R EVISTA DE ŞTIINŢE POLITICE
R EVUE DES SCIENCES POLITIQUES

Nr. 8 • 2005

ISSN: 1584-224X

CONTENTS

5

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

INTERNATIONAL RELATIONS

POLITICS AND ECONOMICS

6

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Terror, Manipulation and Demagogy - the Way to Absolute Power

Cezar Avram, Roxana Radu

After the World War II, the communist system has spread very fast in the shape of „people's democracies" whose leaders competed with themselves in order to show their „blind submission" toward Stalin. The USSR's intentions concerning the communisation of the central and south-eastern Europe were hiden through the agency of an intense action of manipulation and ideologisation, total control of the civil society, demagogy and broken commitments.

Through forgeries, suspicion between social classes and force actions with a view to obtain control upon a society preoccupied only with the presence of the army of occupation, the new leading power succeeded in deluding Romanians, Bulgarians, Czechs etc., directing the social, political and economic evolution of the „Kremlin's satellites" states to a veritable Stalinism.

In Romania, as well as in all the states that adopted the socialist system, the model of „dissimulating" complusion, violence and „class and ethnical genocide"[1] was put into practice, successful, for a short period of time, named by Jean François Soulet „frontist"[2], through tempting and unselfish promises, in creating, for a great number of Europeans, a state of enthusiasm and voluntary adhesion, long time forgotten. The hope to create an original democratic system and, through that, a new world relied on some momentary solutions. Among these solutions stood also the agrarian reform of March 1945, applied under the slogan of egalitarianism and proletarian fraternity.

Socialism, an ideology born in the middle of the 19th century, referring to property in general, considered that the aim of the revolutionary struggle is „the neccessity of changing the capitalist society into a more egalitarian system in which collective welfare becomes reality and the pursuit of selfish individual interest subordinates to values as association, community and cooperation"[3]. Private property non-existence and community property upon means of production and subsistence were the

7

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

doctrinary pillars for supporting the concept of Communism. Communist program promoted mainly the expropriation of capitalists of any kind so that productive potential should be used „in the frame of non-exploiting social relations, in one word, in communism"[4].

The idea of eliminating private property upon land was not a Marxist-Leninist-Stalinist invention. The great majority of Utopian projects crossing the history of the last two centuries argumented, more or less philosophically, the absolute solution of „Paradise on Earth". Not even Fourrier demonstrated originality when he launched „the associative model". In fact, he established a formula having its roots in the tribal community[5]. Marx, Engels and Lenin considered that the abolition of property concept would have led to social homogeneity. The proletariat, vector of social progress, had to deprive of goods not only the bourgeoisie, but also the peasantry. Together with the landowners' dissapearance, social classes also dissapeared automatically and the state, initially the agent of expropriation, eliminated itself in a short time, making room for a proletariat spread on the surface of the entire communist society. The alliance between labourers and peasant workers had to be, in the Marxist-Leninist vision, the prelude of asimilating peasant owners into the non-homogenous mass of the working class: no finality projects which, put into practice, caused painful material and human casualties.

Stalin endorsed the theory according to which socialism couldn't be built only in the cities, its building being necessary in the villages too. In the vision of „the brilliant strategist", power (thirst for power) and socialist society had to be a „comradery of production and consumption of the agricultural and industrial workers"[6], the building of a new society meaning organizing national economy „as a whole" fused through a „continous and always present class strife". The refusal to accept the theory of the balance between national economic fields and also the fight against the"working by itself" theory in the socialist building excluded the coexistence of the socialist field with the capitalist one. In the name of proletarian internationalism, the Soviets forced Romania to adopt the Stalinist model. And, as the socialism of the Soviet type was not able to bear fruit in a society based on heterogeneous relations of property, private property over land had to be abolished and replaced by collective ownership. The transformation was achieved in a repressive formula which reminded of the Eastern despotism applied equally to the economic, social and educational field. The ideological basis of the verdict of agricultural collectivism was the Marxist-Leninist-Stalinist creed that peasantry represented, by its definition, a reactionary class and only in this shape could be supervised and re-educated. The total war against peasant owners should have for finality the building of that unitary economic and social, wholly controllable body.

8

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

The process of sovietisation of the states entered by the liberating Soviet armies was minutely prepared by Kremlin leaders and imposed through a series of secret directives of the NKVD or the Bolshevik Party's secretariate. In a document from 2nd June 1947 belonging to the NKVD, 45 general dispositions for all countries being under Moscow's authority were inserted. The 13th disposition refered to the policy on small peasant farm which had „to be made non-advantageous" in order to „make an early start to collectivisation"[7].

The British historian Hugh Seton-Watson, discussing the communisation process, mentioned „the obligativity imposed by Kremlin to the new governments after 1944-1945 to make faithful copies of all the institutions, administration and individual-property relation"[8] in USSR, having in view, after setting-up the soviet political order, the nationalization, industrialization, collectivisation, labour force's mobilization, economic planning, communist propaganda and ideology etc.

The taking over of the political power by communists in the countries which were to adopt the Stalinist totalitarian regime, meant that pro-Bolshevik parties faced two possibilities of action:

- launching from the beginning the fight against landowners and capital owners, which would have revealed their totalitarian principles and would have left the communists without their allies, adherents and manoeuvre mass;

- calming the landowners through demagogical promisses and slogans and also through short-term legislative initiatives in order to quiet down a part of the bourgeoisie and give peasantry a safety feeling.

Romanian communists, as well as the Soviet, Bulgarian, Polish and Czech ones chose the second variant, displaying ability, flexibility and a lot of cynicism. Communist leaders launched themselves in promises, denying rumours of a possible collectivisation, although the expropriation and socialisation of land had been announced in the parties' programs and in the Comintern's documents since the interwar period.

Vasile Luca, an important communist leader, stated in the meeting of the National Democratic Front's Council from 24th January 1945 the necessity of starting a political crisis in order to undermine Rădescu's governement. Landed property confiscation „will determine the landowners to protest... but it won't frighten the peasants which will pay to the state for the given land, being more certain of themselves"[9].

The promise of an agrarian reform constituted one of the most important messages with a view to manipulate the aproximately 70% of the country's population which desired an immediate agrarian reform. Demagogically, the peasants were shown compassion for their status of low-paid workers similar to the one they had had in the Middle Ages.

9

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Disinformation continued with „the disparagement of the 1921 agrarian reform" which „had been made only for misleading peasantry". In the Communist Party's conception, agrarian property had not been liquidated after this reform and, as a rest of semi-feudal exploitation, was an obstacle for peasantry in their way to distinguish themself as an important economical and political force in the struggle for the revolutionary changes which had to be made in post-war Romania.

In the 10-step project of the country's communisation from 7th March, 1945 it was underlined that „the completion of the agrarian reform through the large estates confiscation and landowners' mination" and also through small peasant farms' abolishment „in order to deprive small peasant landowners of their machine-tools and cattle"[10] would be an important step towards peasantry's inclusion into the collectivist system which had to be applied in Romania.

In the first issue in legality of the „Scânteia" newspaper of September 1944 the specification of applying an urgency agrarian reform useful for the country's democratisation was inserted. „The necessity of giving land to poor peasants" was spread at all meetings and in all articles printed in „Scânteia" and in all local newspapers published by the communists, in manifestoes and slogans. Starting with the Congress from May 1921, the communist leaders prepared for Romania a scenario similar to the one applied in the Sovietic Union[11]. The expropriation of all estates larger than 30 ha and church lands' and the action of giving free land to peasants was to be sustained afterwards at the same time with the abolishment of the boyards' agrarian property". The communist leaders trained by Moscow were to deal with the 1944-1945 agrarian reform as if were a problem of class struggle.

In the states being at yhe peak of the communisation process, the agrarian reform was to take place between 1944 and 1947 after settling a maximum level of the property size[12], Romania having a favorable position in the expropriation's table. Like in the other countries, in Romania, which was in the very process of destroying Nazism, a public discussion about the agrarian reform was to be launched and a commission for the agrarian reform's study to be formed, this being considered the most direct way to obtain image capital. After a long period of inactivity, the National Liberal Party and the People's Party, took attitude and elaborated projects on the agrarian reform, trying to counteract the propagandist attack of the Communist Party.

The government policy of the National Democratic Front from 29th January 1945 published in the „Scânteia" newspaper included the agrarian reform, the communists' goal being „the confiscation of the agricultural lands belonging to war criminals and to the owners of more than 50 ha". The action of giving land was to be made through damages payed by 10 annual

installments, which created the impression of a policy of protecting private property.

In the electoral campaign of the Democratic Parties Bloc from the summer of 1946, Petru Groza declared pompously: „We don't envisage common ownership as the historical parties frighten you"[13]. Teohari Georgescu also said with simulated innocence, refering to the opinions on the possible collectivisation, that „Lies are all these things said to you"[14]. The electoral platform of the Democratic Parties Bloc from 20th May 1946 specified: „Small peasant farm, based on the individual property upon land will be protected and strengthened... Property certificates will be handed over to the new owners in the shortest time"[15].

In March 1945, through Petru Groza's governement, the Romanian communists applied an agrarian reform[16] whose consequence was on short term but which had a key role in forming an image of the Romanian Communist Party as being a devoted and sincere defender of the peasantry's interests.

With the aim of fulfilling the agrarian reform, the state took control of a series of agricultural goods „with all living and lifeless inventory belonging to them"[17] in order to be divided between the ploughmen entitled to be given land". The law expropriated any kind of agrarian properties which had belonged to the Romanian and German citizens, either physical or juridical persons, which had cooperated with Hitlerian Germany, „lands and other agricultural properties belonging to war criminals and to the ones guilty of the country's disaster", domains and agricultural goods of the absentee (landlords), „the lands of those persons which in the last consecutive 7 years haven't cultivated their domains by themselves, excepting less than 10 ha lots", also the goods of the deceased and „the surplus of the agricultural lands being someone's property" and which exceeded 50 ha. There were excepted from the expropriation, but only demagogically, „the existent rice plantations, the agricultural goods belonging to the monasteries, metropolitan churches, the goods of the Crown's Domain, hospital establishments and also the ones of the Romanian Academy, The House of Schools and others cultural establishments, the village communities, (...), haylofts and village's pastures and the goods being a part of the state's patrimony"[18].

The application of the agrarian reform was never finished. The Informative Bulletin of the Mehedinţi Gendarmes Legion of 25th January 1948 specified: „The agrarian reform was not finalized in a lot of villages. This issue is generating conflicts"[19].

The law on the agrarian reform was adopted after the lands had been occupied, many times through force actions by the peasants instigated by the communists. In the winter of 1944-1945 a situation of non-government arose,

in which usurpation was the leading law, a period named „revolution" by the communist propaganda.

The expropriation of over than 146,800 ha (the 9th part of the country's arable land) and giving land to more than 900,000 peasant families (among which 400,000 were not landowners) with more than 1,100,000 ha permitted to the Communist Party to detain, for the moment, a propagandistical base in the struggle for power[20]. The medium area of 1.1 ha that was given to each family was inferior to the one given in 1921 (4.3 ha) and also to the one given in 1864 (4 ha)[21].

The agrarian reform of 1945 was one of the strategical actions of the communists which went on up to March 1949 to „the collectivisation and abolishment of the private property upon land". The Party didn't limit itself to expropriating the great estates and giving land to peasants. It also looked up, in the first place, for the liquidation of great capitalists so that afterwards they could eliminate the traditional peasantry. In Romania, as well as in the other states controlled by the USSR, an unfair mixture of different social categories from the countryland appeared, a mixture that was going to turn on unseen abuses, a real genocide against the property in general and, as a consequence, against peasant landowners. The taxes and unbearable quotations were established by the leaders to track down the landowners from every locality that were considered „people's enemies". Few years later, the party's activists arrested, with the authorities' support, not only the Kulaks, but also the middle class peasants and even those peasants to whom they had given land in 1945, sending all of them before people's courts in order to give them terrible verdicts[22].

The historical Oltenia, with an area of 24,078 Kmp (1/5 of the national territory) had a population of 1,513,175 habitants among which the great majority (86.9%) lived in the rural area[23]. In the economic life of this region, the biggest part was held by agriculture. The region was famous for its great exploitations that held 30% of the zone's arable land[24]. The families with more than 50 ha represented 0.8% of the total of farmers and detained 32.2% of the arable zone area. At the beginning of 1945, the small and medium-sized peasant farms represented 95% of the total number of farms. Among those, 2% didn't own land, 46% owned maximum 3 ha, 47% between 3.01 and 10 ha and 4% between 10.01 and 50 ha[25].

The structure of the agricultural property in Oltenia - 1940

Aria	Number of farms	Total area	Sowed area
0-1 ha	18.6	1.6	2.1
1-3 ha	33.5	11.1	14.4
3-5 ha	22.8	15.3	19.3
5-10 ha	17.1	20.0	24.2
10-20 ha	5.5	12.0	13.3
20-50 ha	1.7	7.8	7.9

12

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

50-100 ha	0.4	4.5	4.2
100-500 ha	0.3	10.6	7.2
more than 500 ha	0.1	17.1	7.4

The analysis of the agricultural property in the Dolj county shows that 459 landowners detained 0.5% of the county's properties while 52 452 owners held land properties between 0.1 ha and 3 ha. This fact demonstrates the diminishing of the agricultural lots and also an important barrier to a modern land exploitation[26].

Lands' classification depending on its areas	Number of properties	% of the total of properties
0.1 – 3 ha	52,452	57.4
3.1 – 6 ha	27,362	29.7
6.1 – 9 ha	7,819	8.4
9.1 – 15 ha	2,594	2.7
15.1 – 20 ha	653	0.7
20.1 – 25 ha	248	0.3
25.1 – 30 ha	101	0.1
30.1 – 35 ha	52	0.2
35.1 – 50 ha	100	0.2
more than 50 ha	459	0.5
Total of properties	**91,840**	**100.0**

Similar data are available for the Olt county too. So, in 1943, the arable area of 220,145 ha belonged to a number of 53,657 landowners. The majority was represented by lots of 1-10 ha. 97.61% of the total number of landowners detained 72.65% of the county's arable area[27].

No.	Total of property	Area (in ha)	Surface (%)	Number of landowners	Number of landowners (%)
1	Small-sized property 1–10 ha	159,946	72.65	52,516	97.61
2	Medium-sized property 10 – 100 ha	25,369	11.52	1,114	2.07
3	Large property – more than 100 ha	34,830	15.82	167	0.31
	Total	220,145	100.0	53,797	100.0

The characteristic of the property's distribution was its parsing into small lots with serious repercussions upon modern exploitation and, as a consequence, upon agricultural development. The rural property „is excessively crumbled and, because of that, the agriculture is done with out of date means from where it results a decreasement of production, calculated in kg/ha"[28] as it was shown in the county's monography published in 1944. The

13

crumbling of the property is obvious as it results from the small-sized property analysis (1-10 ha)[29].

No.	Property area	Number of landowners	% of the total of landowners	% of the total of landowners of up to 10 ha
1	0.1 - 1 ha	16,046	29.82	30.55
2	1-2 ha	9,912	18.42	18.87
3	2-3 ha	7,824	14.54	14.89
4	3-4 ha	5,311	9.87	10.11
5	4-5 ha	5,540	10.29	10.54
6	5-6 ha	3,235	6.01	6.16
7	6-7 ha	1,634	3.03	3.11
8	7-8 ha	1,662	3.08	2.16
9	8-9 ha	625	1.16	1.19
10	9-10 ha	727	1.35	1.38
	Total	**52,516**	**97.61**	**100.0**

By analysing the category of up to 1 ha properties, we find out that 16,046 family landowners detained areas under 1 ha and the percent of „plotsowners" (less than 25 ha) was 94.84%. It is also revealing the fact that the agricultural reas between 1 and 3 ha represented more than the county's average (33.5%).

The insufficiency of the agricultural inventory, visible in Oltenia's counties, affected in a direct way the agricultural production. For example, in 1945, in the Olt county, an agricultural zone by excellence, there were only 94 tractors, a tractor i.e. 2 330.2 ha[30].

Tractors	94	Sowing machines	126
Straw threshing machines	68	Rollers	11
Locomobiles	42	Winnowing machines	51
Reaping machines	84	Disc ploughes	27
Corn threshing machines	13	Tilling machines	8
Ploughes	80	Weeding machines	30
Simple reaping machines	24	Simple sowing machines	3
Mowing machines	6	Combines	2
Selecting machines	13	Select. Mat.	5
Sorting machines	43	**Total**	**730**

The discrepancy illustrated by these data accentuated the use of the work force and also the peasants' aspirations for a more equitable distribution of the agrarian property. For example, in a county with a mostly hilly landscape – the Mehedinți county – the property structure presented

similarities and characteristics as in other plainy counties. So the structure of the landed property was[31]:

Agricultural enclosures	Area in ha		
	More than 50 ha	5 – 10 ha	Up to 5 ha
Baia	1,040	X	11,034
Bălăcița	6,910	X	12,167
Braniștea	7,306	X	20,300
Broșteni	2,063	X	12,342
Bîcleș	3,975	X	11,495
Devesel	5,087	X	12,461
Dunărea	2,205	X	7,586
Strehaia	2,632	X	13,043
Tr. Severin	970	X	10,001
Vânju Mare	3,182	X	17,097
Total	35,370	X	127,526

X – dates are missing

The numerical situation of the agrarian properties under 5 ha presented itself at the beginning of 1945 as follows[32]:

Agricultural enclosures	Areas up to 5 ha	Farms up to 1 ha and no land at all
Baia	7,637	2,400
Bălăcița	1,924	2,409
Braniștea	4,950	1,800
Broșteni	4,830	2,958
Bîcleș	4,946	1,820
Devesel	4,409	2,400
Dunărea	5,135	3,200
Strehaia	3,200	2,908
Tr. Severin	4,130	393
Vânju Mare	4,500	1,800
Total	45,659	22,088

Examining this county's property structure we can observe that 258 private estates detained an area of 35 370 ha, an area too small for modern exploitation if we take into consideration that the estates up to 5 ha owned 67 747 ha[33].

In the Mehedinți county most of the estates and also the largest ones were situated in the Braniștea, Bălăcița and Devesel agricultural enclosures - hilly and plainy zones - and the fewest and at the same time the smallest ones were situated in Baia de Aramă and Turnu Severin enclosures[34]. 45,659 of them were peasant properties under 5 ha stretching over 127,526 ha, meaning

that every farm had on average 3 ha. In this county there also were 22,088 peasant housekeepings with up to 1 ha area or no land at all, most of them being situated in the mountaineous and plateau zones (3,200 in Malovăţ net, 2,958 in Broşteni net, 2 400 in Baia de Aramă net).

The category of up to 1 ha landowners or of those who had no land at all represented the manoeuvre mass of the Communist Party in the fight against the estate owners at the beginning and then against „the land's good managers", no matter how much land they owned (more than 3 ha). With such a socio-economic structure and class composition, the villages of Oltenia, as well as of other country's zones, faced an acute conflictual state encouraged by the communists by any means.

The Communist Party's action as well as its allies (the National Democratic Front), demagogically based on „a real democratisation of the country and a realisation of economic and social reforms favourable to the people" was supported by the old dissatisfaction of those who were forced to work in serfdom regime or to be the work force in the exploitition of the large properties. The communists encouraged property violation which defied the in-force laws. That was only the beginning when, in an unnatural way, the law followed the action and not viceversa. The shift of the balance of forces in the favour of the National Democratic Front was caused by the deep discrepancy between the social categories living in the rural area, labour regime statuated by law-decrees during the war period, the application of the taxes necessary for sustaining the front troops, performing forced labour, the instability of the agriculture products' prices etc.

Owing to these dissatisfactions (the contradictions between labour force and capital) a political aspect ant to exposure of the necessary reforms under a radical form applied only by the Communist Party created a favourable situation for supporting the communists in their struggle for power. All things that didn't work out in the rural area (as the lack of first necessity goods and of harvesting large areas, the abuses etc.) were imputed to „the village bourgeoisie and to the local administrative structure lasting ever since Antonescu's government that committed abuses in their desperate fight to break the revolutionary process"[35].

Taking into consideration the real dissatisfactions created by the fact that Romania was participating to the war, in every locality peasant committees have been founded since October 1944, together with the Ploughmen's Front organisations, put themselves at the Communist Party's disposal. The Party recruited its members on the unique criterion of class strife and acted not only against the old administration but also against all those who were clasified by the Soviets as „enemies, saboteurs, imperialists".

In Oltenia's counties, acquiring the land and the commons by force was a phenomena also met in the interwar period and during Antonescu's

dictatorship. This is the case of Gogoşu and Ostrovul Mare commons which were ploughed and sowed by the villagers in the autumn of 1943[36]. The lands' taking over by force was done in correlation with the fight for power, an action started in 1944. On doctor Vasilescu's estate from the Mogoşeşti-Scorniceşti village, on the great properties from Alimăneşti, Văleni and Crâmpoaia (in the Olt county), on the estates of landlords from Dănceu, Flămânda, Pătule, Butoieşti, Crivina and Lupoaia (the Mehedinţi county)[37], Cetate, Carpen and Cleanov (the Dolj county)[38], the peasants started the ploughing without the landowners' and authorities' consent[39].

At the same time, under the events' presure, the local committees of expropriation and property giving at the village level started their activity, being made up of peasants with less land and by net commissions. Those committees were coordinated by the county's commission in charge of the agrarian reform. During their activity „many abuses and irregularities were committed", wrong interpretations of the notions of agricultural exploititions on administration and lease"[40], omissions on the new landowners' lists. This is the case of Baia de Aramă, Gruia, Târna, Fântâna Domnească etc. from the Mehedinţi county[41].

Because of the uncontrollable situation, the land giving until the passing of a law on the agrarian reform was forbidden by the authorities. Besides the communists' project that was going to be adopted by Petru Groza's government, there were some other projects put forward by the Liberal and the People's Party.

Starting with the autumn of 1944, a series of circular letters and orders given by the Ministery of Internal Affairs and adressed to the mayors retracted the authorisation of giving land for building houses in the waste places of localities to the invalids, war widows, demobilised and officers decorated with „Michael the Brave" Order [42].

Beginning with January 1945, a lot of conferences of the Ploughmen's Front county's organisations and the village committees were held simultaneously with those of the Communist Party. In February 1945 the action of giving land took proportion, becoming uncontrollable, even by the communists. The manifesto of the Ploughmen's Front of 10th February 1945, addressed to the peasantry in order to make the agrarian reform through their own forces had negative consequences even upon the land's sharing made after the promulgation of the agrarian reform law. On 18th February the same year, in Craiova was held the first Congress of ploughmen from the Dolj county where a motion was adopted through which stipulated that: „We, the delegates of the peasants from Dolj county, make the following engagement:

1. to wage a firm struggle to the final victory against fascism by helping the red army with farm produce and everything else needed on the front;

2. to continue the fight we started with the highest energy for immediate confiscation of the boyards' estates of more than 50 ha;

3. to live as brothers with the city workers in order to achieve the Romanian people's unity in order to remove the fascism from all the sectors and compartments of the public and economic life;

4. to complete the enthronement of eng. Nicolae Ciolac as prefect, to protest with all our energy against the army's interference into political bussiness, against the ill-treatment of the representants of the people and the National Democratic Front. We demand the punishment of those who are guilty of the fascist violences from the Dolj Prefecture;

5. to fight with determination for the immediate forming of a government of the National Democratic Front;

6. to make up immediately the government of the National Democratic Front"[43].

The victory won at Craiova through the Prefecture's occupation had significant consequences on the lawless application of the agrarian reform. From that moment on even the authorities (the prefect Nicolae Ciolac) instigated the peasants to violate private properties: „The land must belong to those who work it and not to those good-for-nothing who take advantage from someone else's work – he said in the declaration adressed to the Dolj county's population on the ocasion of the new prefect's arrival. Immediately make the lists of the new landowners. I'll stop whoever will interfere in and I'll support your struggle for the land that has to be yours"[44].

The actions of making lots and sharing the estates were followed, in many localities, by the ravagement of the landowners' houses. That happened on Vlădoianu, Fara and Otto Sachelarie estates from Vlădaia and Almăjel communes[45]. The instigation to rebellion was caused by the groups of communists and labourers from Craiova, Slatina, Piatra Olt, Drobeta-Turnu Severin etc. which travelled from village to village, participating to the land sharing, making lists with the new landowners and branding the landowners who were trying to appeal to the law.

The phenomenum of sowing without the consent of the landowners and authorities spread in the spring of 1945. In the Olt county all the 72 ha, 14 acres and 30 roods of the landowner Elena Coca N. Diaconescu from the Bârca commune were divided, 107 ha „with all inventory" of the landowner Caterina General C. Scărişoreanu from the Frunzaru commune[46], the „Rusca lui Toader" estate with an area of 262 ha „with all living and joint inventory" belonging to Dan Dumitru and Marieta Borcescu from the Crăciuneii de Sus commune[47]), the Victoria estate belonging to col. Buzoianu from the Dejeşti commune[48], Marin Piţigoi's estate from the Negreni[49], Gabriela Golgotianu's estate with an area of 150 ha arable land and 2 ha common, Profilea Golgotianu's estate with an area of 53,25 ha arable land and common, Ion

Ţiţescu's estate with an area of 50 ha, Alexandru Florea's estate with an area of 50 ha, Alexandru Firescu's estate with an area of 58 ha from the Oporelu commune[50], Margareta Eugen Baillavoine estate with an area of 163 ha from the Şerbăneşti commune[51], the estates of the heirs of Gen. Argeşeanu, Nicolae Protopopescu, Ştefan Ciocâlteu from Valea Mare, Priseaca, Turia[52], Dumitra Marinescu and Ecaterina Halânga Romano's estate from the Perieţi commune[53], Caterina Scărişoreanu's estate from Milcov[54], Marghioala Gălbeneanu's estate from the Potcoava commune[55] etc.

At the end of March and in the first decade of April 1945 there were wholly expropriated Maria Zaharescu Cormeu's estate from the Spineni commune, Teodor Firicel's estate from Vlaici and Coloneşti communes, Virgil Vlădescu's estate from the Alunişu commune[56], Maria and Vasile Marinescu's estate from Drăgăneşti, Ana Florescu's estate from Potcoava, Ecaterina Creţulescu's estate from Curtişoara commune, all the 104 ha arable land and orchards belonging to Lia V. Brătianu from the Sâmbureşti commune etc.

In the Mehedinţi county there were divided all the 258 ha of Călinescu, Mihai and Valerian Vulcănescu's estates to 145 families from the Goanţa commune, 160 ha of Marin V. Popescu's estate and 259 ha of Laurian Stănoiu's estate from Prisăceaua estate to 187 inhabitants, 658 acres of Gheorghe Pleşa's estate from Obârşia de Câmp commune to 276 inhabitants, 180 ha of M. Macavei estate, 150 ha of Vlădoianu estate[57] etc. Until 11th March 1945 there had been also confiscated and divided the Săvoiu estate (260 ha) - by the peasants from the Lupoaia commune, Al. Poenaru's estate – by the peasants from Dobra, all the estates from Balta Verde, Burila Mare, Burila Mică, Crivina, Izvoarele, Gemenii and Vânjuleţ from Devesel net etc.

At the end of February and the beginning of March, the action of taking and dividing land by force in Dolj county extended to Calafat, Băileşti, Melineşti, Brabova, Bârca and Rojişte nets. All the 2,000 ha belonging to Ştefan Barbu Drugă from Pleşa and Câncea[58] were also divided etc.

The promulgation of the agrarian reform's law on 23rd March 1945 stated, in fact, an illegality. After the promulgation, the action of giving land continued, but in a much slower rhythm. Until 17th May 1945, in the Dolj county there had been distributed 38,958 ha from the total of 39,354 ha allocated until the end of all actions. At that moment, 459 estates with an area of 39,699 ha had been expropriated, 39,545 peasants had been given 38,958 ha land and 22 acres, but only 0.2% of them had received their property certificates.

The distribution of the expropriated estates and their new peasant owners was the following[59]:

No.	Agricultural enclosures	Number of expropriated estates	Expropriated area	Number of the new landowners	Given properties
1	Băileşti	37	11,928	4,704	5,211.5
2	Bârca	28	5,584	2,699	2,514.0
3	Brabova	25	3,734	2,167	2,631.33
4	Breasta	43	8,492	2,822	3,892.24
5	Craiova	50	8,886	2,330	2,431.3
6	Calafat	13	5,988	4,303	3,843.03
7	Filiaşi	46	8,703	3,881	3,258.85
8	Gângiova	13	3,408	1,692	2,051.89
9	Melineşti	27	4,999	1,624	1,107.44
10	Pleniţa	93	10,882	4,783	4,183.04
11	Rojişte	17	3,089	1,693	1,164.50
12	Segarcea	30	100,001	3,421	3,717.10
13	Şimnic	37	5,005	2,259	2,024.0
	Total	**459**	**90,699**	**39,547**	**38,958.22**

In the Mehedinţi county, according to the data provided by the Chamber of Agriculture, at the beginning of April 258 estates had been expropriated [60]:

Agricultural enclosure	Number of estates by the area				Total
	50-100 ha	100-200 ha	200-300 ha	over 300 ha	
Baia	7	4	-	-	11
Bălăciţa	18	17	8	3	46
Braniştea	12	10	8	4	34
Broşteni	20	3	-	-	23
Bîcleş	20	5	6	2	33
Devesel	14	10	20	2	46
Dunărea	4	6	2	1	13
Strehaia	7	9	2	1	19
Tr. Severin	9	2	-	-	11
Vânju Mare	6	10	4	2	22
Total of estates	**117**	**76**	**50**	**15**	**258**

In the Mehedinţi county, the most and also the largest expropriated estates were situated in the plainy and hilly regions: Braniştea, Bălăciţa, Devesel agricultural enclosures. By June 1945 in all the county 260 estates had been expropriated, with an area of 21,156 ha, 14,548 had been given land with an area of 19,539 ha. The rest of up to 21,115 ha was kept in reserve for the model farms, the future GAS, and for the future machines centres. Until 7th September 1945, from among all the 22 088 peasant housekeepings with

up to 1 ha area or no land at all, only 15 106 received areas between 1 acre and 2 ha[61].

In the autumn of 1946 and also in the spring of 1947, the reports of the District Chamber of Agriculture sent to the central commission of land giving were in contradiction with the reports from 1945. So, the Chamber of Agriculture reported a number of 13 520 that had been given 13 469 ha in April 1947. These data included the persons decorated with „Michael the Brave" Order and among these areas there were also included the vegetable gardening and fruit growing farms from 5 communes[62]. In July 1948, the district agricultural enclosures reported the expropriation of aproximately 16000 ha, showing that the new landowners had received only 7,359 property certificates from a total of 11,282 certificates prepared; the rest of the certificates have never been handed to their owners[63].

The National Archives, not anly the ones from the Mehedinți county, but also from the other Oltenia's counties confirmed the fact that more than 70% of the property certificates had not been distributed to the new landowners and that even in the present days they are still in these institutions' storehouses. This situation was due to the incorrect evaluation of the expropriated areas and also to the fact that the authorities wanted to amplify the data in the message addressed to the population. The delay in getting possession of the land was also of huge size.

On 12th February 1946, the application of the agrarian reform law in the Olt county looked like this[64]:

Enclosure	No. of Ee	No. of Ebe	Eba (ha)	Ea (ha)	Npl	Total Ea	Ue up to 50 ha	Ei
Slatina	42	48	4,084	3,085	2,438	4,505	511	
Drăgănești	93	93	5,977	5,827	4,777	8,267	3,510	
Dumitrești (Vulturești)	51	55	3,685.56	2,822.56	1,757	2,904	679.50	
Văleni	55	55	4,448	4,448	3,257	5,748.50	2,750	
Potcoava	31	31	3,154	1,761	3,000	3,311	1,550	
Spineni	6	6	307.35	307.25	299	567	259.75	
Total	**289**	**278**	**20,885**	**18,208.81**	**14,528**	**25,392.5**	**9,260.25**	**730**

Ee – expropriate estates, Ebe – expropriable estates, Eba – expropriable area, Ea – expropriated area, Npl – new peasant landowners, Ue – unexpropriated estates, Ei – expropriated inventory.

