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FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION

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ORIGINAL PAPER

Instruments of Political and Social Transcendence in John F. Kennedy's Inaugural Address

LavinIU Costinel Lăpădat¹⁾, Maria-Magdalena Lăpădat²⁾

Abstract

This paper aims to perform analyses, interpretations and decoding applied at the most profound levels of political discourse, using standards of methodology working in conjunction with intricate linguistic and semantic paradigms set against the backdrop of both social and individual psychological platforms. The objective of this research is to both understand and deconstruct the patterns of connectivity between President J.F. Kennedy as a discourse generator and the social masses of reception, the actual people for whom the message is intended. John F. Kennedy's inaugural speech in 1961 is the most powerful and well-known speech by a statesman in the entire history of political communications. Its capacity for ideological impact, the almost perfect combination of language techniques with the emotional vein of social and spiritual desideratum has generated an address that is still given today as an example as the standard of persuasion and ideological seduction. The real power of the speech resides not only within its own intrinsic mechanisms, but also within its capacity to achieve chronotopic synchronicity. In other words, it actually stood the test of time and it still is, in many respects, highly relevant until this very day.

Keywords: *Kennedy, inaugural address, politics, discourse, ideology.*

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John F. Kennedy's inaugural address in 1961 is the most powerful and well-known speech by a statesman in the entire history of political communications. Its capacity for ideological impact, the almost perfect combination of language techniques with the emotional vein of social and spiritual objectives have generated an address that is still given today as an example as the standard of persuasion and ideological seduction. All these elements fit perfectly with the high level of charisma and honesty of the powerful politician, consolidating the reputation of a man who seemed ahead of his time, offering not just promises, but rather an enlightened vision, meant to bring forth the progress of humanity in the name of peace and understanding.

Noam Chomsky postulated a unique but very solid state of disinformation burdening the general population: "The general population doesn't know what's happening, and it doesn't even know that it doesn't know." (Chomsky, 2013:78). John F. Kennedy is, by all means, a champion of the people and for the people against this apparent status quo. He sought not only to enlighten and inform the American people, but also inspire and empower them towards a greatest sense of progress and real democratic achievement.

This address is a unique blend of kindness, social equity, spiritual harmony, but also strength, both concrete and ideational, generated by the union of all people against the true enemies of humanity, denying gregarious and capricious conflicts based on common zonal interests and temporary interests. His vision is to lead the American people and inspire the entire planet in a veritable crusade against the mechanisms of oppression and poverty, wanting an equitable distribution of wealth, a detachment from the burdens artificially thrown upon our common humanity.

The speech begins with the collective use of the verb form "observe" at the expense of the singular form, thus using a linguistic methodology that affiliates the speech generator to the whole target group, generating a statement that will act as a true generational and social unifier: "We observe today not a victory of party but a celebration of freedom--symbolizing an end as well as a beginning--signifying renewal as well as change. For I have sworn before you and Almighty God the same solemn oath our forbears prescribed nearly a century and three-quarters ago. The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe--the belief that the rights of man come not from the generosity of the state but from the hand of God." (Kennedy, 1961). Kennedy stated that the world is indeed "very different", thus, raising a plethora of challenges that can either cripple or uplift the American dream. The idea of new social realities challenging current generations in order to tackle the issues of the times is pertinently ascertained by researcher Barbuceanu who states that: "The world we live today does not resemble the world we grew up in, and the world today is undoubtedly not the world our children will live in." (Barbuceanu, 2021:177)

Although his victory is a personal victory, or at most a success shared with the Democratic Party, he manages to perform a semantic transfer, equating this victory and implicitly himself with the very idea of freedom and everything that concept symbolizes. What follows is the predictable use of words in the semantic sphere of change, such as the word "change" itself, but also the words "beginning" or "renewal". By ticking off these predictable but necessary uses for any valuable political discourse, Kennedy moves on to exploiting the spiritual and religious dimension of the ideology of the American people. Despite the fact that America is a deeply secular state, where state and

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religion are clearly defined, the young president, of Irish descent and Catholic religion, exploits with great conviction and wisdom the vast electoral pool that believes in God's power and guidance. It should be noted that when referring to God, he does not include Christians exclusively, as monotheism can be shared and embraced by other religions such as Judaism and Islam. The transition from the abstract to the concrete desideratum of the discourse has two more short stops, invoking the ancestral heritage or the glorious history that make the listeners responsible to join the fight on the righteous and moral side of destiny. Kennedy portrays the social and political desire to end poverty and oppression between two frames of the resumption of religious issues, not accidentally resuming the duty to the ancestors, but especially to the ecumenical God who is both Jesus, Yahweh and Allah, according to the individual who perceives that message.

In the second paragraph, Kennedy talks to the audience from a place of forgiveness, but under no circumstance can it be allowed to be perceived as a platform of forgetfulness, urging his compatriots to stand ever-vigilant, mindful of their own legacy: "We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans--born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage--and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world." (Kennedy, 1961). The President confirms to the audience his affiliation with the primordial legacy of the American people, with an ideological mission of being the bearer and guarantor of freedom. Kennedy's motivational statement to "let the world go forth" possesses a dual layer of signification relating to the divine power of the biblical meaning of the word, but also to the importance of the word of communication in uplifting an entire civilisation: "Communication is a key element in the development of every society" (Stoian, 2019: 134). He connects to his contemporaries via the example of his predecessors, promising his friends, but especially his enemies, who, being enemies of America, become by semantic cunning enemies of freedom, that America is ready to play a vital role in the world. He promises to fight for the fundamental rights of human beings and to support them in the name of his nation and with the strength of his people, both in America and everywhere in the world, thus making a strong political statement that America is not a simple national player, not even a regional one, but one that can act globally, without reservations and with maximum consequence.

In the following part of the speech, Kennedy clearly builds the image of a strong country, but also reveals himself as a determined and decisive leader: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty. This much we pledge--and more." (Kennedy, 1961). His strength and that of the state he leads lies in supporting an ideological platform based on confronting evil, regardless of consequences or context. Compromise is, in his opinion, something unacceptable and he considers himself, along with his people, a fighter in the name of freedom and the survival of human dignity. It is to be appreciated that he manages to generate an extremely categorical and harsh statement, without mentioning the political and ideological enemy of the times (USSR), thus maintaining a discursive, diplomatic flexibility and the potential for dialogue. Through his statements, he wants to warn the enemy from the east harshly, but without activating it nominally, without

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backing it against a wall, without forcing The USSR to retaliate or react somehow impulsively in the name of a misunderstood national pride.

Kennedy was aware that no matter how strong his country might be or might eventually become, it would always need to rely on honest and dependable allies and the legacy of past friendships that had brought his country prosperity and glory: “To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United there is little we cannot do in a host of cooperative ventures. Divided there is little we can do--for we dare not meet a powerful challenge at odds and split asunder.” (Kennedy, 1961). In this part of his speech, the President strengthened his image as a strong leader, a binder and enforcer of a guaranteed alliance of common cultural and spiritual values. He then resorts to the easily predictable cliché of invoking the virtues of teamwork, but does so under the emotional spectrum of a potential failure if older alliances are unable to function at their maximum.

In paragraph five, JFK reveals himself as a fine geopolitical psychologist, but also a strong pragmatic strategist: “To those new states whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom--and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.” (Kennedy, 1961). He addresses the former colonies of South America and Africa, promising them that an alliance with America, to the detriment of the USSR, is synonymous with a guarantee of freedom and a path to progress and prosperity. Aware of potential hesitation or fear, he assumes the right to promise that America will never use its immense power for colonial domination, and that the Eastern alternative will have detrimental effects on those who choose it.

Aware of the susceptibility of the poor to a determined message to fight poverty, in paragraph six, the American president uses a whole emotional arsenal, aiming not necessarily at ideological manipulation, but rather at guiding the less fortunate: “To those people in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required--not because the communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.” (Kennedy, 1961). The president categorically denies that he would do so because of a geopolitical competition with the communist block, but this very denial reveals that this is in fact his goal, to make new friends for the capitalist world and remove those state elements from under the red grasp of Soviet Russia. The last sentence, in which he challenges the rich to help the poor, derives from an indisputable honesty of both the politician and the left-wing party of which he is a part, providing an exploration of enlightened social solidarity in order to counteract exacerbated communism.

The following fragment is a clear proof that JFK was more than a charismatic idealist, also proving he possessed an extremely developed geostrategic sense: “To our sister republics south of our border, we offer a special pledge--to convert our good words into good deeds--in a new alliance for progress--to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every

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other power know that this Hemisphere intends to remain the master of its own house.” (Kennedy, 1961). Aware of the USSR's inferences in Central and South America, the vulnerability of countries such as Cuba, he called for solidarity and progress, emphasizing, through the double linguistic occurrence of the word freedom, that America is the supporter of prosperity and the engine behind the functional future of the transition from emerging democracy to a prosperous and consolidated state. He guarantees the unconditional support on the American continent of all those who oppose oppression and "subversion.". In the end, a new veiled warning to the USSR follows, which he calls, in a euphemistic and reductive way: “every other power”, demonstrating both strength and communicational prowess.

This excerpt reveals the political will of the leader of Washington for unconditional support of the United Nations (UN), which he calls, poetically and emotionally, "the shield of the new and the weak" (Kennedy, 1961), wanting a global consolidation of the UN, a more important a role in the international apparatus of conflict management: “To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support--to prevent it from becoming merely a forum for invective--to strengthen its shield of the new and the weak--and to enlarge the area in which its writ may run.” (Kennedy, 1961). From a linguistic point of view, the extremely innovative use of the term "instrument" to refer to peace or the potential for war, while sounding the alarm that the current trajectory of humanity serves as a dire warning to the planet that a new conflagration could be the end of us as a species if swift and decisive measures are not implemented.

In his address, Kennedy also boldly envisions the role of enemies in the pursuit of peace. He believes that, through cooperation and dialogue, old enemies can be turned into new friends: “Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.” (Kennedy, 1961). The phrase in this paragraph reveals a clever communicator who creates a descriptive framework in which America is an innocent participant in the global conflict, cleverly blaming those “nations who would make themselves our adversary.” Based on this paradigm, he does not come with a threat, but with a request to seduce the ideological affinities of the listeners and challenge Moscow's belligerent foreign policy, calling for peace and the elimination of nuclear weapons.

This next iconic excerpt unveils a deeply pragmatic, cunning communicator who seeks to justify his nation's desire to gain advantage in the arms race: “We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.” (Kennedy, 1961). As a communicator, Kennedy is almost perfect. He mimics a profoundly positive and ideologically resonant discourse. Politically, he has a number of goals that are presented in the most seductive way that people can easily empathize with, but the solutions to achieve those goals are almost non-existent. In this paragraph, he even proposes a counter-solution, revealing that America needs to arm itself substantially and only through that armament can peace be achieved. Although it is nonsense from a logical point of view, from a geopolitical point of view and from the perspective of the need to manipulate the masses, we are dealing with a perfect contextual-ideological adaptation.

He convinces his listeners that peace is closer with every weapon America builds, but those very weapons are evil and dangerous in the hands of everyone else.

The transition of meaning in relation to the previous paragraph is extremely consistent but also skilful. If in that paragraph Kennedy campaigned for a strong arming of his country as the only way to achieve peace, in this paragraph, the American president states that the current national trajectories are incompatible with life on our planet, given the nuclear proliferation called in the text “the deadly atom”: “But neither can two great and powerful groups of nations take comfort from our present course--both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.” (Kennedy, 1961). Linguistically, the tone becomes softer, generating a conceptuality of cooperation by emphasizing that we can have either a dualism of peace or a dualism of war by referring to the potentially belligerent parties as “two great and powerful groups of nations” while further underscoring this conflictual dualism through the triple occurrence of the determinant “both”.

The assertions in this part of the speech are a mixture of the conative functionality of language and the emotional one: “So let us begin anew--remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate. Let both sides explore what problems unite us instead of belaboring those problems which divide us.” (Kennedy, 1961). A sincere and clear call for peace is made in the name of the idea that being reasonable or gentle does not mean “weakness” or vulnerability. Moreover, in the president's opinion, the real strength lies not in just having power, but mainly in being willing to give it up in the name of a higher ideal. The inability or outright refusal to negotiate stems from what Burtea-Cioroianu called a “lack of coherence” (Burtea-Cioroianu, 2020: 143). All international parties and politicians claim they seek the same universal human objectives: peace, prosperity, democracy, and yet the absence of negotiation does indeed demonstrate a severe lack of coherence between what is predicated and what is actually achieved.

This fragment reveals to a very large extent the clear image of a man who truly wanted to lead both nations on the path of peace and understanding. However, his approach is not naive, specifying that “sincerity” should not be accepted a priori, but needs to always be “subject to proof.” The skilful proliferation of the meanings of the word “negotiate” proves a very clear submission of linguistic mechanisms adapted in context to ideological desideratum. The last part of the fragment is under the sign of an emotional expression based on some referential trajectories that remain at the discretion of the listeners. Certain objectives are deliberately omitted to allow the listener to decide priorities and ideological structures of meaning.

The next part of the communication states the desire to build a strong nuclear non-proliferation strategy, emotionally exploiting the collective phobia of listeners to see how weapons of mass destruction could escape the control and interest of humanity: “Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms--and bring the absolute power to destroy other nations under the absolute control of all nations.” (Kennedy, 1961). Linguistically, there is a dislocation of the term “absolute” similar to the term “negotiate” in order to attract a fatigue capacity of the main audience (the American people), but also of the secondary

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audience (from the communist space), emphasizing the imperative desire to not accept any form of corruptive compromise in the righteous fight for peace.

The speech also endorses the visionary dimension of the former White House leader: "Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths and encourage the arts and commerce. Let both sides unite to heed in all corners of the earth the command of Isaiah--to "undo the heavy burdens . . . (and) let the oppressed go free." (Kennedy, 1961). We notice again the occurrence of the term "both", being invoked the need for cooperation and teamwork to achieve enlightened goals, perhaps even the transcendence of humanity. JFK doubles down on the emotional function of addressing by emphasizing, if necessary, the term "together", underscoring the duty and mission of all humanity to fulfil a visionary feeling that is difficult to achieve but impossible to ignore. Towards the end, he activates a religious dimension, but also an ideological one, through which the audience can connect, on a deeply emotional background towards ideological fulfilment as a prophetic legacy of the divine.

This particular part of the communication is harmoniously constituted through a balanced agglutination of linguistic relevance and ideological approach: "And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved." (Kennedy, 1961). Built on a strong conative vein, the president's desire is doubled by the threefold occurrence of the term "new", thus managing a discursive trajectory that seeks to leave behind old habits and rivalries, to build the foundations "a new world" that can function properly for everyone, not just the rich. From an ideological point of view, the president chooses his side, if not as a socialist, at least from a social perspective, based on the leftist doctrine of the Democratic Party.

The temporal considerations enunciated in this paragraph generate a subtle metalinguistic impulse that confers a decoding of JFK's political image as one of the ideological leader who does not think only in the short term based on a strictly electoral pragmatism: "All this will not be finished in the first one hundred days. Nor will it be finished in the first one thousand days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us begin." (Kennedy, 1961). His remarks show that any small step, any essential transformation of the global society, may or may not be very difficult. The listener is urged to join a vision that goes beyond the individual and relies on the material and spiritual propensity of a strategy that may involve generations, the progress of the species. Duration or intensity are not and cannot be a pretext for inaction, it is our duty, of all of us to "begin".

The president demonstrates substantial managerial skills, using a series of psychosocial methods to elicit ideological responsibility, and empower those who receive his speech with strong patriotic emotional undertones: "In your hands, my fellow citizens, more than mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe. Now the trumpet summons us again--not as a call to bear arms, though arms we need--not as a call to battle, though embattled we are-- but a call to bear the burden of a long twilight struggle, year in and year out, 'rejoicing in hope, patient in tribulation' -- a struggle against the common enemies of man: tyranny, poverty, disease and war itself." (Kennedy, 1961). Patriotic rhetoric is once again

accessed, which together with the assumption of a conscience of sacrifice can lead to a solid victory in front of the only opponent that really matters. The next battle of his generation and the generations to come must not be fought by "bearing arms but by being eager and patient to build a new future where a united humanity will defeat "tyranny, poverty, disease and war itself".

The call towards a global alliance marks a challenge launched by the US President in his Inaugural Address: "Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?" (Kennedy, 1961). Based on a referential rhetoric that enables a mass of universal addressing, extended beyond the direct listener, Kennedy indirectly invites even his geopolitical enemies to join an action aimed at changing the course of history in the name, but especially for the benefit of humanity.

Any act of political communication must strongly exploit the emotional side of the listeners, at the same time holding them accountable via the virtue of personal example: "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility--I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it--and the glow from that fire can truly light the world." (Kennedy, 1961). A clear mission is also set, that of "defending freedom", and this time Kennedy no longer spreads the burden of this debt to several generations, mentioning the privilege of those who live in that particular period of time to defend and consolidate an ideal of freedom metaphorically discerned by the discourse generator as nothing more and nothing less than "light." His ability to inspire, empower and motivate, to make people accept a difficult responsibility as the privilege of a generation, attests once again to the art of the leader emerging from Kennedy's discursive-ideological abilities.

This fragment represents the quintessence of the discursive genius generously offered by US President John F. Kennedy. Its ideological volubility, propensity for higher ideals that transcend selfish desires, pursuing the fulfilment of higher ideals of the human species based on belief in active forces beyond the individual are meant to transform patriotism into a concept of true and pristine altruism: "And so, my fellow Americans: ask not what your country can do for you--ask what you can do for your country. My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man." (Kennedy, 1961). From a linguistic point of view, we observe a proliferation of communicative functionalities in order to generate a robust ideology. Through a seemingly simple reversal of logical transference, the speaker generates an ideology that still dominates the sphere of political discourse today through its relevance, namely that in order for the country to be able to help us, it is our duty to help the country first. Discursive force continues through the unprecedented " fellow citizens of the world ", thus generating, for the first time, the innovative concept of global citizenship, belonging to the same ideals and desires for peace and prosperity for the entire planet in the name of freedom for all.

The issue of global citizenship is being revived through a substantial conative impact. There is some content of clichés or elements of predictability at the level of language, but these are cleverly hidden under the umbrella of innovation and the relevance of a political ideology that must, first of all, be honest and moral: "Finally,

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whether you are citizens of America or citizens of the world, ask of us here the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.” (Kennedy, 1961). Kennedy was a complex visionary but we need not forget that his profession was that of a politician. He did indeed seek to motivate and seduce the masses, but in doing so he always took into account the diplomatic, pragmatic prerequisites required of a statesman especially if that particular politician happens to be the president of the United States. Therefore: “Political discourse should be both diplomatic and motivational. In order to truly attract political followers and sympathizers, politicians should be motivated by high levels of aspirations and ideals, such as the harsh desire to work for the benefit of their own people.” (Paunescu & Chiritescu, 2019: 13)

The end of the speech activates a strong metalinguistic generation by using utterances with a strong social and religious impact. From an ideological point of view, but also discursively, Kennedy performs an almost perfect manoeuvre, managing the decisive involvement of the divine factor, but as a simple facilitator of the importance and the noble human destiny. God is meant to provide humanity with guidance and “help,” but the actual “work” and social duty remain strictly human prerogatives. As a species we are compelled to retrieve and harness the cooperative qualities bestowed unto us by the divine, being fully aware that there are no shortcuts to the collective destiny we all long for, regardless of our of the competing ideas and ideals for freedom, prosperity and the pursuit of happiness.

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

Role of mediation for justice reforms and an increased access to justice

Constantin Adi Gavrilă¹⁾

Abstract:

The unrestricted access to both the courts of law and alternative dispute resolution (ADR), as judicial and extrajudicial means to resolve disputes are fundamental and equally important for facilitating better access to justice. This is related to the larger context defined by the European Union's policy to establish an area of freedom, security and justice. To this end, the European Parliament and the Council of European Union adopted on May 21st 2008 the Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters. This Directive became a key instrument for the promotion, the availability and the competence of mediation services in the European Union Member States.

As defined by its first article, the objective of the Directive is to "facilitate access to alternative dispute resolution and to promote the amicable settlement of disputes by encouraging the use of mediation and by ensuring a balanced relationship between mediation and judicial proceedings". Fourteen years since its adoption, the Directive has not yet solved the "EU Mediation Paradox". Despite its benefits and savings related to time, costs and stress, unfortunately, mediation in civil and commercial matters is not used in more than 1% of the cases in the EU, as determined by the Study "Rebooting the Mediation Directive: Assessing the Limited Impact of its Implementation and Proposing Measures to Increase the Number of Mediations in the EU", issued by the European Parliament in February 2014.

This study shows that this disappointing performance results from weak policies promoting mediation in almost all 28 Member States. To serve the same goal of promoting mediation through legislative measures, the Romanian Parliament adopted in 2012 legislation based on the plaintiffs' mandatory attendance of an information session regarding mediation benefits before going to the court with a correlated sanction of case inadmissibility. The Romanian Constitutional Court found in 2014 that this model failed the constitutionality check, and mediation ceased to exist practically in Romania ever since. The article analyses options for the next steps.

Keywords: *Mediation; access to justice; effective mediation policies; alternative dispute resolution.*

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Introduction

The Buckminster's Law derives from the 20th-century inventor and visionary R. Buckminster Fuller, who dedicated his life to "making the world work" (Buckminster Fuller Institute, 2022). His principle was based on changing paradigms rather than fighting realities. Simply put:

"You never change things by fighting against the existing reality. To change something, build a new model that makes the old model obsolete."

It is common knowledge that litigation is costly in terms of costs, risks, energy levels, stress, and duration. This is not only the case in Romania and the European Union, but it cuts across continents and legal system models (i.e. civil law, common law). While some judicial systems encourage mediation, for example, through training, professional obligations on lawyers, and cost sanctions for failure to mediate in good faith, others leave less prescriptive in terms of adopting legal frameworks or connecting it with the courts' system. Some work to some extent, most do not. Due to most jurisdictions' strong procedural resistance, mediation remains a "*less frequently used alternative*" to traditional litigation (Thomas, de Wolde, Schutte, Schonewille, 2018: 59-63; D'Urso, 2018: 56-58). We have not yet succeeded in establishing a balanced relationship between mediation and litigation, as indicated by the EU Mediation Directive (European Parliament and the Council of the European Union, 2008). If this were achieved, mediation would be attempted much more often (De Palo, 2018: 11).

As per the examples mentioned above, there is a lot of talks nowadays about the apparent failure of mediation to live up to its potential. Reports published on paper and online, presented before institutions or at various conferences, point to the relatively low number of mediation cases compared to the number of lawsuits filling the logs of the courts and then draw the inevitable conclusion that mediation has missed the opportunity of (be)coming mainstream. Many specialists are not optimists about mediation given that in most countries there are no policies that mandate the attempt or the use of mediation before filing for litigation. Such required efforts to mediation become the norm in terms of expectations for effective mediation policies.

Our esteemed colleagues correlate an apparently low number of mediation cases to the principle of voluntary use and see the solution by reversing this principle. Simply put, their thesis can be summarised like this: if voluntary use of mediation results in a low number of mediation cases, then it is only logical that mandating people to use mediation will increase the number of mediation cases. They point to examples from certain countries that have introduced required efforts related to the use of mediation (or pre-action protocols) and, consequently, the quantitative dimensions of mediation practice has increased substantially.

No reason to wait any longer, they say, the numbers show mandatory measures a success; therefore, we should all press the legislators in all countries to introduce them as the only safe and sure way to make mediation function at the level of its true potential.

Such an approach was attempted in Romania in 2012; specifically, the plaintiff's requirement to attend a mediation information session prior to filing a lawsuit. This policy had not only (un)intended but disastrous consequences. Some may question the wisdom of drawing a general conclusion from just one particular situation, and we agree with them. Our aim is not to prove mandatory measures as an inept strategy for

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promoting mediation, but only to, again, invite caution when numbers look good. Many other perspectives should accompany numbers to make mediation work for all.

The new legislation

A new demand-enabling legal framework for mediation came into force in Romania in July 2013. According to this new development of the mediation legislation field in Romania, the Claimant was required to prove that, before filing certain types of cases in court, s/he has attended an information session with a professional mediator where mediation advantages would be presented to ensure an informed choice for litigation or mediation. For informed decisions, the defendant was invited to this meeting and was free to accept or ignore such invitation. This requirement applied to several types of cases like family, commercial, civil and, to a limited extent, criminal cases. The evidence of attending such a session was to be made in a certificate released by the mediator who provided the information session. According to the law, for their professional services related to the organisation of the information sessions regarding mediation benefits, the mediators could not ask for professional fees.

This development created a boost of optimism in the Romanian mediation community, and not only. At that time, a little over four thousand mediators were authorised by the Romanian Mediation Council to deliver professional mediation services in Romania. The community was about to triple in size to more than ten thousand mediators by 2014. One can see that a group of this significant size can be very effective in lobbying for better legislation.

Hence, a new piece of legislation (Governmental Emergency Ordinance no. 90/2012) adopted in a matter of urgency by the Romanian Government, to enter in effect starting August 2013, introduced the sanction of case inadmissibility if the Claimant failed to participate at the information sessions regarding mediation benefits. As a result, many mediators received requests to hold such information sessions, lawyers and their clients began to use mediators, and the judiciary supported this new way of filtering litigation. Undoubtedly, Romanian mediators began to be present in people's daily lives as a pre-trial protocol. Of the more than three million legal disputes in Romania, anecdotal estimates showed that parties would "consider" mediation in 1.5 million cases, increasing their average chances of settling their cases each year.

The Mediation Council created standards, the mediation providers started investing in infrastructure, and mediation came alive suddenly. At the same time, questions arose regarding costs, duration, accessibility, and quality, in short, about how successful this new policy can be with cases settled and decreased court dockets.

The actual implementation

One of the primary functions of the legal framework for mediation adopted in 2012 and 2013 based on the mediation information session was to make citizens aware of how mediation can help and persuade them to follow this process, when appropriate, to prevent lengthy and costly litigation.

In reality, this was what actually happened in Romania, starting in August 2013. First, the Government and the Mediation Council had no data gathering system in place to understand the qualitative and the quantitative dimensions of the newly adopted model. Without reliable, ideally real-time statistics, any analysis of the attempted policy was based on opinions and not factual data.

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Anecdotally, in addition to a few cases where it worked very well, the process of mandatory information sessions regarding mediation benefits became formal and created barriers for most cases. Because it was mandatory, the parties would not attend out of the need to make informed decisions regarding mediation. Instead, it was mostly to get the relevant proof from the mediator that allowed litigants to access the court.

Another perspective refers to the costs. Although the model was supposed to be free of charge according to the law, the process involved resources invested by the mediators as invitation letters had to be sent to the Defendants, and in-person meetings had to be organised by mediation providers. Further, documents were received, released and archived. While some mediators did not charge fees, most mediators found "creative" solutions to go around such a legal obligation under the form of additional services like conflict assessment or mediation preparation. However, the policy was created to be accessible and easy to be organised.

This is what happened, again, anecdotally, given the lack of data. The Claimant, directly or through their legal advisors, would submit the request for mediation; the mediation provider would invite the defendant to his/her office at a certain day; the defendant would usually not accept the invitation or even send a response to it; the mediator would meet the Claimant, provide information regarding mediation benefits and finally release the precious certificate that allows access to the court system.

Many complaints were filed with the Mediation Council and other authorities about the professionalism of the mediators and the effectiveness of the system. The most common concerns about mediators were that they would solely aim for financial advantages in exchange for certificates that they were also the lawyers of the same parties to the dispute, therefore not having the independence needed by a mediator. The parties often reproached to the judges that the process was not free of charge, as provided by law, leading to less trust in the whole system by different ADR actors and so on. In short, most litigants and lawyers started to be united by one concern – how to get around the system in the most effective way (comply with it formally, but with no intention to take benefit of mediation).

The vast majority of cases (due to lack of data, it is not clear how "extensive" it is) that went through the information session phase did not proceed to mediation; therefore, the worst effects began to emerge. At this point, more confusion ensued. People began to confuse mediation for these information sessions related to its use. To make things more confusing, according to Law No. 214/2013, in addition to the mediators, the information procedure on the benefits of mediation could also be carried out by a judge, prosecutor, legal advisor, lawyer or notary.

This led to a new, even more complex debate regarding the finesse of the law, the dimensions of the rights created, the interpretation of the language used in the legal documents and about other formal things – essentially things that have nothing to do with what mediation should be – a voluntary choice of the parties to the dispute to enter in negotiations to avoid the dispute becoming a legal dispute, hence spiralling out of control.

Finally, before any conversation about the law's constitutionality, growing questions and concerns appeared about its functionality, if it does any good in the first place.

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The constitutionality checks

Of course, as one could imagine, the Romanian Constitutional Court was asked to undertake the constitutionality check of the policy – referring to both the mandatory obligation to attend the information session regarding mediation benefits and the correlated sanction for the plaintiff with case inadmissibility for failure to attend such session. It was just a matter of time until people would say that, although full of virtues, mediation became an unnecessary barrier of time, money, and other resources in the litigants' attempt to access the courts. Therefore, a petition was submitted to the Romanian Constitutional Court. In its decision No. 266 of May 7, 2014, the Romanian Constitutional Court found that both the obligation of the plaintiff to participate in the information session on mediation services and the related sanction of inadmissibility were unconstitutional.

From the court's decision, we quote:

"[...] Mandatory participation in learning about the advantages of mediation is a limited access to justice because it is a filter for the exercise of this constitutional right, and through the application of legal proceedings' inadmissibility, this right is not just restricted, but even prohibited.

23. [...] Free access to justice is the faculty of the individual to apply to a court to defend their rights or legitimate interests' capitalisation. Any limitation of this right, however small it is, must be duly justified, analysing to what extent the disadvantages due to it not somehow outweigh the possible benefits. [...]"

24. Accordingly, the court considers that the preliminary mandatory procedure of information on the advantages of mediation appears to be a disincentive to obtaining citizen's rights in the courts of law. [...].

25. In the context retained above, the court finds that the obligation imposed on the parties, natural or legal persons, to participate in the briefing on the advantages of mediation, otherwise inadmissible the application for summons is an unconstitutional measure, the contrary to Article 21 of the Constitution."

The image of an apocalypse is close to how the market for mediation services looked in Romania since January 2015. The only attempts we now see are internal and isolated. There is almost no demand for mediation services, while some of the public perceptions projected by the Constitutional Court's Decision 266/2014 were that mediation was mandatory and that it was found by the Constitutional Court to fail the constitutionality check, and therefore, mediation is not constitutional.

Although Romania has had an eighty-hour standard for basic mediation training since 2007, the whole experience reopened the discussion about the quality of mediators and mediation services. Are eighty hours enough for ensuring the needed quality? Should there be mentoring and coaching stages included – or some form of apprenticeship?

One of the outcomes was for most mediators to stop practising. A simple check of the national panel of mediators on the Mediation Council's website reveals that 1325 mediators are licence for practice nationally out of 10607 accredited mediators (Romanian Mediation Council, 2022). The biggest challenge for us now is to draw lessons from this experiment and map out options for next steps that are based on the best international standards, can be adapted to our local circumstances and, very important, will address the needs of local ADR actors and therefore will be accepted as such by them.

Options for next steps

The main goal of a sustainable effort to map options and choose the next steps is to design the possible optional courses of action that could be taken. Given the theoretical tenets of public policy design, it is clear that we are considering the "analytical approach" to public policy design, in contrast with the "political approach" (Dye, 2016). Whether this later approach refers to building and mobilising the political support needed to adopt and implement a certain public policy, the former concerns the rational process of identifying feasible options and choosing the one that offers the most benefits for the predicted costs, and the one that comes closest to the overall goals formulated at the beginning of the process. This paper provides a glimpse into the "analytical approach" that we have taken; the "political approach" falls far beyond the scope of this paper, but it is our major concern for the near future because these two approaches are the two sides of a single coin – and there is no coin in our known universe that can exist having only one side. The specialised literature all points to the fact that, even if we can talk of two different approaches to public policy design for academic and research reasons, in reality, there is practically no way to separate one from each other. No policymaker will choose a measure that clearly has no support, no matter how reasonable it seems at the moment; nor will a policymaker take the first measure presented to him or her without at least considering a range of other options before making a decision.

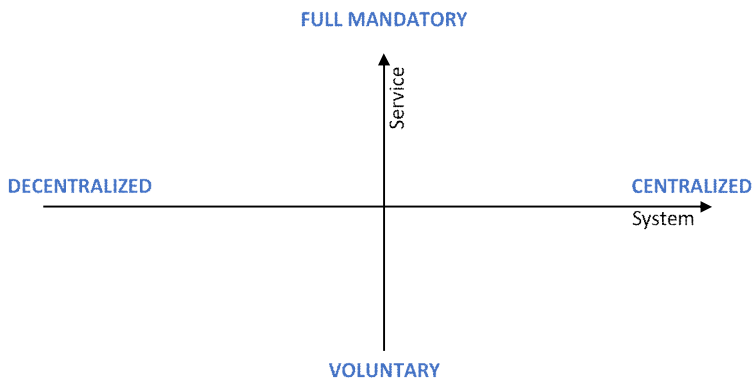


Figure 1 - Main variables defining a national mediation system

Source: Author's own compilation

In light of these conceptual considerations and the main objectives already formulated, we need to identify the possible options for the present situation. Since we want to take a systematic approach for this purpose, we are aware of the fact that we have to identify the main variables that define a national mediation system, those parameters that can be found at the heart of any mediation system in any country, regardless of the culture, its legal system, economical, political and social ecosystem. We therefore propose a two variables that we believe to define a mediation system: (1) the variable of system organisation, which ranges from fully decentralised (mediators belong to one or more professional organisations with different characteristics and pursue several goals, with no central decision-making body at the national level - the network structure, as an example, the mediation framework in the United Kingdom) to

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fully centralised (all mediators are basically part of a single, nationwide organisation, with all decision-making authority resting with the central bodies of that organisation - a pyramidal structure; as an example, consider the Maltese national mediation system) and (2) the variable related to the provision of mediation services, which ranges from being voluntary (mediation based only on the parties' consent to engage, without any coercion formulated by law, courts or other authorities - as was the case in Romania and several other EU countries) to completely mandatory (where attending the full mediation process is required by law and enforced by the judiciary with sanctions for non-compliance, for most cases with few exceptions and no options to redraw - this is an extreme situation that can't be found in any country, but may be intellectually of theoretically conceivable).

If we use these pair of variables as a system of two perpendicular axes, we end up with the graphic described in Figure 1.

This analysis included here was conducted by the Propact Center for Mediation and Arbitration (about this organisation at <http://www.solutii-dispute.ro/>) that implemented, between June 2018 and October 2019, the project "Mediation - effective public policy in the civic dialogue" (more information in Romanian is available at <http://www.mediareapoliticapublica.ro/>). The project was financed under the Romanian Operational Program Administrative Capacity 2014-2020, Priority Axis 1 - Public administration and efficient judicial system, Component 1 - "Increasing the capacity of NGOs and social partners to formulate alternative public policies". The overall goal of this project was to formulate, probably for the first time, a sustainable public policy regarding mediation in Romania. The author of this article was a member of the project research team.

Accordingly, we can conclude that, wherever in the world they are located, mediation systems fall in one of the four categories defined by these two axes: 1. de-centralised and voluntary; 2. de-centralised and mandatory; 3. centralised and mandatory and 4. centralised and voluntary. Of course, the variations inside these categories can be significant as there are also possible transgressions – systems that partially belong to two or even more categories. Obviously, all other aspects regarding mediation systems – i.e. regulation, funding, promotion and stimulation, enforcement – are determined by these two main variables – institutional organisation and process functionality – and by their combinations.

Following the building of the matrix and identifying the four distinct categories, we proceeded to put meat on the bones of this structural skeleton by devising all the components of each ideal-type system corresponding to those categories. Basically, we imagined how these ideal-type systems would look like from the point of view of the two main variables – organisation and functionality – and then we projected what kind of regulation modifications were to be done to give it legal form; what would the funding look like and estimated the costs of implementation; and what impact all of these would have on the marketing, stimulation and enforcement of mediation utilisation. At the end of each exercise, we did a simple SWOT analysis to see how the benefits of each ideal-type system would be compared to the estimated costs and how they align with our overall goals. At this point, it should be noted that we have imagined ideal models at the extreme points of each individual axis. Yet, for each variant we developed its components using elements and experience from the national mediation system that exists in Romania.

Regardless, we consider that our approach can be used by anyone all over Europe and the world, as the structural elements remain the same across cultures and legal systems; what changes are the components – institutions, organisations, courts and structure of the justice system etc. – and the way they are correlated one to each other depending on national specifics.

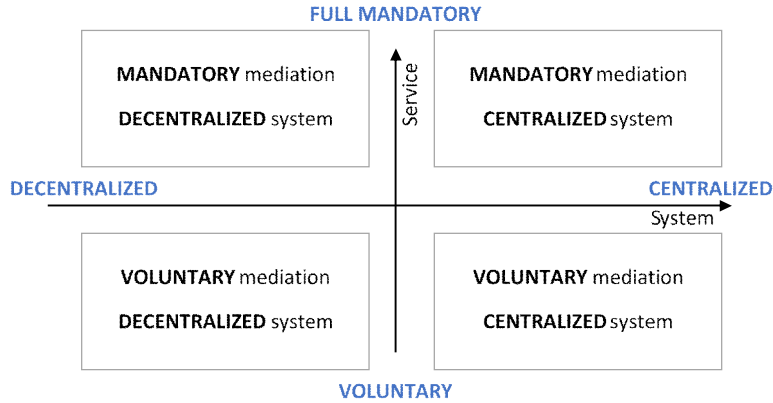


Figure 2 - The four main categories of mediation public policies
Source: Author's own compilation

Having defined and structured the four options, we proceeded to identifying a fifth option, an option that we named "middle ground" and that combines the parts that work best from each of the four models according to the consolidated results of the SWOT exercise we conducted.

Besides the general objectives for developing a fifth model or system there were two additional conditions. They relate to the political perspective to making public policies that was mentioned previously. The first objective referred to a minimal change in legislation, since the Romanian Ministry of Justice and judiciary mediation stakeholders are already suffering from a "traumatic weariness syndrome" when it comes to "improving the legal framework for mediation". Secondly, the intention was to improve the existing system as opposed to redesigning it from zero, an endeavour with virtually no chance of gaining the appropriate support from policy makers and other mediation stakeholders.

We decided to choose a moderated option located between the other four options. This is because a course of action that does not require additional actions or "do nothing" was not appreciated as feasible as per the reasons explained above.

In designing the "moderated" option, we undertook another SWOT analysis of the evolution of the Romanian mediation system from its earlier phases to the present day. The main goal was to identify what parameters or elements in the existing system were not functioning as they should have. The focus was on identifying the triggers for this „less than ideal“ functioning and using the developed model to improve certain areas accordingly. This resulted in a comprehensive piece containing concrete recommendations for mediation public policies that can improve the current system in Romania and promote mediation among preferred means to resolve disputes.

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Conclusions

Unfortunately for mediation and mediators, there has been no systematic approach to public mediation policy-making anywhere in the world that has been seriously considered. Without going too far into the past and too deep into the argument, we cannot name any country where the introduction of mediation into national justice systems has resulted from a full-fledged public policy as defined by the professional literature. Aside from the unnecessary academic hair-splitting that deals with details and keeping only the big picture in mind, we could not identify any public mediation policy that has been fully articulated and consistently implemented.

The introduction of mediation was primarily about deciding that an alternative to the courts was necessary, deciding that mediation could be a solution, and drafting legislation to include mediation among the accepted dispute resolution methods. Very little attention has been paid to how this particular legislation has been integrated into the larger body of national laws and, in particular, court procedures. Similarly, the implementation of the said policies was imperfect in most countries.

The implementation of mediation public policies has almost universally been piecemeal, one measure today, another tomorrow, and so on; it has been the victim of rotation of government and transfers of political power that came with new ideas, hard turns and starting over with every cycle. Above all, the mediation public policies were the victim of resistance from entrenched interests that have not been sufficiently informed or involved in decision making or public policy design. As a result, mediation systems today look like a cabin in the woods built over time from different materials and furnished with old furniture left over after various renovations of the main house - a hodgepodge of mismatched pieces, hardly the big encouraging picture that a mediation system needs to be successful.

The major benefit of our approach was that it first stipulated what the main goals were; secondly, it identified the two major variables that define any mediation system, wherever it may be; thirdly, that it structured the four idealtypes of mediation systems and described them in detail, regarding organisation, functionality, legislation, marketing, stimulation and enforcement; fourth, that it analysed all of these four types in terms of strengths, weaknesses, opportunities and threats, allowing the policy designers to use the scales of centralisation-de-centralisation and mandatory-voluntary to fine-tune their option; fifth, that is designed a method of upgrading/improving the current mediation system using the results of the ideal-type systems SWOT analysis to replace the dis-functional parts and add or delete parts that missing or, respectively, unnecessary. The end result is a public policy paper that can map the road that has to be taken by policymakers and stakeholders to bring the system up to expectations and offer mediation as a mainstream method of dispute resolution.

The goal of any Act of Parliament establishing the legal framework for mediation should be its better understanding, respect and acceptance by the mediation stakeholders. The mandatory components of the legal framework for mediation carry high risks that need to be carefully assessed in advance. Although case numbers may increase, the practice is artificially perpetuated, and if parties are motivated by nothing else to use mediation services, they will forget about mediation altogether if the mandatory components are removed.

The ongoing discussion about what needs to be done to advance mediation activities towards a higher level of understanding, acceptance, respect and use should include a strategic approach concerning collaboration, culture, stakeholders' interests

and principles of mediation. Numbers are always useful but should not be relied upon solely, especially when sound, reliable statistics in mediation are still a thing of the future. More, mediation should be promoted with the needs of the people in mind, not as an argument for decreasing courts backlogs or taking a burden from the ever-thinner government budget.

Parties to a dispute have the right to resort to mediation if they so desire. This right must be granted to them through a pre-action protocol or a required procedural step that educates them about mediation, so they understand how and why it works and what value it can have for them - it is inexcusable to allow litigants to go to court without granting them this right. This would also relieve pressure on judicial budgets, increase the court system's efficiency in cases that do not lend themselves to mediation and result in faster and more satisfying justice for everyone.

Applying Buckminster's Law to the world's legal systems leads to a new legal paradigm with the potential to add value, work well, improve efficiency, save costs, reduce risk, and that makes sense.

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ORIGINAL PAPER

The futures of food and the prospects of a perfect society

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Abstract:

The contemporary societies face the obstacles encountered in developing a deeper understanding of the role played by ration and logic, on the one hand, and, on the other, by fantasies and dreams in imagining and planning the future. These difficulties and obstacles have yet to be overcome, despite today's well-known confluence between science and popular culture, and scholarly interest in understanding the connection between people's feelings toward a fictional text and research policy. Over time, imaginative narratives have allowed people either to escape from real life (through fantasy or daydreaming) or to make predictions about the future of reality, constituting a source of inspiration for the progress of mankind.

The purpose of this article is to point out a "map" of the methods used in a project about the future of food and the food of the future as they result from existing scientific literature on this topic. After the presentation of specific methods of research that can be used in such a project about food and future, the article presents also the first results of a first pre-test of the "First-person theory of documentation" method which was performed on a sample of fifteen students from the University of Bucharest.

The results confirmed existence of a typology of approaches to the future from the food point of view proposed by Belasco, namely the "modern future", and the "future recombination".

