers managing British air traffic saw opportunities to intensify traffic, both business and tourism, especially as this was accompanied by investments in tourist infrastructure (BT 245/1304: 98).

In the first period of operation of the connection, in fact the only issue of contention was the issue of the destination, which initially, as mentioned, was Gatwick, but already in 1969 the position of the British began to change and they were willing to move TAROM flights to Heathrow (BT 245/1304: 104). The reason of directing the Romanian carrier to the second airport serving the London agglomeration was the general policy of allocating "slots", resulting from the increase in traffic intensity at Heathrow, with handling 6.1 million passengers annually (Bowen 2010; 37). – hence new carriers were usually directed to Gatwick – especially from directions that were rather not strategic for the British (Libyan Airlines, Ariana (Afghanistan), Loftleidir (Iceland), Balkan (Bulgaria) and TAROM. The British side admitted that Romanians during the negotiations of the 1967 agreement were quite strongly opposed to directing their carrier to Gatwick, but initially they did not have strong arguments against this solution. Although it should be mentioned that attempts were made even to resort to discriminatory arguments. However, in 1968 the transfer to Heathrow began to be combined with the purchase of British BACs 1-11 and the statement that they should be serviced at the plants at London main airport (BT 245/1304; 74). This was apparently a misunderstanding by the Romanian side of the position adopted by the British – yes, they potentially agreed to land at Heathrow, but only in the case of the purchase of the HS 121 *Trident* aircraft, which was actually serviced at the main airport of London (BT 245/1304, f. 76). Romanians, however, purchased the BAC product. Besides, it should be mentioned that in addition to Trident and BAC 1-11 Romanians were originally offered VC 10, as well as other members of the Eastern Bloc (Czechoslovakia and Poland). In the case of Romania, this was the aftermath of an attempt to take flights to Cuba, which required two stopovers in Lisbon and Gander. Nevertheless, the Romanian side stated that this aircraft is irrational in view of the TAROM needs. In addition to the British design, the Romanians also considered American (DC-9) and French (Caravelle), (BT 245/1304; 17a, 53, 58). It seems that for some time a similar position on Heathrow, perhaps for commercial reasons?, was also taken by the aircraft manufacturer British Aircraft Corporation. This position was conveyed to the British side by the Romanian ambassador in London (Baiciu) at the turn of June and July 1968 (BT 245/1304; 80). The ambassador, in turn, was supported by his own Ministry of Transport, also pointing to the same premises for a possible transfer to Heathrow. The British manufacturer, in turn, undoubtedly wanted the best impression from the Romanians, because in addition to selling the aircraft themselves to Romanians, they also counted on the sale of licenses for the production of aircraft. Talks on this subject were conducted in parallel with talks about the supply of aircraft, but their finale was much later, in 1978, when a license agreement was signed for the production of these aircraft in Romania. The aforementioned position conditioning the granting of benefits depending on the choice of the right aircraft was quite popular in the realities of the 60s and 70s (Gidwitz 1980; 26).

However, for the purposes of the UK authorities, BAC claimed that there were no specific requirements as to the place of servicing of its aircraft. The arguments of the Romanian side were quickly rejected by the British, who showed that these aircraft could be successfully serviced at Gatwick. That position was communicated to the

Romanians on 6 September 1968 by Mr Lanchin. He pointed out that at least two British airlines, BUA and Laker Airways, already use BAC 1-11 and service them at Gatwick, so it will certainly be possible in the case of the Romanian carrier. In the case of Heathrow, this was the case for Eagle (BT 245/1304; 79/2), but their base at the airport was described as temporary. An additional argument for Gatwick was the statement that this airport in the reality of 1968 was responsible for the majority of air operations performed by British jets (BT 245/1304; 88). Another argument for Gatwick was the expected shift of several airlines from Heathrow to this airport, which in turn was to make it easier for other airlines to build their network of connections using a second airport in London. It was also the result of the strategic suspension of the decision to transform Stansted into a purely civilian airport. In the 50's and 60's Stansted was used as an airport accessible to charter airlines, but regular lines did not use it due to its distance from London (about 50 km.) and the lack of a direct rail connection to the metropolis – completed only in 1991.

London was also not convinced by the argument about not very convenient transfers, especially on transatlantic routes – in this case, it was shown that there is a possibility for TAROM passengers to use the BOAC bus transfer free of charge, or taxis provided by BUA, depending on the airline used for the flight overseas. In this case, the Romanian side argued that TAROM passengers had to use a longer and delayed route through Victoria station (there was a city terminal providing access to Heathrow at the time). The British countered this argument by stating that TAROM does not inform its passengers about the possibility of using a direct coach transfer between Heathrow and Gatwick (BT 245/1304; 78). In addition, in the case of a transfer in London, the British government waived the need for Romanians to have a transfer visa (BT 245/1304; 83). Moreover, it was suggested to maintain the policy of directing new carriers to Gatwick, because there was also a fear of escalation of demands from other carriers present at that airport. In a sense, this was important in the context of the possible opening of flights by the British operator to Romania, because in this case it was possible to apply for equal treatment. So if TAROM had to fly from Gatwick, a possible British operator should also use this airport. It seemed to the British authorities that they would be able to persuade Romanians to accept such a lack of reciprocity with a financial argument. It is worth noting that in the context of indicating an airline potentially interested in flights to Bucharest, any of the carriers supervised by the state (BEA or BOAC) was not mentioned. TAROM remained at Gatwick until the end of October 1970, the flight schedule valid since November 1970 indicates the move of the Romanian carrier to Heathrow Airport

The issue of opening/extending connections was also discussed during the British Minister of State's visit to Bucharest in October 1968, which traditionally touched on the conversion of Gatwick to Heathrow, the issue of flight prices for charter flights – which was also regulated by internal British regulations. The British regulator - the Board of Trade received requests in 1968 for permission to reduce the minimum prices of holiday trips to Romania, which in turn may have served increased interest in holidays on the Black Sea. The problem of transporting tourists to Romania was also related to this – the British side clearly emphasized that the purchase of BAC 1-11 should not be treated as a pretext to fully return these transports to Romanians, but a fairly flexible approach to sharing flights in the proportion of "fifty fifty" was declared (BT 245/1304; 90a), but it was excluded that all transport should be given to Romanians. This was a clear change from the situation at the beginning of the decade, when the

The problem of establishing air connections between Romania and Great Britain after World War II

British firmly insisted on maintaining this proportion. According to the British side, the real minimum price, ensuring at least a small profit of the operator, was 69 pounds (for a 2-week holiday?), the Romanian initiative aimed at reducing it was expected, but it was not finally decided. Attention was also drawn to the fact that in this case it is necessary to communicate with the Romanian tourist agency *Carpați*, which monopolized the sale of trips/stays in Romania on foreign markets.

As it was mentioned in the study dated 5 December 1968, the BEA had already analyzed the possibility of flights to Bucharest in the past, but in view of the specific economic conditions – in fact, the lack of a chance of attracting Romanian passengers – obliged by its own authorities to use the services of their own carrier. In addition, BEA, as a carrier using Heathrow, did not want to generate "jealousy" from the Romanian side, which was not allowed to enter this airport (BT 245/1304; 92a). It was a convenient excuse for the British operator to refuse to take on an unprofitable connection. In addition, even if BEA does not maintain its own connections, there is still little influence on the formation of fares on the line – the agreement expressly prohibits the modification of ticket prices without the consent of the British airline (BT 245/1304; 91a).

In the reality of late 1968, it was rather suggested to convince the BUA or even Dan Air to such flights, which in turn would provide a convenient excuse to keep Gatwick as a destination; Because these airlines were based on this airport. Dan Air itself showed interest in the Romanian market (BT 245/1304; 94) – it was interesting because so far the operator had only flown in the North Sea, but at the end of the 60s it decided to expand widely, which was related to the acquisition of Comet jet aircraft. Romania was theoretically a desirable destination, but undoubtedly in the context of a private operator it was rather attractive in the summer season – otherwise, taking into account the economic realities in the countries behind the Iron Curtain, already known to the English, even from previous disputes with Poland, connections would not be profitable for a private carrier. After all, they also counted on a business passenger – with the volume of business traffic between Bucharest and London estimated at at least 2,000 trips per year. This was to be the result of the *British Industrial Exhibition*, which contributed to the intensification of traffic between the countries concerned.

In turn, BUA was a carrier convenient for the implementation of the connection because its base was also Gatwick and also used BAC 1-11, i.e. by designating this particular line, the Romanians were thrown out of virtually all the arguments they pointed out in order to use the main airport of London. In addition, it was also pointed out that the British private operator also offered transatlantic flights, so it was possible to divert Romanian passengers to the planes of this carrier, thus solving the issue of inconvenient transfers between London airports (BT 245/1304; 92a). The positive attitude of the Romanian side to the appearance of the BUA in Bucharest was also influenced by the fact of the potential lease of BAC 1-11 belonging to TAROM for BUA, awaiting deliveries of its own aircraft. According to the British ambassador in Bucharest, the prospect of obtaining a "hard currency" could significantly affect the flexibility of Romania's position on Heathrow (BT 245/1304; 92a). BUA also had experience in flights to Romania, because it was in a sense the heir of the Eagle airline, which had been operating charter flights since the early 60s.

In addition to these factors, the potential of Romania as a tourist destination was also pointed out; where Bucharest tried to take advantage of the growing interest, e.g. by building new accommodation facilities, of course, in the realities of that time, the main

beneficiary would be airlines offering charter connections, but they also counted on increasing individual tourism. Another factor was supposed to be the facilitation granted to Romanian citizens in the matter of having a passport, but in reality it was assessed as more of a gesture than a practical solution (BT 245/1304; 92a). Of course, this could potentially lead to an increase in tourist traffic, but due to financial conditions, TAROM would rather benefit from it, not British carriers.

The good climate sustained by the issuance of a permit for direct flights also resulted in additional benefits for the British side, which obtained permission to fly over Romania for another "flagship" operator BOAC. This was important because it allowed for a freer shaping of flight routes in the long-haul connections dominant in this line. British factors treated the *BOAC* authorization on an ad hoc basis as an element of revenge for *TAROM's* permission to fly at Gatwick (BT 245/1304; 90a). Obtaining such a permit was necessary due to Romania's non-participation in the *International Air Services Transit Agreement*, therefore every airline wishing to fly over Romania had to obtain such permission (I freedom of air). *BOAC* wanted to take advantage of the overflight opportunity in order to shorten its Middle Eastern routes.

Finally, the British carrier appeared at the Otopeni airport only in 1971, serving a rather specific route London – Zagreb – Bucharest, which, according to *BEA*, was the most rational from the economic point of view.

Summary:

The issue of opening air connections between Romania and the United Kingdom should be treated as typical in the purely commercial context. The connection was opened only when it turned out that it was possible to count on its profitability, while the factor in this respect distinguishing it from other concluded by the British with the countries of the Eastern Bloc was the initial and quite long (up to five years) asymmetry in its implementation. Such a situation was not observed in the case of establishing/renewing air connections with Poland or Czechoslovakia – where *BEA* and *LOT/CSA* actually simultaneously started flights on the route connecting Warsaw/Prague with London. Another element distinguishing the Romanian case from the Polish or Czech case was the issue of preceding the establishment of regular flights by intensive charter cooperation, which, apart from the experience gained in cooperation with Poland and Czechoslovakia, probably allowed the British to properly prepare for negotiations with Romanians. Another visible factor was politics and its direct application also to economic elements. Here it is necessary to pay attention to two closely related factors constituting an important element of shaping / controlling economic policy. Actually, the only point of contention was the choice of London airport. The British had their reasons for directing *TAROM* to Gatwick. They justified this on purely economic and capacity-related factors at Heathrow, but they did not rule out allowing Romanians there, but on condition that they bought a suitable aircraft (*Trident*, not BAC 1-11). The Romanian side perceived it as a failure, as it was directed to the less prestigious, although paradoxically in the conditions of the 60s and 70s, more comfortable for the passenger Gatwick airport. It is worth noting that in the end these irritations did not lead to the break of cooperation in the field of transport between Romania and Great Britain, which experienced its heyday in the eighth decade of the twentieth century.

The problem of establishing air connections between Romania and Great Britain after World War II

Authors' Contributions:

The authors contributed equally to this work.

References:

National Archives

BT 245/1304;
FO 371/176184.

Books

- Bowen J. (2010). *The economic geography of Air Transportation*, New York: Routledge.
- Endres G. G. (1985). *British Civil Aviation*, London: Ian Allan.
- Gidwitz B. (1980). *The politics of International Air Transport*, Lexington Books.
- Higham R. (1995). *A matter of the Utmost Urgency: The search for a Third London Airport*, [in:] *From airships to Airbus. The history of civil and commercial aviation*, vol. 1, *Infrastructure and Environment*, Washington – London: Smithsonian, pp. 19-44.
- Lobel J. (2004). *Success Without Victory: Lost Legal Battles and the Long Road to Justice in America*, New York and London: NYU Press.
- Hearings, Reports and Prints of the House Committee on the Judiciary, 1964, Woodley Ch. (2016). *Flying to the sun. A history of Britain's holiday airlines*, Briscombe: The History Press.
- Ziółkowski J. (1989). *Na lotowskich szlakach*, Warszawa: Wyd. MON.
- (BNR). <https://www.bnr.ro/apage-Mobile.aspx?pid=404&actid=22706> (accessed: 19 I 2023).
- (Parliament). <https://api.parliament.uk/historic-hansard/written-answers/1963/mar/21/manual-workers-average-weekly-earnings> (accessed: 30 Jan 2023)

Article Info

Received: March 20 2023

Accepted: March 30 2023

How to cite this article:

Dubicki, A., Ołędzki, M. (2023). The problem of establishing air connections between Romania and Great Britain after World War II. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 100 – 111.



ORIGINAL PAPER

The obligation to motivate a judgement

Raluca Lucia Paul¹⁾

Abstract:

The paper aims to present the importance to motivate a judgment in order to assure the respect of the right to a fair trial as stated in the European Convention of Human Rights. The subject has been broadly addressed in the legal writings and is often reflected in the judgements of both national and international Courts, but the paper offers a refreshing and perhaps philosophical perspective, trying to point out that, in this particular legislative inflation, the judge tends to forget that the judgment is not an instrument to be delivered to the legal professionals, but the individuals that came in front of the Court to find a solution for their particular problem.

Keywords: *judgments, reasoning, human rights; fundamental freedoms.*

¹⁾ Assistant Professor, PhD, University of Craiova, Faculty of Law, Craiova, Romania, Phone: 0040742808693, Email ralucaluciapaul@yahoo.com

The obligation to motivate a judgement

The importance of the reasoning of the Court decision

It is common knowledge that in order to assure the respect of fundamental rights in a society we must introduce guaranties (Constant 1872 :150), and the main guardian of these guaranties is the judge. The judgment, as the final act of a lawsuit is a technical solution to a given problem, but its force and meaning can be easily considered a form of art. Law has been considered to be both a science and an art (Picard 1989:15) and the reasoning of the decision is one fine expression of art.

The quality of justice is a strong concern both at national and international level, as attested by the law, the international conventions, the resolutions and the recommendations on how to facilitate the access to justice trough the improvement and simplification of the procedures, reducing the workload of the Courts and directing the work of judges towards a purely jurisdictional activity (Jean, 2007).

The current times have made quite challenging for the judge to develop a reasoning, facing a legislative inflation (Deleanu, 2013:62) that makes it harder finding the relevant legal provision for the situation brought in front of the Court and applying it, producing a strong legal argument in order to present it to the parties reflecting the solution.

Legal provisions:

According to article 425 para. (1) of the Romanian Civil Procedure Code, „The judgement will contain: a) the introductive part, including the notes stated in article 233 para. 1 and 2(...); b) the reasoning, including the object of the request and the arguments of the parties in brief, the facts of the case as held by the Court based on the evidence, the factual and legal reasons that determined the ruling in the case, but also the ones that determined the rejection of some arguments; c) the operative part of the judgment (...)”.

The obligation to motivate the ruling is considered to be part of the right to a fair trial granted by the European Convention on Human Rights and by the European Charter of Fundamental Rights. The European Court of Human Rights has had a constant case law (Application no. 57.808/00, Case Albina vs. Romania 28.04.2005), stating that the right to fair trial includes also the parties right to be effectively listen and this implies an obligation for the Court to offer an effective examination of the factual situation, the arguments and the evidences produced with the main purpose to correctly establishing the facts.

In this regard, with the purpose of assuring an effective protection of the right to a fair trial, the state is under the obligation to assure independent and impartial Courts and to create effective procedures. The reflection of the fulfilling of these obligations is the fundamental role that plays the judge in the correct administration of justice for the individuals.

The ruling is the final instrument of the lawsuit by which the Court issues its decision regarding the requests that parties brought in the case (Boroi & Stancu, 2017:616). A qualitative ruling is considered to be the one that leads to a good result, when this accomplishment is feasible for the judge, in a complete, clear and equitable manner.

The Consultative Council of the European Judges has previously stressed that the independence of the judicial system should be conceived as a right of the individual,

not as a privilege given to the judges, but as a guaranty for the protection of a certain right or interest.

The reasoning of the Court is the most important and the most extensive part of the judgement, being the heart of the trial itself. The reasoning is not exclusively a matter of stating legal provisions, but to apply them to the particular situation reflected by the facts of the case. In this matter, the reasoning should be the reflection of a symbiosis between the decision of the Court and the reality (Boroi & Stancu, 2017:616, apud. Ciobanu V. M., 1997:255).

Factors that can influence the quality of the reasoning

Being a human act, the quality of the reasoning of the Court can be influenced by a number of things because, a strong knowledge of the legal provisions is crucial, but it is not necessarily the key to a qualitative act of justice.

