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## **Le rapport organisationnel aux dispositifs institutionnels d'articulation travail-famille : un repérage des postures théoriques dans la littérature sur le sujet**

*Bernard Fusulier et David Laloy  
Unité d'Anthropologie et de Sociologie  
Université Catholique de Louvain  
Belge*

### **Résumé**

*Dans cet article, nous allons parcourir des travaux de recherche portant sur le niveau de l'organisation et qui s'inscrivent dans le champ d'études de la combinaison de la vie professionnelle et de la vie familiale. Notre objectif est moins de faire une synthèse des résultats de recherche que de saisir la posture adoptée par les chercheurs pour étudier le rôle de l'organisation. A travers le fragment de la littérature retenu, nous distinguons trois postures qui se caractérisent par un regard théorique sur l'engagement des organisations dans une politique d'ATF : une posture de type stratégique qui privilégie le prisme de la rationalité instrumentale (choix rationnels et logiques managériales) ; une posture à caractère institutionnaliste, qui regarde l'attitude organisationnelle comme une adaptation passive ou active au contexte institutionnel ; enfin, une posture culturaliste, qui met l'accent sur l'importance de la culture organisationnelle (ses normes, valeurs, son éthique). L'intérêt de ces postures est à la fois d'attirer l'attention sur l'utilité de cerner les dynamiques organisationnelles et de mettre en avant les grandes composantes des rapports organisationnels*

### **Introduction**

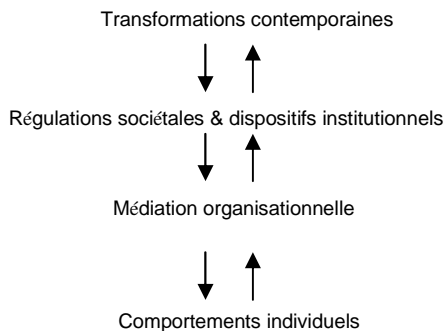
Les mutations du travail et de la famille imposent une recomposition du lien entre ces deux sphères (Carnoy, 2001 ; Tremblay, 2004). L'augmentation du taux d'emploi des femmes, la fin du modèle du « père gagne-pain », l'importance croissante des familles monoparentales, la flexibilité et l'intensification du travail, la persistante inégalité des genres face à l'emploi, le vieillissement de la population, etc., sont autant de changements qui pèsent sur la relation travail-famille. Nombre de personnes ont à jongler avec des impératifs contradictoires, se voient handicapées sur le marché du travail ou souffrent de ne pouvoir articuler de manière satisfaisante leurs divers engagements.

La tension travail-famille est d'autant plus vive que l'ethos du devoir,

qui a structuré le rapport au travail dans la société industrielle, se délite dans la société post-industrielle au profit d'un ethos de l'épanouissement (Lalive d'Épinay, 1994). Il s'ensuit que l'idée du sacrifice de la vie familiale pour la vie professionnelle (ou inversement) s'accepte plus difficilement. Le défi est de taille (Lewis et Lewis, 1996). Il remet en cause l'alternative : « je mène une vie professionnelle ou je mène une vie privée », renvoyant à la perspective d'un jeu à somme nulle où ce que « je gagne dans l'une, je le perds dans l'autre » (Fusulier, 2003). Les femmes ont fortement été affectées par ce modèle « alternatif/exclusif » qui, de manière sous-jacente, tient pour admis qu'elles sont responsables de leurs enfants et que les exigences de la maternité limitent leur performance en tant que travailleuses et favorisent leur engagement dans la sphère domestique (Tilly et Scott, 2002). Les hommes sont de leur côté soumis aux pressions du travail avant toute chose, même s'ils voudraient plus être actifs sur la scène domestique et parentale en particulier (Tremblay, 2003). À l'heure actuelle, un modèle « cumulatif » (« l'un et l'autre ») est davantage défendu où l'investissement professionnel et l'investissement familial ne seraient pas incompatibles (Fusulier, 2006).

L'articulation travail-famille n'a donc rien d'anodin ; elle s'inscrit au cœur des transformations contemporaines. Elle est une affaire de société et, dans de nombreux pays européens, plusieurs dispositifs ont été institutionnalisés pour soutenir la combinaison des engagements familiaux (parentaux) et professionnels (congés de maternité, congés de paternité, congé parental...). Entre ces dispositifs et leur usage par les personnes, vient s'intercaler des médiations sociales plus ou moins reconnues. Le genre est à cet égard une médiation explicite largement commentée. Être un homme ou être une femme va par exemple jouer fortement sur le choix d'utiliser le congé parental. D'autres médiations sont toutefois nettement moins visibles et étudiées. Il en est ainsi du niveau de l'organisation où s'opère le travail rémunéré (entreprises, administrations, associations...). Le fait de travailler dans telle organisation plutôt que dans telle autre va-t-il aussi intervenir, indépendamment des caractéristiques individuelles (sexe, niveau de qualification...), dans l'utilisation des dispositifs institutionnels à disposition ?

## Schéma général



L'organisation est l'un des grands champs d'étude en sociologie, comme le sont le travail, la famille, l'éducation, la religion, la ville.... Mais sa définition n'est guère aisée. Certains sociologues souhaitent d'ailleurs ne plus parler d'organisation mais d'action organisée (voir par ex. Friedberg, 1993). Pour notre part, nous considérons de façon certes assez basique qu'il y a organisation, ou complexe organisé, quand une pluralité de personnes se mettent ou sont mises ensemble pour atteindre des objectifs, c'est-à-dire concourent à une activité commune impliquant une division des tâches, une distribution des rôles, un rapport d'autorité, un système de communication, des modes de contribution-rétribution... Sans doute faut-il relever qu'une organisation possède un pouvoir organisateur dont dépend l'existence même de l'organisation et présente un degré de formalisation et de rationalisation relativement élevé par rapport à d'autres collectivités humaines. Soulignons également que, dans cette problématisation, l'organisation constitue le lieu de la réalisation du travail rémunéré (de la relation salariale). Quoiqu'il en soit, l'organisation est un espace social et un milieu de vie qui ont une consistance propre. Cet ensemble est alors susceptible d'entrer en transaction avec le niveau institutionnel, transaction qui manifeste selon nous un rapport organisationnel aux dispositifs institutionnels d'ATF. Il pourrait en découler des rapports et attitudes organisationnels variés, ce que nous nous sommes en train d'étudier (Fusulier, Giraldo, Legros, 2005)

En Belgique, nous souffrons d'études sur ce sujet. En revanche, dans les pays anglo-saxons où l'intervention de l'Etat et la place sociétale des entreprises ne sont pas les mêmes, des chercheurs se sont penchés sur le rôle de l'organisation en ce qui concerne la problématique de l'ATF. Nombre de ces recherches analysent l'implantation de politiques favorables à la famille dans les entreprises, en vue de dégager les prédicteurs d'entreprises « family-friendly ». Par exemple, au Royaume-Uni, Dex et Smith (2002) constatent que

les politiques favorables à la vie familiale s'observent surtout :

- dans les plus grandes organisations,
- dans le secteur public,
- où la concurrence est la plus faible,
- où les syndicats sont reconnus,
- où il y a un investissement important dans les ressources humaines,
- où il y a une grande participation des travailleurs à la prise de décision,
- où il y a une politique volontariste d'égalité des chances entre les hommes et les femmes,
- où le degré de féminisation de la force de travail est élevé,
- où la main-d'œuvre est hautement qualifiée et autonome.

Ce type de résultats indique une variation des attitudes organisationnelles et contribuent *ipso facto* à asseoir l'hypothèse d'une médiation organisationnelle.

Dans cet article, nous allons parcourir des travaux de recherche portant sur le niveau de l'organisation et qui s'inscrivent dans le champ d'études de la combinaison de la vie professionnelle et de la vie familiale. Notre objectif est moins de faire une synthèse des résultats de recherche que de saisir la posture adoptée par les chercheurs pour étudier le rôle de l'organisation. A travers le fragment de la littérature retenu, nous distinguons trois postures qui se caractérisent par un regard théorique sur l'engagement des organisations dans une politique d'ATF : une posture de type stratégique qui privilégie le prisme de la rationalité instrumentale (choix rationnels et logiques managériales) ; une posture à caractère institutionnaliste, qui regarde l'attitude organisationnelle comme une adaptation passive ou active au contexte institutionnel ; enfin, une posture culturaliste, qui met l'accent sur l'importance de la culture organisationnelle (ses normes, valeurs, son éthique). L'intérêt de ces postures est à la fois d'attirer l'attention sur l'utilité de cerner les dynamiques organisationnelles et de mettre en avant les grandes composantes des rapports organisationnels.

### **Un choix rationnel et des logiques managériales**

Beaucoup de travaux ont une lecture stratégique de l'attitude organisationnelle, partant du postulat que les acteurs font des choix rationnels. L'adoption d'initiatives qui viserait à mieux combiner travail et famille se ferait alors en fonction d'un calcul coûts/bénéfices où les acteurs agissent dans la perspective de réaliser le maximum de leurs objectifs en gérant les différentes contraintes auxquelles ils doivent faire face. Etant donné qu'une organisation ne peut pas réaliser tous ses buts, elle doit opérer des choix. Elle, via ses acteurs dirigeants, sélectionne l'alternative qui, de son point de vue, fournit les bénéfices les plus élevés et les coûts les plus faibles. Il s'agit de toute la problématique du « business case » qui pose la question de l'intérêt bien

réfléchi. Dans cette perspective la mise en place de dispositifs d'ATF peut concourir à la diminution de l'absentéisme et du taux de turnover, à l'amélioration de l'image de l'entreprise dans l'opinion publique et le statut de l'organisation, attirer du personnel qualifié, diminuer les tensions dans l'organisation...

Alison Konrad et Robert Mangel (2000) font ainsi l'hypothèse que les organisations qui pourraient tirer les plus grands bénéfices avec l'introduction des mesures sont :

1) les entreprises qui ont un pourcentage élevé de personnel hautement qualifié ayant une valeur primordiale pour l'entreprise car il est difficile de remplacer en recourant au marché du travail. Ce sont en général des travailleurs autonomes qui ont des enfants pendant la période dans laquelle ils sont les plus productifs. Etant donné ces caractéristiques, les effets de la mise en place des dispositifs sur la productivité sont susceptibles d'être favorables dans ce type d'entreprise ;

2) celles qui ont investi dans des compétences spécifiques. Une fois que certains employés ont acquis des compétences spécifiques, l'entreprise en est davantage dépendante. L'intérêt de mettre en place des dispositifs serait lié au fait que cette catégorie d'employés coûte cher et est également peu substituables. Les dispositifs permettant d'assurer la loyauté à l'entreprise de ces travailleurs stratégiques sont dès lors d'un grand intérêt pour elle ;

3) celles qui ont une proportion élevée de femmes. Etant donné que les femmes rencontrent plus de problèmes d'articulation et de conflits avec la vie familiale, la diminution de ces conflits aura un impact élevé sur les problèmes d'absentéisme, de distraction et de retard.

Bref, c'est surtout des entreprises ayant ce profil qui tirent profit des dispositifs d'ATF (Konrad & Mangel, 2000).

Dans le même ordre d'idée, Ellen Kossek et Cynthia Ozeki (1998) ont développé une recherche analysant l'impact des conflits travail-famille sur la satisfaction au travail et la satisfaction de la vie. L'intérêt de cette recherche est, en premier lieu, de distinguer l'impact de deux types de conflits travail-famille : les conflits liés à l'intrusion du travail dans la famille, et les conflits liés à l'intrusion de la famille dans le travail. Il semble que les conflits liés à l'intrusion de la famille dans le travail ont moins d'impact sur la satisfaction que lorsqu'il y a les deux types de conflits combinés ou lorsque les conflits proviennent de l'intrusion du travail dans la famille. Ils constatent aussi des différences en fonction du genre. Les femmes étant plus concernées par ces conflits que les hommes, les employeurs ont intérêt à faire en sorte que ces conflits soient diminués pour que les employé(e)s accroissent leur satisfaction au travail et par conséquent leur productivité. En retour, une relation de confiance peut s'instaurer entre employé et employeur et un meilleur investissement viendra de cette relation.

Ce sentiment d'échange positif peut, par là, développer des sentiments

d'appartenance à l'entreprise dans le chef de l'employé(e). Cette norme de réciprocité, entre les efforts du travailleur et les bénéfices fournis par l'employeur, peut augmenter la productivité (Konrad & Mangel, 2000). Elle rencontre de ce fait une nouvelle conception managériale en matière travail/famille, ces deux sphères n'étant plus en compétition mais davantage considérées comme complémentaires dans une approche « win-win » (Friedman et al., 1998). Celle-ci implique que les managers informent leurs employés des priorités organisationnelles et qu'ils encouragent les employé(e)s à être aussi clairs à propos de leurs priorités personnelles. Cette approche managériale appréhendent dès lors leurs employés comme des individus pris dans leur totalité et devant assumer des rôles et des engagements en dehors du milieu professionnel. Les employés se sentiraient davantage engagés dans l'organisation, parce qu'ils sont soutenus dans leur vie familiale, qu'ils sont consultés au plan des conditions de travail et des objectifs de l'entreprise. Leur confiance redoublerait et leur loyauté envers l'entreprise serait élevée ainsi que l'énergie qu'ils déploieraient au travail (Friedman et al., 1998).

Dans un article majeur, Paul Osterman (1995) souligne combien les pratiques « family-friendly » font partie d'un phénomène plus large, celui du management promouvant le « high-commitment », c'est-à-dire une mobilisation élevée de la part des employés dans le projet de leur entreprise. Dans sa recherche, Osterman s'est focalisé sur la stratégie d'emploi des organisations comme facteur explicatif de la variation de l'utilisation des programmes d'ATF dans le secteur privé aux Etats-Unis. Son hypothèse centrale est donc que les entreprises les plus enclines à adopter des programmes d'ATF sont celles dont le management développe des stratégies de gestion innovantes de mobilisation de leur personnel en vue d'accroître la performance au travail. En effet, un des problèmes centraux des managers est d'obtenir des comportements spécifiques de la part des employés, des comportements qui ne sont pas faciles à obtenir via le contrôle ou la supervision. La définition qu'Osterman fait de ce type d'investissement montre qu'il ne pourrait pas être obtenu via le contrôle car il demande une forme de démarche volontaire de la part de l'employé : « *Commitment is therefore defined as the employees' willingness to engage themselves and offer their ideas and knowledge with a degree of authenticity that, by its very nature, is not enforceable and which therefore requires a substantial element of volunteerism on the part of the workforce* » (Osterman, 1995: p. 686). Ces comportements attendus vont du respect des règles à un investissement élevé à travers la participation à des groupes de travail, la prise d'initiatives, l'auto-responsabilisation par rapport à la qualité... Il existe plusieurs techniques pour susciter ces comportements chez le personnel et Osterman fait l'hypothèse que la mise à disposition de mesures d'articulation travail/famille fait partie de ces techniques.

La recherche d'Osterman retient en fait trois grands facteurs pouvant engendrer l'usage des dispositifs d'articulation famille-travail :

- des problèmes pratiques. Par exemple, s'il y a beaucoup de femmes ou de parents dans l'entreprise et que les retards, l'absentéisme, la distraction ou le turnover sont liés à des problèmes liés à la famille, un employeur sera plus enclin à mettre en place ces dispositifs. De même, le besoin de recruter des employés de qualité peut pousser les managers à mettre des dispositifs en place pour attirer une main-d'œuvre de qualité ;
- la présence ou non d'un marché du travail interne. Une organisation dans laquelle la mobilité interne est privilégiée par rapport au recrutement dans le marché externe investira sans doute davantage dans ses employés car ceux-ci constituent dès lors un investissement stratégique dans le capital humain ;
- les pratiques managériales. Les pratiques innovantes, pour lui celles qui sortent du modèle traditionnel taylorien, telles que le travail en équipe ou les cercles de qualité, sont souvent accompagnées de mesures favorables à l'ATF. L'employeur souhaite, à travers ces dispositifs, susciter l'investissement des employés au-delà des activités de travail liées à leur fonction. En échange, pour récompenser cet investissement élevé, l'employeur offre des conditions de travail confortables. Pour étayer son hypothèse, il fait référence à l'investissement élevé des travailleurs japonais qu'il associe au fait que de nombreuses entreprises japonaises offrent un large éventail de services, tels que des activités sportives, l'assistance familiale, des facilités sociales...

En somme, cette posture peut être définie de stratégique dans la mesure où elle associe l'engagement d'une organisation dans des politiques d'ATF à un intérêt bien compris au plan d'une appréhension rationnelle de ses contraintes et objectifs. Elle laisse cependant hors de son champ d'interprétation le fait que les organisations sont inscrites dans un contexte institutionnel et normatif qui n'est pas sans les influencer.

### **Pressions institutionnelles et adaptation organisationnelle**

Contrairement à la posture des choix stratégiques, la posture institutionnaliste considère que ce sont moins les gains économiques qui conditionnent les comportements organisationnels que la conformité à l'environnement normatif. Cette posture, théorisée entre autres par Paul J. DiMaggio et Walter W. Powell (1983), est notamment une forme de réaction à l'approche purement rationnelle et instrumentale. Ils font dès lors l'hypothèse que les organisations sont soumises à des phénomènes d'homogénéisation qui relèvent davantage de forces institutionnelles extérieures agissant sur le champ organisationnel que de contraintes économiques et matérielles auxquelles les acteurs internes répondent rationnellement. Cette perspective rompt donc avec l'optique stratégique en suggérant notamment que les innovations managériales résultent d'un souci de légitimité de l'organisation par rapport à son environnement normatif plutôt que d'un souci de performance ; d'où l'accent

est moins porté sur la diversité des formes et contenus organisationnels que sur leur ressemblance. La question qui résulte de cette optique est d'identifier les mécanismes d'influence de l'environnement institutionnel sur les structures des organisations et logiques d'action qui deviennent, de ce fait, conformes aux attentes prescrites institutionnellement. Les organisations se situant dans un contexte institutionnel similaire auront donc tendance à se ressembler à travers ce que DiMaggio et Powell appellent un processus d'isomorphisme. Ce processus peut s'exprimer selon trois mécanismes différents : l'isomorphisme coercitif, résultant directement des pressions institutionnelles et du souci de légitimité ; l'isomorphisme mimétique, qui est une forme de réponse standard à l'incertitude consistant à se fier à certains modèles d'organisation qui ont fait leurs preuves dans un même contexte institutionnel ; et enfin l'isomorphisme normatif lié aux normes en vigueur au sein d'une configuration professionnelle.

Un exemple ! Aux Etats-Unis, suite aux transformations démographiques, économiques et sociales, mais aussi politiques notamment en lien au programme de privatisation et de réduction des dépenses publiques du gouvernement Reagan au début des années'80, la question de l'ATF s'est trouvée posée dans l'espace public et l'attention s'est tournée vers les employeurs. De ce fait, une pression institutionnelle s'exerçait sur eux (Kamerman & Kahn, 1987 ; Milliken, Dutton & Beyer, 1990 ; Hewlett, 1991). Dans un contexte où la responsabilité de la prise en charge de l'ATF est largement déléguée au marché et ses agents que sont les entreprises, une pression est exercée sur les organisations qui, de leur côté, éprouvent des difficultés à rencontrer les problèmes associés au conflit travail/famille de leurs employés (Roman & Blum, 2001).

Face à une lecture trop mécanique de la mise en conformité des organisations aux pressions institutionnelles, un débat tout d'abord théorique a cherché à combiner un point de vue institutionnaliste et un point de vue stratégique. Par exemple, l'article théorique de Christine Oliver (1991) qui marquera plusieurs chercheurs impliqués dans le champ de recherche sur l'ATF (Goodstein, 1994 ; Ingram & Simons, 1995 ; Den Dulk, 2001) proposent de considérer que l'organisation comme un sujet actif (et non passif). Le conformisme (ou consentement) ne serait alors qu'un des types de rapport organisationnel au contexte institutionnel. Les organisations peuvent en effet avoir d'autres types de rapport aux pressions institutionnelles :

- le compromis (« compromise ») ;
- l'évitement (« avoid ») ;
- la confrontation (« defy ») ;
- la manipulation (« manipulate »).

Il ne s'agit pas ici de rejeter la perspective institutionnaliste mais de la complexifier en la combinant à la perspective stratégique. Stephen Wood

(1999) parle alors de la théorie de l'adaptation organisationnelle (« organisational adaptation theory »). Cette approche, primo, ne considère pas que les organisations sont passives face à leur environnement : elles interprètent leur environnement à partir de leur propre point de vue. Secundo, cette interprétation n'est pas que normative, mais aussi stratégique : elle prend en compte des facteurs techniques, les pressions du marché ou des facteurs liés à la contingence structurelle (spécificité du secteur d'activité, composition de la main d'œuvre...).

Prenant appui sur le modèle de Christine Oliver (1991), Jerry D. Goodstein (1994) et Paul Ingram & Tal Simons (1995) étudient le rapport organisationnel aux pressions institutionnelles en matière d'ATF. Pour ces auteurs, ce rapport est produit par une combinaison de facteurs :

- les causes (« cause ») : par ce terme, ils désignent l'impact des pressions institutionnelles sur la légitimité de l'organisation. Ainsi, plus celle-ci a besoin d'une légitimité sociale ou est potentiellement fragilisée par la non-conformité à l'environnement normatif, plus les pressions institutionnelles auront de la prégnance sur elle. Concrètement, une organisation de grande taille est généralement plus visible dans l'espace public (notamment sous le regard de l'Etat, des médias et des groupes professionnels) qu'une organisation de petite taille ; d'où elle pourrait être plus encline à se conformer à l'environnement normatif et donc à adopter des dispositifs d'articulation travail/famille si celui-ci le promeut ;

- les acteurs constituants (« constituents ») : à travers ce concept, ils soulignent l'importance des caractéristiques des acteurs qui, au sein de l'organisation, peuvent être plus ou moins sensibles aux injonctions institutionnelles. Ils posent ainsi l'hypothèse que plus une organisation est féminisée ou composée de parents et plus elle est dépendante de cette main-d'œuvre, plus elle sera soumise à la pression pour adhérer aux dispositifs d'articulation des exigences familiales et professionnelles ;

- le contenu (« content ») : il s'agit du lien entre contenu de l'injonction institutionnelle et les objectifs et politiques de l'organisation. Si cette adéquation est élevée, il est fort probable que l'organisation se conformera à son environnement normatif. En général, on considère qu'une organisation se situant dans le secteur public développe des objectifs davantage en phase avec les attentes institutionnelles qu'une organisation se situant dans le secteur privé, car elle a davantage de compte à rendre à la collectivité ;

- le contrôle (« control ») : le contrôle renvoie au degré de coercition lié à l'imposition d'une norme ou à son degré de diffusion dans le secteur d'activité de l'organisation. S'il s'agit d'une obligation légale avec un Etat doté des moyens de contrôle et de sanction, il est très risqué pour une organisation

de ne pas se conformer à l'injonction institutionnelle. L'inverse est vrai<sup>1</sup>. Aux côtés de l'imposition légale, le contrôle est écologique lorsqu'il est rattaché au degré de diffusion d'une norme ou d'une pratique dans l'environnement de l'organisation et au risque d'apparaître comme le « mouton noir » en cas de transgression. Ainsi, plus des organisations au sein d'un même secteur adopteraient des politiques spécifiques d'ATF, plus une organisation particulière aura tendance à faire de même ;

- le contexte (« context ») : le contexte est caractérisé par le degré d'incertitude dans la conduite de l'activité ainsi que le degré d'interconnexion (« level of interconnectedness ») entre l'organisation son champ et le champ institutionnel. Si le degré d'interconnexion est élevé, cela permet une meilleure et rapide circulation des normes et des informations. Par ailleurs, un degré d'incertitude élevé pousse les organisations à imiter les autres. Par exemple, dans ce type de contexte incertain et interconnecté, si une organisation leader tend à démarrer une politique d'ATF répondant aux pressions normatives de son environnement institutionnel, un effet d'entraînement pourrait aisément jouer du côté les autres organisations du champ.

Goodstein (1994) et Ingram & Simons (1995) ajoutent deux notions stratégiques: les bénéfiques techniques et le pouvoir de marché. La notion bénéfiques techniques renvoie à la perspective stratégique. Sans contrainte légale, l'adoption d'initiatives qui viseraient à mieux combiner travail/famille résulterait des problèmes pratiques à résoudre et des gains économiques perçus : par exemple, amélioration du recrutement, diminution d'un «turnover» problématique, augmentation de la productivité, réduction des coûts liés à l'absentéisme, introduction d'une flexibilité d'horaire répondant mieux à la demande de la clientèle... La logique instrumentale et le calcul économique seraient alors une explication, certes classique, de la contribution des entreprises.

Le concept de pouvoir de marché (« countervailing power ») est référé au rapport d'interdépendance entre l'organisation et ses travailleurs. Une organisation a un pouvoir de marché faible lorsqu'elle est fortement dépendante de ses travailleurs, alors que ceux-ci sont faiblement dépendant de l'organisation. Dans cette optique, l'organisation serait plus réceptive aux exigences des travailleurs de mieux concilier leur vie professionnelle et leur vie privée. Inversement, une organisation oeuvrant par exemple dans un contexte de taux de chômage élevé, avec une main-d'œuvre facilement substituable et craignant de perdre son emploi, serait moins stimulée à développer de telles politiques. La logique est clairement stratégique car liée au rapport de force autour des qualifications.

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<sup>1</sup> Par exemple, selon les premiers résultats d'une étude menée en Russie, certaines entreprises enfreindraient la loi en interdisant à leurs employés de se marier ou d'avoir des enfants (Tiourina, 2006 : 416).

Selon Ingram & Simons (1995), un rapport organisationnel favorable à la pression institutionnelle (« acquiescence ») serait d'autant plus probable que cette dernière est forte et cohérente et que l'organisation a peu de pouvoir de marché et une perception des avantages potentiellement élevés à la mise en place de dispositifs promu au niveau institutionnel. Inversement, elle la négligera (« avoidance » ou bien « defiance ») si la pression institutionnelle est faible, que le pouvoir de marché de l'entreprise est élevé et que celle-ci ne perçoit pas les bénéfices qu'elle pourrait vraiment en retirer.

En somme, cette approche met l'accent sur le rôle de l'Etat et de l'environnement normatif (où se définit la force de la pression institutionnelle) dans la façon dont les organisations rencontrent le problème de l'articulation travail/famille. Certaines organisations sont néanmoins plus réceptives que d'autres aux attentes et besoins institutionnels. Il en serait ainsi des entreprises de grande taille et des organisations du secteur public identifiées dans la littérature comme étant de bons prédicteurs (cf. supra) qui, étant sous le regard des responsables politiques, des médias et du public en général, sont particulièrement soucieuses de leur légitimité sociale et donc attentives aux évolutions normatives. Cela ne signifie pas qu'elles répondront positivement et automatiquement aux sollicitations car les réponses organisationnelles aux injonctions institutionnelles peuvent être variées en fonction à la fois de la médiation de la pression institutionnelle en leur sein, de leur pouvoir de marché et des bénéfices techniques qu'elles peuvent ou non en retirer.

### **Et la culture organisationnelle**

La plupart des recherches se sont basées sur la mesure du nombre de dispositifs mis en place pour qualifier le caractère plus ou moins « family-friendly » d'une organisation mais en ne portant pas attention à la façon dont ces dispositifs sont soutenus par les normes en vigueur dans l'organisation et de façon dont ils sont utilisés. Une troisième posture observable dans la littérature insiste la culture (et sous-cultures) de l'organisation. Celles-ci ne se donnent pas à voir de façon nécessairement claire et directe. Pourtant, selon les tenants de cette conception, elle s'exprime dans la plupart des actions que pose l'organisation.

Par exemple, l'usage que feront les employés des dispositifs d'articulation travail/famille à leur disposition sera différent selon que la culture managériale valorise l'égalité des genres, le bien-être des employés ou les intérêts de l'organisation (Lewis, 1996). Ainsi, telle organisation peut offrir à ses employés une série de mesures pour faciliter leur vie parentale, mais qui ne sont pourtant pas utilisées car elles ne sont pas accompagnées d'un soutien du supérieur direct. Si celui-ci exprime une réticence par rapport à ces mesures, l'employé peut être dissuadé à les utiliser (Allen, 2001 ; Tremblay, 2003).

Autant une entreprise n'ayant pas mis en place de dispositifs formels

peut avoir, dans sa dynamique interne, une sensibilité aux problèmes de gestion de la vie familiale de ses employés à travers des arrangements informels (Dex et Scheibl, 2002), autant un éventail assez large de dispositifs formels peuvent constituer des éléments symboliques (par exemple, pour sauvegarder une certaine réputation dans l'opinion publique) qui ne sont pas nécessairement soutenus par la culture de l'organisation. Laura den Dulk (2001) suggère que les arrangements qui aident les travailleurs à articuler les exigences familiales et professionnelles ne se résument pas aux politiques mises en place officiellement. De nombreux arrangements, moins facilement perceptibles, peuvent être négociés de façon informelle.

Par exemple, une entreprise n'affichant pas de politiques volontaristes de conciliation travail/famille peut avoir en son sein des dynamiques plus locales qui permettent une régulation autonome entre travailleurs ou des normes d'échange entre un chef direct et les travailleurs de son équipe (Fusulier, 2003). C'est, entre autres, dans le cadre de ces arrangements informels que peut s'exprimer la culture organisationnelle ou certaines sous-cultures (Haas et al., 2000 ; Thomsons & Prottas, 2005) qui donnent un sens et un degré de légitimité aux questions posées par l'ATF.

Dans une intéressante recherche, Linda Haas et al. (2002) ont étudié l'influence de la culture organisationnelle sur l'usage du congé parental par les pères en Suède. Ce pays offre un contexte institutionnel favorable à l'investissement paternel. Néanmoins, l'utilisation du congé parental par les pères reste faible.

Ces chercheurs font dès lors l'hypothèse que la culture des organisations influence la prise de congé des pères via les normes en vigueur dans l'organisation. Certes, ils concluent : « The amount of variance explained by organizational culture variables, however, was surprisingly low, in comparison to that explained by individual and family-level attributes. Perhaps in the Swedish social context, where companies are obligated by law to allow fathers to take parental leave, company factors are less important predictors of leavetaking than individual and family variables » (Haas et al., 2000 : 338). Autrement dit, dans le contexte institutionnel suédois, la culture organisationnelle n'est manifestement pas la variable la plus déterminante de la prise du congé par les pères, dans le même temps elle n'est pas non plus insignifiante. L'apport de cette recherche n'est pas limitée aux résultats mais aussi au modèle utilisé. Pour ces auteurs, une dimension de la culture organisationnelle se manifeste au plan éthique. A cet égard, ils distinguent les trois éthiques organisationnelles suivantes :

1) l'éthique masculiniste (« Masculine ethic ») s'observe lorsque les organisations sont gouvernées par des normes et valeurs associées classiquement à la masculinité : prise de décision rationnelle laissant peu de place à l'émotion, esprit de compétition, centration sur l'intérêt personnel à court terme, accent mis sur le développement individuel et le succès matériel....

Cette normativité jouerait tant au niveau du recrutement que des modalités de mobilité interne (promotion, récompenses). L'accès des hommes aux positions supérieures conduirait au renforcement de cette éthique et contribuerait à maintenir la division genrée entre le travail rémunéré et le travail domestique ;

2) l'éthique de la qualité relationnelle (« Caring ethic ») s'exprime lorsque les dimensions relationnelles sont valorisées à travers l'empathie, l'entraide, le souci du long terme, la primauté du collectif sur l'individu, l'importance accordée au jeu coopératif et aux relations égalitaires... La responsabilité sociale de l'employeur est alors affirmée en vue d'améliorer la qualité de vie au travail tout en tenant compte de la vie hors-travail ;

3) l'éthique de l'égalité des chances (« Equal employment opportunity ethic ») lorsque la culture organisationnelle est travaillée par une volonté de promouvoir l'égalité des genres face à l'emploi, à l'accès aux postes élevés et au niveau des salaires.

Sur la base des indicateurs de ces trois éthiques, Hass et al. construisent aussi un indice de sensibilité à la paternité (« father friendliness level »), qui leur permet de distinguer deux grands type d'attitude organisationnelle à l'égard de la paternité : l'opposition passive et le support conditionnel<sup>1</sup>. Dans leur analyse de la culture organisationnelle, ils prennent aussi en compte l'attitude de l'équipe managériale concernant la participation des hommes dans la prise en charge des enfants, la culture de groupe, le soutien du chef direct, le soutien des collègues (« Top management's attitudes toward men's participation in childcare », « Supervisors' support for men's participation in childcare », « work group support » et « work group norms »).

De leur côté, Susan Lewis (1997, 2001) à travers une analyse de cas et Cynthia Thompson et al. (1999) sur base d'une enquête par questionnaire, analyse l'effet de la culture organisationnelle en prenant appui sur la théorie de Edgar H. Schein (1985). En effet, ce dernier a développé un modèle représentant les différents niveaux d'expression de la culture d'une organisation :

1) les artefacts (« artifacts ») : il s'agit du niveau de surface le plus visible de la culture. Les éléments visibles à ce niveau sont l'espace physique de l'entreprise, ses produits, les documents officiels ou les comportements ouverts de ses membres ;

2) les valeurs (« values ») : ce niveau comprend les valeurs, les stratégies et les idéologies qui constituent par exemple les objectifs officiels ou qui déterminent les caractéristiques de l'employé idéal ;

3) les principes fondamentaux de sens (« basic assumptions ») : c'est le niveau le plus invisible, inconscient qui regroupe les suppositions et présomptions qui

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<sup>1</sup> Remarquons que dans un autre article, Haas & Hwang ajoute un troisième type : le « support actif » (1999).

déterminent toutes les perceptions, les sentiments et les comportements dans une organisation.

Cette théorie signifie qu'en surface nous retrouvons les déclarations officielles d'une organisation concernant la mise en place des dispositifs en son sein. La mise en place de ces mesures est sous-tendue par des valeurs ou des stratégies qui peuvent varier selon l'organisation concernée. Enfin, ces mesures peuvent être lues comme étant des indicateurs des principes fondamentaux de sens qui construisent les conceptions concernant la gestion du temps, de la productivité ou de l'investissement des travailleurs (Lewis, 2000). Cette approche étaye l'idée que la simple disponibilité des dispositifs ne suffit pas si elle n'est pas accompagnée de transformations dans les autres niveaux de la culture. Dans une recherche portant sur le rôle de la perception organisationnelle concernant l'ATF, Todd D. Allen (2001) montre que les employés qui perçoivent que la culture de leur organisation n'est pas ouverte à l'ATF sont moins enclins à utiliser les dispositifs, même si ceux-ci sont disponibles.

En somme, cette approche place la culture de l'organisation au cœur de l'analyse en cherchant à montrer la façon dont elle génère des perceptions de la question de l'ATF qui à leur tour agissent comme des variables médiatrices entre les dispositifs disponibles et le choix individuel de les utiliser ou non.

### **En guise de conclusion**

Comment l'attitude des organisations vis-à-vis de la problématique de la relation travail/famille est-elle saisie dans la littérature ? Nous avons vu qu'une première posture théorique postule que les entreprises sont finalement peu sensibles aux pressions institutionnelles d'un contexte donné.

De ce fait, l'adoption d'initiatives qui viseraient à mieux combiner la vie professionnelle et la vie familiale des employé(e)s proviendrait essentiellement des problèmes pratiques à résoudre et des gains économiques perçus tels que l'amélioration du recrutement des travailleurs qualifiés, la réduction des coûts liés à l'absentéisme, la mobilisation et la loyauté... La logique instrumentale et le calcul économique des acteurs dirigeants de l'organisation seraient alors l'explication première de l'attitude organisationnelle à l'égard de l'ATF.

Cette perspective contraste avec le point de vue institutionnaliste, où ce sont davantage les processus de légitimité, de conformité et d'imitation qui rendraient le mieux compte des comportements organisationnels ; d'où l'importance du rôle de l'Etat, des institutions au sens large et de l'environnement normatif. Les entreprises de grande taille et les organisations du secteur public, étant particulièrement visibles dans l'espace public seraient davantage amenées à adopter un comportement plus civique en phase avec les évolutions institutionnelles et normatives, d'où la taille et le secteur seraient de

bons prédicteurs d'ouverture aux politiques d'ATF.

Dans un schéma dialectique, la théorie de l'adaptation organisationnelle reconnaît à la fois l'importance du cadre institutionnel et la capacité d'action stratégique des organisations. La combinaison des contraintes de l'organisation, des caractéristiques institutionnelles et des enjeux stratégiques engendre une variation des réponses organisationnelles aux pressions institutionnelles. Bien que complexifiant le modèle d'appréhension du niveau organisationnel, cette approche gagne à être couplée avec une autre posture : l'analyse de la culture organisationnelle qui insiste quant à elle sur les principes de sens en vigueur au sein des organisations.

Etudiant le rapport organisationnel à l'environnement institutionnel, ces différentes approches soulignent combien l'articulation de la vie professionnelle et de la vie familiale constitue une affaire organisationnelle. Que ce soit en termes de mise en place de dispositifs extra-légaux ou de réception de dispositifs légaux, l'organisation n'est pas un acteur social neutre. Elle intervient comme une médiation incontournable.

Si nous considérons que chacune des approches présentées détient une part de vérité, il importe de raisonner non pas en termes de principe explicatif premier, ce qui met en concurrence les approches, mais en termes de combinatoire. Autrement dit, l'organisation entre en transaction avec son environnement institutionnel, transaction qui intègre une combinatoire spécifique de contraintes, de stratégies et de principes de sens.

Ainsi, dans un environnement institutionnel donné, un rapport organisationnel va se nouer au travers de trois registres de l'action organisationnelle :

- le registre de l'action contrainte : l'action est ici contrainte par les caractéristiques mêmes de l'organisation et de son activité : sa taille, son marché, sa technologie, la composition de sa main-d'œuvre..., c'est-à-dire qui ne résultent pas d'une influence intentionnelle ;

- le registre de l'action stratégique : l'action relève d'une intention des acteurs, qui poursuivent rationnellement un certain nombre de finalités ;

le registre de l'action expressive : l'action n'est pas seulement contrainte et guidée par une stratégie intentionnelle, mais elle est aussi guidée par des principes de sens, des normes, valeurs et une éthique qui attribuent à l'action une dimension expressive.

Un programme de recherche sur le rapport organisationnel aux dispositifs institutionnels devrait alors, notamment à travers des études de cas, pouvoir reconstituer les combinaisons spécifiques de ces trois registres d'action qui donnent sens et forme à l'attitude organisationnelle en matière d'articulation travail-famille et des politiques publiques qui la soutiennent.