Keywords: *future, forecasting, food, scenario method, backcasting method.*

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Introduction

Over time, imaginative narratives allowed people either to escape from real life (through fantasy or daydreaming) or to make predictions about the future of reality (Bowler, 2017; Clarke, 2013), constituting a source of inspiration for the progress of humanity. More than half a century ago, a dialogue between two writers (A. Strugatski and D. Bilenkin) and the Director of the Forecasting Department of the Institute of Social Research of the USSR Academy of Sciences and co-president of the Committee to Study the Future of the International Sociological Association (I. Bestujev-Lada) highlighted not only the challenges of defining and differentiating between science fiction and the society as a whole, in a rigorous manner, but also the obstacles encountered in developing a deeper understanding of the role played by fantasy and dreams in imagining and planning the future (Strugatskii, Bilenkin & Bestuzhev-Lada, 1978). Almost five decades later, these difficulties and obstacles are not overcome yet, despite of the well-known present confluence between science and the pop culture, and researchers' interest in understanding the connection between people's feelings toward a fictional text and research policy (the latter could be related to space race, cloning or genetically modified organisms) (Vint, 2021).

Before 1989, in Romania the future and the science of understanding the future constituted an essential part of the economic and socio-political reality, being part of the industrialization process and scientific construction of the multilaterally developed socialist society (Andersson, 2018; Andersson & Rindzevičiūtė, 2015). In 1972, Romania hosted the second International Conference on Futures Research in Bucharest, where “for the first time scholars and other people interested in futures studies from Western and Central and Eastern Europe had met to discuss and exchange views” (Barbieri Masini, 2001). It is worth remembering that, in 1967, the Centre for Management Education (CEPECA) had already been established in Bucharest, its members publishing numerous studies and volumes dedicated to studying the future in the following years (Cătănuș, 2015). Starting with the changes that took place in the '90s the future was mainly a subject of study as an expression identified in literary and artistic works (Braga, 2006; Braga, 2010; Braga, 2012; Braga, 2015), which showed a reduced interest in connecting it with the social, economic, or technical-scientific fields in Romania through a transdisciplinary approach. In essence, transdisciplinary approaches of the future have emerged on the market of ideas in our country mainly through translations from international literature, in solid theoretical works, but tributary to a highly general theoretical perspective (Attali, 2016; Attali, 2019; Guillen, 2021; Randers, 2018; Séguela, 1998; Walsh, 2021). It is not our intention to challenge the importance and value of these perspectives, but we believe that the missing element – the sociological approach of people who can make the future possible, probable and plausible – has become a necessity at this moment.

The purposes of this article are:

RO1: To present the methodologies which can be used to study the future in relation to a specific sub-domain of the social and cultural life, namely “Food”.

RO2: To identify the primary empirical elements of possible and plausible artefacts created by individuals in relation to “Future” and “Food”.

Theoretical framework

The option for “food” derives from the inclusion of the theme in the general future plans over a clearly defined time period, 2020-2030 both at a European Union level (European Commission, 2020a; European Commission, 2020b) and from the point of view of the global economic and political system (United Nations, 2015; United Nations Development Programme, 2020). Moreover, while in the specialized literature, art and food have often been studied in relation to the past (the history) (Boyce & Fitzpatrick, 2017; Carruth, 2013; Coghlan, 2020; Gladwin, 2019; Hutchinson & Paris-Greider, 2002; Kiell, 1995; Tigner & Carruth, 2017; Shahani, 2018) we can see that in the academic literature references to the future are precise and conceived through the literary works that have projected the future of human society (Coghlan, 2020; Gladwin, 2019; Bowler, 2017; Canavan & Link, 2018; Roberts, 2016; Vint, 2021).

On a theoretical level, one can consider the typology of approaches to the future from the food perspective proposed by Belasco (2006):

(1). The “classic future” (which imagines a utopian future, inspired by the “horn of abundance”);

(2). The “modern future” (which promoted processed food stored in easy-to-store containers, based on the concept of “scientific eating”, that aimed to a maximized food production and the waste reduction, strengthening and simplifying the means of production); and

(3). The “future of recombination” (which emphasized the combination of elements from the past with some of the present, in order to obtain a product that will be used in the future, being centred on the premise that food is prepared based on a process of consolidation and segmentation of food, which means that the agriculture will also be transformed, by implementing “experimental cultivation systems” and “controlled farming”).

This typology could be crossed with the perspective of the five phases in food-related behaviours identified by Goody (1998):

“The study of the process of providing and transforming food covers the four main phases of production, distribution, preparation and consumption... to which can be added a fifth phase, often forgotten, disposal.”

Inspired by the nowadays innovations from the artistic field (Beaumaris Art Group, 2018; Ligaya, 2018) one could try to identify the main “vectors” by which the relationship between the future and food is imagined and created by human subjects through narrative and plastic images.

But how can the relationship between the two terms of the above-mentioned relationship, “the future” and “food”, be summarized?

Trying to answer this question we have identified two central concepts:

(1) “The Future of Food” – in this case we believe that the analysis could start from the present state of the food and could analyse its evolution as pictured in the literature. From this perspective, one could consider literature to be a means of exploring the future of food, by taking into consideration the analysis of the utopias, dystopias, anti-utopias, science fiction and fantasy papers that focus on food (Braga, 2015; Canavan & Link, 2018; Hobana, 1983);

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(2) “The Food of the Future” – where the starting point could be the food of the future and one could identify the role of future literature in relation to it. Moreover, in this case one could explore two lines of research:

(2a) the situation in which the food of the future becomes itself part of the literature, examples in this case are the gastronomy books written and published by Marinetti and Dali (Adamowicz & Storchi, 2015; Novero, 2010; Dali, 2016); and

(2b) the case in which food is created by mixed teams of creators and consumers, where food is seen as a product which is designed and connected to the future (Bieler, 2017; Borba et al., 2018; Cesaretti, 2009; Clintberg, 2017; Dolejšová, 2021; Dolfhijn, 2006; McNeill & Urie, 2020; Pettinger et al., 2019; Stourna, 2018; Zampollo & Peacock, 2016).

Possible methodological approaches

The relation between “future” and “food” can be studied using several methods of research which could be summarized as such:

(A). The analysis of science fiction, fantasy, utopian, dystopic and anti-utopian novels on the topics of “The Future of Food” and “The Food of the Future” (Bell et al., 2013; Fergnani & Song, 2020; Miles, 1990; Nikoleris, Stripple & Tenngart, 2017; Raven, 2017; Veland et al., 2018). The method of thematic analysis of novels could be applied (Herman & Vervaeck, 2019; De Fina & Georgakopoulou, 2019; Kim, 2015; Garson, 2013; Franzosi, 2010; Cortazzi, 1993). Each novel could be analysed according to a coding and interpretation scheme developed starting from the existing literature (Nikoleris, Stripple & Tenngart, 2017; Raven, 2017; Veland, et al., 2018).

(B). The method of “First-person theory of documentation” (Flint et al., 2017; Gorichanaz, 2019; Leavy, 2017; Smith & Dean, 2009; Ward & Shortt, 2020) applied on a set of collages (paper and digital) and personal narratives related to “The Food of the Future” and “The Future of Food”. The method contained three steps: Stage 1 – a self-administered interview regarding the collages – each participant fills his/her answers to a series of questions related to the collage creation session. The questions seek to obtain in deep information related to the way in which the explored themes could build The Future of Food and The Food of the Future, encouraging associations, metaphors and analogies (Braga, 2019; Johnson-Laird, 1983; Turner, 2006; Turner, 2014). Stage 2 – (re-)composing narrations – here individual online interviews with each participant are made and they are focused on reiterating the already presented story through the collages, rebuilding and restructuring the thematic structure and describing the personal experience of each respondent. Stage 3 – building possible and plausible narrations – in this stage the individual narrations are compared and a number of possible and likely Future of Food and Food of the Future scenarios are rebuilt.

(3). Backcasting method (Davis et al., 2020; Dreborg, 1996; Holmberg & Robèrt, 2000). This method consists of a set of workshop sessions, as follows: 1st session - Construction of The Future of Food and The Food of the Future - the participants work together to develop by consensus their preferred scenarios for the Future of Food and the Food of the Future, attempting to answer to questions such as: What aspects of the future-related narration can co-exist and how? What are the points of divergence and rupture resulting from their convergence? The aim is to set out 3-5 possible scenarios related to The Future of Food and The Food of the Future that will be developed in subsequent sessions. 2nd session – Casting back to move forward - after building and improving the scenarios related to The Future of Food and The Food of the

Future the participants work in small groups to identify three central points that could lead to the development of this future: critical events, social movements, or environmental circumstances that may lead to a reorientation of the situation. This identification must be made from three distinct perspectives: i) of a human actor that exists or may exist at present; ii) a human actor that cannot actually exist at present; and iii) a non-human actor who can be placed at any point in time. The aim is to achieve a pivotal perspective that should be common to the three previously mentioned perspectives. 3rd session – Reiteration of the story related to The Future of Food and The Food of the Future - the session is focused on reiterating one of alternatives of The Future of Food and The Food of the Future. The first reiteration presents the subjective perspective of one of the three actors presented in the 2nd session. The second one contains the reiteration of the second actor and so on. The purpose of this session is to produce a variety of perspectives, to demonstrate the degree of subjectivity of these events and to generate a new way of understanding the future. 4th session – Making The Future of Food and The Food of the Future tangible – in this session the groups present actions that can begin in the present and which may encourage local practices toward achieving The Future of Food and The Food of the Future. The aim of this session is to encourage a speculative thinking of the previous sessions by choosing the most possible, probable and plausible options.

(4). The “Science-fiction prototype” scenario method (Bell et al., 2013; Burnam-Fink, 2015; Fergnani & Song, 2020; Graham, Greenhill & Callaghan, 2014; Johnson, 2011; Merrie et al., 2018; Southern et al., 2014). The method could be applied starting from the McClemens (2019) typology and it develops as follows: Step1 – Pick your scenario and build your World. Participants choose some scenarios which could be set in the future, such as the year of 2070, and attempt to answer to the following questions: What are the implications of this scenario?; What is the worst thing that could go wrong and how would it affect the people and locations in the story? What is the best thing that could happen and how would it better the lives of the people and locations of the story? What food of the future and what future of the food are most desirable, most achievable and most probable in this narration? Responses are sought after in small groups. Participants answer these questions as a group, in writing. Step 2 – The Narrative Inflection Point. The discussion continues in the small groups answering to the following question, starting from the previous possible narrative: What are the possible effects of this type of Food of the Future and The Future of Food on peoples’ daily lives, the governance, the economic, political and cultural systems? Participants answer as a group, in writing. Step 3 – Ramifications of the Narrative on People. In this stage, participants continue to work in micro-groups and they attempt to answer the following questions: Will people’s lives be better or worse in the future due to these new foods? Will people adapt to the problems or opportunities caused by this Food of the Future, or to The Future of Food? Participants in the groups answer these questions as a group, in writing. Step 4 – The Human Inflection Point. Participants seek to choose between two alternatives: The actors introduced in the narration are in danger and either adapt to The Future of Food and, respectively, to The Food of the Future, as outlined in Step 2, or will ask them to avoid the deadly danger. Decisions must be adapted to the world that will exist in 2070, must be rational and must be truthful to the existing narration. Participants in the groups make the choice as a group and justify the option in writing, explaining this point of inflection. Step 5 – What Did We Learn? The experts solve the issue by answering the questions in writing: How has the narrative about the world

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changed? How have the people, society and systems changed? What could be done differently? At what cautions need to pay attention? What should be different? What should be improved? What must stay the same? What ramifications have you uncovered by using the “Science-fiction prototype” scenario? Step 6 – Construction of the “pre-requisites” for a digital product. Based on the results of Steps 1 to 6, mental maps are built based on the metaphors associated with The Future of Food and The Food of the Future and a set of “pre-requisites” for a digital product (video game) could be drawn.

Results of the pre-test for the method of “First-person theory of documentation”

During the period October 1, 2021-January 16, 2022, a first pre-test of the “First-person theory of documentation” method was performed on a sample of fifteen students from the University of Bucharest. The students read a science fiction novel, made a media product starting from the elements of this novel, and, at the end, answered some questions included in a semi-structured interview guide. Of the fifteen interviews to which students gave answers, five focused on science fiction novels on food and the future. In the following we will briefly present the main results obtained.

When asked about the media product they made the respondents offered the following answers:

My proposal for a media product is a collage or a poster inspired by John Brunner's novel, “Sheep Look Up”. The basic idea of the collage, which caught my attention in the novel, is that of “time”, more precisely, of the 12 months in Brunner’s work. I chose to reinterpret the months in the form of the 12 hours of a clock, a clock of destruction of nature that is advancing as the problem of pollution worsens. Each quarter of an hour embodies one of the (mostly irreversible) stages of environmental degradation. The first stage is that of nature in its purest form, and the fourth stage is that of environmental degradation on the brink of collapse, as society was exposed exactly 50 years ago in Brunner’s novel, a society that seems to become a reality in some places around the world. The essential idea behind the concept of “time” in the collage is, in fact, the idea of irreversible time. I made that because it is essential to be aware of the seriousness of the problem of nature and pollution, to go back in time or at least to try to stop this process of nature’s degradation. The purpose of this watch is to warn us that time is running out and that it is necessary to act before the clock strikes 00:00. This is also the motivation of the name chosen for the collage - the fact that there is hope that we can do something even at 23:59. (S2)

My proposal for a media product is a photo collage that represents the first part of the novel “The Beast” by A. E Van Vogt in which the ship is discovered and the reader understood how Pendrake acted. The pictures in which the ships are present represent the rotating object discovered by the rider as I imagined it. Lately the character has been living away from the rest of the world so that his friends didn't even know he was alive. This was represented by a house placed on a hill, secluded, where this man used to spend his time not to be in contact with other and with the humankind in general. The picture of that garage represents for me the place where the character tries to discover what the

machine is and the book in the picture represents the fascinating story that is about to be found. Thus, the elements that I discovered in the book and exposed in the photo collage are things that aroused my imagination: the mystery, the machine, the universe, the soldier, the house, the garage. In my opinion the main element is the book, that is, the book in the image that has a fascinating color around it, which indicates to the reader that there is a lot of mystery in that book. (S3)

My proposal for a media product is a collage of pictures and other graphic elements (text, drawings), juxtaposed in order to obtain an image similar to a fashion magazine. These pages of a possible fashion magazine are a personal insight into the clothing style of the two settlements described in Arthur C. Clark's novel "The City and the Stars". For Diaspar, I chose a theme with precious stones that reflects the well-being and luxury of the city of the future. The selected images illustrate clothing items whose primary purpose is to attract the attention of others, not to protect them from the cold or to protect their body in general. I thought that the accessories worn on the head would produce this effect. As mentioned in the book, in the future, clothes are purely decorative. We chose dresses with details made of precious stones, of different colors and sizes, to shine like stars. This element was inspired by the fact that the inhabitants of the Diaspar were forbidden to leave the city and travel in space. For the city of Lys, I chose a theme inspired by nature, given that the landscapes described in the book had areas full of vegetation. The life of the people of Lys was to a great extent different from that of the inhabitants of the Diaspar - the latter city is highly developed in terms of technology, while in the other society life is traditionally conducted: people cultivate their food and they raise domestic animals. Thus, their clothing style differs from that of Diaspar - they wear much simpler clothes, which have other purposes than to put in evidence the appearance of an individual. However, I have selected some outfits that can be worn during special events, but their cut is modest compared to those chosen for Diaspar. In my view, these are straight clothes, made of thin materials that allow movement and effort. (S5)

It is obvious that for the respondents included in the pretest of the first method there is a mixture between two types of future in terms of food (Belasco, 2006). We have thus identified that the relationship between food and the future implies both the "modern future" and the "future of recombination".

In the descriptions given by Romanian students one could identify, on the one hand, the food aimed at maximizing its production and waste reduction, strengthening and simplifying the means of production (respondents S2 and S3). On the other hand, these answers indicated the possibility of food that emphasized the combination of elements from the past with some of the present, in order to obtain a product that will be used in the future (respondent S5).

Conclusions

In recent years scholars' interest on The Future of Food and The Food of the Future has raised. Some universities and research organizations from the EU and the US have initiated food-related projects involving mixed research teams (artists, doctors,

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anthropologists) focused on practice-driven research (National Centre for Research Method, Economic & Social Research Council, Brunel University, University of Central London, Institute of Education – University of London, University of the Arts – London, Royal College of Arts, Fashion Digital Studio, 2021; University of Central London, 2021; University of Central London, 2021; NASA, 2021). At the same time, some recent books have emphasized both the current changes in food and the impact of technology in relation to the art and society (Leer and Krogager, 2021; Attali, 2020) and some universities even offer courses of possible futures, based on science fiction works of STEM scholars and of world renowned physicists, astrophysicists, mathematicians, biologists (Lancaster University, 2021; MIT Course, 2020; Ashman, 2021).

A possible research project focused on the relationship between food and the future can thus use any of the methods mentioned above. As we noticed in testing the “First-person theory of documentation” method, the results indicated the possibility for respondents to opt for a specific future in terms of food - in the specific case it was the “modern future” and the “future of recombination”.

In our opinion, giving the existing time-lag between our country and the Western academic world, in our opinion the two key-concepts we proposed (namely, “The Future of Food” and “The Food of the Future”) could be studied and the results could enrich the existing socio-human perspectives on the topics.

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ORIGINAL PAPER

An empirical study on opportunities and challenges to commercialize biodegradable products in Udupi and Dakshina Kannada districts of Karnataka, India

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Abstract:

This research study aims to understand the opportunities and challenges faced by these families for mass production of biodegradable items. The data for the study was collected by using both personal interview and telephonic interview method. The Snowball sampling method is used in this study; in the first level, the biodegradable product sellers in Udupi and Dakshina Kannada market were contacted. They gave a few primary contacts of product producers; further, these primary contacts gave many references for succeeding interviews. A total of 60 respondents were interviewed for the study. Collected data are tabulated; further frequency tables and cross-tabulation techniques are used in the study to conclude. The study results revealed that the availability of raw materials for Areca nut leaves, Coconut coir and soil based bio-degradable products is abundantly available in Dakshina Kannada. However, the proper technological advancement has not happened to go for mass production. Hence, the cost of production of these items is really high compare to plastic items. For entrepreneurs who are technology ready to produce earthen pots and creeper baskets, Udupi and Dakshina Kannada could be a good destination.

Keywords: *customer behaviour; sustainable development; biodegradable product; cross-tabulation techniques; Snowball sampling method; plastic usage; carbon emissions.*

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1. Introduction and conceptual framework

Biodegradable products are gaining lots of importance today because of the adverse effect of plastic usage (Kaeb and Dammer, 2020). Biodegradable products have an expanding range of potential applications, and driven by the adverse use of plastics in packaging and the perception that biodegradable products are 'environmentally friendly'; their use is predicted to increase (Baral and William 2020). In the year 2017, the Gujarat State government has established biodegradable packaging for food manufacturing units. Food packaging involves the packaging of food products in cans, cups, sachets, bottles, etc. It helps to prevent product deterioration, retain the beneficial effects of processing, extend shelf-life, and maintain or increase the quality and safety of food (Nolan, 2002). India is encouraging the use of sustainable food packaging materials due to rising environmental concerns about carbon emissions, increased health awareness, and waste reduction targets. Naeem et al. (2021) argued that air pollution represents a major factor affecting health conditions in emerging countries considering the impact of global climate changes.

Qaiser Gillani et al. (2021) suggested that the concept of healthy environment acquires a concrete dimension in the context of healthy society (population) but also in the case of sustainable development. Many foods and beverage companies such as Chai Point are introducing sustainable packaging material. In 2016, Chai Point introduced 100% biodegradable packaging such as food boxes, plates, and cutlery. The packaging, made of bagasse, is the fibrous matter that remains after sugarcane stalks are crushed to extract their juice (Song et al., 2009). Suhan et al. (2022) examine the linkage between consumer and brand as emotional attachment for the case of Kerala and Karnataka from India.

Nayak et al. (2021) highlighted the importance of economic growth in the context of emerging countries such as India. Karnataka is a rich and beautiful State with a varied geographical environment and natural resources. In particular, Coastal Karnataka is blessed with the timely monsoon in these districts, due to this reason crops like coconut, paddy, cocoa, pepper, rubber, and Areca nut have become the major crops in the coastal district (Department of Agriculture, 2010). After the Indo Bangla partition, the supply of Areca nut was not sufficient for India's self-consumption that showed a great spike in the areca price graph in India. That was the time where farmers of coastal Karnataka started switching from traditional crop paddy to Areca nut. But later due to globalization the price of Areca nut in India stabilized, still areca is a profitable crop for farmers of Dakshina Kannada and Udupi districts of Karnataka. Today in state Karnataka 1, 84, 52,000 hectares of land are used for areca plantation particularly 65% percent of this number is from the coastal districts of this state. Traditionally in Dakshina Kannada and Udupi, a small quantity of areca leaf was used for agricultural safety items production purposes namely (Muttale). However, today the use of such natural resource-based products has come down in rural Dakshina Kannada and Udupi.

Much later people started manufacturing areca leaf-based plates particularly for heavy crowd functions in temples and Kambala. The reason for such usage was to avoid plate washing jobs. Secondly, the product areca plates are made out of a biodegradable item and in comparison, to banana leaf this product very stiff and perfect substitute for steel or plastic plates. Use and throw plastic plates are generally used by travellers or tourists, which is not a biodegradable product. Dakshina Kannada and Udupi are great tourist destinations too because of the popular holy places and beaches in these districts. However, the products of areca leaf-based products are just confined to

plates; there are many more products that can be produced out of areca leaves. Further areca leaves based plates can be used even by the tourists as this is an environmentally friendly product. This Areca nut and areca leaves' background necessitates a specific inquiry about opportunities and challenges for diversified and mass areca leaves based products in Dakshina Kannada and Udupi districts. According to Ullal et al. (2021) consumers from North India perceive themselves as being more independent, compared to the others from South India which relies on social integration in families and other social groups.

In the major crop list, agricultural product Coconut is not excluded for Udupi and Dakshina Kannada districts. In the coastal districts of Karnataka, 33,537 hectares of land is used for coconut plantations. Central plantation and coconut research institute (CPCRI) is located in the very next district of these districts that are in Kasargod, Kerala. This institute is trying hard to develop few products from Coconut coir, these products fall in the list of biodegradable products. Coconut coir made ropes are not new for people in this region; this product was used by the residents for all types of jobs. However, the plastic ropes and rubber ropes have killed the demand for these biodegradable products. Even today for festivals like Kambala, tug of war coconut coir made ropes are highly preferred. Few families are into this coir rope manufacturing business. These businesses were started by their ancestors to meet the local demand. However, these families have not seen a very big success, few of them have stopped and few of them still just satisfying the local demand. However, these products are in demand today because people are aware of the side effects of plastic made ropes or rubber made ropes. Hawaldar et al. (2020) revealed that agriculture is a main sector in India and has an important contribution to stimulate economic growth and on the other hand to diminish environmental degradation. In this regard, it is necessary to conduct a study to understand the challenges of these families to commercialize this production on a large scale.

One more wing of biodegradable products that were widely accepted in Udupi and Dakshina Kannada district was bamboo or creeper pots. The raw materials for these products were abundantly available in these two districts because these two districts were blessed with the Western Ghats on their borders. Even the districts had very good forest-based resources like bamboo and strong creepers. Replacement with plastic did not exclude this segment too. The cost of production of these bamboo or creeper baskets is too high, it is because of the 100% manual job and very small-scale production. Even the life of those plastic baskets is much better than bamboo or creeper-based baskets. However, lots of researches have already discussed the composite material using biodegradable wastes. In this study, we have explored the opportunities for such mass production of bamboo or creeper-based baskets.

Finally, the earthen pots were also widely used in these districts for a variety of jobs. Various other uses were to store the pickle items, to boil the water, to store the water, etc. However, today plastic, steel, and aluminium vessels have replaced these earthen pots. There is a belief that the food prepared and stored in earthen pots are healthy and tasty. This is the reason why today people are going back to earthen pots. However, the makers of earthen pots have already switched to some other jobs or the next generation is not interested in this business. There may be many reasons for such change the income is not lucrative, and again 100% manual job and they have not seen very big success in this business. This study will challenge the commercialization of the earthen pots on large scale.

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2. Research methodology and empirical analysis

The problem statement reveals that people are getting educated and aware of the usage of biodegradable products. In India there is a strong history in making and using these products and even today few families are in the production of these items to meet small size local demand. On the other hand, few materials are abundantly available. However, the genus families have not seen very big success in these products. Hence it is worthwhile to make an exploratory study to understand the opportunities & challenges faced by these families for mass production of these items.

The main research objectives of this study are the following:

- To analyze the various sources of raw materials for selected biodegradable products in Dakshina Kannada and Udupi districts of Karnataka from India.

- To analyze the challenges of families engaged in biodegradable products to commercialize their products on a large scale.

This study is conducted in the Udupi and Dakshina Kannada districts of Karnataka. To collect data for this study, the personal interview method was preferred; however, due to COVID 2019 pandemic, data for the study was collected by using both personal interview and telephonic interview method. The Snowball sampling method is used in this study; in the first level, the biodegradable product sellers in Udupi and Dakshina Kannada market were contacted. They gave a few primary contacts of product producers; further, these primary contacts gave many references for succeeding interviews. A total of 60 respondents were interviewed for the study. Collected data are tabulated; further frequency tables and cross-tabulation techniques are used in the study to conclude.

3. Empirical results

The major findings of this research study are the following:

a) *The education level of the respondents* are the following:

Table no.1 shows the education level of the respondents. The majority of respondents are Pre metric that is 80% of total respondents are in the category of Pre metric. Even their children are not well educated many dropouts in high school level and they are attracted to highly paid daily wage jobs may be in construction or agriculture. This is one of the major reasons for the reduction in the production of these selected biodegradable products.

Table no.1: Investigation on the education level of respondents

The education level of respondents					
		Frequency	Percent	Valid Percent	Cumulative Percent
	2	10	16.7	16.7	20.0
	3	9	15.0	15.0	35.0
	4	7	11.7	11.7	46.7
	5	5	8.3	8.3	55.0
	6	3	5.0	5.0	60.0
	7	6	10.0	10.0	70.0
	8	5	8.3	8.3	78.3
	9	1	1.7	1.7	80.0
	10	4	6.7	6.7	86.7
	12	4	6.7	6.7	93.3
	15	4	6.7	6.7	100.0
	Total	60	100.0	100.0	

b) *Product of the respondents* are the following:

Among 60 respondents 26.7 percent are in the production of earthen pots, the number of coconut coir rope manufacturers is very less that is 8.3 percent. 38.3 percent of the respondents are in Areca nut leaves plate manufacturing, this segment is using recent technology for pressing process and even the income level of this section is much more than other segments because of the mass production. Remaining 26.7% of the respondents are into creeper baskets production, the education level of these respondents is very poor and the next generation is not much interested to continue this because of the low level of income.

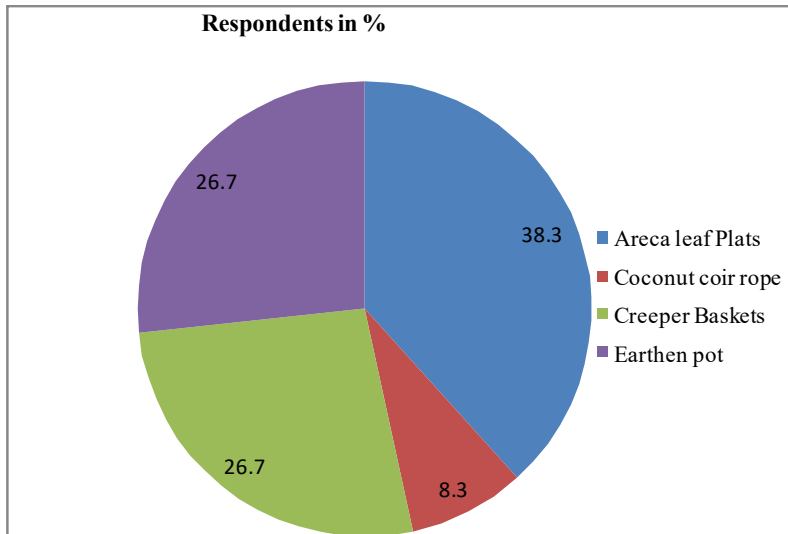


Figure no.1 Product profile of the respondents

c) *Number of years of experience in this business* are the following:

Most of the Areca nut leaf plate manufacturers are new to this business. They started recently because this concept came only after the arrival of a particular technology for such a process. But 61.7 percent of the respondents are continuing their ancestor's business model. The majority of them have not enjoyed lucrative profit or income for their efforts, moreover, for three decades the preference for plastic, steel, and aluminum has reduced demand for their products. Hence many are slowly discontinuing these businesses and looking for attractive daily wage jobs.

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Table no.2: Number of years of experience in this business

Since how many years you are in this production?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	10	4	6.7	6.7	6.7
	12	5	8.3	8.3	15.0
	15	5	8.3	8.3	23.3
	4	4	6.7	6.7	30.0
	8	5	8.3	8.3	38.3
	Since childhood	37	61.7	61.7	100.0
	Total	60	100.0	100.0	

d) Availability of raw materials is discussed as follows:

The key requirement for the production of these products is the natural raw materials which are discussed in the introduction section. If the raw materials are not available then that becomes the challenge for mass production. 70 percent of the respondents opined that the raw material is abundantly available. 5 percent of respondents particularly Areca nut leaf plate makers have mentioned that the raw material is seasonally available and the supply chain is the issue. Many Areca nut growers use Areca nut leaves as feed for animals or they may use it as material for compost. They also mentioned that the logistic cost becomes more to source from far places. But product makers particularly earthen pot makers, creeper pot makers, bamboo pot makers opined that the raw material is abundantly available in their places.

Table no.3: Availability of materials

Whether materials are available abundantly?					
		Frequency	Percent	Valid Percent	Cumulative Percent
	No	13	21.7	21.7	21.7
	Seasonal	5	8.3	8.3	30.0
	Yes	42	70.0	70.0	100.0
	Total	60	100.0	100.0	

e) Opinion about mass production is explored as follows:

The majority of the respondents opined that the raw material is not an issue except Areca nut leaf plate makers. If the raw materials are abundantly available, whether the product makers are planning for production on a large scale is the question. Table no.4 gives clarity to this question that is the selected biodegradable product makers are not looking for mass production. The major reason what we found was the income that they generate is not lucrative. Secondly, we feel education is the major reason, even the succession generation is not well educated so that business aim or focus itself is not there for the families who are involved in these businesses. Secondly, all the respondents are just satisfying their local demand, they work manually and the technology is not developed so far for such production. The efficiency of manpower is to produce a maximum of one of two pieces in a day, final those pieces are sold for very fewer prices. This makes those families think about other daily wage jobs which will fetch them a lucrative wage.

Table no.4: Respondents opinion about large scale production

Whether you have thought of mass production?					
		Frequency	Percent	Valid Percent	Cumulative Percent
	No	60	100.0	100.0	100.0
	Total	60	100.0	100.0	

f) Why mass production is not feasible?

For this open-ended question, we got mixed and different ten responses. Only Areca nut leaf plate makers mentioned that the demand is seasonal and preferred by only for big temple festivals. They opined that tourists do not prefer these materials just because of the color and even retailers are not promoting much. All retail shops are not ready to display their product in their shops. Creeper and Bamboo basket makers opined that consumers prefer plastic baskets because they are more durable. Earthen pot makers also mentioned that durability is the issue for customers and pricing is not attractive for them. Coconut coir based rope makers opined that raw material is sourced by big factories for bed-making purposes and other sofa and seat manufacturing. Moreover, as we have mentioned above, next-generation are attracted to highly paid daily wage job and income in this business is not attractive.

Table no.5: Investigation on why respondents feel mass production is not feasible

Why mass production is not feasible?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Demand issue	4	6.7	6.7	6.7
	Next generation is not interested	4	6.7	6.7	13.3
	Factories are already sourcing materials	5	8.3	8.3	21.7
	Not lucrative business	4	6.7	6.7	28.3
	Other jobs are profitable	12	20.0	20.0	48.3
	Pricing issues	4	6.7	6.7	55.0
	Seasonal demand	5	8.3	8.3	63.3
	Supply chain issue in areca leaf supply	8	13.3	13.3	76.7
	This size is good enough for local supply	10	16.7	16.7	93.3
	Today people prefer plastic materials	4	6.7	6.7	100.0
	Total	60	100.0	100.0	

g) Whether any of your processes can be mechanized?

For the majority of respondents, this question was not applicable because they have not thought of mass production. However, Areca nut leaf plate makers are already using some technology for heating and pressing process. They are opined that further advancement is not feasible because of the raw material issues and seasonal demand for their products. Even for the Coconut coir rope makers already technology is developed and available in the market. Interestingly retailers opined that the demands for manmade ropes are much more in the market.

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Table no.6: Technology development requirement

Which process can be mechanized?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Already mechanized	23	38.3	38.3	38.3
	NA	37	61.7	61.7	100.0
	Total	60	100.0	100.0	

h) Awareness about changing government and customer perspective

The respondents are not aware that the government is promoting biodegradable products and even the customers are slowly getting aware of the side effects of plastic products. 55 percent of the respondents were blank when this question was asked; they do not believe that the government is trying to find alternatives for plastic products. They do not foresee that the items that they are dealing with today will be in demand in the coming days. However, 45 percent of respondents agree that shortly demand for their items will increase and the government is looking for biodegradable products.

Table no.7: Awareness about changing attitude of government and customers towards plastic products

Are you aware that the government is slowly planning to withdraw the plastic products and then your products may be in much demand?					
		Frequency	Percent	Valid Percent	Cumulative Percent
	No	33	55.0	55.0	55.0
	Yes	27	45.0	45.0	100.0
	Total	60	100.0	100.0	

i) What makes your customers purchase your products?

For regional festivals like Kambala and annual festivals of temples, people prefer Areca nut leaf plates to serve the food. They also mentioned that the washing job is not there for Areca nut leaf plates. Creeper and Bamboo pot makers opined that few jobs particularly Hindu temples prefer Bamboo or creeper-based baskets. Earthen pot makers said that few food items are preferably prepared in earthen pots, to store drinking water in the summer season, and to store pickle items people prefer earthen pots.

Why do you think your customers will buy your product when plastic or other substitutes are available?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	For Kambala and Temples	5	8.3	8.3	8.3
	For some jobs specifically, these items are preferred	8	13.3	13.3	21.7
	For some special food preparations	8	13.3	13.3	35.0
	For some special occasions	14	23.3	23.3	58.3
	No response	8	13.3	13.3	71.7
	only rural people prefer	4	6.7	6.7	78.3
	Temple Functions	5	8.3	8.3	86.7
	Washing is not necessary	8	13.3	13.3	100.0
Total	60	100.0	100.0		

4. Conclusions

Among selected 4 biodegradable items, the raw material is abundantly available for earthen pots, creeper baskets, and Bamboo baskets. However, till today all these products are made by human hands and the suitable technology is not available. Demand for these items is slowly picking up because of increased awareness about the health benefits of these items among customers. The government is also supporting and encouraging biodegradable items to replace plastic items. Due to small scale production, the cost of production for these items is very high, which in turn makes products costly in the market. Suitable technology, which could help with mass production and increased revenue for makers, may make the situation better. If that happens makers of these products may not switch to some other job for better earnings.

For Areca nut leaf-based plate makers already the technology is available, however, due to supply chain issues to source the raw materials makers are not thinking of up-gradation of the capacity. On the demand side, travelers and tourists market has to be captured, in this, the role of retailers and government is vital to promote this biodegradable product. Finally, the Coconut coir rope manufacturers are having tough competition from large scale makers because they use some technology. The raw material is also the issue for this segment because Coconut coir is largely purchased and used by the bed makers and sofa makers. To abbreviate from the above, for entrepreneurs who are technology ready to produce earthen pots and creeper baskets, Udupi and Dakshina Kannada in India could be a good destination.

APPENDIX

Questionnaire

- Name of the respondent.....
- Place name.....
- Age of the respondent.....
- Education qualification
- Biodegradable product Name.....
1. Since how many years you are in to this production?
 2. What is your monthly turnover from this product?
 3. What is the core material used in this bio product?
 4. Whether materials are available abundantly?
 5. If yes, whether you have thought of mass production?
 6. If your answer is yes for question no 5, then is that using any technology?, What process will be mechanised?
 7. If your answer is no for question no 5, why do you feel mass production is not a feasible idea?
 - (a) Raw material availability
 - (b) There is no suitable technology for..... job
 - (c) Huge capital expenditure
 - (d) Market/ Demand related issues
 - (e) Skilled labour issues
 - (f) Pricing issues
 8. Why you think your customers will buy your product, when plastic or other substitutes are available?
 9. Are aware that government is slowly planning to withdraw the plastic products and then your products may be in much demand?
 10. Finally, whether Panchayath or any other government agency has approached you for mass production?

An empirical study on opportunities and challenges to commercialize biodegradable products in Udupi and Dakshina Kannada districts of Karnataka, India

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

Credit Activity in the Western Balkan Countries in Terms of Bank-Specific Indicators: A Comparative Analysis

Klejda Gabeshi¹⁾

Abstract:

This paper aims to explain some current considerations and approaches about the credit activity in Albania compared to the other countries in the Western Balkan's region in terms of bank-specific indicators. During 2020 and in the first half of 2021, the evolution of bank credit in the Western Balkan countries continued to be positive, influenced by monetary easing, support for credit risk reduction and other support policies offered by central banks. The balance sheet of banks in the region has improved over the period, and the non-performing loan rate has declined compared to a year ago in most countries. Among the various lending measures, the study of credit activity will be focused on bank credit (loans and advances) to the private sector, one of the most important indicators of bank development. Using a qualitative and quantitative analysis, the main objective of this paper is to generate and explain through a descriptive and graphical analysis, the evolution of the bank credit to the private sector for the six countries of the Western Balkans, Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. Countries in the region have benefited from a substantial inflow of foreign funds and cross-border loans before the crisis. When the financial crisis broke out, credit growth declined dramatically and did not begin to recover, in part due to the banking sector's reversal in external financing. The COVID-19 pandemic also brought a sudden negative revision of expectations.

Keywords: *Bank Credit to the Private Sector, Credit Activity, Western Balkans.*

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Introduction

The countries of the Western Balkans have some common features: the history of socio-economic development, the transformations that have taken place, the reforms undertaken, the liberalization, the restructuring and the path to development. The structure of their financial system is mainly based on the banking sector, and capital markets are underdeveloped or inactive as in the case of Albania. Another common feature that makes them even more exposed to financial instability is that most banks are owned by the largest banks operating in European countries.

During 2020 and in the first half of 2021, the evolution of bank credit in the Western Balkan countries continued to be positive, influenced by monetary easing, support for credit risk reduction and other support policies offered by central banks. The balance sheet of banks in the region has improved over the period, and the non-performing loan rate has declined compared to a year ago in most countries.

This paper aims to explain some current considerations and approaches about the credit activity in Albania compared to the other countries in the Western Balkan's region in terms of bank-specific indicators. Among the various lending measures, the study of credit activity will be focused on bank credit (loans and advances) to the private sector, one of the most important indicators of bank development. Using a qualitative and quantitative analysis, the main objective of this paper is to generate and explain through a descriptive and graphical analysis, the evolution of the bank credit to the private sector for the six countries of the Western Balkans, Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.

Literature Review

The economies of the Western Balkan countries are among the most affected by the effects of the recent recession, which has been strongly affected by the evolution of the region's economies. According to PFS (2011), the most exposed of the Western Balkan countries to foreign capital are Montenegro, Albania and Northern Macedonia. All these savings have been directly or indirectly affected by the crisis of recent years. The economies of these countries are small, but all have the goal of joining the European Union, despite the different levels of development.

The profitability indicators of the banking sector in the Western Balkans, based on the study by Varesi (2015), follow the same negative trend with the growth rates, and the recovery rates are lower than forecast. The efficiency of the banking sector in the Western Balkans has declined for the period observed by the author, and the overall banking profitability and performance have shown a declining trend. The financial depth of the results of the countries studied has worsened compared to the pre-crisis period. Non-performing loans remained the main risk, as they tended to increase.

From the analysis of the profitability of the banking system in the Western Balkan countries of Tmava et.al. (2019), it can be concluded that both performance indicators (ROA and ROE) in the Western Balkan countries, for the comparative period (2008-2015), performed on average better in the period before the global financial crisis than in the next and that some of these countries need to fully recover from the crisis.

The COVID-19 pandemic has hit six Western Balkan countries amid a resurgence in economic activity and promising economic prospects for 2020. The region's central banks have responded by lowering key policy rates and providing liquidity to banks and financial institutions. non-banking, which in turn eases the burden on companies and individuals affected by abrupt disruptions (Gabeshi, 2021).

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In 2021, the Western Balkans is accelerating a recovery from the COVID-19-induced recession experienced by all six economies in 2020. The recovery is picking up faster than expected, with strong growth performance in the region in the second quarter of 2021, in contrast to the poor performance observed in the first quarter (Regular Economic Report, 2021).

Study of Credit Activity in Albania Compared to the Other Countries in the Region

During 2020 and in the first half of 2021, the evolution of bank credit in the Western Balkan countries continued to be positive, influenced by monetary easing, support for credit risk reduction and other support policies offered by central banks. The balance sheet of banks in the region has improved over the period, and the non-performing loan rate has declined compared to a year ago in most countries. This indicator was also affected by the extension of the measures on the temporary suspension of the credit rating, so that it did not fully reflect the impact of the pandemic on the financial system. In the banking sector, various support policies have contributed to the revitalization of lending, especially in the second quarter of 2021. The balance sheet of banks in the region has improved due to the further decline in non-performing loans.

Table 1. shows some key financial indicators, such as the increase in annual lending and the percentage of non-performing loans for Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo, Serbia and Albania.

Table 1. Some key financial indicators for the Western Balkan countries

	Credit growth (% annual)			Non-performing loan rate (%)		
	Q4'20	Q1'21	Q2'21	Q4'20	Q1'21	Q2'21
Bosnia and Herzegovina	-1,2	-0,4	1,9	:	6	:
North Macedonia	5,5	5,6	5,5	:	3,3	3,4
Montenegro	5	3,8	8	5,9	5,5	5,5
Kosovo	6,9	6,9	11,1	2,5	2,5	2,4
Serbia	13,4	10,8	9,1	:	3,9	:
Albania	6,7	1,6	5,9	8,1	8	7,1

Source: data processing from the Financial Stability Report, Semester 1, 2021, Bank of Albania and data from INSTAT. Explanations: ":" lack of information.

Among the various lending measures, the study of credit activity will be focused on bank credit (loans and advances) to the private sector, one of the most important indicators of bank development. This indicator will be further explained and graphically demonstrated for all Western Balkan countries. Figure 1. shows the evolution of bank credit to the private sector as percent of GDP for Albania over the period 2001-2020. The average value for Albania during this period was 28.06%, with a minimum of 6.2% in 2001 and a maximum of 39.31% in 2011. The most recent value in 2020 is 35.95%.

