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ORIGINAL PAPER

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Political Change and Democracy Building in Eastern Europe. Rethinking the Theoretical Approaches of Transition

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Abstract: *The main intent of the present study is to focus on the concept of "democratic transition" by briefly analyzing the relation to the historical, political, social and economic theoretical perspective. Finally, the study will analyze the possibility of redefinition of the concept related to the inputs and outputs of the political regime in the transition period. Using the relationship between the historical-level factors, political-level factors and the liberal democracy, the article argues according to the degree of acceptance of various developments and the "political change" in the transition period.*

Key words: *democracy, transition, politics, regime, Eastern Europe.*

The "democratic transition in Eastern Europe", legitimated under the process of democratic consolidation, is now regularly researched by social and political analysts in order to differentiate the "origins of mass support and satisfaction" and to challenge "optimism for speedy consolidation"[1]. For more than twenty years, the specialized literature on democratic transition, practice of democracy and EU integration has prescribed various concepts and theories, methods of research and hypothesis of works that have been used to envisage and explore models for political regime practice and regime.

In recent literature, apart from the current focus on the system-levels structures (economic, social and political), the findings analyze the relationship between "the individual level and objective facts at the system level"[2]. Using the relationship between the individual-level factors and the liberal democracy, Kotzian argues according to the degree of acceptance of economic developments and the "regime performs" in economic terms[3].

Furthermore. Careja and Emmernegger challenge the hypothesis that connects democratic political attitudes, the migration experience, domestic institutions and the trust in EU institutions[4]. Examining bilateral and multilateral landscape of Central and Eastern Europe, Rupnik focuses on the "prevailing linear reading of democratization that has been applied to East-Central Europe over the last two decades". For the same author, there is an "interesting interplay" between the primacy of the constitutional order and the economic liberalization implying the "institutionalization" of democracy and the institutionalization of the party system[5].

For the past twenty years, Eastern Europe and European Union began to confront and experience the process of "enlargement". In his study dedicated to EU accession of Central and Eastern Europe. Kristi Raik explores "the indirect impact of EU integration on the Eastern applicant countries by exposing the underlying logic of enlargement and analyzing the implications of that logic for democratic politics"[6]. The author also argues the exercise of "principles and norms" in the enlargement process and democracy promotion. Like any empirical analysis focused on democracy and integration, the processes of transition and EU integration point also "new constraints on the functioning of democracy" and to "the limits of enlargement".

At this point of the discussion, much of the specialized literature examines the relationship between the nation-building strategies and the re-establishment of the democratic regime in the former communist countries.

In this direction, Duvold and Berglund use "the territorial attachment to tap the sense of political community" in the three Baltic States: Estonia, Latvia, and Lithuania[7]. The authors wonder if "can we envisage solid support for democracy and its institutions in the absence of a cohesive political community?" Focusing on survey data collected during the process of transition, Duvold and Berglund agree that the "regime support is not contingent on territorial identity".

Moreover, Antal Visergrády focuses on the main peculiarities of the "historical development in the societies of Central Eastern Europe". His analyses agrees that the relationship between the "revolutionary political changes" and "the world of democracy" reflects major changes "witnessing a radical turning point in Central and Eastern Europe". In many aspects, the Central Eastern Europe model of democratic transition turned out to be a changes for scholars paying special attention to the new "developments of the political system and political culture" such as: "the history, development, present state, and future of democracy, the rule of law, human rights, constitutionalism, and civil participation and disobedience in Central-Eastern Europe"[8] For the author "a detailed analysis will only be possible from a historical distance" (for a comparative analysis of democratic transition based on historical interpretation see Table 1. Institutional variations in the transition process (historical interpretation).

**Table 1. Institutional variations in the transition process
(historical interpretation)**

Author(s)	Institutional variations in the transition process (focus on EU accession and integration)	Political system inputs (extents)	Political system outputs (extents)
	Historical Support		
Pamela Waldron-Moore	Depending on the challenge of "optimism for speedy consolidation" of democracy.	The origins of mass support and public satisfaction.	Focusing on the democratic transition in Eastern Europe
Peter Kotzian	Depending on the relationship between the individual-level factors and the liberal democracy.	The analyze of the relationship between "the individual level and objective facts at the system level".	According to the degree of acceptance of economic developments and the "regime performs" in economic terms.

Kjetil Duvold Sten Berglund	The use of "the territorial attachment to tap the sense of political community" in the three Baltic States: Estonia, Latvia, and Lithuania.	Focus on the cohesive political community.	A new regime support in the transition period.
Antal Visegrády	Focus on the main peculiarities of the "historical development in the societies of Central Eastern Europe".	Special attention to the new "developments of the political system and political culture": the history, development, present state, and future of democracy, the rule of law, human rights, constitutionalism, and civil participation and disobedience in Central-Eastern Europe"	Focus on the revolutionary political changes.

But what role transition plays in the candidate countries to EU integration? The question of transition and politics is the same as the question of democratic transition and rule of law-building? Is Eastern Europe in Europe a story of "measuring democracy"?

Daniel Treisman explains the extent of political change in Eastern Europe since the fall of the Berlin Wall by "measuring democracy" and "compiling cross-national indexes of democracy" with variables which "reflect characteristics of the countries that were strongly correlated with geography and more or less fixed at the start of transition"[9].

This application correlated with history and geography at the start of transition involves "a general model of institutional analysis". Schmitter and Guilhot argue that a regime analysis has to be "defined by the rules which determine the form of governmental institutions, the channels and conditions of access to these structures, and the way in which decisions are made, as well as the extent of the population eligible to participate in these processes"[10]. However, the distinctive finding of the theory of political regime change in transition is to determine "the sequence and the dynamics of institutional change".

Juan J. Linz and Alfred Stepan explore the definitions and political implications of the "completed democratic transition" and "consolidated democracy". The authors establish the definition of the "democratic transition" arguing that the political and the political arenas is one of the most important arenas for the "overall quality of

democracy": "a democratic transition is complete when sufficient agreement has been reached about political procedure to produce an elected government, when a government comes to power that is the direct result of a free and popular vote"[11].

In this political setting, Linz and Stepan distinguish between liberalization, democratization, values, social movements, political society, institutional routinization, intermediation between the state and civil society, economic society, free public contestation, public goods, governmental priorities and policies etc.

Initially precautious because of communist legacy, Eastern European transition announced a rethinking of the concept of "embedded democracy" or "democracies at risk" from the analysis of political structures and EU integration dream. After the fall of communism, these two concepts "of embedded and defective democracies" look at the civil society and institutional reforms by dealing with the relationship of welfare state efficiency and behavior consolidation that aRE independent of each other. Here the concept of democratic transition and electoral democracy is quite valid and it prevents the establishment of defective policies that would dominate and guide over others[12].

Sharon Wolchik and Jane Curry consider that the creation or the re-creation of the "democratic political institutions, values, and practices" involve dealing with "the establishment of a multiparty system, the repluralization of associational life, and the recruitment and training of new leaders"[13] (for a comparative analysis of democratic transition based on historical interpretation see Table 2. Institutional variations in the transition process (political interpretation).

Table 2. Institutional variations in the transition process (political interpretation)

Author(s)	Institutional variations in the transition process (focus on EU accession and integration)	Political system inputs (extents)	Political system outputs (extents)
	Political support		
Romana Careja, Patrick Emmenegger	The challenge of the hypothesis that connects democratic	Depending on the democratic political attitudes, the migration	Depending on the level of trust in EU institutions.

	political attitudes, the migration experience, domestic institutions and the trust in EU institutions.	experience, domestic institutions.	
Jacques Rupnik	Focus on the "prevailing linear reading of democratization that has been applied to East-Central Europe over the last two decades".	The primacy of the constitutional order and the economic liberalization	The "institu-tionalization" of democracy and the institutionalization of the party system
Kristi Raik	The indirect impact of EU integration on the Eastern applicant countries by exposing the underlying logic of enlargement.	Depending on the exercise of "principles and norms" in the enlargement process and democracy promotion.	Depending on the new constraints on the functioning of democracy" and to "the limits of enlargement".
Daniel Treisman	"Compiling cross-national indexes of democracy" with variables.	A general model of institutional and structural analysis.	"Measuring demo-cracy" "compiling cross-national indexes of democracy".
C. Schmitter Nicolas Guihot	Primarily determined by the rules which determine the form of governmental institutions and conditions.	The determination of the "the sequence and the dynamics of institutional change".	The new form of the of the governmental institutions.
Juan J. Linz Alfred Stepan	Depending on the completed transition phases.	Focusing on the liberalization, democratization, values, social movements, political society, institutional routinization, intermediation between the state and civil society, economic society, free public	The "overall quality of democracy" focusing on the political procedure to produce an elected government.

		contestation, public goods, governmental priorities and policies etc.	

In conclusion, we can argue that all these empirical analysis of focus on both a political, historical, social and economic interpretation[14]. In this direction, the study redefines the concept of "democratic transition" related to the inputs and outputs of the political regime and the institutional variations in the transition period based on a political interpretation as follows: *political system inputs (extents):* democratic political attitudes, the migration experience, domestic institutions, the constitutional order and the economic liberalization, the enlargement process and democracy promotion, social movements, political society, civil society, economic society, free public contestation, public goods, governmental priorities and policies etc. and *political system outputs (extents):* the "institutionalization" of democracy and the institutionalization of the party system, "measuring democracy" and "compiling the cross-national indexes of democracy", the new form of the governmental institutions, the political procedure to produce an elected government.

Proving to examine the main fundaments of the reappearance of the democratic policies that dominated the process of accession and integration: efficiency, responsibility and expertise, political and judicial reform[15], the studies suggest a common and cohesive political community with various extents: ethnic pluralism, social building, political constraints, economic-building policies, ethical values, strategy and transparency in public management[16].

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ORIGINAL PAPER

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Institutionalization of the Political Parties: New Legislative Framework after 1989

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Abstract : The fall of Communism in 1989 has led to the re-appearance of multiparty system in Romania. For its organisation and functioning a series of decrees and laws were adopted. Multiparty system in Romanian society is both a condition and guarantee of constitutional democracy.

Keywords: Communism, decrees, laws, multiparty.

After the fall of communism regime in Romania, the tradition of the multiparty is resumed at the end of the year 1989 by the Decree no. 8 from December 31th, 1989, decree which established the legal framework of the political pluralism. The Decree-Law no. 8 from December 31st concerning the registration and working of the political parties and community organizations from Romania[1] published in the Official Gazette no. 9/ December 31st, 1989 issued by the National Salvation Front Council, specified in article 1 "In Romania the formation of political parties is free, except the fascist parties or those that propagate conceptions contrary to the state and law order in Romania. The formation and working of political parties cannot be enclosed by any reason of race, nationality, religion, culture grade, sex or political convictions". The decree was also establishing the conditions for judicial recognition of a party; to present the organizational and working rules, the political program, to declare the registered office and the financial means that it disposes of and to make the proof that it has at least 251 members[2].

The year 1990 knew a true inflation of parties on the political stage due to the fact that the decree foreseen only 251 members for a formation to gain judicial personality. The first parties have been registered in January of 1990, until the end of the same month being already registered 30[3], so on the election date from May 20th, 1990, there were already registered 88 political parties[4]. Numerous modalities to define the political formations registered in the Romanian electoral competition appeared together with the classical denomination of "party" in Romania. Next to the denomination of "party", there appeared other 14 labeled, which vary from "union", "alliance" and "association" until "pole" and "solidarity"[5].

In this way, the parties were the first political institutions which appeared together with the fall of the communism and can be classified in three types: successor, reborn (historical) and new appeared parties, each with relevant characteristics[6].

"The parties – P.P. Negulescu specified – arise through the citizens' group in different political organizations, after their ideas concerning the direction that they must follow, the development of the respective state and the most adequate means to relieve and hurry up that development. There are other reasons that can push the citizens towards a party or another, in practice"[7].

However, the parties represent important factors of power and political activities. Characteristic for any political party is the existence of an elaborate program based on an ideology, according to which the

typology, functions, structure, strategy and tactic of the respective party are established[8].

The principal of political pluralism was also included in the new Constitution of post-December Romania entered into force after its approval through the national referendum from December 8th, 1991. Article 1, intended line 3 from the Constitution, stipulated "Romania is a law, democratic and social state, in which the person's dignity, citizens' rights and freedoms, justice and political multiparty represent supreme values, in the spirit of the democratic traditions of the Romanian nation and the ideals of the Revolution from December of 1989, and are guaranteed". In this way, the Constitution established a pluralist democracy with a bicameral parliament elected for four years through universal vote, led by the president of the Republic chosen for 5 years also by universal vote. The pluralism in the Romanian society proved a condition and a guarantee of the constitutional democracy, and the political parties are going to be constituted and are going to develop the activity in the conditions of the law, contributing to the definition and expression of the citizens' political will, respecting the national sovereignty, territorial integrity, rule of law and the principles of democracy[9]. The endorsement of the new Constitution signifies the rightful establishment of a new political order in Romania.

Due to the fact that the Decree-Law no. 8 foreseen only 251 members for a political formation to gain judicial personality, the period 1990-1996 has known a true inflation of political parties on the political stage which led to the abrogation of the Decree and its replacement with the Law no. 27/ April 26th, 1996, published in the Official Gazette no. 87/ April 29th, 1996.

The new law stipulated at article 1 that "the parties are associations of the Romanian citizens with right to vote who freely participate in the formation and practicing of the political will", which "promote the national values and interests, as well as political pluralism, participating with candidates in elections". The law of the political parties no. 27 from 1996 substantially modifies the registration conditions of the parties. Article 17, intended line b had foreseen: "the document of constitution together with the lists of support signatures had to be of at least 10.000 founder members, resided at least in 15 of the counties from the country, but not less than 300 in each county, accompanied by a certified statement of the head of the party's executive concerning the authenticity of the signatures".

A new clause was the one from the intended line c of the article 17: "the lists of the party members from the county organizations or the

municipality of Bucharest, necessary to register the party, will contain the surname, father's initial, first name, year of birth, domicile, identity card, and signature".

The organization and working of the parties "only on territorial base" (article 2) from the Decree-Law no. 8/1989 is going to be kept and in the Law no. 27/ 1996 which introduces the specification of the "administrative and territorial" character (article 6 intended line 1), of the organization and working criterion of the parties, judicial restriction which tends to prevent the organization of the parties that integrate after the criterion of the place of work, typical to the communist parties. These basic elements of the party are named sections or branches, a second denomination accredits the idea of the autonomy which the territorial organization enjoys towards the power center at the level of the party[10].

The Law no. 27 had, at least from the formal point of view, a powerful reductionist effect over the existent political parties: until the date specified by the law, respectively September 15th, 1996, there have been laid down 51 petitions for the re-registration in the Law Court of Bucharest, from which 8 were rejected, so only 43 political parties have obtained the official recognition[11].

This law is going to enter into force until February 28th, 2003 when it was replaced by the Law no. 14 from 2003. The new law of the political parties from 2003 has raised the minimal number of members according to article 18, intended line 3 to at least 25 founder members, resided in at least 18 counties of the country and the municipality of Bucharest, but not less than 700 persons for each of these counties and municipality of Bucharest. This law also disposed a new official census of the political parties, which led to the diminution of the number of registered parties.

In this way, on January 01st, 2010, after 20 years of post-communist multiparty, 37 political parties and 2 political alliances[12] were registered in the Law Court of Bucharest.

The law foreseen in article 27 for a more correct record of the parties that "the political parties were obliged to update the membership lists in each pre-electoral year, by respecting the demands foreseen in art. 19, intended line 3 and 4. The updated lists had to be laid down in the Law Court of Bucharest until the date if December 31st of that year".

Chapter VI from the Law 27/ 1996 was abrogated by the Law 43/ 2003 concerning the finance of the parties and the electoral campaigns,

having as aim the insurance of chance equality in the electoral competitions of the parties.

The number of political formations that have participated in the parliamentary elections along the 23 years, from the first free elections have diminished along with the increase of the legal electoral threshold from 3% to 5%, and the adoption of other conditions, as well as the impose of a certain number of supporters or of a money deposit in order to lay down candidatures. A stabilization of the political stage was also produced from the ballot from 2004, because no new party entered in the legislative[13].

The evolution of the political system in Romania was a sinuous one after December of 1989. Numerous political parties which appeared in the year 1990 have disappeared, while others have consolidated the position. The political pluralism in the Romanian society is a condition and a guarantee of the constitutional democracy. The parties contribute to the definition and expression of the citizens' political will, respecting the national sovereignty, territorial integrity, rule of law and the principles of democracy. Political pluralism and multiparty are recognized by the Constitution of Romania.

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ORIGINAL PAPER

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The Identity of Albanians in Macedonia and the New Religious Movements

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Abstract: Nowadays, the issues related to identity in modern societies are imposed at large. As a consequence of changes in the era of information society, we have been witnessing various different debates related to the identity of the postmodern individual. Also, social mobility and multimedia have influenced new identities as well as their clash and mixture. This paper will elaborate the issues of those that are similar to us, i.e. those that our "ours" and the others who are not like us, i.e. "the others". Thus, the community, which we belong to, in some of its aspects, occasionally expresses the worries about the threats against our identity. This call or alert makes people think that they are threatened and endangered by the others. This fear, often individual, is expressed as a collective issue in terms of the ethnicity, language, state, etc. This is how an undeclared war against the others is begun. In people overwhelmed with nationalism, this is articulated as a war against the enemy. Maloouf (2005) says that identities are different and even the one whom we consider as "ours" is shared with the "others". Language, ethnicity, culture, history, and territory make up an identity, which is different from another one. In recent years, Albanians in Macedonia have a tendency of joining various different Islamic organizations and sects. The issue is whether this increasing tendency influences the national identity of Albanians. Through a scientific research, with the help of statistical indicators, we will attempt to elaborate this phenomenon.
Key words: identity, enemy, ours and theirs, Amin Maalouf, religious movements, Albanians

Definitions of identity

There are different definitions of identity and today it has become a very complex and fluid issue. However, despite globalization, national identity today is the most encompassing, important and exposed collective identity. In recent years in Europe, there has been a reemergence of nationalist parties, which quite often include in their platforms the element of national-romanticism, the return to nation, history and xenophobia. Maalouf (2009, pp. 18-19) says that in the past the debate on ideologies prevailed, whereas today the differences are mainly related to identity. He says that this debate has always been hot and everyone claims their affiliation against the others. Today, opponents have very little common references. The function of national identity is the inclusion of the modern individual in a newly-formed community – the nation. This is the discovery of emotional content and a cultural framework for political action as well as existential support for the world and the individual in whom traditional forms of community have already been transformed. On the other hand, this situation is somehow confusing and tense seen from the aspect of interethnic, religious and racial tolerance. The free society and post-modernism is gradually making people as citizens of the world. Anthony Giddens class it a re-systematization of time and social relations among people in modern societies (Giddens, A. 1997). We are witnesses that the French national football team consists of more Negro players than white ones. In the past our ideology and imagination were such that imposed on us the fact that the French should be those that would defend their national football team colors, i.e. the whites and Christians. However, today the French nation consists of Moroccans, Angolans, Mauritians, Berbers, Copts, Armenians, etc. This is toady's French nation, created by the industrial capitalism – development of the industry, urbanization, trade and communication among cultures, civilizations, etc. The above-mentioned approach will be proved with an old saying. Seneca (Seneca, 1987) thinks that the border of our nation should be measured with the sun. The chance of being born in a certain country does not directly depend on us. This is why the Stoics say that we should not allow differences in nationality, class, gender, or ethnic affiliation raise borders between us and the others. In their opinion, the human being is in the first place and as such it should be identified and respected as the highest moral value. However, the issue of how people of mixed identities who have inherited their ethnic origin, religion or

language as a collective memory feel has always been imposed on us. How do they react against cultural values in another environment where they have come to live and work? All of this diversity seen from the aspect of the identity complexity should be considered as advantage. The case of America, where everyone is American and as such comprise that nation, shows that their identity is partially African, Arabic, European, Hispanic, Indian, Korean, etc. Cities such as Marseilles, Singapore, London, Paris, Kuala Lumpur, etc. are typical examples of a successful cohabitation among different mixed identities.