In the summer of 1946, the expropriated estates counted 289, having an area of 20,885 ha. Land's expropriation was sustained also by the expropriation of the living and lifeless inventory. So, 18 reaping machines, 15 locomobiles, 18 threshing machines, 7 ploughes, 3 weeding machines, 1 winnowing machine, 26 horses, and 10 oxen had been confiscated by the commissions of expropriation[65].

Although the government established the deadline for completing the agrarian reform on August 1946, in most of the Oltenia's counties localities, the workings were to be continued long after this term. For example, by August 1946, the action of land giving had been applied in only 69 communes of the Mehedinți county out of a total of 170 and 71 communes of the Dolj county out of a total of 184 etc.

In the majority of the localities from Oltenia's counties, the projects of making lots and the property documents were in progress. The appeals and complaints represented also a factor of delaying the action of giving land to the peasants. Certainly, the decisive factor was the application of the Stalinist model of collectivisation. On 20th January 1948, the commissions for the agrarian reform's application from the Mehedinți, Dolj and Olt counties were suppressed because „their tasks were vast and still hard to be achieved". In May 1949, the Vânju Mare agricultural enclosure reported to the provisional Committee of the Mehedinți county that the lists of new landowners had been modified in some communes[66]. In April 1950, the agrarian section of the provisional Committee of the Mehedinți county informed the Ministry of Agriculture that it was in the impossibility of drawing out the tables of debts for the payment of lots given on a legal basis for 48 communes[67].

Despite all its limitations, the agrarian reform of 1945 had a decisive consequence on the matter of configurating a new socio-economic structure in Oltenia's counties and also in the whole country.

The Decree no. 83/1949 concluded the first phase of land's nationalisation, a process which started in 1945. The agrarian policy of the Communist Party was about to end, this decree being the prelude of the collectivisation process[68].

The Official Bulletin issue no. 1 of 2nd March 1949 published Decree 83, approved on 1st March 1949, which completed the dispositions of the Law no. 187/1945, aiming to „stop the action of sabotage of the sowing plan and the agricultural production". According to this decree, there was expropriation, as „all people's goods", the landed gentry's agricultural exploitations which were the object of expropriation on the basis of Law no. 187/1945, the model farms established on the basis of the same law, with all their living and lifeless inventory, and the buildings belonging or alloted to this exploitations „no matter the place where they are situated", also the agricultural and semi-industrial plants, other goods and stuff alloted to the agricultural exploitations, agricultural products ment for capitalisation, „wherever they had been stored", and which belonged to the landed gentry's expropriated exploitations, all credits, value titles and rights resulting from these exploitations.

Before the decree's promulgation there had been prepared lists with the expropriated landlords and special groups took charge of the application

of the Decree 83/1949 in the night of 2nd-3rd March. The decree was followed by the order of the Ministery of Agriculture no. 353/1949 and, together with the prefectures' orders formed the legal act on the basis of which the expropriation was put into practice.

The dispositions of the order of Craiova net pretorium of 1st April 1949 were even more restrictive than the ones included in the Decree 83/1949: „The expropriation of C. Poenaru, Ilie Mărăscu and Aurel Costescu landlords from the Malu Mare commune should be complete and they have to be brought under escort to Craiova net pretorium".

As a consequence of this decree, in Oltenia's 5 counties the estates were expropriated according to the next table[69]:

No.	County	No. of Ep	Mh	E	Far	Ea (ha)	Total Ea (ha)	Hs	For	Fd
1.	Dolj	444	308	342	5	60,735	92,501	88	11,086	276
2.	Gorj	58	50	69	2	2,071	13,975	1,093	8,915	57
3.	Mehedinți	71	62	93	2	3,426	10,273	723	5,631	56
4.	Romanați	393	274	364	4	39,263	48,978	194	3,615	272
5.	Vâlcea	93	86	117	1	3,045	11,114	812	5,762	91
	Total	**1,059**	**780**	**985**	**14**	**108,540**	**176,841**	**2,910**	**35,008**	**752**

Ep – expropriated persons, Mh – manor houses, E – estates, Far – farms, Eaa – expropriated arable area, Ea – expropriated area, Hs – hay stacks, For – forests, Fd – forced domicile.

In the meeting of the District Bureau of the Romanian Labourist Party from 27th March 1949 it was decided that „the enemy of the state, labourers and peasants - the landed gentry - should be expropriated of all their fortune to the last shirt"[70] and „if there is any sign of resistance or theft, the landlords will be arrested without panic"[71].

During the action the legal dispositions were violated. In the Vâlcea county, besides buildings, agricultural areas, large quantities of wheat were wholly confiscated and even the food reserves although the dispositions of the decree didn't include them: soap, sugar, fat, eggs, honey, tomato sauce, wine, plum brandy, dry and fresh fruit, potatoes, onion, corn cobs, straws, hemp etc. Although the article 3 of the Decree 83/1949 stipulated that its dispositions would not be applied to the objects of personal and domestic use belonging to the owners of the expropriated exploitations on the basis of the article 1, and also to their families, the food from these exploitations' storehouses affected to personal consumption „there were nationalised also the pans, pots, door mats, blankets, mattresses, beds, glasses, plates, forks and spoons etc., together with the last food reserves belonging to the families of the former landowners of up to 50 ha lands expropriated in 1945". The same situation could be met in the Dolj county also. From Gh. Gărdăreanu from Portărești, the Bârca enclosure, there were confiscated 7 kg onion, 12

kg potatoes, 6 plates, 11 spoons, 2 mattresses, 3 pieces of leather, 5 jars of jam[72]. From Julea Ecaterina from the Raznic commune, the Breasta enclosure, beside the 181 ha and 2 houses expropriate, there were confiscated 14 plates, 9 bowls, 3 pieces of leather, 64 framed pictures, 11 paintings by unknown authors, 146 leather-bound books etc[73]. From the heir Ivanov Alex. from the Terpeziţa commune, the Breasta enclosure, besides the 262 ha of land, there were confiscated 16 eggs, 2 kg of beans, 3 kg of onion, 7 kg of dry fruit, 4 shirts, 15 bed sheets, 21 pillows and 7 blankets[74].

It can be easily observed that many landowners had at that moment areas that surpassed 50 ha by far: eng. Brătăşanu from the Urzica Mare commune – 695 ha expropriated; Marian Emil from the Bârca commune – 507 ha; Defleurig N. Mihăiţă from the Breasta commune – 395 ha; The Domains of the Crown from Segarcea – 4,444 ha; Păianu Teodor from Foişor – 550 ha; Vrăbiescu Elvira from the Ghindeni commune – 442 ha expropriated etc[75].

All expropriated landowners that were found at their domicile were moved to the cities, being forced to remain inside their houses of domicile. There were also cases in which the landowners were arrested: Eugenia Constantinescu – Breasta, Barbu Marinescu – Carpeni, Anghelina Ecaterina – Braneţi, Zoia Ionescu – Beloţ, Ecaterina Isvoranu – Brabova, Nicolae Bârlănescu – Pleşoi etc[76]; brought to trial: Vasiluţa Mihai – Veleni, Margareta Vârzovan – Pleşoi, Sanda Oroveanu – Botoşani etc[77]; others, although they were not brought to trial, were imprisoned: Nicu Iuga – Rasnic, Constantin Negoescu – Cernăteşti, Gh. Amărăscu – Brabova etc[78].

The Decree no. 83/1949 stipulated sentences of 5 to 15 years hard labour and fortune confiscation, for „those who, by any means, will prevent or try to stop the expropriation according to the dispositions of this decree, those who will conceal the goods submitted to the expropriation or harm, destroy, alienate, move or decrease, by any means, the goods and plants submitted to these expropriations". On the basis of this disposition, Teodorescu Ştefan from the Podari commune, the Dolj county, was brought to trial and sentenced to 12 years imprisonment and fortune confiscation through the verdict no.1719 of 19 April 1949 of the Craiova People's Law Court[79].

The same sentence was given to those who presented incorrect or incomplete reports on these goods to the state's bodies. Civil servants and the persons authorized by the decree which would not fulfil their tasks or would prevent the fulfilment of their tasks were sentenced to 3 to 12 years imprisonment or to 25,000 lei to 200,000 lei fine. The offences stipulated by this decree could be found and sued for damages according to Law nr. 351 of 3rd May 1945 and, after its abrogation, according to the Decree nr. 83 of 30 April 1949.

The Ministry of Agriculture was charged with the application of the Decree no. 83/1949, as well as the Ministry of Justice (through the „people's law courts" transformed in „people's tribunals" by the Law no. 5 from1952[80]) and the Ministry of Internal Affairs and, after its foundation, the Department for the State's Security[81].

According to this decree, the state took control of the agricultural areas which were going to be given to the state-owned agricultural enterprises – GAS (29 in the 5 Oltenia's counties at the end of 1949), to the institutions and state-owned enterprises, to the people's conferences, to some poor and medium-sized peasants with the obligation to supply 60% of production to the state). At the same time with the foundation of the collective farms, the rest of the agricultural land was distributed, on the basis of some decrees of the Ministry of National Defence or resolutions of the Council of Ministers, to the collective farms „for eternal use" . Starting with 1950, a series of agricultural collective farms (GAC) get arable land that was alloted to the state-owned agricultural enterprises (GAS) and to the stations of machines and tractors (SMT), people's conferences, to the institutions and enterprises, to the labourer peasants which refused to work the land because of the high percent of production that had to be given to the state[82].

After their foundation, the agricultural ownerships (TOZ) got arable land belonging to the field of application of the 83/1949 Decree[83]. A small part of the arable land expropriated in March 1949 was given to the labourer peasants „for eternal use", but this was a short-term disposition because of the more and more menacing collectivisation[84].

The agrarian reform of 1945, as well as the Decree no. 83/1949, modified not only the social structure, but also property's structure. An entire social class – the landed gentry – dissappeared, followed by the wealthy peasantry – the kulaks, together with a considerable part of the medium size peasantry. From a numerical poit of view, the kulaks seemingly represented a relatively small percent, but they were really a double menace for the communist regime: on the one hand, they owned 24.81% of the agricultural area, on the other hand, the farms of the wealthy peasants represented the strongest resistance in the social and economic field, to the collectivist attack promoted by all repression instruments.

An important position in the frame of the collectivisation process was occupied by founding the political line and the strategic methods towards different social categories in the villages.

The poor and the medium-sized peasantry represented, at least in the party's documents, the ally of the working class in the process of „revolutioning and building the socialist society". Detaining 49.5% of the total number of individual agricultural farms, the poor peasantry (with lots up to 3 ha) had 35.67% of the agricultural area. The medium-sized peasantry

represented 41.3% of individual agricultural farms, owning 43.99% of the agricultural land. From the point of view of its economic power, medium-sized peasants detained aproximately one half of the agricultural means of production and brought to the market important quantities of grains. In the first phase of the collectivisation, they represented the main objective of the conscription in the lines of the collective structures due to their living and lifeless inventory. In the Communist Party's vision, the poor and medium-sized peasants were a part of the social class of working peasantry.

In the Romanian agriculture there was also the social category of the agrarian workers who performed their activity in the state-owned agricultural farms, stations of machines and tractors or in the wealthy peasantry's farms. In Oltenia they numbered a few thousands.

Another social category were the wealthy peasants which, in January 1949, represented 8.7% of the individual peasant farms from Oltenia. They detained 19.30% of the agricultural area. This category was the main enemy of the communist regime in the rural field. In order to distinguish the labourer peasant (poor or medium-sized) from the wealthy peasant (the kulak), in the documents of the Plenary Session of 3rd-5th March 1949 were established the following criteria: if he owned land, the region where the land was situated, if he detained other means of production and how many, what kind of means of production, the crops structure, the amount of the crops, the percent of the production he brought on the market, if he exploited or not foreign labour, whether he was or not exploited by the others, the size of his family etc.[85] These criteria were not met because the political criterion and the will of the local authorities had priority.

On 1st January 1950, the situation of the lands in Dolj region (which included the Dolj and Romanați counties), depending on categories of use and agricultural sectors there was[86]:

No.	Specification	Total/region	State-owned sector	Gostat	GAC	Individual sector
1.	General Total	955,159 (Craiova region 2,030,000)	42,841	8,916	498	903,402
2.	Total of the agricultural land	765,227 (Craiova reg. 1,297,150)	40,802	8,809	489	715,616
3.	Arable land	690,801 (Craiova reg. 1,012,169)	36,150	8,614	474	636,028
4.	Natural pastures	47,796 (Craiova reg. 173,994)	2,993	14	0.32	44,709
5.	Natural haystack	13,465 (Craiova reg. 62,292	641	66	0.75	12,750
6.	Vineyards and agricultural nurseries	20,645 (Craiova reg. 33,445)	725	101	9.05	19,819
7.	Orchards and fruit tree nursery	2,520 (Craiova reg. 15,290)	101	14	7.5	2,222

8.	Total of the agricultural land	189,932	2,039	107	11	187,786
9.	Forests	95,069 (Craiova reg. 444,793)	377	3	3.5	94,689
10.	Swamps	22,796 (Craiova reg. 25,609)	427	3	2	22,366
11.	Courtyards and buildings	34,186	731	88	19..5	33,367
12.	Unused	37,881	504	13	0.8	37,367

On 31st December 1951 in the Dolj region (the Dolj and Romanați counties) there were 48 *agricultural collective farms* (GACs)[87] and in the Craiova region there were 78 GACs with 3511 families and an area of 12,865 ha agricultural land out of which 12,260 arable land. In 1951 only 6 GAC were founded. At the same time, in Romania 1.089 GACs were functioning, 62 more than on 31st December 1950. The number of GACs founded in 1951 decreased, due mainly to the peasantry's resistence to the deprivement of land, the difficult process of obtaining official approval, the struggle for power between the Communist Party's leaders.

On 31st December 1952, there were 134 GACs with 6,321 families and 18,265 ha agricultural area, among which 17,815 ha arable land at the level of the Craiova region[88], in Romania functioning a total of 1 795 GACs with 171,445 families and 736,346 ha[89]. The rhythm of founding the GACs in the Craiova region was faster than in 1951 and even faster than in 1953 (56 GACs).

The process of collectivisation was completed in April 1962, a time when the social structure and the property's structure had already „socialist roots". The first phase of the so-called operation of „training the new man" put an end to an objective never fulfilled in any totalitarian regime.

Notes

[1] The annihilation of the opposition and even the psyhical ruin of the landowners, bourgeoisie, Kulaks and german population represented the principal objective of the communist power in the first years of the totalitarian regime.

[2] Jean Francois Soulet, *The comparative history of the communist states from 1945 till our days,* Polirom Publishing House, Bucharest, 1998, p. 27.

[3] *Dictionary of politics*, „Univers Enciclopedic" Publishing House, Bucharest, 2001, p. 416.

[4] Cezar Avram, *Nationalization, expropriation, communist action and ideology*, MJM Publishing House, Craiova, 2002, p. 13.

[5] Cezar Avram, *The Stalinist decade. Colectivisation facing history,* „Libertatea" Publishing House, Panciova, 2005, p. 45.

[6] I.V. Stalin, *Works,* vol. VII, „Cartea Rusă" Publishing House, Bucharest, 1949, p. 200.

[7] *The communist agression in Romania,* vol. I, „Paideia" Publishing House, Bucharest, 1997, p. 10.

[8] *Idem,* p. 11.

[9] Bogdan Murgescu (coord.), *Romanian history in texts*, Corint Publishing House, Bucharest, 2001, p. 356.

[10] *Idem,* p. 358.

[11] One of the first measures adopted by Lenin after the Bolsheviks had gain the power was „the land Decree" through which peasants were going to beneficiate from a substantial agrarian reform. After the consolidation of the sovietic power, the Bolsheviks were to break the alliance with the poor peasants to whom they had given land, by expropriating their lots in order to accomplish the compulsory collectivisation.

[12] 57 ha in Hungary, 50 ha in Romania, 5 ha in Albania.

[13] „Semnalul" newspaper from 6th June 1946.

[14] „Semnalul" newspaper from 31st July 1946.

[15] Stelian Neagoe, *The political history of Romania, 1944-1947,* Bucharest, „Noua Alternativă" Publishing House, 1996, p. 359.

[16] The Law no. 107 and the Decree nr. 816 from March 1945.

[17] „Monitorul Oficial" no. 68 bis from 23rd March 1945, p. 2205.

[18] *Ibidem.*

[19] Nat. Arch. Turnu Severin, the Mehedinți Gendarmes Legion fund, dos. nr 66/1948, f. 4.

[20] Dinu C. Giurescu (coord.), *Romania's history in dates,* Bucharest, Enciclopedic Publishing House, 2003, p. 468.

[21] *Ibidem.*

[22] Jean-Francois Soulet, *cited work*, p. 42.

[23] The county with the highest level of rural inhabitants was Gorj county (93,7%), and the lowest level was in Dolj county (81,1%); see *The Romanian statistical year book, 1939-1940,* Bucharest, 1941, p. 42, 44.

[24] There were properties stretching on thousands ha: Jean Mihail – 18 979 ha, Dumitru Burileanu – 8 524 ha, Sanda Știrbei – 8 006 ha.

[25] Source: *The Romanian statistical year book, 1939-1940,* Bucharest, p. 403.

[26] Nat. Arch. Craiova, The Chamber of Agriculture - Dolj fond, inv. Nr. 2, dos. Nr. 2/1945, f. 1-10.

[27] According to Gh. Petrescu, Florin Hodinănanu, *The monography of Olt county,* vol. I, Slatina, 1944, p. 54.

[28] Gh. Petrescu, Florin Hodinănanu, *cited work,* vol. I, Slatina, 1944, p. 55.

[29] *Ibidem.*

[30] The lifeless inventory expropriated by the agrarian reform law (Nat. Arch. Olt, the Chamber of Agriculture of Olt county fund, dos. 129/1945, f. 74).

[31] Nat. Arch. Mehedinți, the Chamber of Agriculture of Mehedinți county fund, dos. 26/1945, f. 291.

[32] *Idem*, f. 296.

[33] On 9th March 1945, the Chamber of Agriculture of Mehedinți county reported to the Inspectorate of the Landed Property from Craiova the fact that there was a series of properties non-measured by them with an area of 36,979 ha and 4,500 acres to which added communal properties and the associations (*Idem,* f. 289-290; *Idem,* the Prefecture of Mehedinți county fund, dos. 4/1944, f. 1-4).

[34] Devesel net– 22 properties between 200 ha and 300 ha; Cujmir net – 12 properties between 200 ha and 300 ha; Bălăcița net – 11 properties of 250-300 ha; Bâcleș and Vânjul Mare net – 6 properties between 200 ha and 300 ha; Dunărea and Strehaia net – 3 properties between 200 ha and 300 ha (*ibidem*).

[35] Nat. Arch. Olt, Prefecture of Olt county fund,dos. 16/1945, f. n.

[36] Nat. Arch. Mehedinți, Prefecture of Mehedinți county fund, dos. 41/1943, f. 112.

[27] *Idem,* dos. 8/1945, f. 4-25.

[38] „Înainte" newspaper, issue of 14th January 1945; *idem,* 10th February 1945.

28

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

[39] Nat. Arch. Olt, the Chamber of Agriculture of the Olt county fund, dos. 164/1944, f. 3-7.

[40] Nat. Arch. Mehedinți, the Chamber of Agriculture of Mehedinți county fund, dos. 26/1945, f. 44.

[41] *Idem,* dos. 15/1945, f. 32; dos. 18/1945, f. 152-154.

[42] *Idem,* dos. 19/1944, f. 7.

[43] „Înainte" newspaper, issue of 22nd February 1945.

[44] Nat. Arch.Dolj, the Chamber of Agriculture of Dolj county fund, dos. 425/1945, f. 2.

[45] „Severinul liber" newspaper nr. 11 from 4th March 1945.

[46] Nat. Arch.Olt, the Chamber of Agriculture of Olt county fund, dos. 129/1945, f. 82.

[47] *Idem,* f. 98.

[48] *Idem,* f. 99.

[49] *Idem,* dos. 131/1945, f. 75-77.

[50] *Idem,* dos. 133/1945, f. 28-32.

[51] *Idem,* dos. 134/1945, f. 12-35.

[52] *Idem,* dos. 137/1945, f. 6-12, 20-23.

[53] *Idem,* dos. 139/1945, f. 1-63.

[54] *Idem,* dos. 138/1945, f. 10, 14.

[55] *Ibidem.*

[56] *Idem,* dos. 151/1945, f. 10-12, 21-23, 34.

[57] „Severinul liber" newspaper nr. 13, 14 from April-May 1945.

[58] „Înainte" newspaper from 1st February 1945.

[59] Nat. Arch.Dolj, the District Committee of the Romanian Communist Party fund, box 52, dos. 9/1945, f. 5-14.

[60] Nat. Arch. Mehedinți, the Chamber of Agriculture of Mehedinți county fund, dos. 26/1946, f. 291.

[61] *Idem,* dos. 3/1946, f. 10.

[62] *Idem,* f. 132.

[63] *Idem,* f. 302.

[64] Nat. Arch.Olt, the Chamber of Agriculture of Olt county fund, dos. 129/1945, dos. 19/1946, dos. 23/1947.

[65] *Idem,* dos. 19/1946, f. n.

[66] Nat. Arch. Mehedinți, the Chamber of Agriculture of Mehedinți county fund, dos. 7/1950, f. 203.

[67] *Idem,* p. 209.

[68] Cezar Avram, *The Stalinist decade. Colectivisation facing history,* „Libertatea" Publishing House, Panciova, 2005, p. 127.

[69] Nat. Arch. Dolj, Prefecture of the Dolj county, administrative service, dos. 22/1949, f. 47, 51–63; dos. 205/1949, f. 31–264; agricultural section, dos. 197/1949, f. 1–63; 74/1952, f. 15–89, 94–108; dos. 81/1952,   f. 7–219.

[70] *Idem.* Romanian Labourist Party of the Dolj county, prime-secretary bureau, dos. 3/1949, p. 19.

[71] *Ibidem.*

[72] *Idem,* special bureau, dos.17/1949, f. 63.

[73] *Idem,* dos. 8/1950, f. 17.

[74] *Idem,* p. 112.

[75] *Idem,* St. Pop. Dolj Reg., dos. 141/1949, f. 1–17.

[76] *Idem,* special bureau, dos. 126/1950, f. 91–177.

[77] *Idem,* dos. 73/1951, f. 83–87.

[78] *Idem,* f. 61–70.

[79] *Idem,* dos. 5/1950, f. 42.

[80] The Official Bulletin issue no. 31 of 19th June 1952.

[81] Nat. Arh. Dolj, St. Pop. Craiova Reg., special bureau, dos. 119/1950, f. 36.

[82] *Idem,* dos. 51/1952, f. 46.

[83] *Idem,* dos. 36/1952, f. 118.

[84] *Idem,* dos. 87/1953, f. 27–81.

[85] *Documents concerning the agrarian policy…,* Bucharest, Political Publishing House, 1965, p. 37.

[86] Nat. Arch. Dolj, St. Pop. Craiova Reg., agricultural section, dos. 195/1951, f. 4.

[87] *Idem*, f. 21.

[88] *Idem*, dos. 79/1952, f. 92–106.

[89] N.S. Stănescu, *cited work,* p. 162.

Résumé

À la suite de la Seconde Guerre Mondiale, le système communiste s'est étendu très rapidement sous la forme des « démocraties populaires », dont les dirigeants sont entrés en compétition pour se montrer « la soumission aveugle face à Staline ». Les intentions de l'URSS concernant la communisation du Centre et du Sud-Est Européen ont été dissimulées par une intense action de manipulation et d'endoctrinement, de contrôle total de la société civile, de démagogie et de promesses manquées.

30

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Stages of the Postwar Political Institutional System in Romania

Silviu Şomîcu

The establishment of Petru Groza's Government on 6th of March, dominated by the left- wing alliance of the National Democratic Front (NDF), was the key-point in starting the major changes process in Romania after the World War II.

Having the support of the USSR, a new political elite took the power at an auspicious moment in the international context, using the people's protest actions.

However, the new political class wanted to legitimate and strengthen its authority by organising and winning the elections.

This was the main goal not only for the government forces around NDF, but also for the opposition parties represented by the National Liberal Party (NLP)-Dinu Bratianu and the National Peasants' Party (NpeP)-Iuliu Maniu, so in March 1946 they started preparating for the elections although these were planned for November 1946. One year celebration since the new government was established at ARO Hall in Bucharest had electoral features as well as the actions on 1st of May that took place in Galati and Brasov, where a number of 60, and 80 thousand people respectively participated. Among the government electoral measures of discouraging the opponents, we can also mention Marshal Antonescu's trial started on 7th of may 1946 when Iuliu Maniu-NPeP and Dinu Bratianu-NLP were accused of having cooperated with Antonescu's regime.On 1st of June, a day before the official beginning of the election campaign, Marshal Antonescu was executed and on 18th of November 1946, a day before the elections, the sentence condamning all the participants in the „National Resistence Group", among which Gen.Aurel Aldea and Constantin Eftimiu, was given.[1]

Two laws were to determine important constitutional changes: the Decree concerning the legislative power exercise and the Law-Decree concerning the deputy elections.[2] The new law caused important changes to the previous one[3] as the Senate had to be abolished, only the House of Representatives still remained, the age of 21 was settled for the electors and of 25 for the candidates, the right to vote for women and soldiers, the right for the clerks to be elected, excluding the ones who had been accused of

31

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

purifying laws and the ones who had held offices between 1940 and 1944 – including the mayors of the towns and county capital cities, the ones who had belonged to some totalitary organisations after 21st of November 1940, the volunteers that had participated in the war until 23rd of August, the candidates of the National Christian Party and „All for Country" party, the leaders of the Jewish Central and Romanian-German or Romanian-Hungary associations leaders.

The clauses meant to be against the old political elite also had exceptions, some of which were vaguely formulated and here we can mention the ones referring to the people who had been removed due to their democratic preferences or because they had fought as volunteers against the nations with which Romania was at war after 23rd of August 1944. These wordings allowed the ones in charge to decide who could benefit of these exceptions, the ones supporting the government being facilitated and the opponents- badly treated.

The selections had started long ago, before the elections, but they were amplified in the election period. A great number of the military staff had been reduced before the war ended and after that, but also around the election in 1946. 4,601 officers and 1998 sub-officers had been dismissed until the end of 1945[4] and in the summer of 1945 only half of the officers and 40% of the sub-officers were still employed.[5] The political criteria were the grounds for these dismissals, and on 8th of August, the 1,000 officers dismissed were considered „reactors".[6]

Some of the laws had electoral, pro-guvernment features: the financial laws – on the decrease of the salary taxes, on the increase of the pensions, Romanian Railways employees and war invalids' pensions, the law concerning the reintegration in schools of those excluded in 1940, the law that re-integrated the dismissed officers and graded the officers who participated in the 23rd of August action, the law concerning C.I. Parhon's recognition and reintegration in activity, and who was candidating for a goverment position.

They persuaded other social categories to join them, by finding solutions to their demands, canvassing this way, like it was in October 1946, when dr. Petru Groza involved himself in distributing 12,000 private ownership titles on land[7], an action that had obvious electoral consequences upon the peasantry.

Another goal of their election campaign were the soldiers that had gained the right to vote. The economic crisis, the war duties, the lack of military camps, the military staff decrease were the features of the moral and material conditions of the Romanian army that had become „a sponge for popular canvass of the parties gathered within BDP"[8] (governmental new electoral alliance named Block of Democratic Partyes) and which was materialized, trying to gain the army by different means among which the

electoral law (of 13th of July 1946) that gave them the right to vote and increased their wages and staff stores.[9]

But the real fight for winning the elections was on the political stage. The left-wing forces competed together into the election, while their opponents were divided.

Besides the National Liberal Party, the National Peasants' Party and the Social Democratic Party (SDP), among the 20 parties competing, there were the Romanian Popular Party (the wing H of NLP), whose leader was Petre Ghiata, the Free-Democratic Party, the Romanian Fighters' Party- led by Scarlat Baluta, The National Union Party- led by dr. Virgil Sedecaru, the Labour Party- led by Aurel Muresan[10], these parties not being able to become popular on the political scene, but to mislead and divide the electorate which could join the opponents in the BDP rather than this block.

Now, Ioan Flueras, an inter-war social-democratic frontrunner, is sent to prison for three months for having tried to form the Romanian Socialist Party; I. Flueras, I. Mirescu A. Boghea, Lazar Maglasu, S. Rusu[11] were to be involved in the trial of the „Romanian Youth" organisation. The social-democratic current, in opposition with the communist party, increased in importance as the elections in 1946 were coming. On 9-10th of February the Central Commitee of Social Democratic Party convokes the SDP congress and vote for candidating on the same lists with Romanian Communist Party (RCP) with 19 pro-s and 10-against. Among the ones who were against there were: C. Titel Petrescu, S. Voinea, A. Dimitriu, I. Codreanu, I. Marian Parisesti, Romulus Dan, I. Jumanca, I. Barta, Ilie Dumitru, Gh. Urzica.[12] On 10th of March 1946, The 17th Congress of SDP took place in „Libertatea"Hall in Bucharest when the Socialist Democratic Party showed its weak points. Most of the participants agree to candidate beside the communists.

Under these circumstances, on 16th of March 1946, C. Titel Petrescu left the hall and launched the manifesto for a new party, I. Jumanca, A. Dimitriu, Ilie Dumitru joining him, being removed from the SDP, although A. Dimitriu came back to SDP. The disenssions within the party are felt at the government level: A. Dimitriu, Sub-secretary in the Ministry of Industry, is replaced by Z. Tanase, M. Nicolescu is appointed Sub-secretary in the Ministry of Education, H. Baranga becomes Secretary General in the Ministry of Communication, and A. Stambuleanu – Secretary General of the Ministry of Mine and Oil – is dismissed.[13] The group led by Constantin Titel Petrescu, who did not agree on the cooperation between SDP and RCP at the elections, form their own party Independent Social Democratic Party (I-SDP) that will join NLP and NPeP.

The year 1946 was one when the government forces strengthened. On 24th of February, a faction of the National Liberal Party named National Liberal Party (Tatarescu) and The Nationalist Democratic Party merged.[14] The

ex-NDF is restructured and a Block of Democratic Parties(BDP) including the Romanian Communist Party, Social Democratic Party, National Liberal Party (Tatarescu), a faction of National Peasants' Party (NPeP) named National Peasants' Party (Alexandrescu), The Ploughmen's Front and National Popular Party (NPP) make up.[15]

Gh. Tatarescu stated about this alliance that „a cooperation with these forces means preservation. Rejecting or isolating these forces means destruction".[16] Beside these forces, the Popular Hungarian Union(PHU) was acting – which, although it did not belong to BDP, supported its policy, being an „ally outside the alliance". Another important ally were women, youth and trade unions organisations[17], The General Confederation of Labour (CGM) launched the appel for the action of all workers for the victory of BDP.[18]

On 12th of August 1946 the alliance of the youth organisations named the National Federation of the Democratic Youth was created, including the youth wings of: NLP (Tatarescu), NpeP (Alexandrescu), NPP, Ploughmen's Front, of the trade unions, of the Jewish Commity, Popular Hungarian Union and University Youth Front.[19]

On the opposite side there was the old elite, recreated in NPeP- whose leader was Iuliu Maniu-, the National Liberal Party- led by Dinu Bratianu- and later the Independent Social Democratic Party - whose leader was Constantin Titel Petrescu.

While the center-left forces managed to concentrate themselves in BDP, the historical parties did not manage to create an alliance and, more than that, they further divided themselves. On 25th of January 1946, Nicolae Lupu settled down the Democratic Peasants' Party[20], a new breakage within the NPeP and on 18th of October some groups of NPeP constitued themselves in the National Agricultural Action, whose leader was the lawyer Paul Iliescu.[21] At 16th of August 1946, the NPeP and the Independent Social Democratic Party signed an agreement for setting the United Parties Group, but this did not come to an end.

On 21st of October, the National Liberal Party, the NPeP and the Independent Social Democratic Party signed an agreement of mutual support in elections, without any other engagement.[22] „After long negotiations between the national peasants' party and the liberal party on the one side and the independent social democratic party on the other side (Titel Petrescu), there was a deal concluded and on 23rd of October a common manifesto[23] was published", stipulating the wish for „free and honorable elections".[24]

The process of spliting up affected the minorities' organisations, too. In June 1945 the Democratic Jewish Committee is established – pro- NDF and against The Romanian-Jewish Union and the Jewish Party.