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## **Trends of Harmonization of the Continuous Professional Training Process with the European Managerial Requirements**

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### **Resumé**

*L'éducation tout au long de la vie et la formation permanente sont reconnues aujourd'hui comme des constantes pour la vie individuelle et collective actuelle, que représentant des activités de maximum importance pour le développement économique-social dans un pays et offre la possibilité d'adaptation rapide des qualifications à la sollicitation dans la permanente transformation de la place du travail. Dans ce contexte, la croissance d'intérêt vis-à-vis de la préparation des employés en concordance avec la sollicitation managériale européenne, ne peut-être réalisée seulement par l'acquisition dans la formation professionnelle, parce que "toute activité d'apprentissage entreprise à tout moment de la vie, dans le but d'améliorer les connaissances, les qualifications et les compétences dans une perspective personnelle, civique, sociale, et/ou liée à l'emploi".*

The informational society promotes changes of technical and methodological nature in a profoundly changing environment and in which the human being is in the situation of being acquainted with new work instruments, to adopt new work or behaviour methods, to execute new tasks, to accomplish a new role, a new function, to accumulate new values. The knowledge and experience acquired can no longer cope with the demands of the new economy and, because of that, they must be renewed and improved with a more emphasized frequency. The educational field under the influence of technological, social and cultural changes has a new image, dominated by permanent learning.

The proof in this sense is the international examples: the accentuated growth of the demands in the continuous education field in the last 20 years and the level of participation of the population in this kind of education, of 40% in Germany, 50% in Sweden and over 65% in USA and Japan. The personal development interest and the rapid boom of the offer of courses of training outside the educational school system are the main causes of this new trend.

A political concept inspired by Jacques Delors—"the permanent education/life/long training" appears for the first time in the White Charter of the European Union in 1993, under the title "Growth, Competitiveness and commitments: the courses to the entrances in the XXI century". Life-long training was born from the "idea of developing, generalizing and systemizing the permanent education and continuous training" to respond to the

permanently growing socio-economic needs.

The continuous professional training is known nowadays as a constant of today's individual and collective life, representing the activity of maximum importance for the social-economic development of Romania which offers the possibility of rapid adjustment of the qualifications to the permanently changing demands of the labor market. Going in for the same trajectory as the Western countries, the Romanian employers and employees' interest for continuous education is obvious, the growth of the course supply from 1990 to 2000 exceeding 800%.

In this context, the growth of the interest toward the schooling of the staff according to the European managerial demands cannot be made but through investments in the professional training, the specialization and/or refresher courses for the adults/employees, so that "all learning activities must be enterprised in every moment of the life with the purpose of improving the knowledge, qualifications and competences both in personal, civic and social perspective, but most of all for the professional activity"(- The Memorandum on Education and Life-long Training approved in Brussels by the Commission Communautés européennes on 30<sup>th</sup> October 2000).

Defined as the entirety of action capable of bringing the individuals and their groups able to accomplish with competence the present or future tasks for the good functioning of an organization, the continuous professional training represents a means of economic development, of social progress and insurance against stalemate, of losing the job and the maladjustment of the individual to occupy a new job. Its judgment to be for a single individual is related directly to the possibility of creating a new job and to ensure an ascending career pattern. The training is important also for the improvement of the quantity and quality of work, for the reduction of production cost and the growth of the moral and motivation of the employees.

In the future, the employees will be asked to understand complex situations which may change unpredictably, but which scientific evolution should make easier to control. They will be confronted with a variety of social situations and different cultural and geographical contexts, but also with a great amount of divided and incomplete information, open to different interpretation and partial analyses.

For that, within the society there is the risk of a breach between those who can understand and interpret, those who can only use and those who are pushed outside the society and rely on social support, basically between those who know and those who don't know. The report made after the debate of the European manufacturers (February 1995) has emphasized the demand for a flexible professional training with a large ground of knowledge, helping an approach related to the concept "learning to learn" during the whole life. The report mentions that the essential mission of education is that of helping every individual to develop his own potential and to become a complete human being.

The acquirement of knowledge and obtaining competences should go hand in hand with the development of the character, the enlargement of the horizon and accepting one's own responsibility in the society. This demands a large and solid ground of knowledge which covers different aspects such as: literature, philosophy, science, technology and the practical application of knowledge and competences, which affects in the same measure the initial training and the continuous training.

Within the Memorandum on Education and Life-long Training approved in Brussels by the Commission of Communautés européennes on the 30<sup>th</sup> October 2000, it was agreed that the expression that outlines the assertion of the fact that knowledge acquirement is nowadays considered a continuous process, which doesn't end after finishing high school or university studies, but lasts uninterruptedly during the whole professional life until retirement, comprises nowadays all life phases and all social groups, in an extended way thanks to the possibilities offered by "eLearning".

The adjustments which take place between the organizational strategy and the training system selects those objectives which are clear, real, operational and easily checkable, such as ensuring the harmony between the abilities and knowledge of the employees; the adjustment of the employees to well-defined tasks and to changing the job; the improvement of the employees status through promotions; the facilitation of the expansion program and of the policies of reorientation of human resources; the improvement of the work behavior and encouraging positive attitudes, which allow the reduction of the cost and loses in production, as well as the improvement of the product quality; the growth of self esteem of the employee, the support of the unemployed to integrate easier in new organization etc.

The European Commission identified five general objectives of continuous professional training with the purpose of implementing practical actions for the growth of staff's level of schooling: the encouragement of acquiring new knowledge; the approaching of the school to the economic sector; fighting against social exclusion; the development of communication competences in three community languages and equal treatment of the capital investments and of those for professional training.

From the point of view of staff schooling, on world level, Romania stands on the 20<sup>th</sup> place with respect to educational, technical and scientific quality of human resources, a necessary condition for ensuring competitiveness in the business environment(International Institute for Management-IMD Lausanne Annual Report on World Competitiveness). The trends are further on ascending, the development of the competitiveness of the human factor being a continuous preoccupation which covers both aspects: both in training the young in school as well as in the continuous schooling after being hired.

According to a study entitled "Adult Vocational Training in Romania", made in 2001, the majorities of the institutions which offer courses of

professional training are not specialized on a certain domain, but adapts the courses to the immediate needs of the labor market. The preoccupation for the quality of the services has led to the elaboration of a Law on Adult qualification. This Law underlines licensing of the courses suppliers and the growth of the quality of adult qualification. The study criticizes this law because it doesn't stipulate stimulants for the growth of the opportunities for professional training as well as the stimulation of the development of the culture of continuous learning.

As for the investments in continuous training, according to Eurostat, the firms in Romania invest on average only 0,5% from the costs with the labor power, for courses of continuous training, being the smallest percentage of all EU countries (Czech Republic 1,9%, Hungary 1,2%, Portugal 1,2% and Denmark 3% ). Unfortunately, the lack of subventions for the employers with the purpose of growing the interest for professional training of the employees is a demoralizing factor.

If in Germany, the organization of the professional training is based on a system dominated by the private sector (including employers, unions and commercial and industrial chambers) to which that state gives this public service, in France the state, which is omnipresent both within the structure of the qualifications as well as within the supply of professional training services, is looking to apply the demands of the individuals in the reforms enterprised, in Great Britain the social partnership can be summarized in the following characteristics:

- The key decisions related to the training needs and the way in which professional training must be led
- Professional training takes place on a free market, the public and private suppliers being offered a great variety
- The qualifications based on competence certifies the ability of the individual to cope with the standards demanded by the job.
- The main role of the state is to offer orientation and to finance an institutional environment in which professional training decisions can be made
- The intervention of the state in developing the professional training has countersigned the need to create a coherent environment of professional qualifications and national itineraries, to build educational and competitive professional training standards and to respond to the decline of the traditional industry and the economic reorganization.
- As for financing the continuous professional training, 57% of the corresponding expenses to the continuous training are financed by the employers, 20% by the state and 13% self-finance.

The growth of the capacity of adjustment of the people in the competitiveness conditions of the labor market, has created the premises to

apply the new policies of approach of the activity of professional training in Romania and the beginning of aligning to the European strategy in this domain by the promulgation of G.O. 129/2000 regarding the adult professional training, approved and modified by Law no. 375/2003 and Law no. 53/2003-The Labor Code.

To determine the growth of the investments in continuous education, the Labor Code includes a chapter referring to Professional Training, with rights and obligations of the employers and employees, related to ensuring the periodic access to professional training; to the elaboration by the employer of a plan of professional training, as an integrated part of the applicable collective employment agreement; to the settlement of additional documents to the individual employment contract; to the employer's meeting of expenses occasioned by the participation of the employees to the programmes of professional training initiated by him; to the possibility to enjoy, by request, holiday with or without payment, for professional training and holidays for professional training paid by the employer up to 10 working days in the case in which, once in two years, the participation of the employees to a professional training program paid by the employer has not been ensured; etc.

The annual plan of professional training is the instrument based on which is established the professional training program of the employer. The training program varies by the demands of the employees and the size of the organizations. The training plan of a company may be financed from the budget of the company specially made for training or from creating a bipartite training fund (in which both the employers and the employees subscribe), at organizational level. The organization deposits this fund to an association created at the level of a professional branch and which manages the common fund collected from the companies in the professional branch.

The organization sends annually to the association a training plan and the association has the obligation to find the most adequate professional training supplier and the highest standard for the demanding organization. This solution is applied since the eighties in the countries from Western Europe. In Romania creating a new tax, as small as it may be (even 0,5% from the wage fund) is burdensome both for the employees as well as for the employers. In Law no. 375 from 11<sup>th</sup> June 2002, though, for the approval of G.O no. 129/2000 regarding adult professional training it is specified in article 34 the fact that "the firms, companies and national societies, cooperative units, autonomous administrations and other institutions may spend for the professional training of the employees, expenses that are deduced, by case, from the profit tax or the income tax".

The training budget follows the same growth tendency and becomes complicates as well as the training activity in itself. From these grounds, the management of the training must use computer programmes which facilitate programming and following its actions, those of budget limitation etc.

These computer programs play an administrative and anticipatory role within the training activity. From the point of view of the administration, the management and supervision of the training actions is ensured, the calculation of the training budget; the supervision of the expenses; the creation of a data bank of the training organism and, if needed, the making of different statistic situations.

According to the description of the European frame and the Romanian legal initiative for the alignment to the European managerial standards, the practical proposals of harmonization of the continuous professional training process with the European managerial demands aims at:

- The application of legal stipulations built with the purpose of aligning to the European standards in the domain of professional training
- The annual allocation of 3-5% of the expenses budget to the professional training activities and the techniques of electronic education (e-learning)
- Organizing the acquisition of professional training services and the selection of the offers adapted to the needs of the organization
- Ensuring constancy in supplying training/improving the professional competences of the employees
- Permanently informing the employee on the rights and duties that are incumbent on the domain of professional training by the means of their visible exposure
- Annual elaboration of the professional training plans together with the representatives of the employees and unions and their inclusion in the Collective Employment Agreements
- The semestrial implementation and supervision of a centralizing system regarding the employees of the organization, initial training and their evolution with the purpose of an efficient management of their career.

### **Abstract**

*The continuous professional training is known nowadays as a constant of today's individual and collective life, representing the activity of maximum importance for the social-economic development of a country which offers the possibility of rapid adjustment of the qualifications to the permanently changing demands of the labour market. In this context, the growth of the interest toward the schooling of the staff according to the European managerial demands cannot be made but through investments in the professional training, the specialization and/or refresher courses for the adults/employees, so that "all learning activities must be enterprised in every moment of the life with the purpose of improving the knowledge, qualifications and competences both in personal, civic and social perspective, but most of all for the professional activity*

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## The Management of Change in Organizations

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### Resumé

*Dans l'histoire du monde, il y a des grandes transformations a chaque cent ans. Sous la pressions de ces effets, la societe organize son systeme de valeurs, sa perspective sur le monde, ses structures sociaux and ses systemes politiques et ideologiques. Tant que les membres de la societe sont preoccupes, ces transformations vise le monde et la vie, l'interactions avec d'autres personnes, l'existence. Dans ce contexte, les organisations, comme produits sociaux, supportent des transofrmations radicales.*

Today, we can't talk about strict delimitations of history and western society, history and eastern society, culture and northern-American society or of other societies. At the present moment, we consider one history, one civilization and one society of the world. In this context, the organizations, seen as social products, suffer radical transformations. In order to keep up with the rapid rhythm of nowadays society and to be able to manage their resources, the organizations and mostly their managers must become aware of the necessity of permanent changing. As Peter Drucker, the father of management mentioned, *"The function of the organization is to apply the knowledge – to the instruments, products and processes, to the labour organization, to the self knowledge. The nature of knowledge is the one that changes rapidly; today certainties become tomorrow nonsense."*<sup>1</sup>

The new organization is based on *knowledge* – the main resource of both the people and the economy in its whole – and on *information*. Nowadays, information became as valuable as all the other resources of the organization. The technology of the information, whose developing rhythm is outstanding, imperatively requests change.

In a society based on information knowledge and technology, the organizational learning became a permanent activity for the members of the organizations and it led to a new theory on the way in which people learn, that is *the theory of permanent learning*. Drucker said: *"In the organizations' society, it's better to take into account the premise that everybody, no matter what their knowledge are, have whether to learn new things very four or five*

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<sup>1</sup> Peter Drucker on the Profession of Management, Harvard Business School Press, 1998,

years, whether to be surpassed by the reality”<sup>1</sup>.

The society dynamics indicates a very clear managerial objective for the organizations’ managers: the control of the changing must be incorporated in the organizational structure. The manager can choose between innovation and adaptation or between stagnation and dissolution. The organizational changing can be requested by various sources: the competition increase, the organization extension on other markets, the legislative changes, various social pressures, etc. In all these situations, the organizational changing process aim two main objectives:

1. *The improvement of the organization capacity of adaptation on the environmental changes.* The researches on organizations indicate that various departments don’t have enough adaptability, a problem that must be corrected. A very important role in the organization capacity of adaptation is also played by the organizational culture.
2. *The changing of the behaviour patterns of the organization’s members.* The organization can’t apply its changing and adaptation strategy unless its members behave differently, depending on their tasks and their relation with other colleagues.

In the contemporary organizations, a great amount of change is led by the top management and it implies a lot of important transformations at the level of the value system. These transformations cause stress and resistance reactions from the members of the organization.

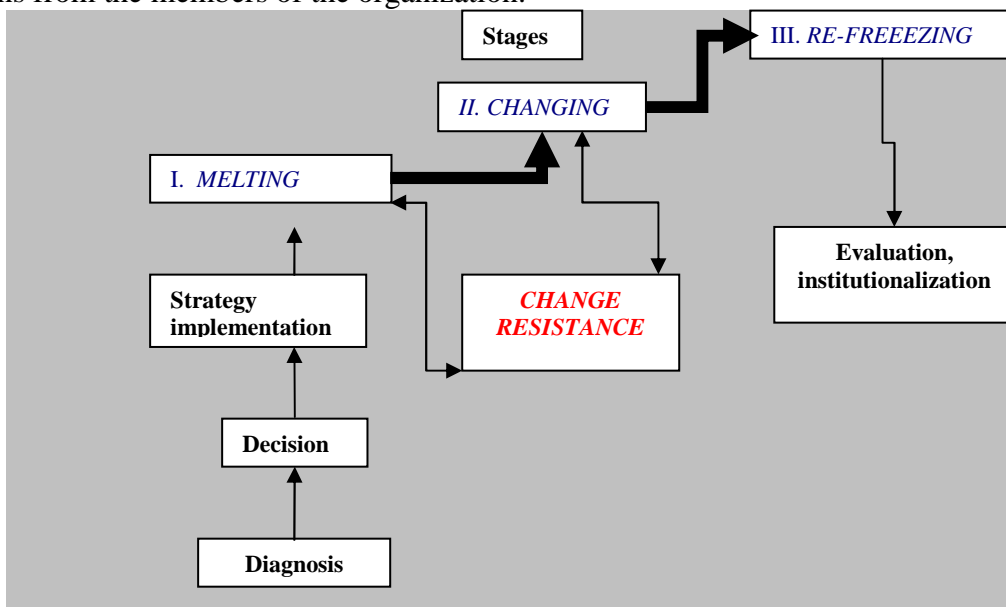


Fig. 1 The process of change (Adapted by Gary Johns)<sup>1</sup>

<sup>1</sup> *Idem*, p 103

By definition, a change implies a sequence of organizational events or a psychological process that carries on during a certain period of time. Kurt Lewin showed in his sequential model that this process includes three stages: *the melting* (the present things are inappropriate), *the changing* (the movement to an adequate state of facts) and the *re-freezing* (the new behaviors become permanent). A sketch of the changing process would reveal these stages and all the associated activities.

When managing the organization activity and its adaptation to the contemporary economic challenges, one must follow three fundamental stages:

1. The performance of a **previous diagnosis** of the activity in order to analyze the situation and the general features of that activity and also for preparing the future projects concerning the activity development. Any managerial action starts from the analysis of the present state of facts and a very rigorous inquired diagnosis. Taking into account the diagnosis methodology and the multidimensional inquiries needed for the diagnosis analysis, we come to the conclusion that the process is a very arduous one. The diagnosis represents the starting point in conceiving, substantiating, adopting and implementing strategic decisions regarding an effective adaptation of the organization activity to the internal and external environment.

2. Establishing the **precise administration and strategic decisions** and applying them. This stage is based on the previous diagnosis, the ascertained and anticipated parameters of activity. In this way, the decisions regard whether the sequel of the current activities, whether the correction of some less favorable symptoms. In a crisis situation, the decisions can even regard the reorientation/limiting/disbanding, totally or partially, of the analyzed activity.

3. **The control and evaluation of the decisions' effects.** This is both an essential and a global process, a process of a final analysis of the ascertained deviations from the established objectives. Rarely can be noticed a perfect convergence between the initial projects and their concrete achievement. This fact can be explained by the prediction errors concerning the expected effects or by some less favorable decision whose results are different from the established performance objectives. In these cases, the most frequent ones, it's better to correct on the fly the foreseen actions by validating or canceling the current actions. This can be done by the office specialized in observing, detecting and correct healing of the activity seen as an answer to the decisions previously taken.

Diagnosing an organization in order to evaluate the situation and to adopt a strategy of development allows both a deeper knowledge of all the aspects of the activity: economic, financial, legal, HR, technical, etc and the identification of strengths and weaknesses for each of them. Its purpose is to

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<sup>1</sup> Gary Johns, *Comportament organizational*, Ed. Economica, Bucuresti, 1998, p. 528

emphasize the firm's action parameters, the estimation the performances obtained by the time the analysis was made and the risks of the future activities.

A sine qua non condition of the diagnosis's validity is represented by the accuracy and the credibility of the sources of information. In order to reach a correct diagnosis, the analyst must have a profound knowledge of the studied firm and must be able to identify its basic characteristic: size, place in a domain of activity, partners, activity organization and its frequency, products and services portfolio, distribution channels, the impact of technology and innovation on the firm, personnel structure and way of administrating the human resources, financial structure, working environment and the quality of the firm image for both the clients and the partners.

The evaluation process carries on the following stages:

***The financial diagnosis*** – implies studying the financial situation and profitability.

***The commercial diagnosis*** – implies studying the organization's market, the supplying one and the selling one. At this stage, the products, costs, prices and promotion methods are analyzed. When analyzing the market, one must take into account the selling dynamics together with the following factors: competition, place on the market, providers of raw material, firm's clients.

***The legal diagnosis*** – it takes place after a previous analysis of the legal aspects regarding the society constitution, the resemblance between the object of activity and the status and legal situation of the possessed grounds and goods, the existence of individual and collective working contracts and their resemblance with the laws, the existence of the necessary authorizations for the carrying on of the activity and any eventual litigation that, in time, would affect the organization's activity.

***The Human Resources diagnosis*** – implies studying the personnel dimension and structure, its organization, the organizational climate, the individual and collective behavior, the efficiency of the working force and the wages system. This sort of diagnosis can also be made starting from the organization's components (Nadler-Tushman Model). The working climate can't be quantified; it refers to the whole working relations established among employees and the general working environment, elements that more or less motivate the productiveness, the efficiency and the integrity of the personnel. Depending on the type of management used within an organization, the size of the organization and the hierarchical order, there can be distinguished the following types of working climates: hierarchical, pattern-based, consensual, participative, competitive or conflict-based.

***The operational diagnosis*** - implies studying the technical production factors regarding the functioning, the future usage and the technical means weight.

***The organization management diagnosis*** – it is made in a synthetical way, depending on the type of management and the performance estimation

criteria (objectives-based management, project-based management, competencies-based management).

***The public image and brand management*** – refers to quality of the firm's image among its clients, partners and the community in which the firm carries on its activity.

### **Organizational analysis and organizational diagnosis**

The need for human cooperation, an essential element in the organizations' genesis, has its roots in some essential features of human beings, features that distinguish humans from other living creatures.

Man is *homo sapiens*, a human able to obtain knowledge on a high level. Isolated, his knowledge is limited. The lack of cooperation would force each generation to remake the road of knowledge all over again. Man is also *homo faber*, a human who is action-orientated, not only knowledge-orientated. He once again surpasses his limits dictated by isolation by means of cooperation, at which we add action so that transformation becomes possible. Man is also *zoon politikon*, as Aristotel said, which mean *social human being*. As an individual, human lives in relations that permanently connect him with his fellow men. In essence, society is the sum of these relations. Society is the one that allows man to gain value through his fellow creatures. In this way, man is appreciated as a human being or as a personality, professionally or morally. Man succeeds and gains all the values of human kind together with other people and in a community. At the same time, his essential human needs (some of them can be found in the pyramid of Maslow) are satisfied among the organized forms of social life. In this way, cooperation within knowledge and cooperation within action indissolubly blend with *affective social-moral cooperation*.

These three fundamental human needs allow us to understand organizations. Gary Johns calls them *social fabrications destined to achieve some common group effort goals*. Another definition describes organizations as *social entities that act like systems of activity objectives-orientated, deliberately structured and with identifiably limits*.

Modern outlooks consider that one of the essential resources of the organization is represented by human potential, that is each and every employee, and also by the way they interact when performing strategic actions.

Starting with the classics Fayol, Max Weber and Taylor and continuing with others, the personnel behavior formalizing models and the labor organization models have evolved along with the transformation of the outlooks about strategies. Therefore, the mechanistic models corresponded to a strategy based on a direct hierarchical command in which both the absolute control and the knowledge of the strategic plan that was to be followed belonged to a limited group or even to a single person, while the rest of the members of the organization were just the pawns of the action. Factors such as the growing turbulence of the exterior environment finally caused the disappearance of the

determinist models and of the classic organizational structures for the benefit of some more flexible, easier to be adapted models. In order to reach the strategic goals previously established, it was necessary for the organization structure, the relations and the quality of interaction among people and the organization leadership to correspond to the established strategic lines.

**The organization structure** refers to the functions, the responsibilities and the hierarchical lines between them that define, at a certain time, the system's coherence and its capacity of following and reaching the established objectives. There were launched a lot of theories that claimed that strategy modifies the organization structure or, on the contrary, strategy is chosen depending on the existent structure.

At the end, it was stated that the two elements of the equation condition each other, this fact meaning that the structural adaptation can ensure the success of a strategic line as well as a strategic line is rather applicable to a distinctive organizational structure.

In the last few years new organic structures appeared: *network organizations*. They implies connections among specialized organizations that, in order to be correctly coordinated, find the necessary support on the market mechanisms and on the managers and other formal authority lines. In this case, the accent is on the one that is the most economic and efficient and not on the strict connections in the organization. The key advantages of the network organization are adaptability and flexibility. Moreover, networks allow the specialization of an organization in a direction that proved to be its best alternative.

**Formal and informal networks** ensure the effective functioning of the organization, on a certain structural base. Formal relations refer to certain procedures and rules established in the organization; informal relations refer to values and motivations.

If these two aspects, the structure and the organizational relations, have a fundamental role in the firm's activities and competencies integration, it is also important to define the internal and external boundaries of the organization.

Confronting themselves with frequent and intense environmental changes, the organizations react in an adaptive manner. Their adaptive capacity and their efficiency in reaching the established strategic objectives directly reflect the health state of the organization. Organizational analysis becomes necessary for the knowledge and the efficient achievement of the organization's activity.

One of the most used organizational analysis models is the Nadler-Tushman model. It is based on the systemic perspective, allowing us to diagnose an organization and it also allows a systematic intervention on the organization behavior.

Based on premises about the dynamic and the open character of the

organization, based on the identification of the organizational behavior at the level of individual, of group or of organizational system, based on the restrictive character of the external environment, the Nadler-Tushman model emphasizes and analyzes the inputs, the internal processes and the outputs of the organization.

## **Organizational analysis model (Nadler-Tushman)**

### **I. THE ORGANIZATION**

1. **INPUTS** – Environment, Resources, Previous managerial behavior, Criteria and Standards;
2. **TRANSFORMATION PROCESSES** – Interaction among major components (Tasks, Formal organization, Informal organization, Individuals, Technologies);
3. **OUTPUTS** – Individual behaviors, Group behaviors, Goal functioning (reaching the goal, using the resources, adaptation, efficiency).

### **II. THE ORGANIZATION COMPONENTS**

The analysis is based on the four essential components of the organization:

1. **Task (goal)** – the complexity level of the requested skills, certainty, self-government, control, feed-back, variability, information necessities)
2. **Individual (members)**
  - *Demographic characteristics* (education, age, urban or rural)
  - *Personality differences* (the intensity and the nature of motivation, self respect, internal or external orientation – introverted or extroverted)
3. **Formal Organization**
  - *Leadership methods* (direct leading of people), functional behavior, participation
  - *Microstructure* (task assignment and distribution, rewards distribution, formal objectives, planning systems, control and informing systems, selection and distribution systems)
4. **Informal organization**

- *Group roles* (informal structures, distinctive from the formal ones, communication models, informal objectives, decision elaboration)
- *Relations among groups* (amount of information – the quality of information – cooperation conflict, perceptions)
- *Processes and structures*: network, interest group.

### III. ORGANIZATIONAL DIAGNOSIS MODEL

The structure of the four essential components of the organization (inputs-transformation processes, outputs) allows the elaboration of organizational diagnosis model in which the four components correlates with each other.

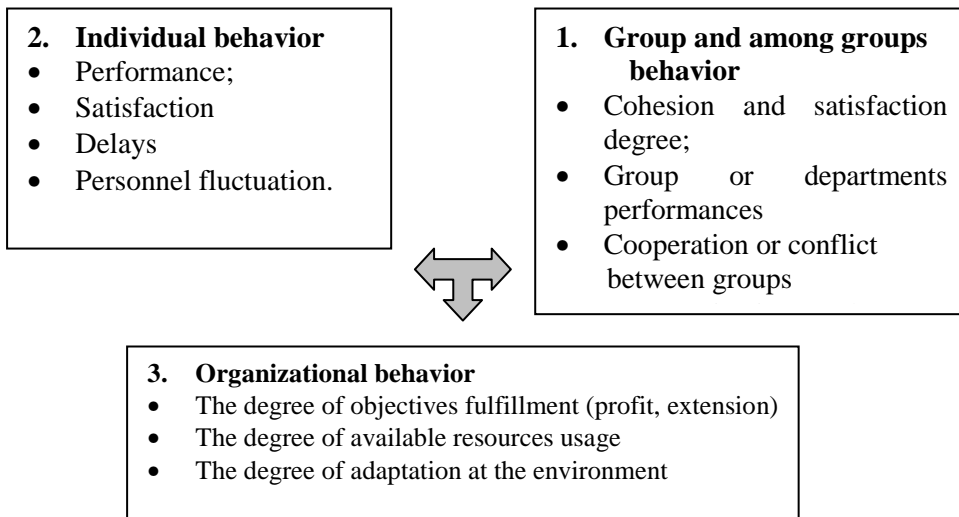
Starting from this model of analysis, we can build up a model of organizational analysis and diagnosis in which the components can be arranged as it follows: task (mission), human resources (individual), structure (formal and informal) and technology (methods and instrument specific for the organization).

The organization's components can be correlated two by two and analyzed in this way, the purpose being the acquiery, in variable proportions, of some relations of compatibility, of correspondence in different consistence degrees.

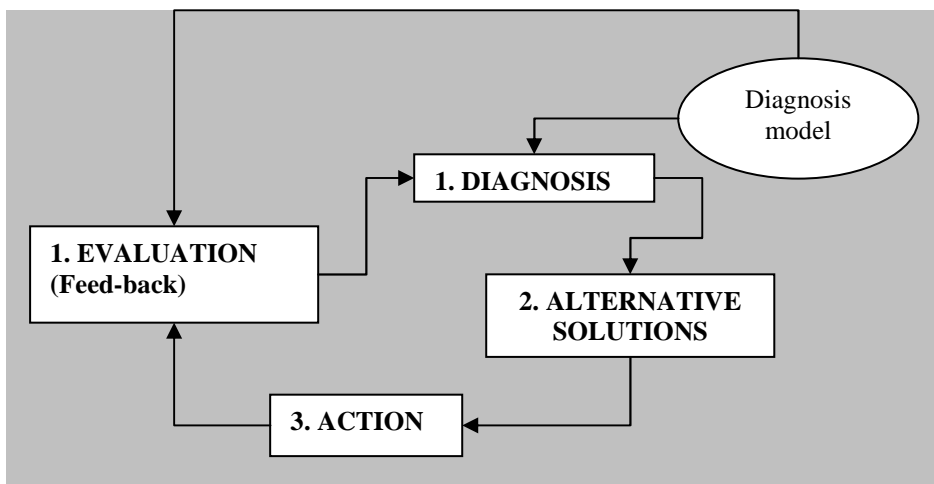
The compatibility between two components is expressed by the level of compatibility between the needs, goals and structures of the components. Results reveal if two components match perfectly, or, on the contrary, don't match at all (strong opposites lead to a dysfunctional behavior). Depending on the degree of consistency of the components, the model as a whole, the organization as an integrated system, can have a high or a low consistency.

Model is based on the premise that there is a close connection between the correspondences between the organizational components and the individuals', the groups' and the whole organization's behavior. We can deduce that the efficiency of the organization's behavior is determined by the consistency of the relation between the variable and changing components that are analyzed.

The efficient organizational behavior is defined as that behavior that leads to a high level of goal reaching and of resources usage by means of a high capacity of adaptation of the organization. The consistency degree of the correspondences can be also observed by the output analysis; are noticed the following directions:



The diagnosis model of the organization “health state” proves its utility to the manager when the diagnosis is followed by decisions and interferences in the organizational behavior. The adaptation process by the identification and problem solving follows the next steps:



**Fig. 2 The cycle of organizational analysis**

By using the results of the analysis on the state of the organization, the manager can set a diagnosis and then evaluate the alternative plans of action. After applying the chosen action plan, the manager evaluates the correspondence between his action and the problem that needed to be solved. Actually, this is the point where a new organizational analysis cycle opens.

The organizational analysis has the following steps:

- 1. Diagnostic;**
- 2. Alternative solutions;**
- 3. Action, Evaluation, Feed-Back.**

### **1. The Diagnostic**

This stage has four steps, connected with each other:

- a. *The identification of the analyzed system.* It implies establishing the analysis unity (department, project, organization);
- b. *Establishing the key variables' nature.* Once the system is identified, the nature of inputs and the four components will be determined.
- c. *The diagnosis of the compatibilities state, the correspondences between components and their relation with output behaviors.* The correspondences between the key components (the existence of the correspondences or the lack of correspondences) reflect in terms of system behavior (consistency, compatibility). Having already the diagnosis for some compatibilities, these can be correlated with the behaviors observed in the system (conflict, performance, stress, satisfaction).
- d. *Identifying the critical problems of the system.* Starting from the correspondences and the behavioral consequences diagnosis, the behaviors and the system outputs (objectives achievement, resources usage, adaptation to the environment) are related with each other.
- e. At this stage, the diagnosis stage, the manager evaluates those behaviors that need more attention, decisions and action.

### **2. Alternative Solutions**

While the diagnosis stage allowed establishing the system's states and the possible managerial actions, the alternative solutions stage has three steps:

- a. *The elaboration of alternative solutions, strategies and action plans,* orientated to the unsubstantial relations that, in their turn, will modify the adverse behavior.
- b. *The strategies and alternative solutions evaluation.* In order to optimize the managerial actions, various alternatives can be evaluated from the aspect of their relative quality: To what extent the solutions are proper

- for the unsubstantial relations? Is there a certain proper solution? Can the adopted solutions generate unwilling and dysfunctional effects?
- c. *Deciding over the strategies that are to be implemented.*

### **3. Action, Evaluation, feed-Back**

The final stage of the diagnosis model implies implementing the action plan both in the evaluation and in the adjustment of the strategy in order to achieve a proper functioning of the organization.

- a. The strategies implementation. At this stage, the focus is on the effects of the transformations in the organization, observing to what extent a certain change is accepted and implemented (if there are any opposition, resistance or sabotage manifestations).
- b. The evaluation. After implementing the changing strategy and the growing of the correspondence degree between components strategy, it is necessary to take again the diagnosis action so that the real impact, compared with the estimated one, be evaluated. The feed-back about the answer of the organization or of the action environment can be used in order to adjust the intervention so that the established objectives be reached. This step closes the process and reopens the organizational analysis cycle.

The Nadles-Tushman model is a precise instrument based on various researches and it's destined to facilitate the system diagnosis, ensuring the base for the action alternatives evaluation and the consequences of the action. The model can be extended over the analysis of the correspondences between inputs and outputs, between the organization and the environment. The rapport between the last two can be described in terms of positive synchronization to the evolution and the pressure of the environment. The correspondence indicators are:

- The existence of diagnosis mechanism of "the boundary space";
- The boundary diagnosis itself;
- The projection of the adapting solutions (sustained by proper structures);
- The concrete process of adaptation

The conclusion is that modern organizations confront themselves with a problem of adaptation to the external pressure and to changing. The changing control must be incorporated in the organizational structure. The manager has to choose between innovation and adaptation or between stagnation and dissolution.

Goold and Campbell, when discussing about the management styles, consider that the most proper style of management is the one of strategic control. This allows flexibility and a quick reaction of adaptation to the environment.

The strategic control is the most equilibrated and the most frequently used style of management. It doesn't allow neither extreme centralism, nor complete autonomy, functioning as a potentiometer between strategic planning and financial control. In this way, the management is performed at the following levels:

- Global strategic configuration of the organization;
- The settlement of a proper and continuous equilibrium between the strategic activities and the various sections of the organization;
- The implementation and the control of the firm's global politics, in terms of human resources, material resources and presence in various areas;
- The definition of some performances objectives at the level of departments and periodic evaluation;
- Fulfilling of all of these, adding, when necessary, correlations in order to optimize the results.

Related to the strategic planning, this can have some very good results as long as the leadership maintains a permanent contact with the operational problems of each section, possessing, at the same time, the necessary competencies for each domain of activity of the firm. On the other hand, in practice, especially in large organizations, this style of management can become an obstacle in the effective functioning of those sections that vary their activity and/or confront themselves with problems below their competencies or below the speed of action of the leadership. This fact leads to a restriction of the adaptation capacity.

As far as the financial control is concerned, the central leading structure behavior related to the organization's departments is more likely as one of a shareholder or of a banker. The leadership only defines the financial objectives, allots the resources, evaluates the performances periodically and corrects the eventual financial or administrative problems that may occur. The absence of any strategic planning can lead to a situation when various sections of the organization define their own strategies, even competing with each other. It's then obvious that the compatibility degree is very low, affecting the organization and its rapport with the competition.

### Abstract

*In the world history, a profound transformation takes place every few hundred years. Under the pressure of these effects, the society reorganizes its value system, its view about the world, its social structures and its political and ideological systems. As far as the members of the society are concerned, these transformations refer to the outlook over the world and living, the interaction with others people, the way of imagining the reality and of making decisions concerning our existence. In this context, the organizations, seen as social products, suffer radical transformations. In order to keep up with the rapid rhythm of nowadays society and to be able to manage their resources, the organizations and mostly their managers must become aware of the necessity of permanent changing.*

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## Ortega y Gasset and the Idea of Nation

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### Resumé

*La nation n'est pas définie, dans une manière positive, par une série des caractéristiques, n'est pas défini dans un langage commun, mais c'est une Forme qui détermine les individuals qui la composent d'en appartenir, ici étant comprise une conscience de l'appartenance. Pour clarifier l'idée de Nation, Ortega fait appel à une dualité des nations paires : d'une côté la ville and Elada pour les Grecs, et d'une autre côté, la nation and l'Europe pour les Allemands*

One has to argue with the opinion sustained by Arnold Toynbee about the modern nation, especially since this is not a complimenting one: „The spirit of Nationality is a sour ferment of a new wine of democracy, stored within the bottles of Tribalism”<sup>1</sup>. The Spanish thinker Ortega y Gasset defines the nation in terms of an Idea that functions as a binding for all who are participating into its constitution. This Idea is assimilated with the clear conscience of such an appartenance of all the members of society at the whole that society Forms. Thus, the Idea is preceding the individuals taken separately and, as well, it is remarkable by the aspect of „constraint” (and I am using a Durkheimian term about which I consider that Ortega would have agreed with it) that is exercised over these members:

„In a mental order, social reality is composed exclusively from „common places”. Yet, at their turn, a part of such common places are truisms similar to the enforced „opinion” according to which the individual members of society are *belonging* to it and that this society has a determined shape that we are going to call its ‘Idea’”<sup>2</sup>.

Therefore, there are two fundamental aspects to be considered for the understanding of this notion, that is, the essence of a nation: first, *the general principle* of organizing the nation or the *formal principle* of its existence (the

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<sup>1</sup> *A Study of History*, apud Ortega y Gasset, *Europa și ideea de națiune*, translated in Romanian by Sorin Mărculescu, Bucharest, Humanitas, 2002, p. 53.

<sup>2</sup> *Ibidem*, p. 53-54, my transl. All the following quotes are my English version, translated from Romanian.

Idea) and second, the *subordinate* character of the fate of the individuals in relationship with this Idea. The nation is not positively defined by a series of specific characteristics, it is not about the common language, or about the common past or other conclusive qualities as such (this kind of qualities can be also met in the case of other Ideas of social organization, at the inferior Ideas, as the tribes are), but it is about a Form that determines the individuals composing it to belong to it, entertaining at the same time a conscience of belonging. We can distinguish here echoes of the German, formal sociology (Ortega is quoting here the sociologist Alfred Vierkandt, a formalist, with who, he is engaged in a disagreement, too!), conducting toward the observation that each Form (or Idea) of social organization has its own underpinning, one that is, of course, limited in time. Nevertheless, the important fact is to establish that, from the point of view of the formal sociology, the very existence of nation as such cannot be disputed. It is a body organized around an Idea, which cannot pretend a pereniality in time. The older forms of social organization were, for instance, the *horde* or the *tribe*. They are with anything inferior to the idea of nation, or, the main issue discussed here is not the matter of (with this observation Ortega answers to Toynbee, who, by „tribalism”, obviously, understands something that is to be considered of an inferior range in relationship with the modern world):

„The tribe represents a particular idea of society that has got very precise characteristics, and among other, I mention for now just that the group in question emanates genealogically speaking from certain ancestors who were common either to the entire mankind, or to its most part. Before existed the Idea of tribe, it existed the idea of horde, such as, afterward, there were many other Ideas of society”<sup>1</sup>.

The Idea of a society „gathers” around its attributes the individual members that are composing it. Thus, it matters less which exactly is the name of a nation (for instance, Romanian, Bulgarian or French) or a tribe (“Manam”, “Zande”, “Bayeke”<sup>2</sup>), the fact important being that all these social types of organisation are, formally, identical (the nations among themselves and the tribes among themselves, of course) and that their members are belonging to them and, at the same time, they are *subordinated* to them.