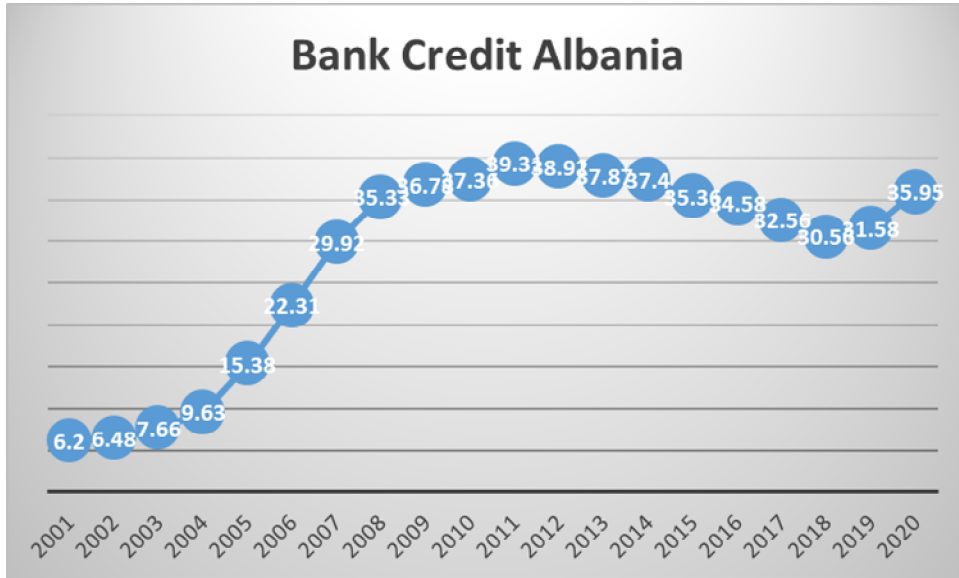


Figure 1. Evolution of bank credit to the private sector as percent of GDP in Albania (2001-2020)

Source: own processing according to data taken from <https://www.theglobaleconomy.com/>

Like all countries that have switched from totalitarian regimes to a market economy, Albania in the first years after economic and political changes has experienced a very low level of credit to GDP. After 2004, when bank loans started to grow rapidly, their ratio to GDP increased significantly.

The rapid growth of lending in the period 2004-2009 was also supported by the country's economic growth, both of these indicators moved in the same direction. Dushku (2010) highlights a long-term double link between financial intermediation and Albania's economic growth. To better explain, the acceleration in bank lending was caused in a way by convergence with the country's macroeconomic conditions and the economy's greater need to be credited. The relationship between these factors is interdependent, and in studies conducted for different countries, it is often not possible to identify the cause and the consequence.

From a very low initial base, lending to the Albanian economy in the banking system grew at a very rapid pace, especially after the privatization of the country's largest bank in 2004. In order to keep up with the latest trends in the services they offer, but also to create, maintain or increase market share, all banks have started lending to both businesses and individuals. As can be seen from Figure 2., the annual growth rate of total credit peaked in 2008, precisely because the initial basis on which this growth was calculated was at very low levels.

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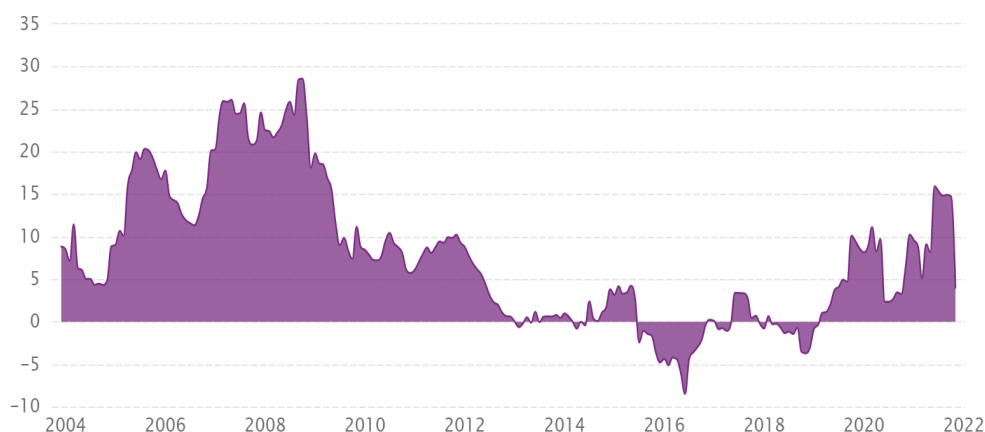


Figure 2. Annual growth rate of domestic credit in Albania (2004- November 2021)

Source: <https://www.ceicdata.com/en/indicator/albania/domestic-credit-growth>

Over the years, the bank loan portfolio has reached significant levels, rising significantly from the levels of the early 2000s. The financial crisis has significantly affected the Albanian banking system, causing the credit market to shrink and tightening bank lending conditions. The last decade has seen an upward and downward fluctuation in the growth rate of credit, reaching negative values up to -8.5% in 2016 and positive values after 2018, with a tendency to maintain this trend in the next period, due to improvements to the components of the financial system and especially the banking system. Albania's domestic credit averaged 6.4%, available from december 2003 to november 2021.

Figure 3. below shows the evolution of bank credit to the private sector as percent of GDP for Bosnia and Herzegovina over the period 2001-2020. The average value for Bosnia and Herzegovina during this period was 47.96%, with a minimum of 26.15% in 2001 and a maximum of 54.85% in 2013. The most recent value in 2020 is 54.61%.

Bosnia and Herzegovina's financial system is bank-based, which means that most external financing is provided by commercial banks. In 2007-2012, BiH governments were less active in the domestic financial market, so the main driver of economic activity was domestic demand from commercial bank loans (Jovic, 2021). During this period, BiH went through an expansionary and crisis-ridden credit cycle, and the credit crunch took place in 2009. In 2020, the volume of lending decreased by 2%, and the level of non-performing loans continued to decline (due to the extension of temporary measures) to 6.1%, which is the lowest level since the beginning of the global financial crisis.

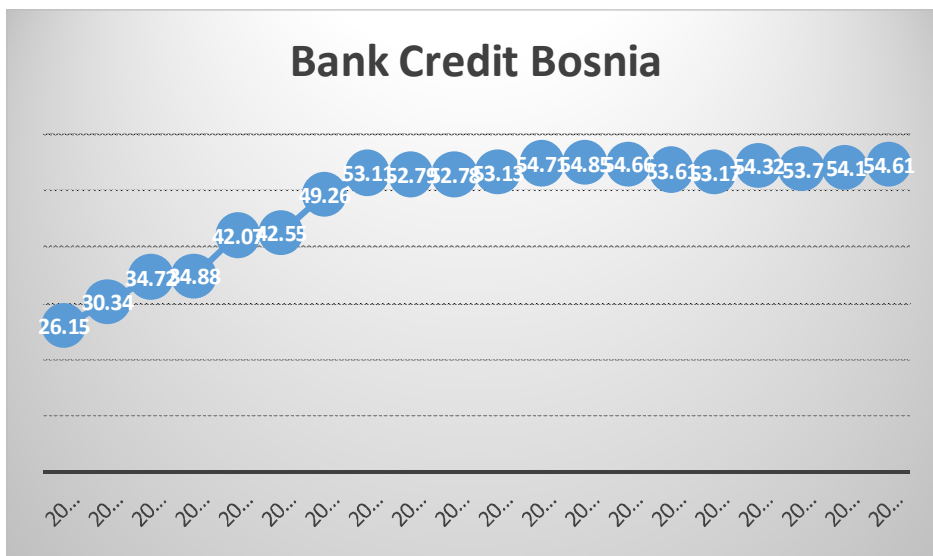


Figure 3. Evolution of bank credit to the private sector as percent of GDP in BiH (2001-2020)

Source: own processing according to data taken from <https://www.theglobaleconomy.com/>

Figure 4. shows the evolution of bank credit to the private sector as percent of GDP for Montenegro in the period 2002-2020. The average value for Montenegro during this period was 48.4%, with a minimum of 7.95% in 2002 and a maximum of 86.45 in 2008. The most recent value in 2020 is 59.9%.

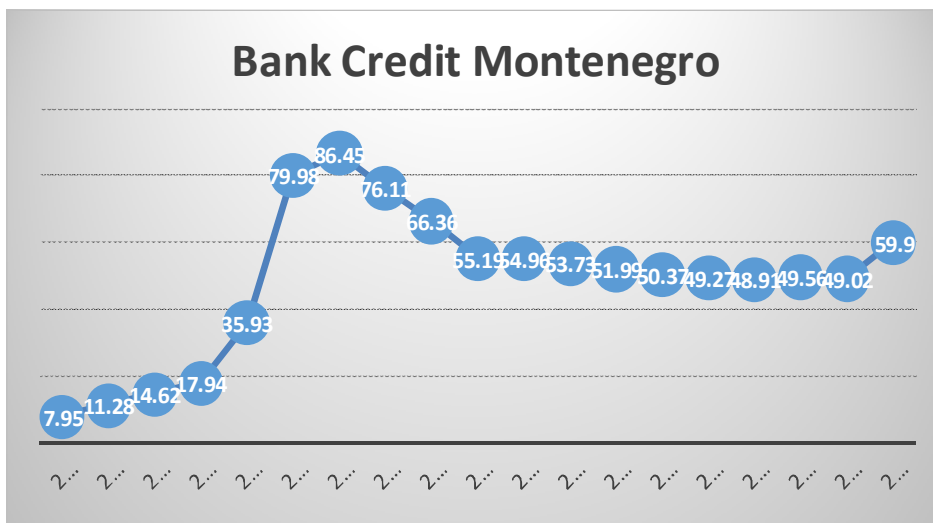


Figure 4. Evolution of bank credit to the private sector as percent of GDP in Montenegro (2002-2020)

Source: own processing according to data taken from <https://www.theglobaleconomy.com/>

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Montenegro's financial system is based on the banking sector, with banks holding the main market share (over 90% of total financial system assets) and most of the financial intermediation takes place through them. Considered by the structure of banks' balance sheets, the main activities of Montenegrin banks are: accepting deposits and lending, as well as providing various types of payment services, while banking investments or active investments in financial instruments are negligible.

In the pre-crisis period caused by the Covid-19 pandemic and after the financial crisis, the Montenegrin banking sector has strengthened its capital position, liquidity and asset quality, making it easier to play a significant role in mitigating the consequences of the crisis and leading to the recovery of the Montenegrin economy. During the year 2020, and in the period after the declaration of the pandemic, a satisfactory level of bank liquidity was maintained (CBCG 2020).

According to EBF (2021), the structure of total credits by destination has changed slightly in favor of credits to refinance debt to other banks, whose share has increased by 2.94 percentage points from 2019 to 2020. Such a credit trend was to be expected, given the liquidity of the real sector and the population and the difficult possibility of meeting the obligations assumed. While loans for the construction and adaptation of buildings have decreased, housing loans have increased.

In figure 5. it is represented the evolution of bank credit to the private sector as percent of GDP for the Republic of North Macedonia over the period 2001-2020. The average value for North Macedonia during this period was 38.8%, with a minimum of 16.3% in 2001 and a maximum of 54.1 in 2020.

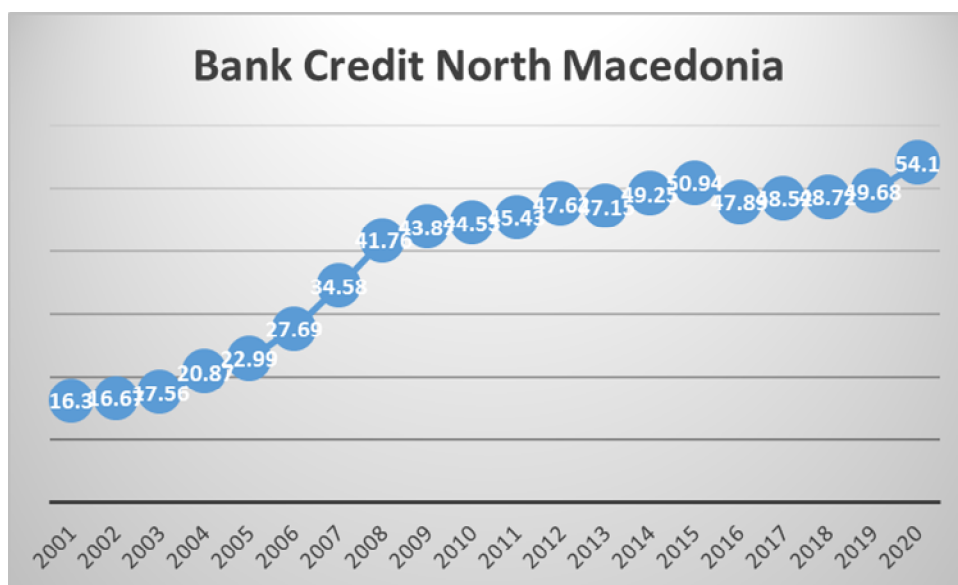


Figure 5. Evolution of bank credit to the private sector as percent of GDP in North Macedonia (2001-2020)

Source: own processing according to data taken from <https://www.theglobaleconomy.com/>

The banking sector, which accounts for almost the entire financial system in North Macedonia, is of particular importance in terms of withdrawing capital into the

economy in the form of credit. This sharp surge in bank lending over the years has been disrupted by the global financial crisis, although loans have continued to grow at a slower pace, the post-crisis period also marks the slowest pace of credit growth (Ademi, 2015).

In 2020, the banking sector saw a 4.1% increase in the volume of lending, supported by a 6.2% increase in deposits. Certainly, the most important activity that banks and savings banks carried out in 2020 was the postponement of the repayment of loans to households and legal entities.

Figure 6. shows the evolution of bank credit to the private sector as percent of GDP for Serbia over the period 2001-2020. The average value for Serbia during this period was 35.73%, with a minimum of 15.23% in 2002 and a maximum of 47.08 in 2010. The most recent value in 2020 is 45.78%.



Figure 6. Evolution of bank credit to the private sector as percent of GDP in Serbia (2001-2020)

Source: own processing according to data taken from <https://www.theglobaleconomy.com/>

The banking sector of the Republic of Serbia is the dominant form of financial intermediation and the most important source of meeting the demand for financial resources. In addition, the financial sector, especially the banking sector, is one of the best reformed parts of the Serbian economy. The strengthening of the deposit potential has allowed an expansion of credit, especially in the field of lending to the household sector.

The Serbian banking sector has remained resilient to the shocks, including the 2020 pandemic. Credit supply has been boosted by the continued easing of the NBS's monetary policy, the approval of loans under the Guarantee Scheme, and low interest rates on the money market. International. On the other hand, the demand for loans has increased due to the increased needs for liquidity, debt restructuring and the purchase of

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real estate. “At the end of 2020, excluding the effect of the exchange rate, total domestic loans increased by 9.9% year-on-year” (EBF, 2021).

Figure 7. below shows the evolution of domestic credit to the private sector as percent of GDP for Kosovo over the period 2002-2020. Domestic credit to the private sector as percent of GDP in Kosovo was reported at 51.62% in 2020.

Kosovo is by far a new economy in which profound economic transformations have taken place from a centralized economy to a market economy. Banks in Kosovo are considered to be rated with the best financial performance in the country's economy. In recent years, deposits and loans are on the rise, and financial services are constantly being modernized (Sahiti et.al, 2019).

Accumulation of financial capital has been highlighted as the main driver of development to some extent - and since economies have grown in Kosovo, the question of how a growth of economies contributes to the overall economic growth of developing countries such as Kosovo (Ribaj & Mexhuani, 2021).

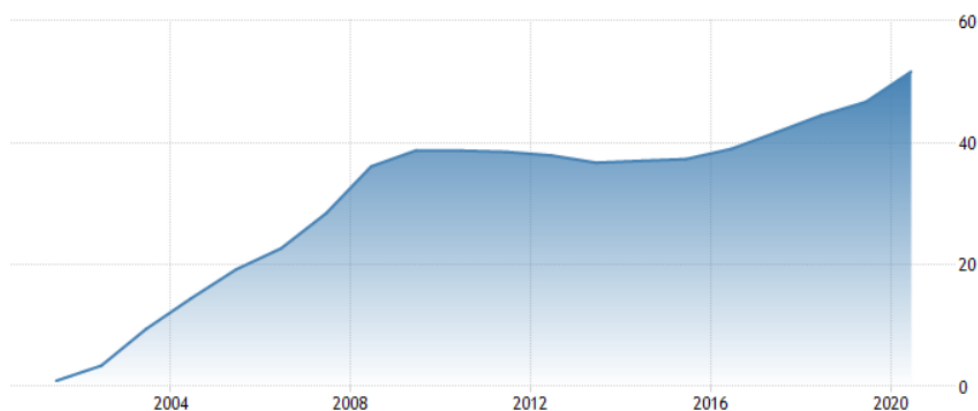


Figure 7. Evolution of domestic credit to the private sector as percent of GDP in Kosovo (2002-2020)

Source: <https://tradingeconomics.com/kosovo/domestic-credit-to-private-sector-percent-of-gdp-wb-data.html>

Conclusions

Countries in the region have benefited from a substantial inflow of foreign funds and cross-border loans before the crisis. When the financial crisis broke out, credit growth declined dramatically and did not begin to recover, in part due to the banking sector's reversal in external financing.

The COVID-19 pandemic also brought a sudden negative revision of expectations. Regional demand is expected to contract, supply conditions will be significantly tightened and approval rates will be reduced. As the quality of credit demand declines, non-performing loans are expected to increase. Compared to 2008, when the crisis started from the financial-banking system, the current crisis generated by the new coronavirus, which produces strong effects both on the financial markets and at the social level, puts banks in a position to react.

Over time, the banking sectors in the Balkan countries have faced many challenges, but they have demonstrated adequate preparedness to respond to all risks and have remained stable. As the Western Balkans begin to look beyond the pandemic, the focus of policy will need to shift back to addressing major structural impediments to job creation and economic transformation.

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ORIGINAL PAPER

The impact of the proportional electoral system on government stability: cases of Kosovo and North Macedonia

Lundrim Aliu¹⁾, Jonuz Abdullai²⁾

Abstract:

Government instability, or the duration of a government cabinet, is considered an important feature of democracy, and various authors have studied various alleged causes that affect government instability. This paper examines the impact that the electoral system - the way in which votes casted in national elections are translated into seats in the parliament - has on the instability of government in a democracy. Particularly, it examines the impact of the proportional electoral system on the instability of governments since governments formed in countries with this electoral system, in vast majority of cases, are coalition governments, with different parties, governance and legislative inefficiency due to internal conflicts and the continuing need for consensus. To examine the relationship between the proportional electoral system and government instability, the research for this paper employs different research methods. Following a literature review on the topic, it then focuses on comparative method where the cases of the impact of the electoral system on government stability in Kosovo and in North Macedonia, two neighbors in Southeast Europe with similar electoral system, size of population and number of registered voters, are examined and compared. The electoral system in both Kosovo and North Macedonia is a proportional system (List-PR). Kosovo had 7 different governments in 15 years, and North Macedonia had 10 different governments (including here 2 interim governments) in 20 years. These two cases confirm a correlation between the proportional electoral system that has always produced coalition governments in both countries, and the short duration of the two countries' governments.

Keywords: *Democracy, proportional electoral system, government instability, Kosovo, North Macedonia.*

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The impact of the proportional electoral system on government stability: cases of Kosovo and North Macedonia

Introduction

Government instability, defined as the duration in time of a government cabinet, is considered an important feature of democracy (Daniel et al, 2019), and various authors have studied different possible causes of government instability or factors that affect government instability. This paper examines the impact that the electoral system has on government instability in a democratic country. The government stability however, as other authors underline, is not the same as regime stability, example here being Italy, which, in the period after World War II has had a new government elected on average every six months but its political system has remained stable (Ball, A.R, and Peters, B.G., 2005: 295).

Although the electoral system is not the only factor that determines the stability of the government, the electoral system affects the stability of the government because the results of proportional electoral systems, in most cases according to the literature, create coalition governments with different parties. Coalition governments, compared to one party governments, tend to be more inefficient in governing and passing laws due to greater internal conflict and the constant need for consensus, which eventually leads to their breakup. As a scholar has explained, “the conventional wisdom” is that plurality systems are more effective than proportional systems because they are supposed to be less fragmented and therefore more decisive, while the proportional systems are supposed to encourage the multiplication of parties and be “more prone to give rise to coalition governments and to be less effective” (Menocal, A.R., 2011: 5). Another author has pointed out that “because of the distribution of seats in parliament, some parties are a necessary partner in more minimal winning coalitions” and that governing coalitions are more likely to contain “high power index” parties without which it is impossible to form a majority coalition (Andeweg, R.B. 2003: 43).

Literature on the relation between electoral system and government instability

As early as 1896 a professor of government, Lowell, wrote that it is “an axiom in politics that, except under very peculiar circumstances, coalition ministries are short-lived compared with homogeneous ones, whose members are in cordial sympathy with each other” (Lowell, A.L., 2002: 214). To test this claim that coalition governments are short-lived, that is if there is relation between durability of government cabinets and the level of fragmentation of the party system in the parliament, researchers Taylor and Herman (1971) studied the data on 196 governments of countries that organized elections in the period of 15 years after World War II. They concluded that “a fairly strong relation exists between government stability and fractionalization of the parliamentary party system” and that “one-party governments were very significantly more stable than coalition governments” (Taylor and Herman, 1971: 37). The level of fractionalization of the parliamentary party system and the need for coalition government are largely the result of the electoral system.

Reynolds, Reilly, and Ellis (2005:5) highlight the impact the choice of the electoral system has on the composition of the government in a country by claiming that “even with each voter casting exactly the same vote and with exactly the same number of votes for each party, one electoral system may lead to a coalition government or a minority government while another may allow a single party to assume majority

control”. They acknowledge that the “prospects for a stable and efficient government are not determined by the electoral system alone”. However, they also note that “the results a [electoral] system produces can contribute to stability”. Specifically, they claim that “as a general rule of thumb, plurality/majority electoral systems are more likely to produce legislatures where one party can outvote the combined opposition, while PR [proportional representation] systems are more likely to give rise to coalition governments” (Reynolds, Reilly, and Ellis, 2005:11).

The renowned scholar of electoral systems, Lijphart, has found that countries that are consensus democracies typically use the proportional electoral system (Lijphart, 1998:143) and that the proportional electoral system encourages multi-partism (Lijphart, 1998: 165). He too has noted that “electoral systems are also a crucial determinant, though by no means the sole determinant, of party systems” (Lijphart, 1998:144). Similarly, Sartori claims that electoral systems are important because they “shape the party system and affect the spectrum of representation” (1994: ix), although he is aware that a “large majority of scholars have argued that they [electoral systems] are not an independent variable, and/or that their effects are, at best, uncertain” (Sartori: 1994: 27). He points to authors who consider that the electoral system in a country is not a cause for the party system in that country but to the contrary a consequence, a result, of the already existing party system (Sartori: 1994: 27). Other researchers have focused on the relevance of ideological differences among coalition partners as a variable for government stability and other researchers have considered that stability of government does not depend on specific variables but on random events that bring down governments (Warwick, Easton, 1992: 122, 123). There is also research that has focused on the duration of ministers and prime ministers as an indicator of cabinet stability (Center for the Study of Democracy, 2005).

Often when electoral systems are selected or designed, the need to create representative space for different political voices or the need for greater government unity is taken into consideration. As explained by the Institute for Assistance in Democracy and Elections (IDEA), the selection of the electoral system is one of the most important decisions in a democratic country because the selection of the system affects the future of political life in that country, and once the electoral system is elected it lives long without undergoing major changes (Reynolds, Reilly, Ellis, 2005: 1), because political interests organize around a particular electoral system to maintain their benefits from that system. However, even when designing electoral systems, it is not always possible to predict how they will work in practice over time.

The electoral system is most often defined as the way in which votes cast in elections are translated into seats (Norris, 1997). Electoral systems can differ in many of their features, but their categorization is mainly done from the aspect of the electoral formula. According to this aspect in the literature most often these systems are divided into majority, proportional, semi-proportional and mixed systems. The categorization by the Institute for Democracy and Election Assistance, IDEA, divides electoral systems into three families, which are then divided into subfamilies. These three main families are: pluralistic/majoritarian systems, proportional systems, and mixed systems. (Reynolds, Reilly, and Ellis, 2005: 3, 28). In pluralistic /majority systems, the winner is the candidate who received the most votes even if he/she did not win an absolute majority. In proportional systems, the percentage of votes a party has won in an election

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translates to approximately the same percentage of seats in parliament. This also applies to the party that has won for example only 10 percent of the vote.

Lijphart writes that “the basic aim of proportional representation is to represent both majorities and minorities, and instead of overrepresenting or underrepresenting any parties, to translate votes into seats proportionally” (Lijphart, 1998:143). Sartori (1995:3) explains that “in proportional systems winning is shared” and that “while all proportional systems are required to translate votes into seats in 'some proportion', this proportion ranges from a quasi-perfect correspondence to a highly imperfect, i.e., highly disproportional one”.

Due to this need to share the electoral victory, or more precisely to divide the parliamentary seats proportionally to the vote won, we assume that it is the proportional electoral system that affects the instability of governments. In a report to Council of Europe on the impact of electoral systems on the political process in the Council of Europe member countries, Lekberg suggests that “the common conclusion” is that the proportional electoral system produces unstable governments. The governments in countries with proportional electoral system tend to be unstable because they are weak coalition governments of several parties, created by deals between the parties. Lekberg notes that government instability in a country with proportional electoral system can also be a result of the possibility that small, extremist, parties may hold the balance of power in parliament. (Lekberg, 2000). Other authors have concluded similarly that “the most important feature of the party-list proportional representation electoral systems is the stimulation for establishing multi-party systems that often results in establishing coalitions and coalition governments” and that this “could be considered a shortcoming of the electoral system having in mind that most of the parties and the broader coalition governments often cause destabilization on the political scene, as well as establishment of unstable governments that have a problem with effective decision-making” (Atanasov, Z. et al. 2022: 15).

Two case studies of similar countries with proportional electoral systems

To examine the relationship between the proportional system and government instability, research for this paper has used a mix of qualitative and quantitative research methods. Following the literature review on the topic, it focuses particularly on the comparative method. It examines and compares the cases of the proportional electoral systems and government stability in the Republic of Kosovo and in the Republic of North Macedonia. These two neighboring countries are part of the region of Southeast Europe. They have an approximate population: around 1.8 million live in Kosovo and around 2.1 million people live in North Macedonia. Moreover, they have an approximate number of registered voters in their last parliamentary elections: about 1.85 million in Kosovo and about 1.82 million in North Macedonia. Also, the parliament in both countries has 120 seats.

There may be other variables affecting the government stability, but this research focuses on the impact of the electoral system. More specifically, the study focuses on the electoral systems at the national level, not at the local level. Electoral systems have been compared to better understand their impact on the country's political stability, or more precisely on government stability. The research focuses only on the variable of the electoral formula, that is the type of electoral system (pluralistic /majority, proportional, mixed, or other), and not on the variable of the type of ballot, whether only one name or several names are rounded when casting the ballot, nor on the

size of the constituency. The variable that is intended to be understood is the duration of government. On the other hand, in addition to the impact on government stability, the studies on the consequences of electoral systems can also focus on the impact of electoral system on the representation of women and minorities, on the representation of certain communities, on the level of turnout or the participation of diaspora. However, this paper deals only with the impact that the electoral system has on the stability of the government of a country.

Electoral systems for parliamentary elections in both Kosovo and Northern Macedonia belong to the same type or family, that of Proportional Systems. In addition, both these systems belong to the same subtype, they are List-PR Systems. This subtype of electoral systems is most prevalent in the world as it is implemented in 35 percent or 70 of the 199 states and territories studied by IDEA, 28 of which are in Europe.

The case of the Republic of Kosovo

The electoral system in Kosovo is a proportional system with open lists of candidates. The Parliament of Kosovo has 120 seats, including 20 seats guaranteed for representatives of ethnic minority political parties. The country is just one constituency. There is also a representation threshold of 5% of the vote.

Although parliamentary elections using the proportional electoral system have been held in Kosovo since 2001, this paper focuses on the stability of the governments of Kosovo after the declaration of independence of Kosovo, in February 2008. This because the electoral system has remained unchanged (Kosovo Democratic Institute, 2013). Even before Kosovo declared itself independent, in the period when Kosovo was governed by the UN Interim Administration in Kosovo (BTI 2022 Country Report - Kosovo: 4), electoral results in terms of government stability tended to be similar. KIPRED Institute has noted in an evaluation of the electoral system of Kosovo in 2005 that “due to the necessity to mediate and to obtain consensus from many political entities, the government is vulnerable to collapse”, and that the government in Kosovo can be strong only if the biggest parties “can agree on dividing the spoils, and if they can overcome fundamental differences” (Malazogu, L. and Dugolli, I. 2005: 10).

Since the declaration of independence in 2008, in a period of 15 years, the Republic of Kosovo has had seven (7) different governments, none of which has completed its full mandate, as they resigned or were dismissed with a motion of no confidence. During this period Kosovo also had to organize five (5) early elections (Central Election Commission, 2022).

- After the 2007 early elections, a coalition government was formed by: PDK (34 seats), LDK (28 seats), and minority parties.
- After the 2010 early elections, a coalition government was formed by: PDK (32), AKR-PD (8) and Lista Rugova (1).
- After the 2014 early elections, a coalition government was formed by: PDK (36), LDK (33), and minority parties.
- After the 2017 early elections, a coalition government was formed by: PDK-AAK-NISMA (39), AKR (2) and minority parties.
- After the 2019 early elections, a coalition government was formed by: LVV (30), LDK (28), and minority parties (This government was voted out in parliament in record time, after only 51 days).
- In 2020, a new coalition government was formed: LDK, AAK, NISMA, and minority parties.

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- After the 2021 early elections, a new coalition government was formed: LVV (58) and minority parties (20).

Kosovo's multi-party system, encouraged by the proportional electoral system, implies the need for government coalitions and "elections are usually followed by an 'interim' period of government formation, often triggering political crises" (Matias, B. 2021: 8). Once established, the governing coalitions tend to be unstable due to differences between coalition partners (Isufi, P. 2019). A study by the GLPS think-tank on the duration of governments in Kosovo notes that the fractionalization and polarization of Kosovo's party system has led to the formation of minimal-winning coalitions, which often fail to govern efficiently.

The case of the Republic of North Macedonia

The electoral system in Northern Macedonia is a system that belongs to the family of proportional systems and is based on candidate lists. The voter votes only once and there is only one list of candidates to be voted for. The country is divided regionally into six electoral units which each elect 20 MPs. There is no electoral threshold and the candidate lists are closed. The national parliament consists of 120 members, all directly elected at the same level but in six different constituencies, and up to 3 additional members elected by the diaspora (Council of Europe, 2012).

The full proportional system was used for the first time in the parliamentary elections in 2002. This was preceded by a mixed electoral system used in the parliamentary elections of 1998, which again resulted in coalition government. Since 2002, in 20 years, in North Macedonia, five (5) early elections were held (State Election Commission), and ten (10) government cabinets, including here two (2) interim technical governments, were elected.

The following coalition governments were created:

- In 2002, a coalition government was formed by: SDSM-LDP (60 seats), and BDI, (16 seats). (Meta.mk, 2017).
- In 2006, a coalition government was formed by: VMRO-DPMNE (45), DPA (11), NSDP (7), VMRO-People's Party (6), DOM (1) and PEI (1).
- After 2008 early elections, a coalition government was formed by: VMRO-DPMNE (63) and BDI (18).
- After 2011 early elections, a coalition government was formed by: VMRO-DPMNE (56) and BDI (15).
- After 2014 early elections, a coalition government was formed by: VMRO-DPMNE (61) and BDI (19).
- After 2016 early elections, a coalition government was formed by: SDSM 49, BDI (10) and the Alliance for Albanians (3).
- After 2020 early elections, a coalition government was formed by: SDSM (46) and BDI (15).
- In 2022, a new coalition government was elected comprised of SDSM-LDP, BDI, and Alternativa.
- In addition, in 2016 and 2020, two more technical coalition governments had been elected, tasked to facilitate the upcoming elections of the time.

A recent study on North Macedonia's electoral system by National Democratic Institute (NDI), although it does not directly discuss the impact of the electoral system on the stability of the government, has found that if North Macedonia would have used the majority/plurality electoral system its parliament would have been less

fractionalized. The study which compares the results of a simulation of the 2020 parliamentary elections with a majority/plurality system with the real results of the elections with the existing proportional system concludes that “this electoral model almost fully eliminates small parties and independent candidates, considering that none of the small parties would be even close to winning a seat at the 2020 elections” (Atanasov, Z. et al., 2022: 27).

Conclusion

The case of the Republic of Kosovo and that of the Republic of Northern Macedonia confirm a correlation between the proportional electoral system and the short duration of the governments of the two countries. The findings can't claim that the electoral system has caused the instability of governments in these two study cases, but they can conclude that there is an important correlation given that the electoral system in both countries has always produced coalition governments which did not survive until the end of their mandate. In Kosovo, electoral system reform efforts have been ongoing since 2011. (Balkans Policy Research Group, 2018). Similarly, in North Macedonia there have continuously been discussions but about minor changes to improve some aspects of the electoral system (Marusic, 2019). Government instability, insofar as it is influenced by the proportional electoral system, will continue to be a characteristic of the political system of these two countries. This may have negative impact on the public policies and the economy of the two countries.

However, despite the findings, this paper does not recommend changing the electoral system in Kosovo and in North Macedonia to a majority/plural system in the hope of ensuring greater government stability. Smaller changes such as the number of electoral units or the vote threshold may be considered. Since societies in both Kosovo and North Macedonia continue to have strong political and other divisions, and continue to display post-conflict characteristics, the proportional system may still ensure better representation of different voices in the two societies. Both Kosovo and North Macedonia are relatively young democracies in Europe and with time the efficiency of coalition-formation and decision-making in coalition governments may improve. There could be other causes for government instability, which could be addressed, and which should certainly be studied to better understand the causes of government instability. These may include the political system, external challenges, the capacity of public administration and civil service, level of resources, corruption, politicization or the political culture.

Authors' Contributions

The authors contributed 60:40 to this work: Lundrim Aliu 60% and Jonuz Abdullai 40%.

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ORIGINAL PAPER

Investigating stylized facts and long-term volatility patterns using GARCH models: An empirical case study for the Russian stock market

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Abstract:

This research paper investigates the behaviour of Russian stock market for the sample period from January 2000 to April 2022. The econometric approach is based on the application of GARCH family models and on various tests and statistical methods. This empirical research also examines stylized facts and long-term volatility patterns for the Russian stock market. The empirical analysis was also focused on revealing the dynamics of the selected stock market under the impact of certain extreme events, such as: the recent conflict between Russia and Ukraine, the COVID – 19 pandemic, the global financial crisis (GFC) of 2007 - 2008.

Keywords: *volatility pattern; GARCH models; stock market; stylized facts; COVID – 19 pandemic; global financial crisis (GFC).*

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1. Introduction

The recent pandemic has had a significant impact on the evolution of financial markets all around the world which implicitly affects sustainable economic growth perspective. Qaiser Gillani et al. (2021) also revealed that health represents an essential pillar in order to achieve sustainable development. Nayak et al. (2021) highlighted the linkage between Government expenditure and economic growth in the case of another emerging country which also included in BRICS, such as India. Sohag et al. (2022) suggested that geopolitical disruption generates an impact on stock market synchronization caused by investors' emotional (sentimental) feedback. As a result, Russia's stock market indices have fallen sharply in the context of the turmoil in Ukraine and the annexation of Crimean Peninsula from Ukraine by Russia in 2014. Pourmansouri et al. (2022) examined the relation between major shareholders and corporate governance in the turbulent context of COVID-19 Pandemic, both before and after this extreme event.

2. Literature review

Hartwell (2021) investigated the impact of political violence on Russian stock market behaviour for a long time period of over 50 years in the 19th century of Tsarist Russia based on the sample period from January 1865 to July 1914 (monthly data). The empirical findings revealed that the St. Petersburg Stock Exchange, as the Russian stock market was called at the time of the analysis, has reached weak efficiency regarding information processing but still affected by uncertainty such as political violence extreme events. On the other hand, Aktan et al. (2019) examined essential aspects on stock market efficiency in its week form based on a cluster of 32 markets divided into three main categories such as frontier, emerging and developed, all from Europe for the sample period June 2006 - June 2017 and stated that markets can be inefficient during times of stress.

Sohag et al. (2022) addressed key issues regarding the concept of stock market synchronization considering the implications for investment strategies based on international portfolio diversification for a cluster which included selected stock markets from US, China and Russia. Ben Nasr et al. (2018) examined country risk ratings in the case of BRICS stock market returns and identify the highest historical volatility in Russian stock market which makes it more difficult to predict market behaviour. Moreover, Balcilar et al. (2017) have conducted an empirical study on geopolitical uncertainty by modeling the behaviour of BRICS stock markets and considered that Russia is exposed to the greatest risks from both geopolitical risk perspectives, such as stock returns and volatility. Birau et al. (2021) examined the dynamics of certain stock markets such as Spain and Hong Kong by applying GARCH models for a sample period which is focused on the impact of COVID - 19 pandemic.

3. Data collection and research methodology

This research study tests the changes in the volatility pattern, presence of leverage effect and discuss empirically the impact of good news and bad news using symmetric and asymmetric GARCH class models using daily closing prices for MOEX – Russia, one of the leading stock exchange to capture the changes in volatility clusters and explore how investors approached with recent political changes. We use ADF to test presence of leverage effect considering the first difference of log-returns, GARCH (1, 1)

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by Bollerslev (1986) and asymmetric GARCH class models such as Exponential GARCH, Nelson (1991) that captures the presence of asymmetry in the series returns. For this purpose, the sample returns considered from January 2000 to April 2022 consisting 5803 observations. The data abstracted from Bloomberg. To execute this objectives, study adopts the following process:

Log conversion;

$$r_t = \ln\left(\frac{p_t}{p_{t-1}}\right) = \ln(p_t) - \ln(p_{t-1})$$

ADF regression process;

$$\Delta y_t = c + \beta \cdot t + \delta \cdot y_{t-1} + \sum_{i=1}^p \gamma_i \Delta y_{t-i} + \varepsilon_t$$

ADF process;

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

Symmetric GARCH (1, 1);

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

Generalized Autoregressive Conditional Heteroscedastic is generalized version of ARCH model by Engle. GARCH (1, 1) processes 1 ARCH effect and 1 GARCH effect. Processing Mean and Variance equations;

Mean equation;

$$r_t = \mu + \varepsilon_t$$

Mean equation indicates sum of average return denoted by (μ) that is returns of asset in time (t), and residual return denoted by (ε_t).

Variance equation;

$$\sigma_t^2 = \omega + \alpha \varepsilon_{t-1}^2 + \beta \sigma_{t-1}^2$$

Variance equation assumption process assures that value of constant is higher than 0, following the value of $\alpha + \beta$

GARCH (1, 1) represents symmetric model that is extensively used to estimate volatility in time series returns.

EGARCH also called Exponential GARCH. EGARCH by Nelson (1991) captures asymmetric responses of time-vary variances to volatility shocks and also ensures that variance is always positive.

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

4. Empirical results and discussion

Property of descriptive statistics exhibited in table 1 (refer table 1). Further the actual series movement plot captured and presented in Figure 1, followed by the stationary returns (first log difference) which is tested with ADF, testing down from 4 lags, criterion AICsample size 5801 and found unit-root null hypothesis: a = 1, confirming series stationary with constant where, including 0 lags of (1-L), expanding model (1-L)y = b0 + (a-1)*y(-1) + e, found estimated value of (a - 1): -0.998007 and test

statistic: $\tau_c(1) = -76.2644$ suggesting asymptotic p-value 0.0001. Russian specimen index series returns provides negative skewness with excess degree of kurtosis, creating leptokurtic impact with long fat left tail.

Table 1
Summary Statistics, using the observations 2000-01-04 - 2022-04-29
for the variable MOEX Index – Russia (5802 valid observations)

Mean	Median	Minimum	Maximum
0.00048	0.00032	-0.4047	0.25226
Std. Dev.	C.V.	Skewness	Ex. kurtosis
0.02009	41.935	-1.4882	43.466
5% Perc.	95% Perc.	IQ range	Missing obs.
-0.0277	0.02719	0.01629	1

Source: Authors computation using first log difference of daily closing prices

The data from first day trading in the month of January 2000 to last trading day in the month of April, 2022 where lowest trading index was at level 131 and created high of 4287 just before the invasion to Ukraine. Such political movement responded by the investors which appears in property of Figure 1, creating sudden down slop from trading level of above 4100 to merely 2000 trading level. The aggressive recovery also captured. Property of Figure 2 captures the volatility clusters for the Russian stock market index suggesting several negative and positive shocks, where the war impact generated shocks four times greater than the impact of novel Coronavirus (COVID - 19) and the global pandemic, also double than the global financial crisis impact.

Figure 1 – Actual series returns - MOEX – Russia from 2000-01-04 - 2022-04-29



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Figure 2 Log-returns (Volatility Clusters) MOEX – Russia 2000-01-04 - 2022-04-29

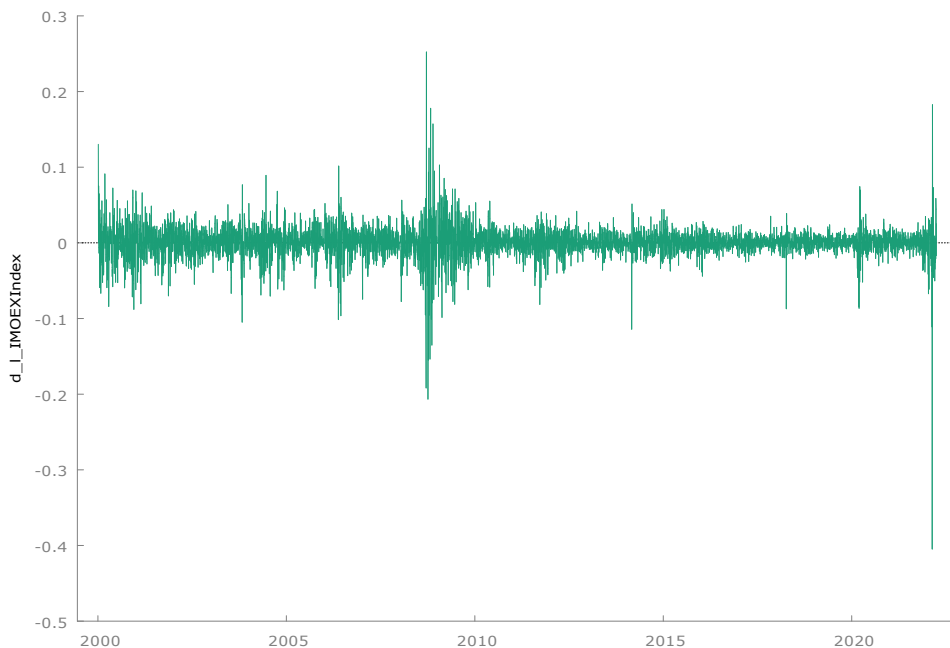
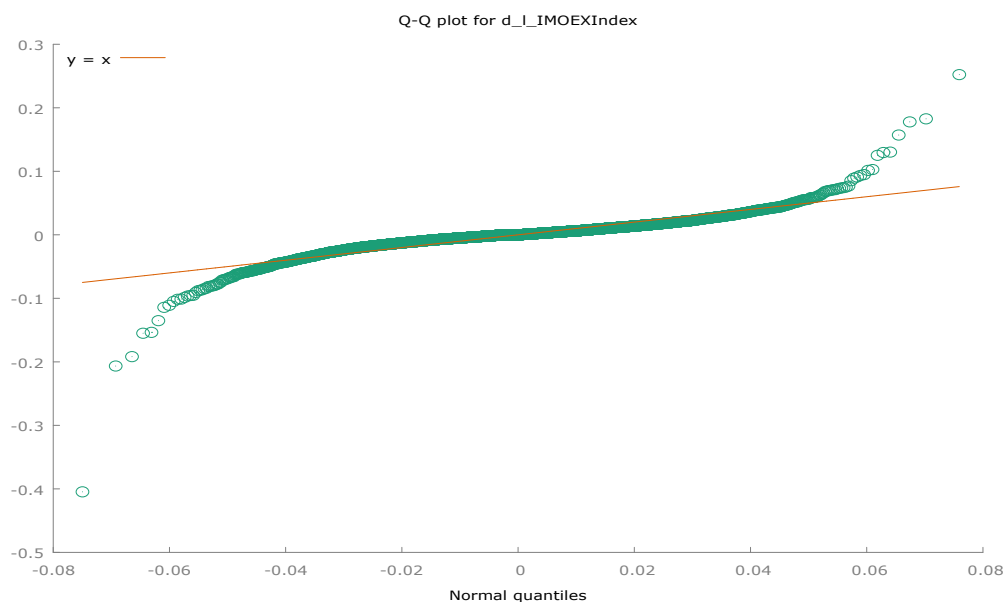


Figure 3 Quantile Plot, MOEX – Russia from 2000-01-04 - 2022-04-29



Source: Authors computation using first log difference of daily closing prices from 2000-01-04- 2022-29-04

The quantile plot (refer figure 3) indicates how the returns switched from positive to negative stretching left long tail with negative magnitude shocks up to 0.4 magnitudes, which is amongst the double than the highest

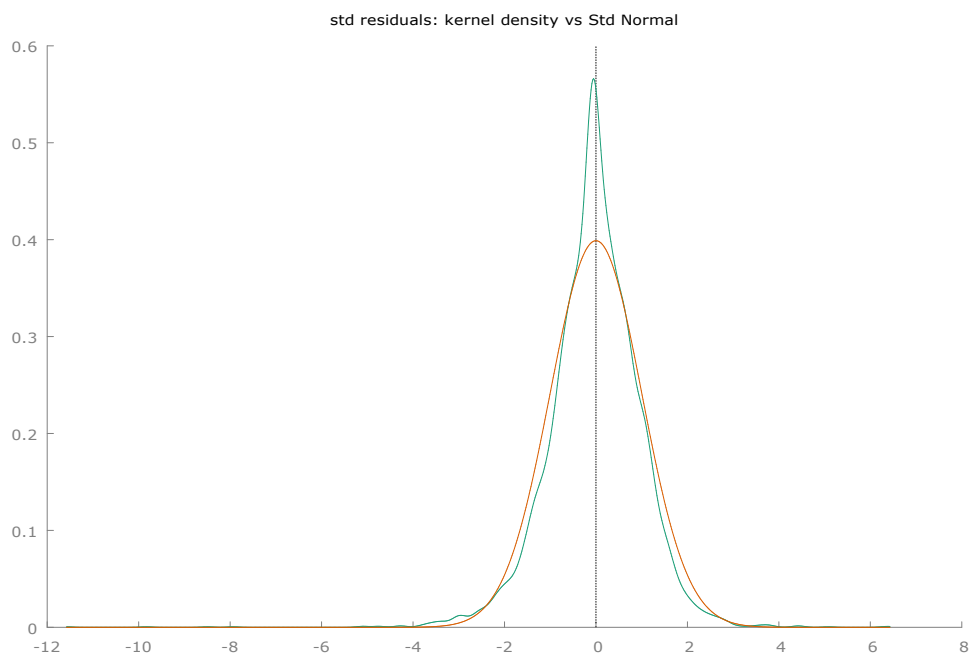
ever positive shocks in the Russian stock market index (0.2) across the sample period of over twenty-two years.