Theories of identity

We can today speak about a pluralism of identities. According to Oxford dictionary identity is the fact of being whom or what a person or thing is. In the Identity Theory (Burke, J.P,Stets,J.E.2009) make the question of what it means who you are and what you are. Identity is a series or a set of notions and meanings that define a person who plays different roles in the society and as such, he has his own features and peculiarities that make him different from the others. People have multiple identities, since they have different roles in the society; they are members of different groups with different ideals and needs; they also have different personal characteristics that they share with the others in the society. The theories of identity attempt to explain how these multiple identities influence people, relations with other group members, professions, people's attitude, opinions and emotions. Cooley (1902) also speaks about identities. He says that the individual and the society are two sides of the same coin. Ackerman Laurence makes eight initial questions in order to find the code of identity. They are as follows:
- "Who am I?
- What makes me special?
- Is there a pattern of my life?
- Where am I going?
- What is my gift?
- Whom can I trust?
- What is my message?
- Will my life be rich?"
(Ackerman ,L. 2005, p.17-18) .
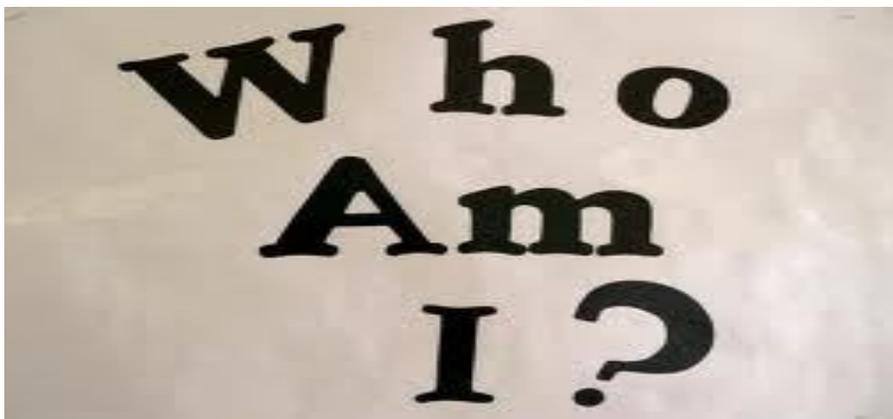
Source: Google search.com

Identity according to Maalouf

Amin Maalouf in his well-known work "Deadly identities" talks about many things related to the identity of the modern person. At times when people live more than ever outside their place of birth, quite often thousands of miles away, their identity issue becomes quite complicated. However, in order to relate the subject with the reality of my birthplace, I will provide an example. If we case analyze the situation in Macedonia, in my birthplace, I recall that many of my peers from high school went to work abroad, i.e. Denmark or Switzerland. Their children today speak Danish or German with their brothers and sisters, with their friends, etc. and they speak very little of their mother tongue only with their relatives from the country of origin.

Amin Maalouf asks about his own identity as an Arab, a Christian born in Lebanon and currently living in France; he has been living in France since the age of 27. He is active in France and writes in French, in a completely different cultural and administrative-political setting. This means that he has an Arabic identity in himself (Lebanese) and another one, too, i.e. French. Whichever case we dwell on, we have to face the issue of a complicated identity – born and the acquired.

Classification of identity

Many theorists have worked on the issue of identity, especially at times of globalization when it has largely been actualized. Most of them would agree that identities are different and changeable, and whatever we may consider as ours, we will eventually have to share it with the others; therefore, language, ethnicity, culture, religion, common past,

territory form an identity that differs from another one, which does not correspond with the language, ethnicity, culture, religion, and common past of the former. Those who are similar to us are "ours" and those who are not, are "theirs". This is how two opponent groups are formed and as such, they develop undeclared (sometimes even declared) wars against each other. Those who prove themselves as the most combative, become leaders, patriots, whereas the others who claim to be more moderate are quite often labeled as traitors, finks, etc. Identity is not given once and for all. It is upgraded and developed in life. Amin Maalouf says "what is considered *tabula rasa* in relation to identity is that the person is born with natural characteristics including certain characteristic signs, birthmarks, color, gender, etc...."(2005,p-17-21). Even those are not identical in people. Many circumstances are influential when it comes to the formation of gender identity in kids. It is not the same to be born as a female in the US, Sweden, Nepal, India or Tanzania. Also, it is not the same to be born with a certain color in New York or in Africa. It is not the same to be born in India or Nepal as *untouchable,* or as a Brahman. According to the English, Irish, Albanians, etc. the ethnic background should determine the identity. For the Hindus, it is the casta that determines the identity, for the Arabs it is Islam (according to whom all Muslims are brothers).[1]
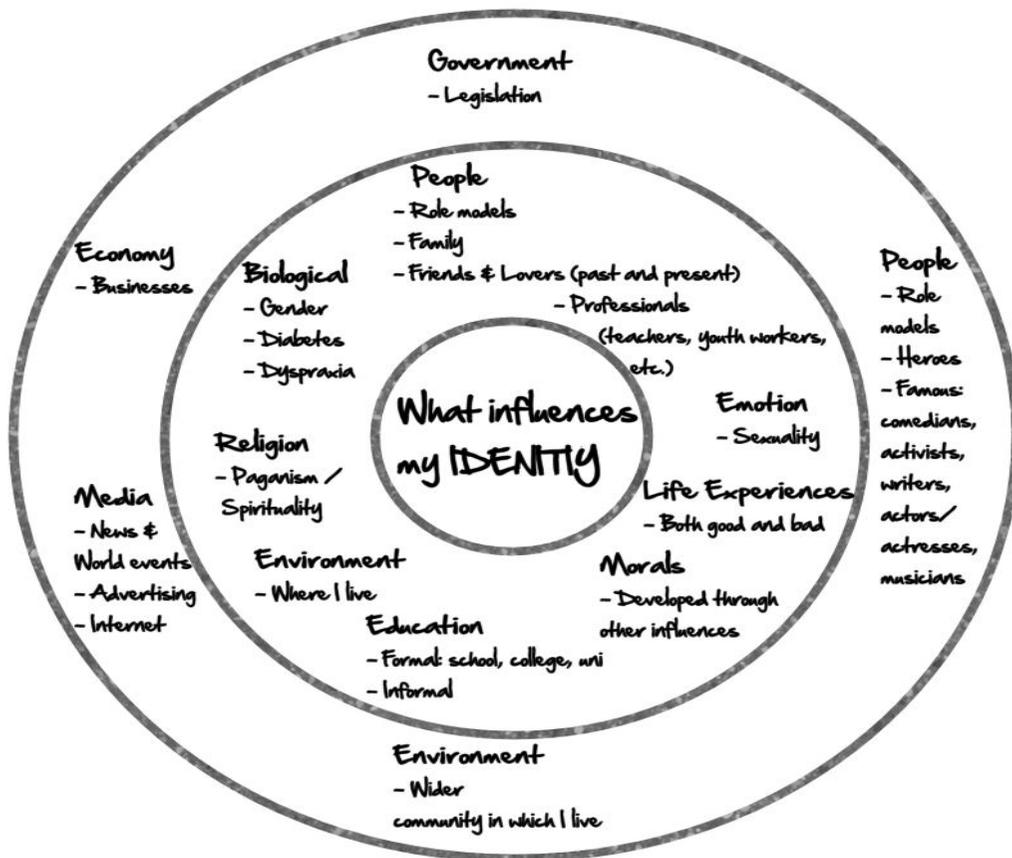
Source:
https://www.google.com/search?q=identity+image&espv=210&es_sm=
93&source,19,16,hr 12.12.2013

**Clash of identities in former Yugoslavia. In the name of
identity**

If the community we belong to is somehow threatened or
endangered, it pushes people to some bizarre extremes: if they think the
others represent a threat against them, then whatever they may do on
behalf of self-protection is justifiable: massacres, rapes, violations,
concentration camps, massive graves, genocide, deportation, ethnic
cleansing, etc. This is justified by the fact that this is done in order to
protect ones' families, relatives, nation, territory and state order.
However, this mess cannot be done without other's approval who offers
support and logistics for this to happen. That is why Milosevic created a
war atmosphere for several years by saying that Serbia is not equal to
other republics, that Serbia should expand to the last Serbian grave

wherever it might be, that Kosovo is in the hands of Albanians and that it is a place where Serbs are beaten and prosecuted, that Bosnia is not a Muslim but rather e Christian land, etc. The feeling that the war is made for the Serbian hearth, for the core of Serbian culture and religious heritage of the Serbian church in Kosovo, made it possible for the Serbian paramilitary troops to commit war crimes because they thought they were defending their predecessors' testament and will. (Ramet, S.2008). This was fully legitimate by the Serbian politics. The same, though in different forms, happened with the Arabs and the Jews, the Tutsis and Hutus in Rwanda, etc. (Anidjar,G.2006). Based on the above-mentioned, we can say that viewpoints, approaches and attitudes on the position of the person in the world are quite often pessimistic. They perhaps intensified by the end of World War II when there was an unparalleled compulsion about the doubts over the future of humankind. These were the times when faith, religion were very weak caused by the science, whereas political ideologies, as was fascism, had fainted the hopes for and trust in social progress. The fear from *the others* was at its peak and thus the peace sustainability among people was very fragile. In Macedonia, this division began somewhere after the 1981 events in Kosovo. Aiming at keeping the step with the Serbian nationalism, Macedonian nationalists, though of taking advantage of the momentum. It was a *now or never* moment for them. This is how the armed conflict in 2001 happened in Macedonia.

Born and gained identity

In order to clearly determine the complexity of human identity, we will focus on one issue only - the divisive line between born and gained identity. This would be achieved if we could manage to separate a newborn baby from the human community – from the social impact. Or, in order to better operationalize the case in question, this could be noticed if a baby of certain ethnicity or religion is taken from his biological parents and adopted by another couple with a different ethnicity, language, culture and religion. He would have a new circle of relatives and friends who have different cultural values, lifestyles, viewpoints, etc. Our living and working environment, our free time activities, etc. all have an impact on how we shape our identity. Identity is formed slowly, systematically. Piaget's cognitive development or the one Freud describes in terms of the Id, Ego and the Super Ego, happen gradually. We first shape our identity with values, behaviors, ideologies, vocabulary. This happens at our homes, with our families, and then later

in schools, whereupon we start receiving the first hits, such as impressions, memories, feelings, stimulations and provocations by the social circle, etc.

European identity and the Albanians

The essential question is whether the EU is attempting to create a common European identity. It has though been achieved in many areas. But, there are also certain groups and nations that are resistant to these new developments. A problem in itself is the Western Balkans and Turkey, mainly due to Islam. This has been a subject to endless debates by many politicians, journalists, scientists, and scholars.

Now, the question is: What is the identity of Albanians? We are claiming that the Illyrians were one of the oldest people in Europe and that Albanian is an Indo-European language. Recently there have been polemics between two of the most influential scientific and literary scholars among the Albanians – Ismail Kadare and Rexhep Qosja with regard to the Albanians' identity. Kadare's stand is that the identity of Albanians is a European one, whereas Qosja says that it is a mixed identity, and is probably 50-50 having in mind the Islamic identity of Albanians too. Kadare expresses his opinions in his book titled "The European Identity of Albanians"(2006). In relation to Qojsa's reaction, he says: "Obscure, superficial and inaccurate – the academician gets into contradiction with his previous articles whereupon he was justly a follower of the idea that we have one fatherland and three religions, meaning that it is not religions that condition our identity, but something else. However, when it comes to confirming the absent Albanian Europeanization, Qosja uses exactly the words 'Islamic' and 'Christian' as if the latter can be European, but not the former. Nonetheless, the misunderstandings in Qosja's texts continue. Apart from the wanton irritability against the cultural tradition that was closely related to early Albanian Catholicism, irritability that does not leave untouched the use of Mother Theresa's portrait in the Kosovo institutions, in these writings there is something else that is even worse and far more dangerous and that is the division of the Albanian identity."

On the other hand, Qosja responds by saying that "the essence of his article 'National identity and religious awareness' is an attempt to show that half of the Albanians belong to the European civilization"(http://www.rexhepqosja.com/polemika_kombetare.html). According to him, the Albanians do not need to pretend as being Europeans, since

"they belong to Islamic civilization to the same extent as they belong to the Christian one".

Postmodern identity

In today's world, Maalouf says, people are not the same as their parents used to be at their age. We should be aware that the changes happening all around us move forward faster than our lives do. In the last decade, we are witnessing numerous changes in different fields, which in the past took more than a century.(2005). The elderly do not recall quite well their social life when they were young, whereas the young are completely uninterested in making a comparative imagination between the past and the present. In essence, we are all closer to the present than to the past, closer to the men of globalization than to those of the Lezha Assembly (League organized by Scanderbeck at 1444), who used to be princes of Arber, having swords, giving the word of honor to each other, drinking wine and travelling on horses. We are closer to someone in Alaska who speaks English, drinks Coca Cola, wears Pierre Cardin, writes emails using cell phone and goes to work by Astra, Ford, or Golf. However, Catterall (2009) ,related to these issues, put some questions: In an age of increasing globalisation and political fragmentation, does the nation have the relevance it once had? Is the re-scaling of political and economic processes associated with a similar re-scaling of national identities?" But, refers to Davutoglu (1993)." Many scholars were convinced that the existing Western style of life, thought, and political institutions could easily be adapted to Muslim societies by bringing them into line with Islamic belief systems and rules. But after some experiences they were surprised when even intellectuals who had Western academic training remained deeply attached to Islam…"
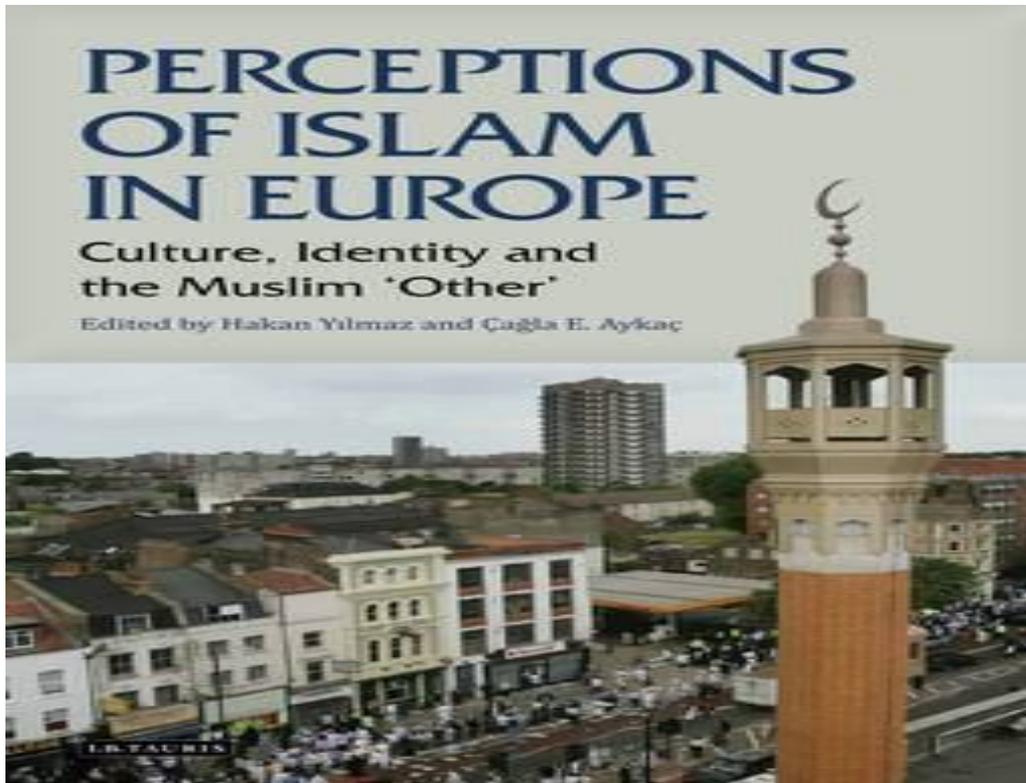
Source:https://www.google.com/search?q=islamic+identity+europe&e
spv=210&es_s,12.12.2013-21,13 hr.

Identities are different. What is considered that it is ours we share it with others, so that the language, ethnicity, culture, religion, common history, territory, form an identity which is distinct from any other and that does not correspond with the language, ethnicity culture, our past. Those that are similar with us are domestic whereas those that are not like us are foreign. Thus are created two camps, army, which make an undeclared war with each other but also declared. Those from us who are more fighters they become leaders, patriots, and those who are softer, says Amin Maluf are declared as traitors, sold and non-national.	I completely agree	I Agree	I Sometimes agree, sometimes not	I disagree	I don't agree
1. Language, traditions, beliefs, the sense of origin make us close to one another	110 59.45	49 26.48	18 9.72	5 2.70	3 1.62
2. Religion defines identity	55 29.7	38 20.54	64 34.6	25 13.51	22 11.90
3. National identity is the main	58 31.35	47 25.40	42 22.70	21 11.35	18 9.72
4. Albanians as a nation have more faith and tolerance among each other	76 41.08	66 35.67	27 14.60	5 2.70	10 5.40
5. There is a clash of identity among Albanians with different religions	48 25,95	53 28.64	35 18.91	26 14.05	22 25.88
6. In the world there is a clash between Islam and Christianity	61 32.97	66 35.67	27 14.60	6 3.24	24 12.97
7. For me it is important the visit in the museum of the League of Prizren, Kruja, Museum of independence in Vlora (Most important places for Albanian identity and history)	54 29.18	70 37.83	28 15.13	28 15.13	10 5.40
8. For me it is important to go on Hajj to Holy Kaaba (Mecca S.Arabia)	80 43.24	63 34.05	14 7.56	14 7.56	7 3.78
9. In the future I want my children to become members of the Islamic Youth Forum in Macedonia	53 28.64	60 32.43	37 20.0	11 5.94	16 8.64
10.In the future I want my children to become members of the Albanian Youth Forum in Macedonia	46 24.86	81 43.78	43 23.24	9 4.86	4 2.16

Interpretation of the collected materials

Based on the careful analysis of statistical data that were acquired from the research of the public opinion in the Albanian student population studying at both the SEEU and SUT, we could conclude that almost all of them think in the same analytical frequency.

For example, with regard to the question whether the language, traditions, faith, sense of common decent makes you feel close to one another, the majority had answered yes, i.e. 110 students completely agree and 49 just agree. This means that Albanian students understand pretty well the notion of identity and its comprising elements. This answer of theirs directs us towards another conclusion, which is that Albanian students have a well-developed national awareness, which is a very important element for their social cohesion. The question "Is identity determined by religion?", was positively responded by 55 students; however, 58 students say they fully agree that their main identity is the national identity. This clearly shows that despite the fact that to Albanian students faith is a very important factor in the determination of identity, most of them still believe that national identity is their main element. The question "Is there tolerance among Albanians as a nation with more than one religion?" was answered as *fully agree* by 76 students and *agree* by 66. 48 students said that that they *fully agree* with the fact that there is a clash of identities among Albanians with different religions and 53 of them said they *agree* with that. This makes us conclude that Albanian students are fully aware about the greatest value of the Albanian nation, which is the inter-religious tolerance that makes them special, even though they know quite well that there are many differences among the Muslim, Catholic and Orthodox Albanians, which is again considered as a value rather than a problem.

The question "Are there any clashes between Islam and Christianity?" was positively answered by 127 students (61 say they fully agree and 66 agree). This shows that Albanian students think about this issue as the rest of the population in the region or the world.

It is interesting to note that 124 students answered positively to the question related to the importance of visiting the Museum of the League of Prizren, the Kruja Museum and the Museum of Independence in Vlora (50 – fully agree and 70 – agree), whereas 143 said that it is very important to them to go to pilgrimage in Mecca (80 – fully agree, and 63 – agree). However, when the students are asked whether their

children would like to become members of the Islamic Youth Forum in Macedonia, 113 students responded affirmatively (53 – fully agree and 60 – agree). The next question was whether they would like to see their own children as part of the Albanian Youth Forum in Macedonia, 127 students responded positively (46 – fully agree and 81 – agree).

Related to the question "In the future I want my children to become members of the Islamic Youth Forum in Macedonia"- 53 respondets or 28.64 % of them completely agree. With "I Agree" 60 or - 32.43 % -from total 100% of those respondents are in catogory strong believers.

Related to the question "In the future I want my children to become members of the Albanian Youth Forum in Macedonia" 46 respondets or 46 completely agree and 81 or 43,78% agree, 96 % of them ansvered question 3 that the National Identity is the main thing.

The female responded with 12,1% more in comparison with male- with "completely agree" and " I agree " in the question "religion defines the identity".

Conclusion

After comparing these data, it is easy to conclude that for the most of Albanian students, the national element stands above the religious one. After all, the research in question reveals a very interesting fact, which informs us that the Albanian students do understand the concept of identity quite well, and this, in our opinion ensures a bright European future for them.

Source:https://www.google.com/search?q=identity+image&espv

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Notes:

[1] In this context, we should seek more when it comes to the mixed identity – perhaps 50 – 50 of our youth and ther islamic groups in our context in Macedonia.