This formula for the coagulation of societies under the national idea has, though, its own limits in time. Ortega is convinced that, at least at the European level, there is now the moment that the nations decided to organize them, within a new kind of political community one that has to be „supra” or „ultra-national”. The nation represents from this perspective an anachronism:

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<sup>1</sup> *Ibidem*, p. 54.

<sup>2</sup> In order to make my point, I have randomly chosen these tribal names from Lucien Lévy-Bruhl, *Experiența mistică și simbolurile la primitivi* (*The Mystical Experience and the Symbols at the Primitive People*), translated in Romanian by Raluca Lupu-Oneț, Ed. Dacia, Cluj-Napoca, 2003.

„At present, this matter retains nothing academically, while it is of a supreme and urgent gravity. Because the European nations have arrived at a moment when they cannot save themselves unless they succeeded to overcome themselves as nations, in other words, if we succeeded to make the nations accept the validity of the opinion according to which the nationality, *as the most accomplished form of collective life* is an anachronism, that it is emptied of any future fertility and, briefly, that it is historically impossible”<sup>1</sup>.

### **Nation, between inertial reality and the project for the future *Polis* and nation**

When comparing, from a quantitative point of view, the Greek City (the *Polis*) with the modern nation, Ortega brings into discussion a pretty simple remark, which many other commentators have emphasized: while with the Greeks one of the conditions of existence for a natural order there was the small number of citizens (about a few thousands), hence everybody could gaze at each and everyone, to see everybody else (the City to be easily grasped with a perspective glance, εὐσύνοπτος), the modern nation is impossible to grasp at once, in one sight, and at once, or, at the surface, since it is something much more profound, denser, and more *latent* in its nature. Therefore, the (modern) idea of nation always entertains the hope of a special potentiality, one that is far from being obvious in everyday life. The nation is always a hope, especially because its very gist, and also its entire premises are impossible to behold definitively with one look (and I understand here not only the physical look, but also the mental one). The nation has „hidden richness”, or, at least, this is the suggestion made by our comparison, as Ortega noticed, too.

One may speculate on the tendency of the nations to perceive the future as a better one in comparison with the past gaining thus, anyway, a sort of optimism at least equal with that sprung from the guaranteed stability and the tranquillity of the past. This perspective makes me recall Renan’s idea of a *daily plebiscite*, that is, of an act of will fundamentally grounded in the future, even when it has its roots deeply in the past.

The comparison between the *Polis* and the nation does not end here. While the *Polis* appears from the very beginning as a mature organisation, tailored for a specific political, military, administrative, or juridical end (*thelos*), the nation does not become a state unless it goes through a pretty long period of maturing. The nation has, as a consequence, first, a vast past behind and, second, not all the nations become. The *Polis*, on the other hand, contrary to this opinion is an entity that arrives at a (real or legendary) moment of an

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<sup>1</sup> *Op. cit.*, p. 54-55. The Idea after which the nation is the most accomplished form of collective life, was sustained with approximately three decades before Ortega wrote these lines by Dimitrie Gusti, in Romania. Meanwhile, the Second World War took place... and both the attention and the priorities got shifted away.

endowment (κτίσις). „The nation though is that entity we have behind us as support, it is a *vis a tergo*<sup>1</sup> and not just a blatant figure in front of our very mind, as it was the *Polis* for the citizen. The nationality makes us compatriots before it makes us con-citizens. It does not *stay* in our wills, it does not live out of our wills, but, irremediable, it exists by itself – as a *natural* reality”.

This natural entity that is the nation presupposes, in Ortega’s opinion, a fundamental *lack of preoccupation* from the part of the individual in what the nation is concerned. Being something well-understood, in other words, taken for granted and not necessarily consciously understood (as it was the case with the Greek *Polis*), existing beyond the individual wills, in a fabulous past and in a future full of potentialities, as I stated above, too<sup>2</sup>. The nation is something that normally does not preoccupy consciously the individual. Even more, for this reason, the excessive, tenacious, and conscious for the fate of the nation (namely, nationalism) is a strange and improper phenomenon:

„This is the explanation of the fact that, *normally*, the individual is not preoccupied by his own nation (that is, given the *natural* character of the nation<sup>3</sup>). The individual perceives the nation as existing for a very a long time and continuing for a very a long time to exist, by itself, without the particular input or collaboration of the individual. As a consequence, the form of preoccupation for the nation that is the „nationalism”, even in its most inevitable, measured and, one may say, natural appearance, is though something added, an artificial, and not spontaneous, constitutive and primary, as it was the „civism” or the *politism* for the Greek or Latin individual, that is, a permanent preoccupation and occupation with their City”.<sup>4</sup>

To further clarify the idea of nation, Ortega resorts to a duality of notions in pairs: on the one hand the City and *Elada* for the Greek, on the other hand, the nation and Europe for the German (Ortega’s work is at origin a conference addressed to a German public).

For the Greeks, notices Ortega, there are series of similar elements recalling for the analyst the fact of belonging to a nation. Thus, the members of a nation understand each other rather well when they speak, have common gods (although not all of them), and they have the conscience of a vague common origin. This unity is, nevertheless, just an „inertial habit”, something that comes from the past, and not a project for action with a certain and clear orientation towards the future. The oriented action facing the future is the political Form or the political Idea (the one already mentioned), while the inertial past is only the „matter” of this form. The distance between the two is, obviously, the distance

<sup>1</sup> In Latin, this means “force from behind”.

<sup>2</sup> The nation has, apparently, two facets that are equally deep: a future, that is very difficult to read, yet impressive given its promises and a fabulous past, that seems to be the more important, the more bleary it is.

<sup>3</sup> At least, this is the way I see it.

<sup>4</sup> *Op. cit.*, p. 64.

between the more or less nebulous and common past (vaguely felt as an element of bounding) among the Greeks from different cities and the obvious political present, that separates the various cities among themselves: „In this sense there is no shred of doubt that the „form” of the Greek person was his citizenship, the quality of being-an- Athenian, of being-a-Spartan, of being-a-Theban, and that meanwhile, the individual’s conscience of belonging to the Hellenic world having an exclusively character of an inertial habit”<sup>1</sup>. Ortega sustains that the fact of the (inertial) Hellenism *had nothing in common* with the fact of citizenship (or with the *agile* Greek individual, for that matter, as he names the human being of action, or the human seen in action, as well as the human of the projects set in motion, to use an expression proposed by Fichte, who considered the human being *reine Agilität* – pure agility). So, the fact of the (inertial) Hellenism had nothing to do with the political present and future. How can one understand this? One manner of interpretation would be to emphasize the huge differences between the way Greeks used to live the fact of nation and the way in which we live it, as Europeans.

The (enormous) difference between the manner in which the Greek used to live his Hellenic inertial reality and the one in which the modern Europeans live this inertial national reality is given by the fact that, in the modern world, all the inertial forms of life have become *integral manners to be a human being*, in other words, all these manners have transformed themselves in tradition and what Ortega named *vis a tergo* in a future reality, in a *vis proiectiva*, in a life ideal. The nations are thus projects for the future, energetic actualizations of the human being, and meanwhile peoples are just the groups that want to be what they are, namely they want to live in the pure inertia of their past heritage. These are the old “nations” in the medieval meaning of the term. Examples for such nations are the Swabians, the Normans, or the Picardians. Only that, nowadays, as Ortega noticed, no one would wage a war to prove he is a Norman or a Swabian. Something like this would be a returning to the past, it would be as a ghost, incapable to find its own place within the present time frame. Similarly, no one can declare herself today to be an Ardeal person, a Făgăraș

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<sup>1</sup> Ortega y Gasset, *Op. cit.*, p. 73.

One encounters a similar opinion on the character of the ancient Hellenism at the French classicist and historian. He said: „The Greeks, not only the ones living in the Balkan Peninsula, but also those within Asia Minor and Sicily, those from Marseille and from the towns on the shore of Pont-Euxin (the Black Sea), considered themselves the same kind, brothers. And they were conscious of their profound unity in what the language was concerned (despite the differences due to certain local dialects). Also, their unity concerned religion and customs, a unity that was setting them apart from the world the called „barbarian”, that is, the totality of the peoples speaking another language than the Greek. The word „Greece”, though, – *Hellás* – had never got, during Antiquity, a real political meaning; Greece itself was never a unitary state before the Macedonian and Roman domination” (Robert Flacelière, *Viața de toate zilele în Grecia secolului lui Pericle /Everyday Life in Greece during Pericle’s Century*, translated in Romanian by Liliana Lupas Ed. Humanitas, 2006, p. 5).

person, or a Banat person, in Romania, without getting herself into ridicule, because such labels are ridiculous as symbols of the present. They are inertial forms of collective life, they are in this sense pre-national, and, as such, they are belonging to the ethnographic museum. Conversely, the nationality is Romanian and it presupposes before anything else a strong desire to be integrally a Romanian in this national particularity<sup>1</sup>.

While we are now born into a nation, the (ancient) City was „made” from the individuals. Such differences are going to be dimmer and dimmer, from a certain point of view. As we have seen in my argumentation, the nation is becoming today more and more something like the ancient City from the perspective where a nation is not just the total amount of some material and inertial elements, but it is also their form and their full actualization from a future perspective. The nation is, as well, made (otherwise it would not be a viable form), and at the same time we are born into it. Therefore, the nation combines both facets of a political organisation: it is inertial, and realized at present, for the future, each individual being obliged to take interest in the accomplishment of the nation. While the Greek is severed by the inertial Hellenic reality (which, essentially, that person ignores), the modern human being who is part of a nation undertakes the past of the nation and capitalizes it in a political future where the (sociological) stage of „people” is overcome.

The Greek City had nothing to do with the reality of tradition, it was a juridical artefact and that was it. On the other hand, within the nation, the „energy, the agility of its members are not employed only in matters of external policy, as are the protection of the City, the domination of other Cities, but it enthusiastically lives *the complete manner of being a human*, that represents the very content of its collective Idea, that is struggling to refine and enrich; briefly, it projects it into the future, as an ideal to be realized, as the very icon of its past, attempting to take it toward perfection<sup>2</sup>, underlining the fact that the inertia of a past is constantly becoming some sort of aim, and as an icon of exemplarity for the common future”<sup>3</sup>.

The nation cannot be founded on anything else but the human pattern, the one that can fully live the both forms of time, the future and the past, as Ortega noticed. One may speculate and say that the pattern of the ideological

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<sup>1</sup> Dimitrie Gusti also sustains the idea of the integrity for the national human condition.

<sup>2</sup> This way, the „idealization of the past” of which the nationalism is accused can be interpreted to its benefit, as a process of refining and of transformation or of the betterment of the past. What are designated as ideal are not a dark and bleak past, but, quite the opposite, it is the result of a selection process, where the positive elements are gathered in a pattern, in order to give a processed orientation for the future. At the same time, the *idealisation* of the past does neither mean that the past is neither uncritically situated on a pedestal of stone nor that it becomes a frozen ideal to be idolised. The Ideal has got this inner quality to be self-improving permanently, to self-polish, until it becomes utopia.

<sup>3</sup> *Op. cit.*, p. 80.

man cannot be compatible with that one of the national man. The man without nation is the man without past (in the sense that the ideological man either ignores or is uninterested by that past), but that person could be as well the man without the future (that is, the person that refuses self-accomplishment in the name of a so-called perfection *already given*, of the forefathers). Both variants are solutions offered by failed ideologues, both resent a wing of this flying organism that is represented by time and, this way, both are going to be unsuccessful in their attempt to confront the times.

The question that stays in front of the researcher now, after this comparison of the differences between the Greeks and the Europeans from the perspective of the idea of nation is: what exactly has to go on in the collective soul of the peoples, in order to determine them to become nations and this way, to be searching for their specific exemplarity in each and every case? The answer given by Ortega is the following one:

„It is necessary that, at a certain date, early enough, they would have the clear consciousness that life does not consist entirely of what one already is, by tradition, but to perceive themselves as belonging to a much ampler unit, that is not just their very own *a tergo*, namely: *the huge space of an anterior civilization*. This represented for the European peoples the Roman West (...) Roman civilization appeared as an „integral manner to be a human being” already consecrated and sublimated<sup>1</sup>”, and this, for all the Germanic peoples that came in contact with the old civilization of Rome and which thus felt indebted to show that they are much more than their „popular” past. While the European peoples have had a clear cut model, the Greeks, going into the Aegean Sea met there a great variety of mixed civilizations and cultures, and for this reason they were rather „disoriented”. There were intersected all kinds of influences: Babylonian, Hittite, Egyptian, Cretan, Phoenician, etc.

### **Is there a European suprapstate? Germany, the country of moderate nationalism...**

Ortega was convinced that what we call to European unity (and which tends to become a unique European state) represents in fact an old contribution made by Europe to its internal equilibrium and to the external one (of the world) based on the idea of the equilibrium of power. Such a reality is of a historical nature: „There was an extremely ample and powerful – the European society– which, as society, was constituted on a basic order owed to the efficiency of certain supreme instances: the intellectual and moral creed of Europe. This order that, underneath all its superficial disorders, was acting within the depth of the West, has sent its radiating influence over the rest of the planet for many generations and has introduced in it, more or less, that order

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<sup>1</sup> *Op. cit.*, p. 82.

that it could provide”<sup>1</sup>. Unfortunately, this order seem to be vanished by the end of the First World War and with the creation of the Society of Nations, which Ortega was openly criticizing, considering it a an anti-historical institution, an overcame anachronism, whose spirit was already wedged at time it was created<sup>2</sup>.

The idea of the European unity is founded at Ortega y Gasset on the extremely distinct concept of European *public opinion* that would always exist. Of course, we do not have to understand by this public opinion what journalism guidebooks understand by it, that is a more or less inform mass of receivers that are formed (manipulated) on a information market and that, most certainly, have at their disposal, possibilities to „react” to this information bombardment often orchestrated, with (few) opinions ‘pro’ or ‘con’. Usually, public opinion defined in this manner is divided in black and white, in adepts and opponents, in sustainers and enemies of a specific issue. This is not the way public opinion speaks should be understood in the perspective open by the Spanish, but as a large movement of ideas, one with distinct historical and geopolitical valences, that manifests itself at the level of the entire European continent. The content of this opinion is formed by the sum of the political, morale, economic, military and cultural issues that are essential, because they are concerning the destiny of Europe, understood as a civilization that stands by itself. Public opinion, at its turn, determines the apparition of a *public power*, hence an organized form of power, of a form of state or of a cvasi-state form of power. Without such a public opinion, we cannot even imagine the public power. The two notions, Ortega assured, are ancient European realities:

„Or, it is indisputable that all the peoples from the West have always lived within a frame – Europe – where there was always a European. And, along with it there was also, with necessity, a European public power that has incessantly exercised its pressure over each and every people from Europe. In this authentic and rigorous sense, *a certain form of European state has always existed* and there were no people that did not feel its pressure, sometimes, a terrible one”<sup>3</sup>.

The public power that has acted within the national European state was never exclusively national. Obviously, not even the public opinion that stays behind this power could be strictly and narrowly localized, only at the level of the particular nations. The European states have permanently moved in an ultra-

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<sup>1</sup> *Ibidem*, p. 112.

<sup>2</sup> *Ibidem*, p. 57 and 113. Instead of being an institution with a historical force of anticipation (to forestall unpleasant), the Society of Nations was dead at birth. From here one deduces its incapacity to prevent the disaster of the Second World War.

<sup>3</sup> *Op. cit.*, p. 96. It has to be said that Ortega spoke in these lines about a supranational or ultra-national State, what is not all the same thing as a national State. This European state is rather diffuse, yet present within all the manifestations of the national states, and it is defined, eventually, as I shall argue, through the idea of the *European equilibrium*.

national frame of public opinion and, hence, of public power, in a web of interests and ideas that, of course, overcame the national borders. What is this overcoming of the particular nations if it is not the very European Union, except it is presupposing an equilibrium and not a static and a monolithic profile?

„We ought to realize eventually that for many centuries – and considering their conscience from 400 years ago –, all the peoples from Europe live subjected to a public power which by its very own dynamic purity does not allow any other name than the one inspired from the science of mechanics: „the European equilibrium” or the *equilibrium of Power*.

This is the authentic government of Europe that arranges by its flight through history the swarm of peoples, pushing their fortunes and as bellicose as are the bees, freed from the ruins of the ancient world. The unity of Europe is not a fantasy, but it is the reality itself, and the fantasy is exactly the opposite: the belief that France, Germany, Italy or Spain is substantial realities and, therefore, they are also complete and independent realities.

It is understandable that not everyone perceives with clarity the unity of Europe, because Europe is not a „thing”, but a kind of “equilibrium”.

This particular definition for the European Union and, eventually, of the Europe, as equilibrium and not as a thing, thus as a monolithic union, forewarns us that the current project of European unification could be as well unsuccessful. And this because the union now desired (and, with which, one could be, in principle, in agreement– in the sense that one has nothing against the idea of unity) could endanger the very idea of that particular equilibrium, on which Europe relies for centuries. In fact, the issue of the European Union is not the same as the issue of *unity* (Ortega demonstrates that such a unity has always existed), but it concerns the *form* of the unity that is accomplished.

The union exists, but one could imagine the multitude of the possible formulae for realizing this unity, out of which, of course, very few are also functional, or, could be functional only the ones that have already proven to be functional. Hitler wanted as well a union of a certain kind for Europe, and Stalin succeeded to „unify” half of the European continent, yet, these geopolitical mega structures could not sustain themselves. In consequence, it is important that the new European unity is not going to sacrifice the possibility of that diversity that could recreate the old style equilibrium, the only one that ensures a natural and enriched survival for our continent. The new European unity should not suffocate the ability of this continent to equilibrium under the power to level the trans-national bureaucracy. The bureaucracy should, at its turn, submit itself to a superior principle of moral and material equilibrium and not to allow itself to become a kind of end in itself for the functioning of the European institutions. Unfortunately, any bureaucratic mechanism has this deficiency in seeking to sustain itself, even outside an external logic that is justifying its existence. The European bureaucracy should not become the

corner stone of the present European construction, because in that moment the equilibrium and the vitality of the continent would be suffocated.

In what concerns the case of the German nationalism, Ortega overthrows the preconceived ideas concerning the „ferocious” nationalism of the German romantics, which manifested itself disproportionately, in a European environment that was „purified” of such an atavist manifestation. One has to keep in mind that the most important German thinkers of the Romanticism or pre-Romanticism have often sacrificed their dearest ideal, German nationality, which they ardently desired, for the European equilibrium, for the European “concerto”, without which they realized that Germany itself could not exist. It is the case of Humboldt, and that of other very important German nationalists blamed by some Germans that they did not militate enough for a totally autonomous Germany:

„The restraint of Humboldt, Stein<sup>1</sup>, Gneisenau<sup>2</sup>, Niebuhr<sup>3</sup>, their effort to *in castrate* „German nationality” in the real historic block of Europe did not emanate, as presupposes Meinecke<sup>4</sup>, from *apolitical and universal* ideas, or from the cosmopolitan ideas, ideas type 18<sup>th</sup> century, but from a very realistic sense, both politically and historically (...) Stein and Gneisenau do not hesitate a moment to maim their countries to give in portions of territory to Russia and to England. Given that they understood that nothing could be obtained for their nation unless the European cohabitation was ensured, *simultaneously* and, in consequence, unless they made possible a *society* of Europe”<sup>5</sup>.

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<sup>1</sup> Karl Heinrich Friedrich Stein (1757-1831) was prim-minister of Prussia (1807-1808), personal counsellor of the tsar Alexander I and one of the most important artisans of the anti-napoleonian coalition.

<sup>2</sup> Neihart von Gneisenau (1760-1831) was feldmarschall in Prusian army.

<sup>3</sup> Barthold Georg Niebuhr (1776-1831) was an important German historian, initiator of the method of the criticism of the historical sources.

<sup>4</sup> Friedrich Meinecke (1862-1954) was the author of the book entitled *Weltbürgertum und Nationalstaat* (7<sup>th</sup> ed., 1928), from which Ortega quotes, in which Meinecke attacks the cosmopolitan „blindness” of some old legendary names of the German nationalism, as the ones in the (above) reproduced quote.

<sup>5</sup> The national sacrifices made in the name of a principle of European equilibrium represents the best proof for the force of that equilibrium, for the imperative of necessity that he introduces in the existence of the continent. This is the reason why, even the greatest German nationalists (pay attention, at stake here is not the demagogical and blind nationalism, but the one based on a historical and political intuition) gave in against this imperative. Political realism is nothing else but the implicit recognition of the European equilibrium. These remarks are applicable to other historical moments, too. Nowadays, for instance, the German nationalism is more than „contained” within the idea of the European equilibrium. Germany leads a prudent politics within the continent, politics that enabled it to regain the territories conquered by the Russian communism after the Second World War. At the same time, against the inter-war manner to return in Europe (based on the military idea), today Germany is coming back in as a part in the European concerto using the diplomatic channels and the opportunities brought about by its competitive economy. A politics of equilibrium means, this time, a new alliance and a partnership with Russia, yet with a careful coordination with France.

Thus, Ortega believed that it is prejudiced to consider that Germany was always the country of the nationalism without nuances, type *furor teutonicus*. On the contrary, he said, until Wilhelm II, it was the country of the most moderate nationalism, and Bismarck, for instance (although Ortega reproached him to have been the first German statesman to exploited that Teutonic frenzy), appears nevertheless as a *Cancelar* with a great historical and European responsibility, with a sense of equilibrium and measure extremely developed.

Going from the realm of political action to that of ideas, a great thinker as Fichte was, one of the most enthusiastically German nationalists is, nevertheless, an author who does not sacrifice the idea of Humanity at the expense of the German nationalism, although he frenetically believed in the German nation. This type of nationalism is totally different by the narrow-minded nationalism of the present day, that is a nationalism without horizon, and also totally different from the nationalism that was professed by the followers of Fichte from the first half of the 20<sup>th</sup> century. The nuances of these observations were emphasized by Ortega:

„The German *people* – thought Fichte – must be radically, frenetically, the *German people*, but the characteristic of this people is to be the ‘people of Humanity’. Let us see what it implies. Fichte felt a „national” patriot to his bones. Yet, his manner to feel national is that one I called „to-be-agility”, that is, to see your own nation projected into the future as the best possible program to be a human being, as such, through Humanism, Universalism or Cosmopolitanism. One must be German because to be German means to be one with Humanity. Contrary to the recent hiper-nationalisms, that intended to make Humanity German”<sup>1</sup>.

The argument supports, for example, the affirmation made later on by Johann Eduard Erdmann (1805-1892): „To be just a German is anti-German”<sup>2</sup>.

The frenetic nationalism of Fichte is nothing but an idealization of the German people, which, in his view, had to become the cultural model of humanity. Only that such an idealization has to be understood starting from the notion of „ideal”, functioning as a guiding light, as a supreme aim and dream, not as a mechanism to occult the deficiencies of this people, not to forcibly transform it in an universal model. In order to become a fulfilled nation (that is, universal), the German nation had to become the model nation for the world, namely, to go through a process of *purification-idealization*.

I have already made the distinction between this type of “correct” idealization and the negative idealization of the narrow-minded nationalism of the present. In other words, the path of a nation toward itself goes indisputably through the universal (cosmopolitan) idea of Humanity. Only this idea can serve as a basis for the creative nationalism. Before they succeed in being

<sup>1</sup> Ortega y Gasset, *Op. cit.*, p. 109.

<sup>2</sup> *Undeutsch sei, bloss deutsch zu sein*, in German in original (p. 109-110).

Germans (and this is the aim), the Germans would have to pass a kind of exam of exemplarity in front of the mankind. On the contrary, the nationalism lacking an universal horizon is content with the present state of the nation and entertains no aspirations but to perpetuate this present state of things. Indeed, Ortega will say at some point that all peoples respond exclusively to the circumstantial forces that determine their emergence and that human being in general does not exist; there is only the national human being. Resuming Burke's ideas, who said for the first time that loves the prejudices of the English as well, *especially* because they are prejudices<sup>1</sup>, Ortega relocates the idea of prejudice in the first ranks of the cultural pantheon of humanity. History is a succession of circumstances and of occasional creations and not an abstract and rational trajectory. As a consequence, the prejudices are the vital forces that are determining the fate of the peoples. „We see today with all clarity and with enough calm that the human being is essentially nothing more than a prejudice, being so, represents all the best. Culture, even in its highest and most exemplary meaning is the art to polish the best way we can this irremediable prejudice that we are”<sup>2</sup>.

### **The relationship nationalism –democracy**

We have to emphasize a few considerations on the relationship nationalism – democracy. In general, the modern theoreticians of the nation consider that the relationship between democracy and nationalism is pretty tight and that it represents a manifestation of a historical complex and of a cultural characteristic for the modern epoch. When one sees democracy as an extremely ample movement that overflows the European continent after the beginning of the 19<sup>th</sup> century, this could lead one to see nationalism merely as a “legitimate child” of this major democratic current. Nationalism could not possibly emerge before the democratic ideas about the world, because only such ideas supposedly led to the emergence of the national states – being the opposite of the dynastic states, the states of the divine right. The nation appears historically out of the unofficial and revolutionary struggles that were de-structuring the old world. Of course, this is the argument of someone like J. Evola, for whom nationalism is only a next to the last landmark toward a definitive loss of meaning of this political world engaged on the revolutionary route.

In his perspective, the phenomenon was a struggle against the conservative principles on which the World of Tradition made its bedrock<sup>3</sup>.

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<sup>1</sup> Something that the revolutionary ideology of Enlightenment could never admit, obviously, since it considered that had the mission to free all peoples of the medieval darkness of belief and prejudice where they were smudged for hundreds of years.

<sup>2</sup> Ortega, *Op. cit.*, p. 108.

<sup>3</sup> V. Julius Evola, *Revoltă împotriva lumii moderne*, translated in Romanian by Cornel Nocolau, Bucharest, Ed. Antet, without year, chapter *Nationalism and collectivism*, where the modern

After nationalism all that remains is the amassed world of the communism and the historical cycle ends in its final degradation. The modern theoreticians as the revolutionary theoreticians find in this relationship between nationalism and democracy (a synchronization, in the sense that they appear about the same time) a proof for the permissive character of democracy. At the same time, they manifest reticence in front of the nationalist phenomenon. Those are democracy lovers, but they are deprived of affection against its „progenies”, and among these, the nationalist phenomenon being perceived as the most pernicious. Evidently, this type of theoretician is an ideologue of democracy. If it was true that democracy sprung nationalisms this theoretician as a democracy lover should admit its progenies, too. Yet, the bias of those theoreticians without historical orientation stops artificially at the term „democracy”, which they neither define nor understand (except in an ideological and confuse way, as a “good” governing principle, with power for the masses, granted freedom, and a political class under the strict control of the public opinion).

In reality, any political regime needs *permanently* a re-check and a redefining, in order to allow the forces that animate it at some point in history to be well emphasized. For Evola, democracy has no positive meanings; since it is nothing else than a decline of the political idea from the divine rank to the immanence of the popular world. I have to underline that between these two extreme conceptions – the rejection of democratism, thus, of nationalism by Evola, on the one hand, and the rejection only of nationalism and the embracing of democratism, by the modern theoreticians, on the other hand – there is the perfect place both for Ortega’s ideas and for the relationship nationalism-democratism.

The democratic ideas appear in Europe approximately at the same time with the nationalist ideas from Germany (between 1790s and 1870s). Ortega returns to the offending definition of Toynbee on nationalism that was considered by the latter an impure mixture of tribalism and democracy. In reality, national conscience is much older than democracy and has nothing in common with tribalism:

„The conscience of Nationality has nothing in particular to do with tribalism and, even more; it is so much older than the invention of democracy. It is not the case, as a consequence, to identify the latter as mother Nationality (...). What did happen at the dawns of democracy, namely in the first years of the 19<sup>th</sup> century, was that, with democracy, Western peoples started to fell under the toxic spell of the demagogues – being these right or left – and given that the unique strategy of these irresponsible characters is to exacerbate everything so that they could intoxicate the masses, the conscience of Nationality has already had a past of two centuries of quiet and peaceful life,

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nationalism is the third stage of the world’s decay, from the universal toward the collective, the last stage being the collectivism itself.

was transformed into a political program. But, political programs are never made out of authentic ideas, but they are tailored only out of *isms*, and vice versa, until something rises to the level of *ism* which means only that it ceased to be something authentic, both transforming itself and degrading itself into a 'program' ”<sup>1</sup>.

Therefore, far from being the daughter of democracy (and, far from being tributary to the latter, as an inferior rank phenomenon), the conscience of nationality appears about two centuries earlier than democracy. The well-balanced nationalism degrades during democracy especially due to the species of demagogues, that „intoxicate” the masses and build, an ideology, a political program, out of the national principle. As long as it remained as an idea and a natural sentiment, the national idea ensured the peace of Europe.

When it got transformed into an ideology, it became one of the obscure forces of history. The first nationalist war was at the same time the first great democratic revolution in history: the French Revolution. Then was also launched the idea of the nation in arms, an idea that had so many important ideological implications and, from the perspective opened for investigating nationalism here, not so many national consequences...Thus, demagogic democracy weakened the national inborn principles, and by the exacerbation of nationalism, to the point where it sustained the Nazi aberration since, as we still notice today, a demagogic „intoxication” needs always something more and stronger. Under such an interpretation, nationalism escapes Evola's label, of phenomenon caught within the deconstruction of the Traditional Life of Europe. Nationalism can be the matter of an organic and well-balanced idealistic love for the nation. The nations, at their turn, represent the new historical syntheses of the post-Roman world. Nothing could be more natural that a due share of appreciation and love for these historical syntheses.

The nationalism emerges before democracy, so the democratic „scarlet letter” cannot touch it. Thus the nation and the nationalism lose the bleak perspective cast upon them by Evola's interpretation. On the other hand, the birth of democracy brings along the terrifying species of the demagogue. This is precisely the right time for the dissolution of the democratic pattern discussed by Evola. This character is the one who destroys the roots of the European Tradition, exactly in the name of this Tradition (because Europe, as an heir of the Roman Empire is indisputably founded, on the basis of a pre-figuration of the national principle – thus, it has its roots, at least partially, embedded into the ethnical idea). The demagogue manipulates the ethnicity and its immemorial persistence.

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<sup>1</sup> *Op. cit.*, p. 93.

## The danger of the dynamic closeness among peoples

In my opinion, there is another idea worth being examined, namely that of the relationship between the distance, in terms of civilization and technology and the moral distance existing among different peoples. From a technical point of view, 20th century is characterized by an explosive progress of the means of communication.

Ortega notices rightfully that it was not the 19th century, characterized in its most part by the optimism in front of the material progress, based on the advancement of technology, the epoch of the unprecedented technological transformations, but the 20th century. The world becomes, due to technology a kind of „global village”, as McLuhan said, yet, the consequences at a moral level are not by far as comforting as the apologists of the technological progress might have seen it. Peoples are now, technologically, closer one from another, but the moral distance, instead of vanishing, has increased:

„Both suddenly and truly, during these last years, each people, by the hour and, actually, by any minute, is receiving such a huge amount of recent news about what is going on with all the others, that created the illusion that any people is effectively situated *in the middle* of all the other peoples, if not, in their proximity. In other words, considering the effects in what concerns the public universal life, the dimensions of the world have suddenly contracted themselves, getting smaller. Peoples found themselves all of the sudden, dynamically, much closer. And all that is taking place exactly when the peoples of Europe have gained, morally, the most distance among them”<sup>1</sup>.

The distance mentioned here by the Spanish author is not necessarily a hostile distancing, but rather, one that is betraying the moral vacuum that is affecting all peoples, given that they are mutually ignoring each other, fundamentally disinterested by one another. Starting from such a moral vacuum it is obviously possible to arrive at hostility as well, as soon as the conditions are right. In fact, hostility may appear out of the blue sky, without any menacing cloud, without any sign of a will to get to know the other or without any trace of interest or of mutual appreciation. The moral vacuum may result anytime in the disaster of an open hostility, as a consequence of the impact of timeless and faceless forces of ignorance.

Ortega's idea that the technological closeness (he calls it „dynamic”) among the peoples led to the increase of the degree of brutal intervention of some people against others. The most striking case is, within the last century that of the most active peoples geopolitically, namely the case of the American and English people. This type of intervention is often extremely subjective and

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<sup>1</sup> *Op. cit.*, p. 117-118.

deformed, especially due to the technological conditions that are amplifying a so-called mutually recognition of among peoples.

Actually, such technological means are not doing anything else but perceiving (as looking in a deforming mirror) the superficial envisioning of a people within the collective imaginary of another one, and it is misleadingly replacing the specialized knowledge. Peoples that are strong from a military and economic point of view are acting in conformity with such deforming perspectives. Even more, the false opinion resulting from such a superficial perception often becomes an instrument of pressure at the geopolitical level, which was not the case during the past centuries, when the mutual perception, and opinion, of some peoples against others did not come to be reflected by deeds with an international relations nature:

„A century ago did not matter that people in the United States afforded an opinion on what happened in Greece and that opinion was the consequence of the fact that they were ill-informed. As long as the American government did not undertake any action, that opinion was inoperative in relationship to the destiny of Greece. The world was then “bigger”, less compact and more elastic. The dynamic distance between a people and another one was so big that, while crossing it, the incongruent opinion would loose its toxicity (...) During the last years, peoples entered into such an extreme dynamic proximity, and the opinion of, for example, some social North-American groups intervenes effectively – directly, as an opinion, *not* as government – within the Spanish civil war. I am sustaining the same argument about the English opinion”<sup>1</sup>.

Such a situation becomes indeed dangerous as the dynamic proximity among the peoples is increasing. Such interventions of the opinions become (and most of the times the opinions are falsifying because the mutual recognition among the peoples is virtually impossible, as Ortega argues, in comparison with the knowledge that peoples have about themselves<sup>2</sup>) real „intrusions”, violent inferences into the life of other peoples. The result is the hermetical closure of the peoples in front of one another, especially to bar such an “ethnical breaking an entry”:

„I sustain therefore that the new structure of the world is transforming into real intrusions the movements of the opinion entertained in a country about

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<sup>1</sup> *Ibidem*, p. 120-121.

<sup>2</sup> „(...) any attempt to overlook the fact that a people is an intimacy, the same way as a person, yet maybe, in different ways and for other reasons, is going to be sinister – as a consequence, it is a system of secrets that cannot be simply discovered from the exterior (let us recall Berdiaev’s idea, according to which, the nation is a mystery – my observation). The reader should think something neither vague nor mystique. Let us consider any collective function, for instance the language. It is good to know that it is proved to be almost impossible to know intimately a foreign language, no matter how intensely one would have studied it. And wouldn’t it be crazy to think that is an easy task to know the political reality from another country?” (*Op. cit.*, p. 122).

what is going on in another one, while they used to be almost harmless once. This would suffice to explain why, when the European nations seemed to get closer in a superior union, they started suddenly to enclose in themselves, to make their existence hermetic against one another, and to transform their borders in protective diving suits”<sup>1</sup>.

Therefore, it is naïve to believe that the dynamic closeness among the peoples leads automatically to the mutual recognition or to a mutual understanding (that would translate itself into a peace). Often, such a degree of recognition that is too elevated may have contrary effects, such as mutual closure, or even hostility and rejection. Many times this is exactly what is going on at the European level. The opening of the West toward the East did not mean an increased closeness and a fraternal embrace among the peoples from the two areas of the continent that were separated till 1989 by the so-called iron Curtain.

Frequently, this closeness has generated gestures of moral rejection that were more violent than these produced before the fall of the Berlin Wall. The initial opening was followed by a mutual closing among peoples. The lesson is simple: the harmonious existence of the different forms of ethnicity cannot be imagined outside *any* form of border or limit. Peoples need a neutral space in order to get to know each other (in the terminology of the personal relationship they need an intimacy, a space of the *greeting* – which Ortega mentions, too). It is necessary as well that any people is able to create and impose a physical barrier or at least a zone symbolically protected, taken into consideration by all the others. This is not a plea for reinstalling the physical borders, but for making people aware of the necessity of limitation and self-limitation, in what concerns the intrusions of some peoples within the life of the others.

Thus, the disappearance of the borders within the European mammoth state is not necessarily an occasion that would bring people together, but one that - strictly from a logical point of view – would just *mix* peoples. But this mixture (amalgam) is dangerous especially for their relationships (let us not forget that some *intervention* within the businesses of others, based of the wrong opinions, is exactly the greatest danger Ortega indicates for the state of the international relations). We either reinstall this interactive harmony and order in the relationships from the interior of Europe (with the help of the symbolic borders), or we wait for the moment of the total acceptance of all peoples by all the others. Yet, one has to understand that this moment shall not come before the profile of all peoples has flatten in an amorphous mass, in a (now) hypothetical *European people*. Only the disappearance of the different ethic traits may bring about the complete calmness (the peace) of the relationships among the peoples that get mixed up all together. On the contrary, as long as the individual lines ridge the ethnic physiognomy, the only way to

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<sup>1</sup> *Ibidem*, p. 123.

understand and collaborate with a different ethnicity is to respect a symbolic interval in the case of each and every ethnic group.

### **Abstract**

*The nation is not positively defined by a series of specific characteristics, it is not about the common language, or about the common past or other conclusive qualities as such (this kind of qualities can be also met in the case of other Ideas of social organization, at the inferior Ideas, as the tribes are), but it is about a Form that determines the individuals composing it to belong to it, entertaining at the same time a conscience of belonging. To further clarify the idea of nation, Ortega resorts to a duality of notions in pairs: on the one hand the City and Elada for the Greek, on the other hand, the nation and Europe for the German (Ortega's work is at origin a conference addressed to a German public).*

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## Informal Social Control or the New Paradigm of Local Governance

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*“Lead the people with governmental measures and regulate them by law and punishment, and they will avoid wrongdoing but will have no sense of honor and shame. Lead them with virtue and regulate them by the rules of propriety, and they will have a sense of shame and set themselves right.” Confucius.*

### Resumé

*La communauté locale représente plus d'une structure sociale. Elle reflète un environnement dans lequel les individus socialisent les uns avec les autres et sont dépendants par point de vue social les uns des autres, comme principe de la valeur de la solidarité communautaire. Le contrôle social fondé sur les mécanismes formels organisés, comme les lois et les prescriptions judiciaires se montre inefficace, ou pas capable de maintenir l'ordre dans les transformations valeurs-norme, qui sont plutôt souscrits à une communauté locale qui expose le behaviorisme collectif.*

The diminishing importance of the State as a key player in the domestic and international political arena, the emergence of a new paradigmatic approach for development, the tendency towards regionalization in Europe, the transition, reforms and European integration, particularly through the Regional Development Policy, have all led to a mounting focus on the sub-national levels. This focus on the sub-national level has triggered, in the field of social research programmes, considerable space ascribed to the local communities as a locus for the analysis of the informal social control and social capital.

Romania's accession to the European Union has led to the widening of the public sphere for the construction and implementation of public policies as a result of the new multi-level and networking governance increasing the number of participating actors. All of the latest developments stand as actual challenges for keeping social legitimacy and responsibility under control as features of a balanced democratic society.