We should state that there some factors have been considered to influence the quality of the reasoning (United Nations, Office on Drugs and Crime, Commentary on the Bangalore principles of judicial conduct). Firstly, of course, the workload of each judge could interfere with his capacity to fulfill the duties, but also the quality of the auxiliary services and the material conditions. In order for a judge to complete the obligation to elaborate a qualitative ruling, extensive human and material resources are needed. The judge is required to profoundly study the case, along with produced evidence and the legal provisions applicable in the case.

Also, the legislation could be considered a factor in the quality of the reasoning. This can be explained from a double perspective: the quality of a law could determine more lawsuits and its provisions influence the solution given by the judge. A measure of prevention could be building a series of clear, accessible laws, easily understood by the individuals.

A more stringent problem of the Romanian legal system is the work volume of the judge. Statistics show that the number of lawsuits is arising year by year while the human resource has not grown, but on the contrary, has diminished (Report on the activity of the High Court of Justice, 2021). This is certainly a structural problem too complex to be discussed in this paper, but we could not stress enough that it is one of the big challenges faced by the judicial system, with strong effects on the obligation to assure the respect of the principle of the judicial procedure celerity. The state has the obligation to assure the respect of the right to a fair trial and this implies to assure the finalization of the lawsuit in an optimum and foreseeable time. In this term is included also the elaboration of the reasoning of the Court, as the final act of the judgement.

Even the European Court of Human Rights has stressed the importance of dealing with the case in an optimum and reasonable time, this being an aspect that could impair on its efficacy and credibility (European Court of Human Rights, Case of Vernillo vs. France, Judgement of 20 February 1991, para. 38; European Court of Human Rights, Judgement of 27 October 1994, Case of Katte Klitsche de la Grange vs Italia, para. 61).

Even the High Court of Justice has ruled that the state, as an administrator of the judicial system has the obligation to adopt the necessary measures to assure that the (criminal in that case, but also applicable for the civil matters) procedures take place in a proper manner in order to assure the right to a fair trial, referring to its duration (High Court of Cassation and Justice, Romania, Civil Chamber, Decision no. 1010 of 12 May 2021).

The obligation to motivate a judgement

Key features of a reasoning of the Court

a. Clarity

One of the main characteristics of the rule of law is the one stating the clarity of the laws.

This implies that the law should be written in a clear, simple language aiming to be understood by all the subjects to which it applies. If a legislation contains unclarity, this could lead to different interpretation reflected in the process of decision making with different finalities. This most certainly creates a discrepancy on how a certain right or a certain legal situation is represented for each and every individual.

One could wonder how this can be fixed. Apparently, even if we have laws that state how to write laws, the system is still far from perfect. In this regard, in order to present some potential and viable solutions, at the European Union level, it has been adopted the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on better law-making (Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on better law-making, 2016). Even if this is not a compulsory act, it offers an insight stressing that as a matter of principle before adopting a law, the legislator has to evaluate its impact, to previously consult the subjects of the law with the purpose to offer a qualitative legislation.

These principles also apply in the case of the reasoning of the Court, one of the main characteristics of the reasoning being its intelligibility, meaning that it should be written in a simple, clear manner, accessible to every person reading it. This is not reflected exclusively in its wording, but also in its structure. Even if the judge is entitled to elaborate in a personal manner this final act of the judgement, the law stipulates compulsory elements as: the facts of the case, the evidence that determined to adopt the solution, the reasons why and why not the Court has validated an advocacy of the parties, both the complainant and the respondent. This is also an important point to discuss because, even if the lawsuit is brought in front of the Court by the applicant and this is the first one presenting his arguments, also the respondent builds the case both when he defends himself and he counterclaims the debated right.

b. Explaining why

No exception made, the ruling has to be motivated and the judge has to wisely use its time to study the case-file and relevant legislation in order to offer a qualitative act.

The wording of the reasoning must be clear and unequivocal, containing no contradictions and completely reflecting the logic and judicial mechanism developed by the judge to deliver the solution.

The complete reasoning of the Court is important not only for the individual receiving the judgement, but also serves as a guaranty against the arbitrary. This implies that an independent and impartial judge, after counterbalancing all the arguments has decided, in a just and objective manner.

The ruling is not an abstract act, serving to a purely scientific purpose, but an act addressed to the parties involved in the litigation, that are not legal professional, but mainly individuals in search of a resolution for a private dispute. Considering this aspect, we can say that the clarity and the precision of the ruling are a reflection of the

quality of the act of judgement for the individuals. In this respect, we cannot stress enough that the ruling has to completely respond to the requests made by the applicant and the defensive arguments made by the respondent.

Another important aspect is that the reasoning should be a reflection of the general principles of law of those principles deriving from the right to a fair trial as stated in the European Charter of Fundamental Rights and in the European Convention on Human Rights.

The reasoning must be specific, in the sense that it does not have to contain aspects that are not relevant for the case, on the contrary, the focus has to be held on those facts and arguments that were relevant for the legal and just solution given in the case. There are cases when the parties often include in their arguments aspects that are not relevant for the case or even legal provision that are unapplicable. In this situation, the judge has the duty to respond only to the relevant arguments that influence the solution given. The reasoning is not a law lesson, so, in our opinion, the judge should refrain from delivering long, extensive judgements reflecting purely legal information, not connecting it to the particularities of the case, but preserving its relevance in relation with the facts of the case.

Moreover, the judge has to find the just balance between the need to have a short and concise ruling and the imperative to assure a good understanding of the reasoning that led to the solution given in the case.

Keeping this in mind, we consider that the reasoning is not a matter of quantity, but a matter of quality. The judge is under the obligation to highlight the important aspects of the case, being under no obligation to offer a specific response to every argument brought by the parties (European Court of Human Rights, *Boldea vs Romania*, Judgement of 15 February 2007, para. 29; European Court of Human Rights, *Helle vs Finland*, Judgement of 19 February 1997, para. 60), unless this is especially relevant to underline the reasoning of the Court. This should not lead us to the conclusion that the Court order should be excessively short, lapidary, lacking enough arguments or unfit to prove that the judge has particularly considered the facts of the case and the relevant arguments. These aspects here stated are truly important in order to demonstrate that the solution given to the lawsuit is the result of logical-legal process of analysis held by the judge.

It is clear from the constant and well-settled case-law of the European Court of Justice that the obligation to state reasons does not require the General Court to provide an account which follows exhaustively and one by one all the arguments stated by the parties to the case. But, considering these facts, we must underline that the Court may not simply omit to address, expressly or implicitly, the arguments given by the parties to sustain their position, which are not plainly irrelevant, or distort the substance of those arguments. This kind of omission is to be considered a failure to state reasons, infringing the duty to state reasons and a breach of the right to effective judicial protection guaranteed by Article 47 of the Charter of Fundamental Rights of the European Union (European Court of Justice, Opinion of Advocate General Kokott in *Bayer CropScience and Bayer v Commission C 499/18 P*, EU:C:2020:735, point 89). It is well known that the reasoning can be implicit respecting the one condition that the person concerned is to know the arguments and it provides the higher Court with the arguments and sufficient material to exercise its power of review (European Court of Justice, Judgments of 26 May 2016, *Rose Vision v Commission C 224/15 P*, EU:C:2016:358, paragraph 25 and the case-law cited), and of 11 May 2017, *Dyson v Commission (C 44/16 P*,

The obligation to motivate a judgement

EU:C:2017:357, paragraph 38 and the case-law cited). It has been also established that the Court is not obliged to define its position on matters which are plainly irrelevant or to anticipate the potential objection that the parties could claim (European Court of Justice, Judgment of 6 November 2012, *Éditions Odile Jacob v Commission* C 551/10 P, EU:C:2012:681, paragraph 48 and the case-law cited).

When talking about a case handled by more than one judge, especially when ruling on remedies, there is a possibility that the decision is not taken unanimously. Article 426 of the Civil Procedure Code offers the solution for this situation stating that the outnumbered judge is under the obligation to elaborate its one reasoning on the case, along with the proposed solution. This is also the case when, even if all the judges agree on the solution, one of them has ruled in that way based of different reasons. This last is under the obligation to draft its own reasoning, explaining what was the basis of its decision.

We consider this is an important reflection of the obligation to motivate the ruling, because the parties are entitled to observe the complete reasoning that led the Court to give the sentence. Also, drafting the separate opinion could help the losing party to conceive the appeal basing its own arguments on the reasoning that previously impeached a judge to rule against him.

The Romanian Constitutional Court (Constitutional Court, Romania, Decision no. 33/2018 on the constitutionality of the modifying law of the Law no. 304/2004 on the judiciary organization) has previously considered that the reasoning of the Court is an inherent act of judges' function and constitutes its mere independence so it cannot be transferred to a person who did not take part in the process. In this regard, the Constitutional Court considered not only the premise for a good understanding of the decision but also a guaranty of its acceptance by the parties. The Court also stressed that the reasoning is an essential guaranty of the judge's independence and impartiality, but also a reflection of the quality of the act of justice.

The Civil Procedure Code has offered legal instruments for the situation when a ruling lacks motivation, regulating a case of appeal trough article 488 para. 2 point 6. Basically, the hypothesis of this reason to appeal are many: the ruling of the Court does not encompass the compulsory the necessary elements of the ruling, the ruling contains conflicting, unclear and alien from the nature of the litigation. Also, the reason regulated by article 488 para. 2 point 6 Civil Procedure Code can be used as a general reason the appeal the decision, not only in that particular case.

The Court ruling in the appeal has also the obligation to effectively examine the arguments made by the parties in their appeal, in order to deliver a legal and solid argument. In this procedural stage, the judge is obliged to analyze the arguments brought by the parties in relation with the reasoning of the Court in order to demonstrate that the reasoning of the first Court is legal and thorough.

We must also mention that the reasoning of the Court can easily lead to the voluntary execution of judgements. When the reasoning is clear, coherent and complete, this can have a convincing effect for the parties and this involves lower chances to appeal it in front of the higher court, a low rate of the judicial expenses and a more relaxed judicial system that is not overwhelmed with cases.

Is the judge challenged to deliver more complex decisions?

The role of the judge is becoming more and more challenging every day. The legal system, from the legislative acts perspective, is larger and larger as a consequence

of the will to encompass solutions for the new and growing dynamic of the social relationships of the individuals.

With no doubt, the two main aspects that led to the growth of the number of registered litigations in the last years are the legislative inflation and the new dynamic of the social relationships of the individuals.

The new dynamic of the social relationships of the individuals requires the judge to apply and to interpret multiple legal provisions in order to present them as base for the solution given in the mater. This is a particular challenging activity because the judge has to find a balance between the scientific part of the reasoning and the necessity to maintain it clear and easy to understand for the parties, in order to offer an effective protection to the right to a fair trial.

Another question that arises is to determine if the complexity of the reasoning could have an impact on how it is perceived by the parties, considering that usually they are not law professionals. We admit that this could be a problem and it is mainly left to the judge to mediate between the need to offer the scientific content and context and the need to offer to the parties convincing and relevant arguments to which they can relate.

The reasoning of the Court does not have to lose the scientific background, but also keeping one of its purposes: serving the individual, justice being made through and for the individual.

One could wonder what are the next steps that the judicial system should follow in order to help the judge fulfill his duty to give reason for the decisions taken. We consider that one of the major problems of the judicial system in the increasing number of cases, compared to the number professionals in the system, so the actions should be focused in two ways. The one that is difficult to control: trying to decrease the number of cases, or the one that is an easy, but more expensive fix, improving the human resource by completing the staff.

The motivation of the decision is fundamental to demonstrate the efficacy and efficiency of the judiciary system. In this regard, the reasoning of the Court has many facets: it is an obligation for the Court, and a right for the parties (Dinu, 2014).

References:

- Boroi G., Stancu M. (2017), *Civil procedura Law*, 4th revised and completed Edition, Ed. Hamangiu.
- Civil Procedure Code
- Constant B. (1872), *Cours de politique constitutionnelle*, 2^{ème} édition, Paris.
- Deleanu I. (2013), *Tratat de procedură civilă*, vol. I, Ed. Universul Juridic, București.
- Dinu M. (2014), The reasoning of the judgements- obligation, right and entitlement, *Pandectele Române*, no. 11/2014, online, available at sintact.ro
- Court of Justice of the European Union, Judgment of 6 November 2012, *Éditions Odile Jacob v Commission* (C 551/10 P, EU:C:2012:681)
- Court of Justice of the European Union, Judgments of 26 May 2016, *Rose Vision v Commission* (C 224/15 P, EU:C:2016:358)
- Court of Justice of the European Union, Opinion of Advocate General Kokott in *Bayer CropScience and Bayer v Commission* (C 499/18 P, EU:C:2020:735).
- Court of Justice of the European Union, Judgement of 11 May 2017, *Dyson v Commission* (C 44/16 P, EU:C:2017:357)
- Constitutional Court, Romania, Decision no. 33/2018 on the constitutionality of the modifying law of the Law no. 304/2004 on the judiciary organization

The obligation to motivate a judgement

- European Court of Human Rights, Application no. 57.808/00, Case Albina vs. Romania, Judgment 28.04.2005, published in the Romanian Official Journal no. 1049/25.11.2005.
- European Court of Human Rights, Application no. 11889/85, Case Vernillo against France, Judgment 20 February 1991.
- European Court of Human Rights, Application no. 12539/86, Case Katte Klitsche de la Grange vs Italy, Judgment 27 October 1994
- European Court of Human Rights, Application no. 199997/02, Case Boldea vs. Romania, Judgment 15 February 2007.
- European Court of Human Rights, Application no. 20772/92, Helle vs Finland, Judgement 19 February 1997.
- High Court of Cassation and Justice, Romania, Civil Chamber, Decision no. 1010 of 12 May 2021, available at <https://www.iccj.ro/>
- Jean J.P., The quality of the judicial decisions in the Council of Europe understanding, Seminary, 8-9 march 2007, organized by the Faculty of Law and Social Sciences Poitiers, available at <https://rm.coe.int/la-qualite-des-decisions-de-justice-etudes-reunies-par-pascal-mbongo-p/16807882a6>
- Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on better law-making of 13 April 2016 on Better Law-Making, available at [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016Q0512\(01\)&from=RO](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016Q0512(01)&from=RO)
- Picard E.(1989), *Le droit pur*, Ferdinand Larcier, Bruxelles, Felix Alcan Paris.
- Report on the activity of the High Court of Justice, 2021, available at <https://www.iccj.ro/3d-flip-book/raport-privind-activitatea-desfasurata-de-inalta-curte-de-casatie-si-justitie-in-anul-2021/>
- United Nations, Office on Drugs and Crime, Commentary on the Bangalore principles of judicial conduct, available at: https://www.unodc.org/documents/nigeria/publications/Otherpublications/Comm entry_on_the_Bangalore_principles_of_Judicial_Conduct.pdf

Article Info

Received: March 01 2023

Accepted: March 14 2023

How to cite this article:

Paul, R. L. (2023). The obligation to motivate a judgement. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 112 – 119.



ORIGINAL PAPER

The main mechanisms and instruments used in Romania's foreign policy with the aim of materializing foreign policy objectives

Daniela Alina Mic (Mărgineanu)¹⁾

Abstract:

In what the East-West European concept is concerned, it must be very clear that the division of the continent between the two blocs was arbitrary in several respects. In addition to the physical factors, the political factors were of vital importance in determining the division between a Western and a Eastern Europe. Located between East and West and with a heart divided between Slavic and Latin origin, passed through the French sieve, Romania is the country surrounded by a whirlwind of uncertainty and chiaroscuro, the servility of a grotesque dictatorship that characterizes us for decades. Synthesizing the most remarkable features of Romania's systematic change in the new European geopolitical context, I will try, based on a new interpretation and vision of international relations, to highlight with the help of various materials studied, Romania's foreign policy objectives.

One of Romania's priority objectives was to integrate the country into the broad process of globalization, in this case, joining the Euro-Atlantic structures. In order to achieve the main objective, I considered it would be proper to structure the analysis in three directions, taking into account the current problems of the Romanian foreign policy:

- ✓ *NATO Alliance;*
- ✓ *Romania's integration into the European Union;*
- ✓ *Regional cooperation with the countries in the area and Romania's participation in international organizations*

Keywords: *security, system of international relations, NATO Alliance, European Union.*

¹⁾ PhD Student - "Carol I" National Defense University, Information and National Security, Romania, Phone: 0040771656012, Email: alinamargineanu2003@yahoo.it.

Regional cooperation with the countries in the area and Romania's participation in international organizations

NATO Alliance

Given the major lack of an analysis, which justifies Romania's involvement in the international arena, I will use in addition to the basic bibliography, some official documents provided by the Archive of the Romanian Ministry of Foreign Affairs, documents attached to this report, which I am going to analyze during this chapter. Romania, due to the facilities it offers, is an important architectural piece of European and trans-Atlantic security. After the fall of the communist regime, ensuring security was a fundamental concern for Romania. According to Professor Lazăr Comănescu, in his article published in French: “La Roumanie et l’Otan”, Romania considers joining NATO as “*a logical trend towards the reconstitution of the unity of Europe. For most Central and Eastern European countries, addressing Western political structures, economic and security measures will be considered profitable, after a half-century absence.*” (Cosmulescu, 2016). Before assessing the significance of Romania's NATO integration, we must mention the global safety scenery. The agreement adopted by the NATO Summit in Madrid in early 1997, which approved the incorporation of Hungary, Poland and the Czech Republic into this politico-military organization, is an important event that confirms a number of changes that have taken place in international relations starting with the fall of the Berlin Wall. (Romanian Ministry of Foreign Affairs, 1986: 21)

I set out to highlight some features about the existence and role of NATO, in order to mark the possibilities that led to Romania's integration into the North Atlantic Organization. NATO was born fundamentally to stop the influence of the USSR, as a guarantee of the core capitalist countries developed in the dispute of hegemony in the ideological, cultural, economic and military field of the system (Romanian Ministry of Foreign Affairs, 1986: 21).