Table – 2
 Model: GARCH(1,1) [Bollerslev] (Normal)*, Dependent variable: d_1_IMOEXIndex
 Sample: 2000-01-04 -- 2022-03-30 (T = 5802)

Conditional mean equation				
	coefficient	std. error	z	p-value
const	0.00092	0.0002	4.532	5.83e-06 ***
Conditional variance equation				
omega	4.31E-06	1.92E-06	2.252	0.0243 **
alpha	0.10281	0.02403	4.278	1.88e-05 ***
beta	0.88879	0.02462	36.09	2.84e-285 ***
Llik: 16040.53945			AIC: -32073.07891	
BIC: -32046.41508			HQC: -32063.80369	

Source: Authors computation using first log difference of daily closing prices from 2000-01-04- 2022-29-04

Figure 4 GARCH (1, 1) Positioning of standard residuals for MOEX - Russia



Source: Authors computation using first log difference of daily closing prices from 2000-01-04- 2022-29-04

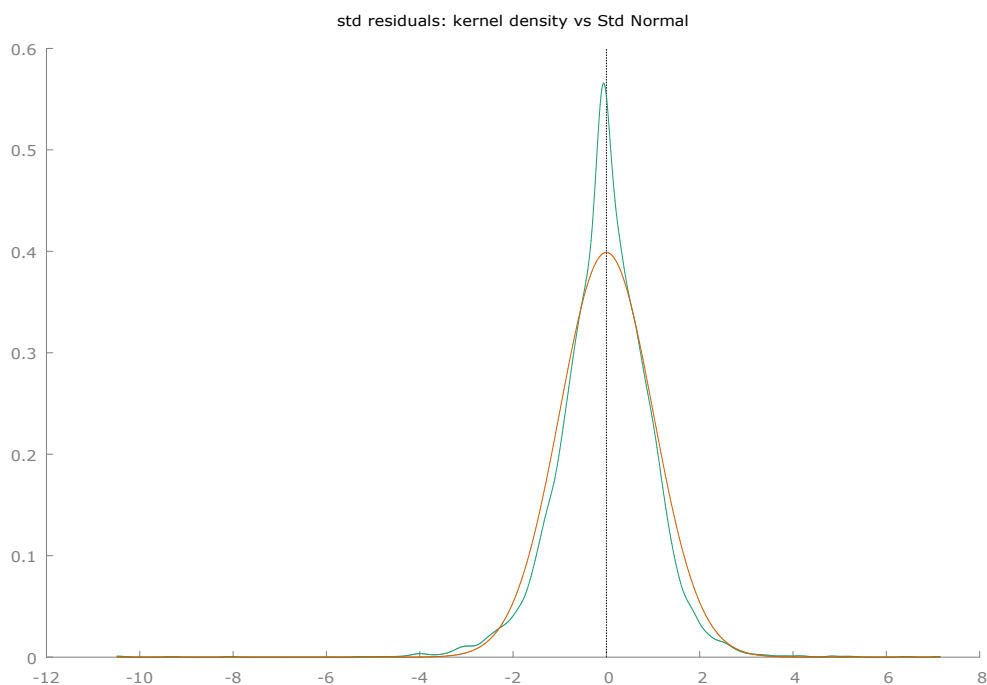
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Table 3 Exponential GARCH for MOEX Russia, Model: EGARCH(1,1) [Nelson] (Normal)
Dependent variable: MOEX – Russia, Sample: 2000-01-04 -- 2022-04-29 (T = 5802), VCV
method: Robust

Conditional mean equation				
	coefficient	std. error	z	p-value
const	0.001	0.0002	4.851	0.00000123 ***
Conditional variance equation				
omega	-0.271	0.07632	-3.551	0.0004 ***
alpha	0.18209	0.03801	4.791	1.66e-06 ***
gamma	-0.0489	0.01674	-2.919	0.0035 ***
beta	0.98356	0.00654	150.5	0.0000 ***
Llik: 16015.79099			AIC: -32021.58199	
BIC: -31988.25220			HQC: -32009.98796	

Source: Authors computation using first log difference of daily closing prices from 2000-01-04- 2022-29-04

Figure 5 EGARCH (1, 1) standard residuals positioning



Source: Authors computation using first log difference of daily closing prices from 2000-01-04- 2022-29-04

The model designed by Bollerslev (1986), such as GARCH (1, 1) which consist effect of one ARCH and a GARCH fitted perfectly on the series returns of MOEX – Russia. The outcome property suggests that volatility is highly persistent in nature for

the selected samples of Russian stock exchange. The sum of $\alpha + \beta = 0.9916$ indicating that volatility absorbs past events at least at 88.87% of the previous impact followed in future movements. The asymmetric GARCH model, i.e. Exponential GARCH by Nelson (1981) fitted perfectly on the series returns and confirms the presence of leverage effect suggesting that Russian stock market indicated by the (γ). The EGARCH also provides forecast that good news effects the Russian stock market at magnitude of 18.20% whereas the bad news effects 23.09%, further with having presence of leverage effect in the series returns, it indicates that large negative shocks will followed by more number of negative shocks, but in case of positive shocks, the market will not react equally for the following movements.

We have demonstrated evidence the MOEX, Russian stock market index absorbed the global political movement by the Russia which has impacted four times more than the impact of global pandemic of novel Coronavirus (COVID-19) and almost double strong than the global financial crisis impact. The returns approached to sharp negative from all time high trading level creating sharp (A) pattern followed by sharp positive that created (V) pattern (refer Figure 1) indicating that investors expecting aggressive recovery of previous loss.

4. Conclusions

We tested movement pattern capturing the recent political movement by Russia in to the Ukraine, fitness of symmetric and asymmetric GARCH class models on the series returns and volatility clusters. We found that GARCH and EGARCH fitted perfectly at significance level of 1% suggesting persistent in the volatility pattern with presence of asymmetry. The summary of statistics provided important information that mean returns are negative in nature, further there is least possibility to have any positive gain in case purchased today and sell tomorrow, the kurtosis is far exceeding the normal parameter and creating leptokurtic impact with left long tail. Considering the present model estimation, there are prospective opportunity for the long-term investors with the high degree of risk factor since the market seems to be moving in a dynamic form of creating sharp (V) shape for the stock returns. The empirical results added additional empirical evidence to the existing literature.

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

Euro-Atlantic Security and Institutional Resilience: Analyzing the Conceptual Use and Topical Variations

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Cosmin Lucian Gherghe³⁾

Abstract:

Background: The present article reflects the main themes and topics related to Euro-Atlantic Security and institutional resilience in terms of a cross-scale spectrum (personal-human-private-institutional).

Objectives: The objectives of the research associate the theoretical development and the analytical framework on Euro-Atlantic security and institutional resilience rooted in concepts-based analysis, namely: “security resilience”, Euro-Atlantic alliance”, “Euro-Atlantic solidarity”, “social security”, “human security” and “personal security”.

Methods: Developing the analytical tools and methods depends on the convergence of multiple approaches, including (i) comparing the apex for the use of concepts; (ii) relational analysis representation of the use of concepts; (iii) analyzing the relation between concepts in different periods. The article also outlines the qualitative analysis featuring the use of the *Google Ngram Viewer (Google Ngram)* on digitalised literature for the period 2000-2019.

Results and findings: From an analytical perspective, the research sets three relevant factors: “Euro-Atlantic security”, “security resilience”, and “human security”.

Conclusions: The study adopts quantitative and qualitative research collecting and analyzing information and data through a chronological design conducted in the period 2000-2019.

Keywords: *Euro-Atlantic security; resilience; institutions; security resilience; human security.*

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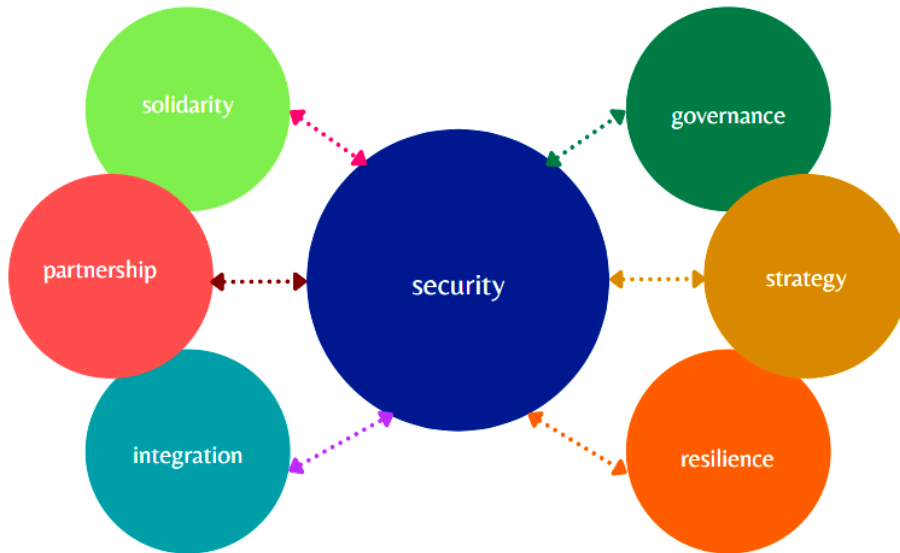
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Introduction

This article explores the actual linkages between security and resilience focusing on the Euro-Atlantic partnership analysis. To a large context, Euro-Atlantic security is a complex construct enabling a permanent dialogue between collaboration-coordination-solidarity-unity-partnership (Sjursen, 2004: 687-703; Hallams, 2011; Rynning, 2014: 1383-1401). The current literature approaches focus on the implementation areas of security and defense calling for solidarity and partnership seeking to provide (Diagram 1. Euro-Atlantic Security Circular Topics Map): (i) analysis of security and resilience within the Euro-Atlantic environment; (ii) integration and implementation of resilience measures and processes; (iii) impact evaluation of the security framework. In addition, the research highlights a comprehensive approach to personal, private, human and social security referring to key topics for security-resilience efforts, namely: stability, defense agenda and institutional governance.

Diagram 1. Euro-Atlantic Security Circular Topics Map



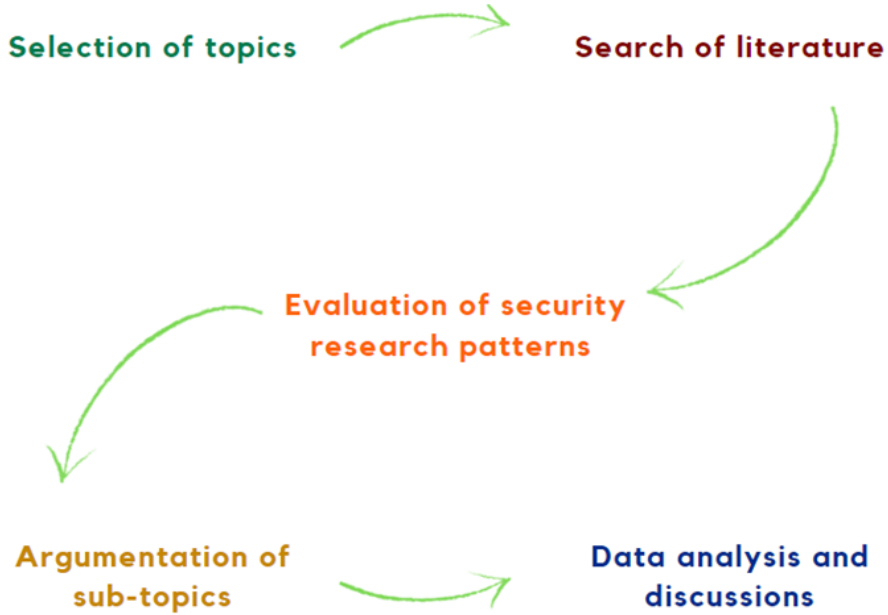
Source: Authors' own compilation

Methodology

This paper reviews the major topics related to security and resilience, namely Euro-Atlantic security and partnership and integration sense. In the first section, this study addresses a comprehensive set of the major considerations of the concept using the method of the literature review. The second part combines the data provided by *Ngram Google Viewer* for an extensive period until 2019, using a high volume of data and frequencies processed using the conceptual association and the relational analysis. In fact, the following research intends to provide a complex understanding of the current approaches to North-Atlantic Security Organization (NATO) from an analytical perspective. Given the research period of the digitalized literature (2000-2019), the study identifies the major challenges of security in recognizing the topics frequencies performed with *Ngram Google Viewer*. Overall, the first section of our research provides a 5-step process for mapping the literature review: (i) selection of topics; (ii) search of

literature; (iii) evaluation of Euro-Atlantic security research patterns; (iv) argumentation of the sub-topics identified; (v) data analysis and discussions (Diagram 2. A five-step process for mapping the literature review).

Diagram 2. A five-step process for mapping the literature review



Source: Authors' own compilation

Literature review

This section provides a complex description of the core patterns of the concept of Euro-Atlantic security and security resilience in the recent literature review. Furthermore, the initial screening of the concept of security is based on the relevance of the social and institutional approaches to the field of “homeland security” (Haimes, Crowther, Horowitz, 2008: 287-308) and “network security” (Mérand, Hofmann, Irondelle, 2011: 121-147).

An additional goal of the research outlines the “peacekeeping-peace building” linkage and provides a comprehensive understanding of the “human security” encounters as an institutional construct by exploring and examining other topics such as: “threat assessment” and “impact assessment” (Imboden, 2012: 173-196; Krause, 2008: 65-79; Burgess, 2008: 49-63). Moreover, Jolly *et al.* characterize the human security-human development nexus and summarizes the “multilevel security” (Anderson, 2020) and broader concepts of security regarding operational approaches and processes (Jolly, Ray, 2007: 457-472). The authors also describe the effects of policy making and “concerns of people” in particular situations (Jolly, Ray, 2007: 457-472) and “urban resilience” (Coaffee, 2013: 240-252) enabling two operational concepts: “personal security” (Yanay, 2006: 509-525; Carreño, Gutierrez, Ochoa, Fortino, 2015: 2531-2546) and “adaptive resilience” (Zoli, Steinberg, 2015).

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Thus, the recent literature attention is given to the “security sector reform” (Larzillière, 2019: 384-401) and the EU-NATO relationship is significant shedding new frameworks for “structural stability” and “military option” (Cornish, Edwards, 2001: 587-603), but also for the NATO enlargement and future (Schweickert, Melnykovska, Belke, Bordon, 2011: 667-692; Croft, Howorth, Terriff, Webber, 2000: 495-518; Hartley, 1999: 37-40) and EU security and defense agenda (Croft, 2002: 97-114).

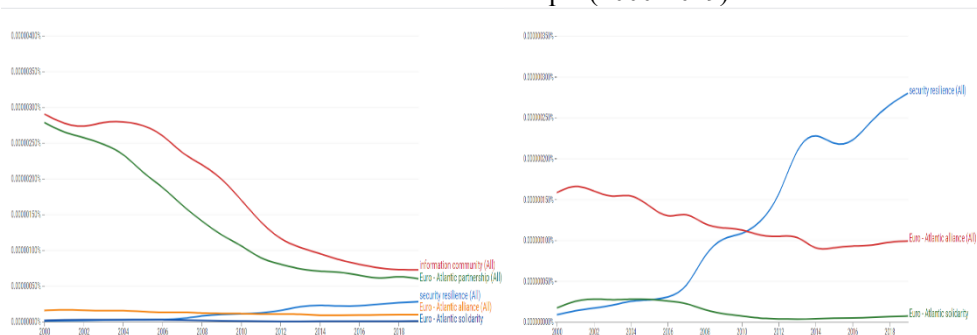
A new research mechanism for “security resilience” uses joint analysis of “solidarity” and partnership approaches linking multi-sectoral attributes, namely: (i) network system and security resilience (Williamson, 2003: 34-40); (ii) societal and governance resilience (Olimid, Georgescu, Gherghe, 2022: 38-51); (iii) civic participation (Olimid, Georgescu, 2017: 42-56); (iv) security strategies (Joseph, 2013: 253-264); (v) information and documentation to research governance-policies nexus (Georgescu, Olimid, Olimid, Georgescu, Gherghe, 2017). Guerrier (2021a) includes the concept of “social networks” to explain the security-democracy linkage. The author conducts a particular outline of what is known about the topic of “plurality of opinions” (Guerrier, 2021a).

Other authors also focus on the research area of “cybersecurity and privacy” setting a common approach to (i) “digital security” and (ii) “security of information” (Guerrier, 2021b). The selected criteria for the study research design two additional approaches to security: (i) “security of networks” and “information systems” (Guerrier, 2021b).

Data analysis and discussions

The relational analysis performed with *Ngram Google Viewer* for the 2000-2019 period on the “Euro-Atlantic” and “security resilience”-related concepts revealed the use of “information community”, “Euro-Atlantic partnership”, “security resilience”, “Euro-Atlantic alliance”, “Euro-Atlantic solidarity”. We have to note that the frequencies of “information community” and “Euro-Atlantic partnership” concepts was higher before the 2000s with 0.0000029023% and 0.0000027847%, respectively, reached 0.0000028019% and 0.0000023620% in 2004 and 0.0000007261% and 0.0000006004% in 2019.

Figure 1. Relational analysis representation of the use of “Euro-Atlantic” and “security resilience”-related concepts (2000-2019)



Source: Authors' compilation based on *Google Ngram Viewer* data

Figure 2. Comparing the apex for the use of “Euro-Atlantic” and “security resilience”-related concepts

2000		2004		2019	
● security resilience (All)	0.0000000088%	● security resilience (All)	0.0000000261%	● security resilience (All)	0.0000002798%
● information community (All)	0.0000029023%	● information community (All)	0.0000028019%	● information community (All)	0.0000007261%
● Euro - Atlantic partnership (All)	0.0000027847%	● Euro - Atlantic partnership (All)	0.0000023620%	● Euro - Atlantic partnership (All)	0.0000006004%
● Euro - Atlantic alliance (All)	0.0000001582%	● Euro - Atlantic alliance (All)	0.0000001578%	● Euro - Atlantic alliance (All)	0.0000000988%
● Euro - Atlantic solidarity	0.0000000170%	● Euro - Atlantic solidarity	0.0000000280%	● Euro - Atlantic solidarity	0.0000000070%

Source: Authors’ compilation based on Google Ngram Viewer data

Further focusing our study on the relational analysis representation of the use of “security resilience”, “Euro-Atlantic alliance” and “Euro-Atlantic solidarity” concepts for the period between 2000 and 2019 we have observed that the frequency in the use of “security resilience” has grown towards 2019 reaching 0.0000002798%. The peak in the use of “Euro-Atlantic solidarity” was in 2004 with 0.0000000280%, while in the case of “security resilience” we have to note an increase towards 2019 with 0.0000002798%.

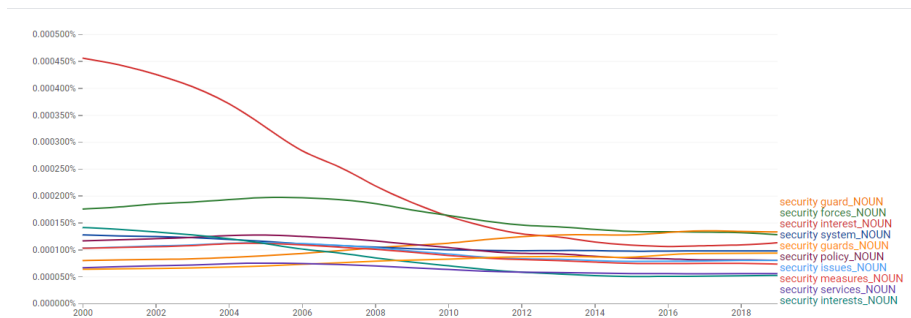
Figure 3. Comparing the apex for the use of “Euro-Atlantic alliance”, “Euro-Atlantic solidarity” and “security resilience” concepts

2000		2001		2010		2019	
● security resilience (All)	0.0000000088%	● security resilience (All)	0.0000000138%	● security resilience (All)	0.0000001061%	● security resilience (All)	0.0000002798%
● Euro - Atlantic alliance (All)	0.0000001582%	● Euro - Atlantic alliance (All)	0.0000001691%	● Euro - Atlantic alliance (All)	0.0000001137%	● Euro - Atlantic alliance (All)	0.0000000988%
● Euro - Atlantic solidarity	0.0000000170%	● Euro - Atlantic solidarity	0.0000000263%	● Euro - Atlantic solidarity	0.0000000073%	● Euro - Atlantic solidarity	0.0000000070%

Source: Authors’ compilation based on Google Ngram Viewer data

Furthermore, we were interested in identifying the conceptual association of the “security” concept (after interrogating on the 10 most frequent associations between “security” and a NOUN). By employing the Google NgramViewertool, we discovered the following phrases: “security guard(s)”, “security forces”, “security interest”, “security system”, “security policy”, “security issues”, “security measures”, “security services”, “security interests”.

Figure 4. Relational analysis representation of the use of “security” concept (2000-2019)



Source: Authors’ compilation based on Google Ngram Viewer data

In order to recognize the top frequencies, the analysis has tracked the apex for “security interest” in 2000 (0.0004556772%), “security forces” in 2005 (0.0001978069%), “security guard” in 2017 (0.0001359343%), “security system” in

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2000 (0.0001272888%), “security issues” in 2005 (0.0001130136%), “security measures” in 2005 (0.0001118948%), “security interests” in 2000 (0.0001410568%), and “security services” in 2005 (0.0000750958%).

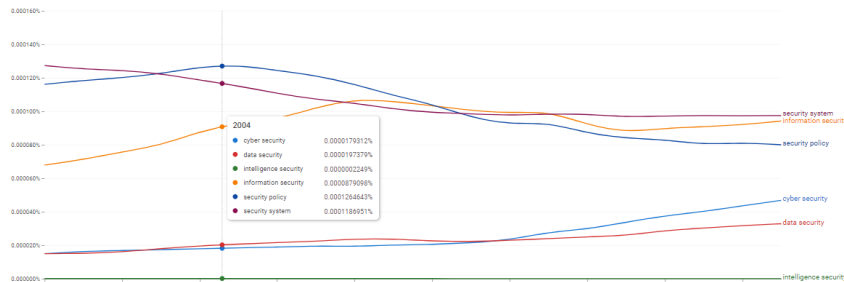
Figure 5. Comparing the apex for the use of “security” AND NOUN associations

2000	2005	2017	2019
● security interest_NOUN 0.0004556772%	● security interest_NOUN 0.0003283129%	● security interest_NOUN 0.0001074235%	● security interest_NOUN 0.0001125594%
● security forces_NOUN 0.0001752574%	● security forces_NOUN 0.0001978069%	● security forces_NOUN 0.0001322521%	● security forces_NOUN 0.0001275570%
● security guard_NOUN 0.0000794107%	● security guard_NOUN 0.0000882496%	● security guard_NOUN 0.0001359343%	● security guard_NOUN 0.0001327425%
● security system_NOUN 0.0001272888%	● security system_NOUN 0.0001151569%	● security system_NOUN 0.0000975160%	● security system_NOUN 0.0000974798%
● security policy_NOUN 0.0001160954%	● security policy_NOUN 0.0001276682%	● security policy_NOUN 0.0000800852%	● security policy_NOUN 0.0000800054%
● security issues_NOUN 0.0001023967%	● security issues_NOUN 0.0001130136%	● security issues_NOUN 0.0000782626%	● security issues_NOUN 0.0000798057%
● security measures_NOUN 0.0001023531%	● security measures_NOUN 0.0001118948%	● security measures_NOUN 0.0000741654%	● security measures_NOUN 0.0000730285%
● security interests_NOUN 0.0001410568%	● security interests_NOUN 0.000112056%	● security interests_NOUN 0.0000502272%	● security interests_NOUN 0.0000519878%
● security guards_NOUN 0.0000634709%	● security guards_NOUN 0.0000695181%	● security guards_NOUN 0.0000932122%	● security guards_NOUN 0.0000934788%
● security services_NOUN 0.0000662981%	● security services_NOUN 0.0000750958%	● security services_NOUN 0.0000548538%	● security services_NOUN 0.0000551782%

Source: Authors’ compilation based on Google Ngram Viewer data

Moreover, we were interested in the manner in which the following associations were present in the digitalized literature: “security system” and “security policy” together with “information security”, “cyber security” and “data security”.

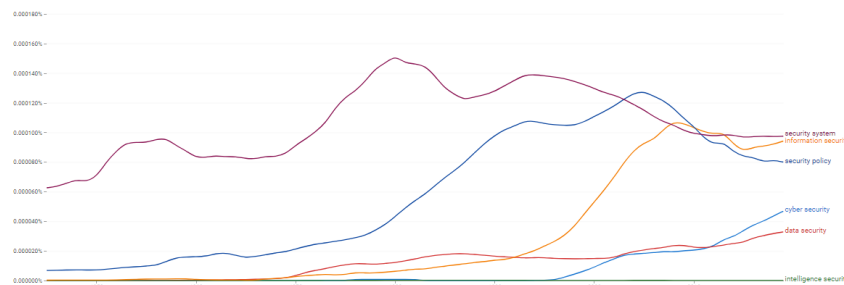
Figure 6. Analyzing the use of “security”-related concepts (2000-2019)



Source: Authors’ compilation based on Google Ngram Viewer data

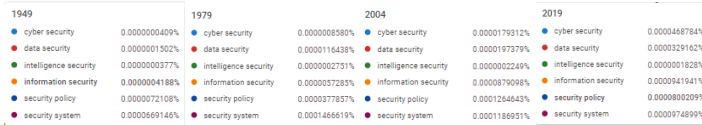
For this set of concepts, we aimed at identifying their frequencies since NATO creation and discovered an increase in the frequencies towards 2019 for “cyber security” (0.0000468784%), “data security” (0.0000329162%) and “information security” (0.0000941941%), while the mentions of “security system” and “intelligence security” both peak in 1979 (0.0001466619% and 0.0000002751%, respectively). The frequency for “security policy” is at its highest in 2004 (0.0001264643%).

Figure 7. Analyzing the use of “security”-related concepts since NATO creation



Source: Authors’ compilation based on Google Ngram Viewer data

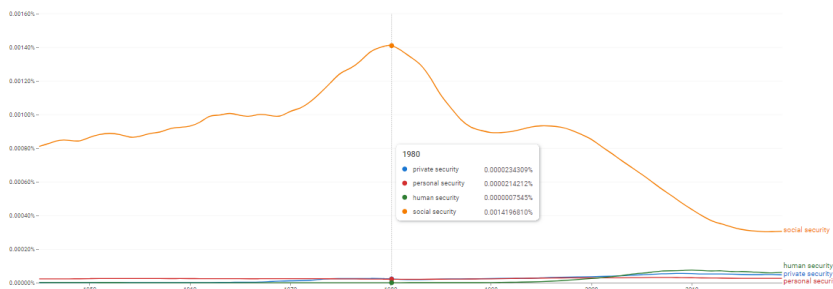
Figure 8. Comparing the apex for the use of “security”-related concepts



Source: Authors’ compilation based on Google Ngram Viewer data

Next in our analysis, we were interested in the following associations: “private security”, “personal security”, “human security” and “social security”. Among these, “social security” reached the frequency of 0.0014196810% in 1980.

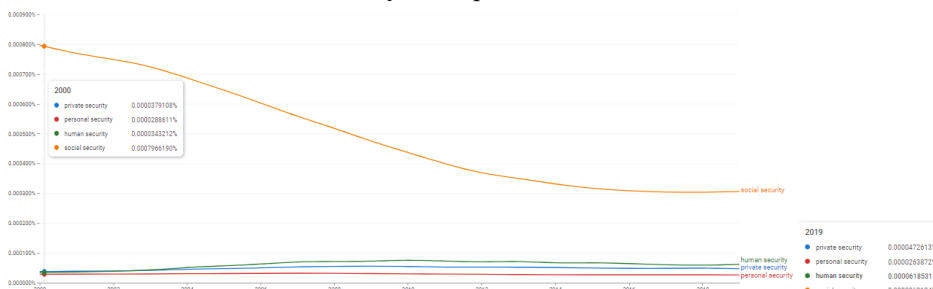
Figure 9. Analyzing the relation of “private”, “personal”, “human” and “social” to security concept (1940-2019)



Source: Authors’ compilation based on Google Ngram Viewer data

In 2000, “social security” reached 0.0007966190%, “private security” reached 0.0000472613%, “personal security” 0.0000288611% and “human security” 0.0000343212%. In 2019, the frequency of “social security” dropped at 0.0003062124%, while the other values increased: “private security” reached 0.0000472613%, “personal security” 0.0000263872% and “human security” 0.0000618531%.

Figure 10. Analyzing the relation of “private”, “personal”, “human” and “social” to security concept after 2000

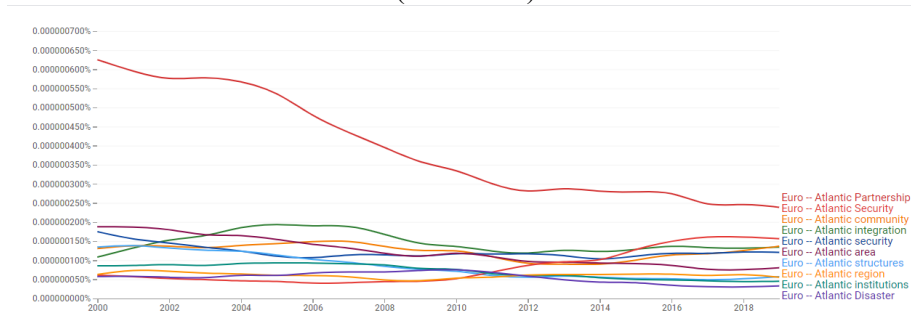


Source: Authors’ compilation based on Google Ngram Viewer data

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The following stage of our research acquired to highlight the conceptual associations of the “Euro-Atlantic” concept between 2000 and 2019: “Euro-Atlantic Partnership”, “Euro-Atlantic security”, “Euro-Atlantic community”, “Euro-Atlantic integration”, “Euro-Atlantic area”, “Euro-Atlantic structures”, “Euro-Atlantic region”, “Euro-Atlantic institutions” and “Euro-Atlantic disaster”.

Figure 11. Relational analysis representation of the use of “Euro-Atlantic” concept (2000-2019)



Source: Authors’ compilation based on *Google Ngram Viewer* data

The data collected by employing the *Google NgramViewer* instrument showed the yearly frequencies for the conceptual associations in question. Consequently, the peaks were reached in 2000 for “Euro-Atlantic Partnership” (0.0000026502%), “Euro-Atlantic security” (0.0000011912%), “Euro-Atlantic area” (0.0000017764%), “Euro-Atlantic structures” (0.0000012900%), “Euro-Atlantic region” (0.0000006054%), and in 2005 for “Euro-Atlantic community” (0.0000014556%), “Euro-Atlantic integration” (0.0000015428%), “Euro-Atlantic institutions” (0.0000009424%).

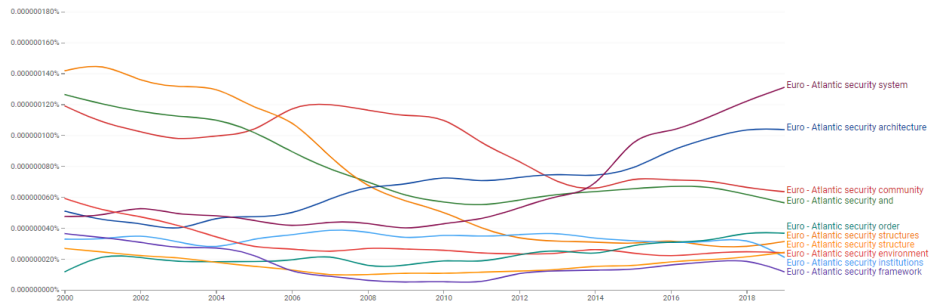
Figure 12. Comparing the apex for the use of “Euro-Atlantic”-related concepts

2000	2005	2014	2018	2019
● Euro - Atlantic Partnership 0.0000026502%	● Euro - Atlantic Partnership 0.0000019399%	● Euro - Atlantic Partnership 0.000006620%	● Euro - Atlantic Partnership 0.000006091%	● Euro - Atlantic Partnership 0.000005671%
● Euro - Atlantic integration 0.0000010125%	● Euro - Atlantic integration 0.0000015428%	● Euro - Atlantic integration 0.000009983%	● Euro - Atlantic integration 0.000009706%	● Euro - Atlantic integration 0.000009845%
● Euro - Atlantic area 0.0000017764%	● Euro - Atlantic area 0.0000014152%	● Euro - Atlantic area 0.000006293%	● Euro - Atlantic area 0.000005833%	● Euro - Atlantic area 0.000006108%
● Euro - Atlantic community 0.0000012896%	● Euro - Atlantic community 0.0000014556%	● Euro - Atlantic community 0.000005983%	● Euro - Atlantic community 0.000006642%	● Euro - Atlantic community 0.000006912%
● Euro - Atlantic security 0.0000011912%	● Euro - Atlantic security 0.000000995%	● Euro - Atlantic security 0.000007833%	● Euro - Atlantic security 0.000009028%	● Euro - Atlantic security 0.000008653%
● Euro - Atlantic structures 0.0000012900%	● Euro - Atlantic structures 0.0000010461%	● Euro - Atlantic structures 0.000004406%	● Euro - Atlantic structures 0.000004100%	● Euro - Atlantic structures 0.000004188%
● Euro - Atlantic institutions 0.0000008445%	● Euro - Atlantic institutions 0.0000009424%	● Euro - Atlantic institutions 0.000003917%	● Euro - Atlantic institutions 0.000003449%	● Euro - Atlantic institutions 0.000003187%
● Euro - Atlantic region 0.0000006054%	● Euro - Atlantic region 0.000005986%	● Euro - Atlantic region 0.000004073%	● Euro - Atlantic region 0.000003769%	● Euro - Atlantic region 0.000003262%
● Euro - Atlantic Security 0.000002928%	● Euro - Atlantic Security 0.000002240%	● Euro - Atlantic Security 0.000002587%	● Euro - Atlantic Security 0.000002807%	● Euro - Atlantic Security 0.000002562%
● Euro - Atlantic and 0.000002381%	● Euro - Atlantic and 0.000002242%	● Euro - Atlantic and 0.000001703%	● Euro - Atlantic and 0.000002055%	● Euro - Atlantic and 0.000001652%

Source: Authors’ compilation based on *Google Ngram Viewer* data

The tag of “Euro-Atlantic security” attracted the following conceptual associations: “Euro-Atlantic security system”, “Euro-Atlantic security architecture”, “Euro-Atlantic security community”, “Euro-Atlantic security order”, “Euro-Atlantic security structure(s)”, “Euro-Atlantic security environment”, “Euro-Atlantic security institutions” and “Euro-Atlantic security framework”.

Figure 13. Relational analysis representation of the use of “Euro-Atlantic security” concept (2000-2019)



Source: Authors’ compilation based on *Google Ngram Viewer* data

In terms of frequencies, we have to note that the following conceptual associations peaked in 2000: “Euro-Atlantic security structure(s)” (0.0000001417%), “Euro-Atlantic security environment” (0.0000000592%) and “Euro-Atlantic security framework” (0.0000000364%), while the following phrases pointed towards 2007: “Euro-Atlantic security community” (0.0000001206%), “Euro-Atlantic security institutions” (0.0000000394%). In 2019, the highest frequencies were recorded by “Euro-Atlantic security system” (0.0000001310%), “Euro-Atlantic security architecture” (0.0000001037%), “Euro-Atlantic security order” (0.0000000366%).

Figure 14. Comparing the apex for the use of “Euro-Atlantic security”-related concepts

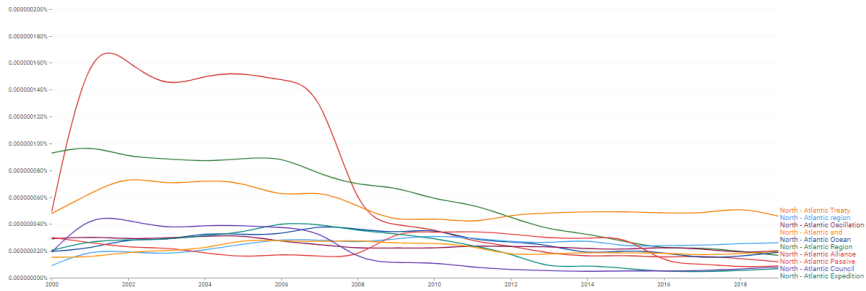
2000	2007	2014	2019
Euro - Atlantic security community: 0.0000001190%	Euro - Atlantic security community: 0.000001206%	Euro - Atlantic security community: 0.0000000631%	Euro - Atlantic security community: 0.0000000635%
Euro - Atlantic security and: 0.0000001264%	Euro - Atlantic security and: 0.000000778%	Euro - Atlantic security and: 0.0000000635%	Euro - Atlantic security and: 0.000000563%
Euro - Atlantic security structures: 0.0000001417%	Euro - Atlantic security structures: 0.000000854%	Euro - Atlantic security structures: 0.0000000311%	Euro - Atlantic security structures: 0.000000313%
Euro - Atlantic security architecture: 0.0000000510%	Euro - Atlantic security architecture: 0.000000589%	Euro - Atlantic security architecture: 0.0000000731%	Euro - Atlantic security architecture: 0.0000001037%
Euro - Atlantic security system: 0.0000000475%	Euro - Atlantic security system: 0.000000445%	Euro - Atlantic security system: 0.0000000634%	Euro - Atlantic security system: 0.0000001310%
Euro - Atlantic security institutions: 0.000000328%	Euro - Atlantic security institutions: 0.000000394%	Euro - Atlantic security institutions: 0.0000000330%	Euro - Atlantic security institutions: 0.000000210%
Euro - Atlantic security environment: 0.0000000592%	Euro - Atlantic security environment: 0.000000239%	Euro - Atlantic security environment: 0.0000000275%	Euro - Atlantic security environment: 0.000000239%
Euro - Atlantic security order: 0.000000116%	Euro - Atlantic security order: 0.000000236%	Euro - Atlantic security order: 0.0000000217%	Euro - Atlantic security order: 0.000000366%
Euro - Atlantic security structure: 0.0000000268%	Euro - Atlantic security structure: 0.000000091%	Euro - Atlantic security structure: 0.0000000157%	Euro - Atlantic security structure: 0.000000243%
Euro - Atlantic security framework: 0.0000000364%	Euro - Atlantic security framework: 0.000000091%	Euro - Atlantic security framework: 0.0000000129%	Euro - Atlantic security framework: 0.000000117%

Source: Authors’ compilation based on *Google Ngram Viewer* data

In order to detect the conceptual associations for “North-Atlantic” concept, we commanded the search on *Google Ngram Viewer* and found the subsequent top used association phrases during the 2000-2019 period: “North-Atlantic Treaty”, “North-Atlantic region”, “North-Atlantic Oscillation”, “North-Atlantic Ocean”, “North-Atlantic Alliance”, “North-Atlantic Council”, “North-Atlantic Expedition”.

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Figure 15. Relational analysis representation of the use of “North-Atlantic” concept (2000-2019)



Source: Authors’ compilation based on *Google Ngram Viewer* data

The research aim was to accomplish a relational analysis representation on the concept since 1950s, 1980s, 1990s and 2000s. Comparing the recorded frequencies, we have to mention that “North-Atlantic Treaty” scored highest in 2004 (0.0000000728%), “North-Atlantic region” in 2019 (0.000000260%), “North-Atlantic Alliance” in 2001 (0.0000001807%), “North-Atlantic Council” in 2001 (0.0000000474%).