Europeanization stemming from as a distinguished transformational process, it has exerted a considerable amount of pressure for stimulating domestic changes through collective learning processes, which have generated a new system of norms, the birth of new identities and also the occurrence of

multiple veto points that have led to power dispersion and the strengthening of actors with a wide plethora of interests.

Both endogenous and exogenous factors have transformed static type communities into “learning communities” where institutional malfunctioning (here defined as the social legitimacy and accountability deficit) requires substantial social control, due to the gradual shift from hierarchical to horizontal governance and institutional reform.

The local community represents more than a mere social setting- it reflects an epistemological environment where individuals socialize with each other and are socially dependent upon one another having as the basis a powerful value and norm system and communitarian solidarity.

Here, the social relationship relies on “belongingness” and not necessarily on conventional contracts based on interests and on maximizing utilitarian aims.

Principal –agent relationships are complicated because of an institutional dialogue that provides considerable room for maneuvering for the sub-national territories as local communities.

The newly built communitology tends to facilitate participation more than unilateral endeavors from center outwards to periphery in a mutually dependent relation compared to a rational, exclusive instrumentalist one.

To a large extent, in smaller scale communities, villages and communes, the logic of social control is given neither by laws, tribunals nor the police but rather by the internalization of social norms.

E.A Ross articulates that it is faith/trust systems and tradition that guides human behavior and not specific laws, thus influencing behavioral control. Without a normative system to exert individual constraints, without values and social institutions, social deviance is only one step away from the social anarchy. Hence, informal social control is vital for preserving social order.

In order to keep the regulation and control function over social life, the state/government, by means of institutions, promotes laws and decrees. Despite all of that, due to the lack of popular support for enforcement, these severe control sanctions are more like censorship, even reaching the point of limiting the civil liberties.

In that way, social control based entirely on organized formal mechanisms like laws and juridical prescriptions prove to be inefficient or at least not able to keep pace with value-norm transformations, which are sooner subscribed to a local community that expose collective behaviorism, rather than being subordinated to a state entity circumstantially evolved as a juridical and historic response to an international order.

By artificial build-up of the consumption society the control function vis-à-vis the public sector is gradually vanishing; The indifference of the people expressed by their absenteeism to the ballots, as well as the lack of participation in community life, indirectly leads to the loss of social accountability of the

elected locals and the public officers as well as the legitimacy of the governing act. Despite all these, at the micro-social level, within the local community, individualism as a modern brand is being overtaken by a strong community network where the “community individualism” is fading.

If the state was looked upon as being the only, if not the best actor to exert the social control function, today the social control and regulating capacity of the third sector are being more and more formally co-opted by the state in its exertion of the social control function.

Modernity, which coincided with the state formation, propelled the state as a main regulator. However, the proliferation of laws as main instruments of social adjustment/ regulations and control seem to be unbalanced and incomplete as a result/consequence of political and government changes.

The accession of Romania to the European Union witnessed the switch from govern to governing by co-opting actors from the third sector. With time, such change led to the acceptance of the public laws limits/boundaries and the necessity to look for alternative/informal means and sources for the exertion of the social regulation and control functions.

The White Paper on Governance, promoted by the European Commission, fights for the involvement of the third sector into the government act. Such involvement is even more requested/required by the regional policy, where the subsidiary and partnership principles are promoting as sine-qua-non prerequisites the involvement of sub-national actors in the building up, implementation, evaluation and monitoring of the sectorial policies. Therefore, the third sector is gaining indirectly the role of regulator in the social control process.

The informal social control is exerted by society without clearly defining the rules. Such aspects require people to build/form associations according to the social norms. Unlike the “societal/ conventional individual” which relates to reality according to the material interest and a logic of consequentiality and acquisition, “community individual” inclines towards the construction of values and ideas, and to the community membership that he/she belongs to, the social contract being enforced by either a normative system or a mixed motivational framework in which intrinsic motivation dominates the extrinsic rationale.

Considering the aforementioned comments, we should pose the following question: To what extent can the enforcement of informal social control lead to good governance in the local communities?

We launch the following hypotheses as starting points for a more comprehensive research. Hence, collected data based on sampling within different regions from all over Romania should play a critical role in the economy of the research:

**i<sub>1</sub>**: there is a positive correlation in between the social capital and the informal social control: where there is a considerable amount of social capital in a community, there is less social deviance; thus, it appears as a source for the informal social control- that leads to trust and social solidarity and the respect of norms and well functioning government institutions. Contrary to that, where there is a low level of trust and social norms, people will jointly develop actions only within the framework of norms and rules' system.

**i<sub>2</sub>**: informal social control improves the legitimacy of sectorial policies, facilitates the build up of genuine partnerships as institutional instruments to promote the role of the third sector, unions, NGOs, professional groups to exert social control to ensure internal cohesion and functional sustainability of the local communities as required by the regional policy.

As for demonstrating domestic changes at the level of committology, sectoral policies, and “party politics” determined by the accession of Romania to the European Union, we will use theories of integration as Europeanization and multi-level governance. The theoretical construction will be completed by neo-institutionalism and social capital, aiming at capturing the dynamic nature between center and periphery, the agent- principal exchange, institutions as normative constructs impinging influence on the informal social control and vice-versa and the public-private partnership as well.

As a follow up to the research undertaken, we shall see the importance of the informal social control to explain a new dynamic of the social order with direct impact on the local governance.

### **Abstract:**

*The local community represents more than a mere social setting- it reflects an epistemological environment where individuals socialize with each other and are socially dependent upon one another having as the basis a powerful value and norm system and communitarian solidarity. Social control based entirely on organized formal mechanisms like laws and juridical prescriptions prove to be inefficient or at least not able to keep pace with value-norm transformations, which are sooner subscribed to a local community that expose collective behaviorism, rather than being subordinated to a state entity circumstantially evolved as a juridical and historic response to an international order.*

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## The Principal Problems of Rural Communities from Romania

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### Resumé

*Les problèmes sociaux des communautés rurales de la Roumanie sont, peut-être les plus difficiles problèmes pour la Roumanie, pas seulement à cause de leur proportion (comme un résultat des beaucoup de personnes affectés par eux – pas exemple la pauvreté), mais aussi à cause de leurs conséquences au niveau national. Le monde rural a été le plus influencé non seulement dans la période communiste, mais aussi après 1989.*

The principal problems of rural communities from Romania are the poverty, the demographical decline, the not adaptation of labor force at extra-agricultural working market, educational quality, cultural and educational level, the improper social politics for the needs of rural population. In the first part, the project will analyze each problem noted, in order to show: the determinates causes, the way of manifestation, the consequences at social system level, the gravity, the destruction degree and the development tendencies for each of them.

In the second part of the article, the social problems will be analyzed in rapport with European Union, showing how the changes appeared after the integration process will determine their aggravation or, contrary will offer new solutions for them. We consider also the hypothesis of the appearance of some new social problems after the implementation of European legislation in our country. From all this, we can mention the disappearance of some traditional occupations, having for consequences the increase of unemployment, the increase of poverty and the lost of some traditions that ar

Social problems or rural communities are maybe the most difficult problems for Romania, not only for their proportion (as result of the big number of people affected by it, such is, for example, the poverty), but also for their consequences increased at a national level. The Romanian village is the most extended space for Romania, it preserves the traditional Romanian values (which are characteristic for our cultural identity), is the area with the most increased birth-rate, is, also, a fundamental social environment for our country's existence. Despite this things, Romanian rural environment and its problems are not in first place for legislative, administrative, political and preoccupations in Romania; some disfunctionalities (such those form the social, demographical and educational politics ) are totally ignored or improperly studied.

The research of the principal problems for the Romanian rural communities is a fundamental one, because some of them have dramatic values (for example, the poverty of old people) and generate social effects which are destructive also for other social areas. This article's purpose is a knowledge and diagnosis for social problems in rural environment (their causes and worsen factors) and also a signal of alarm for the proportion of this problems (their tendency to become acute and extended) and the distant and inefficient way of solution the Romanian village's disfunctionalities (at an administrative, economical and political level).

In present, Romania is almost a rural country, 93,7% of its territorial area being a rural one. 47% of Romanian people are living today in rural environment, 40% of the workers are in activities localized in rural space. Despite all this, in 2002, the contribution of agriculture was only for 13,4%, even if in 1990 was 21,2%.

The rural world was the most and profound influenced in communist regime and in the short period after 1989. Now is the perfect moment for the whole problems of the rural environment to be analyzed in a public debate with a huge auditorium.

In the second half of the XX-th century, the Romanian village passed through some big and important process. In a first period, was the forced collectivization of agriculture, after the Bolshevik kolkhozes (thousands of villagers were been arrested and executed); the villagers lost their land property, and there was instituted a collective property.

In the second half of the communist period it has been a modernization process for agriculture characterized by: the agricultural exploitation development, work division, the mechanization of agricultural work, rationalization by economical efficiency criteria. During the communist regime was a real rural exode (a massive migration from rural to urban, in order to constitute the labor force, necessary to maintain an industrialization politic); due to this fact, at the end of communist period the rural population of Romania was halved (form almost 80%, at the end of inter-bellic it reached at 30%, at the end of communist period).

After 1989, the Romanian village had known a reform with contradictory effects. The start of this rural reform was Law 18 of Land Found, a law that generated a lot of controversies right after its amendment. This law created the impression that it is able to remake the rural property, because it stipulated the land possession for former land owners. In reality, the same law dispossessed the villager by "rural work's property" (agricultural equipments), having negative consequences (which are still influencing agricultural exploitation in Romania).

The law profit of agricultural exploitations from Romania is due to the fact that those are not small but also much dispersed. It have been created a agrarian regime characterized by some important characteristics for what was

*the new rural question:*

- a profound portion of rural property;
- the presence of subsistence and small exploitations: 67,4% for the private agricultural exploitations in Romania have no more than 3 ha;
- the problem of the access of villagers in markets, which is making the impression of a weak commercial orientation;
- middle exploitations – between 3 and 15 ha – represent 25,2% from their quantum;
- the middle dimension of an exploitation is 2,67 ha, which is reducing the efficiency of using the techniques and resources.

Much, in Romania, the agricultural exploitations are not only small but dispersed, being circa. 4,14 lots for an exploitation. Dr. Traian Lazar shows that agrarian reform in Romania generated three types of effects: destruction of techniques from agriculture; disorganization of agricultural production; profound portion of agricultural areas during the land reform process, so that the entire area of 8.000.000. ha was divided in small pieces, in 1996, in almost 30.000.000., with an area of 0,26 ha per house.

The specialists believe that this law was built on confusion: that between *property* and *exploitation*, fact that generated the destruction of agricultural cooperatives and technics accumulated with the work of rural communities, for 30-40 years. As the result, Law 18 generated the dispossessing of villagers by agricultural equipments, created a “people without tools”, because it separated the land and the villagers, in a forced way, by tools, by the only equipment to what they were having access, that they have been created for 30 years of exploitation and violent communist accumulation and that was, in fact, the property of villagers work”.

A such situation sent back the agriculture with a hundred years before (“neo/feudalism”). The rural sociologists, studying a lot some villages, are talking about “the becoming again of a new archaic model of exploitation” not only for technical point of view but also for the problem of access at markets.

This defective organization of agricultural work – the division of the land into small pieces and the law techniques made that in the last years, circa 3 mil. ha remain uncultivated.

The experience of other countries is showing that it was possible the maintenance of agricultural “communist” unities, like agricultural exploitations types – not like property type (this confusion was the cause of errors in Romanian reform) – in which were already merged big agricultural areas. For example, in Germany, after the reunification, the state “unalterable to the legacy of concentration of agricultural production”, “did not divided the former agricultural cooperatives of production and agricultural enterprises into small family exploitations for 5-10-20 ha, did not liquidated, physically, the great

agricultural exploitation, but, by a juridical transformation, it reestablished the right of common property of the land, buildings, cars in private exploitations. Ande the rest of the countries, former communistes preserved in a quantum of 70-80% the great exploitations, cooperative type, with areas between 500 and 3000 ha”.

The former legislation, which wanted the consolidation and concentration of exploitations – Law of Association, Law of lease, Law of juridical circulation of the land, together with the financial instruments (financial subventions accorded by Law 166, from 2002, only for commercial exploitations and cf. Hot 734 form 2002 and for family exploitations), have had a reduce influence on the process of development of agricultural exploitations. As a result to this, the reform, in order to organize the reality of rural economy, stimulating those property categories which have formed long before 1989 – the rural labor property (C.A.P. patrimony), generally the forms of corporative possession – contributed at the disorganization of this reality.

The C.A.P. and different types of corporations' patrimony was the *property of work*, and this thing is officially proved by the Reforms laws. In order to make this thing, The Reform abolished in a brutal way, in a lot of cases, the corporative forms of labor and capital protection ( meaning the patrimony that is in the possession of great corporations: agrarians, industrials, artisans corporation, army's, culture's, education's etc.)

The juridical-doctrinal device of this Reform was very well codified in Law 15/1990, 58/1990 and Law 18. By their effects, these laws had a big impact on the corporative possessions and the corporative organization of the society. Almost all the professional segments became poor very quickly, social categories, such as the agricultures, became very poor, without hope and chances.

The access of the villagers at the general economy, and also, at the tools and seeds market became practically impossible as long as for buying a combine, in 1998, it was necessary to pay 40 tones of poultry or 526 tones of corn, or 409 tones of wheat. The divides agriculture would not have access at such market. The blocking access of villagers at the country general economy is designed by:

a) *the exponential increasing in the first interval of the transition of rural population not numbered pound*, with an increasing rate with over 700% in the first 7 years of transition. The most of the population form the rural environment is living, on the family work and on individual work, which was, at the end of 2003, 68,2% form the whole population who is working in rural. This fact is illustrates the phenomena of dividing of rural economy by the general economy, the appearance of an abyss between this two, which is making almost impossible the access of villagers at the national economy and is generating a dramatic diminution of “economical powers” (especially the “buying power”) of the villager. Forced to develop a subsistence agriculture,

obliged to live in poverty because of the Reform's politics, forced to support the retirement of the state (the subvention) from the rural economy, the villager is going back through hundred of years, developing a feudal agriculture

After the amendment of Law 18, the villager was forced to rediscover the plough and the donkey (because a horse price was inaccessible). The rupture between the agrarian economy and the urban one is illustrated, on a general plan, by that between the major sectors of economy: between industry and agriculture, between credit, industry and agriculture. The distance between the main economical sectors is transposing in the "price's scissor" / the value of work from agriculture on product unity is lowing comparing to that of industrial unity product.

*b) the lowness of remunerated labor rate in rural environment, in the first interval of the Reform*

This is an indicator of the diminution of those structural tendencies which are characterizing a modern social structure, capitalist. The lowness of remunerated labor rate in agriculture in the first interval of transition (from 55,6% at 32,6%, in the first 7 years of the transition, reported at the whole population active in rural environment) represents the indicator of the failure of politics for industrialization the agriculture in the same interval. In 2003, the employed in agriculture represented 3,3% and 7,36% from the entire employed form rural environment. If we are comparing the number of population employed in agriculture with the entire population who is working in rural environment, its rate is 2,27% (cf. « Inquiry about labor force in rural environment (AMIGO)», 2003, INS, p. 24. Absolute numbers: 110.601 employed in agriculture from 3.341.957 total of persons in agriculture, and from 4.869.446 population occupied in rural environment).

It is obvious that the rate of occupied population in agriculture being of 36,9% this means that the most of the population occupied in agriculture represents the un-paid work. On the other hand, alimentary industry, the main factor of valorizing the agricultural work and the rural labor force can not develop. The causes that are making difficult the development of alimentary industry:

1) the lack of a rural market as a result of a very low power of buying (the subsistence economy is missing a good power of buying)

2) the low profit for the production at each ha, for family not-paid work, fact that does not permit the result of a quantity of products, that will be enough and cheap to industrialize. Both causes result from the Reform character, not for the action of some objective factors. Because, the destruction of the market for agricultures is the direct consequence of the absence of a certain politic for credit the individual agricultures, and considering the second cause, the low profit for the production at each ha, this is resulting, in the first way, from the profound portion of rural property, inducted by the effects of Law 18/1990. This is also a structured effect of the Reform.

c) *the very fast increasing of the patronage in rural environment* is a phenomena apparently inexplicable. Because the villagers are forced to retire from the paid work sector to the subsistence economy area ( this retirement is measured by the percentage of 716,27% - that represents the increasing of the *not-paid family work*, only in the first interval of the transition), the patronage sector in rural area has a very important and strong increasing, about 400%, in the same period. We may put the following question: If the villagers are content with the subsistence economy, from where is coming this force to maintain a very strong increasing of patronage activities? The increasing of patronage rate is not accompanied, as we expected, by the increasing of paid work (this is lowing from 55,6% to 32,7%, in the same interval). The new patronage does not seem to involve in the progress and the expansion of modern enterprise: the labor force rate from this sector, as we saw, lowed a lot – from 5,2%, in 1991 to 0,8% in only seven years of transition.

The lack of a relation between the increasing of patronage and an eventual increasing of paid work could be motivated by the role assumed by this patronage, the most probably that to intermediate between the products resulted from the subsistence rural economy and the en-gross commerciants from the city. Most of the time, the money are going to the same patronage, and a small part is going back to the un-paid family worker (this explains the name of this social category). Romanian agriculture is getting more, there days, the imagine that he had at the beginning of the XIX th century in Western Europe: a big number of small agricultural properties (rural farms) and a small number of capitalist exploitations in expansion.

The agrarian systems based on big exploitations are characterized bye agricultural extensive practices, based only on the increasing of the areas exploited and sometimes of the zootechnical effective, meanwhile the systems based on small farms are practicing a diverse and intensive agriculture: the agrarian areas are smaller due to the low financial power of the farm to maintain the exploitation of agrarian land. So, form the entire agrarian area of Romania, over half (64,4%) is represented by the agrarian field, form which, more than a quarter (29%) is not used (2.971.494 ha ).

The lowness of land exploitation capacity is correlated with the transformations suffered by the economic force that a farm cam have:

- a) financial resources
- b) natural resources
- c) human resources

The main financial resource for rural farm during the communist regime was composed by the incomes from the salary work in other economical sectors than the agricultural ones. In present, the extra-agricultural incomes for a rural farm has lowed, but not only their importance, because the role of those incomes has increased in the same time with the giving back of the agricultural properties (Law 18/1990) and with the appearance of “new needs”, first of them

being the payment of agricultural works. This new need, satisfied by the salary incomes, is not correlated with some increase of rural occupation level in other national economy sectors, which shows that the provenience of these incomes is almost only the retired pay for those who came back in the village after 1989. So, in 2002 were registered only 654.325 occupied persons in other economical sectors than agricultural one, 66 employees at 1000 inhabitants.

The increase of rural population, contrary to the low birth rate (11,05 children at 1000 inhabitants) and the high death rate (15,46 deaths at 1000 inhabitants) caused a increase of non-occupied population, statistically known under the name of "population occupied in agriculture" (a category which hide in reality a category of unemployed persons), with which is trying to mask the economical decline of the rural population and Romanian economy in general.

The increase of rural population is not associated with an increase of salary incomes and, so, of entire incomes of a farm, this being forced to redistribute the little some financial resources so that it can survive, practicing subsistence agriculture. The counties with the littlest employees in rural environment, reported at 1000 inhabitants, are Tulcea (47,75 at 1000), Vaslui (27,77 at 1000), Vrancea (39,84 at 1000), Brăila (61 employees), Covasna (55,67 at 1000), the most employees at 1000 inhabitants being in the following counties: Timiș (137,88 at 1000), Mureș (97,66 employees ), Gorj (126,77 employees), Bihor (93,25 employees), Ilfov (184,16 employees).

### **Abstract**

*Social problems or rural communities are maybe the most difficult problems for Romania, not only for their proportion (as result of the big number of people affected by it, such is, for example, the poverty), but also for their consequences increased at a national level. The rural world was the most and profound influenced in communist regime and in the short period after 1989. Now is the perfect moment for the whole problems of the rural environment to be analyzed in a public debate with a huge auditorium*

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## Youth Migration for Study Abroad

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### Resumé:

*La migration des jeunes por etudier a l'etranger c'est un phenomene qui se produit dans tout l'Europe et aussi en Roumanie. A present, il y a un marche pour les etudiants etrangers, qui nombre plus de 2,6 millions personnes. Le numero des jeunes qui partent de notre payes pour etudier a l'etranger dans les universites de l'ouest est d'environ 23.000 personnes (20% en France, 18% en Allemagne, 14% aux Etats Unis), and le numero des etudiants qui etudient dans le systeme educational roumain est d'environ 10.000 personnes.*

*Dans cet article on a fait une analyse statistique and une recherche sociologique parmi les etudiants Roumains qui ont etudie en France, Belge, et Italie.*

### **1. The youth migration for studies abroad and the inter-educational communication.**

The youth represents, in any society, an occupational and of different ages category, which is being characterized through values, attitudes and specific aspirations. As of the 1<sup>st</sup> of January 2004, within the educational system of the 25 member states of the European Union, there were included 92.742.000 students and pupils. This amounted to up to 20,26 % of the total population from all 25 member states of E.U (the E.U population-25 represented, in the mentioned year, 456, 4 millions inhabitants)<sup>1</sup>.

At January 1<sup>st</sup>, 2004, Romania had 21,7 million inhabitants, out of which 3.901.000 persons stood as the class of students and pupils, their percentage in the total number of inhabitants represented 17,97%<sup>2</sup>. According to the data provided by the Ministry of Culture and Education, in the school year 2006-2007 there were registered 3.476.560 pupils from the I st to XIIth grade.

The number of students in our country has considerably increased from

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<sup>1</sup> Source: *EUROSTAT*, Yearbook, 2006-2007, Cap. II: *Education*, p. 85

<sup>2</sup> *Ibid*, p. 86

year to year since the 1990s. Thus, if in the academic year 1990-1991, there were registered in Romania (in all educational forms) 25.927 students, later in the academic year 1997-1998 that number reached 360.590 persons (7, 8% from the population part of the educational system). The tendency of fast and massive growth in the number of students continued, so in the academic year 2002-2003 there were registered 596.297 students in Romania (representing 13, 3% of the entire school population)<sup>1</sup>. It should be mentioned 9.730 of the total number of students came from other countries and to study in our country. The number of those who have graduated upper studies (at all forms of education) reached 93.467 persons<sup>2</sup> in 2002. If in the academic year 1990-1991 there were 8,31 students per 1.000 inhabitants, after 14 years, in the academic year 2004-2005, there were registered 30,01 students per 1000 inhabitants.<sup>3</sup>

The accelerated growth of the student population is an unprecedented phenomenon in Romanian upper educational history. Nevertheless, the percentage of students related to the entire population of Romania continues to be appreciably reduced, compared to the weight of the students from the total amount of population in the western developed countries. This social fact has negative effects on the third sector evolution in the national economy since its development relies on the highly qualified labor force (the tertiary sector includes the educational system, scientific research, health, IT, etc).

After a long period of isolation of the Romanian institutions and the society as such imposed by the leading circles of the former communist regime, our educational system has been in a process of reform and reorganization (since 1990 till present), according to the criteria of our development at a democratic and capitalist scale, following the directions of development of the European western educational system. The reorganization and after that, the renaissance of the national education, following the steps that characterize the education system from the advanced countries of Europe, entailed the teachers' and the students' mobility by means of different governmental programs such as Socrates, Erasmus, Socrates-Comenius, Leonardo Da Vinci. Thus, lots of young students and teachers had the possibility to study at well renowned universities from developed countries, to communicate on a professional scale at the knowledge standards of the civilized world. The exchange of experience and the knowledge or the information gained allowed to contribute to the revitalization of the upper education system.

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<sup>1</sup> Cf. Romanian Statistic Annuary, *National Institute for Statistic*, Bucuharest, 2004, p. 208

<sup>2</sup> *Ibidem*, p. 205-206

<sup>3</sup> Titled Romanian Brain Migration, between risk and opportunity and edited by Andreea Vas, concilor within the Sociala and Economic Policy Department of the Romanian Presidential Administration, according to the statistical data of O.E.C.D si EUROSTAT. The main data and conclusions were commented also by Gandul newspaper on its eddition from 23rd of January 2007 by Melania Mandras Vergu, from which we also extracted the statistical data used in this article.

The number of youngsters that have left to study abroad (on the European continent, as well as on the American one) increased year by year, after 1990, either they had left with a scholarship or they assumed school expenses. Most of them headed to the universities in Western Europe (especially from France and Germany), mostly for a university degree, but also for master's degree.

It is believed that after Romania's admission to the European Union (from 1<sup>st</sup> of January 2007) study motilities will be emphasized, the universities with tradition and notoriety from the West being still among the preferences, but also the elder directions to the academic institutions that Romanian youngsters have studied in the second half of XIX Century and in the first half of the XX th Century.

To be noticed that, in 2005, the number of the Romanian visitors abroad was 24,7% larger than the number noticed in 2006, according to the data provided by an announcement of the Romanian National Institute of Statistics on the 7<sup>th</sup> of February 2007. Thus, there have been have recorded 8.905.000 departures abroad in 2006, from which 692.100 departures only in December. There is no doubt that the highest part of all departures was made for work and tourism, but a significant weight was also the leaving to study, especially for an university degree, which gathered a large number of students.

According to the data offered by a recent study, about the youngsters in our country that have chosen to study in other countries<sup>5</sup>, in the year 2004 there were registered around 23.000 Romanian students, students with scholarships, who have left abroad to learn. This number represents less than1% of our population, which, in the same year, 2004, had around 21.7 millions inhabitants.

An analysis of the correlation between the destination country and the percentage of those studying outside Romania, shows us the fact that, from those 23.000 Romanian students with scholarship abroad:

20% were studying in France	5% in Italy
-18% were studying in Germany	-3% in Great Britain
-14% were in U.S.A	-2% in Spain
-13% have chosen to study in Hungary	-2% in Austria
-7% in Canada	-2% in Belgium

Of the 23.000 Romanian students who left abroad, 16.000 have chosen Europe as the place to study, while the remaining 7.000 are in the U.S.A, Canada and Japan. We can see that the main upper education institutions at European level, which the Romanian students are attracted to, are the ones from France, Germany and Hungary. It should be noticed that a major factor in choosing the university institutions from abroad by the Romanian students with a scholarship are the agreements established by the universities which the students come from.

The migration of the youngsters to study in the developed European countries produced in Romania the fear that they will never come back, which brought the idea of loosing the “priceless brains”. The scientific examination of this phenomenon resulted in the discovery that from the total number of students who have left abroad to a foreign university, only 12% have returned to Romania with a university diploma. Another conclusion drawn from the research is that our country has a deficit in what concerns the “exported students”, and the “imported students”, a fact that places it in the lower part of the European classification made on this theme.

The youngsters from the developed European countries and from those that have joined the European Union more recently, who are studying abroad, represents around 2%, while the percentage of the Romanian youngsters who are studying abroad is less than 1%. Compared to the situation in Bulgaria, we have three times fewer students that are studying abroad. According to the appreciations made by EUROSTAT the number of the youngsters from all the 27 member countries who are studying in another European country has an annual tendency of increasing by 5% on the average. A growth of 10% has been noticed among the youngsters that are coming from Cyprus, Luxemburg and Malta (who are studying in other countries) and with 6-8% of the youngsters that are leaving from Greece, Ireland, Slovakia and Bulgaria to study abroad. In the top of the European countries with a large number of foreign students, we can find, first, Czech Republic (15.000 persons) and Hungary (13.000)<sup>7</sup>. In the academic educational system in Romania there were, in the past years, over 9.500 foreign students, of which:<sup>1</sup>

-1.600 came from “EU-25” countries

- 4.500 came from Moldavia

-6.100 students came to study in Romania from different countries such as: Israel, Tunisia, India, Serbia, Montenegro, Albania, Bulgaria, Ucrain<sup>8</sup>. To be mentioned the fact that, in the eighth and ninth decade of the XX th century, the upper education system in Romania represented an important pole of attraction for foreign students. In the universities and faculties with polytechnic and medical profile from Bucharest, Cluj - Napoca, Iasi, Targu-Mures, Timisoara, and Craiova

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<sup>6</sup>CF. According to the information presented by the above mentioned study

<sup>7</sup>Ibidem

<sup>8</sup> See also the World Bank statistics, published in the Financial Week, Bucharest, 12th of february 2007

<sup>9</sup>Romanian Statistic Annuary , National Commission for Statistic, Bucharest, 1990, p.138-139

<sup>10</sup> Romanian Statistic Annuary , National Commission for Statistic, Bucharest 2004 p.205

were teaching at that time a large number of foreign students from different part of the world (from Vietnam, Cuba, China, South Korea, Greece, students from the African and Latin-American continent and countries from Asia). Their number (as well as the number of foreign students that were studying in Romania) had suddenly decreased after 1990, because of the political and economic-social changes which have affected the Romanian society's evolution in the last decade of the past century, and implicitly, its upper educational system.

The best year for the university, regarding the number of students studying in Romania, was 1980-1981 when 192.769 persons were registered; of which 15.888 were foreigners (8.24% of the amount of Romanian students). After a period of growth in the number of students (1970-1980), which had the best period during 1980-1981, came a period of decline, starting with the year 1981-1982 and until the end of the communist regime (1989). After the change of the politico-social system, we are witnessing a spectacular growth in the volume of students which has passed over half of a million, and in a smaller percentage the foreign students, as the following data mentions:

No.	Academic Years	Total amount of students in Romania	Of which foreign students
1	1970-1971	151.885(100%)	1.766(1,16%)
2	1980-1981	192.769(100%)	15.888(8,24%)
3	1989-1990	164.507(100%)	6.669(4,05%) <sup>9</sup>
4	2002-2003	596.297(100%)	9.730(1,63%) <sup>10</sup>

On the world-wide scale, a number of 10 countries absorb 75% of the amount of foreign students, on the first place being U.S.A. So, from the 2.6 millions foreign students who have been registered in the upper educational market world-wide, more than 22% of them are studying in U.S.A; 11% are studying at Universities from Great Britain; 10% are studying in Germany; 9% in France. Upper educational systems in Canada, Australia and Japan absorb between 4 to 6% of the international students; those from Russia, Belgium and Spain have between 1 and 3%<sup>11</sup>.

Those approximately 9.500 foreign students that were studying in Romania represented 0.36% of the world's foreign students (2.6 millions youngsters) and 1.59 % from the students that were studying in our country (in the academic year 2002-2003).

<sup>11</sup> According to the data extracted from Financial Week. 12<sup>th</sup> of february 2007

## 2) The main reasons to study abroad and the evaluation made by students of the educational systems.

In order to discover the factors that contributed to the youngsters in our country deciding to attend professional classes at universities abroad, we made an investigation of opinion on a number of 33 students who benefited from a Socrates scholarship. The investigation was developed through a questionnaire, which contained 20 questions, with free and pre-formulated answers. The filling in of the questionnaires, for each and every one of the 33 people, was made by student from Sociology, on the campus where they were studying.

The Romanian group of students who were investigated was made up of 70% women and 30% men 18 years of age or older. These students were coming from universities from Bucharest (27,3%) , Craiova (24,2%), Constanta (9,1%), Timisoara (9,1%) Iasi (6,1%) Oradea (6,1%) and Baia Mare (3%0), studying at one of the domains: Letters, Philosophy, Law, Political Science, Sociology, Geography, History, Communication, Medicin, Management, Mechanic engineering, Electromechanics, mechatronics, and Sports. The young Romanian students were studying at the University from Bourgogne, University in Strasbourg, ENSAM de Chalons-en Champagne (France), University from Florence, University from Venice (Italy), and at the University of Sciences and Technologies de Lilles (Belgium). The diversity of the academic environment from which the students who were interviewed came from, as well as the different specializations to which they belonged to, provided enough relevance to the answers at the questions from the mentioned sociological questionnaire. After processing the information obtained through the question: *What are the main motives that have made you attend the classes at a university abroad?* Which was followed by free answers, the following categories of motives were obtained were obtained, organized in a decreasing order, in accordance with the weight of every variant chosen by the investigated students:

1.	The knowledge and the enrichment of the linguistic level	33,5%
2.	Accumulation/job shadowing	18,2%
3.	Personal reasons	12,1%
4.	Scholarships/Studies	9,1%
5.	Knowing a different way of studying	9,1%
6.	Developed system of education	3,0%
7.	Multiple specializations	3,0%
8.	The knowledge and the interaction with people of other nationalities	3,0%
9.	Opportunities for a job	3,0%
10.	Settlement abroad	3,0%
11.	Practical courses	3,0%
	<b>TOTAL</b>	<b>100%</b>

So, the main motives of the examined students are based on values of their professional education: thoroughly studying a specialty and gaining the experience of study in a foreign upper education system known for its developed content. Only 3% of the persons who were interviewed said, on purpose, that studying in a western European university is due to their intention of establishing residency abroad. It is necessary to point out the fact that the aspiration of Romanian youngsters to study abroad is connected, generally, to those upper educational institutions from the western countries from Europe.

The reasons for studying in a country other than Romania are mostly connected to the structure of the “advantages” that they recognize in the case of such an option, as it can be noticed in the weight of categories of answers to the question: *According to you, which are the main advantages of studying abroad?*

1.	The knowledge and the enrichment of the linguistic level	33,4%
2.	Gaining personal and professional experience	21,2%
3.	Knowing the culture and the host country	12,1%
4.	Knowing a different way of studying	9,1%
5.	Wide variety of possibilities	3,0%
6.	Meeting students from other countries and interactions with these	3,0%
7.	Personal reasons	3,0%
8.	No answer	15,2%
9.	<b>Total</b>	<b>100%</b>

Next, we asked these students to say, through a comparative examination, what are the advantages of the educational system at the host university, compared to the university where they are studying in Romania. They stated the following five qualities and values which they believed made it better:

1.	Solid material base	37,4%
2.	Competitive character and efficiency	16,7%
3.	The character of application of the training	16,7%
4.	Liberty of studying	16,7%
5.	The different way of teaching and evaluating	8,3%
6.	No answer	4,2%
7.	<b>TOTAL</b>	<b>100%</b>

Almost 705 of the Romanian students who were studying at a foreign university evaluated the western educational system as being, as a rule,”

better”(42,4%) or “a lot better”(27,3%),than the Romanian one. The interesting thing is that 15, 2% considered the system “as good as” and 12, 1% considered it “not as good as”. This last evaluation is based on the difference between what these students were expecting before leaving Romania and what they have found at the foreign host university. Among the “disadvantages” that they have noticed in the educational system from France, Italy and Belgium, it can be mentioned, in their answers:” Too much liberty of students” (mentioned by 40% of the students which have seen also the disadvantages of the upper education system from western Europe, not only the qualities),”No organization” (20%), Absenteeism from classes(20%).

To better understand the elements of the general appreciation of the upper education system in western Europe, we have asked the interviewed students to appreciate using grades, from 1 to 5, the following characteristics indispensable to the educational process in the foreign universities they were studying at:

1. The quality of classes	-	Was evaluated with 4 by 57,7% of the investigated students, with 5 by 24,2%,with 3 by 12,1% and with 2 by 3%
2.Teachers’ capacity	-	was evaluated with 4 by 45,5%,with 5 by 42,4%,with 3 by 9,1% and with 1 by 3%
3.Students awareness and students’ interest for studies	-	Evaluated with 3 by 39,4%,with 4 by 30,3%,with 2 by 21,2%,with 1 by 6,1% and with 5 by 3%
4.Teacher-student interaction	-	Evaluated with 4 by 36,3%,with 3 by 27,3%,with 2 by 18,2%,with 5 by 15,2% and with 1 by 3%
5.The of infrastructure(classrooms, labs, libraries	-	With 5 by 69,7%,with 4 by 15,2%with 3 by 9,1% and with one by 3%.

So, more than half of the interviewed students gave high grades(from 4 to 5) to those characteristics about the quality of classes, the capacity of teachers and the infrastructure of the educational process, while the characteristics which define the purpose of students from the host country and the communication between these and the teachers are being evaluated, prevalingly, with low grades(3 and 4).

It should be noticed that the number of youngsters which have been studying abroad and want to come back in their country is double than the number of the students who have stated that they will settle in another western country (30, 3%).

The analysis of different categories of answer reveals four types of young students:

- 1) decided to come back for good in their country (39,4%)
- 2) decided to stay in a west-European society(those are divided in two groups

:those who are not coming back in their country-18,20% and those who are coming back to Romania to finish the studies and, after that, they will return to western Europe-9,4%)

3) those who “haven’t thought”, meaning that they do not have yet a clear option regarding their immediate future(21,2%)

4) the “I don’t know/no answer” category(9,1%)

The main reasons that determine whether or not the young students with scholarships come back to Romania are connected to the end of the studies and the graduation of the university-pointed out 33,3% of the subjects((as the period of time of a scholarship abroad is less than one academic year);to the possibilities of finding a job and keeping it(12,5%)in their own country. On the other hand, the option to go abroad and, obviously, the decision to leave is based on arguments, such as:” an attractive lifestyle”, discovered in the new country,(mentioned by 8,3% of the subjects);”I like the country”(4,2%); “personal reasons” etc. To be noticed the high percentage of those who “haven’t thought” what they want to do after finishing the scholarship abroad.

*What do you intend to do after the period of scholarship ends?*

1.	I will come back for good in my country	39,4%
2.	I haven’t thought	21,2%
3.	I will not return to my country	18,2%
4.	I will come back, until the end of my studies, and after that I will go back abroad	12,1%
5.	I don’t know/No answer	9,1%
<b>TOTAL</b>		<b>100%</b>

More than three quarters of the Romanian students who have a scholarship (78,1%),who have studied abroad, considered that, when they will return to their country, they will pay attention and will try to equalize, totally or partially, the exams from the western universities.

*On returning to your country, do you intend to equalize the results obtained at the exams from the universities abroad?*

1.	Yes, I will equalize a part of the exams	43,7%
2.	Yes, I will try to equalize all the exams	34,4%
3.	No, I will have all the exams in the country	12,5%
4.	I haven’t thought	3,1%
5.	I don’t know/No answer	6,3%
<b>TOTAL</b>		<b>100%</b>

### 3) The structure and the weight of the communication relations of the students with scholarships abroad

The youngsters that went to study at a university from another country established new and complex communication relations, comparative to their colleagues who haven't left their country. At the same time, there is a change of intensity and frequency of some relations, due to the substitution of one social context with another and the role of student in a different collegiate environment. Virtually, every student faced a double challenge: to maintain his/her old communication relations and to build new ones.