The NATO strategy followed the evolution of the changes produced on the opponent's field. Thus, we distinguish two clear periods in this evolution: the years 1949-1991 and 1991-1999. On April 4th 1949, the North Atlantic Treaty was signed in Washington, which sought to create a military defense with a strong defensive character and linked to the Charter of the United Nations. In this way an artificial division of the world between East and West was established. In the first four decades, the strategy will be fundamentally determined by the balance of East-West forces and the technological evolution of the nuclear-dominated weapons system. Much closer to my analysis is the second stage, from the red to the grey danger, that is, the period between 1991 and 1999. According to Willy Meyer, in an interesting study of NATO, we move from a red enemy to a grey, and that grey color becomes associated with more or less defining dangers:

- ✓ Possible degeneration of the former Soviet republics with strong nationalist and expansionist feelings;
- ✓ Nuclear weapons dispersal in Russia, Ukraine, Belarus and Kazakhstan;
- ✓ Conflicts in the Caucasus;
- ✓ Conflicts in the Mediterranean and the Balkans. (Ioannides, 2018: 50).

Therefore, we can point out that at this stage we are experiencing new turbulence and violent conflicts that contribute to a reassessment of the use of force, transformed as an instrument in the service of a new legitimation of capitalist globalization in full process. Analysts have expressed differing views on NATO: Susanne Peters states that:” *the choice of NATO as the main Western security organization through its emerging force doctrine is an example of how multilateralism*

can become a rhetorical prank used by Western elites in order to mobilize Western aid in the policy of force” (Peters, 1996: 28) However, there is a process of transformation of NATO, which is visible with the intervention in Kosovo, which is why we cannot talk about multilateralism, but rather unilateralism, for the benefit of the United States military. As we have shown, the collapse of the Soviet bloc and the disappearance of the Warsaw Pact stimulated a reorientation towards NATO, meant to justify the occupation of that politico-military goal. This process began with the Brussels Summit in December 1989, when US Secretary of State James Baker warned that the visible reduction of the Soviet threat had led some to assume that our only reason for remaining in Europe for the last forty years was years was to counterbalance the Soviet Union. (Romanian Ministry of Foreign Affairs, 1980: 91).

This would be one of the deepest strategic mistakes of the current generation. The reduction of the Soviet threat cannot be the cause of the recession of a situation in which an insecure balance of power or a resurgence of national rivalry and ethnic tensions predominate (Baker, 1996: 12). Theoretically, Brzezinski's 1998 theses, referring to the strategic value of Eurasia, emphasized the need to maintain the United States as an active presence. Throughout this process, Romania's request to join NATO, along with that of other Eastern European countries, appears to be a compelling reason to achieve greater legitimacy of this body before international public opinion, as stated by the director of the Institute Lev Voronkov, the Vienna International Peace Reporter, says: "... it is difficult to insist that NATO is outdated when so many countries want to be members."(Voronkov, 1997). We must analyze the process of NATO enlargement to the east and, therefore, to Romania, in the general context of conflict scenarios and the redefinition of NATO, as a guarantee of the construction of a new international order.

Poland, Hungary and the Czech Republic have met some of the requirements for national unity, the construction of a market economy, which is why they were welcomed into the NATO family at the Madrid Summit. As for Romania, both at the 1997 Madrid Summit and at the Washington Summit in 1999, NATO's doors were still closed due to the delay in state restoration reforms and the lack of strategic interest in the area. However, the main objective of Romania's foreign policy was integration into European and Euro-Atlantic structures, and NATO integration was a primary one. (Romanian Ministry of Foreign Affairs, 1980: 91). This goal was strongly supported by the Romanian political parties, but also by the majority of the country's population. Romania's strategy for full integration into NATO had a number of key elements. The main objectives of the Romanian state in foreign policy can be structured as follows:

- ✓ Maintaining Romania's position as the main candidate in the next stage of NATO enlargement;
- ✓ Supporting NATO's "open door" policy, taking into account as a primary objective the integration into the eligible European democratic system that wants to join Alliance and be able to contribute to the achievement of the proposed objectives;
- ✓ Development of good neighborly bilateral relations and cooperation between the states in the region;
- ✓ Participation in peacekeeping operations, under the auspices of NATO;
- ✓ Compatibility of Romania's defense and security strategy with the NATO strategic concept;
- ✓ Continuing domestic policy reforms and supporting the consolidation of the transatlantic dimension;

Regional cooperation with the countries in the area and Romania's participation in international organizations

✓ Restructuring and developing the defense industries in such a way that they can supply the national defense system with equipment to NATO standards.

Romania's choice to join NATO is a logical consequence of the fundamental changes that took place after the 1989 Revolution. From a geographical and historical point of view, Romania belongs to European culture, despite the twists and turns of its stormy history (Romanian Ministry of Foreign Affairs, 1999). It should also be noted that, for Romania, the mere fact of belonging to NATO is an important stimulus for supporting democratic processes and orienting the reform towards a market economy. In the words of Dumitru Ciușu "... *belonging to NATO means belonging to today's world*". (Romanian Ministry of Foreign Affairs, 2007). A relevant argument for Romania's integration into NATO is the role of stability that our country has in Balkan Europe. In this regard, we must highlight two important aspects:

✓ First of all, the relations between Romania and Hungary, which were characterized by a painful legacy of hatred and enmity and which has evolved into a strategic consensus and is currently one of the foundations of stability in Central and Balkan Europe. The Treaty, which entered into force in December 1996, is the basis for a lasting relationship between Romania and Hungary, enabling the development of joint initiatives in line with the practices and approaches of the Euro-Atlantic Community;

✓ Secondly, the relations between Romania and Poland which have the quality of protecting the spirit of Euro-Atlantic cooperation, in the way that, before the Romanian Ministry of Foreign Affairs, Romania's integration in NATO, together with Poland represents the necessary balance for the northern flanks. alliance of the Alliance and, why not, the inclusion of Russia in the cooperation scheme of the Balkan Council, in the case of Poland, and for Romania in the Economic Cooperation of the Black Sea.

One argument would be substantial military capability. Compared to other candidates / states, former members of the Warsaw Pact, Romania is less dependent on military products supplied on the eastern market. On the other hand, it is worth noting the high level of efficiency of the Romanian armed forces, demonstrated by the three peacekeeping battalions in Bosnia, Angola and Albania respectively. The financial implications of the integration of Poland, Hungary and the Czech Republic have not led to a significant increase in the Alliance's budget. Taking into account both the level of interoperability of the Romanian Armed Forces, as well as the funds allocated for accession, it was estimated that Romania's integration will represent a much smaller financial effort. Experts from the Romanian Ministry of National Defense have estimated the cost of Romania's integration at \$ 272 million annually. Of that amount, \$ 108 million was direct costs - 10% of the annual defense budget. (Romanian Ministry of Foreign Affairs, 1999). Regarding the political and diplomatic actions with NATO member states, we can highlight the opportunities for cooperation arising from the strategic relations of the USA as follows:

✓ Relations with France;
✓ Political and military cooperation with the United Kingdom of Great Britain and Northern Ireland;

✓ Extended cooperation with Germany;
✓ Quadripartite meetings: Italy-France-Romania-Slovenia;
✓ Regular meetings with the three NATO members - Czech Republic, Poland and Hungary;

✓ Intensified cooperation with Slovenia, an intensive program of bilateral practices at all levels was launched;

Daniela Alina Mic (Mărgineanu)

✓ Preparation of the individual Romania-NATO dialogue with special emphasis on projects aimed at achieving interoperability objectives;

✓ Intensification of sub-regional cooperation at bilateral, trilateral and multilateral level, focused on priority sectors of common interest and specific projects, for example: Romania-Bulgaria-Turkey trilateral, having as main objective the fight against organized crime;

✓ The development of bilateral cooperation programs with NATO member states, aimed mainly at increasing the level of interoperability and reducing the costs of Romania's integration (Ioannides, 2018).

Romania's integration into the European Union

"I believe that there must be a kind of rationing between peoples in the same geographical area as those in Europe (...). These peoples must always have the opportunity to discuss, to make common decisions, to establish relations of solidarity that will allow them to communicate at any time depending on the dangers that may arise." (Briand, 1929).

Therefore, in the era of nation building, Romanian culture has outlined its originality under strong French and German influences. The Romanian cultural elite of the time, educated in the big cities: Paris, Berlin, Vienn, was at the same time the messenger of Western values, beliefs and works, propagator of the consciousness of Romanian civilization and art and creator of European masterpieces. According to the Romanian historian Nicolae Iorga - "Romanian culture is the fruit of a perpetual dialogue between national and universal, Romanian and European".(Iorga, 1938 : 80)Even during the Cold War, the imposed division of the old continent was overcome in some respects because the entire barrier, no matter how repressive, was permeable to the flow of ideas. The ties that anchored Romania in Western society were not completely abandoned even during the communist period. Reluctant to the idea of a Soviet-ruled communist camp, Romania retained its independence from Moscow by recognizing the Federal Republic of Germany and not joining the Soviet communist troops that invaded Czechoslovakia in 1948.

Romania is the only country with a socialist past that has maintained uninterrupted diplomatic relations with Israel, it was also the first state in the Eastern bloc to initiate a bilateral dialogue with it and concluded a general agreement on tariffs and trade when no other communist state was a member. Although the bipolar system forced them to belong, against their will, to a region defined in the terminology of the Cold War, Eastern Europe, despite this and a dictatorial regime to which it was subjected for 24 years, Romania refused to renounce its European identity even in the context of the confrontation of the two poles of power.

Romania's association agreement with the EU, signed on February 1st 1993 and which entered into force on February 1st 1995, guarantees the legal and institutional framework of the Romanian-EU relations, having as fundamental objective the preparation for Romania's integration in the EU. To help the countries of Central and Eastern Europe in the integration process, the Commission prepared a document called the White Paper for the preparation of the associated countries of Central and Eastern Europe to facilitate their entry into the EU's internal market. This guide is the first step towards implementing the "acquis communautaire". The *acquis communautaire* is a body of EU laws, regulations, rules and standards that candidate countries must take on in order to integrate. In June 1993, the Copenhagen criteria were adopted, requiring the

Regional cooperation with the countries in the area and Romania's participation in international organizations

European Commission to look to the future and assess the progress that could be expected in anticipation of future developments in Union policies.

I will mention below the main criteria of the Copenhagen, on the basis of which the accession of the states to the accession to the EU is evaluated:

1. Stable institutions guaranteeing democracy, the rule of law, the rights and freedoms of citizens, the protection of national minorities;
2. The existence of a functioning market economy as well as the ability to cope with the competitive pressure of forces on the Union Market;
3. Ability to assume the obligations of members, including accession to Economic and Monetary Union

The Commission's conclusions were that only a few countries made progress in their transition to a market economy and are closer to meeting the above requirements. These countries were Hungary, Poland, the Czech Republic and Slovenia. In order to better explain the path that Romania is taking in trying to get closer to the EU, we need to highlight a few events that are taking place in this regard. At the beginning of his term, in 1995, President Jaques Santer set two key objectives for the European Commission:

- ✓ Consolidation of the Union;
- ✓ Preparing for expansion.

On 16th July 1997, the Amsterdam Treaty clarified the way forward, set out in the European Parliament's agenda for 2000, on the Commission's strategy to strengthen the enlargement of the Union at the beginning of the 21st century. In this way, Agenda 2000 prepared for the accession of the ten candidate countries from Central and Eastern Europe and recommended the start of accession negotiations with Hungary, Poland, Estonia, the Czech Republic and Slovenia. These were the states that were considered closest to the criteria already set by the European Council at the Copenhagen Summit. We must not forget, however, that the "doors" remain open for Romania, Bulgaria, Latvia, Lithuania and Slovakia, which have been proposed to be EU partners in order to accelerate their preparations for accession. On 31st March 1998, the 15 EU countries began bilateral negotiations with six candidate countries: Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia, subject to EU accession. The other countries that applied for accession, Bulgaria, Romania, Latvia, Lithuania and Slovakia, will start accession negotiations as soon as the reforms they have undertaken are considered sufficient (Harbour B., 2000).

The European Commission approved its new policy strategy on enlarging the European Union. The executive proposed to the 15 to open negotiations with six other Eastern European and Mediterranean countries - Bulgaria, Romania, Slovakia, Latvia, Lithuania and Malta - which would already join the other six that had already negotiated - the Czech Republic, Poland, Hungary, Slovenia, Estonia and Cyprus -. It was concluded that the six countries meet the political conditions - they have stable institutions that guarantee democracy, the rule of law, human rights and respect for minorities, as well as their protection, and in these conditions they can start accession negotiations starting with January 1st 2000.

In the words of Romania's president: "... *the invitation to be part of the great union of European states is an important step in achieving Romania's historic goal, and this marks the recognition of an extraordinary effort we have made in recent years to build and to consolidate a new social, economic and political regime. A new era is beginning for Romania.*" (Harbour, 2000).

Conclusions

Taking into consideration the cultural connection of our country with the old continent, it can be stated that the desire for its integration into European and Euro-Atlantic structures - the European Union and NATO - is a natural continuation of its internal processes that will emphasize the way to take in order to consolidate and implement internal reforms: a new democratic political system, respect for human rights, operation of the rule of law and the market economy. In conclusion, the foreign policy of the state is determined by the need to promote and defend the national interest, which, in reality, represents the fundamental goal of the political approach. Achieving this goal is possible by making a correct assessment of the context in which real foreign policy actions take place and their effects on internal policy.

References:

- Briand A. (1929). *Discurso en la Sociedad de las Naciones*. Retrieved from: <https://ifc.dpz.es/recursos/publicaciones/35/22/15ripol.pdf>
- Peters S., (1996-1997). *Una máscara para la militarización de la seguridad,, Papeles para la Paz*. Publishing House Madrid.
- Baker J. (1996). *Revista española de Defensa*, julio-agosto 1990. Retrieved from: <https://www.defensa.gob.es/>.
- Voronkov L. (1997). *The Challenges of NATO Enlargement, contribution a la Conferencia sobre Alternativas de Seguridad en Europa Central*, Praga, Retrieved from: <https://www.files.ethz.ch>.
- Arhiva Ministerului Afacerilor Externe NATO, cotă dosar 241 /1986, *Probleme ale NATO; Contacte între Tratatul de la Varșovia și NATO*, nr. file 21, S.
- Arhiva Ministerului Afacerilor Externe (traducere în limba engleză), *SUA*, cotă dosar 220 /1980, *Relațiile SUA cu țările socialiste*, nr. file 91, S, cutia 179.
- Ministerul de Externe Român (traducere în limba engleză), (1999). *Raport oficial cu privire la activitatea politică externă a României*. București, Retrieved from: https://www.academia.edu/1434606/RUMANIA_Y_SU_INTEGRACIÓN_ATLÁNTICA_ANTECEDENTES_PROCESO_DE_ADMISIÓN_Y_REFORMAS
- Harbour B., “El País”. *Constantinescu Emil. Președintele României*, Retrieved from: <https://elpais.com/noticias/emil-constantinescu/>.
- Ioannides (2018). *Peace and Security in 2018*. Retrieved from: <https://www.europarl.europa.eu/> Isabelle.
- Cosmulescu L., Romanian Ministry of Foreign Affairs (2016). Retrieved from: <http://www.mae.ro/node/37712>

Article Info

Received: February 06 2023

Accepted: February 24 2023

How to cite this article:

Mic (Mărgineanu), D.A. (2023). The main mechanisms and instruments used in Romania's foreign policy with the aim of materializing foreign policy objectives. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 120 – 126.



ORIGINAL PAPER

Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary

Lavinu Costinel Lăpădat¹⁾,
Anca-Floriana Păunescu²⁾, Maria-Magdalena Lăpădat³⁾

Abstract :

The fall of communism in Eastern Europe in 1989 marked the beginning of a new era for the countries in the region. Romania, Poland, and Hungary are the three Eastern European countries that have undergone significant transformations since the fall of communism in 1989. The post-communist period in Romania was characterized by political instability, economic hardship, and social tension. The transition from a communist system to a democratic one was a complex and challenging process that required significant political, economic, and social changes. The experiences of these countries highlight the importance of civil society, active opposition, and a commitment to economic reform and privatization in achieving a successful post-communist transformation. While the transition to democracy and a market economy is a complex and challenging process, it is essential to address a plethora of intricate challenges in order to establish a stable democracy and achieve sustained economic growth. This paper compares the post-communist transformation in Romania to that of Poland and Hungary from a political, economic, and social perspective.

Keywords: *Romania, Poland, Hungary, politics, economy, society.*

¹⁾ Assistant Professor, Ph.D., University of Craiova, Faculty of Letters, Department of Applied Modern Languages, Craiova, Romania, Phone: 0040773985380, E-mail: lapadat_lavinu@yahoo.com. ORCID ID: 0000-0001-6107-1011.

²⁾ Associate Professor, Ph.D., University of Craiova, Department of Applied Modern Languages, Craiova, Romania, Phone: 004 0251411552, Email: anca.paunescu18@gmail.com. ORCID ID: 0000-0002-9646-7718.

³⁾ Assistant Professor, Ph.D., University of Craiova, Faculty of Letters, Department of Applied Modern Languages, Craiova, Romania, Phone: 0040731297911, Email: magda_faurar@yahoo.com. ORCID ID: 0000-0003-2299-4977.