ORIGINAL PAPER

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The regime of minorities' rights in post-Communist Romania

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Abstract: *A modern and democratic Romania that it builds on itself, and aspires to harmonious development, prosperity and emancipation for all its citizens cannot ignore the national minorities, various citizens by origin, language, history and traditions, but equal in dignity, rights and duties with Romanian majority citizens. After having crossed the totalitarian political regimes and historical conjunctions marked by vicissitudes and intolerance, 1989 in the contemporary history of the Romanians, the Elimination of terror and discrimination of any kind. The new democratic Romania, together with its minorities, which they consider worthy citizens of the country, has decided to eliminate any discrimination and persecution, giving all citizens equal rights, opportunities and hopes of economic propaganda, social and cultural, in full respect of the historical traditions, linguistic, spiritual and religious.*

Key words: *minority politics, communism, Romania, State*

Romania is a country with a long history of multiethnic and multicultural cohabitation having a population from which 90% considers itself as being of romanian nationality.

National minority means any group of people that holds citizenship of the State in which cohabitates, compared to the population constituting the majority which is short-handed, keeps old, solid and indestructible ties with this State, having also ethnic, cultural or linguistic features, is also preserving the common identity of its members, especially culture, traditions and language. The term „national minorities" is beginning to be used in Romania after 1989, prior to them being described by a phrase that at first glance seemed democratic and which was heavily contested then, *„cohabiting nationality*".[1]

The term „ethnic minority" is not widely recognized in the legislation of many countries that use other expressions for describing this term: - minority, combined with some of the appellative: linguistic, religious, cultural, national and ethnic (Albania, Poland, Hungary); - ethnic community or minority (Croatia, Slovenia, Macedonia); - minority or racial group, ethnic group (Finland); - persons belonging to national minorities (Romania); - the Nordic peoples, ethnic communities poorly populated (Russia). Various phrases used in the doctrine led to the development of other notions concerning minorities in this field: - territorial and extra-territorial minorities – depending on the fact that they live in the area, with the tendency of according a different volume of rights or a minority territory; - superior minorities – with the requirement to own a culture superior to that of the countries in which they are established; -Imperial or former dominant minorities – formed after the split of the great empires, here being quoted, Russians and Hungarians, as representatives of the mindsets of disobedience; - cross-border minorities - which are spread in large numbers in a set of countries.[2]

On the territory of this country, there have been living for many centuries numerous ethnic minorities, of which 20% are officially recognised by the State authorities and are represented in Parliament. Their participation in the cultural development of the country is not at all negligible, but in the last decade there was a continuous decline in the percentage of minority groups from the total population of Romania. The problem of minorities in Europe is not very recent, its concern and interest for this matter is old and emerged from religious considerations.

The protection of national minorities has been on the agenda of the Council of Europe since the beginning of its activities, but the issue has gained considerable importance since the fall of the Communist regimes and the rise of extreme nationalism in some parts of Europe. The protection of minorities has also been one of the political criteria Romania had to acomplish in order to join the U.E.

This meant the implementation of anti-discrimination rules, and supporting the rights of minorities so as to retain the specificity and thus not being assimilated into the mainstream culture.[3]

Even if you are talking about a Romanian model of inter-ethnic reconciliation and the progress made in the field are visible, you can not say that our country has found solutions and repaired all the existing problems concerning national minorities. Depending on how minorities are treated, it may be decided in a relevant way the degree of democratization of a company.

The protection system of national minorities has been developed as a negative reaction to the persecution of minorities. The characteristic forms of persecution actually start from the lack of equality between members of minorities and those of the majority up to repressive actions and genocide. To the typical forms of political repression of national minorities, such as killings and disappearances, we add the actions of intimidation aimed at forcing the expulsion of their leaders and at forcing them to emigrate. Changing the ethnic proportions in a given region is a relatively widespread in history, having as its objective the control of a minority group, its identity annihilation or reduction culminating with deportation.

It is generally considered that to solve a problem it is essential that it be clearly defined at the outset. There are numerous international documents, legal regulations, bilateral treaties that refer to the issue of minorities without giving into use a definition of this concept. It is considered that it is enough to say "ethnic, national, linguistic or religious groups" in order to understand exactly what is covered.[4]

Some national laws make a very clear distinction between national minorities that have a mother country and ethnic minorities who do not enjoy this status. In what concerns us, was not officially put the problem of any distinction between the two types of minorities, either because the problem was not raised at the highest political level, either because the speech about minorities has not evolved to the level of cultural or political elites.

Another possible partition of the minorities in Romania is depending on their number. Thus, is important to take into account the existence of "large" and "small" minority.

This division becomes relevant only if we take into account the political representation of ethnic groups and their specific problems or complexities. So, are being identified several categories of issues: guaranteeing and protecting the minorities, and to ensure parliamentary representation of ethnic and national minorities, restitution of common goods and of properties confiscated during the Communist regime and the budgetary mechanism of promoting ethnic identity. A criterion which must be reinterpreted in what concerns the adoption of a law on minorities, is that of making a distinction between the historical minorities and immigrants. Although the latter are the ethno-cultural communities becoming more numerically relevant, some of them exceeding the dimensions of national minority groups, the public policies for the protection of ethnic diversity continues to ignore them, and the classification of national minorities is carried out in relation to their issue and of public policies developed by the authorities for their solving.[5]

A significant contribution in influencing the inter-ethnic relations is held by the economic crises within various countries, as well as social tensions and political instability. The many provisions contained in the international treaties protects with determination and steadfastness non-discrimination and equality before the law. They argue that discrimination on grounds of racial or ethnic origin violates human rights, moral principles and social cohabitation and the proper functioning of public institutions.

The status of minorities during the Communist regime was found to be ineffective in part because of the mixing of society and on the other hand by marginalizing of those social categories. Before 1989, it was considered that the minorities constitute an obstacle in Romania's foreign policy. Related to the violation of the rights and freedoms of the individual, minorities have suffered a greater marginalization. Political power was concentrated in the numerous bureaucracies that were directed by the Ceausescu family. People had no right to hold free speeches, the right to associate, and their political choice was in line with the policy that they could participate in political life only as members of the Romanian Communist Party.

It was pursued a political manipulation at a macrosocial level by promoting a unique political orientations and by inducing a single viable perspectives, that of communism. The standard of living was very low,

food consumption was rationed, people had no prospect of a job according to their merits, the skills they had or the individual capacity. A part of the intelligentsia was sidelined and persecuted, because it did not accept the role of lackey, imposed by the regime. Media, culture or any manifestation that could deviate from the principles of communism were censored. Individuals could not enjoy reasonable rights for every citizen. There were only few days off, there were no social and professional perspectives, and work was regarded as a duty of the citizen against the State. People were legally equate on the social, economic field, the distribution of goods, thus depending on what the regime considered that represent minimum requirements: rationed food, a stable job and a home which doesn't have the perspective of becoming private property. The equalization of individuals can become a reason of rebellion in time, and to offer all the same chances it does not mean giving the same subjectivity.[6]

In post-Communist European, democratic, Romania, ethnic minorities' life is regulated in conformity with the *Universal Declaration of human rights and international* law, which is aimed at creating conditions for individual development on equal terms to all persons regardless the ethnicity. All fundamental rights are guaranteed by the Constitution and by law for Ethnic minorities.

Immediately after the overthrow of the Communist regime, in 1989 the issue of national minorities is at the forefront of political debate, and of the political agenda by contributing a number of factors. It is about the work and the initiatives of the Democratic Union of Hungarians in Romania, then the pressure exerted by the EU and the international community over the Governments in Bucharest in the direction of institutional modernization and respect for democratic standards. It musn't be forgotten the explosion of extremist nationalism and the reaction on the part of civil society.

The primary goals of UDMR were many: recognition of national minorities as a factor of the State; creating social conditions have enable all citizens to assume and to preserve and cultivate national identity; realization of the rule of law, based on the separation of powers; to guarantee the abolition of private property against tampering; full refund of church and community goods illegally confiscated; Regulation of the legal status of national minorities on the basis of positive practice in this field in Europe.[7]

UDMR aims not only to protect the rights of the Hungarian minority, but it had considerable input in drafting or initiating legislative projects, public or governmental strategies projects with

beneficial effects for many ethnic communities. By analysing such normative acts, which allow us to address in their mother tongue in legal proceedings or in public administration, we state the possibility to display plates bilingual in localities with significant ethnic minorities, restitution of religious properties to minority or community property.

Another important factor that has contributed to the improvement of the status of ethnic minorities in Romania was the international pressure that has been carried out over the years 90. ' The U.E. and United States were concerned about maintaining stability in the East of the continent in the conditions in which the former Yugoslav space threatened to destabilise the whole of the european scaffolding. These provisions have been set out in the 1991 Constitution and the electoral law, such non-governmental organisations of national minorities were allowed to participate in parliamentary and local elections, allowing it to send a representative to Parliament if subject to 5% of the votes.[8]

Another decision that would influence the way in which the activity of post-Communism minority organizations is regulated, is the establishment in 1993 of the Council For National Minorities, meant to be linked to the way in which the distribution of funds allocated by the Executive for organizations of ethnic minorities is negotiated.

If in the 90's there were some inter-ethnic tensions the problems of the Hungarian community had been treated lightly, since the mi-1990s begin to manifest itself as a model for the protection of the Romanian minorities.[9]

Education law is enhanced since 1997 so that ethnic minorities can use their mother tongue at all levels of education from kindergarten to doctorate. On the other hand, in 2002 the Government adopted an emergency decree banning organisations and symbols of fascist, racist or xenophobic and promoting the cult of persons guilty of committing some offences against peace and humanity.

Another measure relates to the adoption in April 2001 of the Government Decision on the Government's strategy for improving the gypsy situation, thus ensuring the representation of gypsy in Central and local administration, carrying out programs in education, health, literacy, etc.[10]Any representative of ethnic and national minorities of Romania speaks with conviction about the fact that the ethnicity is not well enough known, and specific traditions and culture are not sufficiently supported by the Romanian State. However with the money received from the State budget or with funds raised from other sources, the national minority organizations succeed in maintaining a reasonable

presence in the cultural life or to promote specific traditions. In the recent years, Romania has recorded positive developments with regard to the comprehensive approach to the protection of minorities, especially in relation to the application of anti-discriminatory norms and supporting minority rights, but this does not mean that are not any things left to do.

The difficulties they often face stem from the complexity of the institutions that constitute their field of activity, due to technical problems or lack of infrastructure and human resources. In case of problems with high difficulty, there must be a more effective collaboration between relevant institutions in the field. It is necessary for young people to be involved in several projects and programs, in order to reach a real change of mentality. It is also important that young people belonging to minorities to participate in Community programmes along with the majority, in order to know each other.
Romanian State goes firmly towards the observance of the fundamental rights of all citizens and national minorities, in order for all individuals, regardless the ethnicity, to thrive and develop in the legal framework that exists in Romania and in accordance with European and international standards.

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ORIGINAL PAPER

Adrian BOGDAN

The Right to Peace in the Context of Contemporary International Reality

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Abstract: The need to create a climate for peace has always been a desideratum of any human community. Peace cannot exist without international security, the two notions being strongly connected, they could not exist one without the other. The subsequent article renders several relevant answers to the question What is peace?

Key words: right to peace, public international law

The need to create a climate for peace has always been a desideratum of any human community. Peace cannot exist without international security, the two notions being strongly connected, they could not exist one without the other. Nicolae Titulescu said that: *we cannot speak about world peace as long as we cannot ensure international security*[1]. The situation is the same even if there is security, because such security could not actually be established in the absence of world peace.

There are several answers to this question: *What is peace?* The first answer is that peace is the opposite of war, which makes us say that the state of peace involves the absence of war. This leads us to the logical conclusion of banning war from international life by peacefully settling international disputes. Yet, peace should not be regarded as *absence of war,* but as a state of tolerance, solidarity and willingness to peacefully resolve human disputes. The meaning assigned by the UNO to the concept of peace is much wider, representing the framework within which human rights are fully guaranteed and exercised.

The concept of the right to peace suggests that the right of persons to conditions of peace and security is indispensable to living a full human life[2].

The term *peace* is wider in scope, containing the significance of a global and dynamic system, which guarantees social justice, enforcement of and respect for human rights and good vicinity relations in all countries[3].

Gheorghe Moca, researcher, argues that "peace and security relations with the participation and for the benefit of all the countries of the world can only exist under international law, if all comply with its principles, rules and institutions, in the interest of all"[4]. Mahatma Ghandi used to say that there is no way to peace, but peace is the way. According to this view, peace starts where violence ends and cooperation begins. Public international law acquired after World War II a character of peace law, which made this law belong to *Jus cogens.*

The UNO General Assembly mentioned that: "Every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace"[5]. Some doctrinarians have argued that the right to peace is violated by the promotion of international terrorism. At present, terrorism is an important issue, due to the amplitude it has reached, threatening international peace and security. Boutros Boutros-Gali emphasized the connection between human rights and international security, showing that: "respect for human rights is

obviously an important factor for maintaining international peace and security and socio-economic development"[6].

Peace is a compromise that all nations must make since we consider that, due to the nature of human beings, the same idea will never be shared by all people. This is due, first of all, to the interest in that idea and, secondly, to the nature of the education of every individual. World peace derives from the peaceful coexistence of all nations. Nicolae Titulescu thought that peace was the best way to preserve national unity. He said that he wanted peace although he was not a pacifist. To ensure world peace, Nicolae Titulescu had a very simple solution, namely that of constituting a front of peace. In his view, security could be ensured both by means of international law and by strengthening military alliances to which Romania was a signatory. This dual character, concerning the security of our country, was expressly mentioned when Nicolae Titulescu said that "we have never established Romania's security only on the basis of the Covenant of the League of Nations. With it, we created special agreements, such as the Little Entente and the Balkan Pact which, if functioning within the League of Nations, are yet necessary supplements[7]. Titulescu thought that the treaties of alliance were an effective means of protecting the borders of our country because he knew that "nothing can guard them better than our military force"[8].

The establishment of peace implies respect for the sovereignty of states. Militating for the strengthening of international institutions, Titulescu considered that "in order to prevent war as a social phenomenon we must start by stopping war as a legal institution. This first aim must respond to the new international laws which organize peace"[9]. We should mention the fact that until 1928, war was a legal means of resolving international disputes. Only after signing the Briand-Kellogg Pact of 1928 was war made illegal. From that moment on, one can speak of the possibility of having world peace.

Speaking of war, Titulescu was convinced that "war is never, but never, the solution of a conflict. War, in the best case, that is victorious war, can only change the terms of the problem, the discontented man of tomorrow will replace the discontented man of today. A war in the name of justness will be succeeded by a war in the name of justice. And so on, and for what price? A huge price paid by the whole international community for the objective reasons of one or several of its members[10]. Nicolae Titulescu was a promoter of the peace ideal based not only on the wish of peace that he had asserted so many times before, but also on the need to ensure a peaceful climate for Romania. The concept of

democracy that world peace relies on, was introduced into the international community by the League of Nations. In Titulescu's opinion "the most precious property of a country is long peace, which allows a nation to find its way, which allows general civilization to be given the creative benefits of national genius"[11].

Peace involves an agreement with one's neighbours, and at the same time the understanding of their perspective. Titulescu considered that peace was just a word unless it relied on security. "Security is not a work of formulas. It is a reality consisting in the association against a common scourge called war. If the association is open to all nations without exception and if there are nations refusing to take part in it, this simply means that the danger of war is lower for them than for the others or that, according to their view order, war is not a catastrophe"[12]. This justifies the efforts of Nicolae Titulescu to strengthen international institutions, mainly the League of Nations. Any initiative of Titulescu in this direction was justified by the need to find some security elements for Romania. He is considered the Romanian predecessor who fought for a pan-European cohesion, by his actions meant to identify the instability centres in the Balkans and to reform international institutions.

Nicolae Titulescu argued that "there is a power which is superior to force and this power is the conscience of human solidarity, and to proclaim it does not mean to speak uselessly, it means to take contact with the only existing reality which – because it is thought that it cannot be violated without consequences, because its implacable reactions are never studied, because it is invisible to all those who believe that life only consists of things that can be counted, weighed or measured – is considered inexistent"[13]. Titulescu's aversion for aggression – that he aimed to make impossible – cannot be explained just by the respect he had for the political and juridical order created through international conventions. He understood well enough what war meant for humanity, what disasters it could cause and what countless misfortunes"[14].

Thus, terrorism prejudices international security, affecting world peace. An important issue is, at present, the so-called "nuclear terrorism" which is reflected in the use by terrorists of nuclear materials for committing terrorist acts. The press has signalled that some radioactive materials were taken out of the former Soviet Union. It is about 100 "nuclear suitcases" which disappeared from military depots, having the capacity to destroy an entire city. Therefore it is necessary to strengthen the security of the units where people work with nuclear materials. The access of terrorists to nuclear materials

would give them the possibility of threatening the life of a whole population by the mere spreading of these materials.

Out of the interpretation of the UNO Charter provisions, it results that the use of military force as well as the use of any other form of force is prohibited. The conference of the non-aligned countries in Cairo, in 1964, emphasized the idea that force could take different forms, from a military, political or economic perspective, and all these forms of force were prohibited. Aggression acts are classified into two great categories: armed aggression acts and aggression acts by the use of force in international relations (economic, political pressure etc.). A war declaration addressed to a state, although it appears in the definition of aggression in the works of the 1933 Convention of London, was not preserved in the documents of the UNO, since it is not equivalent to armed assault. This argumentation is yet contradicted by international practice which proved that all these declarations were followed by military actions.

The use of force or threat of using force in the context of contemporary international relations represent a violation of the binding rules of international law.

At present, the UNO institutions promote a policy meant to establish and maintain international peace and security through a series of specific measures. It is necessary to make use of preventive diplomacy, thus renouncing the classical practise of ceasing diplomatic relations when a conflict occurs. The role taken over by the UNO regarding the education of the human community in the spirit of peace was reflected in a series of documents such as Resolution 33/73 of 15 December 1978 entitled Declaration on the Preparation of Societies for Life in Peace, the Universal Declaration of Human Rights, the UN Convention on the Rights of the Child, which prepare the ground for the implementation of a new view on peace, based on the principles of justified tolerance and compromise.

Many international conflicts can be settled in an easy way provided that the parties to the dispute aim to relax the tensions between them. This is possible only if the new culture of international peace and security is shared by all the countries of the world.

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ORIGINAL PAPER

Ionuț ȘERBAN

Theories and Concepts in International Relations – from Idealism to Realism

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Abstract: *International Relations, as a field of social life, refers to world politics, influence factor of the contemporary world, to everything that surrounds us. As a practice of world politics, International Relation is an old occupation but modern era was the one in which this practice has become conceptualized by the emergence of concepts on which it is based. Idealism was the first current or theory in International Relations that arouse at the end of the First World War as famous historians and scholars in response to the need to know and understand the drama of the most devastating global conflict to date, tried to find a way to prevent in the future such a human and material catastrophe. The new principles in International Relations were based on the collective security system and the renunciation of the balance of powers.*
In contradiction with Idealism, the Realistic theory focused on the balance of power and its distribution in the world as the collective security embraced after The Paris Conference from 1919-1920 and shaped in the League of Nations failed in its mission and allowed the Second World War to start. The arena of International Relations is a very complicated and complex one, hard to decipher and understand and only by looking and learning from the past, from history, we can understand the present and maybe, maybe predict what can happen in the future regarding international politics and world's evolution.

Key words*: International Relations, theory, idealism and realism.*

1. Introduction – The origins of International Relations

About the study of International Relations has been written and debated extensively in recent decades, especially after the end of WWI.

From the very beginning we have to clarify some aspects, to make a distinctions between International Relations as a field of the political, social, economic, cultural phenomena at global scale and the scientific study of International Relations.

First of all, International Relations as a field of social life refers to world politics, influence factor of the contemporary world, to everything that surrounds us.

As a practice of world/international politics International Relation is an old occupation but modern era was the one in which this practice has become conceptualized by the emergence of concepts on which it is based.

After the thirty years war and the peace treaties of Westphalia new such principles for the guidance of the states in their foreign policy and International Relations appear, namely that of reason of state (raison d'état), on account of universal religious principles.

Closely related to the above-mentioned principle, the thirty years war and the peace treaties of Westphalia were to inaugurate another principle in world politics, namely the balance of power between the main actors of international life.

Also the peace of Westphalia was the one who cornered seeds of what would become the other principles of International Relations: the sovereignty of states, their legal equality and non-interference in their internal affairs. In light of these principles, was developed the theory of national sovereignty. Through its dedication, every state has achieved its natural right to govern themselves according to its interest and reason, complying with the rights and interests of others.