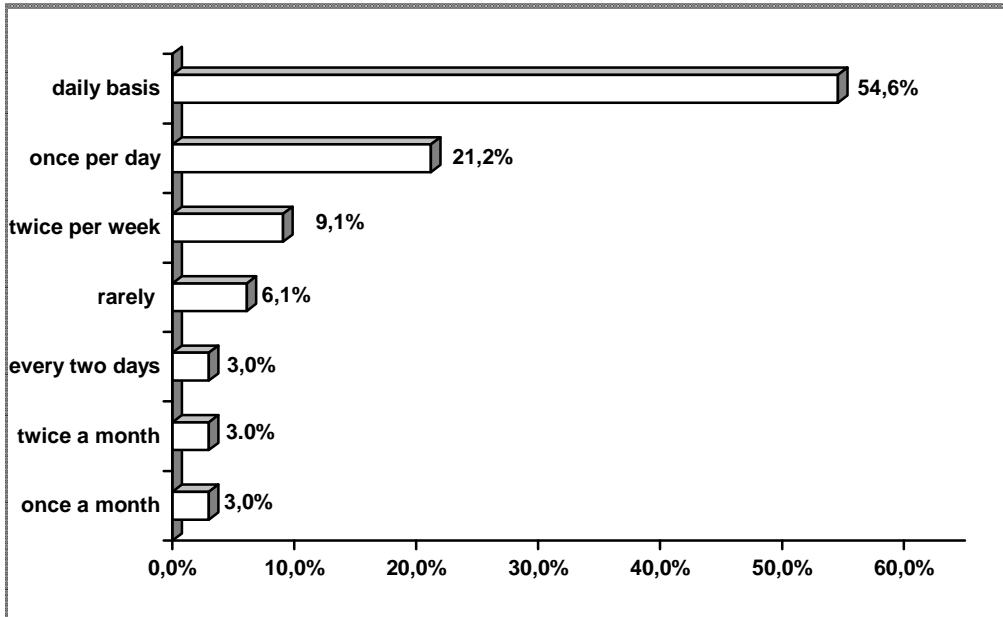
The read-in of the entire range of social relations –which involved the students who have left the society where they were born to study in another society, characterized by other values, standards and patterns of action- was made using questions, that we will present next ,including the possible answers registered:

#### a) Communication relations with people from the native country

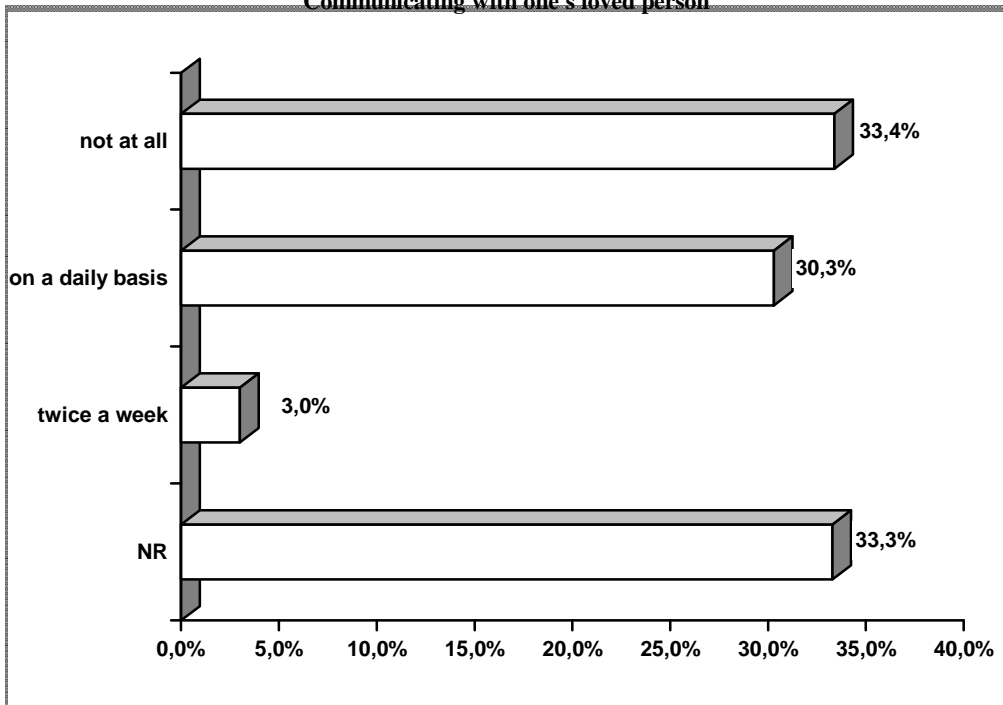
*With which of the following categories of people from your native country do you have communication relations and how often do you communicate?*

		Colleagues	The beloved person	The teachers	Friends	Parents	Relatives
1.	Every day	54,6%	30,3%	-	57,5%	39,4%	3,0%
2.	Once a week	21,2%	-	18,2%	15,2%	15,2%	48,6%
3.	Twice a week	9,1%	3,0%	3,0%	18,2%	30,3%	12,1%
4.	Rarely	6,1%	-	27,3%	-	3,0%	12,1%
5.	Once at every two days	3,0%	-	3,0%	3,0%	6,1%	3,0%
6.	Twice a month	3,0%	-	9,1%	-	-	3,0%
7.	Once a month	3,0%	-	21,2%	6,1%	3,0%	3,0%
8.	Not at all	-	33,4%	18,2%	-	3,0%	9,1%
0.	No answer	-	33,3%	-	-	-	6,1%
	<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

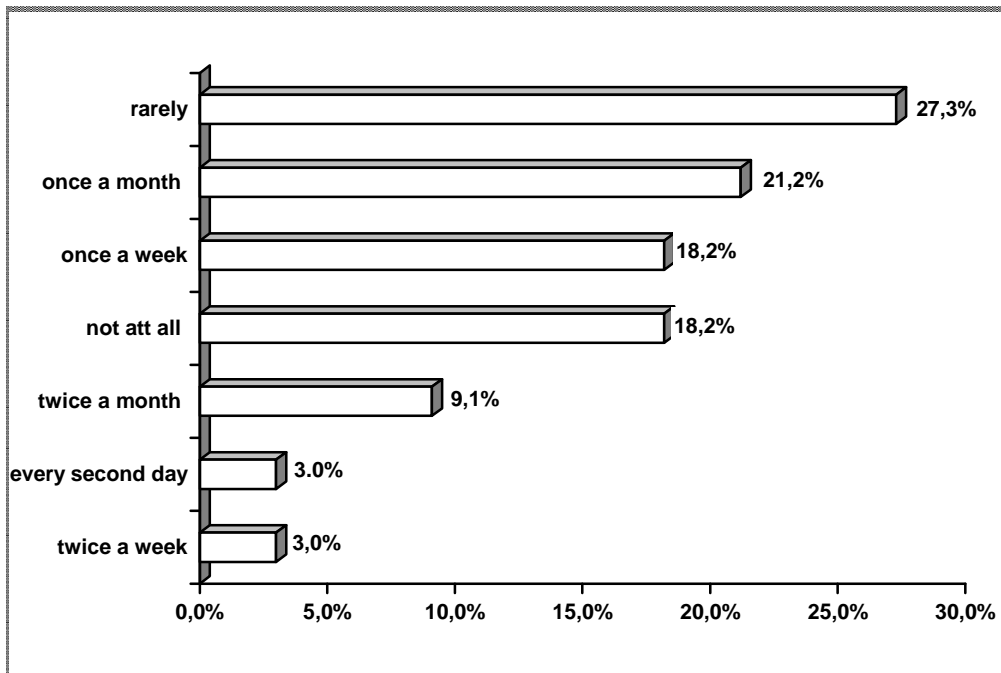
**Communicating with colleagues**



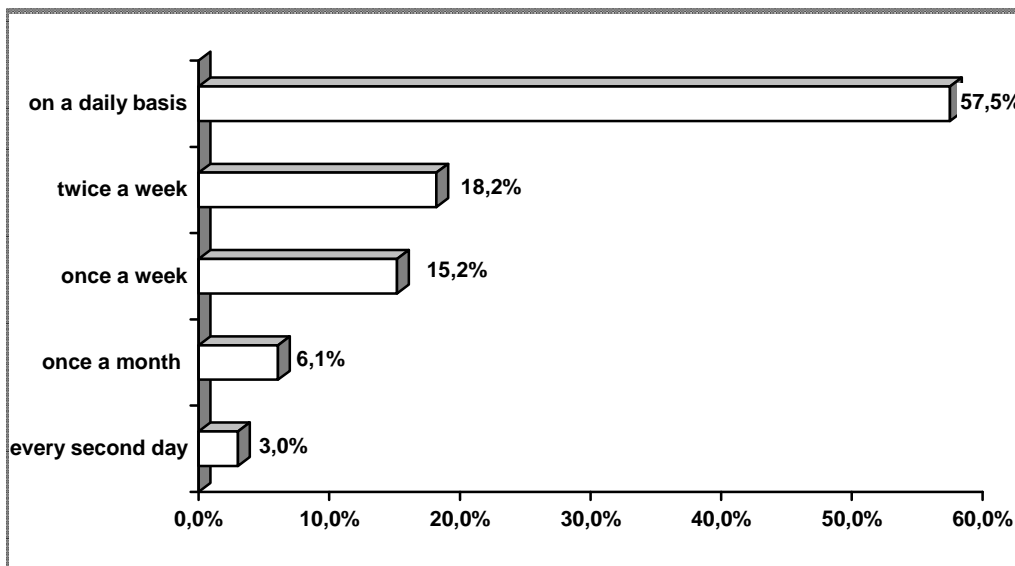
**Communicating with one's loved person**



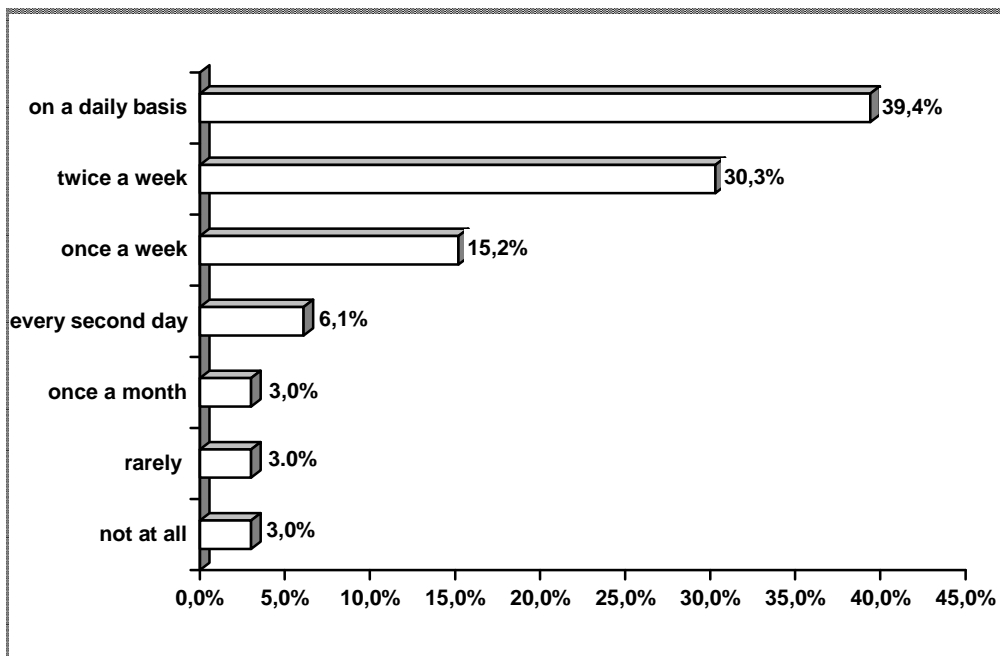
Communicating with professors



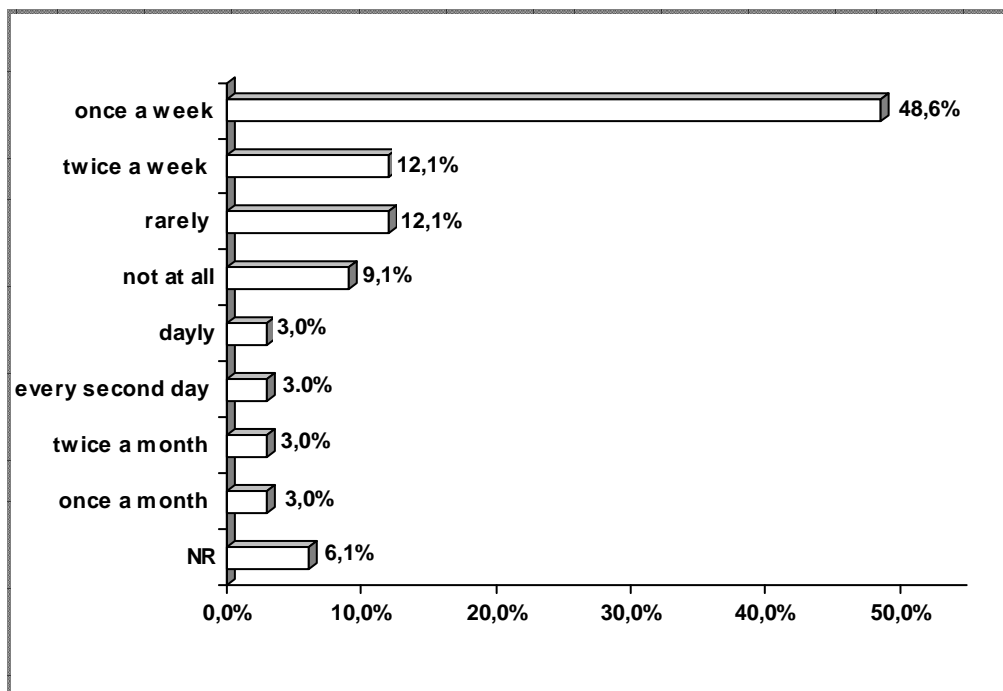
Communicating with friends



**Communicating with parents**



**Communicating with relatives**



*Which is the reason of this relation of communication?*

1.	Information about me and about my life	43,8%
2.	Information about my family and friends	15,6%
4.	School ,professional and daily information	9,4%
5.	Social life	3,1%
6.	Other things	3,1%
0.	No Reply	25%
	<b>TOTAL</b>	<b>100%</b>

*Which are the means of communication that you are using frequently?*

1.	Mobile phone	46,9%
2.	Phone	34,3%
3.	Letters	9,4%
4.	Internet	9,4%
	<b>TOTAL</b>	<b>100%</b>

**b)Communication relations with the people from the host country, where they are studying**

*What type of relation is between you and the teachers from the host university?*

1.	Good	60,6%
2.	Very good	27,3%
3.	There is no interaction between us	6,1%
4.	Not very good	3,0%
0.	No answer	3,0%
	<b>TOTAL</b>	<b>100%</b>

*How do you evaluate your relations with your group colleagues?*

1.	Good	45,5%
2.	Very good	27,3%
3.	There is no interaction between us	12,1%
4.	Of difference	12,1%
0.	No answer	3,0%
	<b>TOTAL</b>	<b>100%</b>

The absence of interaction with the other study colleagues abroad and the indifference in the relations of the group are being explained by the “lack of sociability”-motive presented by 66,7% of the subjects, while the rest of the 33,3% couldn’t answer.

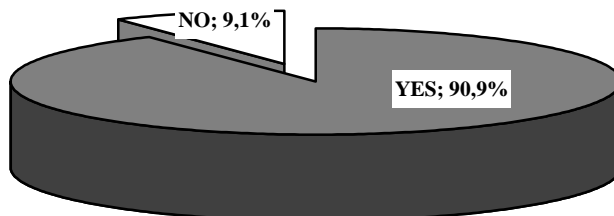
*How are you spending your leisure in this country?*

1.	Taking a walk in the city	36,5%
2.	Reading	24,2%
3.	sports	18,2%
4.	Going to the cinema	9,1%
5.	Watching TV	3,0%
6.	Going to the theatre	3,0%
7.	Meeting colleagues and friends	3,0%
0	No Reply	3,0%
.	<b>TOTAL</b>	<b>100%</b>

*Do you have friends among the students from this university, having a different nationality?*

1.	Yes	90,9%
0.	No	9,1%
	<b>TOTAL</b>	<b>100%</b>

*Friends, Students of other nationalities*



1.	French people	56,7%
2.	Italian people	10,0%
3.	German people	6,7%
4.	Dutch people	6,7%
5.	Bulgarian people	6,7%
6.	Arabian people	6,7%
7.	Finn people	3,3%
8.	Polish people	3,3%
	<b>TOTAL</b>	<b>100%</b>

Those who have declared that they “do not have friends” among the foreign colleagues indicated as motives:” the lack of a good fellowship”(33,4%).”limited leisure”(33,3%) and “personal reasons”(33,3%).

### Abstract

*The youth migration to study abroad is a developing social phenomenon taking place across Europe and in Romania. Presently, there is a market for international students which gathers more than 2.6 millions youngsters. The number of youngsters that are leaving our country to study in western universities outruns 23.000 persons (20% in France, 18% in Germany, 14% in USA etc.), and the number of students that are learning in the Romanian upper educational system is close to 10.000 students.*

*In the present article we performed a statistical analysis and sociological research on the Romanian students who studied in France, Italy and Belgium. Pointed out were the main reasons and advantages of the option to study in the western upper educational institutions, the communication relations of the students that went abroad and their intentions regarding their return to Romania or their settlement in one of the developed countries of the European Union.*

## Sustainable Development and Communication through Mass Media

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### Resumé:

*Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs. Some people also believe that the concept of sustainable development should include preserving the environment for other species as well as for people. The right to development belongs to the third generation of the human rights. These are human rights that, according to some, they are very evasive, they have neither a precise meaning nor a precise content, they have not an induced titular that are not opposable namely they don't let their titular to defend its right in the front of an instance. They don't suppose to apply any organized sanction. Mass media can be used for various purposes: advocacy, both for business and social concerns. This can include advertising, marketing, propaganda, public relations, and political communication, enrichment and education, entertainment, traditionally through performances of acting, music and sports.*

There are many definitions of *sustainable development*. The most widely quoted is that of the Brundtland Commission of 1987. This is a qualitative rather than an operational definition: „Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: the concept of <needs>, in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and the future needs” (Source: Brundtland Commission, 1987).

In fact, the words have become distorted and trivialised by politicians, and some prefer the words 'durable development' which, using the concept of Natural Capital Accounting, whether a development path is indeed physically durable. No single criterion of durability or sustainability can ever be found. It is a dynamic event. How can we meet the needs of today without diminishing the capacity of future generations to meet theirs? In other words, sustainable development implies a broad view of human welfare, a long term perspective about the consequences of today's activities, and global co-operation to reach viable solutions.

An economic and social system can be sustained if it is able (at a minimum) to physically supply human-made capital either by production or import at such a rate that: a. it can indefinitely maintain its existing physical infrastructure, while at

the same time supplying the investment needs of environmental management, population life-support systems such as agriculture and the replacement of depleting energy resources; b. the flow of wastes does not exceed the ability of the natural environment to assimilate them.

In Mintzer, the *sustainable development* is “that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Sustainable development implies economic growth together with the protection of environmental quality, each reinforcing the other. The essence of this form of development is a stable relationship between human activities and the natural world, which does not diminish the prospects for future generations to enjoy a quality of life at least as good as our own. Many observers believe that participatory democracy, undominated by vested interests, is a prerequisite for achieving sustainable development (Source: Mintzer, 1992). The guiding rules are that people must share with each other and care for the Earth. Humanity must take no more from nature than nature can replenish. This in turn means adopting lifestyles and development paths that respect and work within nature's limits. It can be done without rejecting the many benefits that modern technology has brought, provided that technology also works within those limits (Source: Caring for the Earth, IUCN, p. 8). Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development respects the limited capacity of an ecosystem to absorb the impact of human activities.

Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs. Some people also believe that the concept of sustainable development should include preserving the environment for other species as well as for people.

### **The right to development**

To give a definition of the right to development is not so easy. The term is recently appeared, the sense of the word itself has not been given but very late, after the second World War. (Source: PERROUX, 1960, 155). At the beginning, the development was identified with increasing, by Austray that said: “less than ten years ago (...) it was a proof of wisdom to consider the two concepts of development and increasing as being synonyms” in 1965 (Source: AUSTRY, 1967, 88). The concept of development started to individualize after 60s from the moment the term of development was understood as a mixture between the mental and social changes of a population that make to increase, cumulative durable, the real global product. (Source: PERROUX, 1960, 159). F. Perroux is the one that gave this mental conception of the development self-government determining its complete sense. Thus, the development is defined as a part of conversion in the mental and institutional structures that represents the conditions of the prolongation increasing.

The right to development belongs to the third generation of the human rights. These are human rights that, according to some (Source: HARSCHER,

1993, 41), they are very evasive, they have neither a precise meaning nor a precise content, they have not an induced titular that are not opposable namely they don't let their titular to defend its right in the front of an instance. They don't suppose to apply any organized sanction. (Source: RIVERO, 1982, 673-686).

The right to development represents the foundation of human evolution. It was claimed by many times of the countries (expression that hides the reality because it's about countries undeveloped). Still, the concept of the right of development doesn't seem to exist yet in the international roght. The only conventional text that dedicates to this right it seems to be The African Book of Human Rights. The idea of human rights was extended, from 1948, to the right of peace, to the right of respecting the common patrimony of humanity but, starting with the '70s a new category of human rights was about to begin. It was about rigts still uncodified. Those rights are destined to population, in its aggregate, expressing un objective and being of normative type. They follow to humanise the people and to guarantee more than the two of first generations of rigts. Those rigts are named rights of three generation or rights of fraternity or solidarity rights or community rights. The sustainable development is a way of economy increase which satisfies the needs of society by short terms, medium and long, by wellbeing terms. It's substatiated by the considerent that development must prevent the needs of the present without putting in danger the ones of the next generations.

The general concept which has to be found in the development projects of a community or of a region is about "sustainable development". That could be seen of the rural sience's experts, in a double perspective : of sustainable development, that means "the finacial sustain by long term of some projects of development (Source: VEDINAS, 2001, 145) (economics, socials, ecologics) and, by another side of the sustainable agriculture, project put into practice since the '70s, concerning the realization of a sustainable agriculture

### **The „Hint”**

Mass media is a term used to denote, as a class, that section of the media specifically envisioned and designed to reach a very large audience such as the population of a nation state. It was coined in the 1920s with the advent of nationwide radio networks, mass-circulation newspapers and magazines, although mass media was present centuries before the term became common. The term public media has a similar meaning: it is the sum of the public mass distributors of news and entertainment across mediums such as newspapers, television, radio, broadcasting & text publishers. The concept of mass media is complicated in some internet media as now individuals have a means of potential exposure on a scale comparable to what was previously restricted to select group of mass media producers. The mass-media audience has been viewed by some commentators as forming a mass society with special characteristics, notably atomization or lack of social connections, which render it especially susceptible to the influence of modern mass-media techniques such as advertising and propaganda. The term "mass media" is mainly used by academics and media-professionals. When

members of the general public refer to “the media” they are usually referring to the mass media, or to the news media, which is a section of the mass media. During the 20th century, the growth of mass media was driven by technology that allowed the massive duplication of material. Physical duplication technologies such as printing, record pressing and film duplication allowed the duplication of books, newspapers and movies at low prices to huge audiences. Radio and television allowed the electronic duplication of information for the first time.

Mass media had the economics of linear replication: a single work could make money proportional to the number of copies sold, and as volumes went up, unit costs went down, increasing profit margins further. Vast fortunes were to be made in mass media. In a democratic society, independent media serve to educate the public/electorate about issues regarding government and corporate entities.

### **Purpose**

Mass media can be used for various purposes: advocacy, both for business and social concerns. This can include advertising, marketing, propaganda, public relations, and political communication, enrichment and education, entertainment, traditionally through performances of acting, music and sports.

Now, most of what we “know” is actually second-hand knowledge, information and insight that we obtain from others. Further, *how* we come to know anything is grasped in terms of symbols, and the meaning content of symbols is, in large part, determined by the *form* in which they are socially shared. Because of technological innovations, such as the inventions of television and computers, these symbolic forms are being fundamentally altered. It is for this reason that Marshall McLuhan (1967) argued that the medium is the message; what's important is not, for instance, what people watch on television but rather that they watch it. Given their symbolic dependency, changes in both social systems and self-systems have resulted.

Communications determinists argue that culture and institutions are only subsystems of communications technology. Harold Innis (1951) for instance, observed how all mediums of communication are biased in terms of their control of time or space. Media that are durable and difficult to transport--such as the clay tablets upon which ancient Babylonians etched their cuneiform or the stone columns on which ancient Egyptians affixed their hieroglyphics--are *time-binding* or time-biased. Media that are light, easily transportable, but less durable--such as television waves, telephone messages, or the thin parchment carried by pony express riders in the 1860s--are said to be *space-binding*. Innis argued that space-binding media encourage the growth of the state, the military, and decentralized institutions. Time-binding media, on the other hand, foster concern with history and tradition, and favor the growth of religion and hierarchical organizations.

### **Social Issues and Strategies**

The process of globalization in economic areas inevitably sharpens domestic and international competition among the market players and widens the

gap between the winners and the losers. One of the challenges is to examine the consequent social problems and explore the best solutions for social security, sustainable development and poverty reduction. An attention should also be paid to people-based measures such as communal safety nets and empowerment.

Globalization has been accelerated by liberalization, deregulation and a rapid development of transport and communication technologies for the last twenty years. In this context, we face a new challenge of strengthening competitiveness of respective economies. All nations need to cope with the digital-divide problem, both on the national and international level, to have a fair and sustainable development. It is also important to strengthen the industrial structure by fostering the supporting industries (especially the small and medium-sized enterprises), which are key factors for sustained socio-economic development.

### **Conclusion:**

Education is considered as the key for the sustainable and durable development for all nations. The nations can learn from each other by examining respective strategies for human resource development for the new age of international competition. They also should explore the means to expand scientific and technological exchanges to keep pace with the fast advancement of science and technology in the world. In fact, “[...] someone who exemplifies the virtue of toleration thus need not approve of, be interested in, or be willing to have much to do with the objects of her toleration [...]” (SANDU, 2003, 27)

### **Abstract**

*Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs. Some people also believe that the concept of sustainable development should include preserving the environment for other species as well as for people. The right to development belongs to the third generation of the human rights. These are human rights that, according to some, they are very evasive, they have neither a precise meaning nor a precise content, they have not an induced titular that are not opposable namely they don't let their titular to defend its right in the front of an instance. They don't suppose to apply any organized sanction. Mass media can be used for various purposes: advocacy, both for business and social concerns. This can include advertising, marketing, propaganda, public relations, and political communication, enrichment and education, entertainment, traditionally through performances of acting, music and sports.*

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## The Religious Pluralism in the 21th Century of Romania

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### Resumé

*En Roumaine, la vie religieuse est accomplie par rapport au principe de la Liberte des Croyances et des Religions, principe enonce dans l'article 29 de la Constitution de la Roumaine, a cote de la liberte des opinions. Meme si elle n'est pas definie comme un pays atee, la Roumanie n'a pas de religion nationale qui respecte le principe de la secularisation. Les autorites publiques essayent de neutraliser la religion par l'intermede des associations et des cultes religieux. Les citoyens sont egales face a la loi and aux autorites publiques, n'importe quels sont leurs opinions et points de vue sur la vie et le monde.*

**Definition PLURALÍSM** s. 1. Philosophic conception what the world would be formed from a stand-alone plurality, mugwump one of the others. 2. Principle Of the democracy stipulates the existentence of more social( parties, syndicates, religious organisations etc.) forces. Interposed between the limbs society and can, as a condition and a guarantee of can limitation, operation of the democracy. P. Gener. Anything which in a caused conception area, admits a pluralism of equivalent factors, schernatic etc. Which can't be boiled down to the unit; Stand of things characterized by through this existence of pluralisms. Of fr. Pluralisme.<sup>1</sup>

In the social scenery of the cotemporary world, to the chapter religion there are several modern orientations which define very well the current tendencies: The secularization, totalism the secularization, the atheism and not in last row the religious pluralism.

### I. Universal typologies of religious pluralism

#### 1. The religious pluralism in S.U.A.

When we want to discouse upon the religious modern pluralism, and we want to do this thing starting from the origins, we must take into consideration S.U.A. The american pluralism took over the advanced ideas of English and French thinkers, before been applied even in their own countries. Many emigrants from

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<sup>1</sup> D.E.X.

America had a religious reasons too. They wanted to practise free the faith. As a matter of fact, in the beginning of the american history, who came in quest of religious freedom, hadn't had learned the past lessons. These wanted to protect their specific faith and they didn't find another path, but to reproduce the European model of the institution and the religious tyranny. So the first wave of colonists were practicing the intolerance<sup>1</sup>.

In 1692 begin the religious persecutions, taking place the witchchid process from Salem. In 1700, the cabinet from Virginia interdicted the Catholic priest to spread the ideas and to officiate the religious jobs. The period was long enough in America too.

The principle of religious was promoted and defended by Thomas Jefferson, the american author of the Independece of Declaration and of James Madison, the main help of the American declaration Men's Rights. On the strength of this principle, all the churches have equal right, and the first item from the amendment Bill of Right mentions: „The congress don't shall can wan't be able to adopt no law for the recognition of any religion or for the interdiction of the lettered freedom...”<sup>2</sup> Madison was writting that the civil and the religious ones are the two coin bezels of the freedom and that diversity of the multiplicity was, the best guarantee against tyranny of the majority, all the same if this the secular or religious .

## 2. The religious pluralism in Australia

Australia represents a model of a religious pluralism similar to the american, but formed in other conditions. Here, they are less concerned about the religious problems. The cult and the faith were a support for the profane aims: The Maintain of the order, the culture and the civilization, the cohesion and the social homogenization. Once the society was modernized has organized and the lay legislation, has increased the role diminished. A guarantee religious freedom from Australia, was the big number of the emigrased confesions.

So, the religious has been transformeted in a personal problem. The secularization of the population didn't eliminate religious forms from the administrative and juridical system: The oath on Bible to law court, the begining of the sittings with prayer to Parlament. The separation among the public area and othe private one doesn't exclude the divergences. They appear between the tradition of the population and the new religions. The fundamentalistic groups refuse those who are new come. Even if there are some problems, these are to very little scale and we can recognize that in Australia prevail the freedom and the religious pluralism.

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<sup>1</sup> C Cuciuc, *Religion Sociopsihology*, Ed. Constience and Liberty, Bucharest 2006, pag.327

<sup>2</sup> *Constitution of S.U.A.*, 15 september 1791, art.1

### 3. The religious pluralism in France

France represents another model of religious pluralism and it is followed closely by many European countries. The French model of pluralism has its origin in the period of the conflicts among states and Catholicisms, which are materialized gradually in the autonomy of the laic power.

Soon after the Revolution from 1798, are proclaimed more laws, and if in the beginning existed a reaction against the religion in some categories of the the population, after revolution it was tried the restoration of the Catholicism, but there appeared new religiousness forms.

The law from 1905 sets up an open pluralism in which the laic Republic avouches the free exercise of cultes. The presence of islam and the forms of budism widens the French pluralism who, from juridical viewpoints are opened, one but from sociological viewpoints is closed. Ideas from the French model pluralist were taken over in more European countries. The Statute of religious associations, which are regulated in France in the beginning of the 20th century is used with good results and to the current hour.

### II. The religious pluralism in contemporary Romania Statistics

As per the census from 2002 18. 806. 428 of citizens, representing 86, 8 from stated orthodox population, 1. 028. 401 stated romano-catholics ( 4, 5 from population), 698. 550 you reformers ( 3, 7), 330. 486 penticostals ( 1, 5), 195. 481 greco-catholics ( 0, 9) In Dobrogea, exists a islamic minority composed by a majority of from Turks. There is an atheistical paucity of agnostics and persons who didn't stated the religion.

Compliant Anuario Pontificio Romano, the gazette of the Saint Chair, in the same period the internal census of Catholic Church counted in România 1. 193. 806 Believers Romano-catholics( with 165. 405 More persons comparing with those registered by the Roumanian authorities)<sup>1</sup>

The Religion	2002		1992		2002 in % toward 1992
	Persons	%	Persons	%	
<b>TOTAL</b>	21698181	100,0	22810035	100,0	95,8**)
<b>Ortodocs</b>	18806428	86,7	19802389	86,8	95,0
<b>Romano-catholic</b>	1028401	4,7	1161942	5,1	88,5
<b>Greco-catholic</b>	195481	0,9	223327	1,0	87,5

<sup>1</sup> Statistics National Institute. See the pag. VII of document

<b>Reformats</b>	698550	3,2	802454	3,5	87,1
<b>Pentecostals</b>	330486	1,5	220824	1,0	149,7
<b>Baptist</b>	129937	0,6	109462	0,5	118,7
<b>Seventh Day Adventist</b>	97041	0,4	77546	0,3	125,1
<b>Unitarianism</b>	66846	0,3	76708	0,3	87,1
<b>Moslem</b>	67566	0,3	55928	0,2	120,8
<b>Gospel's Christian</b>	46029	0,2	49963	0,2	92,1
<b>Old ritual christians</b>	39485	0,2	28141	0,1	140,3
<b>Lutherans sinodo-presbyterian</b>	26194	0,1	21221	0,1	123,4
<b>Augustin's Gospel</b>	11203	0,1	39119	0,2	28,6
<b>Mozaic</b>	6179	*	9670	*	63,9
<b>Another religion***)</b>	106758	0,5	88557	0,4	120,6
<b>Polish</b>	2755	*	3047	*	90,4
<b>Without religion and ateist</b>	23105	0,1	34645	0,2	66,7
<b>Undeclaration</b>	18492	0,1	8139	*	227,2
*) under 0,1%					
**) the calculation is efectueted in comparability condition					
***) to the other religion are include the persons who declareted they have armean religion (775 persons) and gospel (18758 persons).					

## The Romanian Religions at the last national census from 2002<sup>1</sup>

### Legal frame

The religious life in România is unfurled as per principle freedom of religious faithes, principle enunciated to the item 29 from The Romanian Constitution<sup>2</sup>, beside the freedom of the thought and the opinions.

Even if it isn't explicit defined as a lay state, Romania has no national religion, respecting the principle of secularization: The public authorities the beholden by-pathes to neutrality toward the associations and religious cultes. The citizens are equal in front of the law and before public authorities, In spite of the religious opinions or the points of view about the world and life, they have.

Religious cultes are autonomous toward the state, who must support them. The constitution also says that the religious discriminations, as the incitation to discrimination and the promovation of religious hatred, are forbidden.

<sup>1</sup> [www.infotravelromania.ro/recensamant.html](http://www.infotravelromania.ro/recensamant.html)

<sup>2</sup> Romanian Constitution, Art. 29: „*Freedom conscience*“

The legal frame of religious cult functionaries is defined of the out decree 177/1948 published in The Official Monitor no. 178 From 4 August 1948. This decree, emitted by comunist authorities in 1948, permits the massive stood in which questions look the religious freedom and consciousness, things that hold on to everyones the private life. The adoption of a new low was tard because of The Romanian Ortodox Church which motivated his attitude through the desire of fall-back on the acknowledged situation of Constitution from 1923<sup>1</sup> when

The Romanian Ortodox Church and the one Greco-catholic enjoyed a privileged statute against the other religious cult.

The Romanian Ortodox Church ask for a new registration to the cult to be conditioned by the east one from the population country. In this kind BRIM the continuation obstruction of a cult and religious groups, wich fact contradicte the principle of the religious freedom.

Lately, The Romanian Ortodox Church gave up to these requirements and he promovates the adoption in regime of a urgency of a controversial project of bind cultes, wich in the opinion of the other cultes advantages the church.

### **The European Comision Reports**

The report of country homesickness drawn up of European Comision considering the stage of the progress of Romania in the way of en route to the espousal of European Union gived to the publicity on 9 October critical the slow rhythm of give back the goods confiscated the cultes by communist regime, with express reference to obstruction this process by BOR, which has entered in 1948 in possession of a cult on which now denies to gives back them (see pag. 34 The English text of report ).

In next country report, gived to the publicity on 5 November, the comision consigned again in express way the problem of restituting the BRU churches ( you see pag. 30 The German text of report).

A year later, on 2004 mentioned again the lack of the Progress regarding the restitution of the greco churches ( you see pag. 28 The French text of report). The some report has relieved the inefficiency of mixed committees of dialogues between BOR and BRU, so as the refusal of an instances examine the parishes claimed.

### **The report of the Departament of State of S.U.A. since 15 sept.2006**

The report sets off the progress made by Romania in the religious Freedom domain, evidensing alike the drawbacks in the matter observance religious freedom. Thus it is mentioned the attitude of a votaress operations from the central administration and local, wich favored the BOR and discriminated the other cults.

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<sup>1</sup> Constitution of 1923, Art. 22, paragraf 4

In report there are bring the examples of groundless refusals of grant the licence of building churches and another of cult, inspite of a justiciary decisions in this sense( ex. For greco-catholic churches in Săpânța, Certeze etc.; For the baptist church from Însurăței, for house of the organisation his Martorii Iehova from Bistrița, Odorheiu Secuiesc, Călărași, Târgoviște; For the adventist church from Cârlibaba etc.).

Inversely, inspite of the justiciary decisions of stop the demolitions of cults claimed, some provosts and orthodox monasteries passed over the justiciary interdiction, without any reaction from authorities of the state, how it happened in the case of demolition church from Țaga. The Romnaian Eastern church constrained to respect the sentence in wich were forbidden the works of building in the perimeter of Monaster Nicula, till clarification of the appearance regarding the ownership about motionless.

In report there are regarding mentioned another cases of religious intolerance on the territory our country.

As a positive appearance is evidencied on 17 February 2006, after 16 years of adjournments and tergiversations, of justiciary decision to give back a church from Satu Mare.

### **Contemporany Religious Discrimination in Romania**

There are certain problems that religious minorities is confronted and a rigid systems in what looks the recognition from the state.

Concerning discrimination, have to present a regional suggestive situation for România as the whole. Fited yes of a sociological investigations, realizată between 25 the June the July 2000, on an illustrative eşantion in the counties Covasna and Harghita, I seemed that no ante 1989, nor after 1990 the Romanians and Magyar from secuime in their majority don't they felt discriminated on religious criterii.

Thus, to the question Înainte of 1989 he happened to have displeasures through vreunua from the next reason? In what he looks the religious convictions answering never 88, 9 among Romanians, 90, 4 Magyars. to the question Dar after 1990? Answering never 94, 1 Romanians, 97, 7 Magyars<sup>1</sup>

### **Antisemitism**

You ask if in the last 5 years it has been produced any change at the level country citizens you are regarding the attitude against Hebrews, than 10 among romanians believes that exist it is anti-semitism among their fellow-citizens, while 1 from 3 they answered that it is regarding this.

Steel 1 from 3 romanians, can't express an opinion. The maul the reserve than in the remainder country are the bucharest people wich in proportion of 70

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<sup>1</sup> *The research centre for diversity etnocultural*, Cluj-Napoca, 2000, p. 380.

they answer to this question, either they think that the level of the anti-semitism it remained the same. Just 12% among them think that the attitude against Hebrews hadn't change in good.<sup>1</sup>

### **The Islam**

In Romania just 21% among them considers that the Moslems are looked with suspiciously, percent equal with the percent of those who consider that doesn't exist not at all disapproval considering Moslems.<sup>2</sup>

### **The Ecumenism**

Frequency of the dialogues, of the meetings inter-christians from last fifty years, it was and continues to be so big, that condignly word of the 20th century was named the ecumenism century. The unit of all christians is a stated common desideratum of the all churches and the Christians confessions and these are constant about the imperative and the God truth: „the all will be one”. With all these, we can't say that as they registered obvious progress in the direction realization unity. The opinion are divided: Some of them support that the results are giving of hope, others consider that the ecumenism in which are unfurled by now, he is don't merely a failure, but more than that new last of christian world.<sup>3</sup>

### **Secularization**

An organized colloquy of KEK about the Christian mission mutation in Europe takes again a quotation of a Protestant theologian known, Fr. Gogarten, and he says about the origin of the process of secularization: The secularization is the consequence of freedom from the human being towards the world and this domination above him. This exactingness freedom leads to the secularization of the world, in the sense that this world is it no more world dominated and lead of gods and masters. The world and all what contains it becomes now an available thing. It is the world, the secular world<sup>4</sup>.