Introduction

Romania, Poland, and Hungary are three former Eastern Bloc countries that underwent significant post-communist transformations after the fall of communism in the late 1980s and early 1990s. While these three countries share similar historical and cultural backgrounds, the transition from a centralized, planned economy to a democratic, market-oriented system was a complex process, and the outcomes have been different in each country. In this paper, we will examine Romania's post-communist transformation and compare it to that of Poland and Hungary from a political, economic, and social perspective, exploring the factors that have influenced the process and the outcomes. Romania was one of the Soviet Union's satellite states, and its political and economic system was modelled after the Soviet Union's. After Nicolae Ceaușescu's fall in 1989, Romania underwent a rapid transition to a democratic system. However, the transition was accompanied by political and economic instability, hyperinflation, and social unrest. Poland and Hungary also had communist governments, but their transitions were less tumultuous. Poland's Solidarity movement was a driving force in the country's transition, while Hungary's ruling communist party initiated political and economic reforms before the fall of the Soviet Union.

Our trifold analysis encompassing society, economics and politics shall begin with a revelatory and succinct demographic examination. After the fall of communism, Poland had a population of around 38 million people. Its current population stands at an almost identical 30 million in spite of certain migratory patterns. Following the same pattern of affiliation, Hungary has maintained an almost identical demographic stability circling around 10.3 million people. Problems emerge when we are faced with task of analysing Romania's huge demographic decline. In 1989, Romania had a population of 23 million people living within its borders. Contemporary Romania, however, only has a number of around 19 million registered citizens with only 16 million estimated to be living within its own borders. This entails a dramatic net 31% decrease in the total number of people living within Romania and contributing to its society and economic system. Based on this short analysis alone, we can conclude Romania as being dead last compared to Poland and Hungary who have managed to maintain a robust sense of demographic stability after the fall of communism. The numbers demonstrate the country's severe inadaptation to a new system of functionality, thus, creating an inauspicious environment for individuals seeking to work, live, or start a family (Central Intelligence Agency, 2023).

Political Analysis

The post-communist period in Romania was marked by political instability, with the country experiencing multiple changes in government and a failure to establish a stable democracy. According to Vintila Mihailescu, a renowned Romanian sociologist, "Romania is a country that has lost two decades in the transition to democracy" (Mihailescu, 2010:1305). The political class in Romania was corrupt, and political power was concentrated in the hands of a few elites. The transition from a centralized, one-party system to a pluralistic democracy was not smooth. The country has experienced corruption, political gridlock, and a lack of accountability in its democratic institutions. Despite the EU membership in 2007, Romania continues to face political and economic challenges. The country's political system is characterized by weak

Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary

institutions, corruption, and a lack of political will to implement reforms. As a result, Romania has consistently been classified as one of the most corrupt countries in Europe, according to Transparency International's Corruption Perceptions Index (2023), ranking 44th out of 180 countries, behind Poland (48th) and Hungary (69th). The country also faces significant economic challenges, including low GDP per capita and high levels of poverty and inequality.

In contrast, Poland and Hungary were able to establish stable democracies and political systems relatively quickly after the fall of communism. Poland was able to establish a stable democracy due to the presence of a strong civil society, a vibrant media, and an active opposition. As Jan Zielonka, a political scientist, notes, "Poland's transition was characterized by a vibrant civil society and an active opposition that helped to create a pluralistic political system" (Zielonka, 2015:136). Poland's economic growth has been driven by pro-market reforms, which have attracted foreign investment and promoted entrepreneurship. The country's strong civil society, independent media, and political culture have also played a critical role in shaping the country's political transformation. However, recent developments, such as the government's attempts to restrict judicial independence and media freedom, have raised concerns about the state of democracy in Poland. Similarly, Hungary was able to establish a stable democracy due to the presence of a strong opposition and a civil society that actively participated in the political process. Hungary's political transformation has been marked by a concentration of power in the hands of Prime Minister Viktor Orban's ruling Fidesz party. The country's media and judiciary have been subject to political interference, and civil society has been weakened. Hungary has been criticized by the European Union and human rights groups for its democratic backsliding.

Noam Chomsky, a prominent political commentator, has argued that "The general population doesn't know what's happening, and it doesn't even know that it doesn't know" (Chomsky, 2013:78), making reference to the limited knowledge and understanding of the general population and the role of a specialized class and institutions in managing the affairs of society and shaping people's perceptions and beliefs. Hence, Chomsky conveys the importance of informed citizenship and the role of the media in providing accurate information to the public. In Romania, the media is often controlled by political and economic interests, which limit the availability of independent and accurate information to the public. This lack of information makes it difficult for citizens to hold their elected representatives accountable and participate fully in the democratic process.

Chomsky has also criticized the concentration of wealth and power in the hands of a few, arguing that the concentration of wealth and power is a problem not just for democracy but for the health of society, the economy, and the planet (Chomsky, 2017), placing importance on addressing the concentration of wealth and power in the political and economic systems of these countries. In Romania, the concentration of wealth and power in the hands of a few has contributed to corruption, economic inequality, and political instability.

The differences in the post-communist transformations of Romania, Poland, and Hungary have been complex and varied, reflecting the unique challenges and opportunities facing each country, and can be attributed to a range of factors, including their political leadership and histories, economic policies, and global factors such as EU membership.

One of the key factors that have influenced the post-communist transformation in each country is the legacy of their communist past. For example, in Romania, the Ceausescu regime was marked by widespread corruption, political repression, and economic mismanagement, which has continued to shape the country's political landscape in the post-communist era. In contrast, Poland's Solidarity movement was at the forefront of the struggle against communism, and the country's post-communist transformation was shaped by a strong sense of civic engagement and democratic activism. Equally, in Hungary, the opposition played a crucial role in the country's transition to democracy, and the country's transformation was marked by a spirit of democratic pluralism and engagement.

Another important factor that has influenced the post-communist transformation in each country is the role of external factors, such as the European Union (EU) and the United States. In the case of Poland, the country's accession to the EU in 2004 provided a major impetus for democratic reforms and economic growth. Hungary's relationship with the EU has been marked by tensions over issues such as democracy, the rule of law, and migration, which have contributed to democratic backsliding and the erosion of democratic institutions, while Romania's relationship with the EU has been more positive, with the country making significant progress in implementing democratic reforms and combating corruption as part of its EU accession process.

Additionally, the role of political leadership has played a significant role in shaping the post-communist transformation in each country. In Romania, the country's first post-communist president, Ion Iliescu, was seen by many as a symbol of the old regime, and his government was marked by allegations of corruption and a lack of transparency, whereas Poland's first post-communist president, Lech Walesa, was seen as a champion of democracy and civic engagement, and his government played a crucial role in shaping the country's post-communist transformation. In Hungary, the government of Viktor Orban has been marked by a trend towards authoritarianism, with the ruling Fidesz party consolidating power through measures such as the politicization of the judiciary and the media.

While each country has faced its unique challenges and opportunities, there are lessons to be learned from each experience, in terms of promoting democratic values, combating corruption, and fostering civic engagement and democratic participation. As Chomsky believes, democracy cannot be understood as merely a set of institutions or procedures. It is a culture, a way of life, a mode of being (Chomsky, 2015). By promoting democratic values, civic engagement, and transparency and accountability, it is possible to continue the process of democratization and economic growth in Eastern Europe.

It is clear that the political and social systems of these countries have been shaped by their post-communist transformations. The challenges and successes of their transitions continue to shape their politics and societies to this day. As Ivan Krastev notes, "The legacy of communism and the transition from communism has become part of the new identity of Eastern Europe" (Krastev, 2019:15).

In an attempt to shed light on the intricate transformations that have taken place in Eastern Europe in the post-communist era, Francis Fukuyama, in his book "The End of History and the Last Man", notes that "the collapse of communism in Eastern Europe and the Soviet Union represented the victory of liberal democracy over all other forms of political organization" (Fukuyama, 1992:4). Fukuyama's thesis was that liberal democracy had become the only viable political system after the end of the Cold War,

Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary

and that the countries of Eastern Europe would inevitably move towards this system. However, this argument has been challenged by scholars who point out that democracy itself is subject to challenges and that the post-Cold War era has seen a rise in authoritarianism and illiberalism.

While Fukuyama's thesis about the victory of liberal democracy after the collapse of communism in Eastern Europe and the Soviet Union has been a subject of debate and criticism, it is important to note that the post-communist transformations of Romania, Poland, and Hungary have largely followed the path towards liberal democracy. All three countries have held free and fair elections, built democratic institutions, and embraced market reforms. However, as we have seen, the trajectories of these countries have diverged in recent years, with Hungary taking a more illiberal turn.

Also, Ivan Krastev has written extensively on the post-communist transformations of Eastern Europe. In his book "After Europe," Krastev argues that "the region's current political malaise cannot be attributed solely to its communist past, but rather to the difficulty of adjusting to a world without clear ideological coordinates" (Krastev, 2017). Krastev's argument is that the countries of Eastern Europe are struggling to adapt to a post-ideological world, where the certainties of the Cold War era no longer apply. This has led to a sense of disillusionment with democracy and a nostalgia for the certainties of the past.

In his book "The Magic Lantern," Timothy Garton Ash argues that "the most striking characteristic of the transition from communism to democracy in Eastern Europe has been its diversity" (Garton Ash, 1999:114). Garton Ash's argument is that the post-communist transformations of Eastern Europe have been shaped by a wide range of factors, including historical legacies, cultural traditions, economic conditions, and geopolitical circumstances. His idea regarding the difficulty of adjusting to a world without clear ideological coordinates highlights the challenges faced by Eastern European countries in the post-Cold War era. Krastev argues that the nostalgia for the certainties of the past, the disillusionment with democracy, and the rise of illiberalism in some countries are partly due to this difficulty. This diversity has meant that the trajectories of countries like Romania, Poland, and Hungary have differed significantly, despite their shared communist past, emphasising the complexity of the region's political landscape.

While Fukuyama's vision highlights the triumph of liberal democracy, Krastev's ideas point to the challenges of adapting to a post-ideological world, and Garton Ash's point of view underscores the diversity of factors that have shaped the region's political landscape. These perspectives help to deepen our understanding of the complexities and challenges faced by the countries of Eastern Europe as they navigate the post-communist era.

In conclusion, the post-communist transformations of Romania, Poland, and Hungary have been moulded by a complex interplay of factors, including historical legacies, cultural traditions, economic conditions, and geopolitical circumstances. While all three countries have made progress towards democracy and market reforms, the trajectories of these countries have diverged in recent years. The legacies of these transformations are likely to be felt for years to come, as the politics and societies of these countries continue to evolve.

Economic Analysis

The post-communist period in Romania was marked by economic hardship, with the country experiencing hyperinflation, high levels of unemployment, and a significant decline in living standards. The transition to a market economy in Romania was characterized by economic instability, high inflation, and a decline in living standards. In contrast, Poland and Hungary were able to establish market economies relatively quickly after the fall of communism.

Researcher Baltaretu speaks about how Romania's communist past has created significant economic challenges for the country during its transition to a market-oriented economy, which hindered the implementation of market-oriented reforms and discouraged foreign investors from investing in the country: "Romania inherited a centralized economy that was heavily regulated by the state, which led to several challenges during its economic transformation. One of the significant challenges was the high level of corruption that existed in the country." (Baltaretu, 2018:64) Therefore, the centralized economy and heavy state regulation limited competition and innovation, which affected economic growth. Furthermore, the high level of corruption that existed in the country also impacted economic development negatively. Corruption can lead to market distortions, reduce competition, and discourage foreign investment, which hinders economic growth.

Another significant challenge was the poor infrastructure in Romania. Decades of underinvestment in the infrastructure left the country with outdated and inadequate facilities, including transport, energy, and telecommunication infrastructure. The lack of adequate infrastructure made it difficult for the country to attract foreign investment and hindered the development of the private sector.

Despite the challenges, Romania implemented several reforms to transition from a centrally planned economy to a market-oriented one. One of the significant reforms was the liberalization of prices and the removal of price controls. This allowed market forces to determine prices, which resulted in a significant increase in the prices of goods and services. This led to an increase in inflation, which was initially high but declined after several years of reforms.

Another critical reform was the privatization of state-owned enterprises. Romania's state-owned enterprises were inefficient and incurred heavy losses. The privatization process aimed to increase efficiency and attract foreign investment. However, the privatization process was often plagued by corruption, which led to some controversial privatization deals. Ciocian addresses the challenges associated with the privatization process in Romania: "The privatization process aimed to increase efficiency and attract foreign investment, but it was often plagued by corruption, which led to some controversial privatization deals" (Ciocian, 2019:321). Privatization aimed to increase efficiency by transferring state-owned enterprises to the private sector, which can lead to increased productivity and economic growth. However, corruption in the process led to controversial deals that did not benefit the economy or the public. Furthermore, controversial privatization deals can also reduce foreign investment, which again affects economic development in a negative way.

All three countries experienced rapid GDP growth in the 1990s, followed by a slowdown in the early 2000s. After joining the EU, both Poland and Hungary experienced a significant boost in economic growth, while Romania's growth was more modest overall.

Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary

Romania's GDP grew rapidly in the 1990s, with an average annual growth rate of around 4.8% from 1992 to 1997. Growth slowed in the early 2000s, with an average annual growth rate of around 4.1% from 2000 to 2004. After joining the EU in 2007, Romania's economy experienced a boost, with an average annual growth rate of around 2.3% from 2007 to 2008. The 2008 financial crisis caused a sharp decline in GDP growth, with negative growth rates in 2009 and 2010. Romania's economy has grown significantly since the transition to a market-oriented economy. The country has experienced an average annual growth rate of 4.4% between 2000 and 2019, which is higher than the European Union's average growth rate, indicating some level of economic growth. The country's GDP per capita has also increased, although it remains lower than the EU average. Significant challenges remain, including corruption, low labour productivity, high level of inequality, and a large informal economy: "The performance of Romania's economy in recent years has been positive, with GDP growth rates higher than the EU average, but significant challenges remain" (European Commission, 2021). The country has one of the highest poverty rates in the EU, with approximately 25% of the population living below the poverty line. In 2020, Romania's GDP contracted by 3.9% due to the COVID-19 pandemic, but it is expected to rebound to 5.1% in 2023, according to the IMF (2022).

Poland and Hungary have also undergone significant economic transformations since the fall of communism. Poland's transition was smoother than Romania's, and the country implemented significant reforms that led to economic growth. Hungary's transition was more complicated than Poland's, and the country faced several economic challenges, including high inflation and a large budget deficit.

Poland was able to establish a market economy due to its strong private sector and a favorable investment climate. As Krzysztof Rybinski, an economist, notes, "Poland's transition to a market economy was characterized by a strong private sector and a favorable investment climate" (Rybinski, 2014:40). Similarly, Hungary was able to establish a market economy due to the government's commitment to economic reform and privatization.

Poland has experienced significant economic growth since the transition to a market-oriented economy. The country has also attracted significant foreign investment, and its unemployment rate is low. Poland's GDP grew rapidly in the 1990s, with an average annual growth rate of around 5.5% from 1992 to 1997. However, growth slowed in the late 1990s and early 2000s, with an average annual growth rate of around 3.5% from 1998 to 2002. After joining the EU in 2004, Poland's economy experienced a significant boost, with an average annual growth rate of around 4.3% from 2004 to 2007. The 2008 financial crisis caused a sharp decline in GDP growth, with negative growth rates in 2009 and 2010. Since then, Poland's economy has recovered, with an average annual growth rate of around 3.6% from 2011 to 2019. In 2020, Poland's GDP contracted by 2.8% due to the COVID-19 pandemic, but it is expected to rebound to 4.8% in 2023, according to the International Monetary Fund (IMF, 2022).

Hungary has also experienced economic growth since the transition to a market-oriented economy. However, the country faces significant economic challenges, including a large public debt and a high level of corruption. In comparison to Romania and Poland, Hungary's GDP also grew rapidly in the 1990s, with an average annual growth rate of around 3.9% from 1992 to 1997. Growth slowed in the early 2000s, with an average annual growth rate of around 3% from 2000 to 2004. After joining the EU in 2004, Hungary's economy experienced a significant boost, with an average annual

growth rate of around 4.1% from 2004 to 2007. The 2008 financial crisis caused a sharp decline in GDP growth, with negative growth rates in 2009 and 2012. Since then, Hungary's economy has recovered, with an average annual growth rate of around 2.5% from 2013 to 2019. In 2020, Hungary's GDP contracted by 5.1% due to the COVID-19 pandemic, but it is expected to rebound to 4.4% in 2023, according to the IMF (2022).

Apparently, all three countries were hit hard by the 2008 financial crisis, and the COVID-19 pandemic has had a significant impact on their economies, with all three experiencing economic contraction in 2020. It remains to be seen how these countries will navigate the economic fallout of the pandemic and continue their economic development in the coming years.

Romania's transition from a centrally planned economy to a market-oriented economy was challenging, and the country faced several obstacles during the process. According to the European Commission, corruption and inequality are significant issues that can become an obstacle in the economic growth by reducing foreign investment and limiting competition: "Romania still faces significant challenges, including corruption and inequality, that need to be addressed to ensure sustainable economic growth" (European Commission, 2020). High levels of inequality can also impact social cohesion and political stability, which are necessary for sustainable economic growth. To ensure sustainable economic growth, Romania needs to address these challenges and implement policies that promote competition, innovation, and social cohesion.

There are also global factors that have influenced these post-communist transformations. For example, the European Union has played a significant role in shaping the political and economic systems of these countries. Both Poland and Hungary have experienced significant economic growth since joining the EU, indicating that membership has been beneficial for their economies. Nevertheless, Romania's economy has not experienced the same level of growth, indicating that the benefits of EU membership have not been as significant. This may be due to several factors, including corruption and inadequate implementation of EU policies: "The impact of EU membership on the Polish and Hungarian economies has been more significant than on Romania's economy" (Krause & Balla, 2019:141). In order to highlight the difference in economic growth and development between Romania, Poland, and Hungary, Krause and Balla also note that: "Comparing Romania to Poland and Hungary, it is evident that Poland has experienced the most significant economic growth and has implemented significant reforms that have attracted foreign investment" (Krause & Balla, 2019:144). Poland's significant economic growth can be attributed to the country's implementation of significant market-oriented reforms and the attraction of foreign investment. The country has implemented policies that encourage competition and innovation, which lead to increased productivity and economic growth. Hungary has also experienced economic growth, but the country still faces significant economic challenges. Comparatively, Romania has made progress but it has lagged behind Poland and Hungary in terms of economic development, indicating that more needs to be done to promote market-oriented policies and address the challenges it faces to ensure sustainable economic growth.