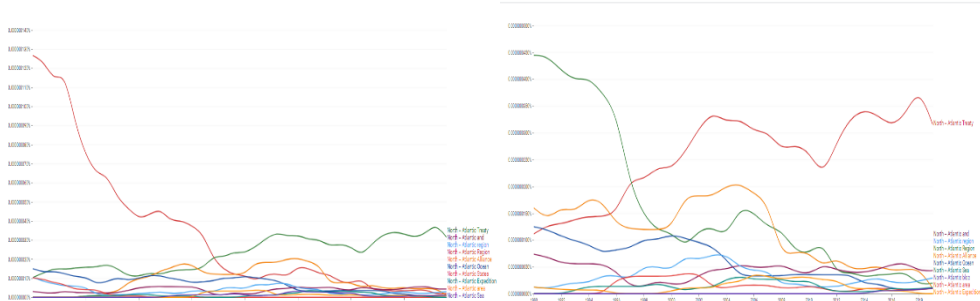
Figure 16. Comparing the apex for the use of “North-Atlantic”-related concepts

2001		2004		2019	
● North - Atlantic Alliance	0.0000001807%	● North - Atlantic Alliance	0.0000001310%	● North - Atlantic Alliance	0.000000120%
● North - Atlantic Region	0.0000000989%	● North - Atlantic Region	0.0000000864%	● North - Atlantic Region	0.000000197%
● North - Atlantic Treaty	0.0000000630%	● North - Atlantic Treaty	0.0000000728%	● North - Atlantic Treaty	0.0000000460%
● North - Atlantic Ocean	0.0000000217%	● North - Atlantic Ocean	0.0000000337%	● North - Atlantic Ocean	0.000000190%
● North - Atlantic Oscillation	0.0000000307%	● North - Atlantic Oscillation	0.0000000310%	● North - Atlantic Oscillation	0.0000000201%
● North - Atlantic region	0.0000000208%	● North - Atlantic region	0.0000000207%	● North - Atlantic region	0.0000000260%
● North - Atlantic Passive	0.0000000262%	● North - Atlantic Passive	0.0000000186%	● North - Atlantic Passive	0.0000000089%
● North - Atlantic Expedition	0.0000000279%	● North - Atlantic Expedition	0.0000000313%	● North - Atlantic Expedition	0.0000000068%
● North - Atlantic and	0.0000000153%	● North - Atlantic and	0.0000000216%	● North - Atlantic and	0.0000000196%
● North - Atlantic Council	0.0000000474%	● North - Atlantic Council	0.0000000392%	● North - Atlantic Council	0.000000081%

Source: Authors’ compilation based on *Google Ngram Viewer* data

The representation changes for the conceptual association moving backwards since the 1980s and 1990s, thus we have to consider “North-Atlantic region”, “North-Atlantic Alliance”, “North-Atlantic Ocean”, “North-Atlantic Sea”, “North-Atlantic bloc”, “North-Atlantic area”, “North-Atlantic expedition” and “North-Atlantic states”.

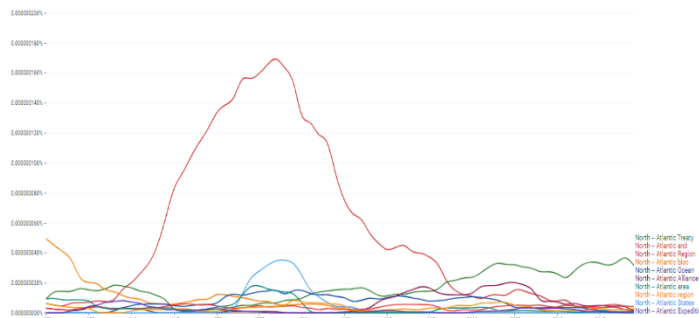
Figure 17. Relational analysis representation of the use of “North-Atlantic” concept since the 1980s and 1990s



Source: Authors’ compilation based on *Google Ngram Viewer* data

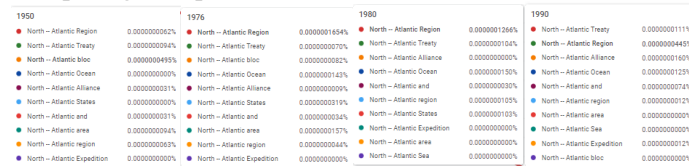
Analyzing the line plot since 1950, we noticed the trends for the conceptual associations which peaked in 1976: “North-Atlantic region” (0.0000001654%) and in 1990: “North-Atlantic Treaty” (0.0000000111%).

Figure 18. Relational analysis representation of the use of “North-Atlantic” concept since 1950



Source: Authors’ compilation based on Google Ngram Viewer data

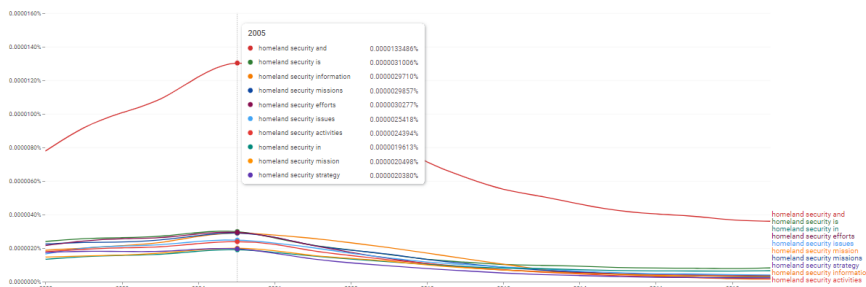
Figure 19. Comparing the apex for the use of “North-Atlantic” and NOUN concepts



Source: Authors’ compilation based on Google Ngram Viewer data

As regards the frequencies for the “North-Atlantic” and noun associations, we have to note the value registered by the syntagm “North-Atlantic region” in 1976 (0.0000001654%), while “North-Atlantic Treaty” scored increasingly higher values following 1990.

Figure 20. Conceptual association “homeland security”

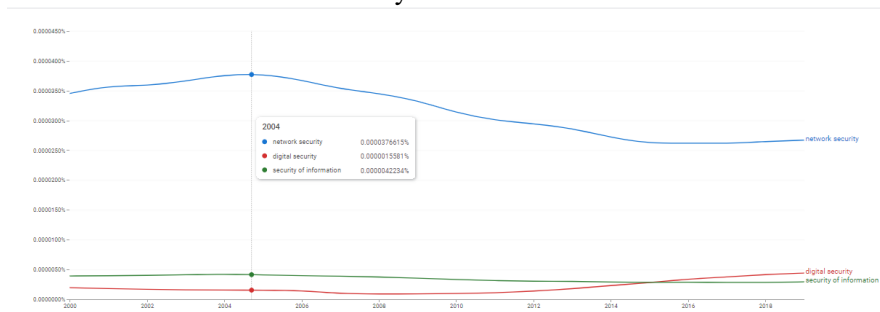


Source: Authors’ compilation based on Google Ngram Viewer data

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Moreover, our interested was directed towards the syntagms resulting by joining the concept of “homeland security”, thus we discovered the apex in 2005: “homeland security information” (0.000002971%), “homeland security missions” (0.0000029857%), “homeland security efforts” (0.0000030277%), “homeland security issues” (0.0000025418%), “homeland security activities (0.0000024394%), “homeland security strategy” (0.0000020380%).

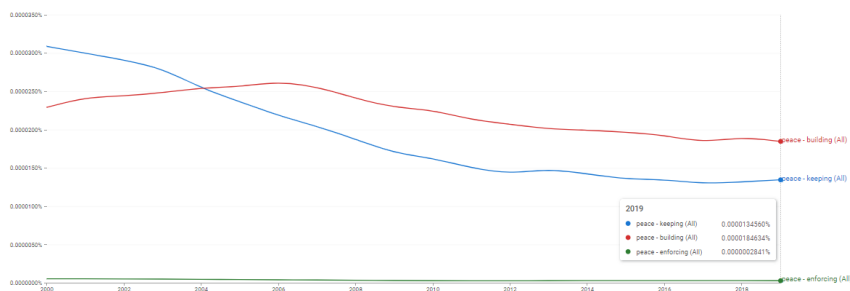
Figure 21. Trends in conceptual usage for “network security”, “digital security”, “security of information”



Source: Authors’ compilation based on Google Ngram Viewer data

Next, we were interested in identifying and assessing the values of the associations in the sphere of IT&C security, thus we found the peak in 2004 for “network security” (0.0000376615%), “digital security” (0.0000015581%) and “security of information” (0.0000042234%).

Figure 22. Trends in conceptual usage for “peace-keeping”, “peace-building”, “peace-enforcing”



Source: Authors’ compilation based on Google Ngram Viewer data

Our final enquiry reached for the associations around the concept of “peace”, thus identifying the following phrases: “peace-keeping”, “peace-building” and “peace-enforcing”, with the apex in 2000 and 2006, respectively.

Conclusions

In conclusion, we can appreciate that the analysis revealed the trends in the use of the key concepts that associate "security" in the Euro-Atlantic area with other related concepts/topics that characterize the security environment of the last 20 years: homeland security, peacebuilding, peacekeeping, security breach and data security. In this

interpretation, the developments on the international scene, but also the main legislative changes in the European space-related to privacy and safety have led to an upward trend in the frequency of concepts associated with the security sphere. Moreover, the analysis, therefore, reveals a directly dependent correlation between (i) the *inputs* generated by international events and developments, international relations and the Euro-Atlantic partnership and the *outputs* provided by the perception and high frequency of use of terms mainly in those periods. Thus, the *input-output nexus* highlights trends and frequencies of using specific terms of the European and Euro-Atlantic security environment in direct dependence on the evolution of the main stages of integration and consolidation of the partnership and solidarity of NATO members.

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

The Principle of Least Effort in Technical Register. A Case Study on Students in Automation

Adrian-Florin Bușu¹⁾

Abstract

Also known as Zipf's Law, the Principle of Least Effort is the theory according to which one single primary principle in any human action, including verbal communication, represents the expenditure of the least amount of effort to accomplish a task. When this principle is applied to linguistics, it can be reduced to the following observation: the more frequent a word is, the shorter it tends to be. Zipf claimed that this specific attribute occurs as a consequence of human attempt to maximize word connotation framings in circumstances dictated by factors such as dynamic constraints to communicate in an accurate manner, or the desire to efficiently exchange information. This article presents the results of a case study conducted for a period of 6 weeks on students in the first year at the Faculty of Automation, Computers and Electronics from University of Craiova and provides direct experimental evidence to support Zipf's explanatory hypothesis. The findings of this case study suggest that the communicative pressure acting on language users is directly responsible for the frequency relationships in the vocabulary. This article promotes an approach on language as an efficient code for information transfer and concludes that lexicon naturally evolves towards greater efficiency.

Keywords: *principle; effort; code; transfer; efficiency.*

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I. Introduction

In "L'inertie mentale et la loi du moindre effort", published in "Revue Philosophique de la France et de l'Étranger" in 1894, Guillaume Ferrero presented the fundamentals of the principle of achieving more by doing less. Naturally, such an appealing approach on the topic of least effort stirred the interest of some experimentalists, who conducted a series of scientific experiments to support this theory. In 1930, J. A. Gengerelli published the results of several experiments conducted on blinded and normal albino rats. The purpose of the experiments was to identify the type of path the subjects would choose from a number of possible routes leading to food. What is interesting though, is that the results clearly indicated that the path chosen by both categories of rodents was the one of least effort.

In this respect, according to Tsai, who claimed that "Among several alternatives of behavior leading to equivalent satisfaction of some potent organic need, the animal, within the limits of its discriminative ability, tends finally to select that which involves the least expenditure of energy" (Tsai, 1932: 18), we gather that the principle of least effort applies not only to humans, but, to a certain extent, even to animals. Waters connected the results of the above-mentioned experiment to the epic character of Theseus, who managed to slay the the minotaur and, after that, to figure out how to get out of the labyrinth, by following the string on his way out: "Perhaps, this was not the most direct route in terms of distance, time, or effort, but it was the only sure way he had of escaping. Likewise our rats found that by sticking to the outside pathways, they more readily achieved the goal". (Waters, 1937: 51)

"Each individual will adopt a course of action that will involve the expenditure of the probably least average of his work". This assertion was entitled "The Principle of Least Effort" and is also known as "Zipf's Law", "Zipf's Principle of Least Effort" or "The Path of Least Resistance". This principle was formulated in 1949 in "Human Behaviour and the Principle of Least Effort", a book written by G. K. Zipf, professor of Philology at Harvard University. In his book, Zipf hypothesized about the correlation between the length and the frequency of word and he theorized that the more frequent a word is, the shorter it tends to be.

The researcher stated that the tendency to communicate efficiently with minimal effort generates the distribution of words in communication. Based on this principle, Zipf went on to generalize that it is the human nature itself to pursue the maximal outcome at the minimal amount of effort. Zipf claimed that this Law of Abbreviation is a universal structural property of language. The Law of Abbreviation has been extended to domains such as animal communication systems or computer programming languages. Zipf claimed that this specific characteristic occurs as a consequence of human attempt to maximize word connotation framings in circumstances dictated by factors such as dynamic constraints to communicate in an accurate manner, or the desire to efficiently exchange information. As a result of this phenomenon, it is suggested that recurrent types of behaviour become quicker and easier to perform over time and, in many cases, people customize their behaviour along the direction of minimizing the effort.

II. Problem statement

1. Zipf's Principle of Least Effort related to people's social behavior

In an attempt to connect the Principle of Least Effort to the social behaviour, Zipf theorized that the individual will try to find a solution to a problem in a manner

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that would bring to a minimum the amount of effort expended in that regard: "In simple terms, the Principle of Least Effort means, for example, that a person in solving his immediate problems will view these against the background of his future problems, as estimated by himself. Moreover, he will strive to solve his problems in such a way as to minimize the total work that he must expend in solving both his immediate problems and his probable future problems". (Zipf, 1949: 63) Having set this definition as a starting point, Zipf proceeded to analyse the least effort of individual and collective behaviour from two distinctive approaches. In the case of individual behaviour, he performed an analysis on specific structures of children's communication, whereas in the case of collective behaviour, he concentrated his attention on more general aspects such as human social behaviour and the distribution of social status. Zipf started from the experimental aspect, making a series of interesting observations from an extensive range of angles. He presented the fundamental theoretical analysis and synthesised various types of experimental principles in a unique general law. As a result of Zipf's perspective and the fundamentals of his law, the Principle of Least Effort can be interpreted from both experimental and theoretical approaches. Zipf's area of interest was the statistical study of the frequency of word use, but his principle has also been applied in Linguistics to topics such as lexical diffusion, language acquisition and conversation analysis. In addition to this, the Principle of Least Effort has been used in a series of other disciplines, such as Psychology, Sociology, Economics, Marketing and Information Science.

2. Language Changes and the Principle of Least Effort

The phenomenon by which permanent alterations and modifications are made in the features and the use of a language over time is known as language change. All languages are subject to language change and this phenomenon affects all areas of language use. There are several explanations for language changes, such as migration, technology, analogy or imperfect learning. Millward suggested that the Principle of Least Effort tends to result in phonetic reduction of speech forms, thus leading to language changes. He went on to explain that speakers, regardless of their educational background, unconsciously tend to simplify their speech, in some cases because they are simply careless, in other cases because of the pressure to communicate the maximum amount of information at the expense of the minimum amount of effort. Millward offers some examples in this regard, indicating that people use abbreviated forms like *Math* for *Mathematics* and *plane* for *airplane*, whereas *going to* becomes *gonna*, most frequently in spoken English, stressing the fact that the contracted forms have less phonemes to articulate. Moreover, Millward discusses the changes that occur on the morphological level, showing that speakers tend to make use, in some cases, of the past tense form of the verb instead of third form of irregular verbs, such as *showed* or *spoke* instead of *shown* or *spoken*, as there will be one less irregular verb form to remember for them. He concludes that The Principle of Least Effort might be a satisfactory explanation for many changes in language and "probably plays an important role in most systemic changes, such as the loss of inflections in English". (Millward, 1996: 86)

3. Writing Systems and the Principle of Least Effort

Writing systems are affected by the various changes that may occur at all language levels and which are determined by the Principle of Least Effort. Coulmas

supports this theory and claims that "the inventory of basic signs is small and can be easily learned, whereas it asks for substantial efforts to master a system with an inventory of thousands of elementary signs, like the Sumerian or Egyptian, which did what the Chinese, according to the evolutionary theory, should have done, namely give way to a system which can be handled with greater ease. This kind of thinking is reminiscent of Zipf's Principle of Least Effort". (Coulmas, 1991: 41) In other words, from the Proto-Sinaitic script to the Phoenician, Greek and Latin alphabet, there were a multitude of variants that evolved as a result the changes in the language caused by the speakers' attempt to overcome phonological limitations in communication or by their desire to minimize articulatory effort.

4. Applications of Zipf's Principle

In "Foundations of Statistical Natural Language Processing", Manning and Schütze supported Zipf's principle, claiming that "Zipf's law is useful as a rough description of the frequency distribution of words in human languages: there are a few very common words, a middling number of medium frequency words, and many low frequency words. Zipf saw in this a deep significance" (Manning & Schütze, 1999: 90). This statement supports the hypothesis according to which in the communicative flux, both the speaker and the hearer tend to minimize their effort by using reduced lexicon, contractions or less phonemes. Despite these changes in the communicational pattern, the meaning does not become ambiguous, as the linguistic compromise does not affect the message to be transmitted. Case indicated further applications of Zipf's Law in modern domains: "The Principle of Least Effort has been most recently applied as an explanation in the use of electronic resources, most notably Web sites" (Case, 2001: 104). This observation indicates that in the near future, Zipf's Principle may affect other domains, as communication is not restricted only to face-to-face interaction. Newsgroups on the Internet, for instance, may become environments in which the Principle of Least Effort might generate changes, just as in real-life spoken languages (Bărbuceanu, 2020: 137).

5. Types of distribution. The Probability, Pareto and Zipf distributions

In the domain of experimental analysis, the specialized literature concluded that there are three main conventional distributions: the Probability Distribution, the Pareto Distribution and the Zipf Distribution. A series of natural phenomena, such as volcanic eruptions, tornadoes paths and earthquake magnitudes, occurs following the pattern of the Probability Distribution. The Zipf Distribution concentrates on the interconnection between the frequency of an event and the category to which the event belongs. The Pareto Distribution is a progressive distribution, illustrating that many things are not distributed evenly. Although these three types of distribution refer to the same concept, but from different perspectives, the Zipfian distribution seems to have a larger degree of relevance for artificially and naturally occurring phenomena.

6. The impact of Zipf's Principle on the field of communication

There is a predilection in the field of communication towards efficiency and economy, which consists in using compressed forms such as abbreviations of words and phrases, contractions or acronyms, based on the relationship between the overall incidence of a word, a phrase or a sentence and its size. To put it another way, scientists and researchers have always used abbreviations and acronyms of various types to

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facilitate rapid and precise technical communication. Abbreviations such as *etc.*, *et al.*, *op. cit.* and *N.B.* are still part of the academic discourse. Similar simplistic tendencies exist in everyday discourse and especially in internet-based communication, such as emails and text messages. Various theories have been proposed in order to explain why languages change. One of the most interesting theory was stated in the 1950's by André Martinet, a French linguist. He claimed that languages change as a result of the operation of economic tendencies. Calling it "The Principle of Economic Change", Martinet pointed out that complex language forms and structures tend towards reduction, abbreviation, compression or elimination over time. For example, the contrast between short and long vowels in Latin, which generated a significantly substantial set of distinct words in Latin, was levelled in the emerging sound systems of the Romance languages and then later removed. The phonetic system in Latin had ten distinct vowel sounds, equivalent to the vowel phones represented by the letters *a*, *e*, *i*, *o* and *u*. Furthermore, each vowel was spelt as either long or short vowel, therefore words could have more than one meaning, depending on whether the vowel was pronounced long or short. The ten-vowel phoneme system was, to a large extent, simplified in the Romance languages, in accordance with the Principle of Economic Change. Distinctions of meaning were maintained, but with fewer phonemes. Grammar plays an important role in this respect. In English, for instance, the first word in a sentence is a noun which acts as the subject that performs the action, or the doer. The mere fact that the first word is a noun imposes limits on the chances for the next word to be the subgroup of verbal phrases. Depending on the type of verb chosen, the following words function as object and are yet again more limited. It is not just the grammatical structure that enforces successive restrictions; the need for intelligibility has a similar effect. The lack of hierarchical structures in the formation of sentences causes a lax interpretation of their meaning. On specific occasions and in certain circumstances, words play the role of a linguistic joint, meaning that it allows for more successive words than were available for its preceding word. Faulty articulation of sentences triggers a certain degree of ambiguity in the linguistic code. For language in particular, any such account of Zipf's principle provides a psychological theory about what occurs at the comprehensive and interpretative levels of language users.

7. Further insights into Zipf's Principle of Least Effort

This section reviews a wide range of theories on word frequency distributions, but purposefully avoids statistical evidence as this is not the focal point of this article. Instead, we focus here on facts about word frequencies that are informative about the mechanisms which enforce Zipf's principle. One question arises though: how do the complex processes of normal human language production work together in order to result in a frequency distribution that is so simple from a mathematical perspective? This question has represented a main area of interest for researchers in the field of statistical language theories over the past 70 years. There are numerous derivations of Zipf's principle from more fundamental hypotheses, both in language and in other fields of science where this law can be encountered. (Edmunson, 1972) Explanations for the distribution across various fields of science include many frameworks and sets of assumptions. To have a clear image of the range of explanations that have been offered, such distributions have been claimed to originate in random concatenative processes, mixtures of exponential distributions, bounded optimization of entropy, Fisher information, the invariance of power laws under aggregation, multiplicative stochastic

processes, preferential reuse, symbolic descriptions of complex stochastic systems, semantic organization, communicative optimization, random division of elements into groups, first and second order approximation of most common distributions and optimized memory search. (Edmunson, 1972: 84) Most papers on language research have focused mainly on deriving the law itself in principle and just a few have evaluated the fundamental suppositions of the hypothesized explanation. (Rossen & Resnick, 1982: 44)

III. Research questions

The aim of the study is to present the characteristics of empirical phenomena and to use them to create specific model-based accounts of Zipf's law, starting from the observation that the distribution of word frequencies is more intricate than expected.

An analysis of the importance of the best distributional form is not the focal point of this section, as what really matters are the general properties of word frequency that are explanatory about the fundamental mechanisms of the analysed distribution. Instead, the present paper is an attempt to offer answers to some questions: To what extent does the Zipfian distribution occur for specialized terminology in the technical register of the language? Is this type of distribution encountered with technical words as in, for example, English for Information Technology, or is it restricted to common words? To answer these questions, in this study we have analysed relevant subgroups of the lexicon, namely the technical register of language.

IV. Purpose of the study

The study was conducted for a period of 6 weeks on a group of 50 students, first semester, freshman year, from the Faculty of Automation, Computers and Electronics, University of Craiova. The purpose of the study was to identify which are the most frequently used words both in regular and technical register of the language, as well as to identify to what degree the Principle of Least Effort affects the communication among students, if it causes changes in language and if it optimizes information exchange.

V. Research methods

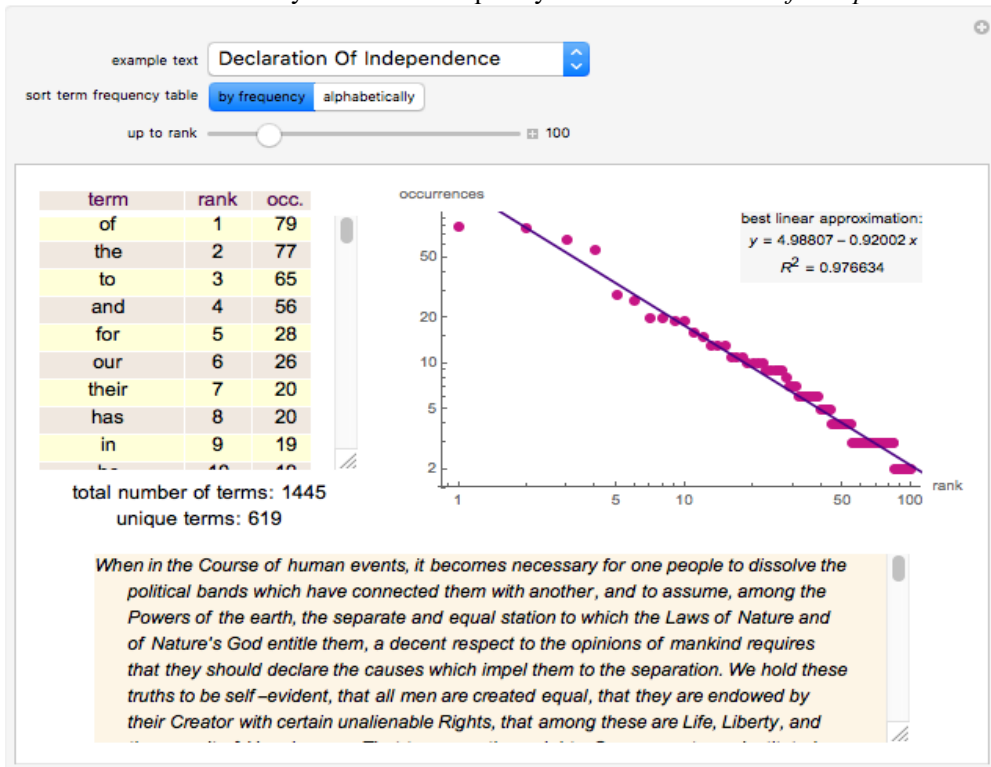
The methods used for this study were survey, participant observation and secondary analysis. The frequency of words was measured by occurrence per 50000 words in speaking and writing, while the degree of efficiency was measured by observing the level of comprehension.

VI. Findings

The present paper provides experimental evidence that the Zipfian word frequency distribution occurs for both common and technical words in a language production task. After analyzing the results of the survey, we can conclude that the most used three words were *the*, *of* and *and*, as expected. No surprise here, as the results confirm Zipf's hypothesis and other similar surveys and studies, for example an analysis performed on *The Declaration of Independence*:

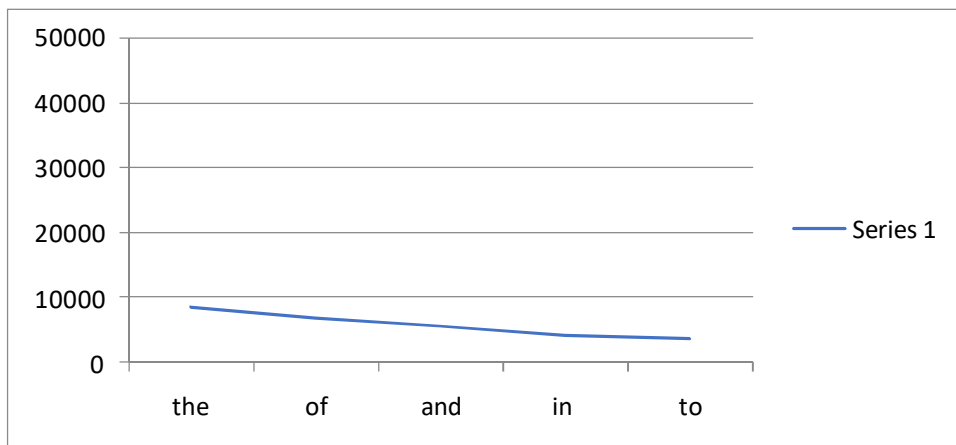
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Table 1. Analysis of word frequency in *The Declaration of Independence*



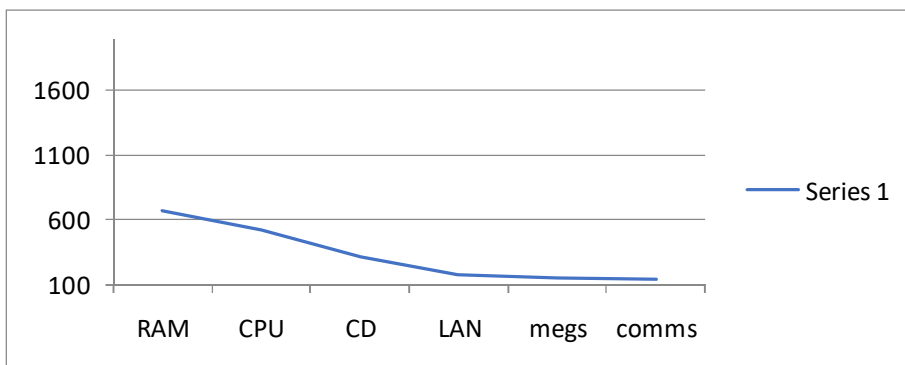
Source: <https://demonstrations.wolfram.com/ZipfsLawForNaturalAndRandomTexts/>

Table 2. Results of survey - word frequency_length



However, one really interesting finding is that the most used three technical words were *RAM*, *CPU* and *CD*, which are actually abbreviations for *Random Access Memory*, *Central Processing Unit* and *Compact Disc*. This demonstrates that abbreviation is a means of optimizing technical communication that students rely on.

Table 3. Results of survey - word frequency_technical words



Another interesting finding of this survey is that students tend to maximize communication by reducing complex grammatical structures to shorter, less cumbersome lexical constructions, unwittingly using compression, reduction or even or elimination of morphemes. Following this observation and the results of the survey, we can note that students, for example in *I haven't spoke with the sysop in a long time*, tend to replace the past participle of the verb in the present perfect with the past tense form of the verb, by eliminating the final consonant of the past participle, thus forming a structure that in theory should be avoided, but which yet is still comprehensible. A quick search on *textranch.com* reveals a whopping 41900 indexed results of this hybrid grammatical structure, meaning that such a type of language change has made its way into communication.

Table 4. Results of survey – word frequency_reduction

i haven't spoken vs i haven't spoke

A complete search of the internet has found these results:

i haven't spoken is the most popular phrase on the web.

Phrase	Results
i haven't spoken	910,000 results on the web
i haven't spoke	41,900 results on the web

Some examples from the web:

- I haven't spoken* to anyone, I swear.
- I haven't spoken* to Jeffrey in months.
- We're not close. *I haven't spoken* to him since he got back from Afghanistan.
- I mean *I haven't spoken* to them in a while, you know, if...
- I haven't spoken* to anyone.

Some examples from the web:

- I haven't spoke* to Elise about it yet.
- But I'll tell you what, *I haven't spoke* to either one of them Since the day they got hitched.
- Still, if someone we know hadn't *spoke* up for him, he'd be on his way to seven years' transportation.
- Well, we haven't *spoke* to all the servants yet, so...

Source: www.textranch.com/370043/i-havent-spoken/or/i-havent-spoke/

VII. Conclusions

All things considered, we believe that, in light of the aspects presented in this article and the results of the survey, it is worth reflecting on the distinctiveness of Zipf's principle. The evidence that words vary in frequency is beyond any doubt and represents an important feature of language. It is not quite clear why words vary in frequency, as it is difficult to pinpoint the reason for this. What is certain is that we produce speech because we need to communicate a meaning in a specific social or cultural context and our statements comply with complex rules at syntactic, lexical and semantic levels. However, we unconsciously tend to adjust the parameters of our communication along the direction of minimizing the effort. The findings of this case study suggest that the communicative pressure acting on language users (students in Automation, Computers and Electronics, in our case) is directly responsible for frequency relationships in the vocabulary. Taking into account the features of information transfer as presented in this article, we can conclude that lexicon naturally evolves towards greater efficiency, especially in the technical register of the language.

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ORIGINAL PAPER

The Efficiency of the Lien regarding the Realization of the Professional Creditor Claims

Iulia Alexandra Bosneanu¹⁾

Summary:

According to the monistic conception on private law adopted by the enforcement of the new civil code, the provisions of this normative act are applicable to the entire sphere of legal relations in which the parties are equal to each other.

The variety of forms for guaranteeing the execution of obligations is the main way to ensure the realization of claim rights. Under these conditions, even for creditors who have the quality of professional, the lien can prove effective, thanks to the comminatory effect and its statutory characteristic.

Keywords: *lien; professional; debt; security.*

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The general applicability of the Civil Code is provided for in Article 3 of this normative act, the consequence being that the legislator abandoned the dualistic conception on private law, including traders in the wider sphere of the concept of "professional" and preferring a fusion of commercial law in the provisions of civil law. The legislator's choice is explained by the fact that in both commercial and civil legal relations, neither party can impose its will, and in order to give rise to, extinguish or modify rights and obligations, the agreement of their will is necessary. (Ungureanu and Munteanu, 2017: 110).

The monistic conception has been criticized by the specialized literature, as it ignores the specifics of commercial relations, reason for which the commercial law has kept its individuality in doctrine as a sub-branch of civil law (Capernaum, 2019: 22).

1. The professional, subject of civil legal relations

The unification of private law was achieved by the emergence of the concept of "professional", considered to be a natural or legal person operating an undertaking, as defined in the last paragraph of Article 3 of the Civil Code.

The operation of an undertaking presupposes above all the exercise of an activity constantly and organized according to its own rules applied systematically (Cărpenaru, 2019: 35). Due to its systematic and organized nature, the activity becomes a professional one, at the risk of the person or persons involved. The object of the undertaking may be the production, administration or maintenance of goods or the provision of services. It is important to note that in order to represent an enterprise, it is not necessary for the activity to have a lucrative purpose, materialized in making a profit.

The main distinction between the two types of enterprises, civil and commercial, is the purpose pursued in carrying out the activity. Thus, the civil enterprise is the one in the exercise of which the profit is not pursued, and the economic one aims at obtaining the profit.

Due to the fact that the term "professional" must be understood in a broader sense, which does not only involve the conduct of commercial activities, the doctrine stated that the activities of civil enterprise are those specific to the liberal professions exercised in exchange for fees, which are not profit. (Cărpenaru, 2019: 38). Consequently, even the activity carried out within a civil enterprise can have a lucrative purpose. However, the main forms of organization of a civil enterprise are associations and foundations, which are nonprofit.

According to the concept of the new Civil Code, the trader is the professional who operates in accordance with the legal provisions an economic enterprise. (Cărpenaru, 2019: 40). At the level of positive law, art. 6 of Law 71/2011 qualifies as traders the natural persons or the legal persons subject to registration in the Commerce Register according to the provisions of art. 1 of Law no. 26/1990 regarding the Commerce Register, the tie-breaking criterion being, therefore, a formal one.

The general application of the civil code presupposes that its norms will be incidental, regardless of the quality of the subjects of the legal relationship, if they are in the exercise of an enterprise or are simple individuals.

For this reason, we considered it useful to analyze the effectiveness of the legal regulation of the lien in relation to the increased risks of the professional creditor and the need to benefit of securities for the realization of his claims.

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In fact, this *sui generis* form of guarantee was considered effective in the field of commercial legal relations, even under the dual system, some applications found an express regulation in the Commercial Code.

2. General legal framework of the lien

The general legal regime of the lien was brought to the level of the positive law only on the occasion of the adoption of a new Civil Code.

The seat of the matter is represented by articles 2495-2499 of the Civil Code falling within Chapter VI of Title XI entitled "Privileges and Securities". Although these normative provisions have not put an end to all the doctrinal discussions on the specificity of the treated legal institution, they still manage to clearly establish the legal characteristics of this guarantee right.

As for the object of the lien, it must be said that, unlike other legal systems, the Romanian legislator does not exclude real estate from its sphere of incidence, but it is true that in the case of professionals it is much more likely that encumbered property is movable. These assets can be tangible or intangible, in which case the property rights are incorporated in titles of credit, financial instruments, such as securities available to the lienor. Instead, by holding the representative titles of the goods, the lienor has under his control the goods that he does not hold in their materiality. Moreover, in German-inspired legal systems, the exercise of the lien over mobile assets is referred to by law.

French law, however, approaches the lien on intangible assets in a completely original way, through the fictitious lien, recognized to all those who benefit from a pledge without dispossession according to art. 2286 para (4) French Civil Code. In this way, the issue of exercising a lien over receivables and accounts with financial instruments can be raised. (Malaurie and Aynès, 2021: 278-279) However, given the new vision of the Romanian legislator on the security without dispossession, namely its qualification as a mortgage, the issue of a legal fiction of this kind cannot be raised.

Although it is not expressly excluded by the provisions of the new Civil Code, the retention of intangible assets is much harder to imagine in our legal system, if we take into account the provisions in art. 2389 of the same normative act, which refers to the object of the movable mortgage. The enumeration is not a limiting one, comprising a multitude of goods that can give the certainty of the realization of the claim for the guarantee of which they were encumbered, which is essential for the professional creditor. In addition, the competition between the mortgagee and the privileged lienor depends only on the fulfillment of the publicity formalities, and the mortgage confers on its beneficiary, including the right to pursue the encumbered property.

Referring to the intangible assets as an object of the lien, we will point out that the goodwill is qualified, according to the provisions of the new Civil Code, as an affectation patrimony.

The qualification of the lien as a real right has long been a constant for the legal literature, even in the conditions in which the main prerogative presupposes a passive conduct of the creditor (Stătescu and Bîrsan, 2008: 429). The first argument in this regard relates to the way in which the right holder exercises his attributes, namely through his own power over the encumbered property, without resorting to another person to whom he should impose a certain conduct. Next, the main feature of a security right is its enforceability against third parties completely outside the legal relationship which gave rise to the secured right of claim.

The problem of the *erga omnes* opposability of the right of retention was clarified by the legislator in the content of article 2498, which establishes as a rule the opposability of the retention before third parties, even in the absence of fulfillment of some publicity formalities. Despite this, the creditor will not be able to oppose the initiation of a foreclosure on the object of his guarantee by any other creditor.

This presupposes the inapplicability of the lien to the pursuing creditors, a solution that is in total disagreement with the jurisprudential and doctrinal statements prior to codification. As the other creditors are the third parties to whom the lienor could oppose the refusal to hand over in order to keep his guarantee, it is obvious that the provisions of art. 2498 par. (2) are a justifiable regression only by underestimating the detention exercised by the detainee. In particular, insofar as the express regulation represents an opportunity to emphasize the specificity of the lien with the risk of disadvantaging the rest of the creditors. The legislator's choice is all the more controversial, as it does not distinguish between creditors benefiting of collaterals and unsecured ones.

Even if, in the event of a forced pursuit of the seized property, the lienor will not be able to exercise his right of guarantee in the usual passive way, if the encumbered object is a movable property, the lienor will be able to participate in the price distribution from the position of beneficiary of a privilege.

The opposability of the lien to other creditors is also an important issue in a collective proceeding, such as insolvency or bankruptcy of the debtor. Unlike other legal systems, the current domestic regulation does not consider the lien as a security that can be invoked in the procedure, but the lienor of a movable property will enjoy the preference that his special privilege gives him. (Bosneanu, 2019: 239).

By contrast, the French Commercial Code contains a number of legal provisions relating to the exercise of the lien and its effects in the event of the debtor becoming insolvent, whether he is in the observation period or the judicial liquidation of the latter. (Albiges and Dumont-Lefrand, 2015: 287). When the encumbered property is sold by the judicial liquidator, the claimant's claim is imputed *ipso iure* on the price obtained as a result of the capitalization. Moreover, recent jurisprudence holds that this mechanism, equivalent to a privilege, is also incidental in the case of real estate *corpore alieno* in the possession of the creditor. (Court of Cassation Commercial Chamber 30 Jan. 2019, F-P+B, n°17-22.223:2019 commented out by Blandin Y, 2019)

The creditor's passivity as the main characteristic of the lien was, for part of the French doctrine, a sufficient argument to say that the lienor could continue to exercise his right of guarantee, opposing it to other creditors, even without prior declaration of the claim at the beginning of the collective proceedings (Aynés, 2005: 306).

According to art. 2495 paragraph (1): "*The one who has to hand over or return can withhold a good while creditor fails to perform its obligation emanated from the same legal relationship or, where appropriate, as long as the creditor does not, he shall compensate for the necessary and useful expenses which he has incurred for that good, or for the damage which the good has caused him.*"

This definition reveals three other characteristics of retention, which we will briefly analyze. The main advantage of the lienor is that his security right is based on the law, so that he can exercise it without going to court. If a contentious procedure is reached, the application will take the form of an action to establish lien, for which reason the judge will not be able to make factual assessments as to the appropriateness of

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recognizing the right for the plaintiff, but will only verify the conditions necessary for his emergence *ipso jure* in the creditor's patrimony (Bosneanu, 2019: 161).

On the other hand, like any other security interest, the lien is ancillary to the claim whose enforcement guarantees it, a feature from which it derives its indivisibility.

Therefore, in order to be able to claim a lien, the creditor must be the holder of a certain, liquid and due claim, which has not been extinguished in any of the ways provided by law, because the guarantee cannot have an independent existence.

Due to the particularity of the lien to be a guarantee exercised through a conduct of passivity, the characters of the secured claim were interpreted permissively by the literature and reflected in jurisprudence, the most important aspect being the certainty of the secured claim, without which refusal to surrender loses all legitimacy (Bosneanu, 2019: 89-96).

The indivisibility of the lien can be said to be a very important argument to prove its effectiveness as a guarantee mechanism and to argue that the refusal to handover is not, in this case, a manifestation of the exception of non-performance of the contract.

This characteristic of collateral presupposes that the partial payment of the secured debt or its division does not affect the lien, and the refusal to handover, as a way of coercing the debtor, may be successfully opposed till the full settlement of the claim, even when the good is the object of a co-ownership, or a partial loss of it occurs (Pop, Popa and Vidu, 2012: 856)

The controversies identified in the literature on the legal nature of the lien were due to the uncertainty related to the prerogatives it confers on the creditor. As we have already said, the main conduct allowed to the detainee is to refuse to hand over the property, as long as it is in his detention, which is, therefore, an inaction. For this reason, the lien was an imperfect real guarantee devoid of the usual prerogatives of such an accessory right (Stătescu and Birsan, 2008: 429). In addition, the status of precarious holder, who uses the refusal to return the property as a means of coercion to the debtor, does not give the lienor the right to use the property or to reap the benefits.

However, we must not lose sight of the special movable privilege granted to the lienor as the holder of a *debitum cum re iunctum* by the enactment of a new civil code (art. 2339 Civil Code, art. 2342 Civil Code)

3. Applications of the lien in legal relations with professionals

Even if the framework regulation was not sufficient to remove the traditional qualification of retention as an imperfect collateral, at least the legislator confirmed the extension of its application area beyond the classic *debitum cum re iunctum* identified in the objective connection between debt and retained property. Thus, according to the legal definition, the notion of connexity between the encumbered property and the claimant's claim must be interpreted *lato sensu*, so as to include in addition to the material link, determined by the fact that the property itself is the cause of the claim, also the abstract juridical connection represented by the same legal ground of the obligation to deliver and the obligation of the debtor.

Although the general applicability of the lien has been established, whenever there is a connection between the claim and the property in the material possession of the creditor, the legislator imposed certain limits, establishing by mandatory legal rules that, in certain situations, the refusal of handover from the creditor becomes illegitimate

and, as such, this conduct cannot be authorized as a way of expressing a subjective right (art. 2496 Civil Code).

In the following we will turn our attention to the main legal relationships that can give rise to a lien and in which the creditor has the quality of a professional.

Given the predominantly contractual nature of legal relationships arising out of the operation of an undertaking, it is easy to imagine that the basis of a professional's right of retention will often be a juridical or mixed connection

As the notion of connectedness, we must add that the French legal system the source of juridical connexity is interpreted and expanded beyond the parties' agreement regarded *strictly speaking* towards the concept of a framework convention which, according to the will of the parties, comprises several legal operations of the same kind (Mazeaud, Mazeaud and Chabas, 1999: 193).

§1 Varieties of the mandate contract

A mandate is a contract by which a party appointed as proxy concludes one or more legal acts on behalf of the other party named principal. On the occasion of the enactment of a new Civil Code with a monistic conception, the legislator expressly provided that the mandate can be of two types, with representation and without representation.

Given the object of the mandate contract, the conclusion of such legal acts as a representative as an object of activity within an enterprise is very common.

The lien of the proxy is regulated by art. 2029 of the Civil Code, being an application of the general principle found in art. 2495 Civil Code. The wording of the legal norm is very comprehensive, as follows: *"In order to guarantee all his claims against the principal arising from the mandate, the agent has a lien over the goods received during the execution of the mandate from the principal or on his behalf."*

The proxy may, therefore, retain any property, whether movable or immovable, in his possession at the time of the conclusion of the contract, received from the principal or from third parties, until all claims arising in his favor have been extinguished, including that relating to remuneration. what he deserves. The mandate will always be onerous, in the event that the proxy is a professional, even if this contract is by its nature a disinterested act (art. 2010 Civil Code). The law makes no distinction, but the value of the property in the hands of the proxy must not be disproportionately high in relation to the amount of claims he has against the proxy, as it may be considered abusive detention.