This splittings among the opponent parties were certainly welcome by the left forces, especially that the elections were coming and, although they had been postponed by Petru Groza, it was obvious that they were unavoidable.

The alliance of the left parties with disidences within the opposition parties guaranted the support of some bourgeois groups, not only in terms of politics, but also material.

The president of the youth of NLP stated that „Despite that the National Liberal Party is considered to be a financial party among the people, now, after Tanasescu's group left, they need a billion for the election canvass and they cannot manage to get it".[25]

The BDP was doing its best to gain the elections, using not only populist „electoral" practices, also used in the inter-war elections by the parties in power, but they also tried to defraud them by exceeding the methods used in the elections between the two wars and using even violence. In a similar way, the old elite adopted all the resistence forms during the election campaign, as the documents show.

On 28th of October, the British Government sent an official letter to Groza's government, drawing his attention on his behaviour towards the opposition[26], but that had no effect.

The favourable position of the government, gained by great forces mobilized during the election campaign as well as by bad practices, brought them 79.86% of the total number of votes and 378 of the 414 seats.[27] As far as the army is concerned, there were 148 564 votes, 128,065(88%) of which were for BDP and 13,309 (8%) for the opposition, all the 40,000 soldiers guarding the election sections voting for the government. Although there is no proof that the elections were frauded, a document of the time shows that around 60% of the votes were for BDP.[28] Although the election results were questionable, on 1st of December the king Mihai I approved the new Parliament in Bucharest, being dominated by BDP and maintaining Groza's Government, with some reshuffles.

Even without the king's support, who did not take into consideration the demands of the historical parties of disapproving the Parliament, the NPeP kept rejecting the election results, retreating its 33 deputies from the Parliament and asking for diplomatic relations breakage to Great Britain and USA.[29]

However the fight was lost.

While a part of the old elite was repressed, leading itself to external or military resistence, another part had been integrated into the new elite. With the help of these „cooperators", the center-left forces controlled by the Romanian Communist Party won the victory in the elections, the National Liberal Party-Tatarescu having 75 of the 378 seats of the BDP, the Ploughmen's Front having 70 seats, the Social Democratic Party – 81 seats, NPP – 25 seats, NpeP (Alexandrescu) – 21 seats, the Romanian Communist Party took the 4th place within the alliance with only 17% and 67 seats.[30] Under these circumstances, the left forces continued their attacks.

As far as the foreign affairs are concerned, in February 1947 Romania signed in Paris the Peace Treaty with the Allied and Associated Powers, by which it is charged with war damages, losing North Bucovina and Basarabia, though gaining North Transylvania.

Internally, the old elites are removed from the political scene. The National Liberal Party had more disidences, and the social changes affected it more than they had affected the National Peasants' Party, so that it gained only three seats in the elections, and its activity started to be more and more difficult because of its lack of sustainors and of the authorities' haressments.

The other opposition party faced the government actions more directly. On 14th of July, after the challenge in Tamadau, Ion Mihalache, N.Penescu, Carandino and other NPeP frontrunners are put under arrest for having tried to leave the country and acted against the government from abroad.[31] The Council of Ministers decided to dissolve the NPeP on 30th of July and in October-November 1947 his frontrunners were condemned.[32] Besides, there were other members of the party (Cretzeanu, Gafencu, Visoianu, Buzesti) who chose to exile themselves in order to face the regime from Bucharest this way[33], or others who started military tight against the government. During 1946-1947 the military groups in the mountains tried to come together under „the black coats". Made up of isolated members of the Iron Guard (the former pro-nazi romanian organisation), young officers, clerks, university students and pupils, and also members of the „banned" parties, whose actions were based more on external support.[34]

The new circumstances forced the old allies of the Communist party to choose: either to totally submit to RCP, or to disappear from the political context as the unique party was being formed.

On 6th of November 1947 the National Liberal Party-Tatarescu is left away and its members are excluded from the government; the NPeP(Alexandrescu) join the Ploughmen's Front on 20th of January 1948, the Democrat Peasants' Party – whose leader was dr. Nicolae Gh Lupu, after dr Lupu's death - being the only one in action, but not for a long time. In February 1948, the Social Democratic Party joined the Communist Party, the new party being more like the Communist Party, although the social democrats held 20% of the deputy seats[35] and 4 ministers[36] a year before.

Regarding the minorities' organisations, HPU with 8.6% and 29 seats on the 1946 elections[37] kept functioning as well as the Jewish Democratic Committee, but an opponent of the latter one, the Jewish Party dissolved itself in December 1947.[38]

On 30th of December 1947, King Mihai the 1st is forced to abdicate and leave the country, the Popular Republic of Romania being declared down. This was the final stage of the fight for taking over by the Communist Party and its allies, but also of a series of compromises and fluctuations

36

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

characterising the relations between the king and the opposition parties that supported him. Petre Bejan, a frontrunner of the National Liberal Party said about the king, in 1944, that: „If tomorrow he may be useful, today he is useless. Now, in the communism, he has no part to slay, but tomorrow he will, as tomorrow will be different".[39]

And the king proved to be hesitating towards the traditional parties in the years to come. In 1947, he signed more documents which he could not agree on as they did not suit his own beliefs, among which the removal of the liberal ministers from the government. The king did not exert his power for diminution to reduce the sentence of Iuliu Maniu and of other frontrunners of NPeP.[40] On December 30th Mihai the 1st abdicated at Gheorge Gheorghiu-Dej and Petru Groza's demand[41], after the Communist Party had taken over the army, whose minister was to be Emil Bodnaras from the 24th of December, while the troop of T. Vladimirescu division had surrounded Elisabeth Palace.

Thus the political institutional system in Romania was to enter a new stage.

Notes

[1] Lt. col. Eftimie Ardeleanu, A. Pandea, *Armata şi alegerile din 1946,* in „Revista de istorie militară" issue no. 3(43)/1997, pp. 33–34.

[2] *Decretul pentru exercitarea puterii legislative şi Legea nr 560 privitoare la alegerile pentru Adunarea Deputaţilor,* in „Monitorul Oficial", issue no. 161, part I, of 15 july 1946, Edit. Monitorul Oficial, Bucureşti, 1946.

[3] *Legea electorală pentru Adunarea Deputaţilor şi Senat promulgată cu înaltul decret regal No. 1424 din 26 Martie 1926 şi publicată în Monitorul Oficial, No. 71, din 27 Martie 1926,* Bucureşti, Imprimeria statului, 1926.

[4] Arh. Ist. Centr., fond. Casa Regală, Mihai I, dosar 7 /1946, f. 60, apud mr. Mircea Dănuţ Chiriac, mr. Ion Emil, „*Democratizarea"armatei Române între 1945–1947* in „Revista de istorie militară", issue no. 3–4 /1996, pp. 37–40.

[5] Arhivele M. Ap. N., fond. Marele Stat Major, dosar. 2919, f. 14, apud mr. Mircea Dănuţ Chiriac; mr. Ion Emil, „*Democratizarea" Armatei...* pp. 37–40.

[6] C-tin Sănătescu, *Jurnal*, Editura Humanitas, Bucureşti, 1996, p. 232.

[7] „Universul", issue no. 243 of 23th october 1946.

[8] Lt. col. Eftimie Ardeleanu, A. Pandea, *Armata şi alegerile...*, in „Revista de istorie militară" issue no. 3(43)/1997, pp. 33–34.

[9] *Ibidem.*

[10] Gheorghe Onişoru, *Alianţe şi confruntări între partidele politice din România (1944–1947),* Fundaţia „Academia Civică", Bucureşti, 1996, pp. 174–187.

[11] Nicolae Jurcă, *Istoria social-democraţiei din România*, Ed. Ştiinţifică, Bucureşti, 1994, p. 337.

[12] *Ibidem,* pp. 354–355.

[13] *Ibidem,* p. 361.

[14] *Ibidem.,* pp. 166–167.

[15] „Drapelul" of 26th february 1946.

[16] *România în anii revoluţiei democrat-populare 1944–1947*, Edit. Politică, Bucureşti, 1971, p. 443.

[17] „Drapelul" of 30th april 1946.

[18] Gheorghe Ţuţui, Coţofană Paraschiv, *Sindicatele din România în anii revoluţiei populare,* Editura Politică, Bucureşti, 1970, p. 166.

[19] „Dreptatea nouă" of 17th august 1946.

[20] Ioan Scurtu, *Istoria Partidului Național Țărănesc*, *ediția a II a revizuită și adăugită,* Editura Enciclopedică, București,1994, p. 439.

[21] „Universul" of 18th september 1946.

[22] Ioan Scurtu, *Istoria Partidului Național Țărănesc…*, p. 445.

[23] „Raport al S. S. I. privind campania electorală", Arhiva S. R. I. Fond „D"; dosar nr. 8731, vol. 2, f. 300–307, in *Anul 1946 Scrisori și alte texte*, Fundația „Academia Civică", București, 1997, p. 140.

[24] Comunicat, în „Dreptatea", issue no. 212 of 23th october 1946.

[25] Alexandru Duțu col. dr. , Florica Dobre, *Mișcarea Națională de Rezistență (1944–1946)*, in „Revista de istorie militară", issue no. 5/1996, p. 26–32.

[26] Note of 28 oct. 1946 made by Adrian Holman, British political delegate in Romania, adressed to Gheorghe Tătărescu, Vice-President of the Government and minister of foreign affairs, regarding the parliamentary elections, Arhiva Ministerului Afacerilor Externe, fond 71, 1939, E9 vol. 190, 1944–1948, f 228–231 în *România–Viața politică în documente,1946* (coord. Ioan Scurtu), Arhivele Statului din România, București, 1996,p p. 374–377.

[27] „Dreptatea Nouă" of 23–25th november 1946.

[28] E. Ardelean Lt. col., A. Pandea, *Armata și alegerile …,* in „ Revista de istorie militară", issue no. 4(44)/ 1997, pp. 44–46.

[29] Ioan Scurtu, *Istoria Partidului Național Țărănesc…*, p. 448.

[30] *Lista nominală a domnilor deputați pe circumscripții electorale, 1 decemvrie 1946, Adunarea Deputaților,* Monitorul Oficial și Imprimeriile Statului, București, 1947.

[31] The report of 14th july 1947: „Încercarea de evaziune aeriană a conducătorilor național țărăniști", Arhiva S. R. I., fond „P" dos. 400001 vol 33 f. 716–721 in *Anul 1947–căderea cortinei*, Fundația „Academia Civică", [București], 1997, pp. 562–569 vezi și Ioan Scurtu, *Istoria…*, pp. 452–453.

[32] Ioan Scurtu, *Istoria …*, pp. 455–461.

[33] Gheorghe Onișoru, *Alianțe și confruntări între partidele politice din România (1944–1947),* Fundația „Academia Civică", București, 1996, p. 266.

[34] Ghiță Ionescu, *Comunismul în România,* Editura Litera, București, 1994. p. 162.

[35] *Lista nominală…, 1 decembrie 1946….*

[36] Stelian Neagoe, *Istoria Guvernelor României de la începuturi 1859 pînă în zilele noastre 1995,* Ed. Machiavelli, București, 1995, pp. 157–159

[37] *Organizații de masă legale și ilegale create, conduse sau influențate de Partidul Comunist Român. 1921–1944–vol. 2*, Ed. Politică, București, 1981, p. 17–79.

[38] Ghiță Ionescu, *op. cit.,* p. 127.

[39] Arh. Ist. Centr., fond Partidul Comunist Român., S. S. Politica internă, dosar 8/1944, f105, în lt. col. dr. Constantin Hlihor, *Din culisele Casei Regale 14 dec 47*, in „Revista de istorie militară", issue no. 5/1996, pp. 23–25.

[40] lt. col. dr. Constantin Hlihor, *Din culisele Casei Regale…,* in „Revista de istorie militară" issue no. 5/1996, pp. 23–25.

[41] *Ibidem.*

Résumé

Presque six décennies après l'instauration du régime communiste en Roumanie, on doit analyser objectivement les événements qui l'ont précédée et préparée. L'article présente l'activité des mouvements et des personnalités politiques roumaines pendant les quelques années de l'après-guerre ainsi que les transformations institutionnelles qui ont marqué la période. On accorde une attention speciale aux élections de novembre 1946, considérées comme un pas décissif vers l'officialisation du communisme roumain.

38

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Political Theory

Rawls on Political Consensus

Cătălin Stănciulescu

For a legitimate political power, in a liberal democracy, the most important thing is, for Rawls, that the coercive institutions be regulated by basic principles that the reasonable members can agree to (Rawls 1996; cf. Christiano 2003). The consensus, implicit here, is what is established by deliberation and public reasoning. In Rawls's opinion, the consensus is not a *modus vivendi*, but a basis for collective life. It must be a morally significant set of commitments common to all doctrines or views in a community. Given the consensus this way established, it is possible:

- To discover, by means of 'reflective equilibrium' (i.e. „the end-point of a deliberative process in which we reflect on and revise our beliefs about an area of inquiry, moral or non-moral" (Daniels 2003)), the principles of justice that regulate interactions between and distributions to the members of the community.
- To impose duties on the members of community.
- That the basic principles that regulate the society be in accord with the reasonable views of the members of the society.

This idea of consensus implies some kind of a principle of reasonableness, but the notion of reasonableness is itself unclear. For example, this notion is implicit in the idea

> „*that reasonable persons will propose fair terms of cooperation with other reasonable persons only on condition that the terms can be justified to those others on the basis of premises that they can reasonably accept.*" (Christiano 2003)

Many criticisms have been made against this notion of reasonableness. For example, Tom Christiano argues that the idea of reasonable consensus presupposes „the possibility of consensus on at least a sufficient number of basic norms to say that there is consensus on the basic principles that regulate a society." His argument seems to be as follows:

> „*if one attempts to come up with a notion of reasonableness that is sufficiently robust to generate agreement of this sort, then one is likely to have a notion that is quite controversial. And then the view does not seem to take a sufficiently respectful view of the opinions of the members of society since so many are likely to disagree with the conception of the reasonable. On the other hand, if one elaborates a conception of the reasonable that is sufficiently weak for most persons in the society to satisfy it, then one is not likely to generate agreement on the basic principles of the society.*" (Christiano 2004)

According to Fred D'Agostino, the term „reasonable" can be interpreted in two main ways:

a) in the consensual manner: If *A* and *B* are members of a community for which a regime *S* is publicly justified, then, on this reading, there must be some reason *r*, which *A* has and *B* has too, which is their common (consensual) reason in relation to the regime *S*.

b) in a way that implies some sort of a „*convergence* on a conclusion from a variety of distinct (sets of) premises. If *S* is reasonable from *A*'s point of view on account of *r(A)*, then it may well be that it is reasonable from *B*'s point of view on account of an *r(B)* which is distinct from *r(A)*." (D'Agostino 2003b)

Rawls's phrase 'overlapping consensus' suggests that his option is for the first interpretation, the consensual one. Moreover, speaking of his 'overlapping consensus' theory, he considers it one of the 'reasonable' doctrines. (The way Rawls arrives to the conclusion that it is not a complete consensus that is needed to establish the principles that regulate the society is explained by Christiano: „The idea here is that citizens do not have to agree on everything but only on those principles that apply to the basic structure of society. And even here, when citizens disagree on some issue of social justice, the opposing views are taken off the table. So citizens can disagree on what the nature of the good life is and on religious questions and even different issues relating to social justice. As long as there are certain principles that everyone agrees to, which apply to the basic structure of society, full consensus is not necessary. Hence, the consensus need only be an overlapping one.") As D'Agostino emphasizes, these doctrines are doctrines that acknowledge or are at least compatible with the acknowledgement of

(i) the 'burdens of judgment', i.e. the reasonableness of disagreement over high-level issues in ethico-political and scientific investigations, and

(ii) an obligation not to free ride on working and mutually beneficial social arrangements.

However, it is a question whether these 'constituents of reasonableness' could help in derivation of principles of justice, as Rawls sustains, and whether these principles could be made legitimate by the individual commitments to being reasonable. Of course, there exists another possibility. The possibility

„*that, once the test of reasonableness is imposed, each of the potentially convergent starting-points for public reasoning shares, with each of the others, a* core *and, in particular, a set of commitments that is adequate to justifying the* original position *reasoning that Rawls deploys to derive fundamental constitutional principles*" (D'Agostino 2003b).

But this possibility is just using the notion of reasonableness, not making it clearer. At the same time, the Rawls's phrase 'overlapping consensus' itself is not out of question. For instance, some citizens agree on a set of principles for regulating society and some other citizens agree on some other different principles. In this case,

> „*the overlapping consensus idea is that the citizens who hold the idiosyncratic views must take those particular demands off the table and must argue only on the basis of the shared principles.*" *So,* „*the idea is that everyone appeals only to those principles that lie in the overlap and not to those that do not lie in the overlap. A legitimate exercise of political power is one that is grounded only in those principles that lie in the overlap. This seems to diminish the amount of agreement necessary to make a society legitimate. But this appearance is an illusion. To see this we need only think of those people who hold idiosyncratic views. If the society they live in is exclusively grounded in principles that lie in the overlap of principles, then these people will have reason to complain that the society is unjust to the extent that the idiosyncratic principles are ignored. For instance, if someone holds the idiosyncratic view that people ought to receive in accordance with their desert then a society that does not act to make sure that this principle is respected is one that will be considered unjust by that person. They will live in a society that is unacceptable to them in a certain important respect relevant to justice*." (Christiano 2004)

If all these are true, then, Christiano says, either we have complete consensus (and therefore there is no legitimacy), or we don't have consensus at all. The idea here is that a principle which is used to ground the basic institutions of society has to lie somewhere in the overlap, and therefore to be accepted by everyone. But if it doesn't lie in the overlap, people can view it as unjust. Therefore, only complete consensus can ground political principles. But complete consensus is hard to achieve under the conditions of modern society (see Christiano 2004). But, I suggest, this is not quite so, because, for Rawls, attaining an overlapping consensus is rather a process in which citizens or groups sharing comprehensive views modify the content of their comprehensive views over time just in order to cooperate within shared democratic institutions (see also Daniels 2003). And, of course, during this process, citizens accept some principles and reject some other, including some idiosyncratic ones. On the other hand, there is another problem with the idea of consensus, or more exactly, with the idea of consensus (and public justification) as „reasonableness from every perspective":

> „*Suppose that we wonder whether a regime* S *is legitimate. We want to know whether we should give our willing commitment to its demands or, instead, hold ourselves in readiness to oppose these demands when circumstances permit this. Suppose we accept that public justification--reasonableness from every perspective--is the basis for legitimacy. Suppose someone suggests that* S *is legitimate because there is an actual empirical convergence of maximizing reasons in favor of* S. *Do we know now whether to conform or resist? Not necessarily. Someone else might come along with the information that there is no hypothetical (i.e. normatively informed) consensus of universalizing reasons in favor of* S." (D'Agostino 2003)

Therefore, it seems that it is possible to have public justification without having a hypothetical consensus. In this case, it is not the consensus that can ground public justification.

For these reasons, the notion of consensus in Rawls, is rather unclear. Moreover, since this notion is supposed to ground other main notions in political analysis, i.e. public justification, authority, legitimacy, justice, and so on, the idea of consensus creates a large zone of indeterminacy for these notions. However, it doesn't mean that the idea of consensus, especially that of overlapping consensus, doesn't work. Overlapping consensus is possible without getting rid of appeals to the religious and philosophical beliefs, as Rawls thought. And this is possible just because

„*groups sharing comprehensive views modify the content of their comprehensive views over time in order to cooperate within shared democratic institutions. This process, on Rawls's view, involves philosophical reflection, which often draws on the complex resources of a tradition of thought in which disagreements had flourished. It also crucially depends on the moderating influence of living under democratic institutions that are governed by the shared conception of justice. The effect of both institutions and reflection about internal disagreements about doctrine is that reasonable comprehensive world views can find room, from within their own perspectives, for a wide reflective equilibrium that includes the elements of public reason (the political reflective equilibrium) and a willingness to engage in public methods of justification for them.*" (Daniels 2003)

Of course, many of these problems are mainly logical, epistemological, and metaphysical. But Rawls's aim is to give an account on consensus (implicitly) without any appeals to metaphysical or epistemological principles. However, it is an open question if this aim can be achieved.

References

Christiano, Tom, „Authority", *The Stanford Encyclopedia of Philosophy (Fall 2004 Edition)*, Edward N. Zalta (ed.), URL =
  <http://plato.stanford.edu/archives/fall2004/entries/authority/>.
Gaus, Gerald, Courtland, Shane D., „Liberalism", *The Stanford Encyclopedia of Philosophy (Winter 2003 Edition)*, Edward N. Zalta (ed.), URL =
  <http://plato.stanford.edu/archives/win2003/entries/liberalism/>.
Christman, John, „Autonomy in Moral and Political Philosophy", *The Stanford Encyclopedia of Philosophy (Fall 2003 Edition)*, Edward N. Zalta (ed.), URL =
  <http://plato.stanford.edu/archives/fall2003/entries/autonomy-moral/>.
D'Agostino, Fred, (2003a) „Original Position", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), URL =
  <http://plato.stanford.edu/archives/sum2003/entries/original-position/>.
D'Agostino, Fred, (2003b) „Public Justification", *The Stanford Encyclopedia of Philosophy* , Edward N. Zalta (ed.), URL =
  <http://plato.stanford.edu/archives/sum2003/entries/justification-public/>.
Daniels, Norman, „Reflective Equilibrium", *The Stanford Encyclopedia of Philosophy (Summer 2003 Edition)*, Edward N. Zalta (ed.), URL =

<http://plato.stanford.edu/archives/sum2003/entries/reflective-equilibrium/>.

Goldman, Alvin, „Social Epistemology", *The Stanford Encyclopedia of Philosophy (Spring 2001 Edition)*, Edward N. Zalta (ed.), URL =
    <http://plato.stanford.edu/archives/spr2001/entries/epistemology-social/>.

Rawls, John, (1996), *Political Liberalism*, New York: Columbia University Press.

Résumé

L'idée de **consensus politique** *est centrale en ce qui concerne la philosophie politique de J. Rawls. Elle est située à la base des concepts essentiels de la théorie politique de facture libérale, aussi comme:* **légitimité, justification publique, autorité politique, justice sociale** *etc. Parce que'il s'agit, d'un part, d'une idée confuse et, d'autre part, d'une idée qui dépend de notions insufisamment définies, comme est la notion de* **raisonnabilité** *(reasonableness), beaucoup de concepts, spécialement celui de* **justification politique** *et celui de* **légitimité** *sont, dans une grande mesure, indéfinis.*

43

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Totalitarian and democratic political regimes

Radu Riza

Many political scientists consider that democracies have won against the totalitarian regimes after the World War II, by their ability to better handle the community emotions and social violence. In other words, this superiority is not due to the founding principles and neither to observing men's rights or the separation of powers inside the state, but to the capacity of the power to confront the psycho-affective dynamics that cross a society.

At a structural level, the two types of regimes are distinguished by organization, ideology, means of maintaining the political power; but also, by its ways of auto-reproduction (even if, in some cases, we can meet assembling means of imposing, the content will always be clearly different).

Totalitarian politic regimes. Characteristics.

In this line of approach, the fundamental characteristic of totalitarians refers to a centralized power due to the absolute control above all means of mass communication. This fact means an absolute manipulation (with too few exceptions – example: recusants – that confirm the rule).

Tyranny, dictatorship or despotism, all these types of non-democratic political regimes have a few fundamental characteristics:

- The unique party and its leader will is considered as „the official will".
- The existence of an official ideology, that excludes any other communist ideology.
- The monopoly of the party – state over the means of mass communication.
- The existence of a police structure with a precise scope to annihilate any deviation or resistance to oppression.
- The economic planning and the control of the power over the economic initiative.

Among these fundamental characteristics of the totalitarian political regimes, the most significant one, under the aspect of handling psycho-affective emotions, is the absolute control over the means of mass communication. By these, and with the help of a regime of police terror, the

44

Revista de Științe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

political power succeeds in imposing the social a way of thinking, and to modify or to build collective perceptions. The example of the communist regime in Romania is relevant for this aspect by lingering a community model of thinking and after the change of the political regime from 1989.

The power – as an absolute instance – needs absolute obedience; that is why different totalitarian regimes (communism, fascism, etc) propose the construction of the new man, capable of answering these demands.

The new society needs him to assert himself – a complete man, universal, a superior biological type conceived by the dissolution of his personality. But the individual is nothing but an instrument designed to build the future.

Democratic political regimes and the symbolic violence

By comparison, democracy gives up this transformation of man, wanting a higher individualization of each and it is built in a conflicting environment at a symbolic level (electoral fights between parties and those who vote, by the opinions expressed).

Thus, in the democratic societies, the greatest conflicts, the greatest outbursts of violence are less visible under the political scene mask. The political men do not impose by force, as they look for legitimacy (given by the cost). Legitimacy is received after „the electoral fight", realized in an environment of great competition between different political agents. For a complete imposing and legitimacy, the myths are appealed to. This is not a specific fact of democracy, but of totalitarian regimes as well. These ones also use myths in the same way. Because „the myth addresses exactly to that part of the social that needs highlights for orientation, political beliefs for conceiving, heroes for directions of individual or group aspirations. The endurance and the chances of a political regime have always been connected to its capacity of obtaining the acceptance of the social world. Such legitimacy has access to political beliefs, community feelings and restlessness".

In the case of democracy we have to notice that it isbelieved that its laws are the same as those who govern the collective life of a society at a certain moment of time, as democracy is the product of society, according to Philippe Braud.

The quality of the system and its superiority to totalitarianism is connected to its capability of handling „the emotional dynamics that cross the society; as in any society there exist a potential of restlessness, frustration, seduction and desire for power". All these tendencies have to be surpassed and then, the power manipulates the violence and fear inherent in any group. The democratic system will mobilize all the population energy having as polarization instruments „mocking", „fouls", „dig out businesses and

scandals". All these are owned by and having sense as long as they seem functional. When certain indifference is reached, the political party turns into an „a cynical machine of conquering subventions" and it passes to the next step: slyness, ambition, corruption that antecedes the violent methods of governing.

The efficiency of a political system can also be measured by the solution provided for the next problems: mobilizing the supporters that legitimize the authority and administration of the state monopoly over the coercive without exacerbating aggressiveness and justifying violence.

Obviously democracy wins another point here, because authority is legitimized by the entire population through vote (even if not everyone votes), there can be found escape valves of violence by the aggressiveness of masses (meetings, demonstrations and strikes are allowed), and each individual of the state (at least theoretically) has the possibility and the right to accede to ruling functions. While totalitarian regimes try to deny the existence of conflicts passing them under silence as they do not have any means of confronting them. As a result, they appeal to force. Force leads to violence and little by little, the regime prepares its own collapse (which is usually realized by an explosion of violence, as an example: the revolution).

Democracy, by its institutions, creates a number of scripts for waiting, rivalries and willing of power. Totalitarian regimes fear the effects of such a step, as they do not make it. Why? There is a closure, an „institutional locking", the political activity remaining the privilege of those belonging to the dominant class, being forbidden for others. The unique political party shows its hegemony at all levels of society, and the electoral practices exclude expressing protests (you cannot vote someone else as they do not even exist).

Democratic political life proposes itself as a show „a place of vacations of which is suitable to detach" (Ph.Braud). But this thing completely dissociates the two types of regimes we are discussing: the democratic life accepts „mockery" because it's a „way of not believing", and the one of the totalitarian and domineering regime rejects mockery, sarcasm and breaking the official beliefs. Politics is refreshed; people get a distance of these areas in pluralism, while on the other part it is necessary in order to catch every member's attention. Critics bring up a positive breath: the parties that are confronting with it, learn how to deal with it, and thus they become stronger. A regime that „corks the strike" of critics will never be capable of revealing its system of beliefs, symbols and truths because these have never been disapproved of.

The critic, the conflict and their acceptance, allows turning into ritualized conflicts that are not dangerous for the right order, which means that they can be ruled and controlled. In the domineering regimes, „the

conflict is lived as an evil that has to be reduced, it's the symptom of the incapacity of individuals or groups to overcome their selfishness". But the consensus between political actors or elites, doesn't give the grumblers the possibility to express efficiently. It is considered that there exists a general interest and everyone will focus on its accomplishment. Antagonism will not be tolerated, and as time goes by, a strong accumulation of frustrations will be reached, and that will have to burst. From this perspective, democratic fights are very efficient because they prevent uncontrollable tendencies to revolutions, strong street movements ending up with victims.

From the violence point of view, there is one democratically, legitimate type, by which the state tries to reduce to the minimum the wrong social acts, imposing itself as a guarantee of security, property and life of its citizens. Either democracy or totalitarian regimes appeal to symbolic violence, but the second ones are more interested in ideology manipulation, because ideology sticks together with politics and the domination to the elites over the mass population (as also, any social body presents itself as a power relation, and thus one of domination). Ideology offers legitimacy of elites, and results in the masses' obedience and prediction of this obedience. Ideology replaces the actual reality and proposes a new one which will be understood by a changed man, by a new man. But, only the owner of knowledge and information can understand, can „see the future", can interpret the law and dogma. The mass doesn't consider this kind of problems anymore; from now on, the social control is insured. Power, the ideology and interpreting the system (having as a consequence applying the percepts according to the interpretation) are concentrated in the hands of the ideologist.

Accepting the ideology, the masses also accept the interpretation and the elite that proposes it. The problem is that this ideology considers itself as capable of counting all the uncertainties of the society and of giving them solutions. It is a closed circle, in the middle of which all the social energies would be consumed, it opposes to all others, and doesn't allow new elements to enter. It aims at wellness, happiness, equality, but also, supremacy, domination and power.

The ideological universe of totalitarian regimes is always filled with symbols used as a form of expression of imposing will. The symbolic universe of any group will also always be ideologised, because symbols are used as ways of expression of the fight for power (this characteristic also belongs to the democratic systems). For a better understanding and implementation, the symbols will have their contrasts, each positive value will correspond to a negative one (for example: light/dark; reason/tradition; unity/disparity). Obviously, the negative connotations will be applied to

„other" ideologies, enemies, those who come to trouble the reached perfection.

The common memory is important for both types of political regimes. Imposed by social crises, it has the role of creating the unity of the group. Power, whatever that is, appeals to the common memory by those who were sacrificed and heroes. „The contrast" will realize the same ruling to legitimate itself. So, political myths and rituals will be modelled consciously by the elites to serve their own interests.

Democracy, totalitarism and symbolic violence

According to Ion Florea, the contrast between totalitarism and democracy is like a conflict between an excessively sacred power with an aura of legitimacy of an ancestral will (divine, natural or historical), by a „fake mystic, and the effort of democracy to forswear the politics and power, that transfers the legitimacy to the mass' and people's option, expressed by vote".

We must say that the fight for power in a democratic regime allows not only for open political and ideological confrontations, but also for „deep tactical manoeuvres" to assure its success. In totalitarian regimes, „the monopoly of political creation occurs, while political programs, theories, utopias, myths or prejudices other than the official ones or generated only by the ideology of the unique party, not being tolerable." The concept of „people" is preferred as to serve the manipulations of both regimes. Everything that is done – is done in the name of the people and for the people.

The manipulation phenomenon: totalitarism vs democracy

As forms of domination over the many, democracy and totalitarism use completely different methods of domination, imposing and control. Robert Dahl identified the next criteria of defining a democratic regime:

- The control over governmental decisions, invested in a constitutional way.
- The officials chosen by a fair well organized election where coercion and violence are excluded.
- In a practical way of speaking, all adults have the right to compete in elections, both as electors but as candidates as well.
- The citizens have the right to express themselves over the political problems, without fear of being punished, including criticizing the authorities, the government, the regime, the economic and social order and the dominating ideology.

- The citizens have the right to consult alternative sources of information, protected by the law.
- For exerting the rights mentioned above, the citizens have at the same time the right to form organizations or associations relatively independent.

These criteria define an ideal of democracy. There is no society that meets all these, but based on them we can talk about the degree of democracy of that particular country.