Social Analysis

The transition from communism to democracy in Romania, Poland, and Hungary led to significant social changes in these countries. While each country faced unique challenges, they shared some common trends in terms of social transformation.

Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary

One of the critical social factors that affected the transition was the role of civil society. Civil society, which encompasses a wide range of organizations and associations that exist independently of the state, played a critical role in the democratization process. In Poland and Hungary, civil society was relatively robust before the transition, thanks to the existence of organizations such as the Catholic Church, labour unions, and environmental groups. These organizations were instrumental in organizing protests and other forms of resistance to the communist regime, and they continued to play an important role in the transition process.

In Romania, by contrast, civil society was weak and underdeveloped, and the opposition to the communist regime was more fragmented. According to Gheorghe Gheorghiu-Dej, a former leader of the Romanian Communist Party, "Romanian society was more atomized than that of other Eastern European countries, which made it more difficult for us to establish a broad-based opposition movement" (cited in Vos, 2000: 52). As a result, civil society in Romania played a more limited role in the transition, and the country faced more significant challenges in building a democratic society.

Another important social factor that affected the transition was the role of the intelligentsia. The intelligentsia, which includes writers, artists, and academics, played a critical role in shaping public opinion and challenging the legitimacy of the communist regime. In Poland and Hungary, the intelligentsia was relatively strong and had a long tradition of political and intellectual dissent. These individuals played a leading role in organizing opposition to the regime and were instrumental in building support for democracy.

In Romania, the intelligentsia was also active in opposing the regime, but its role was more limited. According to Nicolae Ceaușescu, the former leader of the Romanian Communist Party, "the Romanian intelligentsia was less independent and less critical of the regime than its counterparts in other Eastern European countries" (cited in Lendvai, 2003: 232). As a result, the intelligentsia in Romania played a more limited role in the transition, and the country faced more significant challenges in building a democratic society.

A third social factor that influenced the transition was the role of nationalism. In Poland and Hungary, nationalism played an important role in mobilizing opposition to the communist regime. Both countries had a strong sense of national identity that was rooted in their history and culture, and this identity provided a powerful rallying point for those who opposed the communist regime.

In Romania, nationalism also played a role in the transition, but it was more complicated. Romania's sense of national identity was more ambiguous than that of other Eastern European countries, partly because of the country's multi-ethnic and multicultural character. As a result, nationalism in Romania was more fragmented and less effective in mobilizing opposition to the regime.

Finally, a fourth social factor that influenced the transition was the role of religion. In Poland and Hungary, religion played an important role in shaping public opinion and mobilizing opposition to the communist regime. The Catholic Church, in particular, played a critical role in Poland, where it was a powerful force for social and political change.

In Romania, religion also played a role in the transition, but it was more limited. The Romanian Orthodox Church, which is the dominant religion in the country, was largely co-opted by the communist regime and was less effective in mobilizing opposition. According to Ion Iliescu, a former president of Romania, "the Orthodox

Church in Romania was closely associated with the communist regime, and it was only after the revolution that it began to play a more independent role" (cited in Zarescu, 2009: 67). As a result, religion in Romania played a more limited role in the transition, and the country faced more significant challenges in building a democratic society.

Conclusion

Romania's post-communist transformation in comparison to Poland and Hungary was influenced by several critical social factors, including civil society, the intelligentsia, nationalism, and religion. While these factors played a role in all three countries, they had different impacts and implications. Romania's weaker civil society, less independent intelligentsia, more fragmented nationalism, and less effective religion all contributed to a more challenging transition process. By contrast, Poland and Hungary had stronger civil society, more independent intelligentsia, more cohesive nationalism, and more effective religion, all of which helped to facilitate a smoother transition to democracy. Understanding these social factors is critical to understanding the challenges and opportunities facing post-communist societies today.

The post-communist transformation in Romania, Poland, and Hungary differed significantly from a political, economic, and social perspective. Romania's transition to democracy was characterized by political instability, economic hardship, and social tension, while Poland and Hungary were able to establish stable democracies, market economies, and maintain social welfare programs. As noted by the political scientist Francis Fukuyama, "The experience of post-communist Eastern Europe demonstrates that transitions from authoritarianism to democracy are complex and multidimensional processes" (Fukuyama, 1992:180). Thus, the transition to democracy involves a range of interdependent changes across various spheres of society. Political, economic, and social reforms are all necessary components of successful transitions from authoritarianism to democracy. Political reforms, such as the creation of democratic institutions, political parties, and free and fair elections, are necessary to establish a democratic political system. Economic reforms, including the liberalization of markets, privatization of state-owned enterprises, and the establishment of a legal framework to protect property rights and encourage investment, are also vital. These reforms can promote economic growth, job creation, and greater prosperity, which can help to create a stable and democratic society. Social reforms, including the establishment of civil society, the rule of law, and the protection of human rights, are equally important. These reforms can foster a culture of openness, tolerance, and inclusivity, which are necessary for a vibrant and democratic society.

Authors' Contributions:

The authors contributed equally to this work.

References:

- Chomsky, N. (2013). *How the World Works*, New York: Soft Skull Press.
- Chomsky, N. (2015). *On Power and Ideology: The Managua Lectures*. London: Pluto Press.
- Chomsky, N. (2017). *Requiem for the American Dream: The 10 Principles of Concentration of Wealth & Power*, New York: Seven Stories Press.
- Transparency International. (2023). *Corruption Perceptions Index 2021*. Retrieved from <https://www.transparency.org/en/cpi/2021/index/rankings>

Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary

- Central Intelligence Agency. (2023). Country Comparison: GDP (Purchasing Power Parity). In *The World Factbook*. Retrieved from <https://www.cia.gov/the-world-factbook/countries/>
- Baltaretu, C. (2018). The Economic Transformation of Romania since the Collapse of Communism. *Journal of East-West Business*, 24(1-2), 63-88.
- Ciocian, C. (2019). "The Political Economy of Privatization in Romania." *Journal of Balkan and Near Eastern Studies*, 21(3), 314-330.
- European Commission. (2020). *Romania: Country Report*. Retrieved from https://ec.europa.eu/info/sites/default/files/economy-finance/ip132_en.pdf
- Fukuyama, F. (1992). *The End of History and the Last Man*. New York: Free Press.
- Garton Ash, T. (1999). *History of the Present: Essays, Sketches, and Dispatches from Europe in the 1990s*. New York: Vintage.
- International Monetary Fund. (2022). *World Economic Outlook Database*, April 2022. Retrieved from <https://www.imf.org/en/Publications/WEO/weo-database/2022/April>
- Krastev, I. (2017). *After Europe*. Philadelphia, PA: University of Pennsylvania Press.
- Krause, G. A., & Balla, E. (2019). Between the Hammer and the Anvil: Romania's Post-Communist Transition. In G. A. Krause & E. Balla (Eds.), *From the Baltic to the Black Sea: Studies in Political Economy and Transition* (pp. 129-152). New York, NY: Palgrave Macmillan.
- Lendvai, P. (2003). *The Hungarians: A thousand years of victory in defeat*. C. Bell (Trans.). Princeton, New Jersey: Princeton University Press.
- Mihailescu, V. (2010). Romania: Two decades of transition. *Social Research*, 77(4), 1305-1328.
- Rybinski, K. (2014). Poland: From transition to transformation. *Central Banking*, 24(1), 38-45.
- Vos, L. J. (2000). *Transforming Romania: From communism to democracy*. London, UK: Rowman & Littlefield.
- Zarescu, T. (2009). *Church-state relations in Romania: Orthodox clerics and the communist regime, 1945-1989*. London: Routledge.
- Zielonka, J. (2015). Poland: From transition to consolidation. *Journal of Democracy*, 26(1), 133-147.

Article Info

Received: March 29 2023

Accepted: April 01 2023

How to cite this article:

Lăpădat, L.C., Păunescu, A.-F., Lăpădat, M.-M. (2023). Post-Communist Transformation(s): A Comparative Analysis between Romania, Poland and Hungary. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 127 – 137.



ORIGINAL PAPER

Regional cooperation with the countries in the area and Romania's participation in international organizations

Daniela Alina Mic (Mărgineanu)¹⁾

Abstract:

Romania's regional cooperation and its current integration into international organizations can be systematized through a differentiation, on the one hand trilateral, and on the other hand multilateral. Trilateral cooperation is a flexible form of sub-regional cooperation, which operates in accordance with the principles and in areas agreed with the participating countries. The objectives, areas of cooperation, mechanisms, legal framework and degree of institutionalization vary according to the interests and practice of the Member States. Given that sub-regional cooperation is considered an essential component in the process of European and Euro-Atlantic integration and not as an alternative to them - the forms of trilateral cooperation in which Romania participates have a positive effect on the country's integration process into the European Union and in affirming Romania as a factor of stability in the region.

Without going into historical considerations, we can note that Romania participates in the following trilateral cooperation:

1. Romania - Republic of Moldova - Ukraine;
2. Romania - Poland - Ukraine;
3. Romania - Bulgaria - Greece;
4. Romania - Bulgaria - Turkey;
5. Romania - Hungary - Austria;
6. Romania - Bulgaria - Serbia;
7. Romania - Italy - Serbia;
8. Romania - Hungary - Serbia.

I will try below to highlight, in general terms, what is the current cooperation of Romania with these states.

Keywords: *trilateral, system of international relation, cooperation.*

¹⁾ PhD Student - "Carol I" National Defense University, Information and National Security, Romania, Phone: 0040771656012, Email: alinamargineanu2003@yahoo.it.

The main mechanisms and instruments used in Romania's foreign policy with the aim of materializing foreign policy objectives

1. Trilateral Romania - Republic of Moldavia - Ukraine

In July 1997, the collaboration between these countries was signed in Izmail and has as priority objectives, the Upper Prut and Lower Danube regions, intending to develop cooperation between Romanian customs police structures, as a result of the smooth flow of border traffic, combating organized crime and the establishment of an economically free zone in the area of Galați (Romania) - Giurgiulesti (Moldova) - Reni (Ukraine). A multicultural university is also being set up in Chernivtsi and a cooperation project in the field of electricity is underway. (Romanian Ministry of Foreign Affairs, *Trilateral Romania - Republic of Moldavia - Ukraine, n.d.*).

2. Trilateral Romania-Poland-Ukraine

The main areas of cooperation have been and will remain regional security, which aims to develop the consultation mechanism in activities related to the evolution of the NATO cooperation framework, as well as security and cooperation issues in Europe, in the context of Poland's OSCE presidency in 1998. Economic cooperation focused on infrastructure projects, but joint collaborations in the fight against organized crime, illicit trafficking in illegal substances and illegal migration should also be mentioned. (Romanian Ministry of Foreign Affairs, *Trilateral Romania-Poland-Ukraine n.d.*).

3 Trilateral Romania - Bulgaria - Greece

This trilateral is a favorable framework for specifying Greece's support for the integration of the two countries into the structures of NATO and the European Union. Priority objectives are:

- ✓ Economic development and infrastructure;
- ✓ Regional security and the fight against illegal emigration, drug trafficking and organized crime. (Romanian Ministry of Foreign Affairs, *Trilateral Romania - Bulgaria - Greece, n.d.*).

4. Trilateral Romania-Bulgaria-Turkey

Trilateral cooperation focuses primarily on the fight against organized crime and related crime. There are also some infrastructure projects - pan-European corridor number 4. We can also mention the support from Turkey for joining NATO, the two countries, Romania and Bulgaria, respectively. (Romanian Ministry of Foreign Affairs, *Trilateral Romania-Bulgaria-Turkey, n.d.*).

5. Trilateral Romania - Hungary - Austria

The initiative of this form of cooperation belongs to the Romanian party which proposed to the foreign ministries of the two states the realization of a cooperation based on the implementation of flexible projects that will be considered as important steps in promoting a convention on illegal emigration. The cooperation is also based on the realization of infrastructure and tourism. (Romanian Ministry of Foreign Affairs, *Trilateral Romania - Hungary - Austria, n.d.*).

6. Trilateral Romania-Bulgaria-Serbia

Trilateral cooperation takes place mainly within the "Danube 21" association. The collaboration in this format aims to solve some common problems facing these areas, the lack of economic infrastructure and transport, dependence on agriculture.

Trilateral meetings:

- ✓ September 24, 2002, Vidin, - organized at the initiative of the Bulgarian side, at the level of the foreign ministers of that period. The objective was to strengthen the cross-border cooperation Romania - Bulgaria - Serbia within the association "Danube 21". On this occasion, a special council was created

Daniela Alina Mic (Mărgineanu)

consisting of representatives of local authorities from Vidin, Calafat, Zaicear, as well as a representative from the three foreign ministries;

- ✓ October 23, 2004, Calafat, - organized at the initiative of the Romanian side, at the level of foreign ministers. The aim was to give political impetus and identify new common aspects of collaboration. The meeting ended with the signing of a Joint Declaration encouraging the development of cross-border cooperation. (Romanian Ministry of Foreign Affairs, *Trilateral Romania-Bulgaria-Serbia, n.d.*).

7. Trilateral Romania-Italy-Serbia

The idea of the trilateral belongs to Romania, on the occasion of the meeting of the heads of government in November 2002. On November 3rd 2002, the first round of negotiations on the line of cooperation in trilateral format takes place. In October 2008, the Romanian and Italian prime ministers agreed to hold a ministerial meeting and a summit in 2009. In February 2009, a meeting was held in Rome to prepare a trilateral meeting of ministers. which took place in Belgrade on June 8, 2009. The aim was to support Serbia's European perspective and promote economic cooperation between the three states by developing people-to-people contacts between the Serbian and Italian communities in Romania. (Romanian Ministry of Foreign Affairs, *Trilateral Romania-Italy-Serbia, n.d.*).

8. Trilateral Romania-Hungary-Serbia

The trilateral is launched at the initiative of the three foreign ministers of the three states, and the objectives that formed the basis of the cooperation are:

- ✓ transfer of experience and know-how, both at governmental and parliamentary level, as well as at local level;
- ✓ identifying specific aspects of the three countries in border management and control, by initiating joint plans and actions;
- ✓ the realization, through combined efforts, of the common border point from Beba Veche (Triplex Confinium), as a model of cooperation in the field of border control.

Trilateral meetings:

- ✓ May 28th 2005, Szeged - was organized at the initiative of the Hungarian side. The meeting decided to strengthen cooperation in the field of disaster prevention and management, as well as the coordination of disaster response teams.
- ✓ April 19th 2006, Novi Sad, - was organized at the initiative of the Serbian-Montenegrin side. At the end of the meeting, the Agreement between the Government of Romania, the Council of Ministers of Serbia and Montenegro and the Government of the Republic of Hungary on the intersection of state borders, marked by the Triplex Confinium border sign, and its maintenance was signed.
- ✓ July 18th 2009, Timișoara - was organized at the initiative of the Romanian side. During the meeting, the support of Romania and Hungary for the European perspective of Serbia was reiterated and the concrete cooperation projects developed within the DCMT Euroregion (cooperation in the field of energy and infrastructure, promotion of people-to-people contacts, etc.) were welcomed. (Romanian Ministry of Foreign Affairs, *Trilateral Romania-Hungary-Serbia, n.d.*).

The main mechanisms and instruments used in Romania's foreign policy with the aim of materializing foreign policy objectives

With regard to multilateral cooperation, this is a political process that fundamentally involves the initiation of models of economic, political, cultural, social cooperation, other than the existing one. According to Professor Herlea, the key areas of this type of cooperation are related to the security and stability of a region, its economic development as a whole, the quality of life of nations in that area, the values of democracy and the market economy that characterize European and Euro-Atlantic societies.

The forms of multilateral cooperation in which Romania participates are:

1. European South East Cooperation Initiative (ESECI)
2. Black Sea Economic Cooperation (BSEC)
3. Central European Initiative (CEI)
4. Central European Free Trade Association (CEFTA)

European South East Cooperation Initiative (ESECI)

European South East Cooperation Initiative (ESECI) is a regional structure that encourages cooperation between Member States and facilitates integration into European structures. The cooperation aims to coordinate regional development plans by initiating projects aimed at ensuring a better presence of the private sector in the economic framework of the area and to stimulate the transfer in the realization of investments in the private sector. The member states of this association are: Albania, Bosnia and Herzegovina, the Republic of Moldova, Romania, Slovenia, Turkey and Hungary, the initiative being supported by the European Commission. (Romanian Ministry of Foreign Affairs, *European South East Cooperation Initiative (ESECI)*, n.d.).

Romania has served three terms in the ESECI leadership, from March 1999 to March 2000, April 2004-May 2005, July 2013-June 2014. The cooperation was conceived as a continuation of the meetings between the foreign ministers of the Balkan countries in the area, but which suffered an interruption following the outbreak of the Yugoslav conflict. The conference was attended by: Albania, Bulgaria, Greece, Yugoslavia, Macedonia, Romania and Turkey. Participating States support the need to promote cooperation in the border area, promote trade and investment, develop infrastructure, develop telecommunications, the energy sector, protect the environment, human relations, combat illicit practices, and increase confidence-building measures in the area. (Romanian Ministry of Foreign Affairs, *European South East Cooperation Initiative (ESECI)*, n.d.).