The first half of the seventeenth century innovations in International Relations coincided with the emergence of some theories of International Relations that gave rise to international law. The most prominent figure in this regard was Hugo Grotius, who by his work *The Jure Belli ac Pacis*, laid the foundations of modern international law.

It was given to the Congress of Vienna (November 1814 - June 1815), following Napoleon's attempts to impose the universal empire, to mark the return to tradition in International Relations, namely

monarchical legitimacy and the European balance based on law and justice.

From this principia arose a genuine collective agreement, the so-called *European Concert* who aimed to ensure world peace, excluding violence and the establishment of a real balance between the Great Powers. The balance in question is expressed practically by the Holy Alliance (September 26, 1815), International Covenant initiated by the Tsar Alexander the Fist.

However, studying and theorizing International Relations begins with the end of World War I (1914-1918) in response to the need to know and understand the drama of the most devastating global conflict to date, as a way to prevent in the future such a human and material catastrophe.

Twenty years later, another world catastrophe struck the humanity; World War II brought trauma and unimaginable human and material losses. The world after the Second World War has never been the same.

Understanding the causes that led to the outbreak of the two world wars and the fear of not repeating the mistakes of the past have been the engine that moved and spurred for decades the will of all intellectuals and scholars to study and theorize the relations between states and understand deeply their nature.

International Relations as an academic discipline is a very complex and difficult to decipher, with an interdisciplinary character based on History, Geography, Politics (here entering their branches geopolitics and geostrategic studies), Economics, Security Studies, Law and the list goes on.

Specialists in International Relations must first be specialists in International History, International Law, International Political Economy, History of Diplomacy etc.

A legitimate question when it comes to studying the International Relations would be - what is our field of study? - Meaning, the main actors on the stage of international politics, issues and processes that constitute this vast area.

There are several definitions or answers to this question, some simple, others more complex.

A simple answer would be that International Relations deals with the study of interaction between sovereign nation-states (defined territorial political units) and the way they conduct their relationships with others through diplomacy, foreign policy, conflict or treaties.

Another definition, complex and comprehensive, supported by some experts but opposed by others, would be that International Relations is the study of the human condition on a global scale.

When we talk about the main actors on the stage of international politics we may also have also more opinions. If you were to talk about the Cold War, the situation is clear, the U.S., the USSR and other countries were key players in the International Relations.

When referring to main actors on the stage of international politics after the fall of the Iron Curtain and the repression of communism in Eastern Europe, the situation becomes complex, unable to call leading actors in International Relations only the states and their policy but also various international and transnational institutions and organizations such as the European Union, United Nations, NATO, OSCE, International Monetary Fund, and caliber NGOs like the Red Cross, Amnesty International and powerful multinational corporations, whose turnover exceeds the GNP of many states[1].

2. Theory of International Relations – Idealism

Idealism was the first current or theory in International Relations that arouse at the end of the First World War as famous historians like Sidney Fay, Camiille Bloch, Pierre Renouvin, George Peabody Gooch, Mikhail Pokrovsky and many more, in response to the need to know and understand the drama of the most devastating global conflict to date, tried to find a way to prevent in the future such a human and material catastrophe.

It was the American president Woodrow Wilson who summarized for the first time in his 14th points[2] the new principles in International Relations by evoking the collective security system that should, from that time on, to govern in world politics against the balance of power, the main concept that governed the world politic since the creation of the Holy Alliance in 1815. The collective security system took shape into the League of Nations, an intergovernmental organization, founded at the Paris Peace Conference (191-1920) after the end of WWI.

The new principle gave birth to the liberalist or the idealist current, the first ideological orientation in International Relations.

A big influence on the idealistic current had the Kantian thinking. The German philosopher, the author of Perpetual Peace in 1795, Immanuel Kant described from various angles the world peace[3].

The idealistic theory was somehow utopic, being based on the conviction that people have a good nature and no desire how so ever to start a conflict with its own kind. Further more, the disadvantages brought by the war should encourage people to solve their disagreements thought negotiation and dialog[4].

The anti-war feeling widely speed in the world after the WWI encouraged the idealistic thinking, at least until the failure of the League of Nations and the beginning of the WWII.

3. The failure of Idealistic theory and the rising of the Realistic theory

Once the Second World War started it was clear that the idealistic theory was inefficient and another theory, more pragmatic this time should be found and motivated in order to stand the complicated life of International Relations.

The parents of the realistic theory were Edward Hallet Carr and Hans Morgenthau. Edward Hallet Carr, English historian and diplomat, author of *The Twenty Years' Crisis*, motivated that International Relations should be based on the balance of power, exemplifying the key role played by Great Britain in world politics.

Hans Morgenthau, the leading figure in international politics in the 20th century, was a German born political analyst and US Department of State consultant in foreign policy. He wrote many books on International Relations, the most famous one *Politics among Nations*, first published in 1948, was a pleader for the realist theory in world politics. Morgenthau considered the people are egoist beings thirsty of power and ready do to anything to dominate others.

We cannot forget, when we speak about the realist theory, to mention the influence of Winston Churchill, the British prime-minister during the Second World War and Nobel laureate for literature, that experienced more war situations than any of his contemporary politicians and he argued from his real experiences that human nature is a conflictual one and that the only way to understand world politics is to understand the distribution of power. He was also the one that for the first time, in a speech in Zurich in 1946, mentioned as necessary a European Union in order to balance the power distribution in International Relations and its people would prosper.

Another theoretician in International Relations was the French prim-minister, George Clemenceau. The one called the tiger was a very agile politician that leaded the Paris Peace Conferences in 1919-1920

and argued that life is a perpetual fight in war and peace that cannot be avoided.

The sustainers of the new theory blamed the collective security system that failed in the shape of the League of Nations and claimed that the balance of power is the best way to act in international politics. In this regard the have made an analysis of this concept and they came up with some viable points that would back up their theory.

First of all, they thought that the balance of power is a arrangement very much needed to prevent the dominance of a single state in the international system which may occur naturally, fortuitously or as a strategy that states approach consciously in order to maintain the *status-quo* of the powers in world politics by all means necessarily[5].

An example of how the balance of power worked thought history is when at the Berlin Peace Congress in 1878, after the Russo-Turkish war (1877-1878), although in 1856 at the Paris Peace Congress we saw fall the Holy Alliance – the symbol of the *European Concert* which was the founding brick of the balance of powers – the Great Powers, had not allowed Russia to modify the world order by creating a Great Bulgaria to extend it's influences in the Balkans in despite of other European Powers such as Austro-Hungary, or to exercise an important influence on the Bosporus and Dardanelles straits in despite of Great Britain.

After the end of WWII the realistic theory was obviously the one that gain more advocates based on international politics experiences in the last years.

The Cold War was also an event that dominated International Relations for more than 40 years and influenced the thinking and theorizing of world politics. The balance of power was established after the Second World War and during the Cold War between two pols, two very powerful countries militarily, economically and ideologically, U.S.A. and U.S.S.R. They have even created and opposed one against the other two military organizations, NATO and the Warsaw Pact, in order to gain the ideological contest.

Listening somehow to the words of Winston Churchill, who saw the concept of The United Stated of Europe also as a counterweight to the so arrogant United States of America during the Second World War, when Great Britain was left in its shadow, the European countries created an intergovernmental organization that started as an economical one and it is now one of the biggest player in International Relations. The European Union tries indeed, as Churchill predicted, to became a place where people can live better and work together, no matter the territorial boundaries, as nationals of any EU country[6], in

another words to transform them into a hole new nation, the European Nation, things that maybe the former British prime-minister didn't saw it coming.

We can conclude that the realist theory evolved into the neo-realist theory that has to admit, reality impose them to - even if with not with an open mind - the existence of international and intergovernmental organizations and institutions and their important role in international politics side by side with the nations-states.

The arena of International Relations is a very complicated and complex one, hard to decipher and understand and only by looking and learning from the past, from history, we can understand the present and maybe, maybe predict what can happen in the future regarding international politics and world's evolution.

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ORIGINAL PAPER

Victor OLARU

John Ruskin, an interpreter of Victorian society

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Abstract: *The paper points out Ruskin's position regarding the Victorian society he lived in and reflected in his writings, such as: The Political Economy of Art (1857), A Joy for Ever 1880), Traffic (1865), Unto This Last (1862), Time and Tide (1867), Fors Clavigera (1871). One may conclude that Ruskin's social criticism eventually had considerable influence on his readers and audience, because he thus rejected outright the fundamental ideas of classical economics accepted by most of his contemporaries and set out on his own. He plainly opposed a pattern of political economy based upon competition and urged the greater relevance and practicality of one based on cooperation. Although at the date of their publication they faced hostility, today critics credit these works with the merit of having helped to raise the social consciousness of Victorian readers and economists. In the second section of this paper, the author focused on Ruskin's writing techniques. In criticizing Victorian society and laissez-faire capitalism, Ruskin makes use of a language that includes both an old tone, like that of the Old Testament, and a new one, inspired from Victorian rhetoric. The sage makes use of a number of strategies meant to get to interest a possible unwilling audience in the issues of his interpretations, such as his famous symbolical grotesques.*

Key words*: John Ruskin, social criticism, economics, symbolical grotesques, Unto This Last, Fors Clavigera*

Ruskin's activity in social criticism begins in the same way as his writings on art, that is by turning paintings and Italian buildings into symbols; in other words he interpreted them according to the meanings they incorporated, and these meanings may be social, political, and economic. Discussing Turner's work , *The Garden of the Hesperides,* Ruskin considers that there is a direct relationship between any work of art and the society within which it was produced. In this way he moves from art to society, thus revealing the reader his manner of acting as a social critic, as well as his basic opinions on the society he lives in.

After glossing over the characters of the painting, he states that Turner's piece of art may be interpreted as a "religious picture" of his times, as it explains the guiding concept according to which his Victorian contemporaries live, namely the belief to which their actions and speeches solemnly declare : "Here, in England, is our great spiritual fact for ever interpreted to us - the Assumption of the Dragon " (7. 408). Turner, the leading English artist, by using 'a sulphurous hue, as relating to a paradise of smoke' (7. 407-8), thus notices the victory of Mammon and, symbolically expressing it in his work, predicts England's entrance in the Dark Ages. Commenting on this term, Ruskin asserted in *Modern Painters* : "the title "Dark Ages", given to the mediaeval centuries, is, respecting art, wholly inapplicable. They were, on the contrary, the bright ages; ours are the dark ones ... We build brown brick walls, and wear brown coats ... There is, however, also some cause for the change in our own tempers. On the whole, these are much sadder ages than the early ones; not sadder in a noble and deep way, but in a dim wearied way - the way of ennui, and jaded intellect, and uncomfortableness of soul and body' (5.321). We may conclude then that, by considering Turner's *Garden of the Hesperides* as a clue to the spiritual status of his epoch, Ruskin offers an indication of the manner of his comments as a social critic.

The method of his social approaches lies in turning individual paintings into symbolic ludicrous situations. In *The Stones of Venice* (1851), an early writing, he finds social, political, and economic significances in his comments on paintings and buildings, a fact that assured Ruskin a place in the series of Victorian sages, as he was able to find meanings in things that his contemporaries did not consider to be worth an interpretation (Hunt,58). An example is Turner's above-mentioned painting *Garden of the Hesperides,* which nobody could have thought to imply a significant communication for Ruskin's audience, such as a message regarding England's social condition. Actually, George P.Landow concludes on the matter that: "…. what makes Ruskin, Carlyle, and others like Thoreau or Arnold sages is precisely that they venture to read - interpret -

apparently trivial matters such as the colour of contemporary men's clothing, advertisements, and the like, which most members of the audience consider without interest and value. Such is the sage's claim to authority, however, that he can demonstrate that virtually any contemporary phenomenon or incident offers him a direct way into matters of supreme importance - matters such as the cultural health of a nation, its moral nature, and its treatment of the working, producing classes."(Landow, p.157).

In this line of offering can be interpreted his contemporaries' examples of social education, such as Ruskin's social projects like the Utopian St George's Guild and the repair of Hinksey Road, Oxford by some Oxford students. Such activities were meant to demonstrate the importance of work, as well as the fact that community was a necessary entity in need of social organization. By such actions Ruskin intended to draw his public's attention on his concerns about the society he lived in, being at the same time an urge for them to interpret society in their turn. Subsequently, he presents the advance of his political opinions in *Preaterita* as a process of learning to interpret. After a visit in Paris to some friends of his father's, the Domecqs, he was faced with a question that needed urgent answers (Rosenberg, 17). He thus wondered why the Spanish farmers who worked on Pedro Domecq's vineyards "should virtually get no good of their own beautiful country but the bunch of grapes or stalk of garlic they frugally dined on; that its precious wine was not for them, still less the money it was sold for" (35.409). On the same occasion, his bewilderment grew as his father's business associates, actually a very nice and sympathetic Spanish family "spoke of their Spanish labourers and French tenantry, with no idea whatever respecting them but that, except as producers by their labour of money to be spent in Paris, they were cumberers of the ground" (35. 409). This manner of looking upon things, says Ruskin, "gave me the first clue to the real sources of wrong in the social laws of modern Europe; and led me necessarily into the political work which has been the most earnest of my life" (35. 409). In explaining the advance of his opinions on politics, he places himself in an outside position, as an external onlooker. Moreover he reminds the reader that in his boyhood he used to ask questions about obvious realities that the grown-ups seemed to ignore or be unaware of.

As far as social criticism is concerned, as George P Landow puts it:" Like his conceptions of the arts, his ideas about political and social economics combine the traditional and the radically new, the expected and the outrageous. As a disciple of Thomas Carlyle, he forces contemporary England to recognize precisely what its actions and ideologies imply."

(Landow, 159)   What Ruskin does is to make his audience aware that their views on work and social responsibility, on wealth and poverty are in total contrast to the Christian religion they live in. This attitude is of utmost importance since other outstanding thinkers of the Victorian society, Engels and the Christian Socialists, for instance, had already observed that the rich had done their best to keep the lives of the poor out of sight, so that people should be unaware of the sufferings of the urban lower classes. Thus Ruskin's mission is to bring such facts to the attention of his audience, determining in them an awareness indispensable for a possible social and moral reforming process. This he attempted in "*Traffic*" , a lecture he delivered in Bradford on 21 April 1864, where he holds up to ridicule his contemporaries' idea of an ideal life by showing it in the form of a dream –vision. Starting from the idea that his audience revere the Goddess of Getting-on , which implies that others are condemned to dire poverty, he proposes them an image of their ideal which imposes the purposeful leaving out of sight of certain implicit matters.

   "Your ideal of human life then is, I think, that it should be passed in a pleasant undulating world, with iron and coal everywhere under it. On each pleasant bank of this world is to be a beautiful mansion, with two wings; and stables, and coach-houses; a moderately-sized park; a large garden and hot-houses; and a pleasant carriage drives through the shrubberies. In this mansion are to live the favoured votaries of the Goddess; the English gentleman, with his gracious wife, and his beautiful family; he always able to have the boudoir and the jewels for the wife, and the beautiful ball dresses for the daughters, and hunters for the sons, and a shooting in the Highlands for himself. At the bottom of the bank, is to be the mill; not less than a quarter of a mile long, with one steam engine at each end, and two in the middle, and a chimney three hundred feet high. In this mill are to be in constant employment from eight hundred to a thousand workers, who never drink, never strike, always go to church on Sunday, and always express themselves in respectful language." (18. 453).

   As put forward by Ruskin, this picture of man's life may possible look "very pretty indeed, seen from above; not at all so pretty seen from below" (18 453), as for each Englishman to whom the Victorian's deity is the Goddess of Getting-on, many others may consider her the 'Goddess of *not* Getting-on' (18.453). By explaining what such a picture of competition-centered life implies, Ruskin's vision is strongly ironic. His expertise in art criticism proved extremely useful, because, in constructing this ideal vision, he used the same techniques as when describing mountain landscapes, Roman cities or when discussing

Turner's art.(Rosenberg,87) The technique is simple: he puts forward artistic particulars on whose meanings he draws the audience's attention. In this case he draws up an ironic picture of the rich man's ideal life-pattern, followed by revealing its dark side, and clearly demonstrating that this "paradise" is based upon the community of the industrial poor; this technique of moving through his word image from upper classes to lower classes gives its section a specific moral and political content. The rich are literally and spatially placed above the poor who offer their wealth and, obviously, above the labourers who are exploited to provide them a life of ease. The above-presented example clearly demonstrates that Ruskin applies the same specific techniques of style, interpretation and satire found in his writings on art to his interpretations of society. He is able to move easily from one field to the other because, as Landau puts it "the same attitudes towards co-operation and hierarchy inform both his areas of concern- areas of concern which Ruskin finds inevitably and inextricably interrelated"(Landow,160).

Here are some examples that may be considered the core of Ruskin's conceptions about economy, politics and society. When speaking about composition in the fifth volume of *Modern Painters,* he considers that the universal laws of existence include aesthetic rules and relationships:

"Composition may best be defined as the help of everything in the picture by everything else' (7. 205), or it 'signifies an arrangement, in which everything in the work is thus consistent with all things else, and helpful to all else' (7. 208-9). Consequently, the painter is a man who "puts things together, not as a watchmaker steel', but who gives them life by using his technique "so as to have in it at last the harmony or helpfulness of life" (7. 215), artistic creation is part of the fundamental laws of life and society, for "the highest and first law of the universe - and the other name of life is, therefore, "help." The other name of death is "separation." Government and co-operation are in all things and eternally the laws of life. Anarchy and competition, eternally, and in all things, the laws of death" (7. 207).

Ruskin's shift from commenting upon art and commenting upon social matters was not a sudden one, although, as shown above, he applied the same techniques and ideas to writing about both.(Clark, 263) Quite early, in 1853, in the chapter on "*The Nature of Gothic*" in *The Stones of Venice* , he had accused his contemporary society for badly treating its working class, subject to a process of alienation and dehumanization, and in his 1854 pamphlet *On the Opening of the Crystal Palace,* he tempestuously associated the glitter and lavishness of a party

in the world of the rich with the scarceness of a working class dinner. To further continue his attacks, in his Manchester lectures published under the title of *The Political Economy of Art* (1857) and later republished as *A Joy For Ever* (1880), he makes the difference between genuine and false richness, and concludes that the desire of true wealth presupposed a desire to fight against poverty and unemployment. He also attacked the supporters of *laissez-faire* economics and addressed his own public, merchants and mill-owners, that " the notion of Discipline and Interference lies at the very root of all human progress or power' and that the 'Let-alone" principle is … the principle of death" *(16. 26).*

　　Scholars agree that at this stage as a social writer, Ruskin's strong belief was that those in power, politically and economically, refused to understand their own responsibility for the working class. (Helsinger, 211) By 1862, when he published *Unto This Last*, his book of individual essays, Ruskin had been convinced that those with political and economic power had to give up their selfish and shortsighted attitude in order to become aware of their social duties. In the first part of *Unto This Last,* starting from the fact that a valid economic theory cannot be conceived by ignoring social reality, he firmly opposes the theory of *laissez-faire* economics, and in the third section of the book, he denounces its total immorality. In the remaining chapters, Ruskin displays his own humanized thoughts of different matters, such as production, wealth price and value. He thinks that: 'THERE IS NO WEALTH BUT LIFE. Life, including all its powers of love, of joy, of admiration' (17.105). Thus the value of a thing is real if it is useful to people and their life.

　　Eventually Ruskin's social positions proved highly influential because he plainly opposed the theory of classical economics, generally accepted by his fellow Victorians, and made suggestions of his own. As a radical Tory, besides the Biblical teachings, he drew upon the writings of Carlyle, Owen and the experience of the Middle Ages, thus standing against Malthusianism whose emphasis was upon scarcity of resources. (Hunt, 155) On the contrary, he pleaded that resources fully existed and that they should be rightly and efficiently assigned. He also opposed a competition-based political economy, pleaded for a cooperation-based one, which he thought to be more practical. In *Unto This Last,* we discover the author's preference for a consumerist position, a redefinition of "wealth", Ruskin's emphasis being on consumption rather than on production, thus situating himself against the conceptions of his contemporaries:

　　"Economists usually speak as if there were no good in consumption absolute. So far from this being so, consumption absolute is the end, crown , and perfection of production; and wise consumption is far more

difficult than wise production. Twenty people can gain money for one who can use it... The final object of political economy, therefore, is to get good method of consumption, and a great quantity of consumption: in other words, to use everything, and to use it nobly; whether it be substance, service, or service perfecting substance." (17.98, 102)

His contentions regarding wealth and consumption made him assert that: 'Production does not consist in things laboriously made, but in things serviceably consumable; and the question for the nation is not how much labour it employs, but how much life it produces. For as consumption is the end and aim of production, so life is the end and aim of consumption' (17. 104).