As for the elections in a totalitarian regime, these are a simple farce: there is no variety of options from which the citizen to choose the best fitted person. The option is one only – the party and those belonging to it, owners of the truth, „those wise that were meant to lead". The right to participate in elections (as a candidate) cannot be observed as long as the party selects only its own people. Criticizing the government, the regime or the economic and social order, the ruling ideology (in fact, the unique one for the society we are considering) can't even be stipulated as a possibility. Mass media is completely subordinated to the regime, it won't be allowed to present anything but what passes the censorship, things, glorifying facts of the system. So, alternative sources of information cannot exist (even if there are many papers and radio stations, they will present absolutely the same thing, from the same point of view).

The protection of alternative sources like these, by means of law, is already a utopia. The right of association in order to exert the rights, to impose its point of view (others than the official one) is, again, inexistent.

But democracy is not infallible, desegregation and degeneration of the regime being possible in this case also. Everything, the term of existence, the efficiency, is due to the leaders, to the political forms having well defined ideological contents, meant to resist the pressure. This way, emptying the content can lead to totalitarism. So, democracy is a „regime of uncertainties and of its institutionalization".

The superior value of democracy as opposite to totalitarism is based on the fact that this type of political regime accepts that there is no absolute truth at man's reach, that, by all means, there cannot be built a perfect society, and that the plurality of interests, systems of thinking, values and dogmas should be respected. Their observance and their legitimacy are the unique guarantees of individual freedom (even in the context of symbolic violence).

Totalitarian regimes are built on prejudices, resentments brought by different social categories, ethics or races, etc.

The electoral moment is one factor of differentiating the two systems. But it could happen that one government elected in a fair vote to be „oppressive, invasive, vindictive and arbitrary, as also a reelected

government can ensure men, regimes, cities, as also arts and literature – a wide autonomy".

In a totalitarian regime it's always expected an accomplishment of normality – meaning ensuring the conditions that will lead to a perfect society. Like that, a complete and total control of the entire society becomes justified, which is basically equivalent to destroying individuality. „For them, individualism represents the worst of nightmares: the hunch that there could exist someplace a piece of the human spirit that skips the control of the political sphere; the community or the crowd, this hunch really gets on their nerves".

On the contrary, the democratic state allows for the expression of individualities and their affirmation, mapping, still, some boundaries of manifestation.

The degree of freedom of a country it is given by the number of people that „feel a relatively autonomy inside it, and also by the number of fields of activity, or recreation, where they can act out of their free will. This is a guarantee of their rights, marked by the absence of feeling that the political power represents a danger for them". Democracy needs other guarantees as well, not only those given by vote, as democracy does not mean only freedom.

The development and strengthening of the democratic type regimes is due to the control (a totally different control than that of the totalitarian regimes) over matters, fears and social desires, situated in a permanent conflict. In order to „mitigate" this aggressive world, it was necessary to identify „the emotional logic of collective and individual psychic", finding out this way the fundamental principles of symbolic handling of emotional dynamics."

These have the best embodiment in electoral campaigns that concentrate and mobilize a great force of manipulation, throughout the identification speeches to the electors, by posters, different attitudes, by „lowering" to the crowd's level and by outstanding shows.

The basis on which this symbolic capital is built on, is represented by the political myths that function inside the society and to which the power (of any kind) appeals for legitimacy.

As for symbolic violence, democratic regimes benefit of definite superiority, because of their capacity to handle the inside-violence of any social group. This capacity allows for the maintenance and reproduction that we were mentioning above, this not being available in totalitarism that does not offer „escape valves" to this violence.

The necessity of the symbolic violence of the power, in a democratic society, is best shown by the electoral campaigns that have become some real markets where the demand and the offer meet.

The offer proposes itself to the spectators in a most attractive manner and catches the one that believes that the politician is an instrument of accomplishing the desires and refulating the frustrations grown and registered at a social level.

References

Stănciugelu, Ştefan, *Violenţă, mit şi revoluţie*, All, Bucureşti, 1998.
Revel, Jean-François, *Revirimentul democraţiei*, Humanitas, Bucureşti, 1995.
Florea, Ion, *Mistica politică şi paradoxurile democraţiei*, Fundaţia „România de mâine", Bucureşti, 1996.
Braud, Philippe, *Grădina deliciilor democraţiei*, Globus, Bucureşti, 1995.

Résumé

Tell qu'il résulte des lignes d'élaboration esquisées, l'article présent s'est proposé l'analyse comparative des régimes politiques démocratiques et totalitaires dans la perspective de leur besoin de violence symbolique pour se maintenir et se reproduire. Autrement dit, l'équilibre dynamique des deux types de régimes politiques est dépendent dans la mesure ou il reussit á gérer la violence sociale et les émotions collectives.

Or, cette chose ne peut être realisée qu'au moyen de la violence symbolique, en résultant ainsi que le pouvoir politique est l'apanage de ceux qui détiennent le monopol de la violence et en établissement les mécanismes de contrôle. Le pouvoir politique des deux types de régimes détient un capital symbolique, qu'il manie en vue de se garder soi-même en tant qu'élite.

The Incidence of States International Responsibility on the International Relations

Adrian Bogdan

I. Introduction

Responsibility is a juridical institution present in all law systems. International responsibility appeared as an international extension of this institution already existent in the internal law. International responsibility is based on the same constitutive elements as in the case of the internal law.

The infringement of an international obligation leads to a legal juridical relation between the injured state and the guilty state, this implying the latter´s responsibility.

International responsibility represents a guarantee for maintaining the international order. The natural person can also assume his or her international responsibility, if s/he committed an offence with an international character. The countries' international responsibility institution is the ground for the public international law.

Dumitra Popescu defines the public international law as „the ensemble of the laws and rules created by the countries and by other subjects of international law on the basis of truly expressed agreements and treaties and other sources of law in order to settle the relations among them. People observe these laws is willingly or by using measures of coercion imposed by the states individually or collectively"[1].

The definition is grounded on the following aspects:
- the international relations with foreign origin are settled by the rules of the international public law;
- the rules of international public law are created by states and other subjects of international law on the basis of a freely expressed argument;
- the observance of these rules is willingly guaranteed by the very states which elaborate them, and if necessary by coercion imposed individually or collectively. The international community consists of all the subjects of public international law, and the international law/juridical order represents the process of elaboration and observance of the rules of public international law within this community.

Since there are no public international authorities with executive and legal responsibilities similar to those existent within the countries, a question is raised: who has the authority to qualify an action as illicit, who is competent to impose the sanction and which international sanction will be imposed?

According to international legislation, where a state commits an illicit action against another state, the injured parts ascertains and proves the illicit act and, consequently, can impose sanctions according to the rules of the international law willingly adopted.

The infringement of an imperative rule belonging to the category of international crimes allows not only the injured part, but also other countries to impose coercitive measures.

International organizations (U.N.) care also defend and guarantee the supreme values of the international community (peace and security).

The sanctions directly imposed by the injured country must be sanctions of self defence which can include military measures, where the country is the victim of a military aggression.

The Security Council of the U.N. intervenes and adopts measures only when the legal order must be restored. The sanctions are meant to maintain peace and international security; the Council can adopt political economical and military measures in certain difficult circumstances.

Grigore Geamănu mentioned that, the international responsibility – a complex legal institution – guarantees the efficiency of the international law, and fulfils, regardless the characteristics of different types of responsibility, important functions in the international law: the international legitimacy, the guarantee/safeguard of the legal international order, the stability of the international relations, the development of the international relations[2].

II. The basis of international responsibility

The complexity of the international relations may generate the international responsibility of the states, since the states – as subjects of the international law – do not act in an isolated space, but in an international community, so that these actions are evaluated and carried out through social standards/rules, according to their goal, to the result obteined and to the signification of the rule itself[3].

The UN International Law Commission codified international responsibility, enlarging its domain.

According to it, *every international act of a state qualified as an fair generates the international responsibility of this state for the respective act.*

Responsibility can also appear in the case of legal activities, but which have caused a damage to another subject of international law.

The UN International law commission considers that responsibility is based on the following situations:

- The existence of some actions which are illicit from the point of view of the international law.
- The existence of injurious consequences resulting from illicit activities according to the international law.
- The goal of the international responsibility is to ensure an efficient government for energy state and a good cooperation among the countries, being found on some main principles:
  - a discretionary conduct of a state is unconceivable in the international relations; the sovereignty must be kept within the admitted limits imposed by the international law;
  - when an illicit act is committed from the point of view of the international law, the respective state is responsible for the consequences[4].

III. International responsibility of the states

If we give a detailed account of this institution the international responsibility is grounded on some illicit facts, which lead to heated disputes in the international community. International responsibility is a responsibility assumed among states, even when only personal interests arere harmed. Each state must protect its citizens against the possible damages brought about by another state[5].

The international responsibility must cumulatively meet three conditions: illicit conduct; the imputable character of the illicit conduct of the subject of the public international law; the damage itself.

According to the International Law Commission, the essence of an international illicit act consists in the fact that the respective country acts in complete disagreement with its obligations as a signatory.

Illicit acts can be classified, taking into account the seriousness criterion into; international crimes and international offences.

The international crimes are illicit acts, representing the breaking of a international demurable erga omnes obligation, referring to an essential value for the protection of the international community's interests: preserving the international peace and security; prohibition of the slavery and genocide environment protection; the standards of the humanitarian law.

The international offences are illicit acts which are not international crimes, since they are not so serious.

The difference between these two categories resides in the holder´s right to hold responsible the culpable state.

If in the first case the holder can be any subject of the international law, in the latter the holder of this right cannot be but the injured state.

The international practice and doctrine have stated that there are circumstances which exclude the illicit character of an international action: the state's consent (which must be explicitly expressed and anterior to the illicit act); the measures taken by a state as a reaction to the illicit act committed by another state; emergency (which must be overpowering and unpredictable and the state has not caused the event); the state of danger; self-defence.

The state of danger is the situation when certain persons or goods are seriously endangered consequently to natural phenomena, and for saving them, international same illicit acts are necessary.

For instance when a military ship trespasses the territorial waters of a state of in the circumstances of a tempest, without having that state´s prior permission.

For the state of danger to exonerate a country of its international responsibility certain conditions must be met:
- the party at fault did not have any alternative;
- the illicit act was preferable in the circumstances of extreme peril;
- the party at fault did not cause the state any danger.

The state of emergency represents the extreme condition of a state regarding the saving of its fundamental interests, seriously endangered.

For the state of emergency to exonerate a country of international responsibility the following conditions must be met:
- the infringed rule is not imperative;
- the vital interests of another state are not endangered;
- the emergency state is not expressly excluded by a treaty concluded between the two states.

Self-defence implies the right of a state to defend itself by using military force against another state which has attacked it.

The International Law Commission stated that the exoneration clauses can never be applied when a *jus congens* rule is infringed.

The international doctrine stated that the documents of the public authorities represent the official document of the respective country. The natural persons who act in their official quality engage the state's responsibility even if they have excluded their competence.

The state's responsibility is engaged for the documents of the legislative, executive, judicial bodies and of the natural persons who did not take the necessary measures to call the guilty persons to account for this acts which damaged the values protected by international conventions or infringed upon the foreigners' rights.

55

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

For the prejudice to be taken into account, certain conditions are to be met:

- the existence of a causality relation between the illicit conduct and the resulted prejudice;
- the injured state must prove the prejudice;
- the individualization of the prejudice.
  There are some types of prejudices:
- material and moral prejudice;
- direct and the mediate prejudice.

The doctrine mentions certain opinions concerning international responsibility, which consider that natural persons are subject of the international law[6] and thus, they become subject in same international courts. The natural person has the right to bring an action at the European Court of Human Rights; according to the stipulations of European Conventions for the Protection of Human Rights or to the legal proceedings of European Community Court of Justice[7].

Inspite of these, the international relations settled by the public international law do not give the natural person the quality of the subject of international law.

IV. The effects of international responsibility

The goal of international responsibility is not to punish the guilty state, but to undo the mischief.

The possibilities of rectification are the following:
a. restitution (restitution in integrum);
b. damages;
c. amends.

The International Law Commission introduced a new concept of international responsibility based on the notion of risk. Thus, it is sufficient to assess the prejudice, even if no stipulation of international law was infringed.

This form of responsibility functions mainly:

- in the nuclear field;
- in the maritime field;
- in the space activity.

The infringement of international law rule leads to the settlement of a juridical relation between the injured and the guilty state and the institution of responsibility has its contribution to guarantee the legitimacy of the international order.

V. Conclusions

International responsibility of the states represents one of the main „pillars" which supports the stability of the political and diplomatic relations among states and the strength of international cooperation.

International responsibility respects the organization and the functioning of the international society and the development of the international relations.

The state remains in the center of the stipulations regarding the international responsibility due to its role and place in the international relations.

Notes

[1] Popescu, D., Năstase A., Coman F., *Public International Law*, Şansa Publishing House, Bucharest, 1994, p.50.

[2] Geamănu, Gr, *Public International Law*, D.P. Publishing House, Bucuresti, 1981, p.503.

[3] Pivniceru, M. M., *The Penal Responsibility in the International Law*, Polirom Publishing House, Iaşi, 1999, p. 9.

[4] Anghel, I.M., Anghel V.I., *The Responsibility in the International Law*, Lumina Lex Publishing House, 1998, p. 49-52.

[5] Renter, P., *Principes des Droit International*, R.C.A.D.I., 1961.320, p. 85.

[6] Andronovici, C., *Public International Law*, Graphix Publishing House, Iasi, 1996,243 p. 147.

[7] *Ibidem*, p. 51-52.

Résumé

La responsabilité des états represente un fondement important pour la stabilité des relations internationales.

Cette responsabilité est considérée à partir des critères très bien délimités, qui permettent à la partie endommagée de recevoir une juste compensation.

The Defence of Human Rights in Romania and in the European Union

Cosmin Lucian Gherghe

Fundamental freedom represents the esential system of values which characterizes the contemporary liberal democracies. Their importance may be seen not only in politics but also in law, influencing its system radically both at the national and international level. As a rule, freedom rights are established by constitution which is the fundamental law.

The solemn proclamation in the very first part of the fundamental law (Title 2 Rights, Freedom and Fundamental Duties), doubled by a pretty extended constitutional control in the Romanian System of Law, aims to protect freedom from the hegemonic tendencies of the public power. From this point of view, the notion of fundamental freedom is raised to the status of constitutional principle, being recognized by the constituent[1].

At the international level, this notion of fundamental freedom is used quite often. Thus, the European Convention of Human Right and Fundamental Freedom Protection (also known under the title of The European Convention of Human Right), was signed in Rome on the 4th November 1950. On the 20th June 1994, Romania approved this convention, its additional protocol becoming compulsory for our country. We also need to add that, according to the article 20 of the constitution, this international instrument may be applied directly to the Romanian law. Thus, the internal Courts of Justice must apply constitutional provisions directly, as they are explained in the European Convention of Human Rights. Moreover, most of the rights protected by this convention are part of individual freedom.

The notion of individual freedom appeared and developed in opposition (and sometimes even fight) with the public power; its goal was to protect the private sphere of every citizen. According to the classical theory of freedom, the state did not have the right to violate this freedom which represented the essential attribute of human being.

The subjective feature of individual freedom was the one that prevailed in such a system. It represented the natural right of citizens which they could protect against the state through various means but first of all through the judge.

58

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

The current notion of Law State assumes a change of perspective on the individual freedom, stressing its importance. Especially after WWII, we can also speak of its objective dimension (besides the subjective one mentioned above) which has become the base of the state. The appearance of the 20ᵗʰ century totalitarian goverments, after a long liberal period, proved not to be sufficient for the state to be limited only from the outside. The state needed to be organized as an instrument in the individual service. Not only, it had to refrain from violating individual freedom, but also to promote it in the centre of law order. This was the case of post-war Western Europe which is about to happen today in the Eastern part of the continent. „In the European law, the state is in the individual's service; this is its goal, its base and its legitimacy."[2] The state has the negative obligation of not violating the individual freedom and the positive obligation of contributing to its development by establishing a democratic government[3].

Our major concern is that of ensuring formal equality, the equality of rights, in the sense that the holder of the stattement power should not differentiate between citizens by taking into account certain criteria that are part of the general, fundamental law. Public freedom may be maintained only by applying this equality.

In the Romanian system, this settlement control may be achieved in two different ways. First of all, the Constituion deliberately forbids discrimination among citizens by following certain criteria mentioned[4] in article 4 (2). „Romania is the common and indivisible country of religion, sex, opinion, political allegiance, fortune or social origin." Article 16(1) also states that. „All citizens are equal in front of the law, public authorities without any privileges or disciminations."

A control of issuing laws can be made on the basis of this constitutional acts. This can be achieved by private persons through unconstitutional exception. Whenever on individual considers that his public freedom is violated as a result of legislation differences, he/she can raise the unconstitutional exception in front of law.

Another possiblity, that is less frequently used, although it will be realized using a less laborious procedure, was created by the existence of art. 20(2) of the Constitution and also by the fact that Romania signed The European Convention of Human Rights in 1994. So, in art. 20(2) it is stipulated: „If there exist disagreements between pacts and treaties regarding the fundamental rights of man, to which Romania makes part of and the internal laws, priority is given to international settlements." On the other hand, the Convention stipulates in art. 14: „The exercise of rights and liberties recognized by the present Convention must be ensured with no difference based, especially, on sex, race, colour, language, religion, political opinions or any other opinions, national or social origin, affiliation to a

national minority, fortune, birth or any other situation." These two texts make clear that if an internal law breaks the equality principles it is in disagreement with the Convention that will have priority and will be directly applied, being incorporated in the internal law.

In this way, the ordinary instances have the opportunity to exercizeze a real conventtionality control of the entire legislation, and also in the case that the legislator makes by settlement discriminations by forbidden criteria. Although it is more practical than the unconstitutionality exception for protecting the fundamental liberties, this is for the time being reticently received by jurisprudence that avoids passing by the direct enforcing of the Convention. Although, to a certain extent this can be understood, because it also existed in other countries when these signed the Convention. It is necessary to overcome this less using mentality and to understand at every level of jurisdiction that the direct enforcing of the Convention contributes to the modernization of the Romanian juridical system and increases the role of the judge in the state[5].

At the constitutional level, there are norms that make reference to the liberties as independent institutions in comparison with others. So, for example in art. 20(1) it is stipulated: „The constitutional disposal regarding the rights and liberties of citizens will be interpreted and passed according to the universal Statement of Human Rights, according to the pacts and other treaties which Romania is part of." So, only these constitutional norms must be interpreted according to treaties related to human rights signed by Romania. Thus, a distinction between the public liberties established ny the Constitution and the rest of the constitutional norms is made; this is another distinctive feature of public liberties. The distinction between rights and liberties appears in art. 21 that establishes the free access to justice: „Any person can appeal to justice for defending his/her rights, his/her liberties and his/her legitimate interests."

Another constitutional stipulation has the same effect, i.e. art. 49: „The exercise of rights or liberties (subl. Ns.) can be limited by law and only if it is compulsory, by case, for: the defense of the national security, of order, health or public ethics, of the rights and freedoms of citizens; the unfold of penal instruction, the prevention of a calamity consequences or of a serious threatening. The restriction must be comparative to the situation that caused it and can not alter the existence of the right or freedom."

As mentioned above, Romania is part of the European Convention of Human Rights, starting with 1994, a fact that leads, from a certain point of view, to a double protection of the Human Rights, a fact that leads, from a certain pint of view, at a double protection of the fundamental freedoms, firstly at the internal level, and then at the international one. Thus, the first person who performs or should perform a so called conventional examination

is the judge from the common court law, who not only has the possibility but also the obligation to perform directly the Convention and its protocols, the national courts of law have to take into account also the jurisprudence of the European Human Rights Court; the decisions of the courts are compulsory for the member states. Likewise, the only compulsory interpretation of the convention is the one made by the court in its decisions. The court has the competence to decide on the understanding and performing of the convention, according to Art. 32. Under the circumstances, the national courts of law must perform the convention according to the version given by court to those standards. For example, the right of property is protected by one article from nr. 1 protocol of convention, a transcript that can be understood in many ways. There is nevertheless, an official interpretation, that of the court, developed by unanimous jurisprudence which is required, because, according to article 20 of constitution, it is a part of internal laws. Basically, the common courts of law, can perform a truly check-up or the promulgation, but only as far as the fundamental human rights and freedoms are concerned[6]. Thus, a person who thinks these freedoms have been violated to the extent to which are protected both by the constitution and by the convention, one can choose between the invocation of exception of unconstitutionality and the invocation of unconventionality of that transcript. The conventionality check-up performed at the internal level, as it only refers to fundamental freedoms, contributes to the shape of a juridical regime suitable to these freedoms[7].

The signing of the convention by Romania gave the Romanian citizens the possibility of taking action directly in front of the European court of human rights, should their rights and freedoms protected by convention have been violated by the Romanian state or any other member state of this treaty. In article 34 of the convention it is stipulated: „the court may be informed through a request by any physical person, nongovernmental organization or by any other individual group, which is called a victim of a trespassing by one of the high contracting parties of the recognized rights in convention or its protocols.

The high contracting parties involve themselves not to stop, by any means, the effective performance of this right. „The Romanian citizens may thus protect their freedom, after having previously ended all the internal appeal pathways, and in front of the international court of law from Strasbourg, this being a new effective mechanism of protection which contributes to shape a juridical regime for fundamental freedom.

Notes

[1]S. Raduletu, *Libertati fundamentele. Note de curs*, 2006.

[2]*Ibidem*.

[3]Constance Grewe, Helene Ruiz Fabri, *Droits constitutionnels europeens*, Presses Universitaires de France, 1995, p. 139.

[4]See Ion Dogaru, Dan Claudiu Danisor, *Drepturile omului si libertatile publice*, Ed. Zamolxe, Chisinau, 1998, p. 81-86.

[5]S. Raduletu, *op. cit.*

[6]*Ibidem.*

[7]*Ibidem.*

Résumé

L'article concerne la Convention Européene de la Défense des Droits de l'Homme et des Libertés Fondamentales. D'habitude elle est connue comme la Convention Europeene des Droits de l'Homme et elle a été signée à Rome, le 4 Novembre 1950. Le 20 Juin 1994 la Roumanie a ratifié cette convention et les protocoles aditionels et, dépuis ce moment-la, elle est devenue obligatoire pour l'état roumain.

Après l'article 20 de la Constitution roumaine, cet instrument international est directement applicable dans le droit roumain.

62

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Politics and Religion

This Is Not About Mohammed's Turban*

Michael Radu

In September 2005, Danish newspaper *Jyllands-Posten* published 12 cartoons that depicted the prophet Mohammed in a less than positive manner, including one that has his turban replaced by a bomb with a lit fuse. This January, a Norwegian journal reprinted the cartoons. The result, according to *Der Speigel*, was that Arab countries including Saudi Arabia, Libya, and Jordan, have staged loosely organized, impromptu boycotts that have led many companies, including France's Carrefour supermarket chain, to remove Danish products from their shelves. Denmark's Jyske Bank has estimated that a one-year Arab boycott of Danish food products could result in lost revenues of 322 million euros and the loss of as many as 4,000 jobs.

For liberal Europeans, used to cartoons or comments involving Jesus Christ, the Pope, or God himself, this was just another example of media irreverence in a post-Christian country. Indeed, according to the State Department, as of January 2002, while 84.3 percent of the Danish population belonged to the official Evangelical Lutheran Church, only about 3 percent of those church members attend services regularly—making them about the same number as there are Muslims in Denmark. Approximately 5.4 percent of the population is not religious and 1.5 percent atheist. There are therefore twice as many agnostics and atheists than practicing Christians.

Not surprisingly, given such attitudes, when Thorkild Grosboel, pastor of Taarbaek, a town near the capital Copenhagen, and thus a state employee, stated in 2003 that „there is no heavenly God, there is no eternal life, there is no resurrection" and was fired, many Danes supported his „right" to a salary as a pastor. All of this suggests that if one looks for „crusaders" Denmark is simply the wrong place.

Speaking in Doha, Qatar, ex-president Bill Clinton claimed that the cartoons are an „outrage" to Muslims. On the other hand, belatedly and somewhat surprisingly, many Europeans seem to understand what is at stake-quite simply, freedom of expression and, implicitly, liberal democracy in general. That is why *Die Welt* and *Berliner Zeitung* in Germany, *La Stampa* in Italy, *El Mundo* in Madrid, *France Soir* in Paris, and *Tribune de Geneve*, among others, reprinted the „offending" cartoons, in solidarity with *Jyllands-*

---

* Browsed from *Frontpage Magazine*, articles by Michael Radu.

Posten. Even more surprising, albeit of doubtful sincerity or lasting power, the European Union told the Saudis that a boycott against Danish products will be interpreted as directed to all EU members. (The giant French supermarket chain Carrefour nonetheless went ahead and removed Danish products from its shelves.

The reaction in the Arab/Muslim world was revealing of what may well be the most important and lasting result of the controversy. With a handful of honorable exceptions, such as Mona Eltahawy, who asked „Can we finally admit that Muslims have blown out of all proportion their outrage over 12 cartoons depicting the Prophet Mohammed published in a Danish newspaper last September?" that reaction was defined by two elements: a fundamental lack of understanding of what democracy and freedom of the press are all about, and continued use of violence or threats to impose Islamic concepts upon non-Muslims.

As could have been expected, the worst offenders were the Palestinians, who are major beneficiaries of Scandinavian aid—which should put paid to the argument that the recent electoral victory of Hamas was simply punishment for the Fatah party's corruption, rather than another indication of the popularity of violent Islamism. Anti-Danish (and Norwegian and Swedish) mass demonstrations have been held throughout the Muslim world and threats made against the citizens of those countries in Gaza. The Saudi and Syrian ambassadors to Copenhagen have been withdrawn, and Denmark's diplomatic relations with Libya ruptured.

The generalized boycott against Danish products have cost the main European dairy producer, Arla Foods (which has annual Middle East sales of $488 million), $1.8 million a day. It expects to have to lay off workers, as does Novo Nordisk, the world's largest maker of insulin. One can only wonder if the health of children and diabetics is less important than imposing Islamic values on a small, democratic European country.

By now, the Organization of the Islamic Conference, the Muslim World League, and the Arab League have all charged Denmark with blasphemy, desecration, and sacrilege. A protester in Kuwait said he wanted Danes „to feel the harm as a people the same way they harmed our prophet." And the World Assembly of Muslim Youth has decried Denmark's „culture of Islamophobia."

It has taken a long time for Samuel Huntington 's concept of a „clash of civilizations" to be taken seriously in European and American elite circles, but how else could one describe mass demonstrations in the street and such strong government reactions throughout the Muslim world against the concept of a free press, which is clearly a Western invention? And we should be clear that that is what is at stake. The Danish, French, and Norwegian governments have all tried, futilely, to explain that what newspapers publish

has nothing to do with government policies, and it should be obvious that neither Arla Foods nor Novo Nordisk control the editorial decisions of *Jyllands-Posten*. Unfortunately, in most Muslim and all Arab countries, there are no such separations. Hence, the demand for government action against the newspaper — a call going directly against the very essence of Danish and European democratic systems.

The latest assault against Western values in the name of Islam is not the first. There have been similar, albeit smaller and briefer ones, attacks on free expression for almost two decades, in the cases of novelists Salman Rushdie and Michel Houllebecq, journalist Oriana Fallaci, and Dutch film director Theo van Gogh, who was assassinated, all in the name of punishing insults to Islam. The *Jyllands-Posten* conflict, however, seems to have accomplished two things in the West. First, it has made it clear that most Muslims simply do not comprehend but nevertheless oppose Western democratic values and diversity. Second and most important, it has forced the Europeans to begin to understand and react to that fact.

Résumé

Les caricatures publiées il y a quelques mois par deux journaux occidentaux ont généré une nouvelle représentation de ce que Huntington nommait „le choc des civilisations". L'article ci-dessus décrit brievement les événements, les réactions et leurs conséquences à court et à long terme.

On Huntington Again

Ion Deaconescu

The cartoons portraying the prophet Mohammed, recently published in a Danish newspaper, created a stir in some Arab countries and in the Muslim world. Both parties' responses, in various forms and degrees, derive from religious intolerance and the fanatic faith of some leaders who want to change religion to a different practice (i.e. abuse) on behalf of moral precepts that have nothing to do with respect, tolerance and truth. Under the circumstances, *caritas* is replaced by violence in the name of God, without any mention of the fact that He is the Creator and that creation is priceless. Violence in the name of God/Allah is never ever justifiable. History has proven that whenever people did not behave themselves, there was no communication act and the love for the others (*caritas*) was replaced by hatred and deep suffering.

Violence in the name of Divinity is to be equated to the failure of faith and even with faith rejection. Segui stated that „religion will never be able to justify violence. The problem lies in the way faith is understood and not the in religion itself".

The multisided and ever divided world, tensed and insecure, drifting because of political abuse and because of lack of pragmatism, witnesses violence and fanatism. The Arab and Muslim world, in spite of some rare solidarity, has been characterised by crisis for decades now.

The return to the idea of a large Arab nation in charge with a sacred mission was supported by Zaki al Arzuzi, Michel Aflag and Salah Bitar, in the 1930s. According to it, any Arabophone is an Arab. Nowadays the concept of *Arab motherland* (*Al-Watan-al arabyi*) means land of all Arabophones, wherever they may live. This explains the violent outburst in several Arab countries in order to incriminate the attitude of the Danish newspaper.

In an article published in *Forreign Affairs* in 1993, Samuel Huntington drew our attention that the next world war, if there were to be another war at all, would be neither primarily ideological nor primarily economic, but cultural; it would be one among civilizations. Why? First, because „differences among civilizations are not only real; they are basic. Civilizations are differentiated from each other by history, language, culture, tradition and, most important, religion" and, second, because „the world is becoming a smaller place. The interactions between peoples of different civilizations are increasing; these increasing interactions intensify civilization

consciousness and awareness of differences between civilizations and commonalities within civilizations."[1] As Huntington noticed, the Islam – the Western world conflict had lasted for 1,300 years and „this centuries-old military interaction between the West and Islam is unlikely to decline. It could become more virulent".

Samuel Huntington's predictions gave rise to different responses, even violent ones in the Arab and Muslim world which tried to justify the Holy War. Thus, the Jihad became justifiable – it was meant to balance the aggressive and culturally harmful western politics.

In Huntington's opinion, there are 7 or 8 major civilizations: Western, Confucian, Japanese, Islamic, Hindu, Slavic-Orthodox, Latin-American and possibly African civilization. Only 7 or 8 of the 21 major civilizations identified by Arnold Toynbee in *A Study of History*. But Huntingtin added: „Civilizations may involve a large number of people, as with China («a civilization pretending to be a state» as Lucian Pye put it), or a very small number of people, such as the Anglophone Caribbean. A civilization may include several nation states, as is the case with Western, Latin American and Arab civilizations, or only one, as is the case with Japanese civilization. Civilizations obviously blend and overlap, and may include subcivilizations. Western civilization has two major variants, European and North American, and Islam has its Arab, Turkic and Malay subdivisions. Civilizations are nonetheless meaningful entities, and while the lines between them are seldom sharp, they are real. Civilizations are dynamic; they rise and fall; they divide and merge. And, as any student of history knows, civilizations disappear and are buried in the sands of time."

In the future, the world politics will be affected by this clash because the demarcation lines between civilizations will become the war front line, sources of crisis and blood sheds replacing the ideological and political borders of the Cold War: „The Cold War began when the Iron Curtain divided Europe politically and ideologically. The Cold War ended with the end of the Iron Curtain. As the ideological division of Europe has disappeared, the cultural division of Europe between Western Christianity, on the one hand, and Orthodox Christianity and Islam, on the other, has reemerged. The most significant dividing line in Europe, as William Wallace has suggested, may well be the eastern boundary of Western Christianity in the year 1500."

The American scientist considered that Western ideas – such as individualism, liberty, equality, liberalism, constitutionalism, human rights, democracy, the rule of law, free markets, the separation of church and state – "often have little resonance" in the other cultures, because „the people of different civilizations have different views on the relations between God and man, the individual and the group, the citizen and the state, parents and

67

children, husband and wife, as well as differing views of the relative importance of rights and responsibilities, liberty and authority, equality and hierarchy. These differences are the product of centuries. They will not soon disappear. They are far more fundamental than differences among political ideologies and political regimes". Furthermore, these principles would foster hostility towards their supporters, the cultural clash being found on the Islamo-Confucian axis made up of the most active Muslim countries: Iran, Irak, Syria, Pakistan, Libya.