In other order, these considerations want to show that because had it past of Christianity reason to a pantheistic conception about world, which confounds the divinity with the world and terrorize the man through her sacrality, to a theist conception which desacralized the world and renders the man the freedom towards her. If in the pantheistic conception the world is confounded with Divinity, and the man is under the natural laws that conceals any aspiration toward freedom, as it happens with the characters is submitted from the ancient bound to tragedy subdued to an implacable destiny, in Christianity the world is broken apart from The

<sup>1</sup> [www.apador.org/raports/anual/1999ro.htm](http://www.apador.org/raports/anual/1999ro.htm)

<sup>2</sup> Metoda de cercetare: call investigate or face to face at people's home. In every country was investigate 500 -2000 persons. The lot was representative

<sup>3</sup> [www.catholica.ro](http://www.catholica.ro)

<sup>4</sup> KEK, *La mission des Eglises dans une Europe secularisee; aspects pratiques de la mission des Eglises dans une Europe en mutation*, Cahier Nr. 22, 1993, p. 15.

the God, because he is created, and so it becomes an autonomous reality toward God. To the base of the process of secularization it is found this idea of a autonomy world, this is the opinion of the west commentators, show us what hudge contribution have the New Testament. The which from are extremely important consequences result here for life and the Christian mission.

Even more the spectacular progress registered in the area of science and technology something else than the aggravated the break among man and God, because the world were conceived as a machine operates without God. According to a Protestant theologian, the symbol of the world that the machine was the one that God created so cedent, that we can't for Him the problem of world imanation. The monotheism of the insular God in transcendence, the mechanization Him the idea about God in creation, because the world as a machine operates through herself, just without God.<sup>1</sup>

They don't believe in the power of human reason, tells N. Crainic, the modern concept of autonomy of reason comes from the heathen humanism, that is from the unlimited confidence in the individual power of raising above the world formulating or dictating the laws. It is an attitude of hubris who reproduces to infinitum and devate before Adam's sin dropped through in the moment when he was drunk with the illusion of rising through his sin nature. The world before Jesus thought in this autonomy; the modern world divorced Christ, it returned to her taking again the sin.<sup>2</sup> The soundings of opinion are spechess about the secular roumanian character society if we judge it below the appearance practising effective of the religious behavior. It is true that confident in the church is expreses of a constant procent of population: 83% in October 1996; 85% in March 1997; 85% in the June 1997; 86% in September 1997; 76% December 1997; 85% the June 1998; 86% November 1998; 88% the May 1999; 83% November 1999; 85% the May 2000; 86% November 2000; 89% the May 2001; 88% November 2001; 88% the June 2002; 88% October 2002; 88% the May 2003.

**The tolerance**, world born in the century XVI th century while wars religious among catholic and protestant, expressed a consent of a politic type. The consent to support an abuse. This the sense is a well rendered by the formula bawdy house wich nominates an stabiliment of prostitution which the moral law interdicts it, but wich existence is tolerate by the administration from social reasons.

The object of the tolerance start the disapproval of the society, but the fact society admite to tolerate it, from reason of social concordance. It is well known that, in history, after the peoples slaughtered awful on intolerance admit at last without too big pull at heart in the begining, to be reciprocal tolerant in things wich determines intolerance: Why?

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<sup>1</sup> Jurgen Moltmann, *op. cit.*, p. 318

<sup>2</sup> N. Crainic, *The Nostalgia of Paradise*, Bucharest, 1993, p. 8.

Only in order to conserve the social peace. It is the case of eliminations of the religion from the politic space through the Westfalic peace(1648).

It is the case of religious persecutions and of peoples which have gave up to everything: country, fortune, venerability, for their religious faith and which, yet, once they establish in U.S.A., after they refused in their countries, to be subdued the official church, they decided to adopted the religious reciprocal tolerance. Not from religious indifferentism decided the chatolics, the puritans, the quackers and another religious fundamentalists from USA to tolerated reciprocally, because they come from countries where the confesion was persecutated.

This was the case for which the american statement, created, he attuned it on all these religion it was a persecutated religious throught the dislodgement centre of gravitation of the politics and of the public life outwards. Tolerance enforced by circumstances but not a religious indifferentism. Exactly in the same way, although he grants of state sovereignty in religious matter, Spinoza considers that the toleration of free expression of all religious faithes must be admitted, because it is in benefit of the public order. The tolerance is promovate by society because it hangs the social peace. The legitimacy of the tolerance, in this case, is pure utilitarianism: isn't a purpose, but a middle-one from the used middles of the public authority wich keeps the social peace.

The questions of the tolerance, Romania has a folk tradition of the tolerance wich is based on the toleration of that who knows snabs way, of that who is wrong.

Quotiens looks the level public space, in Romania exists a clear will adopted the juridical forms of the tolerance principle will is an attempt defined legally the category of which individuals can't be tolerated.

I would say that in Romania the stretch, the containes and the depth of the culture of the tolerance is defined of three hypostases:

The first, is a well spread desire in wich to have the right any price. Anybody has an opinion, believes that he has the absolute opinion.

The second hypostasis of facts is the pressure of folk folkway about the content of the legislation contained Romania tries of years to modernize. The minorities are not just allowed, they are accepted in equal measure with the majarities. We can believe that the majority are a kind of main roomers, and the minority just a lodgers tolerated. Exists an irresistible tendency peoples from the Romania to see the today world with the eyes of yesterday.

Last hypostasis the which fixed the stretch, contained and the depth of the culture of the tolerance, in România, is about the way in which is understood the principle of the tolerance, is a try to isolate fanatic the name gived, in the century of XVI-th, to the one who invoke the absolute truth unweaved the civil society, in which the fanatic sees an offence bringed to the absolute truth.

## **Globalization Adhering disadvantage to UE**

The Romanians will lose their dignity the cultural identity, the religion, the folkway -13%.

In the age of globalization, the challenge of modernism, of economic domination and politic, as the superannuation traditional values, in fact of the faithes and the appearance of religious pluralism, generated to world level, a current latent fundamentalist.<sup>1</sup>

### **III. Religious Pluralism - contemporary analyze**

#### **U.E. vs Romania**

Europa is expande more and more, trying to bring the politic boundaries and economic much cloe to the geographic boundaries. Unification through expansion, territorial amplitude these are the exactingness of the moment. Obviously, the enlargement isn't strictly territorial: What is widened is a system, an administration, a managerial technique. We assist to a complicated homogenization public space, of economic mechanisms and, maybe, mentalities. It is also, wanted to a homogenize of an external politics and the politics of defence. In the other side, this strategists homogenizations attract from time to time the attention about the risk widened the organisation, without deepen and consolidate the structures. Some recommend just an enlargement a cautious maul, of dear of a thoroughness more scrupulous. The European boundaries advances, ineluctable, to Est and Sud-est, the body Europe is dilated visible, lengthwise and broadways.

In the same time The central Europe doesn't know of about the countries that is comprises them than as much they need as in order to align them. It doesn't searche it's own past in their past and isn't interested in the spiritual unit the which has a latent existence between the members and the candidates, on the strength of of a cultural and religious communes experiences.

#### **1. The Antisemitism and the scale of accepting the musulms of Europe**

In the Central and the East Europe there are only 17% among the European east apprehend that the situation of the anti-semitism has aggravated in their country.

The americans and west europeans are in this more sceptic considering this aspect. Thus 1 from 3 american or occidental consider that he exists more anti-semitism among the conationals than there nere 5 years ago. In countries as

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<sup>1</sup> *Romanian values, european values* – The study realized by IRSOP Bucharest, 1 septembrie 2005

Belgium, Holland, Switzerland, Austria and Germany, the proportion of those who declare this thing vary between 40% and 52%.

Also, 1 from 2 americans he consider that the Moslems are't wellcome in the United State. Of a same opinion are the West european too, more than half believing that the Moslems who live in Europe are looked suspiciously.

In the many West European countries as Switzerland, Danemarca, Belgium, Austria and Germany 2 from 3 from one interviewee consider that exist more disapproval against the Moslems from The Europe. The biggest disapproves are Swedish( 75%) and the Swiss( 72%).

In The Central Europe the Moslems aren't a problem of the same amplitude, just 30% among the European east consider that the Moslems are wellcome in

their society. The most tolerant are the czech by-path and the bolus( 12%) and the least tolerant, are the slovens( 48%) and the Poles( 42%)<sup>1</sup>

In România just 21% among respondents consider that the Moslems are looked suspiciously, coequal interest to the interest of the wagons who consider that there is no disapproval considering Moslems.

### **„Unity in religious diversity”**

To this point there are some problems: Unity? Yes! But what kind of unity? Unity in what? Unity in who? Each from the biggest Christian folkways, the orthodox, one the romano-catholic one also proposed an own vision about the unit came from it's education and it's tradition. So none of them don't want's a give up to „ the religious primate”.

Although the European Union means a system a higher system of civilization, you will succeed only a social compromise of unity in diversity, and this

unit shall be at the very most in political juridical socially side, but if won't succeed in being religious too, because to the religious tolerance, our country stood always better than the Europe countries. The Union had always problems to the islamism chapter, while Romania enjoied good cohabitation with this.

### **Oneness... in religious unity?**

As a matter of fact this is the big problem: Will it be any unit in this European unity? Shall we have identity and shall we keep the acknowledged thing among of the years on this scene of the earth? If the last studies considering the religiousness from the Europe evidence România on the first place to this chapter,

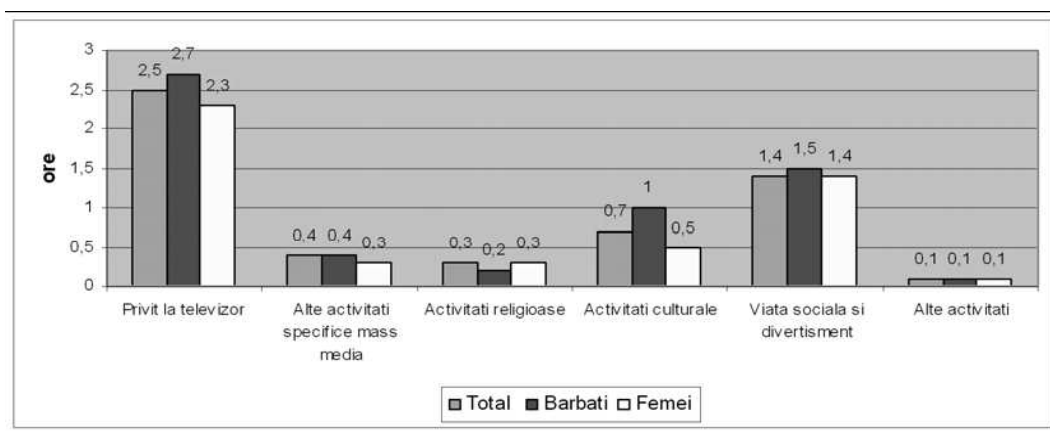
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<sup>1</sup> Method of investigation: call investigate or face to face at people's home. In every country was investigate 500 -2000 persons. The lot was representative

after a religious europeanization shall we keep this place? The roumanian religiousness, remain in the past or shall stagnate? The most indexes predict a diminution of Roumanian religiousness, paradoxically this thing will be achieved once the degree of civilization.

Another paradoxical situation is noticed to the level of the relation among the assertion religiousness and the religious practise. Thus regarding the, World Values Survey, 67% among Romanians consider that God is important in their lives, but hardly 31% among these assists monthly to the service sermon often and just 0,5% of them take part from religious organisations. Alina Mungiu-Pippidi invokes a sounding SAR-CURS which shows that just 9,3% assists daily on weekly to the service.<sup>1</sup>

**The free time allocation in Romania ( The difference between genus)**



**\* The middle daily time allocate to free time activities**

The religious civic activities and politic he consumes 18 daily minutes. The woman am else concerned in this guy of activity than the men( 13. 9% against 8. 5%). The religious preoccupations( inclusively the frequentation church) am considerate as part as the specific methodologies of the investigations of the utilization of the guy as the be the preoccupations of leisures.

In the same time, through the religious holidays( to national level, to the of a level confesiuni and for certain segments of which population respects stringently the religious holidays) the religion is producing of leisure freely. Dignified of reflection is the fact that the religious activities consumes on the average daily values much more in the European countries, between 1 minutes The Sweden, The Norway and 3, 9 minutes Marea Britanie.

<sup>1</sup> Alina Mungiu-Pippidi, *The politics after the communism. Structure, cultureandi politic psihology*, ed. cit., p. 179.

What shall happen with the time granted to the religious activities when we align us to the European countries?

### Reflection

In international context after 11 September 2001, the conflict civilizational among occident and Islam should contaminate the relations of the occident with Romania( her religions too), separated from occident through a frontier which makes it united from civilisation point of view with Islam. From such an angles we can reach to the conclusion that Romania, in her raports with the occident, should be rather a territory of an intolerance and of the terrorism as war instrument, than one of the democratic aspiration.

If European specific supposes a kind of partenership between state and church, just as Ștefan Ioniță<sup>1</sup> says, is also elemental to apprehend that the identical politics became the central feature of politic European scenery in the 21th century in a moment in which European Union became itself a source of his identity or identities.<sup>2</sup>

### Conclusion

On Terra territory, in some insular zones, there are populations that belongs to a single religions. But these are more and more contained in the circuit of the culture and civilization.

The mingling of the religion with politic with some religious of state or official existence delays the penetration of another faithes. There are very few territories were all the forms of faith are accepted and they have identical right. The religious tolerance is a relation between unequal partners, but always every confesion will try to argue and to convince in the same time that is the only one wich keeps the divine truth.

The states will adhere gradually to the right equal recognition for all the religions, giving up with the time, adoption laws regarding the cult, leaving the supervision of these activities in the supervision of the institutions of common laws. Thus it will disappear the priority problem.

Coexistence of the churches and the faithes forms a secure pluralisms garanted in the cotemporary democracy. In economic conditions and own historians, each country evolves toward pluralism in specificity way.<sup>3</sup>

Multiculturality is a Roumanian characteristic at large civilization. That the orthodox Roumanian mentality, specially in the forms that it takes as a folk religion, predisposes to the impregnation in own religious of a big imaginary of a

<sup>1</sup> Ștefan Ioniță, *The particularities of the religious life in Romania – administrative perspective*, in Ioan-Vasile Leb, Radu Preda, *The cults and the state in Romania*, ed. cit., p. 141.

<sup>2</sup> George Schopflin, *On the diffrent ways tothe multiculturality*, in Lucian Nastasă, Levente Salat (ed.), *Interethnic relations in Romanian postcommunism*, ed. cit., p. 127.

<sup>3</sup> C. Cuciuc, *Religion Sociopsihology*, Ed. Constience and Liberty, Bucharest 2006, pag.326

varieties of cultures and religious, which are neighbouring by-paths and foreigners.

Among the history of these people, better said on this land existed, a religious tolerance to a general level. For example: Starting from the big persecution against the christians( 303-313 i. Hr.) of the Roumanian emperor Dioclețian, many persecuted find the refuge on our territory, where benefit of a Romanian civilization, a similar life of these ones and of religious freedom. Even if after the christianization of the Empire made by Constantine the Big, on these lands was protected the religious freedom.

The historians say that the dacs asunder of Roma, but don't they adhered to Costantinopol, but they had a free religion. More, below the domination of the Ottoman, Mircea cel Batran finishes some treaties with High Gate in which stipulated as the romanians to exercise free the faith, the Turks to don't raise no mosque on the territory our country, to practise their religion, the Romanians to have the same laws with the Moslems on all contained of the High Gate. Even Mihai Viteazul after he enters into Transylvania and he is proclaimed king, frees round of 32 000 of persecuted religious wich belongs to many other religions. And the list can continue till in our days.

In particular plan there are more questions of religious intolerance, but these are to a low level to national scale. The relation between church and state, as and the problem religious freedom, still suffers of ambiguity. In the religious competition the communities and the confessions resort frequently and to the secularization preoccupations and the institutions, in the first for the obtained of a procurance profits.

Concerning report of the state with the churches is obvious that the ambiguity which is maintains by the unadoption of a clearly of cultures and religious freedom gives of birth offence and to a diverging sprockets. To this is added the development of the problems wich the religious minorities is confronted with a rigid systems in what looks the recognition from the state.

Thus, Radu Preda shows that: The report among the majority church and the state is one of cooperation between two social equal partners in attributes even if there are complete different through the last theological quality.<sup>1</sup> This opinion is supporting by Viorel Dima too, the representative of Seventh Day Adventist Church, who considers that even there wasn't a law of culturesformer or a religious freedom, the settlements adopted on the line of the efforts of Roumanian state harmonized the internal right with exactingness of the right state of a democratic society and the comunitary legislation European.<sup>2</sup>

Separation between church and state isn't always a guarantee religious of pluralism. It can be establish the monopoly of a history traditionally religious, with

<sup>1</sup> Radu Preda, *Biserica în Stat. O invitație la dezbatere*, Ed. Scripta, Bucharest, 1999, p. 126.

<sup>2</sup> Viorel Dima, *The raport between the romanian state and church - the adventist perspective*, in Ioan –Vasile Leb, Radu Preda, *The cults and the State in Romania*, ed. cit., p. 134.

ethnic preponderance, although it is difficult now to conserve cans ethnic cultural religious enclaves.

The models of past thought persists and prevents the realization of the pluralism, the religion is still asimilated with the etny, the territory, the culture, the profession: The Irishmans are Catholic, british anglicans; the christians from easts are orthodox, the one from Catholic sunsets, the Hebrews are merchant, etc. If a group denies the possibility of other confessions have a true connection with God, isn't possible the pluralism.

The religious pluralism is view which involves some certain riskiness. In each country the real chances of religious formations are different. The pluralism can't equalize these chances. Each country, specially in Europe has her folkway, her ideas, her own faithes and ideals. The pluralism remains a view wich shall realise gradually in at length.

The pluralism involves the religious competition too, demonstrated free, and this is not based on the same values. Each religious confessions shall seek to keep or to attract christians on their own believer. There are religious formations which has adapted practices of the economy market and expose them in this competition. Thus many confessions, formations, churches unite in alliances. These forms an unitary fronts. The religion becomes more and more standardized( wried, orally, procedures) becoming else cheap, and easy to be realised.

If in socially plan the problem of religious pluralism leans towards tolerance, peace, good live between different structures, in religious plan, or better said profoundly of faith in specially of this Christianity's problem isn't else than a compromise and depart of the absolute truth of God. If we want to report stringently toward schernatic divine enuntiated in Holy Bible, we will find an intolerance, toward another religious there's wich they one don't belong to the church of God from earth justified on base of a absolute Truth: „There is wich they one God, one faith and one baptism.”<sup>1</sup> It depends very much of how is shall reported the man against valuable enunciated in Holy Bible and the social values enunciated by the human society. Will see in time what should the humanity had to percerve: The relation by divinity, or the interpersonal relations? Or both? Although there are many theories, am many thoughtfuls, philosophers, who tries to offer viable answers to this problem or solution the religious pluralism, remains an open track which still climbs and comes down the thought of the modern man, the cotemporary Romanian.

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<sup>1</sup> Holy Bible, *Letter to Ephesens*, cap.IV, vers. 30

### Abstract

*The religious life in România is unfurled as per principle freedom of religious faithes, principle enunciated to the item 29 from The Romanian Constitution<sup>1</sup>, beside the freedom of the thought and the opinions.*

*Even if it isn't explicit defined as a lay state, Romania has no national religion, respecting the principle of secularization: The public authorities the beholden by-pathes to neutrality toward the associations and religious cultes. The citizens are equal in front of the law and before public authorities, In spite of the religious opinions or the points of view about the world and life, they have.*

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<sup>1</sup> Romanian Constitution, Art. 29: „Freedom conscience“

## La délinquance juvénile dans la société roumaine

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### Abstract

*This article analyse one of the most difficult problems of the modern society: the youth delinquency. This phenomenon refers to any social comportament or any social act which is different from all the social comportaments and which is analysed by various points of view: biological, psychological, sociological, and cultural. The article analyse some of the causes of the delinquency: industrialisation, urbanization and the economical development.*

En Roumanie, la délinquance juvénile a des traits distincts en comparaison avec d'autres pays. Ceux-ci sont dus aux particularités nationales, aux traditions historiques mais aussi aux particularités démographiques ou politico-économiques.

Il est digne à signaler le fait qu'en Roumanie, dans les derniers 50 ans, il y a eu une politique pénale „spéciale” due aux raisons politiques et idéologiques qui ont influencé le juridique.

Pendant la période communiste, l'inexistence d'une séparation des pouvoirs dans l'Etat et de la société civile a déterminé l'implication du politique dans l'activité de la justice qui a mené à des conséquences négatives.

A cause de l'état économique précaire, la famille s'est confrontée en Roumanie avec des difficultés qui ont accentué l'abandon et l'institutionnalisation des mineurs.

Dans une telle situation, le phénomène de la délinquance juvénile s'est amplifié et le nombre des enfants de la rue aussi, et les politiques sociales n'ont pas trouvé de solutions satisfaisantes. Le phénomène d'inadaptation sociale des mineurs et des adolescents s'est amplifié lui aussi.

La réforme économique a eu un impact extrêmement dur sur la famille roumaine, ce qui a déterminé l'accroissement de la pauvreté, a influencé négativement le climat familial du point de vue éducationnel et affectif, les manifestations violentes se sont intensifiées au sein de la famille tant entre les partenaires que la maltraitance des enfants aussi, en aboutissant avec la désorganisation du groupe familial.

La révolution du décembre 1989 a représenté la désorganisation des structures politiques, économiques, juridiques et administratives communistes et l'installation d'un système démocratique basé sur l'Etat de droit.

Le processus de transition d'une société communiste à une autre capitaliste a conduit aussi à l'apparition des états contradictoires et conflictuels accompagnés par des conséquences négatives – inflation, chômage, pauvreté, insécurité sociale, immoralité au niveau de la société.

Le phénomène de la délinquance juvénile en Roumanie connaît trois étapes qui sont déterminantes:

Pendant la période 1950-1954 ce phénomène commence à prendre ampleur à cause de la crise économique et des conditions spécifiques de la Roumanie d'après-guerre;

Entre les années 1983-1986 le phénomène de la délinquance juvénile s'est intensifiée parce que les mineurs délinquants représentaient les enfants qui n'étaient pas désirés qui étaient pour la plupart malades ou institutionnalisés à cause du fait qu'on avait pris des mesures concernant l'interdiction de l'avortement et du divorce, par la diminution des motifs<sup>1966</sup>;

Après 1989 et à présent les délits commis par les mineurs et les adolescents se sont accrus du point de vue de la qualité et de la quantité. Du point de vue de la qualité on manifeste un degré de péril plus grand des actes de délinquance.

A la différence de la période postdécembriste, dans la période communiste, bien qu'ils y aient eu des manifestations délinquantes parmi les jeunes celles-ci étaient présentées dans une manière un peu moins réaliste. Comme mesures de prévention et de combat de la délinquance juvénile on mettait l'accent sur le facteur éducatif, sur la conscience, tout en considérant que les normes socialistes de travail et de vie devaient être respectées par conviction.

A la différence d'autres pays, même ceux socialistes, ou les aspects de la délinquance juvénile sémiologique, étiologique, prédictive, récupératrice ont été analysés tant du point de vue théorique que pratique par des sociologues, des criminologues, des psychologues, on a réalisé très peu d'études et recherches dans notre pays et on n'a pas élaboré de programmes, sur la base de certaines explications, pour l'investigation et la diminution des formes de manifestation délinquante chez les jeunes.

On n'a pas réalisé de recherches scientifiques pour identifier les facteurs et les causes de la délinquance juvénile dans la période communiste à cause des empêchements idéologiques:

a). La mise absolue des données statistiques concernant l'évolution de la délinquance juvénile, en vue de la négation de son apparition et sa manifestation „normale” et objective (dans un sens durkheimien) dans toute société humaine.

b). La manipulation législative, dans le sens du changement de la nature des faits pénaux commis par les jeunes, en vue de „masquer” la dimension réelle de la délinquance juvénile (c'est le cas du Décret 218/1977, qui a sensiblement changé le volume des délits commis par les jeunes pendant une certaine période de temps)<sup>1</sup>

Même au sein des mass media, il y a de la censure, en faisant rarement référence aux délits commis dans la société roumaine, et le but en était moralisateur,

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<sup>1</sup> Dan, Banciu; Sorin M. Rădulescu- *Evoluții ale delincvenței juvenile în România – cercetare și prevenire socială*, Editura Lumina Lex, București, 2002

tout en poursuivant la mise en relief du rôle ferme de la justice et des facteurs de contrôle social.

Les données statistiques manquaient la transparence et d'exactitude, les comparaisons concernant le volume, l'ampleur et l'intensité de la délinquance juvénile n'étant pas éloquentes du point de vue de la véracité, pouvant servir dans une certaine mesure comme une appréciation de l'évolution de la criminalité de cette époque.

L'analyse de l'évolution de la délinquance juvénile est difficile à réaliser parce qu'il y avait eu des changements sous le rapport de l'incrimination ou de déincrimination des faits pénaux commis par les jeunes (jusqu'en 1969, l'âge de la majorité pénale était 12 ans, et après 1969 celui-ci a été établie à 14 ans), et les données statistiques ne sont pas vraiment réelles et correctes.

Après 1989, bien que la délinquance juvénile représente un problème sociale importante, on a réalisé cependant quelque chose dans le domaine de la politique pénale et dans celui de la prévention, on a adopté des actes normatifs qui ont retardé beaucoup (le code pénal, le code de procédure pénale, la loi de l'exécution des punitions, la loi de la protection des victimes etc.)

Du point de vue public, la délinquance juvénile représente un motif de crainte et d'insécurité publique et elle est maintes fois amplifiée par la presse. „La criminalité” est sensiblement influencée par le maintien de l'état de l'„anomie” dans la société roumaine, ce qui a déterminé le dérèglement normatif et fonctionnel des institutions fondamentales de l'Etat, la baisse du prestige et de l'efficacité de la loi et de la justice, l'accroissement de la tolérance et de la permissivité en ce qui concerne de certains actes de violence et corruption qui accompagnent le passage vers l'économie de marché, y compris le faiblissement des mécanismes de contrôle normatif à tous les niveaux.”<sup>2</sup> L'économie de marché avec ses caractéristiques spécifiques: l'inflation, la paupérisation de la population, le manque d'emplois, la crise de logements, l'immoralité et le désir d'enrichissement par des moyens illégaux ont eu comme conséquences l'intensification des phénomènes de la délinquance juvénile.

Pour une stratégie de diminution de ce phénomène à l'époque actuelle, il faut identifier, expliquer, prévenir les causes générales, particulières, sociales, individuelles qui conduisent à des délits et à des crimes. En outre, il faut identifier et diminuer les facteurs de risque qui engendrent des actes antisociaux dans des différents domaines sociaux, économiques, politiques et administratifs.

Les études et les recherches sociologiques et criminologiques doivent offrir une image complexe de l'étiologie de la délinquance juvénile dans la société roumaine pour l'élaboration et l'application des programmes efficaces pour prévenir et combattre ce phénomène, et l'état doit intervenir par le contrôle social.

« Le sens fondamental de la société est d'entretenir, reproduire et développer la vie humaine sous tous ses aspects fonctionnels, axiologiques et

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<sup>2</sup> Dan Banciu- Crima și criminalitatea, repere și abordări juris-sociologice, Editura Lumina Lex, București, 2005

ordinaires».<sup>1</sup> Dans ce but il faut réaliser des moyens spécifiques d'autoprotection et de contrôle par des mécanismes d'ordre politique, juridique et étique tenant compte du fait que l'équilibre interne et la normalité sont des idéaux de chaque société moderne.

## 1. L'ÉVOLUTION DE LA DÉLINQUANCE JUVÉNILE AVANT 1989

En analysant la délinquance juvénile dans la période 1980- 1989, il y a deux tendances contradictoires :

- entre 1980- 1986 il y a une augmentation constante, mais la plus grande augmentation de la délinquance s'est enregistrée en 1985, l'année dans laquelle on a sanctionné la plupart des mineurs par les organes de contrôle et de prévention sociale ;

- dès 1986 on remarque une décroissance de la délinquance juvénile, l'année 1988 elle connaît son point le plus faible, on a sanctionné seulement 1334 mineurs ; cette diminution de la délinquance juvénile n'est pas l'effet d'une politique de prévention des institutions spécialisées, mais elle est due grâce aux changements normatifs dans le domaine pénale et à la restriction des possibilités des juges d'inculper certains mineurs, de cette façon les dimensions réelles de la délinquance juvénile se sont atténués.

« Dans la période analysée, l'avertissement des mineurs sanctionnés dans le cadre de la délinquance juvénile a oscillé entre 5,5%- 6,6% (en 1989), de façon que ce rapport a accru jusqu'à 10- 11% entre 1989- 1999 »<sup>2</sup>.

Entre 1980-1989 les délits, commis par les jeunes, ont été : de vol (74%) au détriment de la propriété publique et privée, d'outrage et d'agression physique (9,2%), de meurtre et de viol (3,3%), de délits de prostitution, de mendicité, e vagabondage (4,8%).

Le phénomène de la délinquance juvénile a été beaucoup représenté, dans la période analysée, par des mineurs entre 16 et 18 ans qui ont été en proportion de 15% de l'ensemble des mineurs qui ont été en conflit avec la loi pénale.

Les jeunes qui accomplissaient des délits se caractérisaient par le fait qu'ils se manifestaient par l'abandon du domicile et de l'école, par le vol et le vagabondage, par les agressions physiques, la consommation des boissons alcooliques, par un entourage néfaste. Ces caractéristiques avaient comme conséquences la installation d'un comportement aberrant.

Bien que les recherches scientifiques sur le phénomène de la délinquance juvénile, effectuées dans cette période- là, aient trouvé la cause des manifestations de la délinquance juvénile dans les déficiences éducatives du milieu familial, scolaire et social, des divers facteurs internes (qui se réfèrent à la personnalité du mineur) ou externes (économiques, sociaux, culturels, etc.) ont contribué à la

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<sup>1</sup> Dumitru Otovescu – Probleme fundamentale ale sociologiei, Editura Scrisul Romanesc, Craiova, 1997

<sup>2</sup> Dan, Banciu ; Sorin, M. Radulescu – Evolutii ale delincventei juvénile in Romania – cercetare si prevenire sociala, Editura Lumina Lex, Bucuresti, 2002

constitution d'une carrière délinquante.

Parmi les facteurs de la délinquance juvénile on comptait :

a) « La socialisation discordante ou même « négative » réalisée dans des familles avec des mineurs délinquants, caractérisées par des conflits forts et répétés entre les parents et entre les parents et les enfants, caractérisées par un manque d'affectivité et de communication, par l'abandon familial et par la consommation de l'alcool, etc.

b) L'échec et l'abandon scolaire de certains mineurs, et aussi leur attitude indifférente envers l'école, concrétisée dans les performances scolaires maigres, et d'ici leur « marginalisation » par les professeurs et les instituteurs, ce qui a favorisé leur propension vers la déviance et vers la délinquance ;

c) L'influence ou « l'induction » négative du milieu d'amis ou de voisins, mais aussi celle des autres mineurs délinquants, des groupes qui, par le langage, le comportement et les divers activités, ont représenté « des sources » potentielles de délinquance juvénile »<sup>1</sup>

d) Les recherches effectuées dans la période communiste sont employées comparativement et étiologiquement pour analyser l'évolution de la délinquance juvénile en Roumanie, mais, elles n'ont pas été valorisées par des politiques sociales et par l'assistance sociale des mineurs délinquants effectuée par les institutions de contrôle social.

## 2. LE SPECIFIQUE DE LA DELINQUANCE JUVENILE EN ROUMANIE

La délinquance juvénile n'a pas représenté un phénomène nouveau, mais il y a de diverses formes de continuité ou discontinuité. Les éléments de « continuité » sont représentés par les dysfonctions prises du système totalitaire dans le cadre « des institutions » de socialisation et d'intégration morale des jeunes, mais aussi par les « facteurs » de risque qui conduisent à des manifestations de délinquance juvénile. Puisque les jeunes se différencient du point de vue de l'âge, le statut social, le système des valeurs et des normes, amis aussi du point de vue des styles et manières de vie qui contestent le monde des adultes, dans la période de transition il y a certaines éléments de discontinuité.

Après 1989, nous affrontons « une crise d'identité » de la jeune génération et avec une attitude critique envers les institutions politiques. Les jeunes perçoivent différemment la réalité sociale et nous nous opposons à un changement de leur système des valeurs, des normes, des motivations, des attitudes morales et civiques.

Grâce aux changements qui ont intervenus il y a la tendance de ranger les jeunes dans une catégorie « problématique », tout en ignorant la société et le temps dans lesquels il vit. Il est nécessaire que les adultes accordent une préoccupation beaucoup plus grande quant à la connaissance de l'univers des jeunes et de leur système des valeurs.

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<sup>1</sup> Dan, Banciu ; Sorin, M. Radulescu – *Evolutii ale delincventei juvénile in Romania – cercetare si prevenire sociala*, Editura Lumina Lex, Bucuresti, 2002, p. 238

On constate une aggravation du phénomène de la délinquance juvénile, ce qui a fait que les chercheurs, les spécialistes, les facteurs de contrôle social analysent et interprètent des dates et des informations issues des statistiques pénales et des recherches de terrain, afin qu'ils trouvent des solutions pour la diminution du nombre des délits commises par des mineurs et des jeunes.

Les statistiques officielles des organes de police, de la procureure et de la justice offrent des informations, mais elles n'expliquent pas l'évolution du phénomène de délinquance juvénile du point de vue de l'ampleur et de la gravité, mais aussi comme pesanteur dans l'ensemble de la criminalité commise et jugée.

L'estimation de ce phénomène représente une difficulté pour les chercheurs, les spécialistes ou les praticiens du domaine de la sociologie et de la criminologie, parce que les statistiques officielles emploient trois types de criminalité :

« a) *la criminalité réelle* ou le « chiffre noir » de la criminalité, représentée par les délits et les crimes commises dans un certain territoire et dans une certaine période de temps ; il s'agit des délits connus, découverts ou instrumentés par les agents de police, mais qui ne peuvent pas être connus intégralement.

b) *la criminalité découverte*, enquêtée ou instrumentée par les agents de police, dénommée aussi « criminalité apparente » ;

c) *la criminalité jugée*, dénommée et légale, concerne les délits et les crimes avec des sentences de condamnation restées définitives. »<sup>1</sup>

En ce qui concerne la criminalité découverte et jugée on a réalisé, en 1990, au niveau de la police et de la justice « L'Annuaire Statistique de la Roumanie » édité par l'Institut National de Statistique et qui paraît périodiquement. Entre la criminalité découverte et celle jugée il y a des discordances en ce qui concerne le nombre des personnes enquêtées et le nombre des personnes jugées qui conduisent à des difficultés dans l'estimation adéquate de l'intensité et de l'ampleur de la criminalité en Roumanie.

Celles-ci consistent en:

a) L'existence d'une discordance concernant la quantification de la nature ou du type de délit enquêté ou jugé. Ainsi, la statistique de la police contient une série d'indicateurs concernant le nombre total de délits commis parmi lesquels des délits économiques-financiers, juridiques ou d'une autre nature, des délits contre la personne, contre le patrimoine, des délits de faux, des délits incriminés par des lois spéciales, pendant que dans la statistique de la justice ces délits sont présentés sous la forme des délits contre la personne (en ce cas étant détaillés des délits contre la protection du travail et aussi contre l'action directe qu'on ne trouve pas dans la statistique de la police), des délits de service, des délits sylvicoles, des délits contre les autorités, des délits contre les bonnes mœurs, tous cela n'étant pas enregistrés aussi dans la statistique de la police.

b) La statistique de la justice contient seulement les personnes condamnées définitivement en fonction du type de délit commis et de l'environnement de résidence (urbain-rural) pendant que la statistique de la police contient seulement le

<sup>1</sup> Rodica Mihaela Stanoiu, *Traditia si criminalitatea*, Bucuresti, Editura Oscar Print, 1994, p. 37

nombre de délits commis dans l'environnement de résidence, le nombre de personnes accusées et le milieu d'où ces personnes proviennent.

c) Dans la statistique de la justice apparaissent enregistrées le nombre de personnes condamnées définitivement en fonction de sexe (hommes-femmes) et de l'âge (mineur-majeur) pendant que dans la statistique de la police sont enregistrés des personnes condamnées en fonction de l'âge (les mineurs sous 14 ans et les mineurs entre 14 et 17 ans, les jeunes entre 18-30 ans) et en fonction de l'occupation (sans emploi, chômeurs).

d) Les deux types de statistiques officiels ne contiennent pas des données et des informations concernant l'évolution de la criminalité sous l'aspect territorial, et en fonction du type de délits, ce qui aurait complété l'image concernant l'intensité du phénomène dans les diverses zones socioculturelles de Roumanie<sup>7</sup>.

Entre les années 1980 – 1998, le nombre des délinquants identifiés par les organes de police a crû à peu près de 7 fois (à commencer par environ 4000 de délinquants existants dans l'année 1989) au-delà de 27000 enregistrés dans les années 1997 – 1998. Ainsi, on est confronté à une modification qualitative du phénomène de la délinquance juvénile, dans le sens que l'âge de laquelle les mineurs commencent à commettre des faits pénales a crû et le poids des délits commis en groupe a crû aussi, les infractions graves dangereuses (les assassinats, les crimes, les pillages, les viols).

« L'insuccès du système de sanctions pénales et de protection des mineurs trouvés en difficulté, qu'il y a en Roumanie jusqu'aux les années 1990, a influencé beaucoup, et l'évolution de ce système a été marquée par une série de transformations successives. »<sup>8</sup>

Après l'année 1989 grâce aux modifications qui ont intervenu dans le régime politique et législatif, en Roumanie ont été élaborées des dispositions légales en concordance avec celles européennes et qui suivaient la protection des intérêts des jeunes et aussi la protection de l'état de sécurité de la communauté.

Le plus grand nombre de modifications du Cod Pénal vise les aspects suivants :

- *les limites de la responsabilité pénale des mineurs* – la responsabilité pénale revient aux mineurs qui ont l'âge de 16 ans, et les mineurs dont l'âge est entre 14 – 16 ans répondent pénal si seulement on prouve que les faits dont ils sont accusés, ont été accompli avec discernement.

- *les conséquences de la responsabilité pénale* – on applique aux mineurs qui répondent pénal soit une mesure éducative, soit une punition qu'on établit en prenant en considération le degré de péril, du fait commis, l'état physique, de développement intellectuel, moral du mineur son attitude et les conditions dans laquelle il se trouve.