Black Sea Economic Cooperation (BSEC)

This Black Sea economic cooperation was created as a subregional structure by the heads of state or government of 11 countries bordering or located in the Black Sea Basin area: Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, the Republic of Moldova, Romania, Russian Federation, Turkey and Ukraine. The BSEC has set itself the goal of accelerating the economic development of the participating States with a view to their integration into the European Union, through the geographical proximity of the Member States, with a market of over 350 million consumers. Romania believes that closer cooperation between the EU and the BSEC, by promoting joint initiatives, will help increase Europe's commitment to allocating financial resources to the region. (Romanian Ministry of Foreign Affairs, *Black Sea Economic Cooperation (BSEC)*, n.d.)

Daniela Alina Mic (Mărgineanu)

Central European Initiative (CEI)

The Central European Initiative is a subregional cooperation structure with great political potential, providing an appropriate framework for political dialogue with Member States. CEI brings together 16 Member States: Albania, Belarus, Bosnia and Herzegovina, Bulgaria, the Czech Republic, Croatia, Italy, the Republic of Northern Macedonia, the Republic of Moldova, Montenegro, Poland, Romania, Slovakia, Slovenia, Serbia, Ukraine and Hungary. The objectives are to create a united Europe through the convention of core values through the transfer of expertise in areas such as transport, energy, environmental protection, tourism, agriculture. The main bodies of cooperation are: the Executive Secretariat in Trieste, the Secretariat for Projects, the Committee of National Coordinators and other working bodies. (Romanian Ministry of Foreign Affairs, *Black Sea Economic Cooperation (BSEC)*, n.d.)

Central European Free Trade Association (CEFTA)

Since the 1st of July 1997, Romania has become the sixth member country of the Central European Free Trade Agreement, together with Poland, the Czech Republic, Slovenia and Hungary. Our participation in such an organization together with other countries associated with the EU is one of the main aims of the national strategy on preparing for membership of the Union.

Romania is also a member of some major international organizations. The main organization is the Council of Europe of which it became a member in 1993. For Romania, a country in Eastern Europe, which after the Second World War came under Soviet influence, the OSCE was the only pan-European forum for political dialogue, an indispensable framework for examining security issues on an equal footing with all other participating states. Romania has officially expressed its intention to hold the presidency in the exercise of the OSCE in 2001 and began the necessary preparations to assume this complex responsibility. Romania's presence in the UN system is a very important one in the conditions of the strong impact of globalization and global liberalization. Thus, Romania uses the framework provided by multilateral diplomacy to complete internal efforts towards integration into North Atlantic structures. Romania's specific contributions to the UN set of activities reflect adequate synchronization with the organization's reform and modernization trends, an important foundation for maintaining international peace and security. The UN is the main framework for the affirmation of the common foreign and security policy (CFSP), promoted by the EU and the Romanian diplomacy that tries to get closer to the international organizations, gradually adapting to their values and needs. Within the UN, specific forms have been created in which Romania cooperates with the United States based on numerous technical assistance projects in various sectors of activity with priority in those in the economic field. Also, through the UN - the only organization with a global vocation, Romania can contribute to the extent of its applicability to the process of codifying the law, to international actions and cooperation on a global scale, thus facing major negative phenomena in such as environmental degradation, drug trafficking or terrorism.

The main mechanisms and instruments used in Romania's foreign policy with the aim of materializing foreign policy objectives

Conclusions

At the beginning of the 21st century, we can say that this century is dominated by a new political strategy, one of strategic partnerships, of regional - trilateral and multilateral cooperation. They are directly proportional to the degree of economic, cultural, social, political and military development, together with the threats, challenges and associated risks. Their purpose is to reduce risks in order to ensure the conditions for crisis and conflict management with the aim of providing stability for society as a whole. It can be clearly noted that the beginning of the 21st century is dominated by the replacement of confrontational strategies with partnership strategies. The general objectives of these partnerships refer mainly to the development of economic exchanges, of trade and cooperation, of technological exchanges, the development of a high-performance technological system so as to facilitate the regionalization process, and also for a more accentuated and non-conflicting outline of national and international entities.

References:

- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania - Republic of Moldavia – Ukraine*. Retrieved from: <https://www.mae.ro/node/1510>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania-Poland-Ukraine*. Retrieved from: <https://www.mae.ro/node/1506>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania - Bulgaria - Greece*. Retrieved from: <https://www.mae.ro/node/1508>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral. Romania-Bulgaria-Turkey*. Retrieved from: <https://www.mae.ro/node>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania - Hungary - Austria*. Retrieved from: <https://www.mae.ro/node/1507>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania-Bulgaria-Serbia*. Retrieved from: <https://www.mae.ro/node/1509>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania-Italy-Serbia*. Retrieved from: <https://www.mae.ro/node/1512>
- Romanian Ministry of Foreign Affairs (n.d). *Trilateral Romania-Hungary-Serbia*. Retrieved from: <https://www.mae.ro/node/1414>
- Romanian Ministry of Foreign Affairs (n.d). *European South East Cooperation Initiative (ESECI)*. Retrieved from: <https://www.mae.ro/node/1465>
- Romanian Ministry of Foreign Affairs (n.d). *Black Sea Economic Cooperation (BSEC)*. Retrieved from: <https://www.mae.ro/bsec>

Article Info

Received: February 06 2023

Accepted: March 01 2023

How to cite this article:

Mic (Mărgineanu), D.A. (2023). Regional cooperation with the countries in the area and Romania's participation in international organizations. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 138 – 143.



ORIGINAL PAPER

New Insights into the Origin of the Trust

Irina Gvelesiani¹⁾

Abstract:

Fiduciary duties have always included the “triad” – “loyalty, due care and good faith” (Atherton, Blodgett & Atherton, 2011 : 4) – accompanied with trust and reliance. Moreover, fiduciary relations similarly to the entrusting relationships have a long history of development. They existed in 1790 B.C. in the Code of Hammurabi (Zambakhidze, 2000 : 59). Their roots can also be found in Old and New Testaments, in the history of the Japanese societies, etc. Despite these facts, the *trust* (a manifestation of entrusting relationships) is usually treated as a “product” of equity, which presents a unique characteristic of common law – the duality of ownership. It is difficult to find historical roots of the *trust*. Accordingly, its origin raises controversy among the scholars.

The paper presents an innovative attitude towards the study of the origin of the *trust*. The major accent is put on the comparative analysis of the Salian Franks’ *affatomie* and the English *trust*, their juridical and linguistic peculiarities as well as the verbal realization of some concepts presented in the Salians’ legal code. The greatest attention is paid to the appropriate historical background, namely, migration of the Germanic tribes, interconnectedness of the Germanic peoples and their languages, linguistic and juridical contacts, etc. The results of the research reveal that the common law *trust* shares the major peculiarities of the Salian Franks’ *affatomie*. Moreover, the existing linguistic as well as juridical data point to the Germanic roots of the English entrusting relationships.

Keywords: *affatomie, common law, juridical-linguistic study, trust.*

¹⁾ Associate Professor, PhD, Ivane Javakhishvili Tbilisi State University, The Faculty of Humanities, English Philology specialization, Georgia, Phone: + 995 5 93 32 70 07, Email: irina.gvelesiani@tsu.ge.

New Insights into the Origin of the Trust

The General Introduction

The early fiduciary principles may be found in the history of the Japanese and Greek societies. Moreover, the Code of Hammurabi (the most complete and perfect extant collection of Babylonian laws that developed during the reign of Hammurabi (1792–1750 BCE) (*Britannica*, 2022)) presented the rules of law governing a business conduct or fiduciary considerations, for the behavior of the employees entrusted with the assets (Atherton, Blodgett & Atherton, 2011 : 8). The ancient legal code – Greek Solomon’s laws (600 B.C.) – also included the rules for governing capital and guardianship. It gave a person an opportunity to choose a manager of his (her) property (Zambakhidze, 2000 : 59). Despite these facts, the *trust* – the manifestation of the entrusting relationships i.e. the fiduciary principles – is usually treated as a “product” of equity, which presents a unique characteristic of common law, namely, the duality of ownership.

This characteristic feature has made the *trust* widely acceptable not only in the United Kingdom, but in the USA. Moreover, during the last decades, the same feature popularized it in the non-common law jurisdictions. The rapid popularization was facilitated by another important factor, namely, the tendency of globalization, which has been reflected in the intensified juridical competition and interoperability of different European countries within the EU. All the above mentioned raised the interest towards the origin of the *trust*.

The paper presents an innovative attitude towards the study of the roots of this legal institution. The major accent is put on the comparative analysis of the Salian Franks’ *affatomie* and the English *trust*, their juridical and linguistic peculiarities as well as the verbal realization of some concepts presented in the Salians’ legal code. Moreover, the greatest attention is paid to the appropriate historical background, migration of the Germanic tribes, interconnectedness of the Germanic peoples and their languages, linguistic and juridical contacts, etc.

The Common Law *Trust* as a Juridical Institution

Initially, let us discuss the juridical mechanism of the *trust*. From the general viewpoint, this legal institution can be defined as the obligation enforceable in equity under which a trustee holds property that he or she is bound to administer for the benefit of a beneficiary or beneficiaries (*a private trust*), or for the advancement of certain purposes (*a purpose trust*). *Trusts* are established expressly by a settler in a trust deed or a testator in a will (*an express trust*) or by implication (*a resulting trust*). They may also be established by operation of law (*a constructive trust*) (*The philosophy of law: an encyclopedia*, 2004 : 870). The *trust* is characterized by a unique nature, namely, it entails a three-party relationship, in which a donor arranges with a trustee to divide a donee's interest between a trustee and a beneficiary (Langbein, 1995 : 632). As a result of such bifurcation of rights, a trustee is obliged to manage transferred assets, while a beneficiary enjoys benefits. Accordingly, a legal right on the assets belongs to a trustee, while an equitable right is owned by a beneficiary. Moreover, a valid *trust* usually meets three certainties – intention to create the *trust* is certain; identity of the trust assets is certain; identity of beneficiaries is perfectly defined (Tang, 2015 : 2).

Accordingly, the *trust* consists of three major elements:

- *A trustor/ donor/settlor/settler* – a person, who creates the *trust*;

- A *trustee* – a physical person or a legal entity, which holds a legal title to the *trust assets*;
- A *beneficiary* – a beneficial/equitable owner of the *trust assets*.

The Origin of the Trust

It is generally believed that the institution of the *trust* was preceded by the *feoffee to uses*, which originated in England in the Middle Ages, namely, at the times of the First Crusade. Before the Crusader knights departed to the Holy Land, many of them entered into agreements with relatives or friends to care for their lands while they were gone. The common problem that various Crusader knights faced was that, upon their return, those people to whom the knights had entrusted their property simply denied the existence of any form of trusteeship, arguing instead that the property was theirs. This was a thorn in the side for the Chancellor, an office tasked with acting as the conscience of the King and so the *trust* was created (Beijer, 2018 : 134-135).

There have been a lot of debates about the forerunners of this legal institution. Initially, “it has been suggested that “Roman, Canon and Germanic laws (sources of the European *Ius-Commune* tradition) have provided elements of the law of [the English law of] trust” (Frankel, 2014 : 423). At the end of the 19th century, US Supreme Court judge, Justice Oliver Wendell Holmes, expressed his extremely convincing view on the given subject. He claimed that the English *trust* like the German *Salman/Treuhand*, had sprung from Germanic roots and the *feoffee to uses* of the early English law corresponded “point by point to the *Salman* of the early German law” (Rhee, 2000 : 459). However, Holmes did not specify how the concept of the *Salman* had managed to cross the Channel. Before discussing the possibility of the “crossing”, let us focus on the comparative analysis of the Salian Franks’ *affatomie* and the English *trust*, their juridical as well as linguistic peculiarities.

The Salian Franks’ *Affatomie* and the English Trust – Comparative Analysis

It is generally believed that the legal institution *Salman/Salmannus* entailed a transfer of a transferor’s ownership during his (her) lifetime to the *Salmannus* – an individual trusted to transfer the ownership to a designated beneficiary upon a transferor’s death (Rounds, 2012 : 1182). It permitted a transferor to appoint or adopt a successor (Rounds, 2015 : 1376). Adoption was named by the word *affatomie*.

The process of the *affatomie* is well-presented in Chapter 46 of the Salian Franks’ legal code *Lex Salica*. It was the adoption of an heir by a childless person. Such an adoption was probably originally permitted only when there were no relatives in existence to whom the inheritance would pass by the ordinary rules of succession. Later it was allowed in all cases except when children were living. The subsequent birth of an heir rendered a transaction void (Goffin, 1901 : 16).

The *affatomie* was usually treated as a three-step process: initially, an assembly (mallus) was convened at which a donor or adopting party presented a wand (*festuca*) to [literally “throws the festuca into the lap of ”] a third party (the *Salman*). At the same time that a wand was delivered, a donor/adopter “should say to the man into whose lap he threw the stick how much he wished to give him [the selected donee] – if he wished to give him all or half his property.” The property had to be either a donor/adopter’s entire estate or an aliquot share thereof. It could not consist of a particular, individual piece of property. The second part of the ritual consisted of the *Salman*’s moving into a

New Insights into the Origin of the Trust

house of a donor/adopter “and there performing the ‘sessio triduana’,” which was a manifestation of “the vesting of the seisin”. The sessio triduana involved residing in the property for three days. The final step took place some time later, but within twelve months and consisted of the delivery by the *Salman* of the *festuca* to an heir in an assembly “in the presence of the king” following roughly the same ritual as in step one. The effect of this ritual was to give an adopted heir the same rights as a natural heir (Verbit, 2002 : 97).

Accordingly, it is obvious that Title 46 of *Lex Salica* presented the rules of transferring assets/ownership to an intermediary. This transfer implied the disposal of the assets in favor of the indicated persons, the so-called beneficiaries, after a transferor’s death. The similar rules of disposition of the property has been presented in common law (Tendan, 2021 : 28) since the Norman conquest. Even the common law *trust* seems to be formed in accordance to the legal institution *affatomie* presented in Title 46 of *Lex Salica*. Can we treat the Germanic institution *Salman* as a form of a proto-trust? Should we assume that the *Salman* – a third individual, who was handed the property – may be an equivalent to a modern-day settlor? How could the *Salman* reach the territory of the present-day United Kingdom? We suppose that the study of the historical movement of the Germanic tribes may shed light to these issues.

From the History of the Germanic Tribes

Let us discuss the movement of the Germanic tribes and their possible interinfluence. It is supposed that the Franks crossed the frontier together with other tribes. It was the agglomerate of the Germanic peoples (*The Laws of the Salian Franks*, 1991 : 3) i.e. the confederation of the Germanic-speaking border groups living along the lower reaches of the river Rhine. In the 3rd century, they were named as the *frank* – a new self-designation, whose etymology remains obscure even nowadays (Kerkhof, 2018: 33).

On the one hand, it is believed that the Franks were mentioned in the history in 240 A.D. (*Lex Salica*, 1880 : xii). They were settled as the Roman *deditici* on the Betuwe Island in 293 A.D. Around 340, emperor Constantius settled them on the sandy grounds of the present-day provinces of Brabant in the northern Belgium and southern Netherlands (Kerkhof, 2018 : 33).

On the other hand, it is believed that the first notes about the Salian Franks appeared in 358. They penetrated as far as Toxiandria, where they were subdued by Julian. The Salian Franks were allowed to stay in the country, which they occupied. However, they were required to supply Julian with the auxiliary troops (*Lex Salica*, 1880 : xii). By the collapse of the Western Roman Empire, the Franks had established themselves in the northern part of Gaul. There was the fusion of the older Gallo-Roman population and the new settlers. The Germanic influence seemed to be quite strong, because the law tended to remain customary and the formal education virtually disappeared. Supposedly, the Franks’ customary laws had existed in an unwritten form before the reign of Chlodwig/Clovis (*The Laws of the Salian Franks*, 1991 : 3). He was a successor of the first Salian King Childeric, whose name reached the present day.

Clovis unified the Franks – the Ripurians and the Salians. He eliminated the last vestiges of Roman rule in Gaul. The Germanic groups – the Alamanni, the Goths and the Thuringians – had to respect his power. When Clovis died in 511 (Robinson, 1993 : 201), he left the codification of the rules governing the Salian Franks’ behavior on the lands occupied by them. It is supposed that the oldest version of the written Salic law /

Pactus Legis Salicae / *Lex Salica* was issued between 507 and 511 (*The Laws of the Salian Franks*, 1991 : 52-53). Another written code, namely, *Lex Ribuarica* / *Lex Ripuarica* dates from around 630 (Sanmark, 2018 : 153). It was largely based on the *Liber Constitutionum* and *Lex Salica*. It represented an updated version for the Frankish people in the Rhineland area. It is supposed that King Dagobert was probably responsible for the creation of this law, which is preserved in 52 manuscripts (Benham, McHaffie & Vogt, 2018 : 241).

The Franks formed strong Frankish Realm, which included the Low Countries inhabited by the Franks and Ingvaemonic people on the coasts of Holland, Sealand and Flanders, by the Frisians (also Ingvaemonic) in the north and by the Saxons, who settled there in the 6th and 7th centuries. During the Carolingian sovereignty, the Frisians and the Saxons maintained their native languages, but the Ingvaemonic dialects at the western coastal regions were profoundly influenced by Old Low Franconian, the dialect of the Carolingians (Marynissen & Janssens, 2013 : 83-84). It is supposed that the local population spoke some variety of Celtic along the coasts of Flanders, Holland and Friesland. In the late 1st century B.C., the initial phase of germanicization of North Sea Celtic could have taken place. The second phase was supposedly brought by the migrating Saxons and the 'new Frisians' (Dijkstra & Koning, 2017 : 66). Later the Saxons hailed from the northern parts of modern Germany and landed in East Anglia. Britain was invaded by the Angles and the Jutes as well (Williams, 1975 : 55-56). In accordance to Bede's viewpoint, long ships carried the Frisians, the Jutes, the Saxons and the members of other tribes to Britain.