„The opposition between the Western world and several Islamo-Confucian countries will generate conflicts in the near future", Huntington claimed at the time. Nowadays, his „prophecies" seem to become true as a few cartoons stirred such a scandar in the capitals of some Muslim countries.

The deformed portraying of the fundamental reference of Islamism is not to be seen as an offensing political act, but as an attempt to reply to, although in uninspired way, the numerous attacks of the Islamic fanatics. What is at stake is the profound lack of respect for a religion with millions of followers. Violence should not trigger violence, but understanding and meditation on the roots of evil.

The Koran says that Allah „Al-Rahman Al Rahim", „is merciful and full of compassion as He forgives the errants". To blaspheme the Creator is unforgivable. To kill in the name of the Creator is a serious crime, even the most serious one.

The time has arrived when people should, if not love their Creator, at least show the due respect to Him, no matter His name. Respect is also to be shown to the faithful people since to believe in His Eternity is to believe in Man's Eternity. Even if for some of us the future is religion while for some others it is the truth, there will be always be the mistery of faith in something beyond us.

Faithful or unfaithful, we should not discard the mystery of life and death…

Notes

[1] Samuel P. Huntington, „The Clash of Civilizations", in *Foreign Affairs*. Summer 1993, v72, n3, p22(28).

Résumé

„L'opposition entre le monde occidental et plusieurs pays islamo-confuciens provoquera des conflits dans le futur proche", écrivait Samuel P. Huntington en 1993. Les événements des années ont confirmé son hypothèse du „choc des civilisation". Les discussions autour des caricatures parues dans un journal danois sont une bonne occasion pour se rapprocher de sa théorie.

Islam – religion and politics

Aurel Piţurcă, Anca Parmena Popescu

Like in the case of great religions – Confucianism, Buddhism, Brahmanism, Christianity – Islamism was and continues to be a culture and civilization, a religious and political doctrine. Islamism is situated at the confluence between the religious and political perceptions of organization and management of the community. The Islam was conceived and evaluated in a manner granting priority to the religion, even if: ”*From some points of view, the politics is placed at the opposite point of the religious phenomenon. Everything connected with the organization and the regulation of common life in a society is situated in the field of politics. Politics would thus endorse the everyday life, while religion would be interested in supernatural realities*”[1].

For most Arab societies, but also for other societies, the Islam was not only a religious doctrine, but also the main ideological framework of political regimes, of thoughts, actions, manners of life and social - human practices. Almost all great religions took the name of their creator, such as Buddhism, after Buddha, Christianity, after Jesus Christ, Zoroastrianism, after its creator Zoroastrian, or after the people where it was born such as Judaism, after the Jewish people. The Islam is the exception to this rule, having no connection with the name of its creator, neither with the name of its people. The word „Islam” is of Arab origin and its means *to obey, to listen to, to be obedient*. Obedience is the main advantage and it refers to Allah. To dedicate your life to obey Allah, this is *Islam*. Allah is the creator and the master of everything that exists, including man. „To Allah belongs what lies in the sky and on earth, because he has power on everything”[2]. The whole social life, especially the religious one, and also the moral, spiritual, economic, political one, the human thought and practice is created and developed on the basis of the Koran, the Holy Book of the Muslims. The Koran is the creation of God, Allah, its messengers and prophets being Adam, Abraham, Noel, Moses, Jesus Christ and Muhammad. The Islam requires its believers to accept the Christian prophets, without distinction or differentiation. Muhammad is considered the last prophet, messenger of Allah, followed by him and Allah: „I am in comparison with the prophets before me as me man who created a house, made it extremely beautiful,

69

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

except a brick from a corner, and the world started looking at it and admiring it, saying: If this brick would miss, I am this brick and I am the last of the prophets"[3]. „Muhammad is not the father of our men and he is my messenger and the last one of the prophets"[4]. The prophet Muhammad is sent for all people, giving thus to the Koran, even from the beginning of its existence, a universal character: „Every prophet was sent by its people, while I was sent for all people"[5]. The Muslims considers that the word of Allah for the world was accomplished by Muhammad (570-632), to whom the Holy Koran was transmitted, this being the final revelation of God.

The existence of the Koran is considered by the Muslims a necessity, the product of divine revelation, its role being to lay the grounds of Islam as a religious doctrine, but also to put in order and lead human life, including that of the communities, either local or universal.

The custody and dissemination of the Koran was made at the beginning by memorizing the whole text, but also through its writing on stones, parchment papers since the age of Prophet Muhammad. This determines the Muslims to believe that nowadays the Koran is identical to the one revealed by the Prophet Muhammad. The creation and dissemination of the Koran gave birth to numerous traditions, including academic theories.

Most Muslims consider that during the period of Caliph Abu Bokr through Zayd Ibn Tholut took place the registration of the Koran desires, these being the basis of nowadays Koran. The most spread nowadays form of Koran is the text Al-Azhar (1923), made by a team of theologians from the University of Cairo).

Lots of Muslims consider the Koran as a continuation but mostly as a correction of Judaic - Christian holy books, especially Thora and the Bible. „I gave you – says Allah – the religion I prescribed to Noel, that I revealed also to you (Muhammad) and I prescribed also for Abraham and Moses and Jesus. Create the religion and do not separate within it"[6]. On the basis of general principles followed by people, the Koran gives wise solutions for all human problems from all the social, spiritual, physical, economic and political problems, because it is the revelation of the Wise and Worthy of Praise. In comparison to other Scriptures whose validity is considered temporal, the Koran is infinite in time and space. Allah himself decided that the Koran will be forever and will be transmitted from generation to generation without no alteration, to stay as it is: „Indeed we put down the Koran and We will be the guardians and every term was written in a Book, and the Koran has to last forever, until Allah will inherit the world with everything on it"[7]. The Koran pursued the transmission of knowledge, word of Allah and the validation of obedience of all people towards the Master of the world. The Islam is not only about the religious aspect, but also about direct involvement in the management and leadership of the local and then state communities. The

relationship between Islam as a religion and the political power, meaning the state, was and still is in the center of the debates from the nowadays Islamic world.

If in Christianity the separation between religion and politics was made clear, the same problem is completely different in the Islam world because, „the Islam seizes all the spheres of political, economic, social, life and does not allow a separation of the spirit from the temporary"[8]. Such a prophecy leads us to believe that the Islam is not only a religion of individual salvation, but also a normative and conduct model, a model of organization and management of a certain type of society, funded and influenced by religion. Also, the prophet Muhammad was the first who put into practice the relationship between religion and power, trying to make from Medina a model of ideal fortress having as source of organization and management the Koran. Nowadays, in the Islamic countries, the problem of relation between the Islam and the politics is evolving in two main directions: that of secularization of the societies, of the separation of religion from politics, reformism which, although theoretical, is not opposed to renovation, considers that this can be achieved only within Islam; and by returning to its pure, original form, taking as a model the Medina society from Muhammad's time or the time of the first caliphs: „…the Islamic reformism means returning to the great sources of belief and to the great moles of organization of societies"[9].

The contemporary embodiment of such a society would be that established in Iran by the Islamic revolution after the takeover of power by Ayatollah Komeyni, but also in Afghanistan, during the Taliban regime. Such a society is considered democratic, the only one capable of achieving social justice and equity where the religious regulations would be observed in all aspects. Such a society funded on extremism Islamism leads to the religious and political fundamentalism. Actions, extremist movements are also found in other religions, such as Christianity, but, as Richard Sabeviere says: „The difference between the Islamic extremism and other forms of extremism is not the terrorism, is the nature of its finality, meaning conquering the political power"[10].

The significance of the term „fundamentalism" is found in the essays written by the British and American evangelists – „The Fundamentals" – during 1910-1915. The idea was to impose the idea of absolute belief in scriptures and the necessity to interpret them liter am. We encounter fundamentalists in Christianity, such as the Baptist groups which are radical groups, representatives of Lutheranism and Presbyterianism, but also in Islamism using as a reason the renaissance of Islamism. In Christianity as well as in Islamism, fundamentalism brings in forward the idea of conformity of human behavior and social institutions with the religious doctrine. Manuel

Castell, a researcher of fundamentalism, considers it to be: „The construction of collective identity when the adequate behavior and the institutions of the society are connected to the norms derived from God's law, interpreted by a certain authority that intermediates between God and humanity"[11].

At its beginnings, the term fundamentalism – *usuligy*, referred to the theologians preaching the return of the Islamic doctrine to its original fundaments; it extended then to the whole Judaic – religious movement that preached a society where „the religious law is respected in all aspects"[12]. In its essence, the Islamic fundamentalism is about the following:

- to demonstrate the absolute superiority of the Islamic religion in connection to the others; on this basis, the extension of the borders of Islam would be justified;
- to show to the world, especially to Europe and to the United States, that Islam is not an obstacle for progress, development, that it is the only religion capable to reform, this meaning returning to its original form and its strict application;
- the Islamic reformism and fundamentalism would unfold also from: „When the Occident started to flourish from an economic and political point of view within the Islamic world, lots of Muslims interpreted their inferiority on the material market as a sign of spiritual and religious relaxation, attracting the divine anger"[13];
- fundamentalism is also seen as the only means to strengthen the Islamic civilization, capable of opposing the European aggression and especially the North-American one.

Facing the decadence of the Islamic societies, their inability to keep pace with the European and North-American contemporary development, the fundamentalists consider that these is caused by the spiritual - religious decadence, thus the way out is represented by the original Islam, applied as it is in the whole social life, especially the political one.

One of the leaders of the Islamic fundamentalism considers that Islam is a more comprehensive way of life, including religion, law, government and social, but incompatible with any of the laic forms, of Western origin. The laic state, the presence of citizen's rights and liberties, the separation of religion from politics, the spiritual strict role granted to clergymen, the elements of a democratic society are rejected by fundamentalists, these being considered in contradiction with the provisions and models after which the Islam is guided: „There are major differences – admits the president of Islamic Republic of Iran, Khatarui – between our religious belief and the Western values …Our belief is based on the existence of an omnipresent, omniscient God, while the western world rejects such being, at least in the social sphere"[14]. Fundamentalists use Koran as a political action program and

as a justification and legitimizing of fight and terrorism. In this situation, it is very difficult to separate religion and politics. Thus, organizations such as Hamas or Hezbollah, act in compliance with a religious ideology combined with an agenda and purely political interests.

The great majority of religious terrorist groups use violence, crime, assaults, sequestration; nowadays, as a result of increase of importance of politics in their action, some groups continue the terrorist actions with participation at the electoral process of the state. An example is the participation of the Hezbollah and Hamas organizations, the last participating in the recent elections from Palestine and winning them. In the opinion of certain specialists, this organization will be absorbed by the system; in the meantime its leaders will get more and more involved in the political process and less in confrontations with Israel from the South of Lebanon. The spiritual leaders of fundamentalist organizations are at the same time their political leaders. They use the provisions of the Holy Books in an unconventional manner, interpreting the principles, canons and the Islamic tradition in their own manner, in compliance with their political interests and goals, an augmentation in the number of believers and supporters of the cause, maintenance of a conflict situation, radicalization of the movement, indoctrination of militants, so on.

The misinterpretation, not in accordance with the Koran, took the name of Jihad in the thought and practice of Islamic fundamentalists. At the beginning, Jihad meant „effort", „fight". Most Muslims understand by Jihad the use of all energies and resources in order to set up, to impose the Islamic way of life, having as finality Allah's gratitude. To this end, Jihad may be a fight of the believer with himself in order to control his intentions and desires. Another meaning is used as an argument and justification of the terrorism by the Islamic religious movements is that of Holy War. Not every war, not even a defense war can be called Jihad, only if it is carried out against Islam. Silvien Emmanuel considers that the notion of Jihad has three different meanings: the war of believer with temptations, the passions that stop him to obey the laws of Islam; the Holy War means the construction of a collective; the Jihad- the offensive Holy War[15]. The implication in war is thus a religious decision, it belongs to the whole community and is represented by the Holy War against non-believers in the name of their faith. Its fundamental significance' is that of decisive Holy War, preventing the oppression and persecution of Muslims[16]. Most Muslims give to Jihad a meaning of engaging in a good deed, cause „and made New Rulers that ruled (the world) after Our commands and ordered them to make good deeds"[17].

In conclusion, we can say that the notion of Jihad, understood as Holy War, has an offensive character only when a person, a community, stops the Muslim believers to practice their religion. Not even the defense was can be

considered Holy War. An example: when the British attacked India, the Islamic religious leaders could not declare Holy War because the British did not stop the Muslim believers to practice their own religion. Thus, the principle from the Koran with the Holy War with offensive character only when the manifestation of religious act is stopped was not applicable. The terrorist organizations make from Jihad an instrument of political fight, within the Muslim states, but also in an international context. In order to raise awareness among believers, the leaders of the terrorist organizations, give priority to religion, in comparison with politics. Benjamin R. Barber presents the relationship between the Islam and the Jihad: „the Islam - says Barber - is a complex religion which is not synonymous to Jihad. The Islam cannot be confused with the religious fundamentalism and with terrorism"[18].

In its essence and origin, the Islam is a religion of peace and tolerance, because one of the meanings of the notion of Islam is translated through „peace" and obedience towards God. The Islam cannot tolerate and accept violence and crime because these are one of the most serious sins, and the prophet Muhammad says that the killers will be punished with the fire of Hell. Islam is a religion, a politics, a culture from another geographical space that imposes respect, a religion with millions of supporters and sympathizers whose feelings must be taken into account in the name of peace and co-existence. Liberty, irrespective of its forms of expression, action or behavior means, in the first place, respect towards human beings irrespective of their opinions or religious beliefs. Understood in an absolute way, the liberty can bring enormous services to humanity. In the relations between humans, irrespective of the field where they manifest, especially in the religious field, reason, understanding, respect, tolerance must dominate, and, above all, responsibility.

Notes

[1] Chagnollaud D., *Dictionary of political and social life*, ALL Publishing House, Bucharest, 1999, p. 146.
[2] *The Holy Koran*, paper edited by the Islamic and Cultural League from Romania, Publishing House nr. 2, 1999, Su-at An-nisa, 134, p. 99.
[3] *Ibidem*, p. XIV.
[4] *Ibidem* (33 :40), p. XV.
[5] *Ibidem*.
[6] *Ibidem* (42 :33), p. XV.
[7] *Ibidem* (15 :9), (13 :38), p. XV.
[8] Anghelescu N., *Introduction to Islam*, Enciclopedica Publishing House, Bucharest, 1993, p. 13.
[9] *Ibidem*, p. 80.
[10] Sabeviere R., Adari Feraarei, *United States and Islamists*, Vivaldi Publishing House, Bucharest, 2002, p. 227.
[11] Castells M., The *Information Age: Economy, Society and Culture*, vol. II, The Power of Identity, Blackawell Publishers, 1997, p. 13.

[12] Anghelescu N., *op.cit.*, p. 79.

[13] Van de Weyer R., *Islam and the Western world, A new political and religious order after the 11th of September*, A.L.L.F.A Publishing House, Bucharest, 2001, p. 31.

[14] Khatami S.M., *Islam-dialogue and civic society*, Argus Publishing House, Bucharest, 2001, p. 55.

[15] Sivion E., „The Holy Tradition in Islam", Orbis A., *Journal of World Affairs*, vol 42, 1998, p. 178.

[16] *Ibidem*, p. 179.

[17] *The Holy Koran*, p. (21:73), p. XXIII.

[18] Barber. B.R., *Jihad versus Mc World, The way globalization and tribalism reshapes the world*, Incitatus Publishing House, Bucharest, 2002, p. 198.

Résumé

L'article **L'Islam : religion et politique** *regroupe les principales deux questions que le monde contemporain se pose: la relation de la religion et du politique dans le monde arabe et les incompatibilités concrètes de certaines pratiques liées à la culture islamique avec l'état de nos sociétés. Le but de cet article est de tenter d'aider à comprendre ce qui se déroule actuellement sous nos yeux, car toutes les bases pour comprendre l'Islam se trouvent dans le Coran.*

75

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

The Islam, Human Rights and Human Condition

Mihail Simion, Salaheldin Abdel Rehim

Approaching the question of human rights in the specific context of the Islamic ideology implies considering a distinct connotation of the concept of human right; this concept is called *al amu'amahat*, which in literal translation would mean 'intertreatment', that is the way a man treats his fellows[1]. From the Islamic point of view, the sources of human rights are to be found in its sacred book, which according to the Muslim tradition, was dictated directly to Mahommed or by Allah himself, or by Jabrail angel following Allah's orders, during the rule of the Caliph Osman (7th century A.D.). This religion is based on the principle that the Koran is the expression of absolute truths, a reliable standpoint which settles human rights. It is the only moral code, being thus for the Muslim, the unique source of religion, ethics and law.

An essential fact is that the Muslim law, based on the Koran, is founded on two opposite thinking currents: pure meditation, *al aql* and strict observance of tradition, *al naql*.

Human rights represent a system of rights and freedoms (implying duties) that a man can and must necessarily avail oneself of, irrespective of race, sex, religion, political opinion, nationality, wealth. Some basic rights are: right to life, right to be free, right to work, right to personal safety, right to equal legal treatment, etc.

In this context we should consider the way human rights are taken into account from the perspective of similarities and differences between the Islam and Islamism. This delimitation is very important, since Islamism represents a political ideology allegedly originating in the Islam, understood as a unique religion among the others. That is why doctrine makers consider that Islamism changes the religion (the Islam) into an ideology having an important role in the fight for freedom and full assertion of human rights. Islamism aims to defend some social options, sometimes having anti-western connotations: „It calls for a focus on the glorious past (the golden age of the Islam), overpraised for political reasons, but not really known, conceptualized or understood[2].

We should mention here that the Muslim Brothers, members of a group founded in Egypt by Hassan al-Bannâ in 1928, were precursors of this type of ideology. A social movement with important social and political

76

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

consequences was the Iranian revolution of the Imam Khomeyni in 1979. This was an essential moment in the process of intensifying Islamism as ideology and social practice.

Islamic fundamentalism was to represent an alternative utopia, a way of preserving identity, a new horizon for the masses whose condition was deteriorating ever more as a result of the ample divergences between Arabism and Islamism. According to the doctrine, Arabism represents a specific type of nationalist ideology which emphasizes exclusively the Arabian world: the Arabian civilization and values, the Arabic language and the Arabs.

Arabs have a pride which derives partly from the fact that the Islam appeared in Arabia and revealed in the language of an Arabian prophet. Consequently the identification of Arabs with the Muslim seemed very tempting. While Western people make no difference between Arabs and Muslims, Tunisians, Moroccans and Algerian can understand that an Arab could be a Christian and his reasons. Hence a series of disfunctionalities in understanding man's problems and his rights under the emblem of Arabian rules and Islamism. We should not disregard the part the Arabian world played in the vast process of decolonization, first in the East and then the Maghreb, a process reflected through Nasserism (during the political regime installed in 1952 by Gamal Abdel Nasser) and Baabism (after the Baas Party which took over the power in Syria – 1966 – and in Iraq – 1968). Within these pan-Arabian political regimes, built on a socialist authoritarian conception, human rights and human condition in general are re-structured, displaying aspects specific to the respective zones.

All the problems of human rights were also reorganized within the context in which in certain states a new lay trend is evident, considering that the lay trend has proved to be a quasi-religious doctrine. Or, under such conditions, human rights are restricted, as through this doctrine, churches and hence the religions widely-spread in the mass of believers were left out/excluded from exerting political or administrative power. „The lay doctrine belongs to fanatic partisans of institution secularization (state, education, hospitals). The religions factor should be totally removed from politics."[3] We mention Turkey's case which, in 1925, under Mustafa Kemal's leadership faced a special sort of laicization. We should also mention the fact that, as Bernard Lewis in *Le language politique de l'Islam* says, under the influence of the Western culture and institutions, the term „lay" appeared first in Turkish and only later in Arabic.

Human rights are also subject to important changes under the conditions of the frequent overthrowings of the political regimes in many Arabian countries. The opposition of the political regime of 1979 should not be disregarded in point of its importance for the Iranians, a fact which proved

to be against modernization and the influence of the West. Another fact that shouldn't be disregarded is the progress of Tunisia under the leadership of Habib Bourquiba who intensified at most the process of laicization. Two major concrete consequences were a new status for women and the abolition of polygamy.

Disapproving the costly Ramadan, in 1964, in the first day of the fast, Habib Bourquiba allowed TV cameras to film him while drinking a glass of orange juice, a gesture justified by the fact that the prophet himself had interrupted the fast. Attempts of laicization became evident in Egypt too, between 1925-1926, when professor Ali Abderrazaq from Al-Azhar Isalmic University concluded that the separation of the state from the church was possible but not advisable.

Analysing human rights from the perspective of the correlation among their assertion, the type and the form of political regime, we must add that these rights acquired new dimensions in the Islamic countries which, in one way or another, chose a republican regime. Many Muslim countries that experienced fights in order to change their political regimes finally abolished monarchy: Egypt (1952), Tunisia (1957), Iraq (1958), Yemen (1962), Libya (1969), Afghanistan (1973) and Iran (1979). By choosing a republican political regime, these countries followed the example of the first Muslim republic (Turkey) and equally of the French revolution, these adding to the compromising of the above-mentioned monarchies.

Under these circumstances, it is easily understood that the new political regimes made important efforts to profoundly change the life and working climate, the general conditions which define the status of the individual with his rights and duties.

The climax of these changes was represented by the option of some Muslim states for the socialist regime. Ever since 1940, the socialist ideal has begun to fascinate the Arabian-Muslim elites. Finally Egypt, Algeria, etc. rejected both „primitive" capitalism and totalitarian communism and started building a distinct form of socialism, neither Western, nor Marxist, but a Muslim one, meant to preserve the Arabian specific and originality. The Mulism socialism was not intented to be democratic, but just revolutionary, preserving all Islamic values. This signifies that the Islam never accepted the Communist ideology, in Islamic countries being found no Communist flag. Moreover, few political organizations in Muslim countries used terms such as „socialist" or „national", but never „Communist". Marxist revolutionary political regimes, close to Moscow, were installed as a result of coups d'état in the former Yemen and Afghanistan.

Our considerations linked to the correlation between political regimes and the problems of human rights include the analysis of the situation specific to the Muslim republics, formerly part of the ex-Soviet Union. One

must not overlook the fact since 1987 most of these republics have experienced a wide range of social and interethnic conflicts, as well as nationalist manifestation.

The above mentioned correlations are necessary to understand, in a specific way, the problems of human rights, in the light of the link between the type of political regime on the one hand and human condition, more precisely human rights, on the other hand. We cannot discuss about the Islam and Islamism in relation to human rights without considering the specificities of the various Islamic countries. That is why we refer to the characteristics of an Islamic state determined by the type of political regime.

Yet, there is a common element which ideologically connects all Muslim countries: their „Bible", the Sacred Book – the Koran. That is why, we propose further some concise considerations on human rights based on the Koran whose precepts represent the law for every Muslim.

When one discusses about law as a moral standard for the human conduct, justifying human rights and duties, one should take into account the literal meaning of *shari'a* which is „law" in Arabic, actually a neutral meaning for laymen. *Shari'a* means „path towards God", a proper conduct and praise of thruth. So, the term becomes, in a way synonym to religion. We should also consider the fact that neither the Arabic language, nor the Koran immediately enforced or as a codified legislation. It was only in the second century of the *hegirei*[4] that some restrictions concerning the two types of law were expressed: God's law, worships, and human law, the „intertreatments".
The first law is actually the religion based on the so-called „pillars" of the Islam, representing not only the foundation of the Mulsims' life, but a whole system of human rights and freedoms.

The second is centred on the social organization. Intertreatments (*mu'amatt* in Arabic) refers to the way people treat their fellows in a harmonious society where everybody must obey the well settled rules.

According to *shari'a*, this collision between God's law (cultural and spiritual) and human rights focused on the social organization, therefore rational, based on real material and moral interests, is not a coincidence. This collision has its source in the Islam itself which makes no distinction between the sacred and the profane, between the religious and lay people. The Muslim's life and tights must be founded on the five „pillars" of the Islam: the path of faith, the prayer, the gift, the fast during the Ramadan and the pilgrimage to the Sacred House of Mecca, at least once in a life.

Human condition – as set of social, economic, political, juridical, moral and religious factors which enable the complete fulfillment of human being – and human rights should not be globally approached, but separately, as we have tried by approaching the relation between Islamism – the type of political regime and human rights. Human condition and human rights are

influenced not only by political and juridical structures, but also by economic structures, the base for the whole political and juridical superstructure. From the economic point of view, Muslim states are extremely heterogenous, i.e. there is a large range of social, economic and political situations, from the underdeveloped countries (Bangladesh, Mali, Nigeria, Afghanistan, Somalia etc.) to very rich ones such as: Arabian Emirates, Omatar, Oman, Kuweit etc. The inhabitants of these countries where oil is the main source of the national income are rentiers for whom the „providential" state represents both a provider and a protector. They benefit from another source of wealth too: the sponsorship system. In such countries no foreigner can find a job or sign a contract or a commercial treaty without a citizen of the respective country warranting for him. However, Muslim countries, whether rich or poor, share the same social problems pertaining to their law system, the social structures being definitory for a extremely traditional society.

We should consider the way human condition and the human rights system are defined in the Koran. A Koran fundamental statement to be discussed is: „In thruth – said the prophet Mohammed – blood, property and honour are inviolable". Tradition (Sunna[5]) and the Koran, revealed to Mohammed by Allah, the unique God in the 7th century, represent the foundation of the social and political life. The Islam has no clergy, only religions guides who comment on the Koran and enforce it[6].

According to the Koran, the Islam provides a series of human rights, among which an essential one is the protection of children's lives. In Allah's name, the Islam requested that all children should be protected, irrespective of their sex.

Surat At-Tokwi, called „The Sara of Darkness", contains versets showing that, out of the fear that girls might bring dishonour to their families and might cause exaggerate expenses, female new-borns were buried alive:

verse 8 „And when the little girl buried is asked"

verse 9 „For what guilt was she killed"…

verse 14 „Then each soul will know what it brought".

Then he will find out his good and evil deeds[7].

The Koran also states that:
- the Islam *protects the property* of all individuals, since it is considered sacred and inviolable, regardless of the individual's religion;
- *the honour* of the Muslim is permanently protected. As a result of that, insults and jokes are not allowed. The prophet Mohammed said: „In truth, blood, property and honour are inviolable";
- ever since the time of the prophet Mohammed, the Islam has been a food example of anti-racism. Racism tries to justify social inequality, wars, with all the consequences they have on human condition and

rights. Such negative phenomena could be prevented by *pilgrimage* (*haji*) to Mecca. The purpose is to prove the unity and brotherhood between all races and nationalities in the world, sharing the same Islamic religion. Every year almost two million muslims participate to this pilgrimage.

The Islam is *a religion of justice*, which has direct consequences on human condition and rights. This is illustrated in verset 58 from Sura An-Nisa and especially in verse 9 from Sura Al-Hufurat: „…Make them fair justice and be unbiased because Allah loves the just." The Koran considers that we must be fair even with those that we hate. Allah himself in the verse 8 from Sura Al Ma'ida says: „Don't let your hatred for a people overwhelm you! *Be just because this is a sign of faith.*"

The understanding of the human rights from the Islamic point of view without considering *woman's condition in the Islam*[8]. A woman, either married or not, enjoys full rights, including the right of property which brings her certain benefits. *She has the right to buy and sell various properties without asking for her husband's permission*; she has the right to make gifts to poor people, spending her money at her will. Moreover, the Islam *encourages man to respect his wife*, since the prophet himself said: „*the best of you is the one who threats his wife the best*"[9].

Mothers are highly privileged within the family, *coming even before the father*: „Your mother, your mother, your mother comes first and then your father", answered the prophet Mohammed to a messenger sent by Allah, replying to the question which parent is more worthy of respect.

The family, as a basic element of the society, experiences *a period of crisis* all over the world, as a consequence of the general global crisis specific to the contemporary world. *Family crisis* displays *frequent disintegration phenomena*, doubled by *the refusal of more and more couples to legalize their relation* and also by the appearance of the homosexual families, legally accepted in some countries. Homosexual families have a negative impact on the traditional family (*heterosexual marriage*). Children whose parents are not legally married have an uncertain social status, compared to that of the children who have legally married parents. This has serious consequences on the education of such children. „*The rights of the husband, the wife and the children are in a perfect balance within the Islamic family system*. It implies an undisguised attitude, generosity and love within an organized family system. Peace and safety offered by a stable family have an essential importance for the spiritual improvement of its members"[10].

The Islam regulates human rights and better living conditions for *the elderly*. A particular aspect is that in the Islamic world nursing homes are hard to find. „When our parents grow old, they must be treated with respect and compassion. The support given to parents is an important moral duty,

ranking the second after praying"[11]. In Sura Al-'Isra: 23-24 from the Koran it is said: „Your Lord settled He should be the only adorated God: also you are to honour your parents and if one or both of them come to be old in your house, don't complain, don't scold them but comfort them. Out of pity, be humble and merciful and say: «God, be merciful with them, they have raised me»,,[12].

Therefore, the entire area of human rights and of human condition are influenced by the Koran. We consider that they are anticipated in their positive features by the translation of the world „Islam" itself. One should not overlook the correspondence between a word, a term and its content. The Koran itself uses the term „Islam" to designate the religion revealed to Mahommed, religion which signifies absolute obedience to Allah and his exclusive adoration.

The word „Islam" means obedience „total surrender to the will of the Master of worlds and *freedom form any submission or surrender to anyone except for Him…*This religion is called 'Islam' because it represents *the way of surrending and submitting* to the master of worlds and also a call for the liberations of man from any form of slavery"[13]. Analysing the above sentence we notice words like „obedience", syntagms such as „surrender to no one but Him", „call for the liberation of man from any form of slavery"; they have connotations which give us a particular perspective on understanding the status of the individual, his rights, his social and human condition in general, leading towards their real signification. Here the syntagm „call for the liberation of man from any form of slavery" has a distinct sound and social-political implication in the plane of man's and human life understanding.

A correct perception of the relationship between the Islam and the human rights and human condition in general requires considering the Meccan part of the Koran, compared to the Medinian one, in referring to the same social phenomena. For example, the Meccan part is the once where there are elaborated the basic principles of legislation and also the moral virtues at the foundation of the society, there are revealed the crimes of the polytheists who shed blood and burnt the belongings of orphans and buried girls alive etc.

The Medinian part of the Koran includes the acts of devotion, the types of relationships among people, the legal punishments, the family organizations, inheritances, social relations, international relations in time of peace and of war, the rules of governing and matters of legislation. There are also revealed the immoral deeds and behaviour of the hypocrites who represent a danger for religion and for sincere believers[14]. That is why, in the introductory part of the Koran, signed by the Islamic and cultural League from Romania in June 2004 it is said: „The Koran is Allah's message towards mankind" and „he came to meet all the requirements of human life,

for the first time starting from a divine foundation". Through its content and characteristics, the Koran has succeeded in offering „wise solutions for all human problems pertaining to the domains of spiritual life, intellectual and physical life, social life, economy and politics…"[15].

Notes

[1] After Philippe Gandin, *The Great Religions*, Bucharest, Ed. Orizonturi Lider, 1995, page 203.

[2] Anne Marie Delcambre, *The Islam*, Ed. C.N.I. „Coresi" S.A., 1999, page 71.

[3] Idem, page 65.

[4] Date which marks the beginning of the Muslim calendar (June 16 622 when Mahommed left Mecca for Medina); this is considered the beginning of the Muslim era.

[5] *Sunna* means the sacred tradition of the orthodox Islamism; it was systematized in the 9th century A.D. and it contains rules of moral conduct under all the circumstances (religious, social etc.), explaining and commenting on the Koran.

[6] See Florence Braunstein, Jean-François Pepin: *The Great Doctrines. Politics, Economy, Religion.* Ed. Antet, 1998, page 268 and followings.

[7] See *The Saint Koran*, 3-rd edition (translation into Romanian), Ed. Islam, 2004, page 774.

[8] See *The Woman's emancipation in the Islam: Historical points* – in The Islam, by Anne-Marie Delcambre, Ed. CNI „Coresi" S.A., Bucharest, 1999, pages 104-105.