If the proxy receives remuneration in exchange for his services, the contract will be *ab initio* bilateral proving that the right of retention in this matter may arise even on the basis of bilateral legal relations, without being confused with the exception of non-performance. contract (Bosneanu, 2019: 298).

Although in the operation of an enterprise, mandate contracts with representation may be concluded, which is specific to the commercial activity consists in concluding mandates without representation, which may take different forms depending on the legal operation to which it refers.

The definition given by the legislator of the mandate without representation is contained in article 2039 paragraph (1) Civil Code, and the main difference from the usual mandate is that the proxy acts in his own name and on behalf of the principal. Thus, the legal effects will occur in the latter's patrimony, even if the one who will conclude legal operations with third parties will be the proxy (Moțiu, 2014: 242).

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The main form of the mandate without representation is the commission, which involves the purchase or sale of goods or the provision of services by the commission agent who acts professionally on behalf of the principal, in exchange for a commission. The specialized literature appreciates that the conclusion of commission contracts is advantageous for the traders party to the contract, but also for third parties with whom the commissioner enters into legal relations (Moțiu, 2014: 238).

Due to the frequency of the commission in the commercial activity and its legal nature, the commissioner is granted a lien regulated separately in art. 2053 of the Civil Code. As the holder of a lien, the commissioner shall have a guarantee for all claims which he may invoke against the principal. It is primarily a question of the payment of the commission, but also of the claims for compensation for the expenses incurred in the performance of the contract and for covering any damage suffered. The right to refuse to handover in order to compel the debtor is exercised over the goods in his possession during the contract.

In order to emphasize the risks assumed by the commissioner and to provide him with adequate legal protection, the legislator gives him preference even over the unpaid seller, who usually overrides the privilege of the retainer. The solution is justifiable by the fact that the obligations assumed towards third parties by the legal operation concluded under the commission will be executed by the commissioner, who has a personal responsibility, even if the correlative rights are not born in his patrimony. (Moțiu, 2014: 240).

As varieties of the commission contract, the Civil Code regulates consignment and dispatch.

However, by way of derogation from the provisions of art. 2053, the consignee may not exercise a lien on the goods received in the consignment or on their price, in the absence of a contrary stipulation (art. 2062 Civil Code). The connection required by the legislator is also present in the case of consignment, reason for which the insertion in the contract of a clause that allows the retention of the goods handed over for sale does not determine a contractual nature of the lien exercised.

At the same time, the sender is not the holder of a lien as long as the goods are not in his possession, being handed over to the carrier with whom he concludes a contract on behalf of his principal, as the main obligation arising from the transportation contract. Thus, the carrier is the one who will be able to suspend the delivery of the transported goods until the settlement of the receivables encumbering the transport (art. 1980 Civil Code). In this case, due to the reciprocity and interdependence of the obligations, the refusal to handover will be a manifestation of the exception of non-execution.

Beyond the varieties of the mandate, the lien regulated in this matter will be incidental according to the doctrine as well regarding to the agency contract. The agent will thus benefit of the provisions of art. 2029, as they are compatible with the nature and effects of the agency contract (Cărpenaru, 2019: 560).

Legislative texts that regulate by a special provision the lien in the matter of contracts such as the mandate (art. 401), the commission, (art. 434), the transport contract (art. 451), are found in the Swiss code of obligations. Among the creditors who benefit from an increased attention from the legislator are the salesmen (art. 349 e and 350a) and the agents (art. 418o).

§2. Tenancy, lease and deposit

By the effect of these special contracts, the derived object of the juridical operation concluded by the parties falls into the hands of the tenant, lessee or depositary over whom they exercise precarious detention, therefore one detention for another, while being obliged to return the goods held at the end of the contract.

The emergence of a right of retention derived from a mixed connection as a result of these contracts has been consistently allowed in judicial doctrine and practice prior to the adoption of the new Civil Code. During the performance of the contract, the owner of the goods may be required to incur expenses for their maintenance or improvement, as he may even suffer damage caused by those goods.

Therefore, it is easy to notice that there is a material connection between the claims invoked by these creditors and the assets they hold through the effect of concluding the contract, as defined by the provisions of art. 2495, in the sense that they are incorporated into the asset, or it represents a damage whose effective cause is the good, in which case the basis of liability will be a tort. This objective link between the compensation due to the debtor of the obligation to repay and the property held is accompanied by an intellectual connection determined by the contractual legal relationship from which are resulting the obligations of both parties.

Professionals, traders and non-traders can conclude leases as lessor but also lessee on movable or immovable property. This time we emphasize the quality of tenant of the professional and his ability to exercise a lien when making improvements to the property he uses under the contract. Thus, we consider that in the operation of an enterprise the conclusion of leases is vital, giving the tenant the opportunity to use the property of another, in exchange for a rent, to exercise their usual activity, including establishing the headquarters as an element of identification of the legal entity. (Piperea, 2019: 561)

However, the last paragraph of Article 1823 of the Civil Code. provides that the lien may not be exercised when improvements to the property are made without the consent of the lessor. We consider that this legal provision is an application of the general rule according to which the possessor in bad faith cannot invoke a lien in the absence of an express legal stipulation (art. 2496 para. (2) Civil Code).

From a lessor's position, the trader enjoys in Swiss law by right to a lien on the movable property brought by the lessee within the commercial premises rented to guarantee the payment of rent and the guarantee for rent by the latter. This form of lien has a detailed regulation of its opposability to third parties and derogates from the general framework in that the lienor does not exercise direct material control over the goods brought into the leased space. Only the movable assets on which the lessor is convinced that they are the property of the lessee are subject to this lien.

The lease contract is a tenancy whose object is the real property but also the movable one intended for agricultural exploitation (art. 1836 Civil Code) Considering this aspect, it becomes obvious that the lessee will always have the quality of a professional.

About the deposit we can say that it is an imperfectly bilateral contract, only when it is concluded free of charge. Otherwise, if the depositary is a professional to whom a remuneration is due for the service provided, the contract will become a bilateral one. We appreciate that the example of a remunerated deposit can be found even in the case of renting safe deposit boxes. (art. 2196 Civil Code).

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With regard to comparative law, we can point out the professional status of the creditor if the goods are in a warehouse. According to Article 485 (3) of the Swiss Code of Obligations, the warehouse keeper has a lien to guarantee all his claims, which he bears on the goods in his possession or which he may dispose of by documents incorporating the encumbered goods.

The absence of a special text on the lien of the depositary has been attributed to the regulation of a general applicability whenever a *debitum cum re iunctum* occurs. The nature of the connection will be mixed again, as the expenses incurred for the execution of the contract benefit the deposited good, while the depositary is the debtor of a personal obligation to return the good (Deak, Mihai and Popescu, 2018: 43-44).

Instead, the current legislator made clarifications related to the exercise of lien in the matter of the hotel deposit, ordering that the hotelier will not be able to withhold the personal effects without commercial value and the client's documents to guarantee the payment of the price. We consider that this restriction of the applicability of the lien on goods brought to the hotel is due to the fact that it is very likely that its exercise will become abusive, given the short duration of the contract. By refusing to handover documents, the debtor's freedom of movement could also be restricted.

A specific effect of the lien exercised by the hotelier is provided by article 2136 and refers to the possibility of the lienor to capitalize the goods that are in his detention according to the incident rules in case of forced pursuit of movables. This legal provision is an exception by which the holder of the lien is granted a right to capitalize the property, as a prerogative of this guarantee which usually requires passive conduct with comminatory effect. Therefore, the removal of the goods in the hands of the hotelier for sale is not related to the special privilege granted to the lienor, it does not imply the competition with other creditors, but only the satisfaction of the claim from the value of the goods sold through the bailiff.

We note that the lien arising from the hotel deposit has a long tradition in both continental and Anglo-Saxon legal systems, thanks to the obvious connection between the price due by the customer and the goods brought to the hotel and in connection with which were provided the hotel services.

The reason for this legal provision can only be the professional quality of the hotelier and the will of the legislator to protect his interests, giving up, at least regarding this creditor on the traditional French influence upon Romanian civil law.

At the same time, it is important to note that there is an express provision that the norms on hotel storage apply by analogy to goods brought to hospitals, sanatoriums, sleeping wagons, boarding houses and other such places.

The lien arising for the guarantee of hoteliers' claims is provided for separately in Swiss law under Article 491 in the Code of Obligations, which also considers the position of the hotelier to be analogous to that of the lessor of commercial premises.

§3 The sale-purchase contract and the works contract

Selling and buying operations are among the most common activities carried out in a systematic and organized way by individuals or legal entities.

According to the doctrine, the distinction between commercial and civil sales consists in the resale intention of at least one of the co-contractors. Therefore, by concluding these contracts, the movement of goods and services takes place, leading to the emergence of trade (Piperea, 2019: 407)

Traditionally, the seller's refusal to hand over the good sold before payment of the price has been considered by the legislator from 1864 as one of the applications of the lien (Voicu, 2001: 80). However, the perfect bilateral nature of the sale-purchase contract has led us to conclude that in this case the refusal to handover is only a form of concretization for suspending the effects of the contract by invoking an exception of non-performance (Bosneanu, 2019: 294).

Therefore, being a contractual mechanism derived from the reciprocity and interdependence of the obligations assumed by the parties, there can be no question of an *ius in re aliena*.

On the other hand, in order to qualify the legal nature of the refusal to deliver, in this context it must also be taken into account that in the case of movable property the unpaid seller is the beneficiary of a special privilege as well as the lienor. Given that there are two preferential causes in competition, it is clear that the legislator intends to distinguish between the exercise of a lien and the legal position of the seller to whom the price for a movable property is due.

As the sale-purchase of movables is the most common contract, the recognition of a privilege for the unpaid seller is not a novelty, but the cause of preference arises only when the property is sold to an individual who is not in the exercise of an enterprise. As such, we note that in legal relationships in which at least the buyer is a professional, the property sold will not be encumbered by a privilege so as not to affect the activity undertaken by the latter.

The importance of this contract in the commercial activity is also demonstrated by the conclusion of an international convention whose object of regulation is the international sale of goods. We are talking about the UN Convention concluded on April 11, 1980 in Vienna and to which Romania became a party by its ratification by Law 24/1990.

The rights of the unpaid seller, if by agreement of the parties the payment of the price and the delivery of the goods must take place simultaneously, are provided by Article 85. This legal provision must be interpreted as meaning that the seller cannot be obliged to deliver the goods before the payment of the price, which is why he will take measures to preserve them if there are in his possession even *corpore alieno*. Of course, the storage costs, which are closely related to the goods in their materiality, will be borne by the buyer, and their return will also be guaranteed by the right to refuse delivery.

Regarding the lien exercised over merchandise, it is interesting to note that, according to French case-law, if the debtor has free access to stocks of stored goods, those cannot be considered to be in detention and at the disposal of the lienor. In order to be entitled to a lien, the assets must be in the care of employees who are liable only to the creditor. (Maurie and Aynès, 2021: 279)

On the other hand, under the old Romanian Civil Code, certain legal provisions were seen as the basis of a lien of the buyer, who may also be a professional (Bosneanu, 2019: 295).

About these, we consider that we could speak of a real lien in case of retention of the property until the full reimbursement of the expenses incurred and compensation for damages suffered as a result of eviction or admission of an *actio redhibitoria*. The legal relationship arising from the triggering of the warranty for defects or eviction against the seller is of a non-contractual nature, having its source either in a lawful or unlawful act. Even in the conditions in which the intellectual connection will

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subsist, the existence of a material liaison between the buyer's claim and the good in his possession as an effect of the contract of sale cannot be overlooked.

The services contract is the agreement by which the contractor undertakes to perform at his own risk a certain material or intellectual work or to provide a certain service to the beneficiary in exchange for a price. The definition given by the legislator shows the professional quality of the entrepreneur.

Due to the effects of this contract, it is difficult to distinguish it from other contracts that give rise to similar obligations for the parties. In the context of our article, we appreciate the importance of distinguishing the company from the sale, and the criterion established even at the legislative level is that of the mediated goal pursued by the parties at the conclusion of the contract, which in the matter of the enterprise is represented by the execution of the work and not getting the product as an outcome (Moşiu, 2014: 191).

We consider that the material connection between the manufactured good or the good on which a work was performed and the contractor's claim for payment of the price is obvious, since all the expenses he incurs are incorporated in the good on which the work is performed. Thus, the effect of the enterprise contract will be a mixed connection between the price of the work and the goods or services resulting from the execution of the contract, and the legal basis of the right of lien determines its emergence *ope legis* when the conditions provided by art. 2495 Civil Code (Moşiu, 2014: 196). This application of the lien is widely recognized in French case-law. For example, a decision fairly recent French Court of Cassation states that there is an intellectual connection between the possession exercised by the beneficiary on a machine located on the construction site, that belongs to the entrepreneur, and his claim consisting in the return of advance payments made before the debtor entered in a judicial liquidation procedure. The motivation was that both obligations of the parties arise at the conclusion of the same contract, even if the possession of the property and the claim for restitution are not effects of the enterprise contract pursued *ab initio* by the co-contractors. (Court of Cassation Commercial Chamber pronounced on 17 Feb. 2021, n°19-11132, in Malaurie and Aynès, 2021: 283)

Various forms of particular lien are also recognized in English law for the contractors, service providers (Popesco, 1930: 49). In the United States, Mechanic's lien is one of the oldest and most well-regulated forms of lien, and can be used on both real or personal property. This has the legal nature of a privilege, and its exercise involves the intervention of the court that will order the sale of the encumbered goods. (Contractors State License Board California, 2021).

However, in Romanian law, the entrepreneur also benefits from a legal mortgage, the effects of which cannot be compared with those of the lien which is why efficiency of the latter in this contract is negligible and is reduced to the situation where the entrepreneur would not enroll the mortgage in the publicity register to third parties.

§ 4. Exercising of the lien by non-trader professionals

The legislator's new view on the concept of running an enterprise extends the area of legal relationships with professionals beyond the realm of business operations. As long as the activity of a holder of rights and obligations is carried out on a professional basis, the purpose pursued or the legal form of organization is irrelevant. (Cărpenaru, 2019: 38)

Thus, the object of the civil enterprise is represented by the activities specific to the liberal professions carried out according to a normative act that regulates the organization and exercise of the latter.

The holder or members of the profession shall enter into a contract with the client to whom he makes his knowledge available according this convention.

For a very long time, French doctrine and jurisprudence have argued that documents held by professionals as a result of such contracts may be subject to a lien, given the operation of this guarantee, regardless of the intrinsic value of the property detained. (Cabrillac and Mouly:2002: 559-560).

We consider that there is indeed a juridical connection between the claim whose object is represented by the payment of the remuneration (fee) and the goods that are in the possession of the professional on the occasion of concluding and executing the contract between the parties. Under these conditions, the right of lien will exist whenever all other requirements provided by law are met.

The main prerogative of professionals, such as the accountant, the lawyer, the architect, will be to refuse to hand over the goods that belong to the debtor, but are in their possession as an effect of the service contract, if the law does not expressly prohibit such conduct.

There can be no exception to non-performance, as even if there is a perfect bilateral contract, it is very likely that the performance of the obligations will not be simultaneous, in the sense that the professional will perform the contract before the payment of the fee.

Of these applications, the most debated in comparative law has been the exercise of the right of lien by solicitors on documents belonging to their clients (Legros, 1939: 29-31).

The French legislator provides in the content of art. 444-75 that the lawyer may exercise a right of lien over all documents in connection with the case in which he was employed. Their remission to a public or ministerial official will always be of a provisional nature, being justified by a legitimate interest. The official is therefore obliged to return the documents in question to the lawyer when they are no longer needed.

As the legal assistance contract may cover a number of activities specific to the legal profession, we do not consider that it should be treated as a mandate contract, although the proxy enjoys a special legal provision recognizing his right of lien.

The legal profession Statute stipulates in Article 149 paragraph (2) that: *"If the client owe to the lawyer arrears of fees and expenses incurred on his behalf, the lawyer has liens on assets entrusted, except documents original that have been made available.*

We note that this legal norm is very similar to the one provided in the matter of the mandate, observing, therefore, the juridical connection between the fee, the expenses made in the interest of the client and the goods that the lawyer owns with his consent. However, by way of exception, the lien may not encumber the original documents at its disposal. This limitation aims to prevent the occurrence of a situation in which the pressure exerted on the client becomes abusive, including leading to the prevention of the exercise of the liberties and non-patrimonial personal rights of the client. In this context, the exercise of the right of lien would be contrary to the professional duties of a lawyer.

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Article 144 of the Statute contains a much more interesting legal provision, as it has been interpreted as a case of application of the lien on intangible assets (Pop, Popa and Vidu, 2015: 603)

The above-mentioned legal provision states that: *"If there is a risk that a client will give the funds held by the lawyer such a destination that the lawyer can no longer collect the due fee, the lawyer has a right of lien on them to cover the fee due. This provision does not entitle the lawyer to withhold funds in order to compel the client to accept his fee claims. The part of the fee that is the subject of the dispute will in this case have to be deposited in -a special account, and the lawyer will have to propose in the shortest possible time to the client solutions for settling the conflict regarding the fee, within the limits of the law and the status of the profession"*(Article 144 of The Lawyer Profession Statute).

The funds held by the lawyer may be subject to lien, where there is a risk that they will be assigned a destination that would prevent the latter from collecting the fee agreed by the parties.

If there is a dispute between the lawyer and the client regarding the fee, the part of the remuneration that is the subject of the misunderstanding may be deposited in a special account, under the control of the lawyer. The incorporeal nature of the balance of the bank account and the lawyer's ability to dispose of this balance presupposes the acceptance of the existing thesis in French law on the abstraction of detention and its transformation into a virtual blocking power (Aynés, 2005: 62). Thus, will be retained in this special account only the amounts necessary for the full payment of the fee claimed to be due, while the rest of the funds will be transferred to the client.

At once, the legislative text states that the funds cannot be withheld to force the client to accept the lawyer's claims regarding the fee, which is why they will be deposited with a third party, banking institution, until the dispute is resolved by law.

There is an express provision in French law according to which the right of lien may be exercised by other categories of professionals for the payment of regulated sums of money due as consideration for the services provided as well as for the reimbursement of any expenses incurred. Thus, art. 444-15 of the French Commercial Code refers not only to lawyers, but also to notaries, bailiffs and judicial bidders.

4. Conclusions

The emergence of the connection, as defined by law, in legal relationships with professional creditors is quite common, and their backup is often contractual.

From our point of view, the comminatory effect produced by the exercise of the right of lien and the fact that this guarantee has a legal ground and represents a means of private justice are sufficient arguments to prove its effectiveness in any context.

Of course, the recognition of a movable privilege for the benefit of the lienor adds a right of preference to the passive nature of the lien, precisely to come to the aid of professionals upon the disappearance of the dualism of private law.

The refusal to hand over the property, whether it is an expression of the exception of non-execution or a real lien, is always within the reach of the professional, taking into account the need for celerity and the frequency of many legal acts concluded in the operation of an enterprise, which contradicts the rigidity of conventional securities.

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ORIGINAL PAPER

Social Engagement-Environment Changes-Health Equity Linkages: A Literature Review of Human Determinants and Resilient Policies

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Abstract:

The present article assesses the main topics on the environmental changes (ECs), environment transition (ET), human capital (HC) and health equity (HE) aiming to analyze the conceptual framework for the resilient policies (RP) and governance. The research focuses also on the historical background and the policy mechanisms using the literature review to address the patterns, actions and social challenges related to decision-making processes concerning the environmental and public health policy (PHP) sectors. The conclusions point to the role of the social context and norms, as well as the human determinants (HD) related to climate change (CC).

Keywords: *resilience policies; environment changes; health equity; human determinants, social determinants.*

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Introduction

The current research focuses on the environment changes (ECs) - health equity (HE) linkages. Therefore, it also reveals a complex overview of the topic of environment transition (ET), environmental sustainability (ES), human and social determinants and social environment (SE). As a concept, the EC-HE linkages were centred as a descriptor in areas such as social and health research (Mouy, Barr, 2006; Brooks, Douglas, Aggarwal, Prabhakaran, Holden, Mack, 2017; Marmot, 2018: 195-197; Haverkamp, 2022: 597-604; Amaro, Garcia, Arnaudova, Jolles, 2021; Anderko, 2010: 486-489; Cima, 2022: 38-49), but also behavioural and human mobility studies (Martin, S.F., Herzberg, Singh, 2022).

In recent years, for a development approach to resilient policies and social risk management (SRM), the patterns of the community - society - governance relationship were explored (Olimid, Georgescu, Gherge, 2022: 38-51).

Therefore, the investigation of the ECs-HE linkages is complex and varied, ranging from communication topics (Allison, Dickson, Fisher, Thrush, 2021) to ECs and human factors (Arora, Giuliani, Curtin, 2020). While studies of the 2000s found their focus roots in empirical research (Tong, 2000: 618-625; Easterling, Polsky, 2004), the contemporary interpretations and studies centre upon exploring how the “behavioural responses” and the “environmental features” show new changes for the research of human-ECs linkages influencing the population-community-society relationship (Gunn, Hartley, Algar, Niemelä, Keith, 2022).

Our research focuses on three main domains: (1) the functional analysis of the resilience theories and ECs-HE relationship (focus on resources and capabilities); (2) the human and behavioural determinants (focus on information, facilities and data in the area of ECs-HE linkages); (3) the social insights and ET (focus on human mobility, self-governance and social responses).

Methodology

To conduct the study, the research methodology focuses on (1) the synthesis of previous research to provide multi and interdisciplinary approaches; (2) the theoretical analysis that contributes to the formulation of the research design focusing on themes and levels of observation, reflection and perception; (3) the comparative analysis of the concepts of ECs, HE and HT giving the research an analytic and integrative character through two common approaches: (a) the construction of the analysis plan oriented on ECs and HE linkages; (b) the representativeness of the social and human determinants.

Thus, the study uses the literature review aiming to communicate the complexity of the features of ECs and HE and focusing also on the behavioural areas (human, society, change etc.) and the social responses. Moreover, in the need for considering the role of the human factors, we can identify a first connection between the resilience policies and the human capital. In this research framework, the behavioural response is aligned with the “context dependency” and the “role of individual differences” within the ECs (Gunn, Hartley, Algar, Niemelä, Keith, 2022). Therefore, the research focuses on more than 30 articles and studies mapping the thematic of ECs, ET, HE and human capital.

The thematic analysis of the articles was assessed for the research of the relevance to the field of ECs and HE linkages. Moreover, the research extracted three thematic areas namely: (a) ECs, HE, citizen participation and human mobility (10 papers: 2010 (2 articles); 2015 (2 articles); 2017 (1 article); 2020 (1 article); 2021 (1

article); 2022 (3 articles); (b) relevance to the environmental sustainability and resilient policies: 2008 (1 article); 2013 (2 articles); 2018 (1 article); 2020 (1 article); 2021 (1 article) (6 papers); (c) HE and social determinants: 2011 (1 article); 2013 (1 article); 2017 (1 article); 2018 (1 article); 2019 (1 article); 2020 (2 articles); 2022 (1 article) (8 papers).

Functional analysis of the resilience theories and ECs-HE linkages: focus on resources, social engagement, health planning and capabilities

A complex way to conceptualize the ECs-HE linkages is through the representation of “social determinants of health” (Anderko, 2010: 486-489) and health planning, drawing from the multi-level approach that emphasizes three patterns: (a) structural needs; (b) policy engagement; (c) systemic changes (Anderko, 2010: 486-489).

Furthermore, the functional approach of the environmental patterns is related to the increasing research thematic and focus pointing to the need for the reconceptualization of “human rights” and “health environment” (HEn) as a complex system of paradigms adapting the legal approaches to the interdependence between the ECs and HEn and the environmental impact (Brooks, Douglas, Aggarwal, Prabhakaran, Holden, Mack, 2017; Moran, 2010).

Other studies focus on two facets of HE, namely: (1) the acknowledgement of the social characteristics, the characteristics of social groups and the community context and resources (Farrer, Marinetti, Cavaco, Costongs, 2015: 392-437); (2) sustainable policies and programs relevant for the European Union governance aimed to provide: (a) coordination for the humanitarian aid and civil protection (Olimid, A.P., Olimid, D.A., 2022); (b) “security healthcare” addressing the disadvantaged groups and communitarian interventions (Pottie, 2015: 36-38) and resilience policies; (c) other developments refer to the starting point for the social implication within the area of “human and organizational development” (Olimid, D.A., Olimid, A.P., 2022) providing the functional approach to social engagement and innovation (Olimid, D.A., Olimid, A.P., 2022).

By conceptualizing the framework for citizen participation, Walker *et al.* tend to concentrate the community engagement and ownership by identifying relevant sectoral areas for HE policies (Walker, White, Rodriguez, *et al.*, 2022), here including environmental policy, health policy, legal framework, HE policies, “youth behavioural health policy” (Walker, White, Rodriguez, *et al.*, 2022). The research also introduces new linkages between HE and the policy areas at the community level, namely: housing, economic priorities, behavioural encounters, COVID-19 context, food security, stability and accessibility, educational patterns, community health planning, policies and development (Walker, White, Rodriguez, *et al.*, 2022: 1-12), medical care approach and HE (Marmot, 2018: 195-197).

Therefore, Suarez-Balcazar, Francisco and Rubén Chávez, N. (2020) explore a new approach to HE and “community-based participatory research” (CBPR) that focuses on the development of “community practices” (Suarez-Balcazar, Francisco, Rubén Chávez, 2020) and linkages between the social determinants, cultural approaches, environmental context and HE strategies (Amaro, Garcia, Arnaudova, Jolles, 2021).

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Table 1. ECs-HE linkages: determining objectives and searching terms focused on resources, social engagement, health planning and capabilities

Year	Author and year of publication	Selected terms	Objectives	Outcomes
2010	Anderko, 2010: 486-489	“social determinants of health” (SDH) (Anderko, 2010: 486-489)	A multi-level analysis of policy patterns	Conceptualization of structural/ systemic changes and developments here including SDH
2010	Moran, 2010	Human determinants “Social-ecological systems” (SES) (Moran, 2010)	Research of the “global environmental changes” (GEC) (Moran, 2010)	Categorize the information on GEC and SES
2015	Pottie, 2015: 36-38	“humanitarian emergency”, Health equity (HE) (Pottie, 2015: 36-38)	A research approach to community strategies and programmes and “equity approach” (Pottie, 2015: 36-38)	Conceptualization of HE outcomes and responses
2015	Farrer, Marinetti, Cavaco, Costongs, 2015: 392-437	Health equity (HE) “social determinants of health” (SDH) (Farrer, Marinetti, Cavaco, Costongs, 2015: 392-437)	Review of HE and SDH literature	Categorize the biomedical approach and policy processes related to HE
2017	Brooks, Douglas, Aggarwal, Prabhakaran, Holden, Mack, 2017	Environmental changes (ECs) Health environment (HEn) Health equity (HE) Community and social engagement	Functional analysis of the HEn patterns and human determinants	Reconceptualization of “human rights”; Reconceptualization of “health environment” (HEn)
2020	Suarez-Balcazar, Francisco, Rubén Chávez, 2020	“Community-based participatory research” (CBPR) (Suarez-Balcazar, Francisco, Rubén Chávez, 2020)	A multi-level analysis of HE focusing “diverse populations” (Suarez-Balcazar, Francisco, Rubén Chávez, 2020)	Analysis of CBPR and practices
2021	Amaro, Garcia, Arnaudova, Jolles, 2021	Healthcare system Health equity (HE) “societal systems” (Amaro, Garcia, Arnaudova, Jolles, 2021)	A multi-level analysis of HE focusing on social and cultural environment determinants	Quality analysis of various criteria: social systems, institutional processes and practices
2022	Walker, White, Rodriguez, <i>et al.</i> , 2022	Health equity (HE) Public health (PH) Multi-level policy Health priorities and needs	Review of HE and community engagement literature	Summarizing policies and processes related to HE and PH

Source: Authors’ own compilation based on Anderko, 2010: 486-489; Moran, 2010; Pottie, 2015: 36-38; Farrer, Marinetti, Cavaco, Costongs, 2015: 392-437; Brooks, Douglas, Aggarwal, Prabhakaran, Holden, Mack, 2017; Suarez-Balcazar, Francisco, Rubén Chávez, 2020; Amaro, Garcia, Arnaudova, Jolles, 2021; Walker, White, Rodriguez, *et al.*, 2022

Human and behavioural determinants: focus on information, ethical practices, facilities and data in the area of ECs-HE linkages

Ramirez *et al.* address the human and behavioural determinants considering “the health status” and “the health advancement” as the behavioural approach is explored

following the CBPR, the environmental factors, HE and the “social community” (Ramirez, Chalela, Sabado-Liwag, Choi, 2021). Throughout the process of conceptualizing human behaviour (HB) and “social environment” (SE), Stone *et al.* explore a variety of topics focusing on the multidimensional impact of SE, here including: “social work” standards and practices, human-environment linkages and “social capital” (Stone, Berzin, Taylor, Austin, 2008; Bell, 2013; Oakes, Banerjee, Warner, 2020). Other central requirements for the analysis of HB and the ECs-HE linkages frame “community engagement” (CE) and “shared health governance” (Pratt, Vries, 2018: 454-463). Regardless of this specific frame, the ethical standards are set as a function of both SE and CE (Pratt, Vries, 2018: 454-463). Concerning the research topics, the authors emphasize another approach to CE selected to classify policies and practices within the “equity-oriented global health” (Pratt, Vries, 2018: 454-463).

Other analyses address data and information with regards to environmental sustainability (ES) and HE due to the cross-disciplinary view focused on: (a) HE, CE and citizen participation; (b) housing and ES; (c) human and organizational determinants (Kay, Livingstone, 2020: 298-308). Furthermore, Buse (2013: 1095-1100) reflects the specific values of the “intersectoral action” (ISA) that are addressed for the PHP sector. Drawing from the research of the social and health determinants, ISA is presented using a two dimensions analysis: (1) the degree to which the governance system and the PHP and practices are capable of “collaborative relationships” (Buse, 2013: 1095-1100) and (2) the direct dependence and engagement between the capacity of social and health determinants and the need for the implementation and adaptation of initiatives (Buse, 2013: 1095-1100).

Table 2. ECs-HE linkages: determining objectives and searching terms focusing on information, ethical practices, facilities and data

Year	Author and year of publication	Selected terms	Objectives	Outcomes
2008	Stone, Berzin, Taylor, Austin, 2008	“social environment” (SE), HB, “environment interaction” and “curriculum development” (Stone, Berzin, Taylor, Austin, 2008)	Functional analysis of the HB and SE	Reconceptualization of the linkages between human behaviour-environment focusing on the social work theory and practice
2013	Bell, 2013	Human rights (HR) CC and HR linkages	HR research and CC	Categorize the linkages between CC and HR
2013	Buse, 2013: 1095-1100	Health equity (HE) “intersectoral action” (ISA) (Buse, 2013: 1095-1100)	A multi-level analysis of public health practices determinants	Categorize “collaborative relationships” (Buse, 2013: 1095-1100)
2018	Pratt, Vries, 2018: 454-463	“community engagement” (CE), “shared health governance” (SHG) (Pratt, Vries, 2018: 454-463)	Review of SD in health literature	Categorize the health policies and HD

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2020	Kay, Livingstone, 2020: 298-308	“environmental sustainability” (ES) Health equity (HE), “local environment” (LE) “ecosystem health”, environment equity (EE) (Kay, Livingstone, 2020: 298-308)	Analysis of ES and LE	Summarizing approaches to LE and action
2021	Ramirez, Chalela, Sabado-Liwag, Choi, 2021	“health behaviours” and “behavioural determinants” (BD) (Ramirez, Chalela, Sabado-Liwag, Choi, 2021)	A plural-sectoral analysis of BD	Conceptualization of the patterns of the environment

Source: Authors’ own compilation based on Stone, Berzin, Taylor, Austin, 2008; Bell, 2013; Buse, 2013: 1095-1100; Pratt, Vries, 2018: 454-463; Kay, Livingstone, 2020: 298-308; Ramirez, Chalela, Sabado-Liwag, Choi, 2021

Social protection and ET: focus on human mobility, ecological resilience, population patterns and social responses

Another starting approach to studying social and human determinants is the conceptualization of “adaptive social protection” (ASP) and “transformative social protection” (Tenzing, 2020). In this view, the study of Tenzing on social protection (SP) and CC are aimed to assess the role of “adaptation” and economic policies adding a “transformative” advance (Tenzing, 2020). To analyze the SP and ASP assessment, Tenzing reveals a research matrix approach, recommending: (1) outlines for SP functions and responses; (2) addressing the social and policy functions, CC and adaptation; (3) selecting capabilities for “absorptive capacity”, “adaptive capacity” and “transformative capacity” (Tenzing, 2020). As a consequence, the research consists of a framework to explore the areas of community resilience, self-governance and the social responses focusing on the “climate-responsive” framework and SRM.

Other studies provide an overall analysis of human mobility and migration revealing information about the relationship between ECs and migration (Wiegel, Boas, Warner, 2019). The study develops the research of the causal link between the “causal-vulnerable areas” and the migration approach providing new definitions and strategies aimed to acknowledge the role of ECs and population patterns, namely: (i) migration and adaptation; (ii) “environmental migration”; (iii) local patterns and ECs (Wiegel, Boas, Warner, 2019).

Accordingly, other studies measure the citizen engagement and “natural environment” (NE) intending to address the linkages between trade, environment and CC (Jaspers, Falkner, 2013). or to frame biodiversity and anticipate scenarios for ECs (Kass, Shaw, Tew, Macdonald, 2011). The authors consider key variables (“drivers”) and potential effects for NE adopting the necessity for analyzing the drivers of ECs, the directions for strategies and actions (Kass, Shaw, Tew, Macdonald, 2011: 1518-1526). Another approach to the human patterns-NE relationship is addressed by Kopnina to explore an analytical perspective of the “ecosystems” and “habitats” (Kopnina, 2022). To achieve this objective, Kopnina concentrates on highlighting the dimensions of “hypersociality” and “sustainability” (Kopnina, 2022). The two concepts offer new perspectives on the debate on the NE-human nexus (Kopnina, 2022).

A complementary perspective is enabled also for the conceptualization of the CC and the social responses placing “resistance” and “participation” as major drivers for understanding the “social change” of the “rural community” (Molnar, 2010: 1-16).

In the past years, the perspective of pluralizing the debate on ECs developed a new dimension around “environmental humanities” (Robin, 2018). In line with the new analytical developments, Robin (2018) proposes the approach to the nexus between CC and biodiversity outlining the context of “life norms” and “leadership roles” (Robin, 2018). Drawing on this understanding of “environmental humanities” (Robin, 2018), we also consider the context of the “environmental management” proposed by Zimmerer opening up the approach to the risk-resilience linkage (Zimmerer, 2017).

Table 3. ECs-HE linkages: determining objectives and searching terms focused on human mobility, self-governance, population patterns and responses

Year	Author and year of publication	Selected terms	Objectives	Outcomes
2011	Kass, Shaw, Tew, Macdonald, 2011: 1518-1526	Biodiversity, “natural resource management”, social choice and “natural environment” (NE), “ecological resilience” (ER) (Kass, Shaw, Tew, Macdonald, 2011: 1518-1526)	Review of NE and ER focusing development scenarios and planning	Categorize the “global drivers of change” (Kass, Shaw, Tew, Macdonald, 2011: 1518-1526)
2013	Jaspers, Falkner, 2013	CC and climate policies	Review of case studies related to environment-trade aspects	Summarizing environmental measures
2017	Zimmerer, 2017	“human-environment geography” (HEG) (Zimmerer, 2017)	A multi-level analysis of HEG patterns, conditions and interactions	Analysis of concepts related to HEG
2018	Robin, 2018	“environmental humanities” (EH)	A multi-level analysis of human intervention	Conceptualization of EH and ECs
2019	Wiegel, Boas, Warner, 2019	“environmental change”, “environmental migration” (EM) and “human migration” (HM) (Wiegel, Boas, Warner, 2019)	Research of the ECs-human migration-social norms linkages	Conceptualization of EM and HM
2020	Tenzing, 2020	“adaptive social protection” (ASP), “transformative social protection” (TSP), “absorptive capacity”, “adaptive capacity” and “transformative capacity” (Tenzing, 2020)	A multi-level analysis of ASP and SP-CC linkages	Conceptualization of ASP, TSP, social policies and measures (Tenzing, 2020)
2020	Oakes, Banerjee, Warner, 2020	“human mobility” and ECs, “environmental drivers” (ED)	An empirical study of the social and demographic patterns and ES	Quality analysis of the ECs-HM nexus
2022	Kopnina, 2022	“ecosystems”, “modified environment”	A multi-level analysis of human-environment linkages	Categorize the information on human-environment interactions

Source: Authors’ own compilation based on Kass, Shaw, Tew, Macdonald, 2011: 1518-1526; Jaspers, Falkner, 2013; Zimmerer, 2017; Robin, 2018; Wiegel, Boas, Warner, 2019; Tenzing, 2020; Oakes, Banerjee, Warner, 2020; Kopnina, 2022

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Conclusions

The present article argues that the SE-ECs-HE - linkages focus particular insights into the research of human mobility and determinants. In particular, the resilience theories open a broader perspective of “climate-responsive” planning, the drivers of citizen participation and community engagement. This approach to the analytical base of the research agenda on ECs, HE and human determinants provides also the framework for understanding how the governance system and the PHP ground the base for mobility, participation and social engagement.

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

The Concept of Emergency Powers in The Roman Dictatorship

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Abstract:

The Roman dictatorship is undoubtedly the most outstanding example of normative order to contain the concept of emergency powers. It illustrates, in a remarkable manner, how conventional restraints were markedly effective in achieving a transient and temporary deviation from the established legal order, formally and consciously made, solely to meet a genuine crisis, reverting to normality as soon as the necessity for its existence subsided, and avoiding its institutionalization.

Keywords: *Emergency Powers; Roman Dictatorship; State of Emergency.*

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The Concept of Emergency Powers in the the Roman Dictatorship

Introduction

The Roman dictatorship institution represents the prototype for all modern institutions governing exceptional states. The Romans implemented a structure in which an emergency institution was a regular and recognized instrument of the state built into a constitutional framework. This institution was hailed by Machiavelli as one that deserves to be numbered and considered among those that were the source of the greatness of the empire (Machiavelli, 1996: 74). Correspondingly, Clinton Rossiter also suggested that the splendid political brilliance of the Roman people grasped and solved the difficult dilemma of emergency powers in a manner quite unparalleled in all history, indeed so boldly and uniquely that a study of modern government crisis could find no more propitious starting point than a succinct survey of the celebrated Roman dictatorship (Rossiter, 1948: 15).

Thus, the Roman solution to the emergency powers problem was touted as maybe the most strikingly successful systems of emergency government (Watkins, 1940: 324-332). The distinctive features of the famous Roman dictatorship - recognition of the special nature, its provisional aspect, the appointment of a dictator according to a very specific constitutional form that separated those who declared an emergency and those who exercised dictatorial powers on such occasions, the appointment was done only for a special purposes, maintaining the constitutional order instead of replacing or changing it - are commonly regarded as setting the basic guidelines for all the modern-day constitutional emergency regimes.

The constitutional nature was the main thrust of this emergency institution. Operating within the constitutional framework, the dictator was invested with extraordinary, yet constitutional powers. The emergency was met with special powers by an authoritarian character, but the employment of such kind of powers and the authority to use them were regulated by law.

In the year 501 B.C., during a war, the consuls, who represented the elected chief magistrates, elected a *magister populi* with royal title and powers, who later came to be known as dictator. Traditionally, the dictator was presumed to carry out military functions that would be fundamental to defend the republic against foreign threats, and then would be considered a *dictator rei gerundae causa* (for getting things done) (Rossiter, 1948: 21). The military origin of this institution is apparent from the dictators original title of *magister populi* (master of the citizen army) and the fact that to assist him in his very important task the dictator had the ability to appoint a delegate, known as *magister equitum* (master of the horse, who was supposed to be the commander of the cavalry), and gave him the full power of *imperium* (Mommsen, 1864: 325-26).

He was expected to remain in power only as long as the danger existed; as the danger was originally only military, a single campaign of 6 months was held to represent the maximum duration of the office. During this period of time, the dictator exercised the full regal *imperium* and the accompanying military jurisdiction, all without appeal. The dictator office never lost its original military character fully, but it represented part of the republican constitution rather than a suspension of it.

Although the assignment of a dictator was a very radical constitutional move undertaken only in exceptional times of crisis, an appearance of normality was maintained as much as possible. During the dictatorship, the state regular institutions - the Senate, the consulship, the tribunes, and all the other office holders - continued to fulfill all their normal functions and maintained their full authority. The end result was

that the consuls, the Senate and the tribunes, remaining in their authority, came to become like a guard on the dictator to force him not to depart from the right way.

As we shall see, in addition, the dictator was called to maintain and protect the existing constitutional order. Consequently, the dictator did not have the power to do anything that would affect the state, such as taking the power from the Senate, abolishing old laws and making new ones (Machiavelli, 1996: 74). The dictator also could not use his power in order to alter the basic character of the state or its framework. Consequently, his authority did not extend to the promulgation of new legislation, a power that was reserved only to the Senate. In *The Social Contract*, Rousseau emphasizes this significant distinction between the the supreme ruler and the legislator. “The dictatorial powers and the legislative authority are not to be merged or confused. The supreme ruler, tailored around the outline of the Roman dictatorship, may enjoy absolute powers as necessary for the preservation of society and its members, and may silence all the laws and suspend for a moment the sovereign authority, but he does not possess the power to alter arbitrarily the basic legal framework of that society as put in place by the legislator” (Rousseau, 1993: 294). The constitutional order and the ordinary laws, in all or in part, can be suspended under the reign of the supreme ruler but they can't be amended, modified, or repealed during that time. To sum things up, he can do anything, except to make new laws (Machiavelli, 1996: 76).

Appointment of Dictators

With the fall of the monarchy in the year 509 B.C., the Roman republic moved to establish an executive that was headed by two chief magistrates, the consuls. The exact timing of the move is a matter of some controversy (Cary and Scullard, 1975: 56). The two consuls had immense power at their disposal. Consequently, each of them had the power to command the army and to exercise jurisdiction in all matters (Jolowicz and Nicholas, 1972: 45.). Nonetheless, in order to prevent the reversion to a monarchical structure of government, the newly established executive offices of the republic were based on two principles (Cary and Scullard, 1975: 62-63.): the principle of collegiality and equal powers, and the principle of limited and non-renewable terms of office. The two consuls enjoyed equal authority and disposed of the same range of powers, functions and responsibilities. Each of them also enjoyed an unlimited veto power over the actions and decisions of his colleague. Also, each consul was elected for a period of one year without the possibility of reelection.

However, at the same time, the romans were aware of the fact that an equal partnership at the helm might not be adequate in times of emergency. In such precarious times there might exist a need for decisive and swift actions. The possibility of a deadlocked leadership that is unable to agree on what actions ought to be taken posed a real challenge. Hence, another institution - the dictatorship - emerged as a temporary revival of the monarchy, only used in times of emergency, when it was necessary to concentrate the whole power of the state in a single person (Mommsen, 1864: 326).

These verity of the situation was captured by the fact that when a dictator was appointed -the origin of the term, “*dictus*” (named, appointed), points to the fact that the dictator was the only non-elected magistrate of the republic - an axe, symbolizing the power to administer capital punishment, appeared in his fasces (a bundle of wooden rods that represented authority) even within Rome's city boundaries, whereas the fasces of the consuls included an axe only when presented outside the city.