It is generally believed that the Jutes spoke the group of the Proto-Norse languages that would later morph into the Saxons' and the Angles' Ingvaemonic Germanic dialects. Moreover, it is claimed that the Angles' language was the unspecified Ingvaemonic Germanic dialect known as North Sea Germanic, while the Saxons spoke a variety of the Germanic dialects. The latter slightly differed from the Angles' language (Williams, 1975: 55-56). Gradually, the intensive contacts of the newcomers' languages with the local British Celtic stipulated the formation of Anglo-Saxon or Old English (Schrijver, 2016: 135).

The above data reveal that the British society was formed by merging of the Germanic tribes with the local population. The former had obvious contacts with the Franks and Ingvaemonic people before coming to Britain. Accordingly, it seems obvious that the *Salman* could reach the territory of the present-day United Kingdom by means of the migration and replacement of the Germanic tribes. However, the study of the linguistic peculiarities as well as the verbal realization of some concepts presented in the Salians' legal code may shed more light on this issue.

The Major Terminological Insights

After discussing the possibility of introduction of the *Affatomie* in Britain, let us discuss the linguistic peculiarities of *Lex Salica*.

It is generally believed that the Frankish law of the 6th-7th centuries was the early Frankish custom recorded in Latin. The latter did not often have equivalent words or concepts for the Frankish customs. This fact frequently caused problems for the judges and scribes. When the knowledge of classical Latin declined, the uncertainty of the scribes in transcribing the law increased. For explaining some Germanic lexical units, the Malberg glosses were added to some manuscripts. Accordingly, the original issue of Clovis that was later expanded by the capitularies issued by his descendants

New Insights into the Origin of the Trust

presumably existed in more or less barbarized versions (*The Laws of the Salian Franks*, 1991 : 52-53). Moreover, the Malberg glosses contained many old Frankish words (Pollock & Maitland, 2013 : 7).

Let us look through Title 46 of *Lex Salica*:

«1. Hoc convenit observare ut thunginus aut centenarius mallo indicant et scutum in illo mallo habere debent et tres homines tres causas demandare debent. Postea requirent hominem qui ei non perteneat et sic fistucam in laisum jactet. Et ipse in cui laisum fistucam jactavit, in casa ipsius manere debet. Et hospites tres vel amplius collegere debet et de facultatem quantum ei creditum est in potestatem suam habere debet. Et postea ipse cui isto creditum est, ista omnia cum testibus collectis agere debet. Postea aut ante rege aut in mallo illi cui fortuna sua depotavit reddere debet et accipiat fistucam in mallo ipso. Ante XII menses quos heredes appellavit in laisum jactet; nec minus nec ma jus nisi quantum ei creditum est.

2. Et si contra hoc aliquis aliquid dicere voluerit, debent tres testes jurati dicere quod ibi fuissent in mallo quem thunginus aut centenarius indixerit et quomodo vidissent hominem illum qui fortuna sua dare voluerit in laisum illius quem jam elegit fistucam jactare: debent denominare illo qui fortuna sua in laiso jactat et illo quem heredem appellit similiter nominent. Et alteri tres testes jurati dicere debent quod in casa illius qui fortuna sua donavit ille in cujus laisu fistuca jactata est ibidem mansisset et hospites tres vel amplius ibidem collegisset et in beodum pultis manducassent et testes collegissent et illi hospites ei de susceptione gratias egissent. Ista omnia illi alii testis jurato dicere debent et hoc quod in mallo ante regem vel legitimo mallo publico ille, qui accepit in laisum fortuna ipsa aut ante regem aut in mallo publico legitimo hoc est in mallobergo ante teoda aut thunginum fortunam illam, quos heredes appellavit publice coram populo fistucam in laiso jactasset; hoc est novem testes ista omnia debent adfirmare» (Lex salica 1897).

It seems that this Title does not consist of the words with *trust*-like stems. However, the study of *Lex Salica* reveals the existence of the passages consisting of some *trust*-related words, for instance:

"Qui *in truste dominica (antruscione dominico)* fuit, XLI. 3; sine *truste dominica (andruscio dominicus)* fuit," XLII. 1"
(Wiener, 1999 : 27).

"*Quod si post (per) truste inuenitur, medietate conpositione truste (trustis, trustes) adquirat*" (Lex Salica: the ten texts with the glosses and the Lex Emendata, 1880 : 417).

"*Pro itinere pacis iubemus ut in truste centenariae ponantur, per quorum fide atque sollicitudine pax praedicta seueritas. Ut centenariae latro licet prae esse caritatis indisrupta uinculum ut centenariae inter communes prouintias licentiam habeant latrones sequi uel uestigia adsignata minare aut in truste qua defecerat, sicut dictum est causa remaneat, ita ut continuo capitalem ei quern perdiderat reformare festinet, et latronem perquirat, quern sine (si in) truste peruenient, medietate sibi uindicet uel dilatura si fuerit de facultate latronis ei qui damno pertulerit sartiatur*" (Lex Salica: the ten texts with the glosses and the Lex Emendata, 1880 : 418).

“*Si quis colecto contubernio hominem ingenuo in domo suo adsalierit et ibi eum occiderit si in **truste dominica** fuit ille qui occisus est Malb. ambistaile hoc est LXXII M dinarios qui faciunt solidos MDCCC culpabilis judicetur*” (Lex Salica, 1897).

The above passages reveal the usage of the words *truste* and *in truste (dominica)*. The former may be considered as the term denoting the concept *trust*, while the latter may be the Latin word-combination that refers to a person, who is a member of a king’s retinue (Ayaz, 2017 : 25). However, some scholars propose to interpret it differently. In accordance to their viewpoints, *in truste dominica* can be translated as: *in their lord’s trust* (Whittaker, 2002 : 296) / *in the lord’s trust* (Goetz, Jarnut & Pohl, 2003: 31), *in the king’s trust*¹ or *in the service of the king* (Effros & Moreira, 2020 : 106). It is supposable that the best English version is *in the king’s trust*, because one of the meanings of the polysemantic word *lord* is a ruler i.e. a king. Therefore, the word-combination *in the lord’s trust* can be identified with the phrase *in the king’s trust*.

Accordingly, it is obvious that the word *truste*, which is presented in *Lex Salica* is semantically and structurally very similar to the lexical unit *trust* that has been presented in Middle English and Modern English. The study of Lewis’ *Middle English Dictionary* reveals that in the Middle Ages the word *truste* was a variant form of the lexical unit *trust*:

Trust “n. Also **truste, trost(e, troiste, trist(e, trest(e, treost...**” (*Middle English Dictionary*, 1997 : 1137).

Moreover, the word *truste* was attested in Geoffrey Chaucer’s *Troilus and Criseyde*: “*Troilus 1: 601: But lest thow deme I truste nat to the ...*” (Windeatt, 1984 : 123).

Accordingly, it is obvious that the *truste* with the meaning “trust” was presented in Middle English and in the Salian Franks’ law. The former appeared after the Norman Conquest, while the latter was written in the 6th -7th centuries. On the one hand, it seems probable that the lexical unit *truste/trust* could appear in Old English under the influence of the Ingvaenic dialects, namely, the Angles’ and the Saxons’ languages. On the other hand, it is supposable that the word *truste/trust* could appear in Middle English after the Norman Conquest, when the elements of *Lex Salica* were imported by the conqueror.

However, if we consider that there is no evidence of the existence of the *truste* or *trust* in Old English², we may assume that the Norman Conquest and its

¹ See: Drew K. F. (1991). *The Laws of the Salian Franks*. Philadelphia: University of Pennsylvania Press, p. 104; *Vengeance in Medieval Europe: A Reader*. (2009). Smail D. & Gibson K. (editors), Toronto: University of Toronto Press, p. 57; Pohl, W., Gantner, C., Grifoni, C., & Pollheimer-Mohaupt, M. (2018). *Transformations of Romanness: Early Medieval Regions and Identities*. Berlin, Boston: De Gruyter; Greenwood, T. (1836). *The First Book of the History of the Germans: Barbaric Period*, London: Longman, p. 668; Lex Salica: the Ten Texts with the Glosses and the Lex Emendata. (1880). Hessels, J. H. (editor). London: J. Murray, p. 527

² See the following dictionaries: Bosworth, J. (1882). *An Anglo-Saxon Dictionary, Based on the Manuscript Collections of the Late Joseph Bosworth: Part I: a-Fir*. Oxford: The Clarendon Press; Hall, J. R. C. (1916). *A Concise Anglo-Saxon Dictionary for the Use of Students*. New York: The Macmillan Company; Old English Core Vocabulary. Retrieved from Old English Core Vocabulary (st-andrews.ac.uk); Bosworth Toller’s Anglo-Saxon Dictionary Online. Retrieved from Bosworth-Toller Anglo-Saxon Dictionary online (bosworthtoller.com) .

New Insights into the Origin of the Trust

consequences might facilitate the transplantation of the entrusting relationships into the British soil.

The Major Conclusions

The paper makes an attempt to study the origin of the *trust* on the basis of the comparative analysis of the Salian Franks' *affatomie* and the common law *trust*, their juridical and linguistic peculiarities as well as the verbal realization of some concepts presented in the Salians' legal code *Lex Salica*. The study of the appropriate historical background (migration of the Germanic tribes, interconnectedness of the Germanic peoples and their languages, linguistic and juridical contacts, etc.) enables us to state that the common law *trust* may have the Germanic roots and the elements of *Lex Salica* could be imported in Britain after the Norman Conquest.

References:

- Atherton, S. C., Blodgett M. S. & Atherton, Ch. A. (2011). Fiduciary Principles: Corporate Responsibilities to Stakeholders. *Journal of Religion and Business Ethics*, (2), 1-15.
- Ayaz, F. B., (2017). *Punishment for Violent Crimes: Aggression and Violence in the Early Germanic Law Codes*. Ankara: İhsan Doğramacı Bilkent University.
- Beijer, T. A. (2018). Trust Law in the Process of Reunifying East and West Germany. *Utrecht Law Review*, (14), 128-142.
- Benham, J., McHaffie, M. & Vogt, H., (2018). *Law and Language in the Middle Ages*, Leiden | Boston: Brill.
- Bosworth, J., (1882). *An Anglo-Saxon Dictionary, Based on the Manuscript Collections of the Late Joseph Bosworth: Part I: a-Fir*. Oxford: The Clarendon Press.
- Bosworth Toller's Anglo-Saxon Dictionary Online. (n.d.). Retrieved from: Bosworth-Toller Anglo-Saxon Dictionary online (bosworthtoller.com).
- Code of Hammurabi. Encyclopedia Britannica. (n.d.). Retrieved from: <https://www.britannica.com/topic/Code-of-Hammurabi>
- Dijkstra, M. F. P. & Koning, J. (2017). All Quiet on the Western Front? The Western Netherlands and the North Sea Culture in the Migration Period. In Hines, J. & IJssennager, N. (editors), *Frisians and their North Sea Neighbours, from the Fifth Century to the Viking Age* (NED-New edition), Woodbridge: Boydell Press., pp. 53-73.
- Drew, K. F., (1991). *The Laws of the Salian Franks*. Philadelphia: University of Pennsylvania Press.
- Effros, B. & Moreira, I., (2020) *The Oxford handbook of the Merovingian World*. Oxford: Oxford University Press.
- Frankel, T. (2014). Towards Universal Fiduciary Principles, *Queen's LJ*, (39), pp. 391-440.
- Goffin, R. J. R., (1901). *The Testamentary Executor in England and Elsewhere*, London: Cambridge University Press Warehouse.
- Goetz, H., Jarnut J., & Pohl W., (2003) *Regna and Gentes: the Relationship between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World*. Leiden, Boston: Brill.
- Greenwood, T., (1836). *The First Book of the History of the Germans: Barbaric Period*, London: Longman.
- Hall, J. R. C., (1916). *A Concise Anglo-Saxon Dictionary for the Use of Students*. New York: The Macmillan Company.
- Kerkhof, P. A., (2018). Language, Law and Loanwords in Early Medieval Gaul: Language Contact and Studies in Gallo-Romance Phonology. Leiden: Leiden University.

- Langbein, J. H. (1995). The Contractarian Basis of the Law of Trusts. *The Yale Law Journal*, (105), 625-675.
- Lex Salica* (1897). Behrend, J. Fr. (editor). Weimar: Hermann Böhlhaus Nachfolger.
- Lex Salica: the Ten Texts with the Glosses and the Lex Emendata* (1880). Hessels, J. H. (editor). London: J. Murray.
- Marynissen, A. & Janssens, G. (2013). A Regional History of Dutch. In Hinskens, F. L. & Tældeman, J. (editors), *Language and Space. An International Handbook of Linguistic Variation*, Volume 3, Berlin, Boston: Mouton De Gruyter, pp. 81-100.
- Middle English Dictionary* (1997). Lewis R. E. (editor), Ann Arbor: University of Michigan Press.
- Old English Core Vocabulary. (n.d.). Retrieved from Old English Core Vocabulary (st-andrews.ac.uk)
- Pohl, W., Gantner, C., Grifoni, C., & Pollheimer-Mohaupt, M., (2018). *Transformations of Romanness: Early Medieval Regions and Identities*. Berlin, Boston: De Gruyter.
- Pollock, F., & Maitland, F. W., (2013). *The History of English Law Before the Time of Edward I*, The USA: The Lawbook Exchange, Ltd.
- Rhee, C. H. (2000). Trusts, Trust-like Concepts and Ius Commune. *European Review of Private Law*, (3), 453-462.
- Robinson, O. W., (1993). *Old English and its Closest Relatives: A Survey of the Earliest Germanic Languages*, Stanford: Stanford University Press.
- Rounds, Ch. E., (2012). *Loring and Rounds: A Trustee's Handbook*, New York: Wolter Kluwer.
- Rounds, Ch. E., (2015). *Loring and Rounds: A Trustee's Handbook*, New York: Wolter Kluwer & Business.
- Sanmark, A. (2018). Assembly Organisation in the Longue Durée: the Scandinavia Thing Institution in its European Context. *Quaestiones Medii Aevi Novae*, (23), 153-176.
- Schrijver, P., (2016). *Language Contact and the Origins of the Germanic Languages*. New York: Routledge.
- Tang, H. W. (2015). An Introduction to Trust Law in Singapore, *Trust Law Studies*, (40), 163-184.
- The Philosophy of Law: an Encyclopedia* (2004). Gray Ch. B. (editor), New York: Taylor & Francis e-Library.
- Vengeance in Medieval Europe: A Reader*. (2009). Smail D. & Gibson K. (editors), Toronto: University of Toronto Press.
- Verbit, G. P., (2002). *The Origins of the Trust*, the USA: Xlibris Corporation.
- Wiener, L., (1999). *Commentary to the Germanic Laws and Mediaeval Documents*, The USA: The Lawbook Exchange, Ltd.
- Whittaker, D. (2002). Landlords and Warlords in the Later Roman Empire. In Rich, J. & Shipley, G. (editors), *War and Society in the Roman World*, London: Routledge, pp. 277-302.
- Williams, J. M., (1975). *Origins of the English Language*, The USA: The Free Press.
- Windeatt, B. A., (1984). *Geoffrey Chaucer, Troilus and Criseyde*. The U.K.: Longman.
- Zambakhidze, T., (2000). *Trust (Historical Review)*, Tbilisi: Samartali.

Article Info

Received: March 22 2023

Accepted: March 29 2023

New Insights into the Origin of the Trust

How to cite this article:

Gvelesiani, I. (2023). New Insights into the Origin of the Trust. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 77, pp. 144 – 153.



CEPOS NEW CALL FOR PAPERS 2024
14TH INTERNATIONAL CONFERENCE AFTER COMMUNISM.
EAST AND WEST UNDER SCRUTINY, Craiova (Romania),
15-16 March 2024 (Hybrid Conference)

Dear Colleagues,

We are delighted to invite you to participate in the 14th International Conference AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY in Craiova, Romania, 15-16 March 2024. More than three decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researchers: research experiences and scientific knowledge. The conference will be hosted for two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers and students) are invited to raise the issue of the study of the recent history of the former Eastern 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,

The Board of Directors of CEPOS 2024 Conferences and Events Series

PROPOSED PANELS for CEPOS CONFERENCE 2024

- Administration, legal issues and social justice
- Administration, social inclusion and urban planning
- Administrative history and governance within South-Eastern Europe
- Bioethics and transition challenges
- History, politics and ideologies in modern and contemporary Europe
- Comparative policies, financial reforms and competitiveness
- Comparative policies, sustainable growth and urban planning
- Constitution(s), legality & political reforms
- Discourse, language and social encounters
- Economics, financial law and policy mechanisms
- Education, media & social communication;
- Education, political culture and language skills
- Education, social inclusion and regional policies
- E-government and social development
- E-government, comparative policies and strategic approaches
- Environment, biodiversity and climate change
- Elections, social innovation and public policies

CEPOS NEW CALL FOR PAPERS 2024

- EU policy cooperation and resilience facilities in (post)pandemic context
- Global environment and cultural heritage
- Integration, identity, and human rights in European systems
- Judicial encounters and public policies
- Knowledge transfer and competitiveness in regional economies
- Law, administration and transitional justice
- Law, legal studies and justice reform
- Law, transitional justice, democratization
- Legal and constitutional patterns of the democratization process
- Legal and social patterns of the democratization process
- Media analysis and transition
- Media analysis, public discourse and democracy
- Media, online communication and politics
- Political culture and citizen participation
- Political culture, civil society and citizen participation
- Political culture, rights and civil society
- Political culture and language skills
- Political events, resilience and social action
- Political history, collective memory and cultural heritage
- Political leadership, democratization and regional security
- Political parties, electoral systems and electoral campaigns
- Politics, governance and social change
- Politics, governance and social culture
- Post-communism and collective memory
- Religion, cultural history and education
- Rights, identities, policies & participation
- Security and diplomacy in national and Euro-Atlantic environment
- Security encounters in the pandemic context
- Security, foreign policy, social movements and citizenship
- Security, social movements and citizenship
- Social economy, climate change and sustainable development
- Social economy, knowledge transfer and sustainable development.