[9] After *Guide for a Better Understanding of Islam*, Bucharest, Ed. Selam, 2004, pages 46-49.

[10] Idem, page 48.

[11] Idem, page 49.

[12] The Koran – 3-rd edition, in the Romanian language, 2004, page 374.

[13] Idem, page 11.

[14] Idem, page 26.

[15] Idem, pages 7, 8.

Résumé

Discuter des droits de l'homme dans le contexte spécifique de l'idéologie islamique signifie, premierement, donner au terme un sens assez different de celui qu'on emploie habituellement. L'article analyse le problème tel qu'il est reflété par le livre sacre du monde islamique, le Coran. Les droits de l'hommes sont liés à la conception musulmane sur la condition humaine.

Catholicism and Challenges of Modern Times. Papal Documents Existing during 1870-1893

Anca Parmena Popescu

To the end of the last century, the papacy succeded in gaining the outstanding status lost in Europe. From this perspective, the 19th century, governed by multiple influences of the new outlook on society and state, would experience a real religoius refreshment, strongly felt nowadays. The authority imposed by the catholic principles and the struggle for defending a new identity forced the Catholic Church to oppose the menacing liberalism manifested in Europe at that time. In addition to it, a wrong conception of liberty identified with the idea of total autonomy was adopted by the individual in front of the church, of other people, of the Christin value. Thus, during this period, papal documents focused to define one permanent model adopted by the Catholic Church in order to cope with modern challenges. Both the Pope Pius IX and the Pope Leon XIII created a new doctrine of the Catholic church, a real *corpus* of encyclical letters criticizing the two systems, the social and the economic one: socialism and liberalism. It is interesting to observe that in Europe, in the mid 19th century, we witness the formation of this new corpus deriving from the merging of the liturgical Catholic oration and the scientific one, combining the traditional authority of the pontiff with the hesitating logos of the science in progress.

After the death of Grigorie XVI, Giobvanni Mastai-Ferretti ascended the pontifical thronecare naming himself Pius IX. Pius IX (1792-1878) reigned on the papal throne for the period 1846-1878. The territorial progress of the Roman – Catholic Church is due to the pontificate, the pope made the most of any occasion arisen for the consolidation of the status of the Catholicism in Europe. Thus, in 1850, he created the English, in 1853 the Dutch one, and he also formed 29 arhiepiscopies and 132 Roman-Catholic dioceses.

The facility of communicating all over the world, due to the existence of steam ships and railways at the mid 19th century, led to the creation of strong relations between individual churches and the religious center, while the crowd of Roman – Catholic believers was rushing to the Eternal City[1].

84

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

The military support offered by Napoleon III, Victor Emanuel, king of Piedmont, unified most of the Italian territories, he proclaimed himself king of Italy, at Florence, in March 1861. This territorial issue, often called the „**Roman issue"**, separated the spirits in the church existence, till 1929.

On the 8th of December 1854, in *Ineffabilis Deus*, after consulting the bishops of the Roman-Catholic church, Pius the IXth will proclaim the **doctrine of „conceiving the virgin Mary"**, in other terms, once proclaimed this infallibility, Mary will be conceived as being „untouched by the original sin"[2]. The doctrine of „conceiving the virgin Mary" was adopted and accepted as a part of the dogma belonging to the Roman – Catholic Church and each Roman – Catholic believer should accept it and believe in it for being redeemed. By proclaiming this dogma, the pope indirectly reasserted his infallibility.

Within this period, the catholics are unanimous in defending the temporal authority of the pope and in joining together against the ascension of the socialist doctrines. Even if during the year 1870, Catholicism was affected by the ascension of the socialist doctrines, liberalism separated the spirits within the Catholic church. *Intransigent Catholics* - represented in France by Louis Veuillot, the paper *L'Univers*, Monseigneur Pie, bishop of Poitiers, Dom Gueranger, abbot of Solesmes – formed together a group of influence around the pope wishing that Catholic Church recovers all the former advantages[3]. Opposing them the *liberal Catholics* were demanding a benevolent neutrality, the Roman – Catholic believers should be content with common liberty[4].

After proclaiming the doctrine of „conceiving the virgin Mary", the pope Pius IX observed that political nationalism and liberalism of that did not fit with the interests of the Catholic Church. Under the circumstances, the pressure exercised by several bishops, made Pius IX take his stand by proclaiming two documents on the 8th of December 1864.

In the document *Enciclica Quanta Cura*, the pope condemns rationalism (particularly analysed by the philosophy of Kant who claims that we cannot reach God by means of reason), the Gallicanism, socialism and liberalism. The pope attaches to this encyclical letter a catalogue *Syllabus* (Compendium of mistakes) consisting of eighty censured sentences. Through this work, the pope condemns the new forms of philosophy like idealism, with its trend to pantheism, tolerance in religion, the separation between the church and the state, socialism, biblical communities, the system of secondary schools, the statement that pope does not hold secular power[5]. The following statements are censured:

55. Church should be separated from the state and the state from the Church.

77. In these times, it is no longer useful to consider the Catholic religion as the unique religion of the state, excluding all other creeds.

79. The false statement according to which the civil liberty of all religions and their full power for expressing openly and in public all the thoughts and opinions represent an easy way of leading people to depravity of their habits and spirit and of spreading the plague of indifference. The Roman Pontiff can and must accept to make concessions to the progress, the liberalism and the modern civilization.

In 1863, the document **Quanto conficiamur**, a continuation of *Quanto cura*, is proclaimed as an idea of **unam sanctum**, according to which each believer may be redeemed within the Roman-Catholic Church.

The works of the Concilium Vatican I took place during the period 1869-1870, representing a point of achieving the isolated Latin cycle, starting from 1215, when the Christianty of West is no longer confused with the Roman-Catholic Church, victorious and menaced at the same time, and begins to focus on its visible center: the Pope[6].

The Concilium met on the 8th of December 1869. The original plan was to proclaim and define the infallibility of the pope when dealing with problems concerning faith and ethics. As a theological doctrine, the dogma of the pope's infallibility was spread and preached within the Catholic schools centuries ago. Considering the Catholic theological doctrine, the veracity of this learning was not a concern, but the necessity of defining it revealed truth.

770 bishops from one thousand official bishops presented to the Concilium Vatican I had the right to vote. The whole Catholic world was represented only by European Catholic bishops. It was very difficult to prepare the files for the concilium and to settle an order of the subjects under debate.

In March 1870, the Concilium analyzed the *papal infallibility*. Most of the present bishops claimed to discuss about the papal infallibility, among them Dechamps of Malines, Manning of Westminster, Pius of Poitiers, Martin of Paderborn, Senestrey of Regensburg, Gassser of Bressanone Among those who were against the doctrine of infallibility we may mention Darboy of Paris, Dupanlopu of Orleans, Ketteler of Mianz, Hefele of Rottenbur, Dinkel of Augsburg etc.[7]

On the 24th of April 1870, the relation between concepts like faith and reason was analyzed. The Concilium voted the **Constitution Dei Filius** which defined the existence of a personal God that reason may know, and stated the necessity of a Revelation: „*If somebody says that God's substance and nature represent the substance and nature of things, than this will be the anathema... If somebody says that God is one and real, the Creator and our Lord, than one cannot be known by his works by means of the natural light of human ration, this will be the anathema*".

During the final session of the Concilium Vatican I, on the 13th of July 1870, this dogma was voted counting 451 favorable votes, 62 abstainings and 88 votes against. After the voting session, 55 bishops asked the pope's permission to leave Rome[8].

On the 18th of July 1870, the **constitution Pastor Aeternus** was proclaimed counting 533 votes in favour and 2 votes against, the constitution stated the pontifical priority: „*We proclaim and state that the Roman church hold, over all the other churches, by God's commandment, a pre-eminence of common power and this power of jurisdiction held by the Roman Pontiff, episcopal indeed, is imperative... This power held by the Pontiff does not endanger the episcopal, common and imperative power of jurisdiction...*". The decision voted by the concilium was the following: when the pope speaks *ex cathedra*, as the leader of the church, about faith, ethics, everything he states is considered to be infallible and should be accepted by the believers as a believing dogma, in order to receive redemption on earth. The theological practice, the doctrine will emphasize the pope's priority within the Catholic church herarchy thus the future concilium will be no longer necessary, as he represents the final authority concerning the concepts of faith and ethics.

The Concilium was postponed because of the beginning of the war between France and Germany on the 19th of July 1870, and Napoleon III withdrew the forces meant to protect the Pope in Rome. The theological literature of Vatican I is seen as unbalanced, this impression affected the pontifical throne in the 19th century. Finally, the definition of the dogma of papal infallibility had few consequences than that of the pre-eminence.

This study is incomplete if we do not present other papal documents[9] which influenced the Catholicism at the end of the 19th century and the beginning of the 20th century.

The Pope Leon XIII (1810-1903), who ruled between 1878 and 1903, is known for his encyclical letters written against national states, against Germany under Bismark:

- **CHRISTI NOMEN** refers to the propagation of faith and of Eastern Church, which was proclaimed on the 24th of December 1894. The encyclical letter reveals the position of the Vatican towards the Eastern Churches and the role played by Catholicism for the creation of one Church. The encyclical letter written by Pope Leon XIII was an invitation addressed to all the nations for the unity of the Christian faith, refering to the recent union of the Roman-Catholic Churches with the Eastern Churches: „*...you know that We invited and urged all nations to the unity of the Christian faith…You have learned from our recent apostolic letters concerning the safeguarding of the Eastern Rites that we look with*

87

special care to the East and its churches…We have investigated how to bring about more readily the desired end, namely the union of the Roman and Eastern Catholic Churches".

In **IMMORTALE DEI**, (November 1, 1885), Leon XIII states that the Church as well as the state emanate from God, completing tasks given by God, condemning the attitude of the state, that of denying the authority of God through the Church and of claiming the right of sovereignty over the church. The encyclical letter insists over the role of faith in maintaining the unity of Christians and the propagation of Christian values, considering the character and the form of the State if ruled by the philosophical principles: „*It is not difficult to determine what would be the form and character of the State were it governed according to the principles of Christian philosophy. Man's natural instinct moves him to live in civil society*".

In **RERUM NOVARUM** (May 15, 1891), Leon XIII states the moral rights of the church within the economy and politics, showing how to solve a social problem, especially the working-class issue. „New experiences" analyzed by the pope in the encyclical letter are described in harsh terms starting with the first paragraph of the encyclical letter[10]: „*Once brought to life the desire for new experiences tends to agitate the states, it was obvious to experience the thirst for changes passing from politics to economy. The continuous progress of the industry, its new methods,the change of relationships between managers and workers, the existence of a limited number of rich people while the large majority was living in misery, the development of the self-awareness of the workers,and thus their unity, the depravity of habits led to the outbreak of a conflict*". Leon XIII insists on the obligation of the state to recognize private property as a natural right, and the legal existence of states[11].

INSIGNES, (May 1, 1896) is one of the most important encyclical letter kept by the Library of the Vatican. INSIGNES is addressed to the Hungarian bishops and celebrates the power of Catholicism and its capacity of being an excellent promoter of the public security and a source of social welfare: „*In the preparation for your celebrations, the power of the Catholic religion as an excellent promoter of public safety and as the source or support of good things among the peoples shines forth*". The encyclical letter reminds us the role of the Hungarian leaders in preserving faith, supported by the pontiff sovereigns.

In the encyclical letter **AETERNIS PATRIS (1879),** Leon XIII recommends Saint Toma d'Aquino as an example for the theological and philosophical studies, the founder of the neo-Thomist philosophy, adopted then by the Catholic University of Louvain.

POLITICS AND RELIGION

Catholicism and Challenges of Modern Times. Papal Documents Existing during 1870-1893

In the encyclical letter „**PROVIDENTISSIMUS DEUS"** (1891), the pope encouraged the study of the Holy Scripture and supported the infallibility of the Bible.

In the theological litterature, the papal document of the end of the last century especially the Concilium Vatican I represented the harshest moment of the relation between Orthodoxism and Catholicism, and for the Catholic world they generated the revelation of the biblical, liturgical origins. Without ignoring the wars and the terrible aspects of the history, we have tried to emphasize this evolution *from the inside* as well as *from the outside*, considering the sources and the documents from abroad. The recreation of the evolution of Catholicism, by means of historical documents, represents the necessity expressed by the Orthodox Church, the steps for the study, selection and publication of the documentary indicates significant aspects concerning the historical evolution of the inter -religious dialogue.

Notes

[1] Ludwig Hertling S.J, *Church History*, Ars Longa Publisher, Iaşi, 1998, p. 508.

[2] Earle E. Cairns, *Christianity along the Centuries. A History of the Christian Church*, Dragostea lui Dumnezeu în acţiune Publisher, Chişinău, 1992, p. 386.

[3] Jean Comby, *Let's Read the Church History*, Tom 2, Arhiepiscopiei Romano-Catolice Publisher, Bucharest, 2001, p. 110.

[4] *Idem*, p. 111.

[5] Earle E. Cairns, *read works*, p. 386.

[6] André Scrima, *Holy Spirit and Church unity. Agenda of the Concilium*, Anastasia publisher, Bucureşti, 2004, p. 113.

[7] Ludwig Hertling S.J, *read works*, p. 511.

[8] *Idem*, p. 512.

[9] Documents are presented on the official site of the Vatican *http//: www.vatican. va.*

[10] According to the translation published by the Roman-Catholic Arhiepiscopie of Bucharest and published in Ioan I. Ică, Germano Marani, *Social Consideration of Church*, Deisis Publisher, Sibiu, 2002, p. 136.

[11] Earle E. Cairns, *read works*, p. 386.

Résumé

Etudier les rapports de la Papauté avec le monde moderne c'est étudier la rencontre hostile entre l'Eglise et le monde moderne. La mission de que se donna Pape Pie IX et Pape Léon XIII au XIX-ème siècle en accédant à la tête de l'Eglise catholique était double: restaurer une Eglise Catholique par elle-même ou par les organes: la foi et l'autorité doctrinale du Pape ou les documents du Saint-Siège.

89

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

September 11 & September 10[*]

Tod Lindberg

Tod Lindberg is a research fellow at the Hoover Institution and editor of Hoover Institution's *Policy Review*, a Washington, D.C.-based bimonthly journal of essays, social criticism, and reviews on politics, government, and foreign and domestic policy. He is the editor of *Beyond Paradise and Power: Europe, America, and the Future of a Troubled Partnership* (Routledge, 2004). He is a contributing editor to the *Weekly Standard*. Since 1996, Lindberg has written a weekly column about politics for the *Washington Times*, where he served as editor of the editorial page from May 1991 to December 1998. His column appears Tuesdays in the *Times*. Lindberg's writing has also appeared in *Commentary, National Review, Brookings Review*, the *Wall Street Journal*, *USA Today*, and the *Los Angeles Times*. His writing on international relations has appeared in several scholarly volumes and publications. He has been a guest on *Nightline, Hardball, Dateline*, and *Crossfire*, among numerous public affairs programs, and is frequently heard as an analyst on National Public Radio.

THE TERRORIST ATTACK on the United States on September 11, 2001, invited, if it did not indeed compel, wholesale reconsideration of the times we live in and the way we live in them. What once seemed to most Americans like a period of unprecedented prosperity and peace, now – with the towers collapsed, the Pentagon scarred, and more than 6,000 dead – seems more akin to a period of sustained illusion. We are thoroughly alienated from the point of view that was our very own September 10 and before: namely, that things were pretty good in and for the United States of America. Now – standing as the United States does between the opening salvo and the final volley in a war that is both necessary to win and entirely a matter of conjecture as to its course, duration, dimensions, and lethality – most everything we thought September 10 has been superannuated.

Some have said that this is not the same country it was September 10, or that the world changed forever September 11. But that amounts to an exercise in displacement. The world on September 10 was exactly the one in which the forces leading up to the next day's events had long been gathering. The country September 11 was the one whose history in its entirety shaped the response to that day (and an encouraging response it was). No, what has changed is each of us, in a universal reaction taking as many particular forms

---

[*] The article originally appeared in *Policy Review* 109 (October-November 2001), a publication of the Hoover Institution, Stanford University.

as there are people – anger, sadness, fear, gratitude, love, restlessness, and more, in every imaginable combination, having in common only that each was real not just in itself but also in the gulf separating it from what one felt September 10. It is as if the frame of mind of September 10 was negated as decisively as the lives of the victims – repudiated with finality. Whatever we might have been thinking September 10, we were wrong.[1]

Of course, some people emerged, with varying degrees of insistence and taste, to say that they had told us so. Some suggested that if only we had listened to them, we might have prevented this attack, or that if only we had pursued a different policy course, we might have fared better, or, at a minimum, if only we had truly heard them, we would at least have been prepared in our own minds with a better understanding of the true character of the world in which we live. A few of them had genuine insights to offer, but in the main, these claims to the gift of prophecy were overblown. Once something catastrophic happens, we can see with perfect clarity what we „should" have done. But not necessarily before the catastrophe, when the very things that it will turn out we should have done are competing with all the other things we might do or not do. This is not intended as a counsel of fatalism or passivity; one does one's best to anticipate and ward off trouble on the strength of one's convictions about which possibilities are more likely than the others. But one's best may not be good enough. The Boy Scout motto, „Be Prepared," is both good advice to follow and an impossible standard to meet. And it is only when we turn out not to have been prepared, by the arrival of something for which we were unprepared, that we become fully aware of our condition of unpreparedness.

The highly particular exercise in recriminations undertaken at the direction of the soothsayers who were correct in this case is, I think, petty in comparison with the massive recriminations under way within the breast of most of us, the soothsayers included. This is a far larger matter than what more we could or should have done to prevent the attack or mitigate its effects. It amounts to a change in the totality of our sense of ourselves, a full-scale revision of the opinion we ourselves had of ourselves as recently as September 10. How could we have been so wrong-headed? How could *those* have been our preoccupations, *those* our grievances and complaints and sorrows, *those* our desires, *those* our expectations, *those* our priorities?

Well, we have indeed changed. And it is undeniably useful to engage in serious self-scrutiny, to be a little hard on one's self (for a change?) – even if, alas, the prod to self-scrutiny was a horrendous terrorist attack, raising the unpleasant prospect that it takes no less to shake up complacency. But I think that in taking a look at ourselves, we would not do well to repudiate and try to forget our September 10 preoccupations, grievances, desires, expectations, and priorities. If they were petty by comparison with our concerns today, they

were not merely petty. Collectively, they also constitute, I think, a vision – a glimpse of the world we want to live in, how we will live in it, how it will feel to live in it. That this glimpse turned out to be fleeting – that we are, demonstrably, a long way from the world we want – ought not to discredit our vision of that world. We must fight now, but not only for survival: also to take a step closer to the world of our imaginings September 10.

THE PAST CENTURY has been a time of terrible wars and strife, but also of what most of us would call progress – which is to say, motion in a particular direction, and a desirable one. World War I marked the end of the pretensions of monarchical rule in Europe; World War II saw the defeat of Nazism and Japanese militarism; the Cold War ended with the collapse of Soviet communism. Francis Fukuyama's famous argument in *The End of History and the Last Man* described a world in which democratic capitalism had emerged as the single answer to the question of how human affairs should be ordered. That much of the world was and is still „in" history, and therefore engaged in violent struggle of all kinds, including with the parts of the world ordered according to the principles of democratic capitalism, did not diminish the irreversible character of the final answer. No other system, historical or imaginable, could satisfy the requirements of a human spirit now conscious of its own freedom. The philosopher G.W.F. Hegel believed he had seen the end of history in Napoleon's march across Europe, the start of the spread of the universal consciousness of freedom. The apparently new forms of tyranny that would come later, for example national socialism and communism, were doomed to fail on the grounds that they were erected in violation of – and in order to violate – the freedom now conscious of itself as free. For the post-historical world, there was simply no going back to feudalism, slavery, despotism.

More than „merely" democratic and capitalist, this world is also an ethical community – and its democratic and capitalist aspects do not precede but rather derive from this ethical community. To Hegel, the essential characteristic of this community is „recognition." When two people from it meet, each sees the other as fully human and free. Each wants to be recognized as free by another person who is free and equal, and in turn each recognizes the other as free and equal. Hegel's first ethical precept is, „Be a person and respect others as persons."[2]

This is relevant to the consideration of the idea of progress, in that this ethical community is in potential the totality of mankind – but in actuality, i.e., at present, a subset of mankind. It is, however, an expanding subset, and its expansion is the essence of „progress." That the world is far more democratic today, that it is far more liberal in terms of its political economy, that the desire for freedom is manifest in certain areas that remain unfree, that the ability to participate in the liberal political economy is often

eagerly sought by people whose own national economies are not especially liberal – all of this is an indication of the expansion of the ethical community of mutual recognition. That those in democratic countries do not wish to change their form of government and only rarely produce revolutionaries prepared to risk their lives to overthrow democracy; that people who participate in generally liberal economies show no enthusiasm for any choice that might seriously jeopardize their material prosperity – here are indications that de-recognition and the contraction of the ethical community do not much take place. The world, or in any case the part of the world „in" history in conjunction with the post-historical world – leaving aside, that is, the parts of the world that do not even seem to have „entered" history, on account of the absence of any consciousness of human freedom – does not in general fluctuate randomly between consciousness of freedom and obliviousness toward freedom, or therefore, between democracy and despotism. The movement is one way only.

And there is an endpoint: the actualization of the potential of the ethical community, which is to say, mutual recognition of all persons by all persons. This is what „progress" points toward.

Now, this may be wrong, indeed, all wrong. Radical contingency may be the true condition of man, and all that looks to us like progress may be illusory, our current condition a way station to future oblivion – in which case, nothing matters in any permanent sense. On the other hand, this account, though entirely secular, also has resonance with Biblical and other accounts of an „end" to which the human condition aspires. As Kenneth Anderson of American University's law school, himself a strong critic of what he sees as unvoiced eschatological assumptions behind much of the current thinking about international law, noted in the *Times Literary Supplement* the week after the attack:

Inevitably the preachers reached, as in other churches across the land, for the words of Isaiah 2:4, „they shall beat their swords into ploughshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more." It is curious how infrequently this exemplar of eschatological peace is connected with the conditions which the prophet specifies for it to come about: „And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it. And many people shall go and say, 'Come ye, and let us go up to the mountain of the Lord.' . . . For out of Zion shall go forth the law, and the word of the Lord from Jerusalem."

The prophecy of the Hebrew Bible is revisited in the New Testament: Christ, having in his time on earth taught people all that they need to know about how to live, will return to reign over them in peace.

The question of whether these eschatological visions are true – while it is somehow an ultimate question, the question of the collective destiny of humanity – does not exhaust the interest of these visions. Would anyone deny their beauty? Or that they are, in some sense, good? If a universal ethical community of mutual recognition is the end-state to which human beings aspire – or a world in which the Golden Rule, „Do unto others as you would have them do unto you," is the practice of everyone – might not the awareness of this aspiration improve behavior along the way? Might we not be more rather than less inclined to see the humanity in the Other?

What would it be like to live at a time when „all nations shall flow unto" the Lord's house, when all are brothers and sisters, when an ethical order of intersubjectivity shapes the relations of all to all? Well, to begin with, it is a time in which we are all equal in our complete satisfaction. In the Marxist extension of Hegel, this required the familiar principle of distributive justice: „from each according to his ability, to each according to his needs." John Rawls in *A Theory of Justice* offers a distributive principle from a liberal perspective. Surely there is a material component to this satisfaction. Yet there is no certain reason to think that the sense of complete satisfaction common to these visions is primarily material. People can be different in their particularity – indeed, they must be, to be conscious of themselves as distinct from others; intersubjectivity implies a sense of oneself as subject in distinction from another subject – while at the same time satisfied in their recognition by all other human beings as free and equal in that freedom (or as equal in sharing God's law or watchful love).

Since there is only one state, and everyone in it is satisfied, there will be no war and no revolution. In point of fact, it is not entirely clear that this universal entity is a „state" properly so-called, precisely because it has no enemies and cannot have any enemies. It is the irresistible sovereign. Yet no one resists. There is no politics because the problems of politics have been solved. All individual relations within the state (under the law of Zion) or with the state (with the Lord) are relations of right. The state is a disinterested third party capable of enforcing rights or law in all interactions – or put another way, God will dispense perfect justice.

And there will be no crime. Human beings will not murder human beings, because each will see herself in the other – as free and equal only insofar as all others have an equal claim to their own freedom and equality.

Finally, then, human beings will have nothing to fear from each other. Will they fear death? Yes, insofar as death is the one human thing unknowable to humans. But they will no longer fear violent death at the hand of another. People will no longer, in short, be bourgeois as Thomas Hobbes breathed life into the bourgeois in an attempt to create a politics different from its natural state of all against all. The bourgeois fears violent death, and

so will not risk his life in an attempt to obtain satisfaction. There is still politics in Hobbes's state, but not a life-and-death politics. Yet the fear of violent death remains close because of a fear of rebellion against the law of the state, in the form of crime or revolution, and especially on account of the possibility of the clash between states: war.

In the absence of the possibility of war, revolution, and crime – His kingdom come, or within the universal ethical community of mutual recognition – the essential attribute of the bourgeois is no more. Human beings need not fear violent death because no human beings will want to visit violent death on others. The world in which they live is a well-ordered place in which they are fully satisfied, either by each's recognition of each as free and equal or by serving a God Who created each in His image.

What will they do, the people in this world? Work, play, love, pray – or, in the secular vision, perhaps contemplate the beauty of the end-state of human beings in the universal ethical community of recognition of the freedom and equality of each. Who are these people? We are.

AT LEAST, we acted as if we were – until the morning of September 11, when violent death reimposed itself upon reality and our consciousness and we rediscovered our bourgeois selves. Perhaps from the end of the Cold War and the emergence of the United States as the „sole superpower," perhaps from the end of the threat of global thermonuclear war, perhaps from the tenacity with which democracy took hold in Central and Eastern Europe and Latin America, perhaps from the extraordinary period of economic growth during the final two decades of the twentieth century and the unimaginable accumulation of wealth worldwide, perhaps from the convergence of the policies of the two American political parties in support of market economics and a social insurance system and the convergence of the platforms of democratic parties around the world on similar agendas, perhaps from the widespread success of market economies throughout the world and the relative ease with which shocks to the economic system were absorbed, perhaps from the sense of the seemingly infinite promise of technology and the information economy, perhaps from the promise of „globalization" as an engine not only of worldwide prosperity but also of political stability and democratic reform as more and more people became stakeholders in the world political economy, perhaps from the stunning military victories driving Iraq out of Kuwait with minimal allied casualties and 10 years later waging an arm's-length war over Kosovo that would bring down Europe's last tyrant, perhaps from the experience of mid-year 1991 to mid-year 2001, during which there was arguably less conflict and mayhem and violent death than in any previous decade in human history – perhaps from any combination of these reasons and probably from all of them, we

forgot, almost, that we could still be afraid. For us, there was no Other, no enemy, at least not one that could reach us with violent death.

Instead, there was an ethical community of us and those like us, each recognizing the freedom and equality of all the other members of the community, situated in a world presumed to consist in large measure of people who wished to join this very community. And join they did – often whole regions at a time in the case of Central Europe.

This is not to say that there was no conflict between individual members of this community, nor between the political communities, the nations, that were part of it. But these conflicts were radically attenuated compared to past conflicts. There were still crimes by individuals against others, of course (though in the United States in this period even crime rates sharply declined). But there were no revolutions, nor really attempted revolutions (not counting the sometimes violent removal of the vestiges of communism or dictatorship in many states, because these amounted to efforts to find a permanent place in the larger ethical community). And there was not much war.

Much has been made of the apparent fact that democratic countries do not go to war with each other. Francis Fukuyama has called it one of the few nontrivial generalizations one can make about international relations in the past century. Some have described a supposed „zone of democratic peace." Yet one wonders whether it is adequate to see this phenomenon solely as a product of the internal political arrangements of states. If this is solely a matter of state relations, it is difficult to overcome the problem Immanuel Kant identified and tried without success to solve in „Perpetual Peace": There is no binding authority on states. Anything a sovereign state does, a sovereign state can undo.

Unless, of course, there *is* an authority that can bind even states – in this case, a nascent transnational ethical community whose members are not states but the citizens of states. Their citizenship in democratic states – based, as the governments of these states are, on the equality of each citizen and, increasingly, on each citizen's recognition of all other citizens as free and equal – poses no conflict with their simultaneous membership in a larger, non-state ethical community based on the same principles. To the extent that these citizens, as citizens of a state, constitute the group that makes the political decisions of the state itself, they will cause the state's actions to conform with the ethics of mutual recognition shared in the transnational community. This distinction also rescues us from the inconvenient fact that, as Columbia University's Kenneth N. Waltz has noted, the Germany of World War I was, by most measures of the day, „democratic." In order to save the proposition that democracies do not fight each other, it is sometimes necessary to revise one's opinion of a bellicose state's „true" political character. Better to say that a state will not go to war with another state if the political decision-making group of each, each characterized by an ethics of recognition of people as free

and equal in their freedom, also considers the political decision-making group of the other as free and equal in their freedom – therefore, as members of the same transnational ethical community.

So it is that the political disputes between the United States and Europe are about the importation of bananas. And if this is the character of international relations, what can one say about domestic policy? That in the world of September 10, Congress was bitterly divided between those partisans who believed patients should be able to sue their health maintenance organizations only in federal court and those who believed they should also be able to sue in state courts. Americans thought, in the world of September 10, that their biggest priorities were education and health care. How to raise children and how to live a long and healthy life will indeed be the biggest concerns of the actualized post-historical world; needless to say, Americans became acutely aware September 11 that their biggest concerns were actually very different.

There was, at the time, a noticeable and growing tendency among commentators and critics to disparage the world of September 10 (although never to cease to participate in it, not even among the anti-globalization protestors). One of the strands of criticism was along these lines: Now that market economics was all but universally accepted, even if one viewed this as a positive historical development, was it really so necessary to defend capitalism, capitalists, and the wretched excess of consumption? And what about the absurd market valuations for tech firms? Likewise, there was a creeping contemptuousness toward politics: *This* was the difference between Democrats and Republicans? They hated and despised each other over *this*? And really, were there no serious issues worth debating, nothing vital about which to contend? Nothing more important than the „Patients' Bill of Rights"? Consider just the name of that particular piece of legislation: In the late eighteenth century, the United States adopted a bill of rights guaranteeing free speech, freedom of religion, freedom of the press – and that was only part of the first of 10 amendments. At the beginning of the twenty-first century, Congress will pass legislation to settle the question of whether one may sue one's HMO in federal or state court and call it by the same name.

How different were our preoccupations of September 10? Consider this: A young woman disappeared without a trace in Washington in spring 2001. Soon thereafter, she was linked to a member of Congress named – oh, it doesn't matter. In any case, he first denied that he was romantically involved with her. But soon stories began to surface of other women with whom he had had affairs – and that the congressman had tried to persuade these women to remain silent, lest his political career be damaged. Finally, under mounting pressure from police and the suspicious parents of the missing woman, he admitted to the affair. Speculation swirled about the possibility of his

97

involvement in the disappearance. And night after night after night, the very same cable news programs soon to be filled with the images of the collapsing trade towers and the grieving families of the dead gossiped and speculated and contemplated the political implications of the congressman's dalliance. Through September 10, it was the biggest news story of 2001.

The contemporaneous critique of the world of September 10 never became especially serious, however – not, that is, until September 11, when, looking back, much of what was there seemed to be triviality, absurdity, or even inanity.

BUT IT WAS NOT trivial, absurd, and inane – or rather, the triviality, absurdity, and inanity we now see were themselves merely the trivial, absurd, and inane byproducts of something very serious and wondrous indeed: the conditions of peace and prosperity that characterized this period and that the events of September 11 do not, in fact, refute.

A nation obsessed with a congressman's dalliance is a nation with few other serious concerns. A politics capable of selecting the venue for HMO lawsuits as the principal subject for partisan rancor is a politics that reflects an immense degree of consensus about how the nation's affairs should be organized (a consensus that continued after September 11, one should add, only with the partisan rancor lanced as an angry boil for the duration). Politicians may have agendas they prefer to this centrism, but they are unwilling to act on them lest they jeopardize their chance of winning elections. True disagreement with a consensus is, by definition, rare; agreement is what makes a consensus. And its existence makes for imposing social stability. For a look at different conditions, consider the United States of 1975 or the Western Europe of 1981.