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In such grave times any one of the consuls - in case the two could not agree or otherwise act together, the decision regarding which one of them was to act on the matter was decided by lot - could appoint a dictator who, upon entering office, became the highest magistrate of the republic, superior also to the consuls who appointed him. Machiavelli suggests that, since the appointment of a dictator relegated the status and authority of the consuls, it was wise to leave such an appointment in the consuls hands, because “wounds and other ills which are inflicted of one’s own accord and choice, grieve you much less than those that are inflicted on you by others” (Machiavelli, 1996: 196). However, while the dictator combined the powers of the two consuls, he neither replaced them nor took away their powers (Lintott, 1999: 111). The decision of the dictator, in contrast to those of all other magistrates (including the consuls), could not form the subject of an appeal at the centuriate assembly. The dictator was immune to any intervention by the tribunes or from the Senat. Also, the size of army he could raise was not limited, and he had full control in establishing the tactical and strategic goals of the troupes under his command (Rossiter, 1948: 25). In addition, he was the only magistrate who did not have to fear a possible punishment and accountability after the termination of his office (Rossiter, 1948: 19).

Although the appointment of the dictator was a matter for the full discretion of the consuls, the practice that developed was that it could not be made without the Senate’s recommendation, and the *imperium* of the dictator had to be confirmed by a law passed by the curiate assembly (Jolowicz and Nicholas, Roman Law: 35). This reflected the increase in the political clout of the Senate, but not less importantly it was also the result of a basic fear of tyranny. Once a dictator had been appointed it was extremely difficult (although not impossible) to turn back the wheel. Therefore, it was decisive that the appointment would not be taken rashly and without a proper inspection of the circumstances. Involvement of the Senate in the nomination of a dictator became very important, once the position was no longer the sole estate of the Patrician nobility and was also opened to the plebs. Constitutional consciousness prohibiting excessive concentration of power in the hands of any one leader, coupled with internal socio-political considerations, led to a partial “legislative” control of the emergency mechanisms and to the exclusion of any assumption that the emergency measures were an exclusive domain of the government (executive branch). In time, with the increase power of the Senate within the structure of government, the Senate did not only suggested the appointment of a dictator, but also went further even to identify the particular person. Such suggestions of the Senate were always followed. (Gross and Ní Aoláin, 2006: 24)

Therefore, as we have seen, the institution of the dictatorship was alien to the basic governmental structure of the republic. The system of officers coequal in their powers and able fully to veto each other’s decisions and actions could not comfortably coexist with the vesting of absolute power in a single person. The notion of sharing the burdens of governance was clearly at odds with the dictatorship (Cary and Scullard, 1975: 97). Hence, although giving the dictator all the powers needed to defend the republic against its enemies, well-defined constitutional restrictions were laid out in order to prevent unwarranted aggrandizement and abuse of the powers of the dictator and a return to the monarchical system (Cary and Scullard, 1975: 63).

Therefore, this set of provisions related to the procedure for appointing the dictator represented the success of the institution. Thus, the appointment of a dictator by the consuls, coupled with the provision that no consul might appoint himself as dictator,

ensured that the dictatorship would be invoked by officers other than the dictator himself. The republican structures ensured a separation between those who decided that an emergency existed and those who exercised the most awesome emergency measures. Thus, the dictator's powers were conferred upon him "according to public orders, and not by his own authority." (Cary and Scullard, 1975: 74).

Limitations of Time

Perhaps the most significant limitations are the exceptional nature of the circumstances that would justify the appointment of a dictator and the temporal duration of this extraordinary appointment. No other political or legal system in the world has ever applied the time limit for emergency measures as successfully as the Roman system.

The dictator's term of office was limited to six months or to the end of the term of the consuls who appointed him, whichever came first, and could not be renewed. Illustrating that the dictator's short term was one of the features that caused the astonishing success of the institution. Machiavelli compares the roman dictatorship with the rule of the Decemviri, and argues that an important flaw in the latter was the fact that these ten men were invested with absolute power for a long period of time (in this context Machiavelli considered a year to be a long time) (Machiavelli, 1996: 76-77). Correspondingly, Jean-Jacques Rousseau implies that the appointment of a dictator, also known as the supreme ruler, be done only for a brief duration, defined in advance and not subject to expansion (especially not by the dictator himself) (Gross and Ní Aoláin, 2006: 21).

Nonetheless, it is critical that its span should be established only for a brief period, incapable of being prolonged without reason. During the emergency which determined its approval, the state is either soon saved, or soon lost; and, when current need passed, the dictator becomes either tyrannical or idle. In the Roman Empire, where the dictator held office for a limited period of only six months, the majority of them step down before their time expired. If their term of office had been longer, they might have tried to extend it even further, the way the decemvirs did when they were chosen for a year. The dictators only had time to resolve the needs that caused them to be chosen; they had no time to seek other interests (Rousseau, 1993: 296).

Thus, the Roman dictators ended their mandates and relinquished their astonishing and unlimited powers with extraordinary precision, after a fixed period of time, without the need to use brute force, often used by many current regimes. The basic condition of successful government in emergencies - the temporary nature - on which all current scholars of constitutionalism insist that it be respected, has been met almost to perfection in ancient Rome. In the annals of Rome, no one came closer to the ideal functioning of the dictatorship than Lucius Quinctius Cincinnatus. According to tradition, Cincinnatus was appointed dictator in 458 BC. to save a Roman army, led by one of the consuls, which was besieged by enemy forces. The old Roman farmer was called from the plow by his compatriots and was given despotic authority to deal with the crisis. The most significant and famous fact is that, immediately after his victory over the enemy, just fifteen days after his appointment, Cincinnatus resigned, relinquished all his special powers, and returned to work his land (Rossiter, 1948: 16).

Cincinnatus's unwavering commitment to serve the republic and his willingness to give up the awesome powers that had been entrusted to him came to represent the prime example of the dictatorship and the qualities that were expected of a dictator and a

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leader. The fact that dictators were appointed only for a limited term, and their power to act was limited only to the special occasion for which they were called, is the cause of its success and the reason for the absence of abuse. As Machiavelli puts it: "When a dictator came, he gained more fame the earlier he resigned." (Machiavelli, 1996: 186).

Non-derogable Areas

Modern emergency law recognizes certain non-derogable and inalienable rights as a limitation upon wide-ranging emergency powers. This, however, is not a latter-day invention. The Roman dictator, in spite of his awesome powers, was similarly circumscribed, *inter alia*, by two non-derogable and inviolable conventions. He could not alter the basic form of government and he could not make laws. The former limitation was premised upon the view that the "sacred trust" of the dictator was to maintain the constitutional order, and although to this end he was competent to resort to any measure, the republic which he was chosen to defend could not be altered or subverted. Machiavelli put it succinctly when he said that the dictator could do nothing to change the form of government, such as diminishing the powers of the Senate or the people or to abolish existing institutions and create new ones (Machiavelli, 1996: 195).

The other limitation - the ban on making laws - is mentioned by Rousseau when he says that the suspension of legislative power does not imply its abolition; Therefore, the dictator can do anything but make laws (Rousseau, *Social Contract*, p. 294.). It is certain that this limitation, expressed by Rousseau in such sweeping terms, did not preclude the dictator from ruling as the executive head, through decrees and appropriate orders, and with the power to disregard existing laws. What he was deprived of was formal legislative power, exercised as such by the legislature. This denial was no more than what it is commonplace in modern constitutions.

Another important restriction on the dictator's powers stemmed from the fact that he was expected to restore order and security to the republic in the face of a certain threat, often military (Rossiter, 1948: 24). However, with all his immense powers, the dictator could not start, on his own initiative, a war against an external enemy. This right was reserved only for the Senate. The role of the dictator was only defensive. He was also required to perform his duties only for the public good and not for private purposes or irrelevant reasons. Machiavelli similarly said the dictator could do no harm to the Republic. The Roman dictator was further limited by his dependence on his creator in financial matters. This is due to the constitutional prohibition of withdrawals from the public treasury without the consent of the Senate.

Thus, as said in the introduction, the Roman dictatorship is undoubtedly the most outstanding example of normative order to contain the concept of emergency powers. It illustrates in a remarkable manner how conventional restraints were markedly effective in achieving a transient and temporary deviation from the established legal order, formally and consciously made, solely to meet a genuine crisis, reverting to normality as soon as the necessity for its existence subsided, and avoiding its institutionalization.

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ORIGINAL PAPER

Evacuation of improperly used buildings. Common or special law procedure?

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Abstract:

Eviction of a person from improperly used building can be done in two ways: amicably, if the holder of the right to use the property asks the person who uses or occupies that property without right to leave, and the person agrees to the release of the building; or in court, if the person in question does not agree with the release of the property.

In court, the applicant may choose either to promote a common law action based on the provisions of Article 192 (1) and the following of Civil Procedure Code or to use the special eviction procedure from buildings used or occupied without right, regulated by the provisions of Articles 1.034- 1.049 of the Civil Procedure Code.

In view of the speed of the special proceedings, the enforceability of the judgment and the conditions for obtaining the suspension of enforcement, the applicant should use it to the detriment of ordinary proceedings.

Keywords: *eviction; special procedure of eviction; common law procedure; improperly used buildings; right of use over real estate.*

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Introductory aspects

Evacuating a person from a building that he used it can be done in two ways: amicably, if the holder of the right of use over the property asks person who use or occupy that property without the right to leave it, and the latter agrees, with the release of the property; or in court, if the person in question does not agree with the release of the property.

By the way the applicant may choose either the promotion of a common law action based on the provisions of Articles 192 (1) and further of the Code of Civil Procedure or the special procedures for the provisions of Articles 1,034-1049 of the Code of Civil Procedure (Code of Civil Procedure republished in the Official Gazette of Romania, Part I, no. 247 of April 10, 2015)

It is necessary to should be noted that the promotion of legal action becomes uninteresting if the holder of the right of use over the property has an enforceable title regarding the obligation to hand over the property against the persons who use it without right (for example, a lease concluded in form authentic, or in the form of a document under the actual signature of the tax authority). In this situation, the holder of the right of use over the building may directly use the enforcement procedure regulated by the Code of Civil Procedure in the provisions of Articles 896-902.

Therefore, by way of example, the special eviction procedure may be initiated by the holder of the right to use the building used or occupied without right in the event that the lease was concluded verbally or in the form of a private signature and not registered with the tax authorities, in case of concluding a lease contract (which according to Article 1838 of the Civil Code must be concluded in writing, under the sanction of absolute nullity), in case the building is actually occupied by a person without the permission of the owner or the person uses the building with permission or permission of the owner, without having concluded a contract between these persons for the use of the property (the situation of the tolerated) but also in the situation when a loan agreement was concluded between the parties that does not constitute an enforceable title.

The fact that the special procedure can be used only for eviction from real estate, not for the realization, on the main way, of the right of claim which has as object the payment of rent, or rent. This conclusion can easily be drawn from the provisions of Article 1.035 (2) of the Code of Civil Procedure which explicitly provide for the provisions of this title do not affect the rights of the lessor or landlord to pay rent or rent, to pay compensation or to others rights arising under the contract or the law, as the case may be. In accordance with paragraph 3, in the case referred to above, in paragraph 2, in order to fulfill the rights and obligations arising from the contract, as well as those of the applicable legal provisions, the interested party, will be able to use the provision regarding payment ordinance or the provisions regarding solving low value applications under the conditions of the common law

In this context, the right of claim regarding the payment of rent or rent can be capitalized, by introducing an accessory claim in the process in which it will be required to evacuate using special procedures.

Competence in solving

The material competence for the settlement of eviction requests belongs, according to the provisions of article 94 point (1) letter d) in conjunction with Article

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1.036 of the Code of Civil Procedure, regardless of the value of the object of the request, to the court in whose district the building case, rented or leased, even if the tenant has left the property or the contract has ended.

The plaintiffs request the urgent procedure of the presidency provided for in the Code of Civil Procedure in the provisions of Articles 997-1.002, also referring to the provisions of Article 94 (1) (d) of the Code, the request will be resolved first court always by the competent court to rule on the merits of the law.

We note that, under the rule of the previous Civil Procedure Act and the Commercial Code of 1887, the jurisprudence considers that the application for eviction of a company from a building belonging to a goodwill is a matter for the court of first instance, from the point of view of the commercial nature of the dispute and in accordance with the provisions of Articles 2 (1) (a) of the Code of civil procedure since 1865. Thus, in the application of this jurisprudence Court of Appeal Bucharest by Decision no. 221/2011, it would be necessary for eviction requests, when one of the parties is a professional, to be competent to resolve in the first instance the specialized sections or panels set up at the level of the court.

With regard to territorial jurisdiction, applications for eviction under common law give rise to alternative jurisdiction. Thus, under Article 113 (1), the applicant will have the option of bringing an action for eviction, either in a particular court or in Articles 107 to 112 of the Code of Civil Procedure, or in the local court, the location of the building, if a lease agreement has been concluded between the parties (Article 113 (1) (4) of the Code of Civil Procedure).

The territorial jurisdiction for the applications promoted by means of the special evacuation procedures belongs exclusively, only the court in whose district it is located in the building occupied without right, rented or leased, as the case may be.

Citation and communication of procedural documents

Special evacuation procedure derogates from certain rules of summons and communication of procedural documents.

Evacuation request by common law shall always be settled by summoning the parties in accordance with the procedures laid down in Article 153 (1) of the Code of Civil Procedure.

Instead, the eviction promoted through special procedures can be judged with or without summoning the parties, regulated in this matter being judged with summoning the parties, observing the general rules, but also the derogatory requirements imposed by the Code of Civil Procedure. Thus, according to Article 1.042 (1) of the Code of Civil Procedure, the request for eviction is judged by summoning the parties, unless the eviction of the building for non-payment of rent or lease is requested under a contract that constitutes, for their payment, enforceable title, according to the law. We note, therefore, that the legal text refers only to the enforceability of the lease for the payment of rent or rent, and not for the delivery of the property, because,

As regards the procedure for the communication of procedural documents, the provisions of Articles 1.037 (1) contain provisions derogating from the general notion of domicile provided for in the Civil Code of the provisions of Article 87 to the building he occupies without any right., the text considering the domicile in the procedural sense. Thus, the communication of any procedural documents to the tenant or occupant will take place at the building he uses or occupies without right, without taking into account

the domicile mentioned in his identity document or in fact the establishment or not of residence at the place of location property.

Another derogating provision of common law is set out in the provisions of Articles 1.037 (2) according to which if the building is closed, all notifications, summonses and other procedural documents issued in accordance with the provisions of this title shall be displayed at the door of the building. Or, the common provisions for the summons and communication of procedural documents (Article 163 (8) of the Code of Civil Procedure with reference to paragraphs 3-5 of the same article) require in this situation, if the building is closed, not proceeding to leave the act of procedure in the mailbox or, failing that, at the sight of a notice on the door of the building.

Incidental requests

In case of common law eviction actions, the defendant has the obligation to file the statement of defense, in accordance with the provisions of Articles 208 (1) of the Code of Civil Procedure, (3) of the Code of Civil Procedure, the defendant may invoke substantive defenses on the merits of the factual and legal grounds of the request, including the lack of title of the plaintiff (Article 1.043, paragraph 3 of the Code of Civil Procedure). In proving substantive defenses, the defendant may propose evidence at the first term at which he was legally summoned, may invoke procedural exceptions (Boroi, Spineanu-Matei & Teohari, 2013:651) within the time limit provided for in Article 247 (2) of the Code of Civil Procedure, given that the objection is optional in this matter.

Also, if in ordinary proceedings, the defendant has the right to make his own claims against the applicant in the counterclaim in the special procedure for evading the provisions of Article 1.043 (1) nor can he make a request for forced intervention in the form of a request for the summons of another person or under bail, his claims being upheld only separately, by initiating a separate dispute.

In the event that the defendant makes such requests in the special proceedings, however, the court will reject those applications as inadmissible and the judgment will not have the authority to adjudicate on a future trial in which they will be repeated.

As regards the formulation of a request for main voluntary intervention, I consider that it is admissible, given that the law does not expressly exclude the possibility of formulating it (Leș I., 2011: 146).

The urgency of resolving the case

Unlike the trial eviction application, according to the common law procedure, in respect of which the urgent procedure for its settlement is not provided for, the special evacuation procedure has an urgent character expressly imposed by the provisions of articles 1.042 of the Code of Civil Procedure, with all the consequences deriving from this character.

Thus, the judge, based on the provisions of Article 159, sentence II of the Code of Civil Procedure may order the shortening of the term for handing over the summons or the procedural act, the debates will be summary, the optional nature of the objection, the shortening of the appeal the formulation by the defendant of incidental claims, the enforceability of the judgment rendered in the first instance, the impossibility of suspending the execution of the eviction order except as provided by the provisions of Article 1.045, when it may be ordered to suspend by the defendant, when the eviction is requested for non-payment of rent or rent only if the defendant records in cash, at the disposal of the creditor, the rent or lease to which he was obliged, the amount

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established suspension, as well as the rate rent or lease that would become due during the trial.

Judgment of the eviction request

As mentioned above, the procedure for eviction from buildings occupied without right is optional, the plaintiff having the right to choose whether to request eviction under the common law procedure or under special procedures.

Condition the articles of exercise of evacuation requests by special procedures are the general ones of exercising any civil action (formulation of a claim, interest, quality and procedural capacity). In addition to the general conditions for the exercise of any civil action, the plaintiff must also fulfill a condition to fulfill the admissibility of the application, the institution of the provisions of Article 1.039 of the Code of Civil Procedure, respectively the notification of the occupant when the owner of a building wishes to evacuate. After the right to occupy the building has ceased, the owner will notify the occupant in writing, instructing him to release the building he occupies without any right, within 5 days of the notification of the notification.

In addition to these aspects, it presents certain particularities within the special procedures of the evacuation and the general conditions of the exercise of the evacuation actions (Boroi, Stancu 2015a: 856.). Thus, regarding the active procedural quality, it belongs to: the owner, the holder of a dismemberment of the property right which gives him the prerogative to request the transfer of the property from the defendant or the lessor, whether he is principal, sublease, assignee and acquirer of the property, even the lessee may use this special procedure, insofar as, wishing to defend his right of use, he files an action for eviction against a third party who occupies the property object of the sales premises without right. (Boroi, Stancu, 2015b: 856.)

As regards the passive procedural capacity, it belongs, by way of derogation from the common law, to the former lessee (the principal lessee, the lessee or a transferee of the lessee, lessee or lessee), that is to say a lease, but also persons occupying the property (any person, other than the owner or lessee, who actually occupies the property with or without the permission or permission of the owner or lessee), thus infringing the absolute and exclusive right of the property owner (Article 555 of Civil Code).

From here, a feature emerges perhaps the most important of this special procedure is that eviction can be requested even in the absence of a contractual basis for the obligation to surrender, being as a sanction for violation of a real right even for the case in which the defendant good (Zidaru, 2011:78). In order to ensure the effectiveness of the procedure, it should be considered that even in the event that the claimant claims that such a title exists, but this claim is irrelevant and unproven, the application for eviction remains admissible even against the claimant owner.

It has been held in the legal literature that, in so far as the application is not made in accordance with special procedures but in accordance with ordinary law, in the absence of any binding relationship between the parties, the application must be classified as a claim, as long as the action in the claim is directed against both the possessor and the precarious holder or any person holding the property without right (Article 563 (1) Civil Code).

On the contrary, under the rule of the previous Civil Code according to the Civil Decision no. 169 / 18.01.2011, pronounced by the Suceava Court of Appeal (available on www.scj.ro) where it was noted that is violated by the defendants as a result of the

untitled occupation of the building. (...) The plaintiff did not pursue the capitalization of an exclusive and absolute property right in an action in claim, but only a personal right of relative character, in the eviction actions, following the compulsion of the debtor to the execution of the obligation to do.

In other words, the applicant did not request that the defendants be granted ownership of the building, but only their evacuation and the surrender of the good in its materiality. It is thus found that the lower courts erred in holding that the eviction action is the specific procedural means exclusively of the leasing relationship between the parties, holding that the non-opposition of a title by the defendants can only be considered in an action.

Thus the provisions of art. 480 of the Civil Code is the legal basis for the eviction action, as a procedural means of capitalizing on the possession and use of the goods, which makes such an action fully admissible and well-founded. To argue that the applicant can claim the title only in a title action by comparison of titles, the lower courts erred in holding that the eviction action is the specific procedural means exclusively of the leasing relationship between the parties, holding that the non-opposition of a title by the defendants can only be considered in a claim action.

The owner will usually prefer the special eviction procedure against the occupant, and not the claim, for reasons of speed and due amount of the judicial stamp duty due, which according to the provisions of Article 6 (3) of Emergency Ordinance no. 80/2013 published in the Official Monitor of Romania, Part I, no. 392 of 29.06.2013 regarding the judicial stamp duties is 100 lei. Thus, the evacuation procedure provided for in the New Code of Civil Procedure promises to be a flexible and cost-effective instrument.

Another special condition for the admissibility of eviction proceedings from buildings used or occupied without right consists, as mentioned above in the prior eviction notice of the lessee, respectively of the occupant of the building. We specify that the notification made on this basis does not have a prior procedure, within the meaning of the provisions of art. 193 of the Code of Civil Procedure, but is necessary for the delay of the lessee or occupier, as provided by the provisions of Articles 1,525 of the Civil Code (Tâbârca, 2013: 828.), which will be liable, from the date on which it is overdue, for any loss caused by a fortuitous event, unless the fortuitous event releases the debtor from the performance of the obligation itself. However, the notification procedure and the deadlines allowed for the occupants of the building for their release and delivery are governed differently by the Code of Civil Procedure, as the notified person is the tenant or the person actually occupying the building.

Thus, according to the provision of Article 1.038 (1), where the lessee's right to use a property has expired as a result of the termination of the lease by the expiry of the term, by the lessor's action, by non-payment of rent or rent, and for any other reason, and the lessor wishes to enter . In possession of the building, he will notify the location, in writing, through the bailiff, instructing them to release and hand over the building freely, within 30 days of the communication of the notification data. And paragraph (2) of the same article, if the lease is for an indefinite period, the denunciation required by law to terminate the contract will also be considered a notice of eviction.

It is also stated that the law does not impose the requirement of notification, if the lessee has waived the notification provided for in Article 1.037 of the Code of Civil Procedure, by written act. This recognizes the right of the landlord to resort to the

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special eviction procedure, if the lease ceases for any reason, and the tenant is immediately considered extinct.

If the owner of the building is actually evicted, after the right to occupy the building has ceased, the owner will use the provisions of article 1.039 from the Code of Civil Procedure by notifying the occupant in writing and instructing him to release the building he occupies without any right, within 5 days of the communication of the notifications.

The lessor or the owner of the building will be able to start the trial special procedure eviction in two cases: the lessee or the notified occupant refused to evict the building upon the expiration of the term provided in the notification; the tenant has previously waived in writing his right to be notified and has lost the right to use the property. In these cases, the court will pronounce or execute the sentence, ordering the immediate eviction of the tenant or occupant of the building, for lack of title.

Appeal against the eviction order

Requests for eviction, regardless of the route chosen by the applicant, either common law or special procedure, shall be subject only to ordinary appeals, in relation to the provisions of Articles 483 (2) of the Code of Civil Procedure and Article 1.042 (5) of the same Code, not being subject to the extraordinary remedy of appeal.

According to Article 1.042 paragraph (5) the eviction decision can be appealed only by appeal within 5 days of pronouncement, if it was given with the summoning of the parties, or from the communication, when it was given without summoning them. I note that the time-limit for appeal derogates, both in terms of duration and time from which it begins to run, from the general rules laid down in Article 468 (1) of the Code of Civil Procedure, the derogation being instituted by virtue of the urgency of the special procedures. The eviction order issued on the basis of the eviction request made under common law shall be subject to appeal within the general 30-day time limit for communication.

Enforceability of the judgment given at first instance

While the judgment of eviction given in the first instance, based on common law, is not enforceable, it cannot be enforced in so far as it is not final, in the special procedure, Article 1.042 (5), first sentence, expressly enforceable of the decision (sentence) pronounced on the request for eviction judged according to special procedures. Thus, even if an appeal was lodged in the case, the applicant may initiate enforcement, but if the application had a complex object (eviction and claims based on the provisions of Article 1.042 (4) of the Code of Civil Procedure) was enforceable, no and the one related to the payment of the amounts established by the device (Boroi, 2013c: 650).

Conclusions

Title XI of Book VI, Special Procedures, establishes a simplified and optional procedure for the settlement of disputes concerning the eviction of immovable or occupied buildings without right, which we consider very useful in concluding our brief exposition. I consider that the procedure of eviction from the buildings used or occupied without right of right is a well-deserved sanction of abuse and an undeniable promotion of the exercise of the right enjoyed by the owner or lessor. The speed of the proceedings, the enforceability of the judgment at first instance and the draconian conditions of

obtaining the suspension of enforcement of as many grounds for access to this procedure and of hoping, inevitably, for a practical application in accordance with the letter and spirit of the law.

The procedure established by the Civil procedure code is particularly useful, because it solves or solves a real social problem, frequently raised in practice: the delay of eviction requests to live without title and without equivalent in another's building. The owner will usually prefer the special eviction procedure against the occupant, and not the eviction claim based on common law for reasons of speed and the amount of the stamp duty due, thus being able to obtain a favorable court decision and on the basis of which he can re-enter in possession of the property that belongs to him.

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ORIGINAL PAPER

Analytical Elements and Social Discourse Deconstruction in Barack Obama's Inaugural Address

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Abstract:

President Barack Obama is considered by many to be the communicational descendent of President John F. Kennedy, and his 2009 inaugural speech stands testimony to this bold, yet justifiable assertion. Just like his predecessor, Barack Obama managed to inspire the masses through the charisma and intelligence of his acts of communication. He was uniquely gifted, not only with an almost uncanny ability to inspire his base voters, but to also reach across the aisle and expound new-fangled hopes for social and national reconciliation. The generation of discourse, through political contextualisation is based on the exploitation of social impact resources in order to achieve the objectives of socio-political power. Political harmonisation cannot take place outside the spheres of social communication based on the politicization and polemics of discursive paradigms. The connection between language structures and vectors of political ideology derives from the perception of language as a platform for communication and achievement of functional campaign objectives. Each political image discourse is generated based on this paradigm of exploiting the linguistic structural functionality by loading it with ideological significance and persuasive force in the psycho-ideological meaning of the term.

Keywords: *Obama; inaugural address; society; contextualisation; harmonisation.*

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This research aims to provide a comprehensive in-depth analysis of President Barack Obama's 2009 Inaugural Address, exploring both the overt and covert structural mechanisms that define the newly-elected president but also the biased party leader who was ultimately elected and appointed by a partisan electorate into the highest office of the United States of America.

During the political presidential campaign, Barack Obama was unburdened, unbound by any strict protocols or legislative restrictions. This freedom allowed him almost unrestricted access to doctrines and acts of communication, to any mechanisms that would, for all intents and purposes, aid in his election. When analysing any politician from the perspective of a yet unelected candidate, we must perceive that communicator as attached to a certain ideology or a specific system of values. Brants and Voltmer had a very positive perspective on solid well substantiated ideologies seeing these elements as harnessing the values and objective of an informed electorate. They are quite keen to embrace and support candidates who boast "stable ideologies that have values and policies, as coherent packages, to individual problems and pragmatic solutions" (Brants & Voltmer, 2011: 9). Researchers Paunescu and Chiritescu have an utterly opposed standpoint with regard to ideologies. They believe a strong and healthy society should be governed by balance and harmonisation, considering ideologies the landmark of dysfunctionality, of inner conflict. They predicate that: "Ideologies usually arise due to imbalances or strong stagnation in society, aiming at reaching or regaining trajectory toward progress." (Paunescu & Chiritescu, 2018:15). It is indeed evident that a healthy society demands strong dialogue and an exploration of relevant topics, and yet when freedom of expression becomes an instrument of conflict and discord, then perhaps there is such a thing as too much freedom considering the fact that our personal freedom ends where the freedom of others begins. Burtea-Cioroianu understood this status quo quite well and postulated that: "The misunderstood freedom becomes recognisable in the state of those who believe that they are allowed to do anything they want." (Burtea-Cioroianu, 2021:71). The candidate Barack Obama could operate freely and force the limits of what is deemed as freedom of expression and ideology. However, after becoming president, Obama had to set aside his status as a candidate and become a more presidential communicator, a national and global communicator whose duty was no longer to just seduce and influence the masses, but to act as a national unifier, to reach across the political aisle and extend the proverbial olive branch to the rival conservative electorate. In a more simplified manner, a candidate strives to serve the interests and affinities of a singular political party or movement, but a lawfully elected president is compelled to serve, at least on a communicational level, the interests of each and every citizen of that country. One cannot be a Republican or a Democratic president, but a president of each and every citizen whether that person has voted for or against him or simply has not voted at all.

Obama's 2009 Inaugural Address represents his first chance to truly construct a presidential, non-biased act of communication that is meant to confirm the hopes and dreams of his electorate, as well as put aside the fears and angst of those who chose not to vote for him. Although the beginning of his speech does not appear in any way strong or unconventional, it is actually meant to send a powerful message to conservatives that he shares their sense of patriotism and connectivity to the values of the past: "My fellow citizens: I stand here today humbled by the task before us, grateful for the trust you've bestowed, mindful of the sacrifices borne by our ancestors." (Obama, 2009) The subtextual ramifications of this apparently benign intro are far encompassing if we are to

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consider the context of the address, as well as his target audience. The “my fellow citizens” part is nothing but normal discursive protocol specific to the pattern of address, yet what is striking is Obama’s invocation of the past, calling the people who built and defined America as “our ancestors”. Through the simple connection of two words, Obama aims to speak directly to Republicans who had one fundamental concern about him. His political adversaries had often accused him of being unpatriotic, disconnected from the history of the United States, going even as far as saying that he was not even a real American, that he did not care for the country whose president he had just become. But with this brilliant and simple word association, he manages to deconstruct all of those carefully crafted arguments, personal and political attacks. He does not just care for his national family, he is an integral part of that family, he does not only acknowledge those who came before him, he identifies with those figures and honours their achievements.

The next part of the speech bears further testament to his universality as a president and his solid detachment from his previous status as candidate. If ideologically and politically President George Bush was his exact opposite, his most important ideological rival, the office of President of the United States does not afford him the luxury of capricious criticism and campaign banter. Talking as the president of the United States, he can no longer criticise an individual without having to consider consequences. If Obama were to criticise Bush on such a festive and solemn occasion, that would have meant a communication attack against hundreds of millions of Americans. Therefore, he chose the pathway of maximum diplomacy and honorary protocol by thanking his predecessor: “I thank President Bush for his service to our nation -- (applause) -- as well as the generosity and cooperation he has shown throughout this transition.” (Obama, 2009). Praising and thanking a man he most certainly disliked and disavowed showed great communicational composure and a highly embedded respect for the constitutional mechanisms that allowed a peaceful transition of power between two individuals that could not be further apart from an ideological standpoint.

Moving on from President Bush, President Obama once more doubles down on his attempt to address and seduce the conservative electorate by invoking all of the previously elected presidents of America and proudly aligning himself to that honoured and respected national legacy: “Forty-four Americans have now taken the presidential oath. The words have been spoken during rising tides of prosperity and the still waters of peace. Yet, every so often, the oath is taken amidst gathering clouds and raging storms. At these moments, America has carried on not simply because of the skill or vision of those in high office, but because we, the people, have remained faithful to the ideals of our forebears and true to our founding documents.” (Obama, 2009). The invocation of the forty-four presidents and the sacred “oath” all have taken to protect and serve America seeks to further drive out the paranoid clouds of suspicion that sought to aggressively portray Obama as anti-American and unworthy of the status of the leader of the free world. The double iteration of the word “oath” adds a solemn dimension to Barack Obama’s image as a politician who is completely and utterly committed to the interests of America and each and every one of its citizens. Moving on from the values and merits of responsible and legitimate leadership, the act of communication moves towards the citizens themselves, for they are the true holders of power and authority inside any country and the president is nothing more than their chosen representative, a spokesperson whose purpose is to carry out their will and implement their interests as

faithfully and efficiently as possible. In terms of the solemnity of his speech, Obama moves for the trifecta and mentions the third and final pillar of democracy, namely the most important text of any nation, the Constitution. Even the manner in which he mentions the Constitution represents a communicational art form in itself, adding further layers of significance. If “founding documents” triggers a clear and direct mentioning of the Constitution, it is the subtle subtextual part that impresses the most through its craftsmanship and innate simplicity: “we, the people”. This iconic assembly of words represents one of the most easily recognisable, fundamental expressions in America, as it forms the opening of the American Constitution while also symbolising that governments and politicians do not only serve the people, they are true and genuine representatives of the people. Barack Obama wants to emphasise that although he holds the highest office in the country, and indeed the world, he is, and always shall remain so, a part of “we, the people”, just another normal citizen who has been fortunate enough to be chosen to serve his or her peers and equals.

The formulation of any Presidential Inaugural Address in America functions in accordance with certain structural protocols that are almost impossible to overlook. A founding principle for this type of act of communication is to navigate across every portion of the temporal axis, namely the past, the present and the future. The temporal dimension becomes intertwined with the spatial dimension, ultimately creating a chronotopic framework that spans across space-time and ideologies. To clarify this matter further, invoking the past means catering to the affinities of conservatives, of the American right wing, which greatly treasures and cherishes history, historical values and icons, and the series of elements which have stood the test of time and have aided in the creation of America, its prosperity, values and the American dream itself. The present is an area of in-betweenness triggering the attention and preoccupations of both the left and the right. All citizen, regardless of their political views, are worried about the present, day-to-day challenges affecting their lives. Issues such as jobs, the economy, inflation, education and so on are universal elements that appeal to the entirety of the electorate and are, therefore, the most important element that must always be addressed. One cannot talk about big plans for the future or the greatness of the past if the audience is listening on an empty stomach. Therefore, any politician and any act of political speech must always deal with the current agenda first before extending and expanding towards other conceptual factors.

The last and final element of a presidential address is, of course, the mentioning of the future. By addressing this element, the presidential communicator shall mainly bear in mind the left wing, progressive part of the electorate that is always consistently preoccupied with future challenges often overlooking the past and sometimes even shadowing present and immediate problems. We mention space as a factor that is inextricably intertwined with time because America is a somewhat spatially segregated republic. Mentioning the past will mean addressing Republican voters and, in terms of spatial coordinates, that means Kansas, Alabama, Kentucky. Mentioning the future will mean connecting to Democratic Party voters and that will in turn establish the spatial coordinates of California, New York, Massachusetts etc. The present is the only true conversational unifier, but only from the standpoint of capturing the attention of the entirety of the voting audience. Each and every voter is interested in the present, will want to get involved in debating and solving the current state of affairs, but that will by no means imply a harmonisation or constructive dialogue. All people want food, jobs and security, but the pathway towards achieving those elements is often contradictory or

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even outright opposite and confrontational. Yet, the spatial unifier remains a constant and people in every corner of America will want to hear about the present and the challenges it brings but will almost always provide personalised social, economic and ideological solutions to those elements.

Having mentioned the past in order to woo the Republican voters, Obama moves on to the present for a more universal approach to his political discourse, aiming to captivate the broadest possible audience concerned with the country's urgent, immediate state of affairs: "That we are in the midst of crisis is now well understood. Our nation is at war against a far-reaching network of violence and hatred. Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also our collective failure to make hard choices and prepare the nation for a new age. Homes have been lost, jobs shed, businesses shuttered. Our health care is too costly, our schools fail too many -- and each day brings further evidence that the ways we use energy strengthen our adversaries and threaten our planet. These are the indicators of crisis, subject to data and statistics." (Obama, 2009). Barack Obama's assessment of his present is an honest and complex assembly of facts and issues challenging the American people from terrorist networks threatening the nation, an economy badly crippled by the global financial crisis, as well as healthcare and most of all education, which according to Stoian "is one of the most important factors that define a society. It represents the starting engine for all the activities that run within each society." (Stoian, 2019:126). Obama understands the importance of these key elements in society, taking it upon himself to improve and maximise their efficiency while at the same time uncovering their shortcoming.

Though he is very careful at not placing direct blame on his predecessors for the current state of affairs in the country, he does abandon the use of Present Tense verbs and moves towards the use of an impersonal Present Perfect in order to subtly transfer blame towards the previous presidency of George W. Bush: "Homes have been lost, jobs shed, businesses shuttered" (Obama, 2009). Obama acknowledges the current state of the union, takes responsibility towards finding solutions for the problems facing America and in quite a noble fashion, atypical to most politicians, he even somewhat accepts a common blame for the crisis due to "our collective failure", but he cannot maintain this standard of pristine political morality for too long as he subtly directs some of the blame, but to his credit not all of the blame towards his presidential predecessor.

The energy needed to solve these dire contemporary challenges is paradoxically once more found in the activation of past resources of discourse and historical relevance: "Today I say to you that the challenges we face are real. They are serious and they are many. They will not be met easily or in a short span of time. But know this America: They will be met." (Obama, 2009). To the untrained eye, this fragment appears utterly deprived of any past significance, quite the contrary, it seems to be looking towards the future, yet everything is revealed once we look towards the words of his ideological and political predecessor President John F. Kennedy: "All this will not be finished in the first one hundred days. Nor will it be finished in the first one thousand days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us begin." (Kennedy, 1961). Though the two fragments are not absolutely identical, it is clear that Obama is channelling John F. Kennedy in conveying the fact that many challenges facing a nation cannot be solved instantly through the waving of magic wand. Serious issues, deep wounds require time to heal, to resolve and will never go away on their own. Each journey, no matter how long, begins with a single step, and some problems

are so complex, so complicated that entire generations may have to work across the span of time in order to set things right. Raising this meta-generational awareness, invoking the resources of the past to solve the problems of the present within a predictable future is not only the mark of a true leader and visionary, but also the prerogative of a very skilled and determined political communicator.

Further addressing present, contemporary challenges, President Barack Obama outlines his most diplomatic part of the entire address. The gold standard of every presidential act of communication is that of the unifier, the leader who is above political partisanship and has as a sole purpose the objective to heal and unify a nation, to tear down defences of misbelief and implement a solid paradigm of trust between people with opposite political views. For all intents and purposes, a president can no longer be a simple politician produced by the masses, he or she must perform what Barbuceanu defined as contemporary, global mentoring. Thus “Concentrating on existing times and global struggle, mentoring can make presence dynamic [...]” (Barbuceanu, 2019:50). Therefore, Obama, as the leader of the United States, is dutybound to become a paragon of mentorship and guidance for the entire American electorate. From this perspective, it is counterproductive to have a Republican or a Democrat America, but rather “The United States of America”, to achieve the highly coveted unity in diversity, to find the capacity to help his compatriots celebrate the things that unite them rather than the often-petty elements that seek to divide a nation: “On this day, we gather because we have chosen hope over fear, unity of purpose over conflict and discord. On this day, we come to proclaim an end to the petty grievances and false promises, the recriminations and worn-out dogmas that for far too long have strangled our politics. We remain a young nation. But in the words of Scripture, the time has come to set aside childish things. The time has come to reaffirm our enduring spirit; to choose our better history; to carry forward that precious gift, that noble idea passed on from generation to generation: the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.” (Obama, 2009). The newly elected president uses the importance of his address to motivate his fellow Americans to choose “hope over fear”, “unity of purpose” over “conflict and discord”. In a very skilled manner, he tries to minimise the ideological rifts within society by calling them “petty”, by dismissing them as capricious, counterproductive and incompatible with the progress of society as a whole. As he was a well-respected and appreciated communicative figure among the Democrats, the simple fact that he was uttering this objective meant that the progressive base would accept and try to implement it. Nevertheless, the problem would still stand with trying to convince Republicans of the urgent need of togetherness. This is why, in a master stroke of communicative intuition, he draws in the conservative element of the electorate by referring to the “Scripture”.

The invocation of God and the word of God inside any presidential address is often used to begin and end a speech and has been used to great effect by countless presidential predecessors. Utilising the instrument of spirituality to mitigate political descent represents a personal contribution and communicational intervention from the very eloquent and powerful message generator that is Barack Obama. He invokes the word of God telling the people to “set aside childish things”, connecting not only to the Scripture but also generating an imagery of conflict that is by no means grave or complicated. The contradictions in American society are, according to his discourse, in no shape or form grave, but simply the bickering of immature children who are fundamentally good and wish to grow towards something better, who desire to become

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more than the previous generations before them, to find peace and harmonisation where their forefathers have failed to do so.

Upon completing the parts relating to the past and the future, President Obama is free to be himself and discuss the progressive issues he and his electoral base feel so strongly about. He no longer needs to be diplomatic or carefully plan his words, he can just embrace a dose of healthy communicative partisanship and deal with the importance of future plans and strategies: "And we will act, not only to create new jobs, but to lay a new foundation for growth. We will build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together. We'll restore science to its rightful place, and wield technology's wonders to raise health care's quality and lower its cost. We will harness the sun and the winds and the soil to fuel our cars and run our factories. And we will transform our schools and colleges and universities to meet the demands of a new age. All this we can do. All this we will do." (Obama, 2009). By freely talking about his vision of the future, he is able to specify the very talking points that got him elected by young people and the democratic electorate. He begins in a rather classic manner by underscoring the necessity for jobs and infrastructure, but he quickly moves on to the more progressive talking points having to do with digital development and of course the bedrock, the very foundation of the leftist desire to: "harness the sun and the winds". The green energy dream represents the core idea for the future of the Democratic Party which supported Barack Obama. This strategy, whether successful or not, fourteen years later has not amounted to much, benefits from solid support from the progressive base and represents a sine qua non condition of every aspiring left-wing politician.

In other words, this particular vision for the future is embedded within the communicational and electoral platform of each and every significant politician who is a member of the Democratic Party.

Barack Obama was an impeccable political communicator who managed to draw in a huge following among his fellow Americans. His skilful capacity to anchor his speech within every aspect of the American experience, his ability to draw strength from the past, present and future and the people attached to the issues of those respective temporal constructs, have brought forth concrete results turning him into one of the most popular presidents in the history of the United States. His communicative ability rose to such heights that he actually managed to bring about a sort of ecumenism relating to his personal approach to divinity, to redefine America's connection to God. He brilliantly acknowledges that America was not the same country ethnically, spiritually and religiously, saying that: "We are a nation of Christians and Muslims, Jews and Hindus, and non-believers. We are shaped by every language and culture, drawn from every end of this Earth." (Obama, 2009). He, by no means, dismissed the Christian legacy of America, but he vigorously stated that his country is indeed a religious melting pot where all individuals are protected and free to worship as they see fit without fear of prejudice or repercussions.

The speech is concluded according to the already classic formulation "Thank you. God bless you. And God bless the United States of America" (Obama, 2009), specific to any address formulated by an American president. The invocation of God has normally come to be a trademark of any presidential discourse. This is paradoxical, given the secular status of America, in which the separation of state and religion is one of the strongest principles. However, emotionally and meta-linguistically, a number of spiritual, sentimental affiliations and grievances are activated

overwhelmingly relying on the blessing and protection of a superior entity, especially in the context of the constitutional and religious opinion that America is and always shall be One Nation under God as specified in the American Pledge of Allegiance.

Authors' Contributions:

The authors contributed equally to this work.

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ORIGINAL PAPER

Being a Character in Migjeni's Optic

Rovena Mikeli (Vata)¹⁾

Abstract:

Being a character in Migjeni's optics means being pulled to pieces by him, both mentally and spiritually. Migjeni was a psychologist for suffering souls. He was brave enough to construct such characters in his works. Migjeni also dared a lot when he wrote the Cubi's kiss (Albanian: *Puthja e Cubit*). In this story, he narrated in detail "the emotional explosion and physical desire for sexual intercours" of a 17 years girl named Dila – a character constructed by him.