- *les mesures éducatives qui peuvent être appliquées* – Celles-ci sont : l'avertissement, la liberté surveillée, la surveillance du mineur, l'internement dans un centre de rééducation, l'internement dans un institut médical-éducatif.

- *la liberté du mineur avant d'être majeur* – on l'applique dans le cas où il est passé au moins une année depuis que le mineur a été interné dans un centre de rééducation et dans le cas où le mineur a fait preuve d'un comportement adéquat aux exigences de la société.

- *la révocation de la mise en liberté et de l'internement du mineur* – ont peut disposer dans le cas où le mineur a un comportement inadéquat.

- *les punitions pour les mineurs* – sont la prison et l'amende prescrites spécifiées de loi pour l'infraction commise.

- *le sursis conditionné de l'exécution de la punition* – dans ce cas le temps de l'épreuve est composé par la durée de la punition avec la prison à laquelle on ajoute un intervalle du temps de 6 mois à 2 ans, établit par l'instance.

- *la suspension de l'exécution de la punition sous la surveillance ou sous contrôle* – en même temps qu'on suspend l'exécution de la punition avec la prison appliquée au mineur dans les conditions de la réglementation précédente, l'instance peut disposer le long du temps d'épreuve, mais jusqu'au moment où le mineur a 18 ans, l'assignation de la surveillance du mineur à une personne ou à une institution mentionnée dans les dispositions concernant la liberté surveillée, et après que le mineur fait 18 ans, il doit respecter les mesures de surveillance ou les obligations mentionnées dans le cas des adultes.

Souvent les mineurs qui deviennent délinquants à cause de leurs propres éducateurs sont sanctionnés.

« Les époques postrévolutionnaires par les changements sociaux qu'elles entraînent, par les changements à l'échelle de valeurs, peuvent conduire aux effets négatives comme l'éloignement, la perte d'identité, la dérive et la perte de la confiance pour les jeunes. »<sup>9</sup>

R.M. Stănoiu saisit un phénomène moins connu avant l'année 1989 et plus exactement « les enfants de la rue » dont il montre : « Dans notre pays les enfants de la rue constituent seulement la patrie visible de l'iceberg qui s'appelle la pauvreté infantile. »<sup>10</sup>

Conformément aux statistiques (incomplètes) réalisées par les organisations non-gouvernementales en Roumanie, il y a, dans le présent plus de 5000 d'enfants de la rue, répartis dans les grandes villes et départements, en particulier en ville capitale.

Environ 60% d'entre eux se disputent avec le loi pénale, commettant souvent, en complicité avec les infracteurs adultes des cambriolages, des brigandages, des crimes, des viols et d'autres catégories d'infractions contre la propriété, contre la personne ou contre l'ordre publique.

Leur présence sur la rue est déterminée tant par les facteurs qui tiennent au contexte de vie (la structure et l'activité de la famille, son style éducatif, les expériences familiales négatives de l'enfant comme les abus et les brutalités répétés, l'influence de l'entourage, le chômage, une situation économique précaire, l'abandon scolaire, le manque de chances dans le domaine de l'instruction etc.) mais aussi les facteurs macro-sociaux (par exemple l'absence d'une politique

sociale de protection).

Du point de vue légal, les enfants de la rue comme une catégorie juridique différente il n'y a pas parmi les actes normatifs qui existent en Roumanie.

À cause des influences reçues de l'Union Européenne concernant le problème des enfants institutionnalisés, et des enfants de la rue en particulier, dans le mois juin 2001, Le Gouvernement de la Roumanie a approuvé le programme d'intérêt national dans le domaine de la protection de l'enfant intitulé « L'intégrité sociale des enfants qui vivent sur la rue ».

En ce qui concerne la croissance de la délinquance juvénile dans la période postrévolutionnaire, la première explication serait celle de la diminution de l'influence des instances de contrôle social (la famille, l'école). Une autre explication serait celle que le cadre législatif cohérent pour les délinquants et aussi pour les prédélinquants (les mineurs handicapants ceux qui ont des comportements déviés et ceux qui se trouvent dans les instances de protection et de surveillance) manque.

Dans l'évolution de criminalité il y a aussi des éléments spécifiques pour chaque pays, mais aussi des éléments communs pour un groupe de pays ou pour une région géographique.

Les nouveaux types de criminologie (l'apparition du phénomène des bandes la violence extrême, la criminalité transfrontalière) nous déterminent à penser de nouveau le phénomène de réaction sociale.

Les changements qui ont lieu dans la délinquance juvénile offrent la possibilité de l'étude de ce phénomène du point de vue de la réaction inévitable de la société et pas dans une manière séparée. À cause de l'évolution de la délinquance juvénile et de la criminalité on doit penser un changement au niveau de la justice pénale, affectée par les changements profonds qui ont lieu dans la société.

## Resumé

*Dans cet essai il s'agit d'un des plus difficiles problèmes de la société moderne: la délinquance juvénile. La délinquance juvénile est une déviation qui fait référence à toute conduite sociale et à tout geste qui est différent en fonction du caractère de chacun et qui est perçu par différents points de vue: biologique, psychologique, social et culturel. Une chose est certaine, la société moderne dans laquelle on vit a des causes de la délinquance juvénile: l'industrialisation, l'urbanisation et le développement économique.*

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## L'évolution du phénomène de l'infractionnalité en Roumanie

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### Abstract

*The informations about the infractionality in Romania offered by statistics registered multiple changements, in time. Some categories of infractions have decreased and others have increased. This modifications followed the directions of the Romanian society, in the transitions years.*

Les données statistiques indiquent l'existence des certaines liaisons entre les dimensions des certains phénomènes infractionnels et la modalité dans laquelle fonctionne les systèmes de la société globale. Les dysfonctionnements des sous-systèmes du système social rendent plus fort le comportement déviant en temps que leur fonctionnement empêche le développement des actes déviantes.

L'état qui favorise l'accroissement des phénomènes infractionnels a été défini par le sociologue français Emile Durkheim, en utilisant le terme d'anomie.

L'anomie suppose un certain état des individus ou des groupes, quand ils sont privés des normes ou quand ils perdent les normes régulatrices de leurs comportements. L'anomie est une conséquence de l'absence des règles sociales et morales adéquates et peut générer des dépressions ; déviance et ; dans certaines situations extrêmes ; le suicide ou la crime.

Presque dans tous les cas, le terme est utilisé pour décrire l'expérience sociale du manque du pouvoir et de la désorientation [...] Durkheim a considéré que l'anomie est « une conséquence de plus en plus spécifique pour la vie moderne, à cause de la nature des relations sociales, dans des conditions d'instabilité et de changement continu »<sup>1</sup>.

Les indicateurs qui offrent des informations à l'égard du phénomène infractionnel de la Roumanie ont enregistré des changements multiples, au cours du temps. Certaines infractions se sont diminuées par point de vue numérique, en temps que des autres ont augmenté. Ces modifications ont suivi des directions suivies par la société roumaine au cours de la période de transition. La modification de la législation ont généré la réforme des institutions qui ont comme but de l'existence la diminution des actes infractionnels et le contrôle de celle-ci.

Conformément à l'Institution National de Statistique, entre 1990-2004, les

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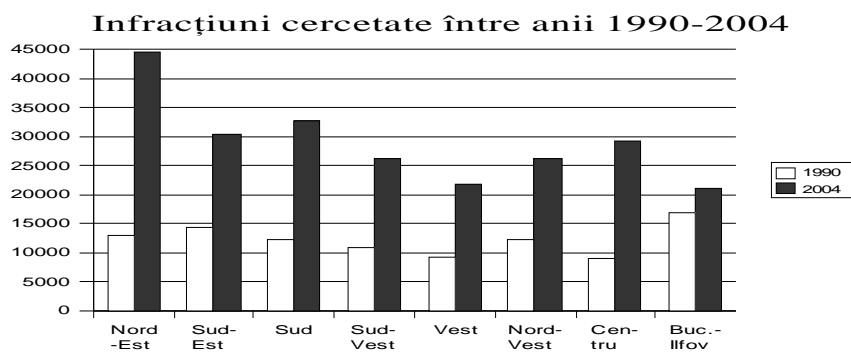
<sup>1</sup> \*\*\* *Concepts fondamentals dans les sciences de la communication et les études culturels*, Polirom, Iasi, 2001

actes infractionnels ont eu la suivante distribution au niveau national :

	1990		2004	
	Infractions recherchés	Taux d'infractionnalité	Infractions recherchés	Taux d'infractionnalité
Roumanie	97828	422	231637	1069
Nord- Est	12984	345	446559	1192
Sud- Est	14338	479	30309	1063
Sud	12305	344	32687	978
Sud-Ouest	10929	446	26102	1126
Ouest	9271	421	21701	1119
Nord-Ouest	12117	407	26202	957
Centre	8976	316	29027	1143
Bucarest-Ilfov	16908	706	21050	954

Source: *Annuaire statistique 2005*, Institut National de Statistique, 2007

La table ci-dessus offre des informations à l'égard de l'évolution des infractions en Roumanie. Dans toutes les régions de développement, on peut observer des croissances des infractions recherchées par la police.



Les augmentations des taux de l'infractionnalité dans toutes les régions de développement témoignent que dans tout le pays ont eu lieu des phénomènes semblables, qui les ont facilité. On doit remarquer que dans l'analyse de l'infractionnalité on doit étudier les différences d'organisation institutionnelle entre les deux périodes de temps.

C'est-à-dire de la tendance de ne pas se rapporter tous les cas déviantes dans

la période antérieure de l'année 1990. La transition vers la nouvelle société basée sur les libertés individuelles, a permis l'amplification des actions déviantes et la compréhension des libertés individuelles comme épreuves de la faiblesse institutionnelle. En même temps, ils ont apparu des nouvelles catégories d'infractions, qui n'existaient pas avant de 1989 : le trafic des drogues, des armes, des métaux précieux, le trafic des personnes etc.

Un élément important dans l'augmentation de l'infractionnalité est aussi le niveau économique d'une région de développement, qui signifie que ces deux catégories des phénomènes sont inverse proportionnels

	L'évolution de l'infractionnalité entre 1990-2004
Roumanie	60,52%
Nord- Est	71,06%
Sud- Est	54,94%
Sud	64,83%
Sud-Ouest	60,39%
Ouest	62,38%
Nord-Ouest	57,47%
Centre	72,35%
Bucarest-Ilfov	26,00%

En analysant le table ci-dessus, on peut constater que dans toutes les régions de développement se sont enregistré des croissances avec plus de 50% des phénomènes infractionnels. La région avec la plus réduite modification est Bucharest-Ilfov – 26%. Une des causes de cette croissance tempérée est la haute cote des infractions, en 1990. La plus grande augmentation des infractions a eu lieu dans la région Centre (72,35%), suivi par la région Nord-Est (71,06%).

Les deux régions qui ont enregistré les plus hautes croissances de l'infractionnalité, sont très différentes en ce qui concerne la structure occupationnelle, dans la région Centre étant très développe le secteur des services, et dans le Nord-Est le secteur primaire (l'agriculture).

Si on fait une comparaison, on peut observer que dans la période 1990-2004 se sont produit quelques modifications parmi lesquelles : les régions avec les plus bas niveaux de l'infractionnalité en 1990 – Bucharest-Ilfov, Sud-Est, Sud-Ouest – ont enregistré les plus petites croissances, et, en 2004, se sont situés derrière des autres régions de développement avec un haut niveau d'infractionnalité : Nord-Est, Centre. Des données statistiques analysées, on peut tirer les conclusions suivantes :

- en présent, on assiste à des manifestations inégales des infractions sur le territoire de la Roumanie ;

- ayant en considération la structure occupationnelle et l'importance des certains secteurs d'activité économique dans les régions de développement qui induisent des différences financières et dans le nombres des opportunités offertes aux habitants, on peut considérer que la semblance des rythmes de croissance de l'infractionnalité est aussi a cause des autres caractéristiques spécifiques des régions ;
- l'aliénation sociale peut être considérée une des causes de la croissance de l'infractionnalité. La perte du sentiment d'identité, la manque de l'assurance, l'aliénation et la dynamique forte du développement social donne naissance a des difficultés dans l'intériorisation des valeurs sociales avec un rôle normatif dans la conformation a la légalité ;
- a coté de la récession économique et l'aliénation, on peut noter aussi des facteurs de nature culturelle, traditionnelle ou éducationnelle qui influencent, a différents niveaux, les phénomènes infractionnels.

### Resumé

*Les indicateurs qui offrent des informations à l'égard du phénomène infractionnel de la Roumanie ont enregistré des changements multiples, qu cours du temps. Certaines infractions se sont diminuées par point de vue numérique, en temps que des autres ont augmenté. Ces modifications ont suivi des directions suivies par la société roumaine au cours de la période de transition. La modification de la législation ont généré la reforme des institutions qui ont comme but de l'existence la diminution des actes infractionnels et le contrôle de celle-ci.*

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## Deviance Phenomena and the Rapport Between Culture and Civilization

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### Resumé

*Au cours du temps les sociologies se sont pose la questions de la culture et de la sous/culture dans certaines groupes sociaux. Comme une reponse a cette question, certains sociologues ont trouve la notion de « socialisation », definie comme un processus individuel d'integration in a certaine societe ou dans un certain groupe, par l'inetriorisation des indees, des actions, des moyens culturels, caracteristiques pour chaque societe ou chaque groupe. Les sociologues ont distingues des differents sous/cultures qui ont apparus dans des certaines classes sociales ou groupes ethniques. Il y a des auteurs qui parlent de la sous/culture « pauvres », des « gays » ou de la sousculture des jeunes.*

The concept of “culture “ has lately become a strategic one for all disciplines that study the human and the social Univers , but we can’t deny that the cultural factors are a fundamental resource for the historical development , because the cultural power of a society became an essential part of social and economical power .

The “cultural power “of a society is an ansamble of activities that concerns knowledge and communication , the values’ creation , education and learning the new habits of the spiritual life, processing new information and learning skills to use them, and many other factors .In my opinion, not by chance, nowadays culture is seen as a propulsion force of development because the scientific discoveries and the tehcnological improvements revolutioned the way of making well-fare; today we are talking about the new type of “supersimibolic economy“, in which processing information and communication are extremely important. As Huntington mentions in his most famous work, “The Clash of Civilization“, in ourdays conditions “culture counts”, the cultural factors have an important relevance for the social transformation and for the moulding of geopolitical reports.

“After the Cold war’s world, culture has become a force that divides and bounds in the same time. In that new world, the local politics is the nation’s politics and the global one is the civilizations’ politics.”<sup>1</sup>

The human behaviour is more often explained through cultural knowledge, values, mentalities and attitudes.

In Anthony Giddens’ opinion, “culture talks about the ways of life of the

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<sup>1</sup> Huntington, S.P., 1998 *The Clash of Civilization* ,Bucharest, .Editura Antet ,pg 36

society's members or of the groups that are part of one society. It can be made a conceptual distinction the notion of "society" and "culture", but there are important connections. A society is a system of human bounds that connect a person to another one. No culture can exist without society, and no society can exist without culture".<sup>1</sup>

The modern age through its new forms of development and production, its dynamism of cultural creation, and the new ways of communication, but as well through the transfer of values, imposed a new fundamental idea: the human being lives in a self made Univers, a symbolical one in essence, a world of forms and languages in which the human being is translates practical and cognitive existence, alters information and elaborates action projects.

The men's world is formed of self made creations, through which he is satisfying different needs and aspirations, culture being a system of values. If at the same time with human being and his cultural "world" "something new appears in the world" –as Lucian Blaga said –a new ontological reality that make his existence richer and more profound than in the cultural universe we can discover the manifestations and tensions of human existence.

Taking the privileged place of traditional ontologicals, the culture's philosophy and the cultural anthropological steps have "discovered" the historical, sociological and psychology diversity of human nature, the plurality of living ways and life understanding points of view, spirituals physiology that are involved such as a subadjacent the culture. Definition man through culture the modern philosophical thinking impute the idea that man produces different cultural "worlds".

Through his entire history human being was only vaguely conscious of the existence of culture and that conscience was due to the contrast of his own society's habits and the society's habits that he interferes with. One of the most important scientifically realization of modern days is the recognition of culture existence. It does not exist a standard definition of culture, because as Abraham Moles said culture has an "open definition", that can be enriched totally different from scientific sciences that have close definitions.

"An essential characteristic of human being is to live in an environment that he creates by him self. The track left by that artificial medium in each man's spirit is what we call "culture", a term so full of divers values, that his role has different connotation to one author to another and for which there were found over 250 definitions."<sup>2</sup>

The "culture" term was taken by almost all modern languages from Latin, language in which it mean to harvest the land, the field and the spirit as well as lato senso of education, and personal forms soul and spirit as well as it forms personality; based on knowledge and personal experience.

The American anthropologist, Alfred Kroeber and Clyde Kluckhorn have tried an overlook through the several culture's definitions, but the numerous

<sup>1</sup> Giddens Anthony [1989, 1993, 1997] (2000), Sociology, Bucharest, Ed. Bic All, pg 25

<sup>2</sup> Moles, Abraham, 1974, Culture's Sociodynamics, Bucharest, Ed. Scientific, pg 45

number of over 163 definitions – due to philosophers, sociologists, psychologists, made all of them synthesize different meaning and approaches of culture.

“Culture has implicit and explicit models of human behaviour and the human fortune and transmitted behaviour by symbols including even their tools. The essential part of culture consists in traditional ideas, appeared and selected by history, and especially from the values that are assumed, the cultural systems can be considered on one hand as action’s products, and on the other hand as elements that condition the future action.”<sup>1</sup>

The American sociologist, Norman Goodman, making a characterization of culture explains it by the unity between the material and non material aspects of life by making synthesis of them. From his definition lacks the distinction between culture and civilization, and culture is defined mainly through elements of learned behaviour.<sup>2</sup>

The concept of “value” polarized the attention of believers of 19th century and since the passing to the enlightenment and rationalistic views to a historical conception of culture, under the auspices of romanticism and then of the evolutionism theories.

But how can the theoretical postulate of unity and universality of human rationality cooperate with the real diversity of cultures and languages, but also of ideas and different criteria by which are appreciated the manifestation of human creations?

The historic research demanded in the spirit of the period the concept that the differences between cultures are determined by their different axiological orientations, because they responded to different determined needs, had different ideals and each culture and period was characterized and determined by specific dominant values.

The concept of “value” has at least two theoretical functions:—a critical one and a function of global cultural identities. The term of “value” was imposed in the philosophical and socio-humanistic disciplines that a result of deep changes that took place in the modern’s civilizations structures, after the Renaissance era, and we are talking about the autonomous fields and values.

What is the fundament of values?

The answer has many responses, but two shocking ones appeared by the end of 19<sup>th</sup> century era: Nietzsche’s and Freud’s.

Nietzsche’s answer denies any rational, objective and transcendental fundament, making them grow in the biological fundament of life –“will to power”<sup>3</sup> ‘wherever I found life I found desire of power’-“Thus Spake Zarathustra”-the extreme amorality and extreme relativism. Nietzsche

<sup>1</sup> Kroeber, A.L., Kluckhohn, Clyde, 1952, *Culture. A Critical Review of Concepts and Definitions* .papers of Peabody Museum of American Archeology and Ethnology, Harvard University, vol. XLVII, nr 1, Cambridge Mass, pg 181 apud Georgiu, Grigore, *Culture’s philosophy*, Ed. SNSPA, pg 29

<sup>2</sup> Goodman, Norman (1998 [1992]) Bucharest, Ed. Lider, pg. 48

<sup>3</sup> Apud Georgiu, Grigore, 2001, *Culture’s philosophy*, Bucharest, Ed. SNSPA

“deconstructs”and denies the fundamental concepts of science and occidental’s rationalism considering that the values who were appreciated in history are those of “renouncing” but make life of ”bad quality”and all of theme in the name of false ideals that human nation proclaimed “absolute truth”.

Against the weaks’ moral that preaches obedience, Nietzsche proposed “all values’ overturned” , to escape from a vision that denies life itself. The vital imperialism, “tropical cult of instincts”, the frenzied carnation virtues presented by Nietzsche , the élan of anthropology and the discredit of grown intelligence are denied by Mihai Ralea a Romanian anthropologist in his book “Man’s Explication”.-Writings –first volume.

“The moral phenomenon consists in a superior act’s substitution with a satisfied status so far.....If I made a well-fair to a poor’s man giving up my comfort is because I choose that solution believing to be the most appropriate. The moral act is a “demonic “one because it interrupts a status that gave me so far a satisfaction mediocre or certificated, to a new one often aleatory but promising of superior satisfactions. Is a investigation to revolution, rebellion to the present , to the moment for a new situation that seems better. “<sup>1</sup>

In the same time, through the sacrifice or renouncing element we renounce to a good feeling for a just one-any moral act will involve ascentism.

Antinaturalism and antibiologism of his philosophic anthropology is a polemic attitude addressed to those ways of life. One attitude appears extremely pregnant in the central idea of the chapter about moral: ethic appeared in the human organization as a necessity expression of turning off the force and oppression, as a tendency to neutralize and annihilate the free “power” exercise and vital imperialism opposing to them the real values of cooperation and human solidarity. At the base of the theoretical construction of Mihai Ralea’s is the reality of one powerful tension between the psychology and moral structure of the modern imperialism society and his own humanistic aspirations.Mihai Ralea with justice inferred in Nietzsche’s orgiastic vitalism the theoretical foreplay of a cruel and barbaric epoch. He denounces Nietzsche’s and Max Scheler’s tentative to present eulogy to virtues as generous , comprehension, altruism and solidarity as product of an inferiority complex generated by weakness or envy of the poor over the riches.

Another great personality of Romanian culture , Lucian Blaga, in his famous work “The Trilogy of Culture” criticize the nietzscheism , who’s criterions are in his opinion “hysterical decadent grimace”. <sup>2</sup>

Against classic rationalism, Henri Bergson rehabilitates “the conscience’s dates” – such as intuition , “vital élan”.

Sigmund Freud was the one that realized a true “copernician overturn” comparative to the rationalistic view of human –culture report , situation due to his

<sup>1</sup> Ralea, Mihai, 1972, Man’s Explication , in “Writings” vol.1 , Ed. Minerva pg 12. Contemplating the surrounding social life ,Mihai Ralea observed the rapacious competition between individual egoisms, greedy, and will to power .

<sup>2</sup> Blaga ,Lucian ,1985, *The Trilogy of Culture* , in Works ,vol .IX ,Bucharest , Ed. Minerva, pg 37

psychoanalysis .

Opposed to Nietzsche, Freud realized a dislocation of rational subject from its privileged positions. Human life psychic 's structure is made of three components: ego, id, superego.

The ego is the fundamental instincts' place (sexual and preservation ones), so well as repressed wishes. It contains contradictory tendencies to pleasure-Eros; and destroy –Thanatos.

The id represents an immediate component, made of main psychic functions of the human kind is governed by the reality principle having two balancing mechanisms: repression and sublimation.

The superego is the social level of psychic life, built through values' and social norms' assimilation, functioning as a censor –settles what is allowed and what is denied.

Civilization in Freud's vision is an accordance between social reports through restrictions that narrow the instinctual pulsions' satisfaction by low and moral norms and restrictions felt as frustrations and traumatism.

Civilization and humanity are torn between the union tendency of individuals in community forms and aggression that dwells in the depth of human being so between Eros and Thanatos, between the instinct of life and destroy.”

Culture and civilization are sublimation's product but conduct to dissatisfaction. In Freud's vision “man can't find his happiness in civilization's conditions”. The tendency to aggression is an innate, independent, instinctual disposition in man...it constitutes the powerful obstacle to culture. Cultures were always defined as integrative systems of values, but what value is?

Value is something to be appreciated and someone capable to appreciate- an objective moment and a subjective one. If the subject is collective or individual, generic or particular than we can ask “are the objects values because the subject is valorizing them, or the subject valorize them because they are values”<sup>1</sup>? The concepts about value are synthesized in many categories such as: relational, biological, autonomously, psychoanalytical, naïve realism etc.

The culture's symbolic function “metaphoric and revealing “as Blaga names it is in each cultural's creations (languages, religion, mythology etc) but in science as well because science is a form of revealing the mysteries of the world by mankind. Culture follows symbolic and revealing tracks and civilization practical ones because it doesn't have revealing character.

But civilizations aren't a collection of techniques, instruments and heterogeneous institutions, in which's nucleus functions a cultural model, a system of values and faiths, as George Calinescu said: “a civilization presumes a community of views and a consensus in all living forms”.

In the last hundred years existed interminable controversies regarding the situation between culture and civilization.

Civilizations are for many theorists like Braudel, Levi-Strauss, Toynbee

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<sup>1</sup> Grunberg, Ludwig, 1972, *Axiology and Human Condition*, Bucharest, Ed. Politics, pg.77

large unities of historical life, spread to a large geographical area, that integrates diverse communities and societies based on fundamental relationships. Civilizations in their typological and historical variety developed specific answering ways to men's fundamental needs, specific mechanisms to accomplish human's destiny.

In a world tensioned about globalization and identity, growing up interdependencies does not deny identities but made them redefined them; cultures' identity became a function of interdependency and not one of isolation.- Claude Levi -Strauss.

Historical resources showed that civilizations and cultures never lived as closed unities but they always practiced chances through ancient times. But one important problem is well to be remembered: "a humankind amalgamated in a single type of human life is unbelievable because we would become a stoned society."<sup>1</sup>

Even before the culturalism the sociologists that founded "The Chicago School" were highly interested of the cultural size of social relationships, because their investigations were about interethnicity and about the influence of culture of the immigrants as a factor of about interethnicity and about the influence of culture of the immigrants as a factor of integration in the receivable society.

Therefore we can explain a significant raise of studies about "urban" societies in the United states. "A community forms a micro cosmos representatively for its entire society, that allows understanding the totality of the community's culture.

The community's studies initial purpose was to define American culture in its totality, but Lynd's disciples were interested in recognition and studding the American cultural diversity than searching proves about the culture's unity."<sup>2</sup>

That studies created in time the concept of "subculture". Due to the fact that American society is extremely divers from the social point of view each social group belongs to a specific subculture. So we are talking about Linton's idea about "statuary personality".

Sociologists distinguish different subcultures due to social classes and ethnic groups.

There are authors that talk about the delinquents', gays', poors', and even youngs' subculture. Different groups can have characteristic ways to action and think but being part of global culture though its heterogenous societies impose less restrictive models than "ancient" societies.

"So called "against-culture" phenomenon from modern societies, such as the "hippies" in the sixty's and seventy's are nothing else than a form of manipulation of global culture that they pretend to oppose: put accent to problematic and heterogenous character."<sup>3</sup>

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<sup>1</sup> Ibidem ,pg. 61-62

<sup>2</sup> Apud Cuhe Denys ,(1996),2003), *The Notion of Culture in Socio-Humanistic Sciences*, European Institute, Iasi, pg. 74

<sup>3</sup> Ibidem, pg.75

An “against culture” movement doesn’t produce an alternative culture to the one that it opposes because an “against culture” is nothing else than a subculture. “Any medium group that has social ideas, values, norms and life styles too different from the big society, can be considered a subculture.”<sup>1</sup> Along the time sociologists asked themselves questions about of cultures and subcultures ‘continuity in different specific social groups. As an answer to that problem some sociologists found the notion of “socialization”, defined as an individual’s process of integration in a named society or in a certain group through of interiorization of thinking, feeling and action so, of cultural ways, specific to each society or group. Even if the notion of “society” became used recently –in the late thirties- it brings a fundamental problem of sociology that human being inclusion in society and his identification with it (society).

E. Durkeim doesn’t use the term of “socialization”, but in his work accord a special attention to this problem. In his opinion, each society transmits through education to his individuals cultural and social norms that assure his members solidarity, and those are more or less forced to respect them.

Talcott Parson, American sociologist, tried to accord Durkeim’s analysis with Freud’s, and in his conception in socialization’s process the family has a determined role being the first socializing factor , but the mates’ and school ‘s role is extremely important. In his vision socialization is institutioned at adolescence age, and if is a success than the individual will be well integrated in society if not, it will fail to delinquency. In that particular case, we can talk about sub-cultural individuals, Merton including in that category active minorities, because we are in front of persons that try to promote values and norms that substitutes the existing ones and militates for that . In that particular category we can include: ”terrorists, dissidents, and members of religious groups that belong to that category assume their delinquency and claim it’s legitimacy.”<sup>2</sup>

### Abstract

*Along the time sociologists asked themselves questions about of cultures and subcultures ‘continuity in different specific social groups. As an answer to that problem some sociologists found the notion of “socialization”, defined as an individual’s process of integration in a named society or in a certain group through of interiorization of thinking, feeling and action so, of cultural ways, specific to each society or group. Sociologists distinguish different subcultures due to social classes and ethnic groups. There are authors that talk about the delinquents’, gays’, poors’, and even youngs’ subculture. Different groups can have characteristic ways to action and think but being part of global culture though its heterogenous societies impose less restrictive models than “ancient” societies.*

<sup>1</sup> Goodman , Norman , (1998 [1992]), Bucharest , *Introduction in Sociology* , Ed. Lider, pg.59 , apud Georgiu, Grigore , *Culture’s philosophy* , Ed. SNSPA

<sup>2</sup> Raymond Budon (1992,[1997]) *Sociology ‘s Treatise*, Editura Humanitas, Bucuresti, p. 440

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## Ceasing the Assurance Contract

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### Resumé

*La necessite d'etre assure est indispensable por les gens d'aujourd'hui, parce que ils doivent se proteger eux/memes et leurs biens, contres les evenements imprevus. Dans la litterature de specialite, il y a des auteurs qui pensent qu'il y a deux moyens de finir un contrat d'assurance : le moyen usuel (arriver a terme, la survenance de l'evenement assure) et le moyen non-usuel (la denonciation, l'anulation)*

The contractual practices from the economical activities, especially those of the modern, capitalist society, contributed to remodeling the content of the assurance notion. The normal development of the economical processes of the contemporary era implies huge investments, series production, the circulation of goods of immense values, applying for bank credits that are far-reaching and so on, on behalf of economical agents. To avoid irreparable losses and for a most profitable administration of the material interests, they assure their goods and services, thus lowering the value of the damages they would suffer (considering that they operate with very high costs of the rough materials, base materials, technique equipments, with quite large salary funds, that can become insurmountable).

As a result, the assurance in the context of economical activities, is a characteristic of the functioning mechanisms of those, which action in the sense of protecting the interests of the economical agents and maintaining them on the goods and services market. For that they appeal to strong assures capable to guarantee the viability.

The assurance contract is that by which the assured must pay a prime to the assure-man, and this one is obliged that, when a certain risk is produced, to pay the assured or beneficiary the compensation or the assured amount, named from now on indemnity, between the convened limits and terms.

In the specialty literature there are sustained the two ways of ceasing an assurance contract:

- usual ways: reaching the term, producing the assured event;
- unusual ways: denouncing, cancellation, annulment.

## A. Usual ways of ceasing an assurance contract

### 1. *Getting to term*

This is the usual way of ceasing the assurance contracts with a determined period, that means that the period for which is has been settled is over.

### 2. *Producing the assured event*

This way is met in the life-assurance case and that of accidents of persons, if the assured case is revealed. After the assured amount has been paid the assure-man does not have any obligation to the assured, and thus the contract stops.

In the case of goods-assurance, the contract stops only if, by realizing the risk, the assured good has been totally destroyed. If the destruction has been partial, the contract continues to produce its effects for a reduced assured amount.

The solution is applicable to the civil responsibility assurance also. If the assured amount is not exhausted by acquitting the damages to a third party injured by the act of the assured, the assure-man will respond as follows until the concurrency of the contracted amount.<sup>1</sup>

So these ways are usual, because the contract ceases normally, at the moment of expiring the settled term by the parties or in the case in which the assured event has taken place.

## B. Unusual ways of ceasing an assurance contract

### 1. *Denouncing the contract*

Denouncing the assurance contract, by one of the parties, can take place in the cases expressly mentioned in normative acts of this field. The sealed contract on an undetermined period of time can be denounced by any of the parties. In the contracts sealed on a determined period of time, the assure-man can denounce the assurance contract in next cases:

a) If the assured hasn't communicated in writing, the updates occurred during the contract, concerning the facts mentioned at the sealing of the assurance. The denouncing can be exerted only if the interfered update excludes, according to the assurance conditions, maintaining the contract. In the case in which it is proven that the assured was a bad-willed person, the dispositions on the denouncing the contract have an imperative character.<sup>2</sup>

b) If it observes that the assured hasn't fulfilled its obligation to maintain the goods or did not take preventative measures imposed by law;

<sup>1</sup> I.Macovei, D.Popescu, *Contractul de asigurare*, Ed. Junimea, Iasi, 1982, p.229

<sup>2</sup> V.Ciurel, *Asigurari si reasigurari:abordari teoretice si practice internationale*,Ed.All Beck, Bucuresti,2000

c) If, after producing the assured event, namely the payment of the assurance indemnity, the contract is still valid.

The assured had the right to denounce the assurance contract, in the case in which, the updates on it, communicated by the assure-man, are unacceptable.

The assurance contract produces effects only for the future, this being a contract of successive execution. Retaining the primes for the period in which the contract was valid is normal, but accepting the primes is not justified after the contract has been denounced, due to the fact that it would lead to unjustified enrichment of the assurance part.<sup>1</sup>

## 2. *Canceling the assurance contract*

Canceling the contract marks its annulment for the future having as reasons not executing the obligations by one of the parts.

The assured may cancel its policy at any time, with the condition of following the asked procedures. Usually, canceling is made by returning the policy to the assurance company and a certain writing, anticipated, concerning the date at which the policy will be canceled. As far as the assure company is concerned, that must announce the principal parties in writing, a certain number of days in advance to the canceling date. The anticipated announce must permit the assure-man an interval of time to obtain a new assurance.<sup>2</sup>

Due to the fact that canceling<sup>3</sup> can produce effects for the future, the primes are never given back.

Canceling the contract can interfere only in the first three months that follow the producing of the event. Canceling is valid after one month after the other contractual part was notified about this thing.

The assure-man must return to the assured the part of prime or subscription corresponding to the time in which the risk did not take place, the period being calculated starting with the definite day of the contract's cancellation.

It can't be prevailed the payment of a certain indemnity to the assure-man in cases of cancellation mentioned above.

## 3. *Annulment of the assurance contract.*

The contract is null when it has been sealed without respecting the essential

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<sup>1</sup> Ibidem, p.212

<sup>2</sup> Dan Anghel Constantinescu, Marinica Dobrin, Ana Maia Ungureanu, Daniela Gradisteanu, *Tratat de asigurari*, Bucuresti, 1999, p.93-94

<sup>3</sup> According to *Code assurances*, France (Art. L113-16) in the case of the following events:

- change of location;
- change of marital status;
- change of marital regime;
- change of profession;
- retirement or permanent ceasing of the professional activity, the assurance contract can be canceled by each of the parties when it has as subject, the guarantee of risks in direct relation to the previous situation and not present in the new situation.

conditions of validity.

The annulment of the assurance contract operates for the future, as well as for the past, this fact bringing the contract parties to judicial situation that they had at the sealing of the assurance. Putting back the parts to the previous situation has as result both-sides refund of the caterings. The assurance company must refund the cashed assurance primes, and the assured, in case he paid it, the indemnity.

### **Abstract**

*The necessity of being insured is indispensable for the present day individuals, because they must protect themselves and their goods against unexpected events. In the specialty literature there are sustained the two ways of ceasing an assurance contract: usual ways( reaching the term, producing the assured event) and unusual ways( denouncing, cancellation, annulment).*

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## Public Relations at Crossroads – between Philosophy and Sociology

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### Resumé

*Cet article-ci fait l'analyse des fondements éthique des relations publiques dès le commencement empirique jusqu' au présent modern de cette discipline. A partir de la définition que R. Harlow a formulé en 1976, après avoir étudié plus de 472 de définition des relations publiques, et faisant la comparaison avec les modèles de l'évolution de cet domaine des sciences sociale (élaborés par J. E. Grunig et T. Hunt), l'article souligne l'identité spécifique des relations publiques modernes – en même temps art, science et éthique de la communication dans l'espace social.*

It is considered that the Ethics of Public Relations were shaped with this subject's growth. Nowadays the coherence of what the Public Relations become it is clearly made visible, by analyzing the main steps in making the Public Relations an independent scientific domain, within the complex 'family' of Communication Sciences. Thus, maybe paradoxically, the ethical principles that sustain the whole edifice of the contemporary communicational system of modern Public Relations find their origins in the shocking violation of some minimal moral rules. The example of Taylor Barnum may be eloquent in this case, and we will refer to it later on in this paper.

There is a suspicion that sometimes hovers over the departments or firms that deal with Public Relations and that is due both to the nature of the role held by that this kind of relations in the wide variety of the social space, and to its controversial evolution. This evolution comes from the promotion of an unidirectional pattern of communication (organized for a propagandistic aim), to that of a bi-directional communicative one (oriented on both on the objectives of a Public Relations Agency-NGO, firm, governmental agency, and so on- and on the public's needs –that can be satisfied through the activity of that very agency/organization, and that of course respecting some ethical and deontological principles specific to the Modern Public Relations<sup>1</sup>.

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1. James E. Grunig and Todd present in the work "Managing Public Relations"(1984) the first try to theorize the shape of the Modern PR, by delimiting 4 patterns specific to the main moments of their historical evolution. The information about this first theory referring to the evolution of PR in the USA, have been obtained both from the course Public Relations written by lect.univ.dr. Remus Procopie (p. 4, 26-28, 44-45) and from the book of Denis Mc Quailand

We have to specify that Modern Public Relations have remarkably enriched the Reference System with an ethical principle as compared to its incipient period, both as independent academic discipline and as practice in different fields of social life (economy, politics, entertainment etc.) It is necessary to analyze the nature of public relations both from the perspective of the definitions given by theorists throughout time (culminating with that of Rex F. Harlow) and from the one of symbolical interaction (especially Erving Goffman's vision on social life). Although Goffman "develops a style centred on the individual seen as an actor in the social life's show"<sup>1</sup>, his work presents a pertinent methodological and theoretical point of view of both the micro-social universe (that of individual performances) and of the macro-social one (represented by economical, social, cultural institutions and organizations).

For a very long time, Public Relations have been identified as being some propagandistic practice, meant to manipulate the public opinion to support the objectives of different organizations or of economical, political, or cultural institutions. Right from their beginning as practice for the organization - seen as transmitter - and the different categories of public - as each communicative act - they present the features of a drama performance. If "the information about an *individual* help to define a certain situation, right from the beginning, then they offer the possibility to know what is the individual expecting from them and, in turn, what they can expect from that individual"<sup>2</sup>. Then, it is obvious that the individual (in a voluntary or non-voluntary way) will express himself and "the others will have to be *impressed* by him in one way or another"<sup>3</sup>. Thus, from the "performer-like individual" there will appear as a direct result the intention of *controlling the others' attitude*, moreover their reaction at his appearance<sup>4</sup>. An important issue that must be analyzed is the moral character of projections, and the *reality impressions* performed by that individual. In this way, Goffman considers that "the society is organized on the principle that each and every individual that possess certain social features has the *moral right* to expect to be evaluated and treated by the others in accordance to his condition. There is another principle that derives from this one, and that is "an individual that proves that he/she has certain social features (in an implicit or explicit way) *should be what he/she pretends he/she is*, (...). He/she exerts a moral request on the others, making them to evaluate and to treat him/her as the people of his kind expect to be treated. Defining the social role as being "the ... rights and duties related to a given status", Goffman

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Sveb Windahl, "Communication patterns for mass study", translated by Alina Bargaoanu and Paul Dobrescu, Bucharest, 2001, p. 162-165.