We often talked about the „politics of personal destruction" in the 1990s, especially who was practicing it upon whom. But when we talked about it, we were precisely *not* talking about „destruction" in any sense in which that word bears using in the world of September 11. What we were talking about was saying bad things about mostly very famous people, people who had immense resources behind them as they endured this supposed „destruction" and who have by and large done pretty well for themselves since. Nor, for that matter, was their treatment really „personal" – surely not in the sense in which the afflictions were personal for Job. These were mostly seekers of high office, hardly a conscript corps, and they became controversial not for who they were but for the office they sought. It was over the offices that the partisans were clashing, not the lives in question.

If the „politics of personal destruction" was neither „destruction" nor „personal," it was, however, the worst of our politics. And it is good that *that* is the worst we do to each other. Not all politics in the United States is mainstream politics, of course. But here, the message is much the same: The

fringes are not noteworthy for the extent to which they threaten to bubble up in violent action that will threaten the center; they are noteworthy for how quiet they are, how few people feel discontented enough to rebel in any but the most bourgeois fashion. Timothy McVeigh bombed the federal building in Oklahoma City in 1995, and his motive was political; some, though not many, of the anti-globalization protesters are willing to commit property crimes and even assault. But these are, on the whole, rare instances.

The United States has mastered bourgeois politics domestically and has even seen the beginnings of the circumscription of the bourgeois political space by an ethics of mutual recognition. Internationally, much of the world has equally mastered bourgeois politics and likewise begun to circumscribe it. As for the parts of the world where this is not the case, in the world of September 10, they seemed far away. Geographically, most are remote. The power of the United States serves as a mighty deterrent. And in many cases, the people there are fully engaged in local struggles of a complexity unfathomable to outsiders.

The peace and prosperity of September 10 were, to be sure, *our* peace and *our* prosperity. These are not the same as world peace and global prosperity. And yet they are surely a component of worldwide peace and prosperity, a part of the whole. We take the part for the whole at the risk of being disabused of this folly as thoroughly and horribly as we were September 11 – and also with an indifference, not even conscious of its indifference, to the fate of the rest of the human beings on the planet. Yet in doing so, we also achieve something: the imagination of a politics beyond violent death, an order in which, not out of the fear of risking one's own life but out of respect for the human person – in the form of the mutual recognition by each of the freedom and equality of all – no one kills. This is powerful, however premature. Even though it is not something we can be sure will exist anywhere but the imagination, it is something to which we should aspire.

WHAT HAPPENS WHEN the desire for recognition as a free and equal human being, which implies the desire to recognize others as free and equal human beings, this being the condition of one's own recognition, meets not a similar desire but a suicide bomber? Then what?

Then we fight. But what does it mean that we fight, and what does the fight do to our claim to want the things we say we want: a universal ethical community of free and equal human beings? In the world of September 10, we have no desire to deal death to an enemy. We are at peace; we have no enemy. Concurrent with the remission of the fear of violent death is an unwillingness to inflict violent death. (The nations of the European Union urge the United States to do away with the death penalty; this is surely a reflection of the EU's sense of itself as the avant-garde of a universal ethical community.)[3]

The essential problem is that we are confronted by people willing to risk death in order to kill us (or even to go to certain death in order to kill us). If we do nothing, they succeed. The prospect is, precisely, oblivion – not only for ourselves but also for the idea of progress we harbor and the end toward which it points. Here is a world, again, of slaves and tyrants, subjects and warlords. Here is a world in which life itself is nothing next to glorious victory. Friedrich Nietzsche described it approvingly. Perhaps a new bourgeois order would emerge from it, and perhaps a new flowering of consciousness of freedom. But there would be no reason to think it would last.

But, of course, we will not do nothing. We will do what we can to find out who they are and fight them. In the United States as elsewhere, there is no shortage of spirited people willing to risk death – only an overarching bourgeois political order and a broadening ethical order that channels this spiritedness and restricts its expression.

The latter, I think, is the source of a certain current uneasiness about waging war. For example, we do what we can to minimize civilian casualties – because we want to see the enemy's civilians as persons, potential members of a universal ethical community. Today, while we kill the soldiers of an enemy's army to the extent necessary, we do not want to cease to view them as human beings – persons who may have been coerced to treat us as an enemy, and therefore need to be treated as enemies, but not persons who reached that conclusion for themselves as did their political leaders. It is therefore not we, their killers, who deny their humanity, but their own leaders. This reasoning is tortured, of course – but we ourselves are genuinely uneasy about this even as we accept the necessity of the killing.

The United States has also long been unwilling to conscript: We will get by with those who volunteer for the military. Here the state arranges by contract what it could compel by force; the opposition to compulsion is of a piece with the revulsion provoked by the thought of the state's use of force. Once again, this is more than the bourgeois fear of death: It is an ethical distaste for the political, the world in which a state may designate an enemy and wage war; it expresses the hope that one day there will be need for no such designations without insisting that that day has arrived.

The war the United States wages will, I think and hope, be a war in which the United States makes extraordinary efforts to distinguish „enemy" from „person." The former has crossed a threshold the latter has not, no matter where such a person lives. We designate an enemy only insofar as someone designates himself our enemy by his actions as an enemy. Others we treat as persons, or at least we hope to treat as persons, in the hope that they will treat us as persons. In principle, I suppose, we can ensure that we have instilled the fear of violent death in the living by killing all those who are unafraid to die. But there is no solution to our problem here short of also doing what we can to

give people reason to value their own lives out of the knowledge that when they do, they will have taken a step toward valuing ours as well.

Our ethical sense of human beings as free and equal in their freedom constrains and shapes the political sphere in ways that will, we hope, broaden the ethical community of persons who treat each other as persons – until we are all part of „we." But, of course, our ethical sense cannot and does not obliterate politics. As long as we face people who are willing to risk death to kill us – to treat us as enemies – we will treat them as enemies. Only by doing as much can we take another step toward the world we caught a glimpse of September 10.

Notes

[1] Like most commentators, I write from the particular perspective of a fortunate position within American society and as a partisan in a nation at war. There will be times in which my use of „we" will be subject to the criticism that it is inclusive only insofar as one is similarly situated. For example, it is clear that the experience of prosperity is hardly universal. Readers should approach the „we" in this piece in the context in which it appears, deciding for themselves whether the generalization is meaningful.

[2] *Philosophy of Right* (Oxford University Press), sec. 36. Francis Fukuyama began this reexamination of historicism in *The End of History and the Last Man* (Avon Books), drawing heavily on the philosopher Alexandre Kojève's *Introduction to the Reading of Hegel* (Cornell University Press) and standing Kojève's Marxism on its head. Also very useful is Kojève's *Outline of a Phenomenology of Right*, now available in an English translation by Brian-Paul Frost and Robert Howse (Rowman and Littlefield), whose introductory essay is compelling in its claims for the insight Kojève's thought provides into current affairs. Also invaluable is Robert R. Williams's *Hegel's Ethics of Recognition* (University of California Press) for establishing the centrality of „recognition," what Williams calls an „ethics of intersubjectivity," in Hegel's thought.

[3] I think this EU self-image is questionable. The NATO treaty, which the United States is chiefly responsible for enforcing, binds members not only to unite against an external enemy, but also to live peacefully among themselves. The conditions in which the EU was born and matured included not just a postwar desire on the part of the nations of Europe to get along, but also state power in the form of an outsider, the United States, insisting that European countries get along. It is at least possible that the latter was necessary for the EU to come together and that the EU still rests to some degree on U.S. power. In that sense, this ethical community of universalist aspirations may not have been self-generating, and its avant-gardism would therefore be ahistorical, not post-historical.

Résumé

Les événements de 11 septembre 2001 ont été une occasion pour rediscuter beaucoup de problèmes graves de l'humanité. L'article de Tod Linberg est une analyse des transformations que le monde en général et la société americaine en particulier ont souffertes après le 11 septembre, aussi bien que des causes profondes qui les ont provoquées, des conséquences qu'elles auront et des solutions qu'on a pour les dépasser.

Globalizing Weakness: Is Global Poverty a Threat to the Interests of States?*

Vincent Ferraro

Vincent Ferraro is the Ruth C. Lawson Professor of International Politics at Mount Holyoke College in South Hadley, Massachusetts, where he has taught courses on world politics, international political economy, and American foreign policy since 1976. He has written on issues of global poverty, the debt crisis, and the international trading system.

The „Global Poverty Report" issued at the G8 Okinawa Summit in July 2000 noted that eliminating global poverty „is both a moral imperative and a necessity for a stable world" (World Bank, 2000, page i). The first concern is incontestable: global poverty is a moral abomination of the highest order. Indeed, this moral argument motivates invaluable personal and non-governmental behavior: literally thousands of private organizations work tirelessly and with great effect to reduce global poverty. But these private efforts cannot, by themselves, overcome the problem; nor can such efforts operate outside of the political and economic context maintained by the system of states. States remain the most organized and powerful agents in the world today, and their support is necessary to alleviate global poverty substantially.

States, however, are not motivated by moral concerns for non-citizens – altruism is a rare consideration in the world of international relations. States are obliged to protect their national interest. So was the Global Poverty Report correct that poverty reduction is also a prerequisite for a stable world? And is that objective compatible with the national interests of states?

Reformulating National Security

At its most basic level, the national interest has historically been defined in straightforward terms: the territorial integrity of the state and its political autonomy are the *sine qua non* of statehood. Without these two attributes there can be no state, and the protection of territory and autonomy from foreign threats is therefore the state's highest priority.

---

* Globalizing Weakness: Is Global Poverty a Threat to the Interests of States? Woodrow Wilson International Center for Scholars, *Environmental Change and Security*, 8 August 2003. Article browsed from http://www.mtholyoke.edu/acad/intrel/vinnie.htm.

Global poverty does not obviously constitute a threat to the national interests of states defined in these terms. Generally, poor states are militarily weaker than richer states, and few poor societies can directly challenge the territory or autonomy of rich states. Absent a direct threat from poor states, rich states can and will assert that their resources should be directed toward other issues— generally issues of a more immediate and unambiguous character. The alleviation of global poverty is therefore a low priority for most rich states.

Is this traditional interpretation of the national interest relevant to today's circumstances? When Thomas Hobbes first articulated the security dilemma of states in the 17th century, there was no overarching power to guarantee the security of states, and each state had no choice but to develop its own power for self-protection. In developing that power, however, every state exacerbated the feeling of insecurity in its neighbors, who would in turn have little choice but to expand their power as well. This cycle of escalating power and anxiety generated a relationship among states that mimicked the classic Hobbesian description of those lives lived without the protection of a sovereign: „solitary, poore, nasty, brutish and short" (Hobbes, page 186).

For years, however, many scholars have argued for a redefinition of national security, contending that the world has changed dramatically since Hobbes. For example, Richard Ullman offered this alternative understanding of national security twenty years ago: „A more useful (although certainly not conventional) definition might be a threat to national security is an action or sequence of events that (1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, or (2) threatens significantly to narrow the range of policy choices available to the government of a state, or to private, nongovernmental entities…within the state" (Ullman, 1983, page 133).

Ullman's conception does not replace the historical definition of national security; rather, it expands that definition to include less direct, immediate, or intentional threats to a citizenry. While the Ullman formulation fails to capture the sense of urgency usually necessary to induce citizens to pay for the costs of security, it nevertheless more accurately reflects citizens' actual security interests.

Many states have recognized (at least rhetorically) this expanded appreciation of what constitutes a threat to the nation. For example, President George W. Bush expressed little doubt in the 2002 *National Security Strategy of the United States* (NSS) about the changing nature of threats facing the United States after September 11: „Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government. Today, that task has changed dramatically. Enemies in the past needed great armies and great industrial capabilities to endanger America. Now, shadowy networks of individuals can bring great chaos and suffering to our shores for

less than it costs to purchase a single tank. Terrorists are organized to penetrate open societies and to turn the power of modern technologies against us" („National Security Strategy," 2002, page 1).

In the aftermath of September 11, few Americans would have contested this claim.

But not surprisingly, the NSS analysis of immediate threats to the United States undermines the traditional definition of the national interest. By asserting that the tactic of terrorism is to „penetrate" open societies, the NSS suggests that the conventional distinction between „foreign" and „domestic" is no longer as useful as it has been in the past. The erosion of that distinction arises from the changed circumstances of living in a globalized world, raising serious questions about whether the focus on an exclusive „national" interest remains useful, appropriate, or even meaningful.

Secondly, the 2002 NSS characterization of the threats posed to the United States deliberately depreciates the conventional military threats of the past, most likely because there are no powerful states at the moment that seem willing or able to contest American power. The attacks of September 11 did not jeopardize the territorial integrity or political autonomy of the United States. What these attacks did appear to threaten was the quality of life of American citizens: most specifically, the ability of Americans to live free of fear. In other words, the relatively obvious and transparent traditional markers for the national interest seem to have been replaced in the NSS by a concern for a more amorphous set of considerations.

The NSS in fact explicitly proclaims these changed conditions at its very outset: „America is now threatened less by conquering states than we are by failing ones" (NSS, 2002, page 1). Curiously, however, while the document identifies a rather dramatic change in the character of the states posing threats to the United States (from strong to weak), it does not really identify a change in strategy to deal with these new threats. A state protects itself from a strong („conquering") state by building up the capability to deter, contain, or conquer, and typically these measures include a heavy reliance on military capability. But how does a state protect itself from a weak („failing") state?

One can only answer this question by raising a prior question: what types of security threats do poor states pose to powerful ones?

Global Poverty as a Threat to the National Interest of Global Stability
Powerful states have a vested interest in the stability of the international system, and one cannot overestimate the significance of global order to a powerful state. Through their power, these states have shaped the political, economic, and cultural rules and norms that maintain the system as a whole and have taken steps to assure that those rules and norms conform to

their interests. American foreign policy since 1945 is a good example of the process: the United Nations system roughly reflects the republican form of representative democracy in the United States, and the Bretton Woods system (the International Monetary Fund, the World Bank, and the World Trade Organization) defends the rules of market capitalism.

There have been intentional challenges to this arrangement, most notably by the former Soviet Union. The United States interpreted this challenge as a national security matter of the utmost seriousness, and made strenuous efforts to reduce the Soviet threat. Since the Soviet collapse in 1991, no organized state has challenged the American system. Indeed, at the beginning of the 21st century, that framework seems nearly universal. There are virtually no national economies that exist outside of global markets, and few states fail to pay at least lip service to the idea of democracy or self-determination. Some analysts have interpreted these developments as a final triumph for liberal values, but such a conclusion is premature. It is safe to say, however, that at this particular moment in history, liberal values have attained a degree of universality that is both distinctive and powerful.

The United States has a strong self-interest in the perpetuation and maintenance of this system, which has as its dominant feature a dynamism that is usually referred to as globalization. About one-quarter of U.S. economic growth in the 1990s was derived from exports, and by virtually any measure the economic interests of the United States are now substantially coupled with the interests of other economic powers in the world. This interdependence is neither predetermined nor historically unique. It has, however, heightened the importance of global stability as a national interest of those states that are tightly integrated into the system.

Poor states are threatening to rich states because the weaknesses of poor states could be globalized, thereby destabilizing the entire international system. What is new and different about this threat is that, with few exceptions, it is not an intentional strategy. Poor states are not „enemies" of the international system, although the ramifications of their condition may undermine both the system as a whole and the quality of life in rich states in profound and potentially catastrophic ways. The threats posed by poor states are environmental, economic, and political.

Environmental Threats

The environmental threat posed by global poverty to the stability of the international system is obvious, direct, and dangerous. The NSS, however, mentions this threat only once and only peripherally. Both rich and poor states contribute to this stress, and rich states remain the primary offenders to the global ecosystem. But poor states contribute to environmental degradation in particular ways that reflect their constrained

economic choices. The fundamental difference between rich and poor states is that some rich states lack only the will to address the problem; many poor states lack both the capability and the will.

For example, deforestation, a serious global problem, is particularly acute in poor tropical countries. The causes of deforestation are directly related to poverty, either because poor populations cut down trees to clear land for agriculture or habitation, or because a poor state cannot resist the short-term economic advantages of selling wood products to rich countries. Even the most stringent domestic or international regulations cannot protect the world's forests as long as poverty restricts the ability and the will to focus on a long-term perspective. The same dynamic applies to almost every other environmental issue from global warming to resource depletion to water quality.

Poverty imposes a tyranny of the short-term perspective. While there is no necessary trade-off between economic growth and environmental protection in the long run, a poor state needs significant outside resources to realize both objectives simultaneously. This situation will only worsen over time, as poorer and more populated states become more integrated into the global economy and adopt the industrial techniques of the richer states. We already are witnessing the impact of Chinese industrialization on the availability of petroleum, and shall soon witness the effects of increased Chinese petroleum consumption on the global environment.

Indeed, the inability of poor countries to address environmental issues poses a serious threat to the quality of life, not just within the poorer countries but within richer countries as well. If, as many suggest, a global warming threatens potentially catastrophic consequences, then all nations will be affected, not just the people in countries that have been unable to reduce their emissions of greenhouse gases or to protect their forests serving as carbon sinks. More importantly, even heroic efforts on the part of some countries to control their emissions will not substantially delay a possible disaster if a number of other countries refuse to cooperate.

States that do not include the environmental interests of all states within their understanding of their national interest cannot succeed in defending their national interest. Environmental issues transcend the distinction between global and national interests, almost to the point of rendering it meaningless. To ignore global environmental security is to sacrifice national environmental security.

Economic Threats

Similarly, globalization has succeeded in economically integrating a large number of countries—rich and poor—into world markets. Proponents of globalization assert that the process benefits all who participate, and there is little question that globalization stimulates widespread economic activity

(Maddison, 1995, page 19). Increased global economic activity, however, has been accompanied by a dramatic worsening in global income inequality. The OECD study of the world economy from 1820-1992 and its data on GDP per capita growth led it to conclude that „the overall long run pattern of income spreads has been strikingly divergent…In 1820 the intercountry range (the distance between the lead country and the worst performer) was over 3:1, in 1870 7:1, in 1913 11:1, in 1950 35:1, in 1973 40:1, in 1992 72:1" (Maddison, 1995, page 22).

This pattern is increasingly unstable. High levels of economic activity are not sustainable in the face of dramatically escalating income inequality. As economic activity becomes ever more concentrated and larger populations are excluded from that activity, there are both short- and long-term risks to the global economic system.

The frequent debt crises since 1982[1] document the short-term risks of this growing inequality between rich and poor states. The total external debt of developing countries in 2001 amounted to about $2.3 trillion (World Bank, 2003, page 221), of which about 40 percent was owed to private lenders. These debts will never be repaid fully, and the rich countries have seemingly accepted this likelihood. But the debts cannot be completely forgiven without inflicting irreparable damage to the future integrity of the international financial system. Similarly, outright defaults on these loans would perhaps fatally undermine confidence in global capital markets and critically weaken specific banks with substantial outstanding loans.

Rich and poor nations are thus locked together in a mutual hostage situation. The economic security of rich countries requires a degree of economic development within poor countries to insure a sustained commitment to some level of debt repayment. The poor countries cannot honor this commitment without substantial support from the rich. Paradoxically, however, the problem of debt repayment has become so large that the rich states are more vulnerable to a default by a major debtor than the poor states are at risk of not being able to repay the debts. Rich states stand to lose more than just the interest payments on their loans if growing poverty in debtor nations forces a major default.

O'Rourke and Williamson assess the longer term risk of growing inequality in terms of a reaction against globalization itself. In assessing the dismal economic collapse of the 1930s, these scholars concluded that: „…a political backlash developed in response to the actual or perceived distributional effects of globalization. The backlash led to the reimposition of tariffs and the adoption of immigration restrictions, even before the Great

---

[1] For example, Mexico in 1982, Mexico again in 1995, several Asian countries in 1997, Russia in 1998, and Argentina in 2002.

War. Far from being destroyed by unforeseen and exogenous political events, globalization, at least in part, destroyed itself" (O'Rourke & Williamson, 1999, page 287).

The current evidence of such a backlash is suggestive, but inconclusive. There is, of course, a broad-based anti-globalization movement. But the greatest danger to globalization comes not from its opponents, but from its erstwhile supporters.

For example, when the Bush Administration imposed steel tariffs in 2001, the action signaled a rather dramatic change in its stated policy of free trade. The imposition of tariffs was a concession to the American steel industry, which had argued that competition from abroad (from both rich and poor countries) was crippling its viability. One can more broadly interpret the action, however, as a decision by the U.S. government to transfer the economic weakness of its steel industry to other states. Similar actions in the areas of trade, capital flows, foreign investment, and immigration are underway in a large number of countries in the world. We do not know the point at which these actions may translate into a genuine economic contraction. But states that adopt a sustained commitment to a policy of contracting demand are acting contrary to their long-term economic interests.

A more productive approach would be to stimulate demand for troubled products. There are about two billion people in the world who cannot participate in any meaningful way in the global economy. There is a clear national interest in deepening the process of economic integration to include the global poor.

Political Threats

The NSS discusses to some degree the political threat posed by the poor. Its argument is familiar: poor people will resort to violence (either in the form of terrorism or thro²ugh other criminal activities like drug smuggling) to change the political and economic system that they believe is responsible for their poverty. World Bank President James Wolfensohn also drew an explicit link between poverty and violence in 2001 when he spoke of the war on terrorism: „It is hard to say when the war will be won. Getting our hands on Osama bin Laden or installing a new government in Afghanistan will only be the start of the process. The war will not be won until we have come to grips with the problem of poverty and thus the sources of discontent. Not just in Afghanistan, but also in the neighboring regions, in many other countries. This war is viewed in terms of the face of Bin Laden, the terrorism of Al Qaeda, the rubble of the World Trade Center and of the Pentagon, but these are just symptoms. The disease is the discontent seething in Islam and, more generally, in the world of the poor" (World Bank, 2001). While this political explanation of violence has a grain of truth, overall it is both

misleading and dangerous. It is misleading because genuinely poor people do not themselves have the time nor the means to pose significant security threats. One of the greatest ironies of poverty is that being poor constitutes more than a full-time job: poverty dictates almost total attention to subsistence and no time for either leisure or plotting. Poverty is unquestionably a conditioning factor in resorting to violence—poverty itself is a ubiquitous form of violence. But the link between poverty and terrorism is, at best, tenuous. Terrorist leaders are rarely poor. Perhaps poverty may inspire willing foot soldiers for terrorist leaders, but terrorist organizers generally have their own agendas which have little to do, except rhetorically, with the alleviation of poverty.

The danger in identifying poverty as a cause of political conflict is that states will more likely respond with military or police force to eliminate threats, rather than initiating a more difficult and complex economic response to mitigate the source of those threats. States prefer to exercise their more traditional role as provider of physical security instead of intruding on the market with redistributive measures. Politically, it is far easier to pass appropriation bills for the military than to fund foreign aid.

Posing the poor as a military threat also plays into the hands of the state, which has its own reasons for retaining and enhancing its monopoly on violence. Moreover, this tactic reduces profoundly whatever sympathy those who are better off may have for the poor. These outcomes are dangerous. After the collapse of the Soviet Union, the mission of the U.S. armed forces became opaque. Recent attempts to clarify that mission have all centered around vague and ill-defined threats from: (a) „rogue" or failed states; or (b) terrorist groups, all of whose members purportedly come from poor states like North Korea, Iran, and Iraq. Unquestionably, these states and groups have interests in changing the current global distribution of power. That all of these interests are primarily rooted in the desire to eliminate global poverty is nonsense. The poor are everywhere and they are numerous. If we allow their very existence to be used as a justification for increasing the coercive power of the state, then no action or capability will be denied to the state. Global poverty is undoubtedly a source of great instability in the world, but it is probably far better and more accurate not to emphasize that link in military terms.

The real political threat is that the deepening divide between rich and poor states creates the illusion of separate worlds, one in which genuine cooperation among states becomes impossible. Poverty undermines the political legitimacy of the richer states: expressions of concern for political freedoms within poor states ring hollow as long as desperate economic conditions fail to elicit concrete action.

Conclusion

The national interests of states are no longer „national." September 11 underscored the realities of a globalized world: that security can no longer be guaranteed by a strong military, and territorial borders are highly permeable and increasingly trivial when defending the quality of life for domestic populations. This commentary has examined only three examples of how the national interests of rich states are fundamentally compromised by the weaknesses of poor states, even in the absence of any intention to threaten harm. The list could be easily expanded to include questions of corruption, disease vectors, migration, and the like. Rich states cannot afford the indulgence of pretending that poor states are not an integral part of the world system. The unforgiving imperatives of poverty can no longer be sealed off from the welfare of all.

A reformulation of the national interest to include global interests is necessary because our world scarcely resembles that of 17th century Europe, when the global population was less than a billion, the overwhelming human activity was agricultural, and few people ever traveled more than ten miles from their birthplace. Territorial integrity and political autonomy will always be important to states, but the threats now facing states do not respect or even acknowledge those parameters. The processes that have made human activity more integrated have led to both good and bad outcomes, the worst of which was the creation of global poverty and the explosion of the number of people who live in these circumstances.

Rich states no longer can ignore this truth. Hobbes needs to be updated: the life of states may still be poor, nasty, brutish, and short, but it is no longer solitary. The illusion of hermetically-sealed and self-reliant security is naïve and dangerous.

References

1. HOBBES, Thomas. (1968). *Leviathan* (edited with an introduction by C.B. Macpherson). London: Penguin Books.
2. MADDISON, Angus. (1995). *Monitoring the world economy, 1820-1992.* Paris: OECD.
3. *The national security strategy of the United States*. (2002). Washington, DC: U.S. Government Printing Office. [On-line] Available: http://www.whitehouse.gov/nsc/nss.html.
4. O'ROURKE, Kevin H. & Jeffrey G. WILLIAMSON. (1999). Globalization and history: The evolution of a nineteenth century Atlantic economy. Cambridge, MA: MIT Press.
5. ULLMAN, Richard. (1983, Summer). „Redefining security." *International Security 8*(1), 129-53.
6. The World Bank et al. (2000, July). „Global poverty report." G8, Okinawa Summit. [On-line] Available: http://www.worldbank.org/html/extdr/extme/G8_poverty2000.pdf.

INTERNATIONAL RELATIONS

Globalizing Weakness: Is Global Poverty a Threat to the Interests of States?

7. The World Bank. (2001, December 7). Reprint of *La Stampa* interview of James Wolfensohn. [On-line] Available: http://www.worldbank.org/html/extdr/extme/jdwint120701b.htm.

8. The World Bank. (2003, April). *Global development finance 2003: Striving for stability in development finance*. Washington, DC: The World Bank. [On-line] Available: http://www.worldbank.org/prospects/gdf2003/statappendix/stattoc.htm

Résumé

L'article porte sur les nouveaux défis survenus après le 11 septembre 2001. On parle des défis économiques et politiques, de la pauvreté globale comme défi pour les intérêts nationaux et pour la stabilité globale, car, maintenant, les intérêts nationaux ne sont plus encore nationaux. D'où la conclusion d'une necessaire revision de la sécurité nationale.

111

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Politics and Economics

Statistical Study Regarding to Development Potential – Foundation of Oltenia Region's Development Policy

Costel Marian Ionaşcu

Well-balanced development of all regions in a country is a hard-to-achieve goal. This relies on a series of precise analysis of immediate and future necessities of all regions, of their resources, of their advantages and disadvantages. Using this analyses, there can be obtained a hierarchy of regions, establish priorities, estimate, foresee and allocate funds and resources and decide on strategies to ensure their development. Of course, it is important for such an analysis to succeed in completely and fully presenting the reality of all regions.

Well-balanced development of regions was started also in our country, the present transition period also relying on this principle.

If we consider the analysis of only one region – Oltenia region – a series of elements can be underlined. These elements will be presented as follows.

SW Oltenia is one of the lesser developed regions in Romania: GDP in the region is 9% under the national average, while the unemployment rate is the second in Romania.

According to the Statistical Yearbook of Romania, on the 1st of July 2002 and to the Population and Dwelling Census – 2002 provided by Regional Direction of Statistics - Dolj, the population was lower by 2.45% than in 2000. Thus, in the last decade (1992-2002), the population in the region decreased with 126,723 people, reaching in March 2002 the level of 2,330,792 people.

After a general analysis of this region we identify the following strong elements:
- key-region between Banat and Muntenia (Bucharest);
- the largest energy supplier in Romania;
- a regional fraught in mineral products;
- lumber industry and transportation are competitive;
- The University of Craiova is one of the most important educational centres in the country.

Strong elements above are „unbalanced" by weak elements:
- generally, this is not a developing region, also because it is considered a border region (near Bulgaria and Serbia);
- low population in a very high number of small localities;
- agriculture is the main occupation;
- important problems with local poverty and inadequate social services;
- important problems since the forced industry development in the 1960's;
- the existence of a monoindustrial zone;
- environment problems, affecting air, water and soil;
- digital divide, in and in-between the major cities;
- difficulties coming from a large minority of Rrom population (5-6% of the region's population, as Rrom organizations estimate).

External elements that affect the general development and the labor market, in particular, show the following opportunities:
- great potential to develop services in the major cities;
- EU integration will lead to a growth in external commerce;
- a major EU investment was decided, in order to build a bridge over the Danube river to Bulgaria, the first bridge of the kind in the history of the region;
- the possibilities offered by the Danube river (the 7th European Hall) for raw materials exports to Western Europe;
- Internet development that may replace the lack of other communication possibilities'
- great potential for tourism.

In the threats category there can be identified the following aspects:
- industrial reorganization and late privatization. Still, there is a large number of uncertain work places;
- still hard to solved problems in coal extractive industry;
- reruralization which lead to poverty and low productivity.

Oltenia has been facing specific problems of environment and infrastructure and a number of structural difficulties during the transition period. On the one hand, between 1995 and 2000, there was an important agricultural movement, when more than one half of the unemployed workers from industry got back to practicing agriculture. On the other hand, the high economic dependency on a monoindustrial city, which suffered important industrial crashes, and, at the same time, low foreign investments and late SME and services development, all these have led to even more important differences between Oltenia and other more developed regions of Romania: in

many aspects, Oltenia and Moldova are the regions with the lowest economic indicators of social and economic performances.

Oltenia's agriculture is characterized by low productivity and low capacity for export, all these coming from products with low added value.

An important difference between the urban and the rural can be seen in education. This difference can also be seen in other sectors: transportation, environment infrastructure, health and social services are not very developed in the rural sector.

The production sector continues to be characterized by a powerful presence of factories with low economic results. These factories are placed mainly in the extractive and manufacturing fields. The number of people working in these fields represents 35% of the total, which represents a major risk for regional economy. Between 1998 and 2001, the total number of hired peopled suffered a decrease of 35,000 work places.

The business environment does not receive the needed support from companies. The region meets problems because of low development of professional associations; consultancy services are still at the beginning, and business infrastructure is still developing.

Considering the above elements, the labour market in Oltenia follows the national trend. The high unemployment in the region reflects the existence of long-term unemployment, affecting mainly young people and some underprivileged groups (such as gypsies, although data concerning unemployment in Rrom population are not available). A large number of companies in the region still need to be restructured, so severe problems on the labour market may still appear in the following years.

Late industry restructuring represented one of the most important causes of high unemployment in the region, even if the impact was somehow lower due to many workplaces in agriculture. The different importance of these elements explains most of the differences between counties. Lack of perspective and insufficient new workplaces in the region affects the whole region, but its effect is more important in the Vâlcea county, where unemployment affects a large number of young people.

Oltenia's learning population represents almost 20% of regional population. The entire number of people involved in education has a growing tendency. Vocational schools and higher education institutions do not offer modern educational facilities and means, although there is a strong connection with local companies that could offer good possibilities for young people.

50.8% of the people in Oltenia (1,217,986) are women; 54.6% live in rural localities. 45.7% of the unemployed people in the region are women, a lower percentage than the national one.

Poverty is an important aspect of the region: it is estimated that 32.4% of the population cannot reach the minimum standard of living.