Ruskin's such views on social matters frightened many of his fellow countrymen, but he submitted specific suggestions of his own, which they also disliked. He pleaded that the government organize 'training schools for youth', and that 'every child boom in the country should, at the parent's wish, be permitted (and, in certain cases, be under penalty required) to pass through them' (17. 21). He also urged that the old and poor should be taken care of, that the unemployed should be given work, that factories with set standards of quality should be established to provide people unadulterated food and other quality commodities.

One of Ruskin's pleadings proved mostly outrageous for Victorian economists, namely the one that urged them to ignore Malthusian doctrine and pay labourers a decent wages. To their arguments, Ruskin retorts: 'Suppose it were your own son of whom you spoke, declaring to me that you dared not take him into your firm, not even give him his just labourer's wages, because if you did he would die of drunkenness, and leave half a score of children to the parish. "Who gave your son these dispositions?" — I should enquire. Has he them by inheritance or by education?' (17. 106). Ruskin, who subsequently was to become a supporter of a classless society, also argues that the poor share a similar position. He specifies that either the poor and the rich have basically the same nature, and consequently, can receive education or they 'are of a race essentially different from ours, and unredeemable (which, however often implied, I have heard none yet openly say]' (17. 106).

Some of Ruskin's social opinions inspired famous personalities, such as Morris or Gandhi, while other readers felt deeply embarrassed. Such is the case when he asserted that the fiercest oppression of the paupers by the moneyed class consists not as much in their underpayment and terrible working conditions but in their being kept in a lamentable mental and spiritual state. 'Alas! it is not meat of which the refusal is cruelest, or to which the claim is validest. The life is more than

the meat. The rich not only refuse food to the poor; they refuse wisdom; they refuse virtue; they refuse salvation' (17. 106-7). Ruskin's personal suggestions are further to be found in *Time and Tide* (1867) and *Fors Clavigera* (1871-8, 1880-4) such as: people should all be engaged in a form of activity, as well as in physical work, their payments set by custom, not by the law of supply and demand; natural resources should by state property, not owned by individuals; education, the most wealth-engendering factor, should be in charge of the state.

In criticizing Victorian society and *laissez-faire* capitalism, Ruskin makes use of a language that includes both an old tone, like that of the Old Testament, and a new one, inspired from Victorian rhetoric. Since early boyhood, Ruskin enjoyed preaching, a feature that was to be present in his subsequent writings, some sort of obsession which he himself confesses in *Praeterita*: "Notwithstanding, I arrived at some abstract in my own mind of the Rev. Mr. Howell's sermons; and occasionally, in imitation of him, preached a sermon at home over the red sofa cushions; this performance being always called for by my mother's dearest friends, as the great accomplishment of my childhood. The sermon was, I believe, some eleven words long; very exemplary, it seems to me, in that respect - and I still think must have been the purest gospel, for I know it began with, 'People, be good." (*Praeterita*, 19-22) The techniques of his "preachings" were replaced by those of the secular scholar who purposefully dissociates himself from his public when approaching social topics, still applying exegetical methods supplied by his religious studies.

Following the line developed by Carlyle, he makes use of a number of strategies meant to get to interest a possible unwilling audience in the issues of his interpretations. Consequently, using different methods, he had first to win their attention, and then persuade them that the subject is worth listening to. (Landow,167) We consider that by discussing some of the literary and rhetorical techniques employed by Ruskin in his social, economic and political work, his social criticism may be better examined and understood. One might compare the definitions found in *Modern Painters:* imitation, composition, tone, form, colour, etc. used in his art writings with the ones in his subsequent social and political comments such as value and wealth. Ruskin makes sure of his public's dependence upon him by starting with a definition of his own, implying he is the only capable of offering a correct meaning of words, a crucial techniques for what he was about to demonstrate in the forthcoming discussion. A good example is *Unto This Last,* where

conventional key terms are destructively attacked and replaced by his own nominations. According to him:

Political economy (the economy of the State, of citizens) consists simply in the production, preservation, and distribution, at fittest time and place, of useful or pleasurable things . . . But mercantile economy, the economy of 'merces' or of 'pay', signifies the accumulation in the hands of individuals, or legal and moral claim upon, or power over, the labour of others; every such claim implying precisely as much poverty or debt on one side, as it implies riches or right on the other. (17. 44-5)

Considering that classical economists had proposed basic incorrect definitions because they failed to understand the topic, he describes such a definition as "the science of getting rich". But there are many sciences, as there are many arts, of getting rich. Poisoning people of large estates, was one employed largely in the Middle Ages; adulteration of food of people of small estates, is one employed largely now' (17. 61). Using such arguments, Ruskin implies the fact that his public had broken away from God's ways, the people had found themselves caught in the patterns of a mendacious, useless language, and therefore they need a prophet, like himself, to lead the way to the restoration of their words (Apse, 98). The fact that he insists upon definitions demonstrates that with Ruskin, theme and technique join hand, as he believes that the false theories he strongly opposes on moral, economic, and political level produce but misfortune and have leavened common language.

Claiming trivial phenomena "to be windows into a nation's heart" (Landow, 167), Ruskin elaborately interprets them, finally being turned into "elaborate satirical allegories or symbolical grotesques"(Ibid.).This formal procedure is used in two ways, which Landow calls 'found' and 'invented' versions of the symbolical grotesque"(Ibid.). Found or discovered satiric grotesques are those he locates in existing phenomena. A good example could be the discussing of the ideas of value and richness in a press article included in *Unto This Last* (1860), where, in a shipwreck, a sailor collects all the gold to keep for himself, takes the plunge into the sea and reaches the bottom. Approaching by this satiric parable the ideas of ownership and value, Ruskin rightfully wonders whether the man possesses the gold or the gold possesses the man.

Through these forms of grotesque, that make up Ruskin's dominant technique, the prophet intended to create *ethos* or credibility. Rhetoricians consider that these arguments are represented under three forms: *logos, pathos,* or *ethos .*Arguments governed by *logos* imply the

idea of "reason", their convincing power consisting in precise facts like authority, statistics, testimony, the ones governed by *pathos* refer to the feelings and emotions of the public, whereas the aims of *ethos* intend to create for the speaker a status of sincerity and seriousness, in other words, that they listen to a completely trustworthy person, whose opinions should be eventually completely shared.

The three above-mentioned forms of discussion lay at the basis of any kind of argumentation. Ruskin's technique of convincing the audience of the validity of his arguments and evidence is focused on winning their credence, although his opinions might seem to them rather strange, even scandalous (Apse,109). At the beginning of his plea, Ruskin launches an idea in opposition with the one of the audience, and in so doing he places himself in a precarious position; then, he assumes serious rhetorical risks in order to demonstrate that, though unexpectedly, he is the one who is right, whereas the orthodox, accepted opinion proves to be wrong. Ruskin's such rhetorical intercessions, meant to win the audience's credence are based on invented symbolical grotesques, a result of his imagination set to work on such phenomena and appear under the form of elaborate parables and metaphors (Landow,168). Such symbolical grotesques are largely used by the sage when writing on political economy, which in the respective texts replace some of his usual rhetorical instruments, like clear sight and argumentation, word-painting, citation of personal experience, capacity to observe natural phenomena. One finds such a satirical analogy, directed against orthodox Victorian economic theory, in the opening chapter of his book *Unto This Last,* entitled *'The Roots of Honour'*, where he labels as "delusions" the theoretical Victorian approaches to society's problems and disdainfully compares them to primitive manners of thinking, citing alchemy in this context: "Among the delusions which at different periods have possessed themselves of the minds of large masses of the human race, perhaps the most curious - certainly the least creditable - is the modern soi-disant science of political economy, based on the idea that an advantageous code of social action may be determined irrespectively of the influence of social affection' (17. 25). Admitting that 'as in the instances of alchemy, astrology, witchcraft, and other such popular creeds, political economy has a plausible idea at the root of it' (17. 25), Ruskin considers that the economists are totally mistaken by 'considering the human being merely as a covetous machine' (17.25).

Ruskin believes that, when one constructs fundamental laws in any area of knowledge, variables should be eliminated, which the

economists failed to do when drawing up their theories. Variables, these "disturbing elements", in his opinion, are not similar to constant elements and should be eliminated when drawing up theories since "they alter the essence of the creature under examination the moment they are added; they operate, not mathematically, but chemically, introducing conditions which render all our previous knowledge unavailable' (17. 26) Making an analogy with a science he was acquainted with, chemistry, Ruskin continues with drawing attention upon the dangers present in such false conclusions: 'We made learned experiments upon pure nitrogen, and have convinced ourselves that it is a very manageable gas: but, behold! the thing which we have practically to deal with is its chloride; and this, the moment we touch it on our established principles, sends us and our apparatus through the ceiling' (17. 26).This short narrative, which is actually another satiric analogy, is followed by a bizarre symbolical grotesque, a typical example of great Ruskinian prose:

Observe, I neither impugn nor doubt the conclusion of the science if its terms are accepted. I am simply uninterested in them, as I should be in those of a science of gymnastics which assumed that men had no skeletons. It might be shown, on that supposition, that it would be advantageous to roll the students up into pellets, flatten them into cakes, or stretch them into cables; and that when these results were effected, the re-insertion of the skeleton would be attended with various inconveniences to their constitution. The reasoning might be admirable, the conclusions true, and the science deficient only in applicability. Modern political economy stands on a precisely similar basis. (17. 26).

Ruskin challenges the practical character of modern political economy and compares this science, whose conclusions had been generally accepted by his fellow Victorians, to a well-known grotesque satiric emblems of his, the invented pseudo-science of gymnastics-without-skeletons (Landow, 169). Further on, he considers that political economy specialists of his time have neglected the useful, relevant and applicable character of this science in favour of stylistic elegance and comfort, concluding that, although he may appear to his audience like an intolerant theorist, his conclusions are more valuable than the generally accepted ones.

His opponents' flaws are the major target of the sage's symbolic grotesques, which derive from Neoclassical satire, especially of Swift's famous *Tale of a Tub* and *Gulliver's Travels,* these analogies and little satiric narratives having the role of casting the opposing opinion in an awkward position.(Landow,160) A good example is found in "*Traffic*",

where Ruskin uses a grotesque satiric emblem to oppose those who argue that creating nice surroundings for people is not worth the effort. He tells his audience that he had supposedly called 'by some private gentleman, living in a suburban house, with his garden separated only by a fruit wall from his next door neighbour's' (18.438) to instruct him how to decorate his place. After suggesting painted ceilings, nice wallpaper and elegant curtains, his client retorts that he cannot afford such an expense. Assuming that the man was presumably rich, he is told:

'Ah yes,' says my friend, 'but do you know, at present I am obliged to spend it nearly all on steel-traps?' 'Steel-traps! for whom?' 'Why, for that fellow on the other side of the wall, you know: We're very good friends, capital friends; but we are obliged to keep our traps set on both sides of the wall; we could not possibly keep on friendly terms without them, and our spring guns. The worst of it is, we are both clever fellows enough; and there's never a day passes that we don't find out a new trap, or a new gun-barrel, or something.' (18. 438-9)

The client tells Ruskin the house decorator that he and his neighbour are "very good friends, capital friends", that they spend fifteen million a year on steel traps to keep away from each other, they cannot do with less and , consequently, he should understand that there is no capital left for house decorations. After telling this story, Ruskin leaves the position of the innocent and addresses his audience in an Old Testament prophet style: "A highly comic state of life for two private gentlemen! but for two nations, it seems to me, not wholly comic.... Bedlam might be comic, if it had only one madman, and Christmas pantomimes are comic with one clown, but when the whole world turns clown, and paints itself red with its own heart's blood instead of vermilion, it is something else than comic, I think' (18. 439).

After this symbolic grotesque had pointed out the intellectual shallowness of those who refuse financial expenditures to beautify their living conditions, Ruskin continues with some sort of damnation for his listeners, by reasserting the deadly character of competition, a destructive law for a healthy life, where art and beauty play a definite part.

Like a prophet of the Old Testament, he openly stigmatizes the manners of his fellow Victorians, whom he accuses of breaking away from the ways of God. Social criticism finds in Ruskin's symbolical grotesques a quite suitable instrument, because these satiric inventions blow the lid off the negative features of the Victorian age. They plainly demonstrate Ruskin's virtuosity in interpretation and satire, and successfully stand as a new stylistic technique in his later prose writing, which replaces the sage's

favourite one, word-painting. These set pieces constitute not only an interesting, pleasant and intelligent manner of making his ideas get wind, but also a most suitable way of focusing his interpretations of Victorian society.

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POLITICS AND INSTITUTIONS TODAY:

HOW TO DEAL WITH THE RECENT ISSUES?

ORIGINAL PAPER

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Patterns of Local Self-Government and Governance: A Comparative Analysis regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (II)

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Abstract: In this study the author resumes the discussion on the results of a complex comparative analysis of the constitutional provisions on the organization and functioning of public administrations of the Central and Eastern European Administrations following the criteria of constitutional recognition of local self-government, addressing the institutional guarantees of local self-government and the rule of law, recognition of the transfer of competences to local communities and subsidiarity principle, guarantees of financial decentralisation, the regulation of administrative supervision of local authorities' activities and the legiferation of the administrations' right to associate.

Keywords: public administration, democratic principles, enlargement, European Charther of Local Self-Government.

The present article resumes the results presented in a previous paper which concentrated around the comparative analysis of the constitutional principles of local-self government and democratic organization of the public administrations of Bulgaria, Czech Republic, Hungary and Romania by focusing on Croatia, Estonia, Latvia, Lithuania, Poland, Slovenia, Slovakia, Serbia and the Ukraine. Before embarking upon presenting the results of the comparative study, we have to note on the diversity of democratic organization and functioning of local self-governance across the Central and Eastern European Countries, all of them signatories of the European Charter of Local Self-Government. The reason for this research on the conformity of constitutional principles on local self-government to the principles of the Charter, also known as Treaty No. 122 of the Council of Europe, is that this document represents "a European model for organizing local public administration"[1] in the spirit of liberal democracy[2].

The implementation of the principles enlisted in this document explains not only the democratic character of public administrations across the countries in question, but also the diversity of the organization of local and regional governments. The answer rests in Article 12 of the European Charter which allows each signatory state to assume responsibility towards a minimum of twenty paragraphs of Part I of the document, however conditioning the binding selection of ten paragraphs from a list confined[3]. This is perhaps the reason for the diversity in the manner of conceptualizing self-government at local level in the fundamental law in each country. Another reason is to be found within Article 2 of the Charter which allows for opting between the fundamental law and national legislation for the regulation of local or regional self-government.

Local self-government as a principle guaranteed through fundamental law

Constitutional recognition of the right to local self-government in Croatia is prescribed in Title VI. *Local and Regional Self-Government* containing Articles 132-137 of the Constitution of Croatia[4], and is also present in Articles 4 and 128 of the same fundamental law, thus pursuant with the provisions of Article 2 of the European Charter of Local Self-Government. Article 4 for instance conditions the separation of powers into the legislative, executive and judicial within the confines of the right to local and regional self-government.

In Lithuania[5] Chapter X of the Constitution bears the name *Local Self-Government and Governance.* Consistent with Article 2 of the

European Charter, Articles 119-124 thus display the principles applicable to local self-government.

In Poland the decentralisation of public power is displayed in the Constitution[6] in *Article 15.1.* We have to note in this case the possibility to regulate the "basic territorial division" of Poland by a subsequent statute "allowing for the social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties" (Article 15.2).

In accordance with Article 2 of the European Charter, the Constitution of Slovakia[7] asserts in Chapter Four *Territorial Self-Administration* (containing Articles 64-71) the principles of local self-government applicable in this country.

The Constitution of Estonia[8] proclaims in Chapter XIV the principles related to local government, affirming in Article 155 that it recognizes as units of local government the rural municipalities and towns. Article 154 confines local affairs to local government and, at the same time, makes a full statement of their independence.

Self-government makes a separate title in the Constitution of Slovenia[9], which discriminates between local self-government (dealt with in Articles 138-144) and other forms of self-government i.e. in the field of social activities set down in Article 145. Thus the fundamental law affirms that "Citizens may be given the authority by law to manage through self-government particular matters within the state competence", thus asserting the decentralisation of public authority to the level closest to the citizen, pursuant to the dictates of the European Charter.

The Constitution of Serbia[10] purviews state power "by the right of citizens to provincial autonomy and local self-government" (Article 12) while at the same time is announces among the competences of the Republic of Serbia that it "shall organise and provide for territorial organisation of the Republic of Serbia; system of local self-government" (Article 97.3). A special importance is dedicated to the body of articles providing for territorial organisation of the state as it conceptualises in part seven the provincial autonomy and local self-government, confine the competences of local self-government units, dictate on the organisation and functioning of autonomous bodies in autonomous provinces.

In Ukraine the Constitution[11] declares in Article 5 that „the people exercise power directly and through bodies of state power and bodies of local self-government". Again, local self-government is affirmed and securitized for in Article 7 of the Constitution. At the same time, Article

92 of the fundamental law ascribes the principles of local self-government to the competences of Ukrainian laws. Moreover, the Constitution of Ukraine dedicates its entire Chapter XI to the stipulated conditions of local self-government (Articles 140-146).

Table 1. Status of signature, ratification and entry into force of the European Charter of Local Self-Government for countries under analysis

Country	Charter was signed	Charter was ratified	Charter entered into force
Bulgaria	3/10/1994	10/5/1995	1/9/1995
Croatia	11/10/1997	11/10/1997	1/2/1998
Czech Republic	28/5/1998	7/5/1999	1/9/1999
Estonia	4/11/1993	16/12/1994	1/4/1995
Hungary	6/4/1992	21/3/1994	1/7/1994
Latvia	5/12/1996	5/12/1996	1/4/1997
Lithuania	27/11/1996	22/6/1999	1/10/1999
Poland	19/2/1993	22/11/1993	1/3/1994
Romania	4/10/1994	28/1/1998	1/5/1998
Serbia	24/6/2005	6/9/2007	1/1/2008
Slovakia	23/2/1999	1/2/2000	1/6/2000
Slovenia	11/10/1994	15/11/1996	1/3/1997
Ukraine	6/11/1996	11/9/1997	1/1/1998

Source: Adapted from
http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=122&CM=7&DF=23/08/2010&CL=ENG

Institutional guarantees of local self-government and the rule of law

This section is confined to discuss in a comparative approach the constitutional arrangements for each country under analysis for the conceptualization of local self-government[12].

The Constitution of the Republic of Croatia prescribes these issues in Articles 132 and 133 in conformity to Article 3 paragraph 1 of the European Charter of Local Self-Government which makes manifest the concept of local self-government as "the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population." Thus, Article 132 of the Croatian fundamental law affirms the right to local and regional self-government to its citizens through local and regional representative bodies. However, the Croatian Constitution does not deny citizens the right to "directly participate in administering local affairs, through meetings, referenda and other forms of direct decision-making, in conformity with law and statute" in accordance with the principles prescribed in the Charter in

Article 3 paragraph 2. The rule of law principle also attributed to public administrations[13] is one of the principles envisaged in the European administrative area characterized by the presence of "consolidated institutional structures"[14].

The Croatian fundamental law confines the right to local and regional self-government to "through local, respectively regional representative bodies, composed of members elected on free elections by secret ballot on the grounds of direct, equal and general voting rights" (Article 132). Moreover, the Croatian fundamental law considers that the units of local and regional self-government to which the principle of local self-government applies are municipalities and towns and, respectively, counties (Article 133).

In Poland the fundamental law makes reference to a statute by which "self-governments may be created within a profession in which the public repose confidence" in the name of public interest (Article 17).

In Estonia the Constitution designates the council as "the representative body of a local government (...) elected in free elections for a term of four years" by direct, universal and secret ballot (Article 156).

In a similar manner, in Lithuania, constitutional provisions lay down the right to self-government to "administrative units of the territory of the State" (Article 119) headed by municipal councils constituted following elections for a four-year mandate.

The independence of territorial administrative units in Slovakia is expressed in the Constitution in Article 64 and 64 (a) which designate the municipality as the "basic element of territorial self-administration".

Latvia[15] is a special case since the Constitution makes no reference to local self-government. Still, it is not a case of infringement of the Charter principles since it allows in Article 2 the regulation by national legislation.

On the other hand, the Slovakian fundamental law makes known in Article 69 the bodies of territorial self-administration entities under the form of a council of the territorial self-administration unit and a chairman of the territorial self-administration unit, both entities resulting from direct elections for a four-year mandate.