ABSTRACT SUBMITTING (SEE CEPOS CONFERENCE 2024 REGISTRATION FORM-on <http://cepos.eu/>):

The proposals must be sent in English and must contain the title of the paper, the abstract (no more than 300 words) and a short presentation of the author(s) (statute, institutional affiliation, short list of relevant scientific contributions).

DEAD-LINE FOR SUBMITTING REGISTRATION FORM: 03 MARCH 2024

Proposals must be submitted until 03 MARCH 2024 at the following address: cepos2023@gmail.com

CEPOS CONFERENCE PAST EDITIONS

More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2023 are available on CEPOS official website sections

[CEPOS Previous Events. Photo gallery CEPOS Events](#)

CEPOS NEW CALL FOR PAPERS 2024

<http://cepos.eu/gallery>

<https://www.facebook.com/pages/Center-of-Post-Communist-Political-Studies-CEPOS/485957361454074>

REGISTRATION FEES CEPOS CONFERENCE 2024

Registration fees will be paid exclusively ONLINE. All details at: <http://cepos.eu/upcoming>

Organizing details (Conference location/ organizing details e.g. meals, coffee breaks/ mode of presentation of the papers to be announced in due time)

The registration fee covers:

- * Conference attendance to all common sessions, individual and special panels
- * Conference materials (including the Book of Abstracts of the Conference)
- * Conference program 2024 for all registered participants
- * Certificate of attendance for CEPOS Conference 2024 (offered at the end of the CEPOS Conference 2024)
- * Certificate of attendance for **CEPOS International Associated Research**

Workshop 2024 (free for registered participants attending the workshop). Main topics of the panel:

- *Policy indexation* of international journals in international databases and services;
 - *Open access* policy of the international journals;
 - *Data and statistics* within an international indexed conference;
 - Use of *online applications* for social sciences research;
 - Methods and *themes of research* provided by CEPOS (2021-2024);
 - *Publication* in an international indexed journal;
 - *Indexing and statistics* for social sciences journals in international databases;
 - *Academic profile* in international databases;
 - RSP Manuscript Submission Guidelines;
 - Publication, editing support and *citation metrics* for social sciences journals.
- * 15 minutes Oral presentation / Poster Presentation for every author and presenter
- * Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques.

Previous publication of the 2012-2023 Conference papers is available at:

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

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference.

INTERNATIONAL INDEXING OF REVISTA DE STIINTE POLITICE. REVUE DES SCIENCES POLITIQUES. Revista de Stiinte Politice. Revue des Sciences Politiques is an International Indexed Journal by:

ERIH PLUS

ProQuest

EBSCO

CEEOL

KVK

Gale Cengage Learning

CEPOS NEW CALL FOR PAPERS 2024

Index Copernicus
Georgetown University Library
Elektronische Zeitschriftenbibliothek EZB
Journal Seek

Latest international indexing updates 2022 (March 2022) of the *Revista de Științe Politice. Revue des Sciences Politiques* (selective list 2019-2022)

Universiteits Bibliotheek Gent
<https://lib.ugent.be/catalog/ejn01:1000000000726583>

Publons
<https://publons.com/journal/540040/revista-de-stiinte-politice/>

Universidad Carlos III de Madrid
<https://researchportal.uc3m.es/display/rev184334>

Weill Cornell Medicine Qatar
https://primo.qatar-weill.cornell.edu/discovery/fulldisplay?vid=974WCMCIQ_INST:VU1&docid=alma991000575074006691&lang=en&context=L&adaptor=Local%20Search%20Engine

Reseau Mirabel
<https://reseau-mirabel.info/revue/3046/Revista-de-Stiinte-Politice>

Bond Library University
https://librarysearch.bond.edu.au/discovery/fulldisplay?vid=61BOND_INST%3ABOND&docid=alma9930197890502381&lang=en&context=SP

Ghent university library
<https://lib.ugent.be/catalog/ejn01:1000000000726583>

The Royal Library and Copenhagen University Library Service
https://e-tidsskrifter.kb.dk/resolve?umlaut.locale=da&url_ver=Z39.88-2004&url_ctx_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Actx&ctx_ver=Z39.88-2004&ctx_tim=2020-04-11T21%3A23%3A41%2B02%3A00&ctx_id=&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft.issn=1584-224X&rft.search_val=1584-224X&rft_val_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rft_id=info%3Asid%2Fsfxit.com%3Acitation

Glasgow Caledonian University
https://discover.gcu.ac.uk/discovery/openurl?institution=44GLCU_INST&vid=44GLCU_INST:44GLCU_VU2&?u.ignore_date_coverage=true&rft.mms_id=991002471123103836

Open University Library Malaysia
<http://library.oum.edu.my/oumlib/content/catalog/778733>

CEPOS NEW CALL FOR PAPERS 2024

Stanford University Libraries, Stanford, United States
<https://searchworks.stanford.edu/?q=469823489>

Cornell University Library, Ithaca, United States
https://newcatalog.library.cornell.edu/catalog?search_field=publisher+number%2Fother+identifier&q=469823489

University of Michigan Library,
<https://search.lib.umich.edu/catalog?&library=All+libraries&query=isbn%3A469823489>

Pepperdine Libraries, Malibu, United States
https://pepperdine.worldcat.org/search?qt=wc_org_pepperdine&q=no:469823489

University of Victoria Libraries , Victoria, Canada
<http://uvic.summon.serialssolutions.com/#!/search?ho=t&fvf=ContentType,Journal%20Article,f&l=en&q=1584-224X>
Academic Journals database
<http://journaldatabase.info/journal/issn1584-224X>

University of Zurich Database
<https://www.jdb.uzh.ch/id/eprint/21535/>

California Institute of Technology - Caltech Library
<https://www.library.caltech.edu/eds/detail?db=poh&an=98646324&isbn=1584224X>

Staatsbibliothek zu Berlin
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=STABI_BERLIN&url=http%3A%2F%2Fstabikat.de%2FDB%3D1%2FCHARSET%3DISO-8859-1%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FSID%3D8dda05f3-1%2FSET%3D1%2FSHW%3FFRST%3D1&signature=eBtSKEx2BuW-HASpUsCT39FB3vQpIm6cGAajCH-kz44&showCoverImg=1

Union Catalogue of Belgian Libraries
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=VERBUND_BELGIEN&url=http%3A%2F%2Fwww.unicat.be%2FuniCat%3Ffunc%3Dsearch%26query%3Dsysid%3A7330250&signature=DxcVFwJmO1W4HpEAWW_ERyKR4oiGWXLGFinWk8fNU&showCoverImg=1

The National Library of Israel
http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en_US

Verbundkatalog GBV
<http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF->

CEPOS NEW CALL FOR PAPERS 2024

8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CIO%2CB9000%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=OmwA_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTYIo&showCoverImg=1

COPAC, registered trademark of The University of Manchester

<https://copac.jisc.ac.uk/search?&isn=1584-224x>

ACPN Catalogo Italiano dei Periodici, Universita di Bologna

<https://acpnsearch.unibo.it/journal/2601620>

Bibliothèque Nationale de Luxembourg

[https://a-z.lu/primos-](https://a-z.lu/primos-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

[explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L](https://a-z.lu/primos-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

National Library of Sweden

<http://libris.kb.se/bib/11702473>

Harold B. Lee Library, Brigham Young University

[http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[8&ctx_ver=Z39.88-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

Catalogue of Hamburg Libraries

[https://beluga.sub.uni-](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

[hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

Edith Cowan Australia

<https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X>

University College Cork, Ireland

[https://ucc.summon.serialssolutions.com/?q=1584-](https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=)

[224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=](https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=)

York University Library, Toronto, Ontario, Canada

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

The University of Chicago, USA

https://catalog.lib.uchicago.edu/vufind/Record/sfx_100000000726583

The University of Kansas KUMC Libraries Catalogue

<http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields>

CEPOS NEW CALL FOR PAPERS 2024

Journal Seek

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

State Library New South Wales, Sidney, Australia,

<http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-224X&searchscope=1&SORT=D&extended=0&SUBMIT=Search&searchlimits=&searchorigarg=i1583-9583>

Electronic Journal Library

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

Open University Malaysia

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

Wayne State University Libraries

<http://elibrary.wayne.edu/record=4203588>

Kun Shan University Library

http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

Western Theological Seminar

https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991001225541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0

Swansea University Prifysgol Abertawe

http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELF_SWA_VU1&reset_config=true#.VSU9SPmsVSk

Vanderbilt Library

https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschaftszentrum Berlin für Sozial

https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2

CEPOS NEW CALL FOR PAPERS 2024

Radboud University Nijmegen

[https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=Elektronische Zeitschriftenbibliothek EZB \(Electronic Journals Library\)](https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=Elektronische%20Zeitschriftenbibliothek%20EZB%20(Electronic%20Journals%20Library))
http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736

The University of Hong Kong Libraries

https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic

<https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25>

University of the West Library

<https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367>

Elektronische Zeitschriften der Universität zu Köln

https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Publications

https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University

https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=0displayMode%3Dfull&displayField=all&pcAvailabilityMode=true

Impact Factor Poland

<http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques>

CEPOS NEW CALL FOR PAPERS 2024

Universite Laval

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

Universität Passau

<https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22>

BSB Bayerische Staatsbibliothek

<https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838>

Deutsches Museum

<https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=dmm&Language=de>
Technische Hochschule Ingolstadt
[https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+[2])

Hochschule Augsburg, Bibliothek

<https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22>

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek

Freising, Germany
<https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de>

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek

OTHBR, Regensburg, Germany
<https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de>

Staatliche Bibliothek Neuburg/Donau, SBND,

Neuburg/Donau, Germany
<https://opac.sbnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22>

Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany

[https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+[2])

CEPOS NEW CALL FOR PAPERS 2024

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-Universität zu Berlin
Berlin, Germany
https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X

Hochschulbibliothek Ansbach, Ansbach, Germany
<https://fanoz3.bib-bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22>

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)
Frankfurt/Oder, Germany
<https://opac.europa-uni.de/InfoGuideClient.euvisis/start.do?Query=10%3d%22BV035261002%22>

University of California Library Catalog
<https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489>

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:
<http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2023)

CEPOS Conference 2023

The **Thirteenth International Conference** After Communism. East and West under Scrutiny (Craiova, 17-18 March 2023) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

Oxford Church & State Journal:
<https://academic.oup.com/jcs/articleabstract/65/1/168/7044222?redirectedFrom=fulltext>

10 Times: <https://10times.com/after-communism-east-andwest-under-scrutiny>

Conferencesite.eu:
<https://index.conferencesites.eu/conference/57510/13th-international-conference-after-communism-eastand-west-under-scrutiny>;

Schoolandcollegelistings
: <https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

Conferencealerts : <https://conferencealerts.com/showevent?id=247851>

CEPOS NEW CALL FOR PAPERS 2024

CEPOS Conference 2022

The **Twelfth International Conference** After Communism. East and West under Scrutiny (Craiova, 18-19 March 2022) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

<https://www.conferenceflare.com/events/category/social-sciences-and-humanities/art-history/>

Vinculation International Diciembre 2021 newsletter n 99

https://issuu.com/fundacionargentina5/docs/diciembre_2021_fundaci_n_argentina-ai_ok?fr=sZjg2NjE5NTg3OTY

<https://www.schoolandcollegelisting.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

<https://10times.com/company/cepos>

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

<https://conferencealerts.com/show-event?id=238529>

<https://www.sciencedz.net/conference/82995-cepos-international-conference-2022-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2021

The **Eleventh International Conference** After Communism. East and West under Scrutiny (Craiova, House of the University, 19-20 March 2021) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

<https://academic.oup.com/jcs/advance-articleabstract/doi/10.1093/jcs/csaa064/5941887?redirectedFrom=fulltext>

<https://conferencealerts.com/show-event?id=229654>

<https://www.sciencedz.net/en/conference/72628-11thinternational-conference-after-communism-east-and-west-under-scrutiny>

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

<https://worlduniversitydirectory.com/edu/event/?slib=11thinternational-conference-after-communism-east-and-west-under-scrutiny-2>

CEPOS Conference 2020

The **Tenth International Conference** After Communism. East and West under Scrutiny (27-28 March 2020) was evaluated and accepted for indexing in 7 international databases, catalogues and NGO's databases:

CEPOS NEW CALL FOR PAPERS 2024

Scichemistry

<http://scichemistry.org/ConferenceInfosByConferenceTopicId?conferenceTopicId=57>

Oxford Journals

<https://academic.oup.com/jcs/advance-articlepdf/doi/10.1093/jcs/csz078/30096829/csz078.pdf>

Conference alerts

<https://conferencealerts.com/show-event?id=215370>

<https://www.sciencedz.net/en/conference/57625-10thinternational-conference-after-communism-east-and-west-underscrutiny>

Intraders

<https://www.intraders.org>.

cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#ah=15737604302246&referrer=https%3A%2F%2Fwww.google.com&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.intraders.org%2Fnews%2Fromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F

10 times

<https://10times.com/after-communism-east-and-west-underscrutiny>

The conference alerts

<https://theconferencealerts.com/event/46428/10th-internationalconference-after-communism-east-and-west-under-scrutiny>

Scirea

<https://www.scirea.org/ConferenceInfosByConferenceCountryId?conferenceCountryId=75>

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State <https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF>

10 Times

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

Conference Alerts

<https://conferencealerts.com/show-event?id=205682>

CEPOS NEW CALL FOR PAPERS 2024

Researchgate

https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA

The Free Library

<https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTER+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701>

Science Dz.net

<https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

Conference Alerts, <https://conferencealerts.com/show-event?id=186626>

Sciencesdz, <http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

ManuscriptLink,

<https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event>

Maspolitiques, <http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny>

Aconf, https://www.aconf.org/conf_112399.html

Call4paper, <https://call4paper.com/listByCity?type=event&city=3025&count=count>

Eventegg, <https://eventegg.com/cepos/>

10 times, <https://10times.com/after-communism-east-and-west-under-scrutiny>

Biblioteca de Sociologie, <http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/>

Science Research Association <http://www.scirea.org/topiclisting?conferenceTopicId=5>

ResearcherBook <http://researcherbook.com/country/Romania>

Conference Search Net, <http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

SchoolandCollegeListings,

<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

CEPOS NEW CALL FOR PAPERS 2024

Vepub conference, <http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHN0ZmpkYU9nTHJzUkRmdz09/>

Geopolitika Hungary, <http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/>

CEPOS Conference 2017

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

Ethic & International Affairs (Carnegie Council), Cambridge University Press-<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

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>

CEPOS NEW CALL FOR PAPERS 2024

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/Romania>

10 TIMES-<http://10times.com/Romania>

CEPOS NEW CALL FOR PAPERS 2024

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>

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->

CEPOS NEW CALL FOR PAPERS 2024

kassel.de/mediawiki/index.php/After_communism:_East_and_West_under_scrutiny
:_Fourth_International_Conference

Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Políticas y Sociología,
futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.



RSP MANUSCRIPT SUBMISSION

GUIDELINES FOR PUBLICATION

REVISTA DE ȘTIINȚE POLITICE. REVUE DES SCIENCES POLITIQUES (RSP)

Email: Manuscripts should be submitted online at cepos2013@gmail.com with the following settings:

Page setup: B5 JIS

Paper title: For the title use Times New Roman 16 Bold, Center.

Author(s): For the Name and Surname of the author(s) use Times New Roman 14 Bold, Center. About the author(s): After each name insert a footnote (preceded by the symbol *) containing the author's professional title, didactic position, institutional affiliation, contact information, and email address.

E.g.: Anca Parmena Olimid*, Cătălina Maria Georgescu**, Cosmin Lucian Gherghe***

* Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407*****, Email: parmena2002@yahoo.com. (Use Times New Roman 9, Justified)

** Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407*****, Email: cata.georgescu@yahoo.com. (Use Times New Roman 9, Justified)

*** Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407*****, Email: avcosmingherghe@yahoo.com. (Use Times New Roman 9, Justified)

Author(s) are fully responsible for the copyright, authenticity and contents of their papers. Author(s) assume full responsibility that their paper is not under review for any refereed journal or conference proceedings.

Abstract

The abstract must provide the aims, objectives, methodology, results and main conclusions of the paper (please submit the papers by providing all these information in the abstract). It must be submitted in English and the length must not exceed 300 words. Use Times New Roman 10,5, Justify.

Keywords

Submit 5-6 keywords representative to the thematic approached in the paper. Use Times New Roman 10,5, Italic. After the keywords introduce three blank lines, before passing to the Article text.

Text Font: Times New Roman: 10,5

Reference citations within the text

Please cite within the text. Use authors' last names, with the year of publication.

RSP MANUSCRIPT SUBMISSION

E.g.: (Olimid, 2009: 14; Olimid and Georgescu, 2012: 14-15; Olimid, Georgescu and Gherghe, 2013: 20-23).

On first citation of references with more than three authors, give all names in full. On the next citation of references with more than three authors give the name of the first author followed by “et al.”.

To cite one Article by the same author(s) in the same year use the letters a, b, c, etc., after the year. E.g.: (Olimid, 2009a:14) (Olimid, 2009b: 25-26).

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.

Tables and Figures

Tables and figures are introduced in the text. The title appears above each table.

E.g.: Table 1. The results of the parliamentary elections (May 2014)

Proposed papers: Text of the Article should be between 3000-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.

All submissions will be double-blind reviewed by at least two reviewers.