Social assistance can only meet the needs of a low number of poor people. These persons do not actively participate in the educational process and, mainly in the rural localities, remain isolated and marginalized. Poverty and social exclusion are connected and a risk exists for certain parts of the population, mainly older people with low income, people with special needs, mothers in difficult situations and abandoned children. Gypsies (Rrom population) represent an ethnical minority and, at the same time, a vulnerable group. In Oltenia, 60,000 Rrom population was identified, representing 2.5% of the total population, still it is estimated that this number is much higher, almost 5% of the region's population. There is no available data to indicate discrimination for Rrom people on the labour market in Oltenia.

In order to have a reliable analysis of the labour market in Oltenia, one cannot avoid considering intraregional discrepancy, even if they are not the most important. Differences between counties are generated by their own geographical environment (Mehedinți, Gorj and Vâlcea have important mountainous areas; Dolj and Olt have important plain areas), by their population and their area. From the regional disparity point of view, infrastructure is an important element. The Mehedinți county is the only one in Oltenia, but also in Romania, where no locality in connected to a natural gas-network. The Dolj county is the last one in Romania and, of course, in Oltenia, as only 2.09% of it is localities benefit from current water network. Another important difference can be seen in the educational infrastructure, as higher education is concentrated in the Dolj County – The University of Craiova.

The social and economic analysis identifies 10 types of localities in the region:

1. urban localities with inter-regional influence;
2. urban localities with higher influence in the county;
3. urban localities with lower influence in the county;
4. cities with influence in the county and usage of qualified workers;
5. cities with influence in the county and usage of rank 2 qualified workers;
6. cities with local influence and usage of qualified workers;
7. cities with local influence and usage of rank 2 qualified workers;
8. rural localities using qualified workers;
9. rural localities using rank 2 qualified workers;
10. small localities.

A SWOT analysis of the labour market in the region, meaning strong elements, weak elements, opportunities and threats, should be considered and linked with human resources and social services. If human resources are to be considered, the following aspects are to be remembered:

Strong elements:
- there is no major difference between employed men and women;
- high labour force mobility;
- the development of economy based on competencies;
- high number of vocational schools;
- growing interest in education in the technical field;
- higher interest for creating local professional centres;
- smaller tensions on the labour market because of decreasing of substitution index.

Weak elements:
- more than 50% work in rural areas;
- low level of entrepreneurial education;
- illegal working is still present;
- fewer workplaces in industry;
- natural population decrease;
- increasing of unemployment; decreasing of occupational index;
- the existence of informational differences within the region.

Opportunities:
- the reduced number of workplaces in services (almost half of the one in the EU) create good opportunities to develop this field;
- a good partnership and goals between educational institutions and employers;
- quite important funds granted by the EU for the development of human resources.

Threats:
- the increasing of the dependency index (the proportion of unoccupied and inactive population at 1,000 occupied persons);
- people are willing to leave for Bucharest or outside Romania;
- social services, through strong correlation and influences exerted on human resources from any region, should be considered like a motivating element of the labour market in Oltenia, and this requires a SWOT analysis in this matter.

Strong elements:
- increase of life expectancy (higher than the national one);
- young people with special capabilities;
- no difference between men and women in benefiting from education;
- the tradition of professional education;
- generalizing the aim of open and distance education;

- the existence of at least one important higher educational institution in major cities;
- the development of services for abandoned children and the training for people involved in children protection services;
- many educational institutions and many ways to train people for the social services field.

Weak points:
- educational infrastructure is neither sufficient, nor modern, in the urban localities, and badly damaged in the rural localities;
- insufficient transportation means affects a large number of children going to school;
- difficulties for children in the rural areas to participate in the 2nd stage of education;
- discrepancies between offer and demand on the labor market, regarding education;
- lower access for Rrom population in higher education institutions (0.007 for Rrom population compared to 0.12 for Romanians);
- inadequate health infrastructure;
- insufficient medical utilities – mainly in the rural areas;
- insufficient medical personnel in rural areas;
- insufficient emergency aid, prevention and ambulatory treatment services;
- the highest rate of maternal mortality (much more than the average in Romania);
- low degree of social integration for people with special needs;
- growth of the number of abandoned children;
- poverty influences education.

Opportunities:
- growing interest in higher education;
- structural funds for social services.

Threats:
- growing educational differences between urban and rural areas;
- increasing of educational polarity (the increase of participation in academic education, in parallel with the increasing of school desertion);
- low salaries in education and health fields, leading to a crisis in the field of primary and secondary school education and to insufficient medical personnel in rural areas.

The labour market in Oltenia mainly reflects the national tendencies. There was an important growth in employment between 1995 and 2002. In SW region, employed population was, at the end of 2002, of 8,794 thousand people, a decrease of 64.9 thousand people than the previous year, representing 37.56% of all population. Women represented 46.66% (504.6 thousands) of all the employed population. The most important fields in economy that concentrate civil population are: agriculture and forestry (6.6%), industry (21.1%), commerce (8.39%), education (4.62%), constructions (4.16%) and health (3.91%).

The occupation ratio (a ratio between active civil population and the entire human resources) in 2002 was 93.13%. Potential active population suffered a decrease from 57.9% in 2001 to 49.5% in 2002. The number of employed people decreased from 556,000 people in 1996 to 406,000 in 2002, both for men and women. Participation on the labour market was in a continuous decreasing, both for young people (15-24 years old) – 9.5% of employed population in 2002 – and older people.

Identifying the current or future need of the labour force is a difficult process, if we were to consider economic instability and the lack of a coherent strategy of economic development, national or local. But, at the same time, it is not an impossible process, if the goal is to reach the EU standards.

References

1.   ***   Statistical Yearbook of Romania, 2000-2004;
2.   ***   The national priority goals of National development Program 2004-2006;
3   ***   The Methodological guide elaborated by the Develpment and Forecast Ministry regarding to way to elaborate of Regional Development Program;
4.   ***   Regional Development Program realized by the SW Oltenia Regional Development Agency for 2004-2006 period, according with Government Decision 1323/20.11.2002 published in Official Monitor from 11.12.2002.

Résumé

Un approche scientifique du potentiel de développement de la région Olténie reléve les traits suivants: le marché de l'emploi de la région refléte les tendances nationales; on attend de graves tensions sociales les années suivantes, à cause du grand nombre d'entreprises qui seront privatisées; la restructuration industrielle tardive est une des causes majeures de la croissance du chômage (partiellement équilibrée par une migration massive vers l'agriculture); le manque des perspectives de developpement et le nombre insuffisant de lieux de travail nouvellement crées affectent toute la région.

General Aspects Regarding Fiscal Evasion at Domestic and International Level

Anisoara Babalau

1. Fiscal evasion. Notions

Taxes and levies have always represented important income sources for the general budget of the state.

The amount of taxes and levies collected from juridical and physical persons at the general state budget forms the fiscal system.

The actual fiscal system is conceived to correspond to the requirements imposed by the social – economical reform, for the integration of Romania in the European Union.

The gathering of taxes and levies at the general state budget is justified by the fact that the functioning of a society implies the realization of some expenses that could not be covered but through sure and efficient resources. If the own resources of the state are not sufficient, then it will be resorted to taxes and levies. Tax appears, this way, as emoluments for services of any kind, which the state ensures[1].

The evasion through any ways from the constraint or the payment of the taxes, levies, contributions and other amounts due to the state budget, the local budget, the budget of social insurances and the budgets of the special funds by Romanian physical and juridical persons constitutes fiscal evasion.

In the literature, the term of *fiscal evasion* is used in a broader sense than the one that makes the law object, which is legal fiscal evasion and fraudulent fiscal evasion.

Legal fiscal evasion[2] is a form of fiscal evasion that allows the circumvention from the tax of a part from the taxed material, without this attitude being considered a violation of law provisions.

An example for the observance of such form of fiscal evasion is the reduction of taxes as a result of the decrease of the taxes following the decrease of taxable levy on patronage expenses.

The fraudulent fiscal evasion[3] is the consequence of breaching the law disposals and the authors of such deeds will have a penal juridical or contravention responsibility, after case. This is also the most frequent used sense in practice and juridical literature.

119

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

According to the development of the economic international cooperation and the amplification of the relations between the states with different fiscal systems and with a different fiscal level, fiscal evasion exceeded the borders of a domestic phenomenon and has become an international one. So, in different areas of the world we meet the so called „fiscal paradises", and that is Luxembourg, Bahamas, Bermudas, Panama, Cayman Isles, Liechtenstein. In the last mentioned state, for example, more social offices for companies, than the population number, are founded. This fact occurs because, on the territory of this state, income on profit is not paid.

Also, in the Cayman Isles (situated in the Caraibean Sea) with a population of 20,000, the same number of companies inhabitants is registered.

A „mild" fiscality constitutes the attraction of this island.

Fiscal legislation in the developed countries and not only, offered in the last year different instruments to stop fiscal evasion.

This tendency accentuated the conflict between the fiscal organs and the tax payer, once fiscal legislation become harder, the tax payers tried to find legal procedures of reducing fiscal obligations through the existent law escape.

2. The effects of fiscal evasion

Taxes represent compulsory contributions, established by law, the duty of the tax payers that realizes incomes and have taxable goods, due to the public budget and obtained inclusively through constraint by the competent public authorities[4].

Taxes, in return, represent the amounts foreseen by the public authorities with title of due payments for the realized services by them in favour of different beneficiaries, tax payer physical and juridical persons.

So, taxes and levies represent the oldest and at the same time the most important instruments created to obtain public financial resources, necessary to meet the general needs of the society.

From the analysis of the definitions of taxes and levies as well as of the phenomenon of fiscal evasion, the effects generated by them are to be seen[5]:
- effects over state income formation;
- economic effects;
- social effects;
- political effects.

2.1. *Effects of the phenomenon of fiscal evasion over the formation of the state income*

The phenomenon of fiscal evasion determines, first of all, a reduction of the quantum of incomes due to the local budget. This reduction implies, in its turn, a good functioning of the activity fields of the societies that live

on the state budget (education, health, army, maintenance of the legislative, executive and judicial authorities, etc).

The lack of financial resources determines the state to take the measures with immediate effect[6]: the introduction of new taxes and duties and the increase of the constraint quotes and of the existing ones.

These measures determine an increase of the fiscal pressure over the tax payers and have as an immediate effect the increase of the tax resistance[7] and in consequence, an increase of the phenomena of fiscal evasion.

The amplification of the phenomena of fiscal evasion means an even more diminishing of the volume of state incomes, and the negative cycle described above can be repeated with higher amplitude.

So, there appears a vicious circle, from which one can get out only by adopting some measures of reducing the fiscal evasion and implicitly an income growth due to the local state budget. Having sure money funds, the state can fulfill, in the best conditions, its services and functions, and, if are not necessary some supplementary resources can diminish the tax quotes.

As a consequence, the phenomenon of fiscal evasion influences in a negative way the quantum of the income from the general budget, through two mechanisms:

-   a direct one, through which the state budget does not have income that are due by law, following the circumvention from fulfilling the fiscal obligations;
-   an indirect one, by determining the public competent authorities to increase the tax quote of the existing taxes and to increase fiscal pressure, the resistance to taxes and, implicitly the increase of the evasion phenomenon, followed by the diminishing of the income to the state budget.

2.2. The economic effects of the fiscal evasion phenomenon

As an instrument of correlation of the income with public expenditures, the state budget occupies an important place in the process of realization and mobilization of financial resources for the money fund of the state and their allotment to diverse beneficiaries, physical and juridical persons[8].

Thanks to the general budget, a great part of the gross internal product will be assigned so that it becomes an important way of intervention in the life of society, by ensuring the development of the education, science, culture, health, by redistributing the financial resources between the productive sphere and the non productive one etc.

So, to fulfill these functions, the general budget needs sure income and an adequate volume. If the income, for some reason or other, is not received in the right amount and at the term mentioned by law, the state budget does not have the financial force that is necessary to fulfill its purposes.

As a result, the fiscal evasion phenomenon diminishes in a considerable manner the volume of the income to the general budget and implicitly, reduces the financial force that it needs to realize its duties.

3. Measures of fighting against fiscal evasion

The circumvention of a higher and higher number of tax payers from the payment of taxes and levies, either by not presenting the payment declaration or other documents established by law, either presenting, in an incorrect manner, the realized income, has made necessary the adoption of a firm measures to stop the fiscal evasion phenomenon.

In this sense, Law 241/2005, regarding fighting against fiscal evasion was adopted. The sanctions for deeds of fiscal evasion are mentioned in the second part of this law.

At the international level, among the measures adopted to limit the phenomena of fiscal evasion, we can mention:
- The elimination from law of the provisions that help the legal fiscal evasion.
- A good correlation of the fiscal facilities.
- Ensurance of the unitary coordination centrally and locally plan of all the control activities.

As a conclusion, a more solid and profound analyze of the internal mechanisms corroborated with the international ones of the evasion phenomenon will be imposed, in order to determine the movement of the instruments and measures to lead to fighting against and prevent fiscal evasion.

Notes

[1] D.D.Saguna, *Tratat de drept financiar si fiscal*, Ed. ALL BECK, 2001, p. 620.

[2] Emil Balan, *Drept financiar*, Ed. ALL BECK, 1999, p. 189.

[3] Vasile Ciuvat, *Drept financiar*, Ed. Universitaria, Craiova, 2001, p. 25.

[4] Idem. p. 26

[5] D.D. Saguna, *op. cit.*, p. 1092.

[6] Fields of activity that are very important, without them society cannot be conceived.

[7] For covering the lack of financial funds.

[8] Vasile Ciuvat, Anisoara Babalau, *Drept financiar*, Ed. Scrisul Romanesc, 1997, Craiova, p. 170.

Résumé

L'article présente la notion d'évasion fiscale, ses effets sur le budget de l'état et sur les activités économiques, ainsi que les mesures qu'on doit prendre pour combattre l'évasion. On traite aussi la question des paradis fiscaux.

Contractuality between Dealers and Consumers Adopted in EU Countries and Romania

Nicolae Gradinaru

With the object of forewarning and fighting against actions that harm the consumers' economic interests based on Directive no. 93/13/CEE from 5th April 1993 concerning abusive clause in the concluded contracts with the consumers adopted in all EU countries, has been adopted in Law no.193/2000 regarding the abusive clauses from concluded contracts between dealers and consumers[1].

According to the stipulations O.G. no.21/1992 regarding the consumers' protection, „State, through means provided by the law, protects the citizens in their quality of consumers, providing for the necessary stand of the unlimited access to products and services for their complete acquaintance with the essential feature of those, to vindicate and to protect the natural person's rights, against some abusive actions, for those who want to attend to basing and to take decisions in their quality of consumers."[2]

The consumer's right at closure of the contracts are:

a. Protecting against the risk of achieving a product or a service that may prejudice their life, health or to affect their rights and legitimate interests.

b. To be completely, correctly and exactly informed on the essential features of the products and services so that the decision they made to coresponde as good as it gets to their needs, as well as being educated in their quality of consumers.

c. To have access to markets that assure a various scale of products and quality services.

d. To be compensated for the damages generated by the unfit quality of products or services, using the means provided by law.

e. To be organized in associations for consumers' protection with the object of defending their interests.

In practice, there have been noticed many problems concerning the way contracts conclude, not in favour of the consumers because of some factors like:

123

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

- the existent inequality by one hand between the consumers and producers on account of the reduced level of information and education of consumers advising still low.
- Citizen's level of active and direct contribution to taking decisions regarding them.
- The inequality of consumer's chances towards dealers concerning the defence of their rights and interests in justice as also the lack of financial means.
- The inadequate development of competition or even the lack of competition in some fields with a large impact among the citizens that leads to imposing artificial prices, uncorrelated with the quality of products and services.
- Cancellion of contracts at dealers' initiative having as consequence an acceptance from consumer of preestablished terms by the dealer, and not a negotiation between the contracting parties.

In the case of those consumers there is a major unbalance between the contracting parties and from this reason settlements were laid down in order to protect the disadvantaged person.

The rights and the duties of parties

The concluded contracts between dealers and consumers for selling goods or performing services will include clearly the clauses stipulated by contract, unequivocally, to be intelligible therefore, specialized knowledge won't be needed.

When there is hesitation concerning the interpretation of some contractual clauses, these will be explained in the consumer's favour.

Abusive clauses can not be stipulated in the concluded contracts between dealers and consumers.

The *consumer* is a natural person or a group of natural people organized in an association that conclude a contract besides their authorised activity, either professional or commercial.

The *dealer* is a natural or legal person who concludes a contract within an authorised activity, commercial or professional.

The *abusive clause* is a clause that hasn't been directly negotiated with the consumer and by itself or together with other stipulations from the contract make in prejudices of consumer and, contrary to common sense, there is a significant lack of balance between the rights and the duties of parties.

The provisions of the law are applied also in the case of purchase order, or delivery order, coupons and tickets and the likewise.

The contractual clauses based on other normative acts are not under the influence of provisions of the law no. 193/2000.

A clause from the contract will be considered as not being directly negotiated with the consumer if this has been established without giving the possibility to the consumer to influence its nature, like the preformulated standard contracts or the general conditions of sale applied by dealers on the market of the product or the respective service.

If a dealer claims that a preformulated standard clause has been directly negotiated with the consumer it is his duty to submit proofs in this sense.

Abusive clauses are of this type:
a. The dealer is entitled to change unilaterally the contractual clauses, without a reason stipulated in the contract and it is accepted by the consumer through his signature.
b. The consumer is compelled to subdue some contractual clauses about which he has not got the real opportunity to be aware of, when s/he signed the contract.
c. The consumer is compelled to discharge the contractual obligation even though the dealer has not discharged his/hers.
d. The dealer has the right to extend automatically a concluded contract for a determined period of time with the consumer's consent if the determined period when this one could express his/her option has not been long enough.
e. The dealer has the right to change unilaterally without consumer's agreement, the clauses with features of the products and services which are not to be provided or the delivery term for a product or the execution term for a service.
f. The dealer has the right to remark unilaterally the conformity of products and services provided with the contractual stipulations.
g. The dealer has the exclusive right to interpret the contractual clauses.
h. There is limitation or cancellation of the consumer's right to claim damages in the cases when the dealer does not accomplish the contractual duties.
i. The consumer has to pay some large sums of money, out of proportion in the case of unfulfilment of the contractual duties by this one comparatively to the consumer's damage.
j. Limitation or forbidance of the consumer's right to cancel the contract in the cases when:
    - the dealer changed unilaterally the clauses mentioned ad let.e.;
    - the dealer has not accomplished his contractual duties.

k.   Exclusion or limitation of the dealer's legal responsibility in the case of consumer's injury or decease as a result of an action or a dealer's omission regarding the rise of products and services.

l.   Exclusion of the consumer's right to undertake legal action or to exercise another legal solution requesting at the same time the key of the disputes, especially arbitrage.

m.   Unjustified at imposition of some restrictions in administration of obvious proofs which the consumer's beheld or requiring proofs which according to the law are the object of another part from the contract.

n.   The dealer has the right to transfer the contractual duties to a third person-agent, a mandatory etc. without consumer's agreement, if this transfer serves to the reduction of guarantees or other responsabilities towards the consumer.

o.   The consumer is not allowed to compensate a duty to the dealer with a debt which s/he could have to the dealer.

p.   Establishing of a price at delivery in comparison with the established one at the concluding of the contract as long as the consumer has not got the right to end the contract when s/he finds the price too high as compared to the established one.

q.   The dealer has the possibility to obtain sums of money from the consumer in case of ending or non-performing the contract from the letter without stipulating compensation for the equivalent sum for the consumer, in case of non-performing the contract by dealer.

r.   The dealer is given the right to cancel unilaterally the contract without stipulating the same right for the consumer.

s.   The dealer has the right to conclude the contract for a determined period without a preliminary notification, except a relevant motivation accepted by the consumer through signing the contract.

In preformulated standard contracts the dealer has to issue, on demand, a copy of the proposed contract. The preformulated standard contracts concluded by breaking the legal stipulations are worthless. Abusive practices like imposing some unfair contractual clauses by economic agents who behold a dominant position on market are forbidden. Likewise concertized agreements and practices of economical agents that follow concertized consolidation of any unfair trading terms are forbidden. The contract which includes abusive clauses that may be seen by consumer or authorities won't produce effects on the consumer and the contract will go on with consumer's consent only after the removal of the clauses considered abusive.

After the removal of the abusive clause, the consumer has the right to ask to cancel the contract, s/he could claim compensation when prejudiced.

To prevent and combat the practices that prejudice the consumer's economic interests and also to respect the legal conditions the check of the contracts by an authorized agent of Consumer's Protection Office as well as by authorized experts of other organs of public administration is performed.

Superintendings at intimation from the prejudiced consumers will check and conclude official reports where are mentioned the remarked facts as well as the dealer's broken articles of law.

Dealers have to show the superintendings the original contracts concluded with the consumers. If there are proofs that the legal stipulations were broken the official report is sent to the court of law.

The procedure of common law gives the instance the right to dissolve a contract at the express request of one of the parties in the case of non-performance with delay of the assumed duties by that contract.

Law no.193/2000 represents a very important juridical instrument in the protection of the consumer's economic interests because it gives the instance the right to dissolve a contract in which an abusive clause is included without the compulsory presence of one of the parties.

Thus, the instance in case might see the existence of abusive clauses in the contract applies the contraventional sanction, disposes the change of clauses considered as being abusive if the contract continues and may disposes the payment of compensation if the consumer was prejudic0ed.

If, after the elimination of clauses considered abusive the contract can not produce anymore effects the instance disposes the dissolution of the contract and the payment of compensation if there was a prejudice to the customer.

On the contrary, if it is remarked that the clauses are not abusive, the instance will cancel the official report. The customers who suffered a prejudice by concluded contracts with breaking of legal stipulations have the right to address to the instance according the stipulations of the Civil Code and Code of civile procedure.

It is considered as contravention if the act is not made in such terms, that according to the penal law to be considered breaking the law, infringing the dealer's interdiction to stipulate in the concluded contracts with consumers the abusive clauses.

In case of contravention, the stipulation O.G. no. 2/2001 regarding the juridical system of the contraventions adopted through Law no. 180/2002 is applied.

127

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

Notes

[1] Law no.193/2000 published in M.Of. no.560, from 10.11.2000 changed by Law no.65/2002 published in M.Of. no. 52/25.01.2002.
[2] O.G.no. 21/1992 regarding consumers' protection has been replublished in M. Of. No. 75/23.03.1994.

Résumé

L'article présente les droits et les devoirs des consommateurs et des vendeurs tel qu'ils sont prevus par l'Ordonnance Gouvernementale no. 21/1992 et par la Loi no. 193/2000 concernant la clause abusive dans les contrats conclus entre les vendeurs et les consommateurs, adoptée afin d'adapter la législation roumaine au prescriptions de la Directive no. 93/13/CEE de 1993.
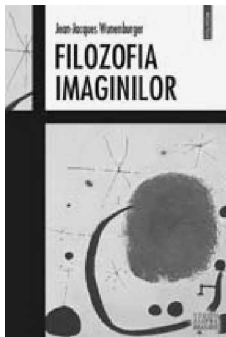
►**Jean-Jacques Wunenburger – a new approach of political philosophy.**

Dr. *Honoris Causa* of the University of Craiova, Jean-Jacques Wunenburger is Professor of Philosophy at „Jean Moulin" Lyon III University, Dean of the Faculty of Philosophy, member of the Centre for the Studies of (Social) Systems, Associate Director of the „Gaston Bachelard" Centre for Research on the Imaginary and Rationality of the University of Bourgogne in Dijon. Mr. Jean-Jacques Wunenburger is also, director of several famous specialized publications (*Figures, Figures libres, Cahiers Gaston Bachelard, Bulletin de liaison des Centres de recherché sur l'imaginaire*) and coordinator of numberless collective works. His most important works are: *La Fete, le jeu et le sacre*, Editions universitaires, Dijon, 1977; *L'utopie ou la crise de l'imaginaire*, Editions Universitaires, 1979); *Le sacre*, PUF, Que-sais-je?, 1981, 2001; *Freud*, Balland, 1985; *La Raison contradictoire*, Albin Michel, 1990; *L'Imagination*, PUF, 1991, 1993; *Methodologie philosophique*, PUF, 1992, 2000; *Questions d'ethique*, PUF, 1993; *La vie des images*, Presses Universitaires de Strasbourg, 1995; *Philosophie des images*, Ellipses, 2001; *Une utopie de la raison: essai sur la politique moderne*, La Table ronde, 2000; *L'imaginare*, PUF, 2003.

Professor Jean-Jacques Wunenburger opened, in 1998, the „Mircea Eliade" Centre for Studies on the Imaginary and Rationality of the University of Craiova, occasion on which his first translation into Romanian *La vie des images* (Cartimpex, Cluj-Napoca 1998, translated by I. Buse) was presented. Currently, the French philosopher is well-known in Romania, especially due to his books translated into Romanian by printing houses such as: Dacia, Polirom, Paideia, Cartimpex, Alfa Press. Some of these were coordinated by the „Mircea Eliade" Centre. Jean-Jacques Wunenburger was also invited on several occasions to lecture on the relationship between the imaginary and rationality or on the political imaginary at Universities such as: University of Craiova, (the „Mircea Eliade" Centre), University of Bucharest (CESI and the Faculty of Philosophy), „Babes-Bolyai" University Cluj-Napoca (the Phantasma Centre and the Faculty of Philosophy).

Jean-Jacques Wunenburger's studies research, particularly, the structures of images, symbols, myths and their relationships to the philosophical, scientific, cultural and political rationality. The work entitled *Political Imaginaries* (Paideia Buc. 2005, translated by I. Buse and L. Ciontescu Samfireag) is the second work of political philosophy published in Romanian by the author, after *The Political Man between Myth and Reasoning* (Alfa Press, Cluj-Napoca, 2000, translated by Mihaela Calut). It reflects the efforts of the French philosopher inspired by the founders of the notion of imaginary – Gaston Bachelard, Mircea Eliade, Gilbert

Durand – to approach human existence not only from the perspective of rationality, following the pattern of oriental philosophy, but also from the perspective of the imaginary. Thus, Jean-Jacques Wunenburger approaches the political sphere starting from the idea that the imaginary represents a pillar of rationality and, at the same time, a wall against thought corruption.

Imaginary anthropology leads the French philosopher to draw three main conclusions:

1. The fact the human beings and societies are unable to establish order and a political life unless they add mythic-symbolical beliefs, ludic actions and fiction to their exigencies, principles, models and rational norms. Starting a political life doesn't mean giving up sensitivity and imagination. The French philosopher stresses the fact that political life means „a total fact" which appeals to the totality of man's acts. So does affection, imagery, the imaginary and the imaginal which are part of authority and submission, of self-consciousness as member of a group, contributing to the emergence of collective purposes to be achieved through law or violence.

2. Jean-Jacques Wunenburger stresses – contrary to the tradition rooted in Rousseau's work, that associates political consciousness to superior reasoning – the fact that political societies never cease to believe, to play, to simulate, to imagine, to hope, fact that does not prevent them from creating juridical bonds between them or from putting their faith in the authorities. The author notices the fact that political imagination feeds on symbolic resources produced by religious phenomena, that political claims and changes that want to be independent of any religions mintal it difficult to separate from the scenarios, schemes and figures of the sacred. Thus, the imaginary does not darken the political, on the contrary, it gives it essence, which is better than the absence of the political, but it still represents a less evil and not the miraculous remedy to the problems of happiness, freedom, peace and justice.

3. Finally, the French author shows that we can integrate into a political body or have a common will and follow values and purposes only by resorting to a complex variety of mintal activities grouped under the term of imagination.

According to the French philosopher, political imagination confirms the fact that man lives by visions, anticipations, dreams, ideals, which would never become obligations suitable to reasoning without its continuous creative energy, the one that „fills the emptiness left behind by nature and reality". Without this ability of imagining the unreal, the surreal we would lack a freedom that never expresses more than when we can refuse the real, giving us a perspective on possibilities and when reversing destiny by a will capable of changing the order of things.

Marian Buşe

►**Ileana Roman, Miron Roman, 2005,** *Populaţie şi societate. Teorii, concepte, atitudini (Population and Society. Theories, Concepts, Attitudes)*, „**Scrisul Românesc" Foundation, Craiova.**

The book written by two well-known sociologists of Craiova, is a subtle analysis of demographic phenomena and their social conditioning. The study is an inter-disciplinary one, at the edges of demo-graphy and sociology, in an attempt to have a global perspective.

The double approach, theoretical and technical, as stated in *Foreward*, is to be perceived throughout the book. The first part *Teorii şi concepte demografice/ Theories and demographic concepts* deals with the theoretical and empirical framework of the demographic phenomena. There is a diachronic perspective of population-related theories, from Antiquity up to the modern age. Population is also described in the empirical approach – there are to be found the various stages of demographic phenomena and of the information flux in demography (surveys, the Oficial Register data, questionaires, record books). The next two chapters envisage the population demographic structure with the fundamental demographic characteristics (gender, age, marital status, family, house-hold) in focus. There is also interest in current demographic phenomena such as death rate, birth rate, fertility, marriage and divorce, migration etc.

The 2end part, *Demografie şi familie. Investigaţii empirice/ Demography and family. Empirical Research*, turns to good account the results of sociological research on young families and outlines the family development tendencies in Romania as well as the way in whivh traditional and modern and postmodern elements are joined together. The socio-cultural factors playing an important part in the choice of the partner, family planning and demographic behaviour are also discussed.

The theoretical background is well accompanied by a large amount of statistic data.

Mihai Ghiţulescu
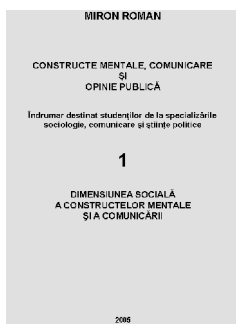
►**Miron Roman, 2005,** *Constructe mentale, comunicare şi opinie publică. (1) Dimensiunea socială a constructelor mentale şi a comunicării (Mental Constructs, Communication and Public Opinion. (1) The Social Dimension of Mental Constructs and of Communication)*, **Craiova: Universitaria Printing House.**

The book can be first used as a textbook for the students in Sociology, Communication and Political Sciences and then as a guide to those interested in the social aspects of communication.

Being, first and foremost, intended to meet the requirements of the students in the Humanities, the book is to be seen as didactic material as well catering to the needs of different specializations.

The didactic dimension prevails in the first two chapters which deal with the status of communication sciences in the curricula – their importance, objectives and information package, methodology and evaluation of students' knowledge and skills.

The third part, the largest one, starts from the concept of *construct* and the informative-communicative essence of society. Mintal constructs (abstract, axiological and imagological cognition) and psychological states are presented. The social dimension of mintal constructs, particularly the social dimension of language, is highlighted. Communication is embedded in the social context and it is defined as a relation, fact, phenomenon and social process. Last but not least, the question of the social purpose of communication and of manipulation is raised.

The book ends with a list of research topics, an anthology of seminal works in the field and the recommended bibliography.

Ion Deaconescu

►**Ion Deaconescu, Aurel Piţurcă (editors), 2005,** *Cultură politică şi democraţie (Political Culture and Democracy)***, Panciova: „Libertatea" Printing House.**

The volume consists of the papers presented at „Political Culture and Democracy) Conference in Craiova, in 2005, organized by the Political Sciences Department of the Faculty of History, Philosophy and Geography, University of Craiova. The wide range of topics and perspectives allows for a complex picture of the contemporary political phenomena provided by 25 authors from Romania, Serbia and Montenegro. The papers focus on political culture and behaviour, the relationship betwen mass-media and politicians, European integration and globalisation.

On the the 15th and 16th of november 2005, the „Democracy, Culture, Ethnicity" International Conference was held in Panciova (Serbia and Montenegro), organized by the Political Sciences Department of the University of Craiova, by the Department of Romanian Studies,University of Novi Sad, „Libertatea" Printing House and the „Argos" Centre for Open Dialogue, Novi Sad. There were 30 participants from Serbia and Montenegro, Romania, Poland, Malta and France, in 3 sections: *Democracy and Contemporary Society*, *Democracy and International Relations* and *Democracy and Ethnic Minorities*. On this occasion the volume *Political Culture and Democracy* was launched.

132

Revista de Ştiinţe Politice. Revue des Sciences Politiques ● Nr. 8 ● 2005

The *Political Science Department* of the University of Craiova will organize on the 26th and 27th May 2006 the International Conference

Romania in the Contemporary International Relations System.

Numerous participants from Romania and from abroad have registered and a selection of papers will be published.