The exercise of local self-government in Slovenia is constitutionally granted to citizens through the form of municipalities and other local communities (Article 138). The fundamental law clearly stipulates that "Municipalities are self-governing local communities" (Article 139). The Slovenian legislator has asserted the right of citizens to designate through referendum their will to reside together united by

"common needs and interests". A special status is granted to urban municipalities, within their competences the law establishes "particular duties within the state competence relating to urban development" (Article 141). Also, the Slovenian Constitution recognises in Article 143 the existence of the region as a "self-governing local community that manages local affairs of wider importance, and certain affairs of regional importance provided by law". The organisation of regions is subject to regulations by the National Assembly.

The right of local self-government is stipulated clearly in several articles in the constitution of Ukraine, in Article 38 guaranteeing the access of citizens to bodies of state and local authority and also in Article 71 which announces the institution of universal, equal secret and direct vote in elections to "bodies of state power and bodies of local self-government" for a five-year mandate for village, settlement, city, district and oblast council and for a four-year-term the head of the village, settlement and city, respectively (Article 141), thus conformable to Article 3.2 of the Charter. Local self-government is thus reguated as "the right of a territorial community — residents of a village or a voluntary association of residents of several villages into one village community, residents of a settlement, and of a city — to independently resolve issues o f local character within the limits of the Constitution and the laws of Ukraine" (Article 140).

The Constitution of the Republic of Serbia recognises provincial autonomy and local self-government in the exercise of citizens "directly or through their freely elected representatives" (Article 176).

Recognition of the transfer of competences to local communities and subsidiarity principle

At this level of the comparative analytical approach we are interested in noting the manner in which each constitutional arrangement in the countries under analysis has dealt with the confines of competences of local communities and the stipulated conditions of the subsidiarity principle.

In Croatia the fundamental law makes known officially the scope of local and regional competences in Article 134 laying down aspirant to the subsidiarity principle that at local level the interest falls in the direct fullfillment of individual interest, while at regional level the mandate of the authorities is drawn within the bounds of regional importance[16]. Also the Constitution establishes in Article 116 that "Certain responsibilities of the state administration may be entrusted by law to the bodies of the local and regional self-government and legal bodies vested with public

authority", thus announcing the recognition of transfer of competences, conformable to Article 4 paragraph 1 of the European Charter of Local Self-Governance. Also, we have to note at this point the establishment in the Constitution of the possibility to use a different language in local units[17]. The fundamental law of Croatia draws the line between local and regional jurisdiction of public affairs announcing that "at the allotment of the affairs, priority shall be given to the bodies which are closest to the citizens" and also "at the determination of the local and regional self-government jurisdiction, the scope and nature of affairs and the requirements of efficiency and economy shall be taken into account" (Article 134). Moreover, in Article 135 the law stipulates the right of units of local and regional self-government to autonomously manage their institutions and public authorities to fill local interests.

In Estonia the fundamental law clearly stipulates that "all local issues shall be resolved and managed by local governments, which shall operate independently pursuant to law" (Article 154), a provision clearly proceeding from Article 4 paragraph 2 of the European Charter of Local Self-Governance. Moreover, in agreement to Article 5 of the Charter Article 158 of the Constitution confines the change in the borders of local government units to the prior consultation of the local communities in question.

In Poland the fundamental law grants citizens the right to "participate in the exercise of public power" through local self-governments (Article 16) responsible for their actions pursuant to a statute dictating their territorially marked competences (Article 94).

In Slovakia the fundamental law prescribes the independence of the municipality as "the basic element of territorial self-administration" uniting permanent residents (Article 64). The law asserts their right to self-administrate "at meetings of municipality residents, by a local referendum, by a referendum on the territory of a superior territorial unit, by the municipality bodies or the bodies of a superior territorial unit" (Article 67), state intervention at this level being subject to a subsequent law. Article 68 establishes municipalities and superior territorial units to "issue generally binding ordinances in the matters of local self-administration". The fundamental law also recognises the possibility to transfer competences from state to municipality level granting them the authority to "issue ordinances that are generally binding within its area of jurisdiction", still under the control of central Government (Article 71).

The term municipality operates in Lithuania as well. The Constitution establishes the independence of municipalities confined by

their competences (Article 120), however, the Constitution also stipulates that municipalities have among their duties to observe the decisions of the Government and that "in cases and according to the procedure provided for by law, the Seimas (legislator) may temporarily introduce direct rule in the territory of a municipality" (Article 123).

Again, municipality is a term operating in Slovenia, the Constitution granting it autonomy confined to the affairs "which affect only the residents of the municipality" (Article 140). Formally incorporated in the Constitution is the possibility of the central power to transfer competences to local and regional authorities provided by the transfer of financial resources to accomplish the tasks, retaining for the central power the right to supervise the activity at the local and regional level (Articles 140 and 143).

The Serbian fundamental law also recognises the possibility to transfer public powers from the entity of the republic to autonomous provinces and local self-government units, and also to "enterprises, institutions, organisations and individuals" and to "specific bodies through which they perform regulatory function in particular fields or affairs" conditioned by "the interest of more efficient and rational exercise of citizens' rights and duties and satisfying their needs of vital importance for life and work" (Article 137). As regards subsidiarity principle, the fundamental law guarantees provincial autonomy (Article 187), local self-government units (Article 188) however, the same Constitution allows municipalities to be created or revoked by a ulterior law and even "It may be envisaged in the Statute of the town to establish two or more town municipalities on the territory of the town" (Article 189). At the same time, the Constitution clearly asserts the competences of municipalities in Article 190. Thus, a municipality shall "1. regulate and provide for the performing and development of municipal activities; 2. regulate and provide for the use of urban construction sites and business premises; 3. be responsible for construction, reconstruction, maintenance and use of local network of roads and streets and other public facilities of municipal interest; regulate and provide for the local transport; 4. be responsible for meeting the needs of citizens in the field of education, culture, health care and social welfare, child welfare, sport and physical culture; 5. be responsible for development and improvement of tourism, craftsmanship, catering and commerce; 6. be responsible for environmental protection, protection against natural and other disasters; protection of cultural heritage of the municipal interest; 7. protection, improvement and use of agricultural land; 8. perform other duties specified by the Law" (Article 190).

The transfer of competences in Ukraine to bodies of local self-government is recognised by the fundamental law in Article 143[18]. In Serbia the fundamental law recognises the delegation of particular competences from the central authority to autonomous provinces and from autonomous provinces to local self-government units (Article 178). By competence in the possession of local self-government units the Serbian legislator recognises "those matters which may be realised, in an effective way, within a local self-government unit", and for autonomous provinces "those matters which may be realised, in an effective way, within an autonomous province, which shall not be the competence of the Republic of Serbia. What matters shall be of republic, provincial or local interest shall be specified by the Law" (Article 177). The Constitution also grants the right to autonomous organisation of bodies (Article 179). Autonomous provinces are also recognised by the Constitution, having competences in the field of "1. urban planning and development, 2. agriculture, water economy, forestry, hunting, fishery, tourism, catering, spas and health resorts, environmental protection, industry and craftsmanship, road, river and railway transport and road repairs, organising fairs and other economic events, 3. education, sport, culture, health care and social welfare and public informing at the provincial level" (Article 183), the formation of new autonomous provinces or the annulment or merger of already existing provinces being subject to Constitutional revision (Article 182).

Self-government and financial decentralisation

Financial decentralisation in Croatia is guaranteed in Article 137 of the fundamental law, however, it also stipulates that "revenues of local and regional units of self-government shall be proportional to their authorities provided by the Constitution and law" also providing for the state assistance of "financially weaker units of local and regional self-government".

In Estonia the Constitution provides for the existence of independent budgets at the level of local governments financed through local taxes (Article 157). However, financial decentralisation in Estonia also envisages the possibility for the central government to impose taxes on a local government (Article 154). In Lithuania financial decentralisation is announced through the right of municipalities to "draft and approve their budget" and also to set local taxes, the law allowing even "tax and levy concessions at the expense of their own budget" (Article 121).

In Slovakia the municipalities and superior territorial unit are legal entities with financial autonomy, however, they are fuelled "from their own revenues, as well as from state subsidies" (Article 65).

The Constitution of Slovenia also provides for municipal financial autonomy, still it allows central assistance for "municipalities that are unable to completely provide for the performance of their duties due to insufficient economic development" (Article 142).

The Constitution of the Republic of Serbia affirms in Article 92 the mandatory nature of budgets for the Republic of Serbia, autonomous provinces and local self-government units "which must outline all receipts and expenses with which they are funding their competences" proclaiming the financial autonomy of autonomous provinces (Article 184).

Administrative supervision of local authorities' activities

In general, in the countries under comparative analysis, the fundamental law affirms the autonomy of the local governments confined solely by the constitutional and legal principles. The review of constitutionality and legality is accomplished by "the authorized governmental bodies" in Croatia (Article 136 of the Constitution of Croatia), by bodies of executive power in Ukraine in cases in which local self-governments exercise the powers of the respective bodies of executive power (Constitution of Ukraine, Article 143), by state authorities in Slovenia (Articles 19 and 144 of the Constitution of Slovenia), by the Government who may submit the matter to the Constitutional Court in Serbia (Article 186) who decides "on the conflict of jurisdictions between republic and provincial bodies or bodies of local self-government units, (...) on the conflict of jurisdictions between provincial bodies and bodies of local self-government units, (...) on the conflict of jurisdictions between bodies of different autonomous provinces or bodies of different local self-government units" (Article 167)[19].

In Serbia the Government may "cancel the enforcement of the municipal general act which it considers to be in noncompliance with the Constitution or the Law, and institute the proceedings of assessing its constitutionality or legality within five days" and even dismiss the Municipal Assembly (Article 192).

Legiferation of the administrations' right to associate

Most of the constitutional orders in the countries under study provide for the right of local public administrations to associate: "A local

government has the right to form unions and joint agencies with other local governments" (Constitution of the Republic of Estonia, Article 159) "in order to provide for the matters of common interest" (Constitution of the Republic of Slovakia, Article 66). In Ukraine the fundamental law provides that "On the basis of agreement, territorial communities of villages, settlements and cities may join objects of communal property as well as budget funds, to implement joint projects or to jointly finance (maintain) communal enterprises, organisations and establishments, and create appropriate bodies and services for this purpose" (Article 142). The Serbian fundamental act recognises cooperation of autonomous provinces and local self-government units "with the corresponding territorial communities and local self-government units from other countries, within the foreign policy of the Republic of Serbia, observing the territorial integrity and legal system of the Republic of Serbia" (Article 181).

Conclusions

In general terms, the principles of organisation and functioning of democratic public administrations at local level are assumed by the fundamental laws in the countries under study. Differences in the manner of regulating these attributes are relevant and are aprtly due to each country's political interests, traditions, political regime and stage in transition towards democracy[20].

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Notes:

[1] Diana-Camelia Iancu, *Uniunea Europeană şi administraţia publică,* Iaşi: Polirom, 2010, p. 28. See also the remarks of Alain Delcamp, Professor at the Université d'Aix-Marseille (France) and President of the Council of Europe Group of experts on local and regional autonomy on the success of the European model of local self-government to guide Eastern public administrations towards the desired European standards of democratic development in an interview held at the Conference of Ministrers responsible with local and regional collectivities (Budapest, 24-25 February 2005), source: http://www.coe.int/t/f/com/dossiers/interviews/20050222_delcamp.asp.

[2] See in this sense the perspective on the establishment of liberal democracy expressed in Cosmin Lucian Gherghe, *Geneza liberalismului din România* in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", no. 18-19/2008, pp. 123-128.

[3] Article 12 paragraph 1 reads that "Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among the following paragraphs: Article 2, Article 3, paragraphs 1 and 2, Article 4, paragraphs 1, 2 and 4, Article 5, Article 7, paragraph 1, Article 8, paragraph 2, Article 9, paragraphs 1, 2 and 3, Article 10, paragraph 1, Article 11."

[4] Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Croatia were selected from the Constitution of the Republic of Croatia. The consolidated text published in "Narodne novine" (the Official Gazette), No. 41/01 of May 7, 2001 together with its corrections published in "Narodne novine" No. 55 of June 15, 2001.

[5] The Constitution of the Republic of Lithuania came into force on 2 November 1992 (Adopted by citizens of the Republic of Lithuania in the Referendum of 25 October 1992).

[6] Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Poland were selected from the Constitution of the Republic of Poland of 2nd April, 1997 as published in *Dziennik Ustaw* No. 78, item 483.

[7] Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Slovakia were selected from the Constitution of the Slovak Republic.

8 Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Estonia were selected from the Constitution of the Republic of Estonia.

9 Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Slovenia were selected from the Constitution of the Republic of Slovenia.

10 Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Serbia were selected from the Constitution of the Republic of Serbia

11 Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Ukraine were selected from the Constitution of Ukraine adopted at the Fifth Session of the Verkhovna Rada of Ukraine on 28 June 1996 and amended on 8 December 2004 by Law No. 2222-IV

12 During our analysis we have constantly verified the list of declarations made by every signatory state of the European Charter on Local Self-Governance on the paragraphs they have selected to observe. See in this sense: http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=122&CM=8&DF=27/12/2013&CL=ENG&VL=1

13 See for that matter Diana-Camelia Iancu, *op. cit.*, p. 31 who confines the presence of the rule of law principle within a public administration to the presence of the "six institutional guarantees: elected officials; free, fair and frequent elections; alternative sources of information; freedom of speech; association autonomy; comprehensive citizenship".

14 For a comprehensive theoretical analysis of "consolidated institutional structures", see Anca Parmena Olimid, *Politică românească după 1989,* Craiova: Aius PrintEd, 2009, p. 17.

15 Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Latvia were selected from the Constitution of the Republic of Latvia

16 Article 134 of the Constitution of Croatia reads that:
 "Units of local self-government shall carry out the affairs of local jurisdiction by which the needs of citizens are directly fulfilled, and in particular the affairs related to the organization of localities and housing, area and urban planning, public utilities, child care, social welfare, primary health services, education and elementary schools, culture, physical education and sports, customer protection, protection and improvement of the environment, fire protection and civil defense."
"Units of regional self-government shall carry out the affairs of regional significance, and in particular the affairs related to education, health service, area and urban planning, economic development, traffic and traffic infrastructure and the development of network of educational, health, social and cultural institutions."

[17] See for that matter Article 12 of the Constitution of Croatia: „In individual local units, another language and the Cyrillic or some other script may be introduced".

[18] Also, the law points out the competences of local governments, thus: "Territorial communities of a village, settlement and city, directly or through the bodies of local self-government established by them, manage the property that is in communal ownership; approve programmes of socio-economic and cultural development, and control their implementation; approve budgets of the respective administrative and territorial units, and control their implementation; establish local taxes and levies in accordance with the law; ensure the holding of local referendums and the implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions, and also exercise control over their activity; resolve other issues of local importance ascribed to their competence by law. Oblast and district councils approve programmes for socio-economic and cultural development of the respective oblasts and districts, and control their implementation; approve district and oblast budgets that are formed from the funds of the state budget for their appropriate distribution among territorial communities or for the implementation of joint projects, and from the funds drawn on the basis of agreement from local budgets for the realisation of joint socioeconomic and cultural programmes, and control their implementation; resolve other issues ascribed to their competence by law" (Article 143).

[19] See also Article 12 of the Constitution of the Republic of Serbia which reads that "The right of citizens to provincial autonomy and local self-government shall be subjected only to supervision of constitutionality and legality".

[20] See in this sense the comprehensive comparative theoretical approach in Anca Parmena Olimid, *op. cit.,* pp. 20-35.

ORIGINAL PAPER

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Public employment service between efficiency and effectiveness

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Abstract:

Problem premises: *Transforming the National Agency for Employment in Romania by 2015 in a Modern Public Service Employment Service (PES) shall be made only upon customer needs efficiency-oriented services, decentralization and development of information system. European Social Fund, through the Sectoral Operational Programme Human Resources Development, allocated in the 2007-2013 period hundreds of millions thru Priority Axis 4 (Modernising Public Employment Service) to improve and increase the quality of services provided as well as training personnel. Our analysis aimed to make a diagnosis of the current system and measuring the satisfaction of Public Employment Service (PES) customers for outlining a unified strategy to modernize it.* **Method:** *In conducting research, opinion survey method was used, based on questionnaires administered to 400 employees of 16 agencies for Employment in the South-West Oltenia, Muntenia South and West, and a total of 2,000 customers, the main beneficiaries of the services provided by them (people looking for a job, unemployed, representatives of employers and training providers for adults and so on).* **Results:** *The study revealed that there are major differences between customer expectations and civil servants from the Public Employment Service (PES), despite the improvements, the computerization and implementation of quality management. The deficiencies found are resulting from reducing staff, civil servants assigned to customers number was 1 employee to 400 customers per month, while the European optimum is 1-100. Budgeting failure, blockage of channels and the patchy training system of the personnel maintain quality gap between the Public Employment Service (PES) in Romania and one of the other EU member countries.*

Key words: *public employment service, efficiency, effectiveness*

The globalization process has led to significant changes in Romania's occupational structure, the social and economic reforms leading to the elimination of some occupations and the emergence of others. The changes included the effect phenomenon of the dynamics of market economy, unknown to the communist period and specific to the capitalist stage: unemployment.

Also, after crossing a period of economic transition, the labor market in Romania has been through significant changes in terms of volume and structure of the main indicators. In the same time, the global crisis that began in late 2008 had serious consequences on the labor market in our country and its effects are still felt nowadays[1].

In this context, in order to meet the regulatory needs of the labor market, it is reviewed the legislation in the area of labor relations and there are established some agencies and institutions able to create the unemployment insurance and employment stimulation system.

Having as main activity the stimulation of making compatible the supply and demand in the labor market and the reduction of unemployment, the National Agency for Employment has in Romania the role of the Public Employment Service, in order to ensure transparency in the labor market and provide services for its beneficiaries - the unemployed, people who want to change their jobs and employers.

The National Agency for Employment (A.N.O.F.M.) has subordinated the Agency in Bucharest, 41 county agencies (in which operate 70 local agencies and 141 outlets), 8 county training centers for the unemployed, 8 regional centers for adult training and the National Center for Professional Personnel Training in Râşnov.[2]

The Public Employment Service ensures the application of active employment measures nationwide, providing its beneficiaries information, counseling, training, mediation and placement services, but also consultancy regarding the legislation facilities in labor and social security.

Due to the diversity and complexity of the activities of County Agency For Employment (A.J.O.F.M.s) and the constant legislative changes which have endangered systemic soundness, the efficiency of Public Employment Service is qualitatively limited, the only indicators it realizes being the quantitative ones. Basically, reducing its role to track people looking for jobs and pay unemployment insurances, the Public Employment Service, which is in shortage of specialists and overwhelmed by the responsibilities arising from its status, does not answer the cause (adjusting demand and supply on the labor market)

and does not diminish the effect (not placing the unemployed on the existing jobs).

As a result, both in social sciences and in common language, efficiency means maximizing outcomes and reducing costs. In other words, efficiency is the ratio between effectiveness (that is, as shown, in the degree of achievement of the objective, function) and cost (cost of resources and the negative effects of such an activity).[3]

No organization can be effective without investing in human resources and constantly evaluating the effectiveness of the investment. Thus, the budget allocations from annual GDP are not affected by the negative dynamics of the labor market and the high unemployment rate and the correct diagnosis of a system which clearly highlights the lack of personnel and narrows its area of expertise cannot generate medium term expectations (given the country agreements with the IMF). We acknowledge in this context that these external factors are the threat that deepens the split between the Public Employment Service in Romania and its similars in the other states of the European Union countries. These assertions direct our analysis towards internal factors represented by the infrastructure and the human resources in the system. And if, in terms of infrastructure and logistics in the last 15 years, there were developed softwares and were created connections to European networks (easily accessing REVISAL and EURES), in terms of the employees of the Public Employment Service we can speak of staff retention based on subjective criteria (influenced by the political and social environment). Therefore, the efficiency parameters target the system's human resource.

Performance evaluation and employee efficiency is achieved by comparing the results generated by a particular type of management with the objectives and performance standards set at the beginning of the activity.[4] Since the early '70s there were major changes in the personnel evaluation process precisely through the impact that the personal feedback has had on legislation in many countries. "*Organizations in the U.S. and several European countries have shown that regular assessments of staff in relation to work are fair and non - discriminatory. Psychological studies on this subject have received both a scientific and legal basis. This also triggered a revival of psychological selection practices through tests in the context of managerial potential evaluation[5]*.

Review together with the adaptation or performance improvement to standards and objectives through ongoing training and increase in service quality is one of the current endogenous solutions.