Migjeni also dared a lot when he constructed the character of Nushi, a man educated under the censorship of his authoritarian parents and traditional principles. The character of Nushi realized of being surrounded by a stifling environment, for the sake of some society rotten mindsets, which "flourished" at the expense of completely powerless human beings. Besides Nushi, Migjeni was able to create many other figures. Migjeni's characters grew up in a space similar to a miniature.

Through the examples described above this article aims to elaborate a theoretical approach in regards to some social issues and their reflection in everyday and traditional life that prevailed in Northern Albania.

Keywords: *Woman; highlander; beggar; misery.*

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Introduction

"We don't need world masterpieces. We need writers who can reflect the reality of our life, the ones who see without curtains, without fear (Migjeni 2002).

Being described as a "hurricane" in Albanian literature, Migjeni was an author who removed the cover of social wounds that prevailed over the life of Northern Albanian inhabitants. Migjeni's appearance in Albanian literature was just the appearance of Jesus in the heart of Christian believers. Thus, Migjeni was a precious asset in Albanian literature who "honoured Shkodra, Albania, Balkans and Europe" (Zeqo Moikom 2011).

Migjeni's prose was known for its wide range of topics. The life of the Albanian village, particularly of a highland village, occupies a specific position in Migjeni's prose. (Sinani Shaban 2019).

Migjeni appeared in Albanian literature as a volcanic "Eruption" and disappeared as an "earthquake tremor" as a result of the famous disease of that time – tuberculosis. This disease physically defeated the northern writer, but he left an outstanding legacy in the history of Albanian literature.

Migjeni was both a predictor and a victim; he was subject to what laid in his creations. Thus, Migjeni's creatures were a fortune predicted by him. Migjeni is an extraordinary writer in Albanian literature in terms of original treatment of phenomena and creations of immortal characters in time, so we may soundly ascertain that Migjeni's characters are as immortal as the world masterpieces.

Migjeni was a detailed observer of social wounds in which the characters he created found a proper environment for actions; he involved these characters into the spectrum of psychoanalytic studies. In his verse Migjeni stated:

*"I am suffering along with a child whose parent does not buy a toy,
I am suffering along with a young man who burns in eroticism,
I am suffering along with a fifty-year-old man who drowns in the apathy of life,
I am suffering along with an old man who trembles fear of death,
I am suffering along with a farmer who fights the land,
I am suffering from a worker who was suppressed by iron..." (Migjeni 2002).*

Migjeni was very sensitive to social phenomena, human injustices and above all to extreme misery. This was evidenced through a letter that Bojka addressed to Olga, both Migjeni's sisters, where she said that Migjeni was suffering due to social injustices, but anyway he never become a pessimist. Through his optimistic smile, he was looking for another new smile, he was looking for the new man, he was looking for the "Superman" to wake up from the spirit of centuries, and the will that calls knows how to suppress, and addresses to them:

*"Hey, repressed wills...
Hey, repressed wills..." (Migjeni 2002).*

According to the researcher Moikom Zeqo, Migjeni bore all concerns from the most insignificant ones to those that arose into a big problem, the life-destroying ones (Idrizi Rinush 1992).

Migjeni's pen remained factual, through two genres – poetry and prose – his discourse can be compared with the world literature. First of all, Migjeni belongs to himself, whereas the personality and individual creativity are applied to the national cause (Raifi Mensur 1979).

Through his literature, Migjeni reflected not only the reality, but as a psychologist of details, he elaborated them one by one, identifying them as a social

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phenomenon, as a loss of identity, as a spiritual pain and as lack of love. His characters are easily recognized as Migjeni's characters in Albanian literature.

Any new reading about Migjeni offers new dimensions of understanding, undiscovered substrata of world ideological values to which his characters refer, which are also related to the time and later historical and cultural times (Kryeziu Resmie 2004).

The core of his prose treated the *Man*, doubting on his being and seeing the human personality doubled. This can be illustrated by the following word: *De jure he became Socrates, but in fact he was just a pig* (Migjeni 2002).

This was the concept of Migjeni about the *Man*. But according to Migjeni, the *Man* itself was in dilemma as to which alternative to choose, that of Socrates or the pig.

Through this story, Migjeni calls the *Man* to preserve his human dignity at the end, but anyway, the *Man* still cannot go beyond his frame of thought and action.

Sometimes the Man cannot hide the qualities of a pig and is presented as actually, he is (Migjeni, Vepra: 2002).

Koco Bihiku, a scholar that studied Migjeni's works stated: *through the Socrates Migjeni forcefully hit the hypocrisy as a harmful defect of human nature* (Bihiku Koço 2004).

Migjeni elaborated the nakedness of reality and over it created his characters that reflect wounds, wounds and only social and spiritual wounds.

Migjeni's works mark a living and immortal matter of Albanian culture. It stands out as one of the greatest national treasures (Zeqo Moikom 2011).

Migjeni constructed such characters mainly in his novels: Novels of the northern city (Albanian: *Novelat e qytetit të veriut*). Migjeni completed these novels at the end of the year 1936, but they were printed only in the year 1944, after his death.

The scholar Nathalie Piégay-Gros in her work "The poetic of intertextuality" stated: *Based on the reference that a character may make over the work, the narration when putting into the scene the readings of the same character, give you an example on psychology, shadow and persecution, but also the knowledge, cultural ability and hence, through a sociological standpoint, or its belonging towards a given environment* (Piégay-Gros Nathalie 2011).

The characters in Migjeni's optic have a common point as they live in a common environment. Their eyes look at the sky and they beg; they have only names because Migjeni was their last name:

1. – A highlander woman (Albanian: *Malsorja*), story: "Do you want coal, sir?" (Albanian: *A do qymyr, zotni?*)

The highlander becomes concerned about her way back to the mountain. She was looking at the sun, as it was moving towards the west. How she could go back home when darkness falls? In fact, she was not afraid of hobs or animals, but... she would not be afraid if she was old... she remembers two or three cases when she was chased and she was not aware what they wanted from her..." (Migjeni 2002).

2. – Luli, story "Little Luli" (Albanian: *Luli i vocërr*)

The character of Luli symbolized misery, poorness and extreme poverty. Through the character of Luli Migjeni not only wrote about poverty but also within the word "misery" he gave some shocking impacts of the age when he lived:

Misery – a piece of food, misery – seal, misery – mature child, misery – a flame of desires, misery – libido, misery – eye light, misery – polishing page, misery – indelible stain, etc. That is the way Migjeni talks about the misery; he suffers within the misery and explains all phenomena within it.

“When Luli enters into the schoolyard, he smiles a little but doesn’t talk to anyone. He walks slowly, looking on the right and left, but he still walks until he reaches his destination. He likes to stay just in front of the school path. That is his target, enjoying the sunshine warm of the autumn. Luli leans against the wall, put his small fingers in the pockets, brings her red nose from the cold towards the morning sun and ...he looks. What most attract his attention are boots worn by some of his friends. How beautiful they are! How they shine! – thinks Luli and suddenly his eyes go through his balloons, through which the five fingers of the barefoot are seen well” (Migjeni 2002).

3. – The beggar, story *“God bless you”* (Albanian: Zoti të dhashtë)

Migjeni’s bagger

“The beggar must get something. He leaves one door and enters into second, third, fourth, and so on, to all the doors of that street. This street is the space of his action for today. Maybe another street tomorrow. The action spaces of our citizens are different” (Migjeni 2002).

4. – Dila, story *“Cubi’s kiss”* (Albanian: Puthja e Cubit)

Migjeni’s Dila

Migjeni didn’t shorten the life of spring flowers by putting them into a winter tent, because the tent does not protect them, but only fades them similar to that of age enthusiasm of Dile’s character, who just has appreciated and became aware of her age.

“How strongly Dila feels her 17 years! When she is conquered by a desire, she put her palms under her head and stretches harder, she feels like her blood was hardly running through her ears and nipples and that makes her requiring more” (Migjeni 2002)

4. – Nushi, story *“Student in the home”* (Albanian: Studenti në shtëpi)

Migjeni’s Nushi

Nushi is a dual character that challenges his conscience. Nushi’s lectures in front of her sister evoked beautiful feelings, but to abandon them as soon as he left the room. Agia cries, but she hides the tears. She suffers, but she hides suffering, she rejoices later... but apart from the fact that she hides her love, she will deny herself and she will kill this secret pleasure. More or less Agia was Migjeni himself. She undergoes a moral metamorphosis, Nushi undergoes an intellectual metamorphosis, as it happens to the skull, whereas their father undergoes a metamorphosis of another kind – from a monster he turns into a screaming singer. From that it seems:

“...the so-called family ideal was based on the interest” (Migjeni 2002).

“I am immoral, the concept I thought – not to say ideological – does not agree with the morality that the society imposed. But I perceive her moral superficially, and on her back, I play the game I wanted to play. Just like I did, hundreds of other people play the same game. Therefore, my friends, if you hesitate to play after your back, please change the form. Remove the brakes” (Migjeni 2002).

At this corpus of characters, even at Nushi, there is no death although it was mostly announced. Nushi could not die. He was educated in the West.

5. – Lukja, story *“A history of one of them”* (Albanian: Historia e njërës nga ato)

Migjeni’s Lukja

The crazy eroticism as a natural power was described by the characters of the story *“A history of one of them”*. Since they were many, or to say differently, they are many of them having a life, bed, same lovers, some worries, same pains, but they have a soul. Very often Migjeni considers Luke as a goddess, an icon or statue presented between gentlemen and students as a tradeswoman, who does not how to advertise her goods:

Being a Character in Migjeni's Optic

"Students got confused, they were talked about, looked at each other, blushed and left. Then Luke burst into laughs, laughed heartily, caught their hands and moved them in her room. Sometimes she quarrelled with them because any of them kissed her naked arm or touched her face, just as a man who laid a crown on the priest of imam has the right to grab his wife" (Migjeni 2002).

Luke is aware of her trade, but the society pushes and coerces her; her death may come either from hunger, misery or poverty like her brothers and sisters in Malesi or she would go mad or die under the lustful power of a big city where she decided to love. Migjeni provided two solutions to the characters of "A history of one of them":

Or so...

Or so... (Migjeni 2002).

Luke's character had no middle way between these two solutions. Between two deaths Luke accepted the farthest one – the career of an inexperienced prostitute or even of a completely innocent prostitute. She was the goddess of her grace she never achieved to possess. But Luke was used to assessing something when she was hurted spiritually, she recalled she was a woman and such she had a reproducing instinct, but her remembrance was late because her instinct was linked with material interests. Perhaps she wanted to reproduce, as reproduces the mother-land or any other live being (Migjeni 2002).

Luke feels pain and sadness. Migjeni built the character of Luke bitterly, hardened anxiously and carved her sadly, along with her career in order to making her part of the insanity that is used to lose crazy people and Luke... Luke was chased by her career.

... Who gives a charity to a former prostitute?! (Migjeni 2002).

6. – Lili, story "*Forgive our daily bread today*" (Albanian: *Bukën tonë të përditshme falna sot*).

"Bread! Bread for Lili! Hey... do you want some bread? When you get bread you will ask then for some butter, some meat and finally a sunny home...

Hey, no! It can't be like that. No! There is no bread!

Bread! Please! Lili died" (Migjeni 2002).

The relation between the concept of poverty and wealth was elaborated by Migjeni in the relation between the beggar and master. The expression: *Lord, Lord, please lord, forgive me something* was repeated over 5 times in the story "God bless you" and it comes as a bell of misery.

This expression was an expression of my city, Migjeni said. Nobody else than the poor inhabitants of this city may spell this refrain better and then added: this melody can be sung only over pavements of my city and it was listened only by citizens of our city (Migjeni 2002).

The appearance of a highlander woman in the city means that Migjeni was the first writer to have brought the literature from the village into the city.

Migjeni reached the peak of his character production with the novel "*Do you want some coal, sir*" (Albanian: *A do qymyr zotni*). The pretty highlander woman was selling coal in the city. Coal means "fire" and the price of coal was in question. In fact, the question was between the price and coal similarly as between the highlander woman and the boy who wanted to "buy". A quick feeling, something just on the eve of an adventure.

"What is the price of the coal?"

Highlander woman moves. She knows him and asked (Migjeni 2002).

She sold coal once and said:

What about 8 Lek?

No... It is expensive ... You either made me angry that day, he said lightly when he was also looking on the right and left side. The highlander woman blushes, she laughed as the coal may laugh. It warms my freezing heart of this poor world in the chimney of the buyer (Migjeni 2002).

Academician Shaban Sinani gave his opinion regarding the prose of Migjeni: Migjeni's prose was known for its wide range of topics. The Albanian village, especially the highland village, occupies a great space in Migjeni's prose (Sinani Shaban 2019).

In our opinion, there is no doubt that Migjeni is an important modernist of Albanian literature and his literature is mostly civic one.

"It can't be forgotten that he changed the Albanian literature. We are all going to pay attention to Migjeni, not just to understand him but to understand ourselves. Migjeni is a literature of the future" (Zeqo Moikom 2011).

Humanity – this time inventor, that is more destructive than a builder of civilizations – is in crisis, both morally, culturally and economically.

"Man against humanity, it means a war in itself, or by other words: revolution!" (Migjeni 2002).

Mankind was no longer inspired, it was converted into the ice where the human cruelty against each other was like the expression: "A man is a wolf to another man".

Conclusion

As said and repeated, without a doubt, any writer is a product of the reality and the place he was born and grew up; it has happened often that the truth, circumstances, love and anxiety of diseases have built a proper and talented writer. If we go back to this study, the situations described above are very tangible in Migjeni's work. The characters he created represents a gallery of catastrophic situations and circumstances.

The conclusions in the stories offer no solution, not even through additional comments that the author provides in the end. Moreover, even in the cases when Migjeni interferes, they only harden the dilemma so, this is the reason why the writer opens alternatives: "Was Socrates a suffering man or a satisfied pig?", or, "or"... , etc.

Migjeni's figures were in deep economic and spiritual misery, they suffered from a lack of love but this doesn't mean that the characters don't love their life, because they die loving their life.

Seen as a whole table these novels have a connecting point. The characters of Migjeni live in the same environment, where the main course of study was to elaborate the phenomena of a woman, mainly of a highlander woman, who moved from the village to the city.

The move to the city, not only of her, demonstrates the abilities of the writer to describe her authenticity, with her nakedness, loneliness and above all – with her boundless misery and poverty.

The characters created by Migjeni break the boundaries of each nature and category, which aim to unite and reunite through love, disregarding the psychology of rumours in the living environment.

Through his characters Migjeni indicates the factors that make him tired but he cannot find an explanation. The song of his characters was deformed by the weight of misery and the force of the Kanun (traditional law). These were two oppressive factors of the life/production of Migjeni and of the reality of the time.

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Luke's character finally divorces the "husband". Nushi advised her sister to avoid being upset about the fact of being pregnant because she may hurt the baby, although his mind continued to elaborate secretly on the identity of the baby's father. Luli entered into the marriage crown of his master, whereas the nun discovered her thoughts in front of God.

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ORIGINAL PAPER

Modern Processes in the Legal Regulation of the Family, Marriage and Divorce

Fisnike Bekteshi Shaqiri¹⁾

Abstract:

Divorce, which most directly affects the family, marriage, spouses, children, the property brought or created in the family, the status of the individual in the society, but also the personal happiness of the people in many ways, from the ancient Rome to the present, is in the focus not only of legal sciences and legislation, but also of psychology, sociology, history, economics, medicine, ie as if there is no sphere of research and thinking that does not deal with divorce.

Positive legal solutions today and finding ways to improve legislation in the future is a difficult task for a young researcher, but the ideas for eventual filling of some legal gaps in the Macedonian legislation governing divorce will have practical value for the scientific and professional public that deals with this issue. Here, too, should be emphasized the similarities and differences between the two legal systems: the Roman as "eternal inspiration" and the modern Macedonian *de lege lata*, *de lege ferenda*.

Keywords: *Divorce; family; spouses; the individual; children.*

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Modern Processes in the Legal Regulation of the Family, Marriage and Divorce

The eighteenth and twentieth centuries are periods characterized by the understanding and legal regulation of marriage as a very important institution that had a great influence in determining the social status not only of the spouses but also of the children. It was considered that the marriage lasted until the death of the spouses and the divorce was treated as an exception that was allowed in strictly provided conditions, ie "the divorce was allowed only for the most serious violations of marital obligations". (Mickovik,, Ristov 2015: 35). Marriage, the status of children and the divorce, were regulated by legal norms. However, the second half of the twentieth century brought significant changes in family law, while Mickovi and Ristov quote Vilekens to highlight new developments reflected in the need for individual freedom, autonomy of the will and gender equality embedded in European countries family law systems that emphasize the equalization of the rights of children from legal marriages and illegitimate children, the legal regulation of the extramarital union and what is especially important for our research is the liberalization of divorce. (Mickovik,, Ristov: 35). So, one of the most important reforms in family law was the reform of the divorce system. Mickovik and Ristov quote Ansel who says: the biggest news is that the only reason for divorce is accepted and that is the failure of the marriage So, the blame for the divorce is removed and several reasons are foreseen for divorce by mutual consent of the spouses, or at the request of one of them. It follows that the will of the spouses is in the focus of the divorce in modern European legislation in the field of family law. But this process of liberalization of divorce has been slow, especially where the influence of the Catholic Church has been dominant in regulating marital and family relations (Italy and Ireland at the latest).

The emphasis of individual freedom and the pursuit for personal happiness, or the pursuit of happiness, are woven into the modern concept of divorce, which begins in the Scandinavian countries, through the former Soviet Union and Eastern European countries, and most recently is implemented in southern Europe, where Italy and Ireland show the most stubborn views under the influence of the Catholic Church.

Divorce liberalization processes have started to be implemented or present in Macedonia as well. It happens very often today a marriage to end in/with divorce. In modern Macedonian law there is a liberal and modern concept of divorce but based on rules provided by law.

Changes in marriage and the family are an integral part of changes in the society, which derive from the changing of moral, religious, ethical and legal values and norms. Liberalism and individualism characterize the value and the moral system of modern society, which is radically different from medieval, traditional society. Liberalism is basically a conception according to which every person is free and has an inalienable right to seek and achieve his/her happiness. According to the dominant value system in modern civilization, the right of man to achieve happiness is considered a natural right that no one can deny or take away. This applies to all areas of the social system, including marital and family relationships. According to Freed and Foster, "modern man differs from past generations in the way he has won the moral right to seek happiness in marriage" (cited in Michel 125, 210). This is a key transformation, because in the past dominated the concept of marriage according to which family and social interests were in the foreground, and not the realization of happiness and personal desires of spouses. (Mickovik 2008: 247-248).

One of the most significant changes in the sphere of marital and family relations in European countries in recent decades is the dramatic increase of divorces. In the

European Union countries, the number of divorces increased from 170,000 in 1960 to 636,000 in 1993, and in 2006 the number of divorces increased to 1,040,000. During the period from 1990 to 2000, in the countries of Western Europe, the divorce rate (which shows the number of divorces per 1000 inhabitants) was 2.24, in Northern Europe 2.36, and in Southeastern Europe only 0.84. The divorce rate in Serbia was 0.76, in Croatia 0.91, in Slovenia 0.97, in Bulgaria 1.15 and in the Republic of North Macedonia only 0.38. (Kalmijn, 2007).

Some authors believe that modern society and its value system "push" for divorce, unlike in the past when it was the opposite - social norms exerted strong pressure on spouses to maintain marriage at all costs. Individualism and the need for personal fulfillment, independence and autonomy of the individuals are the basic imperatives of modern society.

The greatest danger for the stability of marriage is the constant search for happiness if it is no longer fulfilled in the existing marriage, the realization of which is imposed as an imperative, and every difficulty is experienced as a scandalous need for realization of the most sacred rights (Mickovik 2008: 247-248). Modern civilization is hedonistic and it imposes a conception of marriage according to which the spouse becomes an instrument for achieving happiness and pleasure. If this does not happen, everyone thinks that he/she made a mistake in the selection and has the right to go to the judge and ask for the termination of the contract. In this sense, Badinter (305,15) points out that the politics that prevails in marriage today is all or nothing. According to Badinter, the social, economic, and religious imperatives that favored marital stability are no longer strong; most people today think that it is better to make more attempts with the hope of achieving an ideal community, than to accept a lifelong compromise. (Mickovik, 2008: 248-249).

The key question that arises when analyzing all the listed changes in marriage and family is why they occur; and what are the social, economic and cultural factors that lead to a radical transformation in marital and parental relationships. According to many authors, the most significant change that occurs in modern societies and leads to a radical rearrangement of all aspects of married, family and intimate life is the emergence of widespread social acceptance of individualism, ie giving top priority to the individual and his desires, needs and interests. In this sense, Bawin-Legros says: "The individual becomes the basic cell of society" (Bawin, 2001: 50).

This is an absolute novelty, which is not characteristic of any previous stage in the development of Western civilization. Always and everywhere the individual and his personal desires have been subordinated to the interests of the family, community, church or the state. The ideology of individualism, which advocated the liberation of the individual from all limitations and barriers is not new, it is the result of the Enlightenment philosophy. However, in modern industrial society, the individual was not free and autonomous, despite the existence of a free economy based on market principles and a democratic political system. Analyzing the position of the individual during the period of the Industrial Revolution, Lipovetsky says: "In everyday life, in the fashion of living and in sexuality - individualism was limited in its expansion by ideological armor, institutions, traditional morality and authoritarian discipline." (1997: 187). In this period of European history, the individual was in the background, and he was expected to sacrifice himself in pursuit of "higher interests". Emphasizing the subordination of the individual in the modern period, Touren states that "the morality of

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the modern period is a set of rules to be observed in the interest of society, which can not prosper unless the individual sacrifices" (Touraine 1992: 329).

Individualism, which is accepted in modern society as one of its basic characteristics, according to many authors, is the main reason for the dynamic changes in the family in Europe. According to Cherlin, the acceptance of individualism that occurs in Western countries with the advent of capitalism has led the individual to not seek the meaning and the significance of life in respect for authorities such as the church, family or community (which was characteristic of traditional society), but in the pursuit of personal happiness and contentment, which is largely related to the close relationship with the spouse and the children. Because of this, in modern times the family is closed in terms of community, the importance of religious and customary norms diminishes, the choice of spouse is free, and the nuclear family represents a community in which close emotional ties are established between partners and between parents and children. However, in modern society, individualism does not stop at the threshold of marriage or family; on the contrary, individualism enters the family, destroys the idyllic and harmonious family atmosphere and puts in the foreground the interests and needs of each member of the family. Cherlin believes that individualism has a destructive role for the family because "personal emotional satisfaction and the pursuit of happiness come to the forefront, even if it means conflict with the interests of the spouse and children and leads to divorce." (Jamieson 1998: 35). Elizabeth Badinter also talks about the impact of individualism on marriage and the family, pointing out that putting the individual in the foreground, greatly destabilizes marriage in all European countries. (Badinter 1986: 307).

These changes in marital and family relations in European countries are also happening today in the Republic of North Macedonia. Unlike other countries, ie Western and Northern Europe, in North Macedonia, the family and marital relations are stronger and more significant; the number of divorced people in the Republic of North Macedonia is lower than in these European countries, but under the influence of global processes, the number of divorced marriages has increased in recent years.

Termination of marriage with divorce. Concept and properties of development

Divorce is a legal instrument that puts an end to family relationships arising from marriage. The purpose of marriage is consortium omni vitae. When this spiritual and interesting community is over, cohabitation is a difficult situation or problem to resolve. In these cases it is a matter of divorce (Omari 2010: 223).

Divorce can be defined as a way of termination of a valid marriage during the life of the spouses by a decision of a competent court, adopted in a certain procedure only if there are reasons provided by law. Divorce is a legal way of terminating the marriage, unlike the natural way of terminating the marriage, when the marriage is terminated by the force of law with the death of one or both spouses, or with the declaration of one of the spouses as dead. This definition of the term divorce, provides an opportunity for the following assumptions, ie features: first - that only a valid marriage can be divorced, second - a divorce can be requested during the life of the spouses, third - the divorce is decided by competent court in a procedure provided by law, and fourth - the marriage can be divorced if there are reasons provided by law (Hadzivasilev 1987: 175).

The divorce is still one of the oldest legal institutions, and it was created as a side effect of marriage and disruption of cohabitation between a man and a woman. (Draskic 2009: 138).

Only a valid marriage can be divorced between living spouses. Historically, divorce has existed since the marriage took place. The reasons that led to divorce depended on the way how the marriage was signed. The patriarchal reasons for divorce were mainly expressed by the husband. The earliest period recognizes two main reasons for divorce: adultery and female infertility. Roman law, later recognized divorce by agreement (*divortium bona gratis*) and (*repudium*) as a unilateral divorce. Marriage is still a social fact, not a civil legal relationship. For this reason, divorce is very easy, and a unilateral statement from an authorized person is still sufficient. (Pocuca 2010: 106).

In all modern family legislations, just like in the Macedonian one, the most common way to terminate a valid marriage is divorce. Divorce is a way of termination of a valid marriage during the life of the spouses by a court decision, if the reasons determined by law are met (Mickovik, Ristov 2015: 155). From this definition arise the peculiarities of divorce, firstly - with divorce only a valid marriage ends, secondly - the marriage can be divorced only during the life of the spouses (this is a personal right that does not pass to the successors), thirdly - the marriage can be divorced only by a decision of a competent court, in a procedure determined by law (divorce is a legal way of terminating the marriage) and fourth - divorce can be carried out only if there are reasons for divorce provided by law (marriage is an institution of special social importance, it is not just an institution of a personal and private nature of the spouses, so that it can be divorced only for reasons determined by law).

Marriage may be dissolved by mutual consent of the spouses. If the spouses have joint minor or adult children over whom their parental rights have been extended, it is necessary for them to submit an agreement on the manner of exercising parental rights and duties about the maintenance and upbringing of the children.

The court will make a decision for divorce after mutual consent of the spouses if it finds that they made that consent freely, seriously and unwaveringly (Mickovik, Ristov 2015: 138).

Divorce is a way of terminating a valid marriage, ie the marriage must not be affected by reasons of nullity because if the marriage is null, it is declared null and void and it is not a divorce. Termination of marriage can be carried out only if the spouses are alive. (Balili, et al. 2006: 377,378).

There are a number of different factors that influence divorce in modern civilization. In parallel with the increase of the number of divorces, since the sixties of the twentieth century, a huge number of studies are being conducted in order to determine the causes of this phenomenon.

In all European countries, last decades of the twentieth century come to the liberalization of divorce, the reduction of the impact of guilt during the divorce, and the acceptance of the divorce model based on the failure of the marital relationship. Divorce was accepted in all countries by mutual consent of the spouses, and some countries also accepted unilateral divorce (Viltanen, Gonzales, 2006).

Conclusion

Today, Macedonian family law regulates divorce by mutual consent of the spouses, divorce at the request of one of the spouses and divorce by de facto termination of the marital union for more than one year. All three reasons for divorce are

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conceptually inherited from Roman law. It is especially important that divorce in Roman law, as a legal concept has lasting values, the idea that marriage and divorce should be free as a legal concept created in Rome is woven into further human history to the present.

The reasons for divorce in modern conditions are numerous. Marriage has a multidimensional character (legal, sociological, economic, psychological) and it has gone through a series of changes throughout history. But it has always been considered a permanent relationship, in which descendants are born and raised, and it is the most unsuitable environment for the child care and upbringing. However, in people's lives for some reason the relations between the spouses can be disturbed and their life together can become impossible and harmful both for them and for their descendants. In such conditions, the most desirable solution is divorce and the so-called a good divorce - a divorce without shocks and insults, and especially without the abuse of children born or adopted during the/in marriage.

Marriage is a voluntary union of life between spouses. In the past, the stability of marriage was insisted upon, in which parents were to solve problems and ensure a healthy and stable life for their children, both minors and children whose parental rights had been extended.

Marriage, after the last decade, has undergone major changes that, like an earthquake have affected its whole functioning. The dynamic way of life, the individual and his/her desires are in the center of attention; the search for personal happiness; employment and emancipation of women; individual preoccupation for material well-being and better career have contributed to increasing divorces in the modern world and also in North Macedonia. The number of divorces is increasing rapidly and fewer children are living together with their two parents (promoting the binuclear family or the composite family). Individualism and the need for independence of the individuals, pose a great danger to the functioning of marriage in modern times, thus particularly reducing its stability.

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More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2022 are available on CEPOS official website sections

CEPOS Previous Events. Photo gallery CEPOS Events

<http://cepos.eu/gallery>

<https://www.facebook.com/pages/Center-of-Post-Communist-Political-Studies-CEPOS/485957361454074>

REGISTRATION FEES CEPOS CONFERENCE 2023

Registration fees will be paid exclusively ONLINE. All details at: <http://cepos.eu/upcoming>

Organizing details (Conference location/ organizing details e.g. meals, coffee breaks/ mode of presentation of the papers to be announced in due time)

The registration fee covers:

- * Conference attendance to all common sessions, individual and special panels
- * Conference materials (including the Book of Abstracts of the Conference)
- * Conference program 2023 for all registered participants
- * Certificate of attendance for CEPOS Conference 2023 (offered at the end of the CEPOS Conference 2023)
- * Certificate of attendance for CEPOS Associated Research Workshop (**free** for registered participants attending the workshop). Main topics of the panel:
 - *Policy indexation* of international journals in international databases and services;
 - *Open access* policy of the international journals;
 - *Data and statistics* within an international indexed conference;
 - Use of *online applications* for social sciences research;
 - Methods and *themes of research* provided by CEPOS (2021-2023);
 - *Publication* in an international indexed journal;
 - *Indexing and statistics* for social sciences journals in international databases;
 - *Academic profile* in international databases;
 - RSP Manuscript Submission Guidelines;
 - Publication, editing support and *citation metrics* for social sciences journals.
- * 15 minutes Oral presentation / Poster Presentation for every author and presenter
- * Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques.

Previous publication of the 2012-2021 Conference papers is available at:

<http://ciso1.central.ucv.ro/revistadestiintepolitice/acces.php>

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference.

INTERNATIONAL INDEXING OF REVISTA DE STIINTE POLITICE. REVUE DES SCIENCES POLITIQUES. Revista de Stiinte Politice. Revue des Sciences Politiques is an International Indexed Journal by:

ERIH PLUS

ProQuest

EBSCO

CEEOL

KVK

Gale Cengage Learning

Index Copernicus

Georgetown University Library

Elektronische Zeitschriftenbibliothek EZB

Journal Seek

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Latest international indexing updates 2022 (March 2022) of the *Revista de Științe Politice. Revue des Sciences Politiques* (selective list 2019-2022)

Universiteits Bibliotheek Gent

<https://lib.ugent.be/catalog/ejno1:1000000000726583>

Publons

<https://publons.com/journal/540040/revista-de-stiinte-politice/>

Universidad Carlos III de Madrid

<https://researchportal.uc3m.es/display/revi84334>

Weill Cornell Medicine Qatar

https://primo.qatar-weill.cornell.edu/discovery/fulldisplay?vid=974WCMCIQ_INST:VU1&docid=alma991000575074006691&lang=en&context=L&adaptor=Local%20Search%20Engine

Reseau Mirabel

<https://reseau-mirabel.info/revue/3046/Revista-de-Stiinte-Politice>

Bond Library University

https://librarysearch.bond.edu.au/discovery/fulldisplay?vid=61BOND_INST%3ABOND&docid=alma9930197890502381&lang=en&context=SP

Ghent university library

<https://lib.ugent.be/catalog/ejno1:1000000000726583>

The Royal Library and Copenhagen University Library Service

https://e-tidsskrifter.kb.dk/resolve?umlaut.locale=da&url_ver=Z39.88-2004&url_ctx_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Actx&ctx_ver=Z39.88-2004&ctx_tim=2020-04-11T21%3A23%3A41%02Bo2%3Aoo&ctx_id=&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft.issn=1584-224X&rft.search_val=1584-224X&rft_val_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rft_id=info%3Asid%2Fsfxit.com%3Acitation

Glasgow Caledonian University

https://discover.gcu.ac.uk/discovery/openurl?institution=44GLCU_INST&vid=44GLCU_INST:44GLCU_VU2&?u.ignore_date_coverage=true&rft.mms_id=991002471123103836

Open University Library Malaysia

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

Stanford University Libraries, Stanford, United States

<https://searchworks.stanford.edu/?q=469823489>

Cornell University Library, Ithaca, United States

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https://newcatalog.library.cornell.edu/catalog?search_field=publisher+number%2Fother+identifier&q=469823489

University of Michigan Library,
<https://search.lib.umich.edu/catalog?&library=All+libraries&query=isbn%3A469823489>

Pepperdine Libraries, Malibu, United States
https://pepperdine.worldcat.org/search?qt=wc_org_pepperdine&q=no:469823489

University of Victoria Libraries , Victoria, Canada
<http://uvic.summon.serialssolutions.com/#!/search?ho=t&fvf=ContentType,Journal%20Article,f&l=en&q=1584-224X>
Academic Journals database
<http://journaldatabase.info/journal/issn1584-224X>

University of Zurich Database
<https://www.jdb.uzh.ch/id/eprint/21535/>

California Institute of Technology - Caltech Library
<https://www.library.caltech.edu/eds/detail?db=poh&an=98646324&isbn=1584224X>

Staatsbibliothek zu Berlin
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=STABI_BERLIN&url=http%3A%2F%2Fstabikat.de%2FDB%3D1%2FCHARSET%3DISO-8859-1%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FSID%3D8dda05f3-1%2FSET%3D1%2FSHW%3FFRST%3D1&signature=eBtSKEx2BuW-HASpUsCT39FB3vQpIm6cGAajCH-kz44&showCoverImg=1

Union Catalogue of Belgian Libraries
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=VERBUND_BELGIEN&url=http%3A%2F%2Fwww.unicat.be%2FuniCat%3Ffunc%3Dsearch%26query%3Dsysid%3A7330250&signature=DxcVFwJmO1W4HpEAWW_ERyKR4oiGWXLGFinWk8fNU&showCoverImg=1

The National Library of Israel
http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en_US

Verbundkatalog GBV
<http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2C10%2CB9000%2B%2B%2B%2B%2B%2B%2BCSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3>

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FPPN%3D590280090&signature=OmWA_NLtwvdaOmmye07SUOCEYuDRGtoZqGXIK-vTY10&showCoverImg=1

COPAC, registered trademark of The University of Manchester

<https://copac.jisc.ac.uk/search?&isn=1584-224x>

ACPN Catalogo Italiano dei Periodici, Universita di Bologna

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

Bibliothèque Nationale de Luxembourg

<https://a-z.lu/primop>

[explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L](https://a-z.lu/primop/explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

National Library of Sweden

<http://libris.kb.se/bib/11702473>

Harold B. Lee Library, Brigham Young University

[http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[8&ctx_ver=Z39.88-](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

[2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

Catalogue of Hamburg Libraries

[https://beluga.sub.uni-](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

[hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

Edith Cowan Australia

<https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X>

University College Cork, Ireland

[https://ucc.summon.serialssolutions.com/?q=1584-](https://ucc.summon.serialssolutions.com/?q=1584-224X#!search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=)

[224X#!search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=](https://ucc.summon.serialssolutions.com/?q=1584-224X#!search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=)

York University Library, Toronto, Ontario, Canada

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

The University of Chicago, USA

https://catalog.lib.uchicago.edu/vufind/Record/sfx_100000000726583

The University of Kansas KUMC Libraries Catalogue

<http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields>

Journal Seek

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

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State Library New South Wales, Sidney, Australia,
<http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-224X&searchscope=1&SORT=D&extended=o&SUBMIT=Search&searchlimits=&searchorigarg=i1583-9583>

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

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

Wayne State University Libraries
<http://elibrary.wayne.edu/record=4203588>

Kun Shan University Library
http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

Western Theological Seminar
https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991001225541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&daptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0

Swansea University Prifysgol Abertawe
http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELF_SWA_VU1&reset_config=true#.VSU9SPmsVSk

Vanderbilt Library
https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschaftszentrum Berlin für Sozial
https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2

Radboud University Nijmegen
<https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=>

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Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)

http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736

The University of Hong Kong Libraries

https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic

<https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=0&P1=2&H2=&V2=0&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=0&P4=33&H5=&V5=z&P5=25>

University of the West Library

<https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367>

Elektronische Zeitschriften der Universität zu Köln

https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3edc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Publications

https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University

https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=displayMode%3Dfull&displayField=all&pcAvailabilityMode=true

Impact Factor Poland

<http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques>

Universite Laval

http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-

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8&ctx_ver=Z39.88-
2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000
00000726583&rft.object_portfolio_id=&svc.fulltext=yes

Universität Passau
[https://infoguide.ub.uni-
passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22](https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22)

BSB Bayerische Staatsbibliothek
[https://opacplus.bsb-
muenchen.de/metaopac/search?View=default&oclcno=502495838](https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838)

Deutsches Museum
[https://opac.deutsches-
museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&
View=dmm&Language=de](https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=dmm&Language=de)
Technische Hochschule Ingolstadt
[https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=3
5=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+[2])

Hochschule Augsburg, Bibliothek
[https://infoguide.hs-
augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22](https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22)

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek
Freising, Germany
[https://ffwtp20.bib-
bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=
ffw&Language=de](https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de)

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek
OTHBR, Regensburg, Germany
[https://www.regensburger-
katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&Vi
ew=ubr&Language=de](https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de)

Staatliche Bibliothek Neuburg/Donau, SBND,
Neuburg/Donau, Germany
[https://opac.sbnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002
%22](https://opac.sbnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22)

Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany
[https://opac.ku.de/TouchPoint/start.do?Branch=o&Language=de&View=uei&Query=
35=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=o&Language=de&View=uei&Query=35=%22502495838%22+IN+[2])

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-
Universität zu Berlin
Berlin, Germany

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https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X

Hochschulbibliothek Ansbach, Ansbach, Germany
<https://fanoz3.bib-bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22>

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)
Frankfurt/Oder, Germany
<https://opac.europa-uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22>

University of California Library Catalog
<https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489>

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

<http://ciso1.central.ucv.ro/revistadestiintepolitice/acces.php>

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2022)

CEPOS Conference 2022

The **Twelfth International Conference** After Communism. East and West under Scrutiny (Craiova, House of the University, 18-19 March 2022) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

<https://www.conferenceflare.com/events/category/social-sciences-and-humanities/art-history/>

Vinculation Internacional Diciembre 2021 newsletter n 99
https://issuu.com/fundacionargentina5/docs/diciembre_2021_fundaci_n_argentina-ai_ok?fr=sZjg2NjE5NTg3OTY

<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

<https://10times.com/company/cepos>
<https://10times.com/after-communism-east-and-west-under-scrutiny>

<https://conferencealerts.com/show-event?id=238529>

<https://www.sciencedz.net/conference/82995-cepos-international-conference-2022-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2021

The Eleventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 19-20 March 2021) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

<https://academic.oup.com/jcs/advance-articleabstract/doi/10.1093/jcs/csaa064/5941887?redirectedFrom=fulltext>

<https://conferencealerts.com/show-event?id=229654>

<https://www.sciencedz.net/en/conference/72628-11thinternational-conference-after-communism-east-and-west-underscrutiny>

<https://10times.com/after-communism-east-and-west-underscrutiny>

<https://worlduniversitydirectory.com/edu/event/?slib=11thinternational-conference-after-communism-east-and-west-underscrutiny-2>

CEPOS Conference 2020

The Tenth International Conference After Communism. East and West under Scrutiny (27-28 March 2020) was evaluated and accepted for indexing in 7 international databases, catalogues and NGO's databases:

Scichemistry

<http://scichemistry.org/ConferenceInfosByConferenceTopicId?conferenceTopicId=57>

Oxford Journals

<https://academic.oup.com/jcs/advance-articlepdf/doi/10.1093/jcs/cszo78/30096829/cszo78.pdf>

Conference alerts

<https://conferencealerts.com/show-event?id=215370>

<https://www.sciencedz.net/en/conference/57625-10thinternational-conference-after-communism-east-and-west-underscrutiny>

Intraders

https://www-intradersorg.cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#ah=15737604302246&referrer=https%3A%2F%2Fwww.google.com&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.intraders.org%2Fnews%2Ffromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F

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10 times

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

The conference alerts

<https://theconferencealerts.com/event/46428/10th-international-conference-after-communism-east-and-west-under-scrutiny>

Scirea

<https://www.scirea.org/ConferenceInfosByConferenceCountryId?conferenceCountryId=75>

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State <https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF>

10 Times

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

Conference Alerts

<https://conferencealerts.com/show-event?id=205682>

Researchgate

https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5Bo%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA

The Free Library

<https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTER+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701>

Science Dz.net

<https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

Conference Alerts, <https://conferencealerts.com/show-event?id=186626>

Sciencesdz,

<http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

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ManuscriptLink,

<https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event>

Maspolitiques, <http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny>

Aconf, https://www.aconf.org/conf_112399.html

Call4paper, <https://call4paper.com/listByCity?type=event&city=3025&count=count>
Eventegg, <https://eventegg.com/cepos/>

10 times, <https://10times.com/after-communism-east-and-west-under-scrutiny>

Biblioteca de Sociologie, <http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/>

Science Research Association <http://www.scirea.org/topiclisting?conferenceTopicId=5>
ResearcherBook <http://researcherbook.com/country/Romania>

Conference Search Net, <http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

SchoolandCollegeListings,

<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

Vepub conference, <http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHNoZmpkYU9nTHJzUkRmdz09/>

Geopolitika Hungary, <http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/>

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases: Ethic & International Affairs (Carnegie Council), Cambridge University Press-<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

ELSEVIER

GLOBAL

EVENTS

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

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

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

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Hiway Conference Discovery System-<http://www.hicds.cn/meeting/detail/45826124>
Geopolitika (Hungary)-<http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/>

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

World University Directory-
<http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769>

Science Research Association-
<http://www.scirea.org/conferenceinfo?conferenceId=35290>

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

CEPOS Conference 2016

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

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

Oxford Journals – Oxford Journal of Church & State-
<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>

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

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

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

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

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

World Conference Alerts-
<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>

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

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

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Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>
Science-community.org-<http://www.science-community.org/ru/node/164404/?did=070216>

CEPOS Conference 2015

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

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

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

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

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

10 TIMES-<http://10times.com/Romania>

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

<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>
<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>

NATIONAL SYMPOSIUM-<http://www.nationalsymposium.com/communism.php>
SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>

ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/

CONFERENCE WORLD-<http://conferencesworld.com/higher-education/>
KNOW A CONFERENCE KNOW A CONFERENCE-
<http://knowaconference.com/social-work/>

International Journal on New Trends in Education and Their Implications (IJONTE) Turkey <http://www.ijonte.org/?pnum=15&>

Journal of Research in Education and Teaching Turkey-
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>

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CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see <http://natocouncil.ca/events/international-conferences/>

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA-<http://www.apsanet.org/conferences.cfm>

Journal of Church and State, Oxford-
<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;
NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>

International Society of Political Psychology, Columbus, USA-
http://www.ispp.org/uploads/attachments/April_2014.pdf

Academic Biographical Sketch, <http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism_:East_and_West_under_scrutiny_:_Fourth_International_Conference

Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Politicas y Sociologia, futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.



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On first citation of references with more than three authors, give all names in full. On the next citation of references with more than three authors give the name of the first author followed by “et al.”.

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References:

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

References of the same author are listed chronologically.

For books

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

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

For chapters in edited books

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

For journal Articles

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

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

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Tables and figures are introduced in the text. The title appears above each table.

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Proposed papers: Text of the Article should be between 3000-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.

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