Basically, the transformation of the National Agency for Employment in Romania by 2015 in a Modern Public Employment Service (SPO) can be achieved only through efficient *services oriented towards the customers' needs*, *the decentralization and development of the information system*, under stimulation of its employees' efficiency. The European Social Fund through the Sectoral Operational Programme of Human Resources Development has anticipated the need and responded to it by allocating in the 2007 - 2013 period several hundred million Euros through its Priority Axis 4 - "Modernization of Public Employment Service." Through this opportunity a national approach was proposed, in an attempt to diversify the services offered by the SPO, to improve their quality, making them more visible and accessible and bringing them closer to the beneficiaries. Through the training activities of the Public Employment Service staff, it was nationally strengthened, the Service's capacity to provide labor market analyses, to interpret data, to anticipate the trends and new evolutions of employment and companies' dynamics.

One of the strategic projects completed through this program included a research intended to achieve a diagnosis of the current system and measure the degree of satisfaction of the Public Employment Service (SPO) customers in Romania in order to sketch a unified strategy for its modernization. The opinion survey method was used within the research, based on questionnaires administered to 400 employees in 16 County Agencies for Employment in the regions South - West Oltenia, South - Wallachia and West and a number of 2,000 customers, the main beneficiaries of the services provided by them (people looking for a job, unemployed, representatives of employers and professional training providers for adults, etc.).

Having as main component the continuous training of the Public Employment Service staff, we left from the definition of researchers Robert Mathias and John Jackson for whom *"professional training is a learning process during which candidates acquire theoretical and practical knowledge necessary to carry out their daily activities and professional development is a more complex process*, *which aims to acquire theoretical and practical knowledge required both the current position as well as the future one - professional anticipation."[6]* and thus we have justified the need to invest in permanent learning seen as a life attitude.

Through continuous professional training, the employee is helped to develop the knowledge and skills needed for new professional goals, to experience in a simulated frame the new acquired competences, so that in real working situations the percentage of errors will be smaller and he will better understand what is required of him, visualizing his

work in the context of the entire organization. All these gains mean a better employee training, an increase of his performance and implicitly of the efficiency. SPO employees frequently participate in trainings / courses, so 58.9 % answered yes when they were asked about their training.

From this point of view, evaluating training programs is essential. The relationship education - economic development is seen *"...as a univocal relationship. In fact, this relationship is bilateral. Education becomes itself from effect a cause, a key factor of economic development.*"[7]
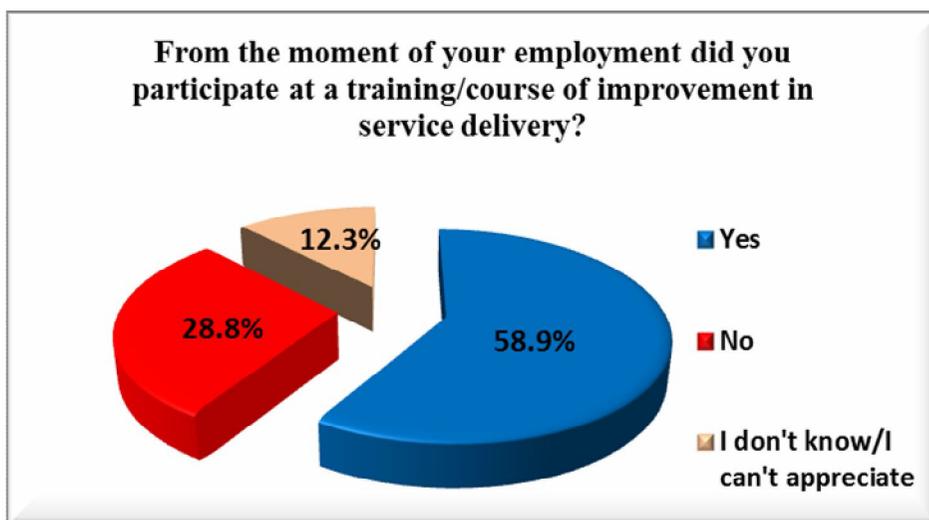
Thus, the Public Employment Service, through an effective management based on performance evaluation of human resources, can on one hand to obtain a clear picture of the current situation regarding the staff's professional training and on the other hand can use the evaluation as a motivation strategy for the people employed.

"The European Union is a political, social, cultural and economical entity which has a strategic influence in the globalization movement"[8].Once the National Agency for Employment aligned to the European strategy for the modernization of the Public Employment Service, we notice the agencies' attempt to strengthen the capacity of services by improving their own personnel.

A major problem faced by the SPO is the striking existent bureaucracy, as system of organization that works specifically and is structured hierarchically, existing in the Romanian public organizational space and environment, which has besides responsibilities and duties

that bureaucratic authority, limited by laws and regulations. Most people think that bureaucracy is a negative process, which a perfect world and democracy should be free of, the term bureaucracy being often associated with phrases expressing inefficiency and personal interest.

According to one of the studies conducted and published within the MRB - Performance System "Implementation within SPO of a performance management system of the relations with the beneficiaries" financed by POSDRU, entitled Unified Strategy for Providing Public Employment Services, 43.1 % of respondents consider the bureaucratic process in the County Agencies for Employment (AJOFM), as being difficult or very difficult, while 47.9 percent believe that bureaucracy is a less difficult process, while 9 % chose the option *It is not a difficult process, it requires only strictly necessary papers*.

Faced with the situation to prioritize some hypothetical concurrent situations in which they could be at their place of work, most employees of the County Agency for Employment granted priority to the customers. Secondly respondents chose to complete the task received from their superior and thirdly they chose to answer a call.

Following a structured monitoring the County Agency For Employment employees showed professionalism in procedures for resolving the cases and problems encountered, thus in all 2687 cases observed by counselors, the employees from 16 County Agencies surveyed have followed the specific procedures of each case largely (13.4 %) and very largely (86.6 %).

On the other hand, every institution has its own policy on measuring the employees' activity, so they can impose or not a daily, weekly or monthly report. In this case, according to the same study mentioned above, only in 16.1 percent of the monitored cases, employees discharged their activity in a daily report, while for 83.9 % this was not considered necessary.

Did the employee report/communicate to his superior the case closure or refer it to another colleague or Department?

14.4%

85.6%

■ No
■ Yes
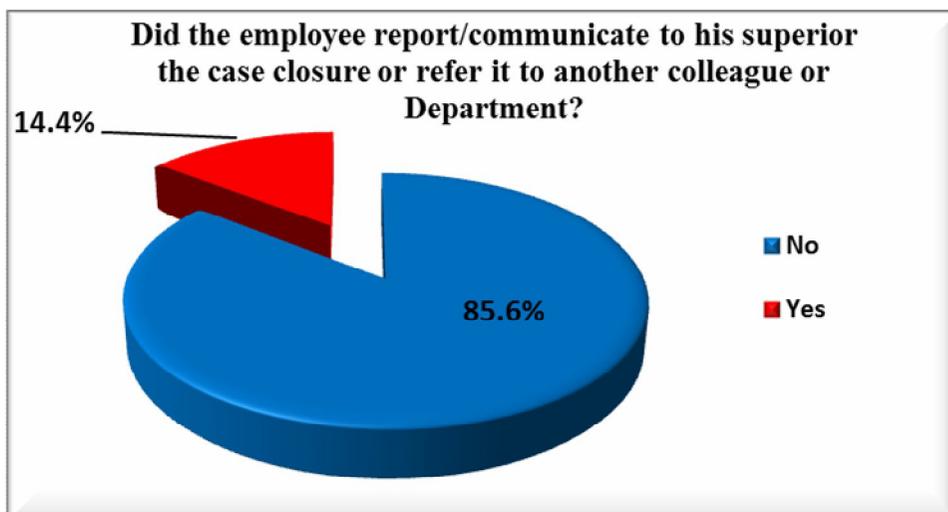
In the monitoring process, there were identified many strengths, qualities A.J.O.F.M. employees. Thus, the helpful and polite behavior of A.J.O.F.M. employees was noted in 11.3 % of the cases, followed by competence / professionalism (9.7 %) and attention / observation (9.1 %).

Thus, after checking the strengths and weaknesses of A.J.O.F.M. employees, we can say that the regular employee of the County Agency for Employment is friendly, professionally competent and pays attention to details when working with the beneficiaries and weaknesses only stand out because of the monotony of the same work every day or when he is overloaded in terms of the ratio number of cases to solve and the available time.

Customer satisfaction is the ability of an organization to provide specific services to its customers, at the quality level they demand, to meet their needs and wishes.

Quality service has been always seen as a key factor in determining customer satisfaction. Various dimensions of service quality can be considered in this regard. Therefore, performance measurement and management in user satisfaction, as well as the evaluation of their satisfaction are essential.

As expected, most of the beneficiaries of the County Agencies for Employment services are unemployed. Thus, 71.4 % of respondent beneficiaries on the evaluation chart for customer satisfaction within the monitoring plan are unemployed. Questioned about the manner in which the A.J.O.F.M. employee behaved with the customer to solve his problem,

93.2 % of respondents rated the employee's behavior as good or very good.

How do you appreciate the manner in which the A.J.O.F.M. employee behaved, the one you addressed for solving the problem?

Very good — 88.4%
Good — 8.8%
Satisfactory — 0.4%
I don't know/I can't appreciate — 2.4%
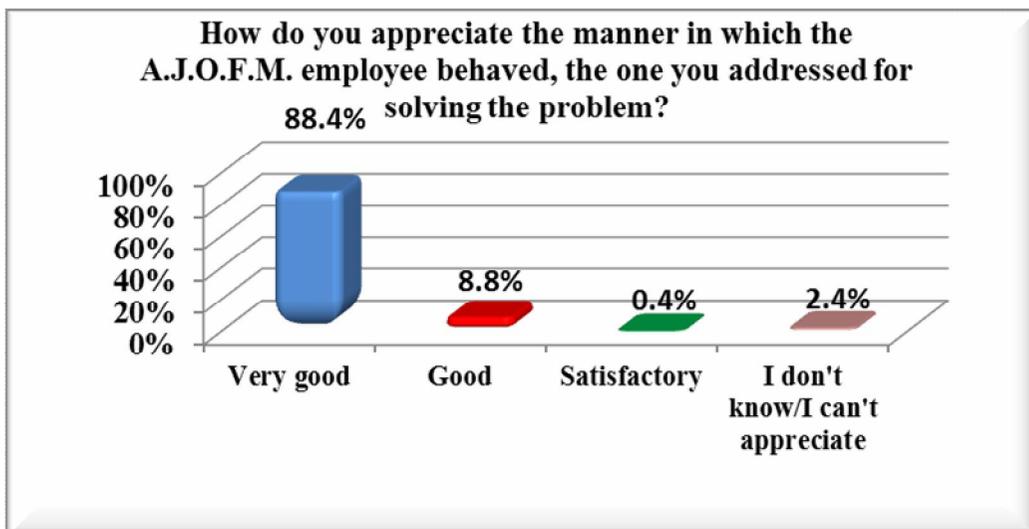
The efficiency of the material, financial and human resources used in A.J.O.F.M.s, the competence and skills of employees can be measured by the degree of solving the beneficiaries' requests. Thus, 94.7 percent of beneficiaries said that the problem for which they resorted to the A.J.O.F.M. employees had been fully resolved. 99 % of respondents said that A.J.O.F.M. employees have solved their problem quickly or very quickly, which shows the efficiency of employees in the 16 A.J.O.F.M. within the MRB project.

Has the problem for which you requested the services of the A.J.O.F.M. employee been solved?
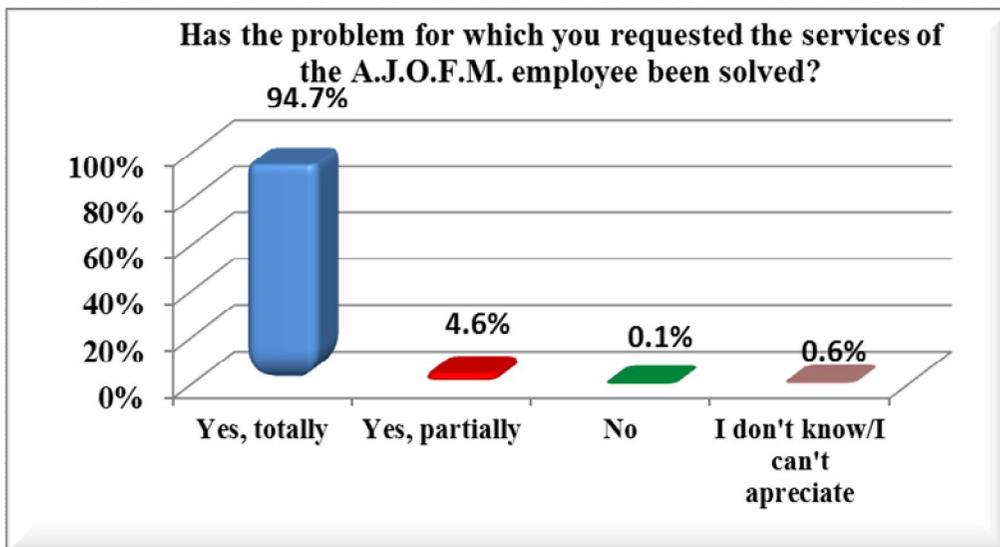
There is increasingly more focus on different personality knowledge systems that may influence and facilitate the recruitment system within the SPO. The ESCO (European Classification of Skills / Competences, Qualifications and Occupations), the Strong Interest Inventory, are programs that, based on knowledge of different personality traits, facilitate the improvement of SPO system.

At national level, the National Agency for Employment (A.N.O.F.M.) applies the employment policies and implements the training strategies of those who are looking for a job, ensures, coordinates the activities of subordinate units in order to achieve their duties and applies the legislation for the specific activity.

As labor market intermediaries, A.N.O.F.M. offers a wide range of services, organizing professional training services for the unemployed, directing the unemployed towards professional counseling, mediating the relationship between unemployed and employers, but also with other local authorities and providers of education and professional training.

Promoting good practices encourages the implementation in short periods of time of solutions to the problems that SPO is facing, using some mechanisms or methods already tested by other institutions and thus generates the more efficient response to the increasing demands of the citizens, will be to a source of inspiration and learning for their own activity.

The research conclusions revealed that there are major differences between the customers' expectations and those of the public

servants from the Public Employment Service (SPO), despite procedures and system computerization and the implementation of quality management. The constant deficiencies result from underestimating the personnel (the number of public servants assigned to customers being of 1 employee to 400 customers per month as opposed to the European optimum of 1 to 100) and the large volume of complex requests, even in the conditions of some employees adapted and receptive to internal system changes or external ones of the legislative environment. So, in Romania, the insufficient budgeting, the blockage of jobs and non - leveling of training of system officers maintain quality gap between the Public Employment Service (SPO) in Romania and the one in the other EU member states.

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ORIGINAL PAPER

Cristina ILIE GOGA

European Union –Example of Good Practice in the Area of Regional Social Policy

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Abstract: *Regional formations are an important strategy of globalization. Regional development policy emerged from the need to correct regional disparities in terms of level of development. Worldwide there are few regional formations aiming at developing social policies. Of these, the European Union is the most advanced form of regional integration, with noticeable results in the area of social policy.*

Regional social policies are public strategies (actions, legislation, institutions, strategies, programs, projects) developed at regional level, oriented towards social welfare, being used to generate economic growth, to correct regional disparities in terms of level of development and meet explicit social objectives and needs.

Key words*: European Union, regional social policy.*

1. Introduction – What is regional social policy?

The simplest answer to the question: "Why is there need for regional development policy" would be that it arises from the necessity to correct regional disparities, in terms of level of development[1].

First we should clarify why is there need for "regional policies" and this answer is found structured in the professional literature. Among the most frequent explanations we find the following aspects:

1. Uniformization of „unfair" space distribution of incomes (equity or justice argument).

2. Facilitation of problem solving coping with economies suffering major changes or economic shocks.

3. Increase of well – being as a result of activation of previously unused production factors.

4. Optimization of spatial allocation of production[2].

The answer to the question why is there need for "European regional policy" we find it also in the professional literature:

1. The argument of "solidarity" or "financial targets": As the poor member states are not able to solve regional issues on their own, the EU must provide them the necessary resources.

2. The argument "effects of integration": Because the benefits of integration are not uniformly distributed in theEU, there is need for a mechanism of redistribution.

3. The argument "owner's interest": Solving regional issues of a member state will also be beneficial for other member states.

4. The argument "effects of other EU policies": Given that the regional benefits of other policies, such as the Common Agricultural Policy (CAP) are not evenly distributed, countries with losses should be rewarded by the EU regional policies[3].

In the last two decades the European Union has promoted "major structural changes in the economic, political, social area"[4] and also an intense political and economic integration among the regions of Europe, acting in ways that go beyond borders. The Commission's promotion of the concept "Europe of Regions" was particularly important, acting politically as a means of direct interaction with local and regional governments rather than national ones, using an approach based on subsidiarity more than sovereignty.

In addition, the European Commission has been active in trying to identify and really give rise to new transnational "regions" to create new territorial ties within the European continent. The Commission provides

funding for a number of transnational, border programs to support those regional approaches[5].

Regional Social Policies can be seen as an extension of national social policies and should correspond to the national objectives of social policies.

"Regional social policies approach aspects which benefit from border intergovernmental cooperation in fields of activity like:

❖ *Regional mechanisms of social redistribution*: represented by transfers between regions in development funds and can be used in disadvantaged areas.

❖ *Regional regulations*: represent the regulations on areas such as health and labor to fight illegal intra-regional activities, but also regulations on private social services and utilities. The basic idea is that regional institutions have more information than governments to make a negotiation with private providers.

❖ *Regional cross - border investments*: These can be used for various common regional priorities related to social policies. An example of this would be to avoid the spread of diseases beyond the borders of a country.

❖ *Regional mechanisms that give citizens the right to report the violation of their rights*: These mechanisms are the Court of Justice of the European Union or the European Court of Human Rights of the Council of Europe.

❖ *Regional Technical Cooperation in social policies*: These offer the opportunity to learn from examples of good practice that have worked locally and develop innovative solutions"[6].

Regional social policies can be defined in a simple way as being public strategies (actions, legislation, institutions, strategies, programs, projects) regionally developed, oriented towards social welfare, being used to generate economic growth, to correct territorial disparities in terms of level of development and meet explicit social objectives and needs.

2. International experience

Regional and sub-regional formations with integrationist nature appeared after World War II, with the aim to harmonize their economic policies and ensure the free movement of goods, services , capital and manpower. Regional trade agreements represent that kind of arrangements that are made between various regional groups or between developed and developing countries. There are different types

of agreements, some being represented by simple forms aiming trade in goods and services, while others are integration agreements, aiming at broad areas of coverage, such as mutual recognition, free movement of goods, persons and investments.

In 2010, according to the World Trade Organization[7]there were 288 "regional trade agreements (bilateral or plurilateral free trade areas, customs unions, economic integration agreements, preferential trade agreements), that are made between 150 countries in all continents".

Many states are part of several regional formations. For example, the United States of America are members of Free Trade Area of the Americas,North American Free Trade Agreementand Asia -Pacific Economic Cooperation. Often, countries build agreements with other countries located in same political geographical region, but there are also agreements between different regions such as North America and South America or the Asia - Pacific area.

These formations are created mostly just as pure trade agreements of various types and their purpose is not one of social development. Very few of them have developed transnational social projects. Apart from the European Union (which has developed social standards and in the labor market and regional methods of redistribution through its structural and cohesion funds), most regional formations limit their collaboration in social policy to an activity that involves little more than the implementation of minimum social legislationnecessary in order to facilitate cross-border mobility of manpower required for economic integration. Notable among these measures there are:

"- partial or complete removal of the requirements to get a SADC (Southern African Development Community), CARICOM (Caribbean Community) and SAARSC (South Asian Association for Regional Cooperation) Association for Regional Cooperationin South Asia) employment visa;

- mutual recognition of professional and educational qualifications and educational institutions – MERCOSUR (El Mercado del Sur Community - The South American Common Market), SAARC (The South Asian Association for Regional Cooperation) and ANZCERTA (Australia and New Zealand Closer Economic Relations Trade Agreement);

- cross-border social security rights (CARICOM, MERCOSUR, ANZCERTA)"[8].

In 2007, Bob Deacon, Isabel Ortiz and Sergei Zelenev, in the paper "*Regional Social Policy*" published by the United Nations-Department of

Economic and Social Affairs, have described the most important regional formations, with impact in the area of regional social policy. From the authors' point of view, these formations are[9]:
-the European Union,
- ASEAN (The Association of Southeast Asian Nation),
- ALBA (The Bolivarian Alliance for the Peoples of Our Americas),
- AU (The African Union),
- CAN (The Andrean Community of Nations),
-CAFTA-DR (Central America Free Trade Agreement- The Dominican Republic),
- SAARC (The South Asian Association for Regional Cooperation),
- CARICOM (Caribbean Community),
- SADC (The Southern Africa Development Community),
- MERCOSUR (El Mercado Comúndel Sur-The South American Common Market),
- LAS (The League of Arab States).

3. The European Union – example of good practice in the area of regional social policy

"The European Union is a political, social, cultural and economical entity which has a strategic influence in the globalization movement"[10].

The European Union is the most advanced form of regional integration and in the area of social policythe European constructionhasmade major progressesinthree areas: social redistribution, social regulationand social rights.
There was createda complex mechanism for the allocation of EU funds for the development of areas that have a precarious economic and social situation. Also there is a legislation that must be followed by all member states and that regulates a variety of social areas such as: medical services, labor security, equal opportunities, social security and pensions.
The harmonization of legal regulations and national social standards is a prerequisite for a country to be a member of the European Union[11].

3.1. European actors involved in regional social policies

The main European actors involved in the decision and implementation process of regional social policy are represented by the European Commission, the European Parliament, the EU Council, the European Economic and Social Committee, the Committee of the Regions, the European Investment Bank, supported in their activity by the EU agencies and an equal number of social partners.

❖ *European Commission*

The European Commission is also called "union government" and Jacques Delors argued that it is where original ideas meet with the knowledge and experience of experts who, passing through their catalyst, take the form of concrete proposals of normative acts for the Council[12].

It is important to mention that the term "Commission" means both the college of commissioners, as well as the officials in Brussels that fulfill the Commission's services[13].

The European Commission is responsible for creating and ensuring the implementation of social policies through the Directorate General for Employment and Social Affairs. The Commission's role is to initiate legislative acts including in the area of social policies and to ensure that these taken measures will be implemented by all member states. In the work that it has, the Directorate General collaborates with the Directorate General of Environment and the Directorate General for Regional Development[14].

For structuring the policies made on inclusion, employment and social affairs both at EU level and for the states that are members, the European Commission:

• monitors and coordinates national policies;

•develops laws and monitors the implementation of such legislative acts in areas such as social security system coordination and rights at the place of work;

• supports the idea of exchange of good practices in areas such as fighting poverty, pensions, employment, fighting social exclusion[15].

One of the important administrative functions of the Commission is that it manages the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the Guarantee and Endowment Fund for Agriculture.

❖ *European Parliament*

The European Parliament, also called "the people's voice", represents the nations of the European Union and expresses the will of the Europeans within the European Union and the world. Unlike national parliaments, MEPs are elected by the people of a state or a unique nation and don't have all the powers reserved to a legislative body. Here comes the first democratic deficit because Parliament has only the role of co-legislative body to the Council of the EU[16]. Today, the European Parliament exerts important legislative, budgetary and supervision attributions[17].

In the decision making process the European Parliament is involved through the *Committee on employment and social affairs*, which have responsibilities regarding various aspects related to social policy and employment policy[18].

❖ *European Union Council*

The Council was called the Special Ministerial Council, the Council of Ministers, and now, since 1993, it is called the "European Union Council"[19]. Hayes-Renshaw states that although the Council is the intergovernmental EU institution "par excellence", it is in reality "a unique mix between intergovernmentalism and supranationalism"[20]. The EU Council shares power between countries, between different categories of interests and stakeholders, as well as between national, mainly EU, levels of governance[21]. The Council meeting in Foreign Ministers is called "General Council" and has the attribution to coordinate the activity of the "Special Councils", which are formed by bringing together the ministers. Since 2002 there are nine special councils, plus the General Council.

One of the nine Special Councils is the "Council on Employment, Social Policy, Health and Consumer Protection", which deals with issues related to employment, social protection, consumer protection, health and equality of chances.

"The Council has a role in the adoption of the European norms for the harmonization of national legislation or their coordination, particularly with regard to labor conditions (health and safety of workers, social security, employee participation in the companies' management), strengthening the national policies for the prevention and control of diseases, the great scourges and protection of consumer rights.

Since employment and social policies remain the responsibility of member states, the Community's contribution is limited to setting common goals for all member states, analyzing the measures taken at national level and adopting recommendations for the member states"[22].

One of the major attributions of the Commission is the coordination of general economic policies of member states[23].

❖ *European Economic and Social Committee*

The European Economic and Social Committee is a consultative body that supports the work of the Council, the European Parliament and the Commission, thus being a secondary or assistance organ. By means of the Treaty of Nice, the Committee reached the level of "institutional representative of the European organized civil society"[24].

Engaged in the European integration, the EESC contributes to the consolidation of democratic legitimacy and the efficiency of the European Union, allowing civil society organizations in the member states to express their points of view at European level. This committee fulfills three key missions:

- helps to standardize European policies and legislation in line with the real economic, social and civic situations by assisting the European Parliament, the Council and the European Commission;

- promotes the development of a more participatory European Union, that is more in touch with popular opinion, acting as an institutional forum that

represents, informs , expresses points of view and ensures dialogue with the organized civil society;

   - promotes the values on which the European integration is based and advances, in Europe and around the world, the cause of democracy and participatory democracy, as well as the role of civil society organizations.

   ❖ *Committee of the Regions (art. 305-307 TFUE)*
   Committee of the Regionsis a consultative bodyon issues of the local and regional communities established by the Maastricht Treaty, but which only works since 1994. This Committee represents the regional and local bodies and was established to fight the idea that the European Union was becoming too centralized[25].

   Currently, the Committee of the Regions has 353 members, elected local and regional representatives of the 28 EU member states and consists of 6 committees with competence in various political areas, based on EU treaties.

   One of these commission is the Commission *on Economic and Social Policy (ECOS)*.

   ”This Commission is responsible for coordinating the Committee's work on employment, social protection, gender equality, unique market, entrepreneurship policy, innovation and economic and monetary policy”[26].

   ❖ *European Investment Bank*
   The European Investment Bank is an union institution with its own legal personality and has as main task (art. 309 TFEU) to contribute to the balanced and steady development of the internal market in the EU's interest, using its own resources and capital markets.

   Investment support of small and medium enterprises (SMEs), the engine of the European economy, is one of the key priorities of the European Investment Bank.

   ”It supports projects that make a significant contribution to economic growth, employment, economic and social cohesion and environmental sustainability in Europe and beyond”[27].

   The main mission of the European Investment Fund is to support small and medium enterprises (SMEs in Europe), helping them to access finance. To this end, the satisfaction of current and future market needs to design innovative financial products for the partners (banking institutions, securities, leasing and microfinance, private capital funds and venture capital funds), which act as intermediaries[28].

   ❖ *Other bodies of the European Union*
   - European Foundation for the Improvement of Living and Working
   Conditions
   - European Agency for Safety and Healthat Work

❖ *Social partners*

Besides these community bodies, an important role in creating the framework for social policies is held by the social partners, which are represented by the *Union of Employers in the European Community* (UNICE), the *European Trade Union Confederation* (ETUC) and the *European Centre for Public Enterprise* (CEEP). These actors are involved in the process of social dialogue and represent employers, employees and at the same time the sector of liberal professions[29].

3.2. Instruments of the European Union in the area of regional social policy

Fritz von Nordheim Nielsen, an expert in social protection, in the European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities, said that the EU social policy consists of a set of tools that have been developed over time and which act in those sectors that affect or generate the degree of individual and social wellbeing, thus distinguishes three important tools in achieving the social Europe: EU *political instruments*, EU *legal instruments* in the area of social policy and the EU *financial instruments*[30].

❖ The EU **Political instruments** in the area of social policy are considered to be *Lisbon Agenda*, *Europe 2020* and the *European Employment Strategy*; *Social Agenda and Social Protection/Social inclusion process and Social dialogue*.

❖ The main **legal instruments** of the European Union in the area of social policy, are: *the coordination of social security systems; free movement of workers; the coordination of social security systems; labor law; safety and security; gender equality; anti - discrimination*. The European construction is based on multiple legal rules and any EU measure derives from the treaties that have been voluntarily and democratically approved by all member countries and the objectives set out in the treaties are achieved through several types of legislative acts. These legislative documents include regulations, directives, recommendations and endorsements, some mandatory, others not and apply to all countries or just to some of them.

❖ The **Financial instruments** in the area of social policies support investments through loans, guarantees, equity investments and other risk – bearing mechanisms, including political guarantees for the "European Social Fund, which can be combined with interest rate subsidies or contributions to the guarantee fees within the same operation.

The structures for implementing them involve extra expertise and "know-how" that contribute to the growth of efficiency and effectiveness of public resource allocation. Moreover, these tools provide a various range of incentives to improve performance, including greater financial discipline in the supported projects"[31].

According to Fritz von Nordheim Nielsen, the most important financial instruments in the social policy area are the *European Social Fund*, PROGRESS and the *European Globalization Fund*.

The main instrument of the cohesion policy in the EU is the system of structural funds. Since 1975 the European Union runs a robust regional policy, transferring funds from member states that are richest to the poorest through structural funds.

The main structural instruments: **Structural Funds, the Cohesion Fund and the Solidarity Fund.**

In addition to these instruments, the European Union has also created a smaller scale instruments that are intended to support projects in priority areas such as education, research, environment, community development (**Community Initiatives**).

➢ The **Structural funds** consisting of financial contributions from the member states in proportion to their level of development, are redistributed according to a comprehensive regulatory framework towards countries or regions of the European Union which remained at a low level of socio - economic development.

The 4 structural funds are:

- **European Social Fund** (ESF), established in 1960 (is the main tool of social policy of the European Union). It was created to prevent and fight unemployment, support training, re - training of manpower and reintegration of young people into the labor market.

- **Regional Development Fund** (ERDF), established in 1975 (specific support tool in the area of regional development). The European Regional Development Fund was created to reduce regional imbalances. This fund was created on the principle of co - financing from local budgets, central budget, private sector and international funding agencies.

- **European Agricultural Guidance and Guarantee Fund** - **Guidance Section** (EAGGF -O), established in 1960 (the main financial instrument of the Community agricultural policy).

- **Financial Instrument for Fisheries Guidance** (FIFG), established in 1993 (to finance projects in the fields of environment and trans-European networks associated to transport infrastructures).

➢ The **Cohesion Fund** is that financial instrument supporting investments in transport, energy and environment infrastructure.

The Cohesion Fund is the one that comes to co-finance national major projects on trans-European transport and environment networks and thus allows the costs of these works not influence the national budgetary efforts to satisfy the requirements of the economic and monetary union. Furthermore, the Fund helps these countries to achieve the standards required by European norms in these areas. The Cohesion Fund, compared to the Structural Funds, doesn't co – finance programs, but only projects or stages of projects which are well established from the beginning. These projects are presented to the

European Commission by the states. The projects are managed by national authorities and are supervised by the Monitoring Committee.

➤ The **European Union Solidarity Fund** is a regional policy fund, set up in November2002, after the floods that affected France, Germany, Austria and the Czech Republic. The objective of this fund is to facilitate the expression of EU solidarity with the population of a member or acceding state, which has been affected by amajor natural disaster[32].

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ORIGINAL PAPER

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On-Line Presence – Definitive Element of the Contemporary Society

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Abstract*: The appearance and evolution of the Internet has represented a turning point in the evolution of the human society. The passage from the classical economics and society to the virtual economics and society rapidly occurred, over the course of only a few decades, and the current stage of evolution, the globalisation and the virtual world stage, represent a point to each every person tends to reach, either natural person or legal entity, to the extent in which it manages to adapt to the new rigors required by the intellection society.*

Keywords: Internet, intellectual society, virtual society, online promotion.

The idea that the Internet – seen as a constant of our life – is one of the great achievements of the XXth century is generally accepted – without the Internet the world would not be in the current stage of development, and the amazing discoveries that are daily brought to light in different corners of the world, regardless of the field they are part of, would probably remain in a stage in which their influence would be at the national level at the most. A true triumph of technology, not too many people seem to be aware of the fact that actually the Internet has a short background, but a very intense one, each stage through which it passed over the course of its evolution actually meaning a turning point in its future evolution, in the evolution of the future human society and in the evolution in which the Internet was to be perceived in the following years.

Starting from the original ARPANET – idea enunciated in the year 1967 and actually put into practice in the year 1969 by the Department of Defence of the USA – and up to the appearance of the first website online, to CERN – the European Organisation for Nuclear Research, with its headquarters near Geneva, at the border between the Switzerland and France - on August 06th 1991, the Internet went through major transformations, becoming, from a network of which purpose was the USA security, an idea, a means of achievement of globalisation in a rhythm that nobody could anticipate.

Thus, the year 1991 was, as far as the Internet is concerned, a true turning point, the moment of the birth of the virtual world, with its advantages and disadvantages, the world without which currently we cannot conceive to live and which form part of all that surrounds us.

From this moment, the Internet - and the virtual world evolution, tightly related to it – was a stunning one. It is only during the recent years, according to the official statistics, that the increase is impressive: from 569 million users in 2002 (9,1% of the world population) to over 2,2 billion users in 2012 (that is over 30% of the world population); from 3 million web sites in 2002 up to 555 million web sites in 2012; from an average of the time spent on the Internet by a person of 46 minutes in 2002 up to 4 hours a day in 2012. And these data are valid nowadays, when the world current population is approximately 7 billion inhabitants, with an estimation of 9 billion in the year 2040 and over 10,5 billion in the year 2050, thus we can only imagine which will be the future evolution and development of the virtual world.

Considering all that, it was expected, as a normal thing, the "migration" including of the commercial field to the virtual world. As a matter of fact, in tight relation to the Internet evolution, the last decade

has proved once again that the most competitive, the most dynamic, the most active companies are those that understand and adopt the concept of "globalisation" and apply it to the specificity of their own activity, regardless of the level it develops, and this cannot be done currently without being – at least – a small part of the virtual world.

The disadvantage appears at this point in the increase of efforts of making oneself famous in the virtual world, of laying the bases of the relationship with the other actors from the virtual world, be it some other companies/enterprises or people, because the virtual world makes available enormous resources, but at the same time it reduces the level of the physical connection to the level to which it can merely disappear and yet, the things to evolve in a positive way.

Thus it appeared the stringent need of rethinking the notions about the development manner of the commercial activity on net. In a world in which the people's consumption habits, according to the official statistics, have in view as follows:

- 60% of users access a search engine
- 60% write or read e-mails
- 50% use a social networking site
- 45% watch news online
- 44% are "jokes" consumers
- 35% look for information related to a hobby or personal interest
- 34% watch weather forecast
- 28% look for information on politics
- 28% look for information on a certain product and/or service
- 28% watch an online video material,

and all these occur both on the computers segment, and on the "mobile" segment (tablets, telephones, laptops), the image, the method of promoting the "I" represents more than 50% of the gaining chances. In the virtual world it is a very short distance between the decision of buying and the decision of not buying – for instance, the potential clients can unexpectedly give up, without the intention of coming back, maybe even during the few seconds how it lasts the loading of the accessed web site.

Thus, the central element of the web site– the "I" of the virtual society – must always be the client. Everything that defines the virtual company must gravitate around the client, following the principle that once he/she came, must come back at least once again. On a market which very much surpasses the borders of a district, town or county, as it

is the case of traditional companies, the virtual company must make consistent efforts to promote a web-site in which its definitive elements, the made, the content, the functionality, the presentation manner, all that should trigger the guest's wish to come back some other time for a new viewing.

Thus, the traditional concept according to which a "satisfied client is the one who buys again" is turning now into a race for the purpose of keeping, in a first stage, a high number of guests of the web-site, by this company having the possibility to increase its visibility in the virtual environment, from here starting the future results of his activity. The economic activity does no longer mean the mere supply and demand, the Internet and the globalisation bringing to a new level, which could not be figured out before, their value expression, thus the passage from the "physical office" to the "virtual head office" is an imperative request, and the emphasis is laid currently on two other definitive and essential features, apart from the traditional ones, respectively the online promotion and the human element specialised in the virtual world.

The online promotion can be considered quite easy as a first step, but this can only entail an erroneous strategy. Indeed, when the activity is summed up to buying and selling easily measurable products, which can be checked, tested, touched, the promotion is much facilitated. But when the promotion has in view the "image" that "abstract" thing, although definitive for a company, the difficulties appearing can easily and negatively contribute to the company evolution, even to its disappearance from the online market.

The world which the company online refers to is no longer limited nowadays to what can be seen on the office window, but it has to face a field in which even from region to region there can be found basic differences with regard to the social perception, education, the manner of approaching of a certain topic. Thus, even the smallest error, the neglecting of specific habits or traditions specific to a certain area can mean a step back of the activity and can make the difference between success and failure.

Thus, the made becomes extremely important for the commercial purposes of the web-site, and its content and functionality will be definitive in establishing the easiness with which it will become famous, its degree of attractiveness and, not the least, of the impact it exerts.

Each company which makes the passage to online must establish, depending upon the area of its field of activity, which element is going to be the one that will lay the emphasis. The news sites, such as http://edition.cnn.com or http://www.foxnews.com/, lay the emphasis

on the content. The financial sites lay the emphasis on functionality, since in this case the emphasis is laid on the higher degree of "on-line" of the web-site and on the safety and confidentiality of the data sent and received through it.

Virtual stores pursue both the functionality, and the made – if the company has an exclusively on-line presence, the made is the most important by the fact that web-site is the main type of promotion, and the importance of the on-line made image must be enhanced and maintained. Instead, if the company develops its activity both in the online environment, and by the classical stores, made and functionality reach an importance relatively similar as level, by the fact that the web-site functionality provides the access to a market on which products can be "analysed" also from the physical perspective in the classical stores.

Things change instead in the case of the companies developing their activity on the services market. The physical aspects of the products disappear, and promotion, increase and development are currently based only on the "good reputation" of the company, on the image transposed in made which became the central element in defining the company.

But without exception, in all the cases, the easiness in accessing a web-site has a major importance, by the fact that, if potential clients cannot easily, comfortably and intelligibly use the web-site, then there is the risk for them to permanently give up trying to access it.

The establishment, the development and maintenance of any of these elements of the web-site, apart from its technical side, devolves on the other key-element for the virtual company's success, namely the human element specialised in the virtual world.

The evolution in the virtual world cannot be compared to the one in the real world. The virtual company's interaction does no longer occur "face-to-face", but through terminals – computers, laptops, tablets or mobile phones – which gets out from question, firstly, the human element. Seller – the offer – does no longer actually meet the buyer – the demand – and the interpersonal elements of a classical transaction are drastically diminished or even reduced up to the level of mere "click-s" which enables the settlement of the virtual transaction. It is therefore absolutely necessary the presence of the qualified human element – the personnel of the back-office of the virtual company – which should understand this manner of working and which should always be ready to intervene when required, to remediate a flaw or to add additional elements which can increase the degree of attractiveness of the web-site.

The evolution of the human society, in general, of the internet and

of the virtual world, in particular, have entailed initially to the necessity, and then the appearance of new fields of education and specialisation – the management online, the marketing online, the negotiation online etc. The alteration of the work kind due to the necessity of quick adaptation to the virtual environment in permanent evolution and change entailed a more and more frequent phenomenon – the classical work, the routine and repetitive one, gives ground more and more to the creative, non repetitive work, which can approach novel tasks and especially, extremely urgent, since time turns into a critical variable, each time interval having a higher value than the previous one.

The competition between companies is based on time, more exactly on the fastness of adaptation to change, and one of the most important changes is represented by the change of work. The tendency is that the work should pass more and more from the physical side to the intellectual one, with emphasis on thinking and creation, and the result of the work should be expressed in terms of information and knowledge. The work force market shall be influenced more and more by the effect of liberalisation and globalisation of information and communications, in which more and more activities are developed in the conditions of the contemporary e-society.

All these efforts form part – consciously or not – of the need of each representative of the current society – be it natural person or legal entity – to be integrated in what it is known as the knowledge society. From the moment when the Internet made available its huge advantages (e-mail, electronic trade, electronic transactions, the Internet market etc.), by the inclusion in the sphere of the electronic information of a higher and higher number of people, the society has known different stages of evolution, the central point being that by which knowledge was defined as information with meaning and information which acts. The denomination of society of knowledge (knowledge-society) is nowadays used wide world, being an abbreviation of the word "society" based on knowledge (knowledge-based society) and of its derivative, "knowledge-based economy" (economy based on knowledge). Any change which will occur in the future, and which people, either natural persons or legal entities, should take into account, will have as starting point the current stage, already considered as a new turning point in the evolution of the human society.

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