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<sup>2</sup> Goffman, Erving (2003). *Daily life like performance* (translated by Simona dragan and Laura Albulescu). Bucharest: Communication.ro, p. 29-43.

<sup>3</sup> see Gustav Ichheiser, "Misunderstandings in Human Relations", supplement for *The American Journal of Sociology*, L September 1949, p.6-7 apud Erving Goffman, read works, p.30

<sup>4</sup> Erving Goffman, read works, p. 30

considers that the social role “implies more *routines* and that each of different roles may be presented by the performer, on different occasions, to the same types of audience or to the same audience as well”<sup>1</sup>. In this permanent change of projections, coding and un-coding, the audience (“the others”, “the witness”, of the staging) always has advantages over the actor (the performer), because the ability to decrypt one person’s behavior to expose his “calculated non-willingness” seems to be better developed than the ability of manipulating his own behavior by every performer-individual<sup>2</sup>.

Thus, we understand why Public Relations have first developed under empirics, as individual practice, built less on scientific grounds than on personal life experience, “flair”, spontaneity, type of personality whose control is centered on the insight. We also consider viable the possibility to influence others opinion through the activity done by the performer-like individual and other necessary but not sufficient ‘ingredients’- as being observed along the time- to a true professional in PR. In this way, there has been developed the first step of the inter-human relationship in general and of the Public Relations in particular. There exists the possibility that the actor, whatever it may be (an organization, institution, *department, or PR Agency*) can promote a certain *reality impression* or perform a certain part in this way, intending to control the audience’s responses and reactions. Although the latter (the audience) is placed in a passive attitude, it can more shrewdly decrypt the performed behavior rather than the actor that cannot control the staging of his own reality impression. Each performance’ deviation into the false horizon brings with it a series of regulatory behavior:

- On one hand, (that of the audience) there is blame It is trying to re-establish the order through adequate appreciations, and it is adding punitive reactions;
- On the other hand, (that of the performer) there are activated different types of defense devices. These are meant to retrieve the lost symbolical capital.
- The first element of PR’ ethical basis is this *moral control over the projections* of various performers that act into the communicational space. This leads us to an essential request in what concerns the job of a public relations officer, and that is, “judgment errors are not forgivable in PR”. (...) He/She is expected to do his/her job with passion and responsibility:
- *Passion* in order to persuade and to have the courage to fight for their own ideas, to work under pressure and after inhuman schedules, to let the creativity run wild;
- *Responsibility*, because all that he/she does can lead the organization on dangerous or, on the contrary, on happy paths; “*because an error can*

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<sup>1</sup> Ibidem, p.43

<sup>2</sup> Ibidem , p. 36.

*damage the organization's reputation or even his/her own one"*<sup>1</sup>. A so-called 'Relationist' that makes a mistake is *fully responsible*.

Public Relations can be considered the natural consequence of the need to control others' opinion, i.e. public opinion, maintaining in the right parameters the symbolical capital of a firm, organization, governmental agency, a NGO, etc. in the communicative process. There are some essential characteristics deriving from here. In 1976, Rex F. Harlow, after studying 472 definitions of PR and combining their essential elements, drew some important conclusions that define the role and function of PR:

1. Public Relations represent the distinctive managerial function. This helps in establishing and maintaining some mutual communicative boundaries, mutual acceptance and cooperation between a company and its public
2. They help in the Conflicts' Management, helping the managers to be informed over the public and to answer to its requests.
3. Also, they define and accentuate the managers' duty – to anticipate the tendencies. Research and communication *based on ethical grounds* are used as main instruments<sup>2</sup>.

Still, it is a long way to obtain that definition, it is rather complicate and it eludes a multitude of ethical principles that finally comes to integrate in this definition.

Two points of view complete one another referring to the evolution and becoming of PR in the modern form as known nowadays and, in this way, applied to in the specialized communication spaces. The first is that of J.E. Grunig and T. Hunt –they consider that Public Relations represent the management of communication between the organization and the public categories. Analyzing the features of the communication process specific to them, they will bring 4 patterns that will correspond to a certain historical period in the evolution of Public Relations: the impresario/publicity kind, the public informer one; the bi-directional and asymmetrical PR, and the bi-directional and symmetric PR<sup>3</sup>. Studying each case, we observe:

1. The impresario/publicity kind, promoted between 1850 and 1899. It is characterized through a unidirectional, persuasive communication, from the company-transmitter, to the public-receiver. Its aim was a propagandistic one, and there is a poor quality of the information through that pattern, from the perspective of their value as truth. An

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<sup>1</sup> Bernard Dagenais. (2002) *The Relationist Profession* (translated by Anca-Magdalena Frumusani, Iasi: Polirom, p 83

<sup>2</sup> Rex F.Harlow, "Building a Public Relations Definitions", *Public Relation Review*2, no.4 (winter 1976): 360 apud Remus Pricopie, "Public relations" (course), p5 and Bernard Dagenais (2002) *The Relationist Profession* (translated by Anca-Magdalena Frumusani, Iasi: Polirom, p. 55

<sup>3</sup> Denis Mc Quail and Sveb Windahl, 2001. *Communication Patterns for Mass Study* (translated by Alina Bargaoanu and Paul Dobrescu). Bucharest: Communication.ro p. 162-165 and Remus Pricopie, read works, p. 44

eloquent example of that period is P. T. Barnum, a controversial character of his times, but that will stand in the memory of PR as “maestro of pseudo-event, maestro of planned happenings”- basic elements of modern PR.

2. The public informer kind, that characterizes the period between 1900 and 1919 and that, unlike the first one, will use correct and complete information. But the communication will still remain unidirectional. A central figure in this period is that of Ivy Lee that formulates new ethical principles in the practice of PR and these will emphasize on informing the public-*The Public be Informed*. He puts the PR in the horizon of a moral image, surpassing the well-known expressions: *The Public be Fooled* and *The Public be Damned*, and the philosophy specific to the PR promoted to the end of the XIX- th century (characterized by totally ignoring the public, but also by the lack of social responsibility of those who practiced the PR)<sup>1</sup>.
3. The bi-directional and asymmetrical PR presents a fundamental turnout both in the evolution of PR as communicative process and in what concerns the ethical grounds of its actions. That kind of communication is no longer a unidirectional one, but a bi-directional one, the feedback playing an important part in the self-controlling process. Although, within this pattern there can not be identified the essential elements of a scientific persuasion, still, the public’s needs, the objectives, the interests remain on the second position as compared to the aims of the company that practise this kind of PR.
4. The bi-directional and symmetrical PR puts the Public Relations on ethical and explicit deontological grounds. Also initiated by Edward L. Bernays, this pattern will be developed into a long- term partnership between the organization and the public categories. Public’s interest is, in this case, on the same step with the organization’s objectives and the PR’ function would be that of mediator, until reaching a correlation between them.

Apart form the theories of J. E. Grunig and T. Hunt, there has been another point of view, that of D. Newsom and his associates – J.V. Turk and D.Kruckenerg<sup>2</sup>. This theory wins a great deal of prestige due to the completion to Grunig and Hunt’s theories, with a pertinent analysis of techniques’ evolution used in different contexts, specific to the Public Relations. Also, the stages have been clearly defined in time and they have been associated to certain historical moments; they completed one another, in this way contributing to a coherent deciphering of the evolution of PR throughout time.

Enlarging the applicability in different fields (economy, culture, politics), PR became different from Advertising, due to the necessity of consolidating its

<sup>1</sup> D.L.Wilcox; P.H.Ault; W.K. Agee (2000). *Public Relations. Strategies and Tactics*. Harper Collins College Publishers, 6-th ed., apud Remus Pricopie, read works, p.52

<sup>2</sup> *Ibidem*.

*credibility* (in this way there appeared a ‘self-conscience’ of the new field). PR gained own identity through the communication process –specific to the Socio-Human field, through elaborating a coherent complex of concepts, laws and own research techniques and strategies.

The growth of the PR implies an explicit preoccupation for respecting some ethical and deontological principles, principles that suppose a certain transparency both in the research process and in the public campaign. Although there are many agencies those still uses the old-fashioned patterns in PR, there is a general increase of social responsibility from the agencies to the end of the XX-th century. Why did this turnout happen? Why did this preoccupation for transparency, for de-centering from the organization’s aims and identifying the public’s needs appear, in this way leaving the unidirectional old patterns specific XIX-th century and even the beginning of the XX-th century?

The necessity of a credibility capital led to the drawing up of new campaigns in order to emphasize both the techniques and methods’ transparency used in organizations counseling and the customers’ activity (respectively of the PR departments). “The Agency’s self-introduction” is based on strong ethical and deontological principles. Also the same is with: the Agency’s ‘image’- made under an aura of transparency, of respect for the targeted public categories-, the preoccupation for the information, for their value of truth and avoiding the disturbing actions. The permanent changes from the economical and social field have imposed a new approach from the active practitioners, one that cannot ignore the Public Opinion (no matter if it is a governmental or non-governmental institution, active in the economical, political, social or cultural field). This approach has to be persuasive, convincing, it has to take into account the targeted public categories, no matter if it does that for gaining some profit or for any other cause. Modern marketing real purpose is to identify the wishes of some potential customers and also to evaluate their ability of becoming buyers of any material and immaterial goods that would satisfy their requests. In this way, the marketers *do not really create needs*, but they can *influence* the wishes through which they can satisfy the desires of the targeted public. Edward L. Bernays considered that: “Each and every firm and agency should be aware of the new conditions and it should adapt its behavior so as those that depend on it to keep their benevolence<sup>1</sup>.”

Although active in the human communication field, PR may be frequently suspected by the possibility of transmitting false information. *The lie* in PR is a concept that acquires contradictory values, directly proportional to the effects on the Public Opinion. How can we then identify a lie? According to Ryan and Martinson, there are some kinds of lies in PR:

- The refuse to comment some journalists’ statements;
- To offer evasive answers to clear and distinct questions asked by the journalists;

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<sup>1</sup> Denis Mc Quail and Sveb Windahl, 2001. *Communication patterns for mass study* (translated by Alina Bargaoanu and Paul Dobrescu). Bucharest: Communication.ro p. 162-165 and Remus Pricopie, read works, p. 26-28

- To deny and infirm the rumors about the organization and about the members of the Board (through denial or counter-lie);
- To deliberately hide the correctness of the information already held by the journalists and checked as true and revealing it only under pressure;
- To communicate other information to the wide public than that approved by the Board;
- To hide information from the client

There is a thin line between “the Utilitarian Ethics” and the “non-professionalism” crossed by the wings of a large fan, from “the white lies” (for gaining the journalists or public opinion’s approval) to “the grey lies”(that can become useful devices in avoiding or hiding negative aspects of the discussed topic)<sup>1</sup>. PR’s growth and its substantiation on ethical and deontological grounds have been made in parallel or maybe because of the society’s growth, of strengthening the civil society, of its continuous education to limit the impact of public’s manipulation.

By further discussion about the PR’ Ethics and its immersions into Philosophy, I can emphasize the great importance that Kant gave, at the same time presenting his opinions about lie. Kant said that: “the greatest violation of the man’s duty for himself (considered to be a moral being), (the humanity in its own) is the opposite of truthfulness, the lie (*aliud lingua promotum, aliud pectore inclusum genere*)<sup>2</sup>. It is clearly proved the fact that, in Ethics, each premeditated untruth could not avoid this stressed name, its harmlessness not bringing any kind of further authorization”<sup>3</sup>. Here comes obvious the responsibility that each active practitioner from the PR has to take for the ‘value of truth’ of the information disseminated into the Public Space. So, the Relationist profession combines art with science, and more and more increasingly with *ethics*, a necessary ingredient for transparency and, implicitly for the credibility of the PR campaigns.

That is why I have chosen the Andrei Plesu’s quote: ‘The moral talent is the ability to transform the ethical interdiction into a free but adequate behavior’ as a motto for my paper. Here, Andrei Plesu emphasizes the motion of some moral issues by activating them into the philosophy of a so called ‘every day life’. By saying ‘moral talent’, he makes the transition from the Decalogue’s strictness (What you are not Allowed to Do), to the affirmative act, adapted to some particular events. The moral talent represents the ability to value *The Dynamics of Neuter Principles* in the infinitely invariable context of daily moral debate. To have a moral talent is to have the intuition of the palpable ethic, well distinguished by the generic law validation: to betray the Law in order to remain faithful to its spirit”<sup>4</sup> The PR active modern practitioner has to reach the artistry of spontaneous

<sup>1</sup> Edward L. Bernays. (2004). *Crystallizing the Public Opinion* (translated by Florin Paraschiv). Bucharest: Communication.ro

<sup>2</sup> There is one thing to talk (to communicate), and there is another thing to lye (It).

<sup>3</sup> Kant, I. (1999) *The Metaphysics of Manners*. Bucharest : Antaios. p.252

<sup>4</sup> Andrei Plesu (1988) *Minima moralia*. Bucharest: Romanian Book. p. 80-81

wording, doubled by scientific grounds of communication, guided by the permanent presence of Ethics in this activity as a provocation for a free, creative spirit, for there are no few those that consider Public Relations as “un etat d’esprit”<sup>1</sup> (Fr., ‘a state of the spirit’).

### Resumé

*This article focuses on the analysis of the ethic foundations of public relations since the empiric beginning to the present-day status of the discipline. Starting from the definition given by R. Harlow in 1976, after having studied more than 472 different definitions of public relations, and doing a comparison with the patterns of evolution of this domain of social sciences (elaborated by J.E. Grunig and T. Hunt), this article emphasizes the specific identity of modern public relations-and at the same time focuses on the art, the science and the ethics of communication within the social space.*

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<sup>1</sup> “(...) Public Relations represent a state of the spirit than can be shared by all the partners of an organization. The Originality ( of PR) resides in the objectives, and mainly in that trusting climate between the organization and its public”- Bernard Dagenais. (2002). *The PR as Profession* (translated by Anca-Magdalena Frumusani). Iasi: Polirom. p. 40

## **Anthropologie du corps, communication de genre et perception du corps féminin – comparaison entre la photographie italienne de Vanessa Beecroft et la photographie de mode en Roumanie**

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### **Abstract :**

*In this article, we will focus on the issue of construction and perception of the feminine body in the work of Vanessa Beecroft. We are going to study the way in which Vanessa Beecroft transgresses feminine stereotypes and the image of the woman as masculine icon. We will also analyze the manner in which she uses the feminine body as an instrument to master power. We will see to what extent this control of the body is synonym of a control of cultural and social expectations and we will analyze the approach used in VB 52 in which gestures, the orientation of the body and the attention granted to the occupation of the spatial field define the table as space and place of collective learning of conviviality. Finally, we will realize a brief comparison between the perception of the feminine body with Vanessa Beecroft and the one we find in fashion photography in Romania.*

### **1. Expositions de Vanessa Beecroft. La mécanique du corps féminin**

Vanessa Beecroft présente dans ses expositions des corps de femmes dont plusieurs sont souvent nus. Toutefois, ce n'est pas pour réagir aux récriminations du regroupement reconnu pour et par son anonymat que Beecroft fait de telles propositions. Nulle stratégie ne semble à l'œuvre chez Beecroft pour donner coûte que coûte une visibilité aux artistes de genre féminin. Ses performances représentent en effet des tableaux vivants reprenant en quelque sorte, dans une manière particulière, la problématique de la perception et de la mise en scène du corps féminin et la thématique du nu.

L'artiste Vanessa Beecroft retire aux femmes qui figurent dans ses expositions la parole, elle dépersonnalise les corps qu'elle fait voir comme purs spectacles visuels. Ces femmes sont là pour être vues, pour être explicitement regardées, ce qui, déjà, renvoie à une certaine représentation des femmes vues par un certain féminisme.

Vanessa Beecroft se préoccupe de la construction et de la perception du corps féminin tout en transgressant les attentes culturelles et les fondements théoriques des récepteurs.

L'artiste Vanessa Beecroft sélectionne des corps, principalement féminins, préférablement de poids, de taille, et d'âge semblables, idéalement de même origine. Ainsi les femmes s'uniformisent-elles par leurs caractéristiques communes.

Le travail de l'artiste présente ainsi une image neutralisée des femmes qui sont toutes courtement vêtues et portent des talons aiguillés. Parce que la nudité (et même la quasi-nudité) pourrait tenir lieu d'un uniforme qui a un potentiel neutralisant. L'uniformité est toutefois transgressée chez Beecroft. Parce qu'on y trouve toujours, en effet, des figures, des accessoires légèrement dissemblables, mais qui ne nuisent pas suffisamment cependant pour laisser croire à un semblant d'homogénéité.

Presque nues donc, sans expressions, et choisies pour leur corps aux proportions souvent enviées, ces femmes ne sont pas pour autant sexy, n'ont pas du sex-appeal. Des accessoires comme des perruques, des has de nylon, des faux cils, de longs ongles au vernis vif répriment même toute sensualité en renvoyant parfois au grotesque. Étrangement, ce sont les signes mêmes d'une certaine féminité exagérée qui renversent les effets recherchés par ces mêmes signes. Il y a donc peut-être chez Beecroft une volonté de sublimer les attributs de la féminité.

Photographie no 1<sup>11</sup>



Beecroft, de son côté, avoue vouloir présenter ces femmes expressément de cette façon, partant de l'idée que le talon haut – souvent des Manolo Blahnik – leur conférerait un certain pouvoir – un pouvoir qui cohabiterait paradoxalement avec la neutralité. La quasi-nudité des femmes-figurantes dans ses expositions les place dans une situation fragile et sans défense, autant elle les engage dans un rapport de soumission au public – qui participe aux séances photographiques –. Puisque leurs regards se trouvent confrontés aux regards que les autres portent sur elles, les femmes participant à la mise en scène se rendent compte que leurs corps, ne pouvant plus circuler aussi librement dans l'espace du dispositif de l'artiste, se retrouvent toujours poursuivis. Les corps de Beecroft occupent littéralement

<sup>1</sup> La photographie numéro 1 de même que les autres photographies sont prises sur les sites : <http://www.artnet.com/artist/691382/vanessa-beecroft.html>, <http://www.exibart.com/profilo/eventi/V2.asp/idelemento/20714>, <http://www.designboom.com/portrait/beecroft.html>, dernière consultation le 26 avril 2007.

l'espace du dispositif de l'exposition. Ils s'imposent et, ce faisant, installent une distance qui les rend dès lors inaccessibles.

Beecroft donne des consignes aux femmes figurantes dans ses expositions: il ne faut pas qu'elles se parlent entre elles, ou si elles se parlent, elles parlent peu, il ne faut pas qu'elles parlent au public, qu'elles bougent ou si peu. En fait, Beecroft exerce sur ces femmes un contrôle pour ainsi dire total. Sans véritable liberté d'action, ces femmes agissent tels des automates au corps vulnérable. Les corps des femmes deviennent sa matière première qu'elle va modeler.

Dans les performances-installations de Beecroft, qui souvent durent plus de deux heures, les femmes sont dociles. Elles se conforment aux directives de l'artiste, comme des militaires bien dressés. Son usage (*VB 39, U.S. Navy, 1999*) de soldats de la marine américaine manifeste très clairement son attrait ou sa fascination pour le corps et l'esprit maîtrisés répondant à des impératifs extérieurs en accord avec des manières d'être et de paraître, vraisemblablement, parfaitement intégrés. Apparemment, Beecroft montre le corps de l'ordre, de la règle, qu'une société, ou une communauté, rend normatif pour sa survie, avec les petits écarts qui sont tolérés. Chez Beecroft, il y a une exhibition et une perception du corps, non pas générées par les femmes qui font groupe, mais injectées par l'artiste qui décide de la mise en scène.

Dans ses expositions, Beecroft met des corps en situation d'être regardés, depuis qu'elle est à la recherche de corps, en quelque sorte, en représentation. De cette représentation qui signifie une appartenance sociale et culturelle.

Les corps des femmes de Beecroft s'exposent donc tout en apparence, car dans le silence, sans paroles et sans voix, l'identité s'efface devant l'apparence. Une apparence qui est toute concentrée dans la retenue de la gestuelle des modèles.

Le corps se retient, c'est la même le fondement des performances de Beecroft.

Dans son texte «Corps colonisé, imaginaire dépossédé», Barbara Michel soutient que la maîtrise des apparences est source de pouvoir<sup>1</sup>. D'acceptation facile parce qu'il laisse entendre que cette maîtrise du corps équivaut soi-disant à un contrôle des attentes culturelles et sociales, cette affirmation nous semble encore plus pertinente lorsque nous la mesurons au travail de Beecroft dans ce qu'il dégage comme lien implicite entre le pouvoir et l'uniformité, confondue quelques fois avec la neutralité. Car si, en effet, Beecroft choisit expressément des corps qui répondent aux exigences de la maîtrise des apparences, elle rend visibles, du même coup, les discours qui l'accompagnent. Les apparences sont sérieuses, affirme Barbara Michel, elles mêlent savoir et fiction, elles récitent l'idéologique [...]<sup>2</sup>.

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<sup>1</sup> Judith Butler, *Les Imaginaires du corps. Arts, sociologie, anthropologie. Pour une approche interdisciplinaire du corps*, (sous la direction de Claude Fintz), Paris, L'Harmattan, 2000, pp. 371-380

<sup>2</sup> *Ibidem*, p. 377.

Les corps maîtrisés, voire mécanisés sont presque immobiles dans les représentations de Vanessa Beecroft ; ils sont résistants aux impératifs culturels qu'ils semblent respecter (la femme-modèle par exemple, puisque dans beaucoup de séances photographiques elle embauche des femmes au corps ordinaire). Chez Beecroft, le corps apparaît donc comme le lieu d'une résistance : il tente de retenir quelque chose de lui, la manifestation de sa souffrance, de son ennui, ou de quelque manque de réalité puisqu'il se met en scène lors d'une exposition.

## **2. La gestuelle, l'ouverture du corps et l'attention accordée à l'occupation du champ spatial de la table comme espace et endroit d'apprentissage collectif de la convivialité**

Dans une performance qui s'appelle *VB 52* (2002), Beecroft occupe pendant plusieurs jours le château de Rivoli à Turin. Beecroft réussit à obtenir de produire *VB 52* dans un espace familial qui l'inspire précisément parce qu'il abrite des femmes qui renvoient à la haute aristocratie turinoise et qui sont supposées actualiser l'ancien rituel de convivialité à la table. Dans ce lieu, Beecroft met en scène une vingtaine de femmes, différentes cette fois. Parmi elles se trouvent des membres de sa famille (sa demi-sœur), des modèles représentantes de l'aristocratie turinoise, modèles qui avaient déjà collaboré avec l'artiste pour d'autres expositions. Ces femmes sont censées réactualiser l'ancien rituel de convivialité pour que l'artiste voie si la gestuelle, la façon d'occuper champ spatial de la table comme espace et endroit d'apprentissage collectif de la convivialité sont performées d'une manière similaire à celle ancienne.

Alors que les filles de sa mise en scène arrivent tant bien que mal à ne faire à peu près rien, Beecroft prend des photos d'elles, plusieurs photos. Comme un photographe de mode qui fait suivre les clichés les uns derrière les autres pour ne rien perdre de ce qui pourrait lui échapper. C'est d'ailleurs ces clichés que la plupart des gens connaissent de Beecroft qui, elle, préfère de loin le temps réel de la performance à laquelle assiste un public réduit.

Au Château de Rivoli, l'ambiance a été surprenante lors de la mise en scène de *VB 52*. À la lumière de trois énormes lampes sphériques suspendues à la voûte, une vingtaine de femmes se tiennent assises à une grande table de verre lors de la mise en scène.



De la gauche vers la droite, elles sont placées de la plus âgée à la plus jeune, de la plus vêtue à la plus déshabillée également.

De ce que nous pouvons observer dans les photos prises lors de la performance, l'idée d'un dégradé se retrouve aussi dans les délicats tons pastel de leurs vêtements : du beige, on glisse subtilement sur les différentes teintes du spectre chromatique. Comme dans les performances antérieures, les femmes demeurent plus ou moins immobiles, ne se parlent pas ou se parlent peu, ne sourient pas. Mais il y a des serveurs qui entrent en scène, les bras chargés de victuailles de couleur blanche – de la purée, des œufs, du chou-fleur – dont ils servent les convives.

Durant près de cinq heures les mets se succèdent, tour à tour de couleur verte, rouge, orange et les femmes mangent, boivent ou simplement respirent. L'ambiance est totalement étrange, très proche de celle qui émane du sentiment d'assister à un événement rituel, mais pour lequel on subordonne une explication rationnelle qui nous échappe cependant, faute d'avoir nous les récepteurs les bonnes clefs Il faut peut-être repasser le film de la performance plusieurs fois ou à l'envers pour saisir l'enjeu de *VB52*, performance organisée par Vanessa Beecroft à l'occasion de sa rétrospective au Castello di Rivoli.

Comme nous l'avons déjà dit, les femmes de *VB52* qui sont issues de l'aristocratie turinoise ou ont certains liens avec le musée et qui sont aussi des modèles avec lesquels Vanessa Beecroft a déjà travaillé pour d'autres performances (des mannequins ou des proches, comme sa demi-sœur) sont sujets d'un scénario, du rituel du repas qui met en scène les correspondances entre aliments et couleur et qui se réfère bien sûr directement à l'œuvre inaugurale qu'est *Despair- The Book of Food/ Il libro del cibo*, un journal où l'artiste détaillait de 1985 à 1993, jour après jour, heure après heure, tout ce qu'elle ingurgitait en termes de nourriture, les rituels qui y étaient associés et les tabous qu'elle s'imposait<sup>1</sup> *VB52* représente une

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<sup>1</sup> La première performance de l'artiste est liée à la publication de *Despair*, en 1993.-un registre de tout ce qu'elle a mangé entre 1985 et 1993 et par lequel elle cherche à écarter les effets négatifs de l'anorexie à laquelle elle s'est confrontée pendant plusieurs années.

sorte d'événement magique, intemporel, car oscillant continûment entre une Cène italienne et un dîner en apesanteur dans une station spatiale, la mise en scène renvoie aussi à une performance rétrospective.



Ce qui nous semble particulièrement intéressant est que – lors de cette mise en scène du rituel du repas avec des modèles représentantes de l'aristocratie turinoise de tous les âges qui sont regardées tandis qu'elles bougent, qu'elles mangent, qu'elles occupent l'espace de la performance, – l'acte de manger peut être perçu comme manger du symbolique<sup>1</sup>.

Ce que les femmes mangent selon leur goût est empreint de signes et de symboles. Si elles consomment certains des plats exposés sur la table de la performance, elles incorporent en fait les aliments d'une culture et progressivement une culture des aliments, avec ses racines, ses traditions, mais aussi son désir d'innovation, de transgression et des tabous alimentaires. Il s'agit des tabous qui traduisent en effet les tabous alimentaires de l'artiste qui dans une interview à *Style* avoue qu'il y a certains aliments qui, en fonction de leur couleur, peuvent être bien

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<sup>1</sup> Voir l'article de Jean Jacques Boutaud, «La table-communication symbolique et métaphore de la communication», *L'imaginaire de la table. Convivialité, commensalité et communication*, Paris, L'Harmattan, 2004.

ou moins bien ingérés et que ce sont ces mêmes couleurs qui mettent leur empreinte sur le visage des consommateurs.

L'artiste a le pouvoir d'inventer la table aussi bien qu'un imaginaire de la table qui combine les plats et qui crée la vie des modèles qui se déploie autour de la table.

La table dans la mise en scène au Château de Rivoli est dressée pour les besoins du repas organisé lors de l'exposition et soumis aux regards d'un public récepteur, avec objets et accessoires ; la table est perçue aussi comme activité même de manger, au point de vivre la table comme plaisir, nécessité ou épreuve, démonstration lors de la performance ; la table est conçue comme espace de partage alimentaire, avec des contraintes dans le respect des règles et des manières, et des libertés dans la recherche de la convivialité, du plaisir, mais, aussi comme espace de contraintes de gestuelle et d'une certaine occupation de l'espace auxquelles sont soumises les femmes de l'aristocratie turinoise qui sont placées en même temps en situation d'objets du regards que les autres portent sur elles tandis qu'elles mangent et qu'elles bougent ou qu'elles oublient les consignes et les contraintes imposées par l'artiste.

Ce que Vanessa Beecroft arrive à démontrer suite à cette exposition est que le partage des aliments renvoie à la part symbolique des échanges interpersonnels : créer du lien, par la nourriture ; répartir les rôles ; établir et respecter des hiérarchies qui renvoient aux hiérarchies anciennes de l'aristocratie turinoise qui sont reprises d'une manière similaire de nos jours : de ce que nous pouvons observer dans les photos, les femmes sont assises à la table par ordre décroissant, en fonction de leur âge, les femmes adultes au front de la table, déploient une gestuelle tout à fait différente de celle des jeunes femmes.

Cette table qui actualise le rituel de convivialité condense en effet tout un répertoire d'interactions humaines plus ou moins volontaires entre les modèles-femmes de la mise en scène et entre ces acteurs et les personnes qui les regardent mais qui ne font pas partie de la mise en scène.

La table, lieu symbolique d'échanges, représente aussi une métaphore de la communication.

La table agit comme un espace délimité qui prédispose les femmes-convives à un type de relation, une relation qui est aussi régie par l'artiste qui prend des photos d'elles tandis qu'elles interagissent. Avant même d'entrer en scène, l'artiste, de même que les femmes qui mangeront, savent à quel type d'interaction le repas appartient : une table mondaine sujet d'une mise en scène lors d'une séance photographique. Avant même d'entrer en scène, de participer à la performance, elles devinent le registre commensal dans lequel elles pourront s'exprimer, tout en tenant compte aussi des consignes et des contraintes de l'artiste.

Les actrices-mangeurs, sujets de l'expérimentation de l'artiste Vanessa Beecroft sont mises en place dans un cadre plus ou moins approprié pour une activité alimentaire qui est aussi soumise aux regards des autres, non participant à cette activité. A ce niveau, les actrices meublent le dispositif ainsi construit par un agencement particulier des positions et des relations.

Elles prennent place, s'apprêtent à composer selon des proximités et des

distances, des hiérarchies et des rôles diversement distribués, comme nous l'avons vu, mais en même temps revendiquent une appropriation d'un corps qu'elles voudraient libre de toutes contraintes physiques, sociales ou culturelles, commensales, même si elles essaient d'obéir aux consignes de l'artiste.

### **3. Comparaison entre la perception du corps féminin chez Vanessa Beecroft et celle que nous retrouvons dans la photographie de mode en Roumanie**

Dans la troisième partie de notre étude, nous allons dresser une comparaison entre la perception du corps féminin chez Vanessa Beecroft et celle que nous retrouvons dans la photographie de mode en Roumanie. Nous allons démontrer qu'à la différence de Vanessa Beecroft – l'image de la femme dans la photographie de mode en Roumanie, bien que non voulue comme représentation d'une image neutralisée des femmes, renvoie pourtant à une certaine uniformité qui en dépit de quelques éléments et de quelques visages et accessoires légèrement dissemblables, laisse croire à un semblant d'homogénéité.

Dans la photographie de la presse féminine roumaine, on retrouve souvent une image stéréotypée de la femme qui répond à la prescription « Le rôle d'une femme est celui d'être épouse, mère et maîtresse de maison ». On rencontre aussi bien l'image de la jeune femme souriante, insouciant, avec – à côté d'elle – ses amies ou son copain, dont les vêtements s'assortissent bien avec la couleur des légumes ou de la nourriture – image qui est exposée à côté d'un article dont elle actualise la fonction phatique.

Il ne s'agit non plus, – comme dans l'expérimentation de Vanessa Beecroft de femmes qui se revendiquent une appropriation d'un corps qu'elles voudraient libre de toutes contraintes physiques, sociales ou culturelles, commensales, même si elles essaient d'obéir aux consignes de l'artiste qui met en scène le « scénario » de la commensalité, – mais d'une image du corps féminin et d'un scénario qui rend compte d'une construction sociale.

Les images transmises dans la société, surtout par les mass-médias, imposent une série de règles et de prescriptions sur ce que c'est la beauté ou la convivialité, sur comment on doit se comporter à la table, sur ce qu'on doit attendre de nos corps ou des corps des autres. Il y a de nombreux traitements et manipulations auxquels sont soumises les femmes dans la recherche d'un cadre parfait de la photo qui les surprend à table : un certain sourire affiché, une posture plus ou moins contraignante qui répond aux exigences du photographe de mode etc.

Les femmes-modèles qui apparaissent dans les rubriques « La diète anti-cholestérol » ou « Maigris avec nous » posent comme les personnages des autres revues, en portant des vêtements semblables, dans des ambiances similaires, en essayant de reproduire le plus exactement possible l'image originelle des mass-médias. Elles essaient toutes, même inconsciemment, sans pour autant répondre

nécessairement aux exigences du photographe, de s'adapter à une image imposée socialement sur ce que doit être l'image de la convivialité à table.

## Résumé

*Dans cette étude, nous nous pencherons sur la problématique de la construction et de la perception du corps féminin chez Vanessa Beecroft. Nous allons étudier la manière dans laquelle Vanessa Beecroft brise les stéréotypes féminins, l'image de la femme comme produit iconique masculin et la manière dont elle utilise le corps féminin comme instrument pour maîtriser le pouvoir. Nous allons voir dans quelle mesure cette maîtrise du corps équivaut à un contrôle des attentes culturelles et sociales et nous allons analyser la démarche employée en VB52 dans laquelle la gestuelle, l'ouverture du corps et l'attention accordée à l'occupation du champ spatial définissent la table comme espace et endroit d'apprentissage collectif de la convivialité. Enfin, nous allons aussi réaliser une brève comparaison entre la perception du corps féminin chez Vanessa Beecroft et celle que nous retrouvons dans la photographie de mode en Roumanie.*

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2. Jean Jacques Boutaud, «La table-communication symbolique et métaphore de la communication», *L'imaginaire de la table. Convivialité, commensalité et communication*, Paris, L'Harmattan, 2004.

## The Social Categories of Roman Women

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### Resumé:

*Les femmes romaines étaient divisées en trois grandes catégories sociales: les vestales; les matrones et les courtisanes. Les vestales, les femmes prêtresses, avaient de reconnaissance civile, juridique et politique, une sorte de notaire du Rome Antique. La deuxième catégorie sociale était représentée par les matrones, qui détenaient des composants de la citoyenneté romaine par le ius conubii, étant les mères, les sœurs, et les épouses des citoyens romains. Les courtisanes étaient la dernière catégorie sociale des femmes du Rome Antique, au fond, des esclaves avec une certaine liberté, un objet de l'industrie du sexe du Rome.*

*Quoique de iure, les femmes romaines n'aient des rôles sociaux, de facto elles les accomplissaient.*

In order to have an accurate view on Roman women, we should first analyse their social categorization. Within the society of ancient Rome, there are three major social categories specific to women: vestals, matrons-the wives of Roman citizens and courtesans (slaves are partly included in the last category).

Roman women held a social rank unofficially, since it was not specified in the Roman law system. Through all their social manifestations, they became citizens by marriage, had *ius conubii* by administrating family businesses together with their husbands and had also *status familiae* by their right to be a potential patron and to manage the household.

### VESTALS

Vestals represent maybe the best placed women on the social scale. They are the only ones also having the statute of magistrate as it can be noticed from the works of Latin writers: vestals were responsible with will executions, they were councillors on capital punishment cases; at the same time, only they were entitled to benefit from a privilege of the state protocol, such as the right to have a *lictor* i.e. a body-guard. Their name derives from the word *Vestalis* (pl. *Vestales*), which designated virgin priestesses in Roman religion. They were consecrated as serving the goddess *Vesta*, protector of the fireplace and of the temple sacred fire.

Their entering this sacerdotal order took place at an early age, round 6-10 years old, the sacerdocy lasting for about 30 years. Together with *Flamines*, Vestals were neither chosen nor co-opted, but appointed by *Pontifex Maximus*.<sup>1</sup>

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<sup>1</sup> \*\*\* *Omnia romanorum*, volum coordonat de Andrea Giardina, traducere de Dragoș Cojocaru, Iași, Editura Polirom, 2001, p.64.

There was a certain ritual of appointing Vestales, the formula *Te amata capio!* being used by *Pontifex Maximus*, when the girl was taken away from her family. The formula led to various interpretations given by the exegetes, namely that the Vestal and *Pontifex Maximus* were behaving as a couple, the double of the couple *rex-regina*. The word which caused different interpretations was *amata*. It seems that it represents either the past participle, passive voice, of the verb *amo*, -are, -avi, -atum or the transcription of the doric Greek *in-domita*, „untamed, maiden”. It can also be analysed as the participle of the verb *amare*, an equivalent of *emere*, with its primary meaning „to take”; last but not least, it can be a deformation of *Amita*, „aunt”, a proper name of the First Vestal or a borrowing from Etruria.<sup>1</sup>

The chosen girls, took a vow of chastity, stayed for ten years on probation, studying the regulations specific to this cult. Reaching the age of 20, they began to serve properly. In their last years within the cult, round 30 years old, they had the right to enter the lay life and get married. They benefited from the existence of a law, *Lex Papia de Vestalium lectionem*, which stipulated the right to be a vestal.

For a girl to be accepted within this cult, it was necessary for both her parents to be alive, without any physical handicap (of speech, hearing, etc.) without relatives slaves. Sacerdotes' daughters (those of Flamens, Augurs, Salii) or Vestals' sisters were banned from entering the cult. Once she took the oath, a girl was no longer under her father's authority.<sup>2</sup>

Sacerdotee was divided into three periods: ten years of training, ten years of practising and ten years of teaching. Their essential function was to maintain the sacred fire of Rome, burning in Vesta's temple in the Forum; it was a symbol of the city's life. Apart from this duty, they had other functions such as guarding the Roman people's Penati and other mysterious objects, too.

They were recognized by Romans by their special garment with a large white veil and by the ribbons on their heads. They were entitled to have lictors, they had prestige and many other privileges, especially that of pardoning somebody sentenced to death if they met him on his way to the execution place. They were living in the *Atrium Vestae*, only women had access, but even those just on the occasion of *Vestalia* holiday, celebrated in June.<sup>3</sup>

The community of Vestals was led by a sort of abbess called *Vestalis Maxima*, who was the oldest of them.<sup>4</sup>

Their cult must have been very important since the emperor himself used to

<sup>1</sup> Georges Dumézil, *Căsătorii indo-europene și Cinsprezece chestiuni romane*. Traducere din limba franceză de Crina Berdan. Traducerea textelor din limba latină, note și glosar de Mihaela Paraschiv, Iași, Editura Polirom, 2002, p.225.

<sup>2</sup> Victor Kernbach, *Dicționar de Mitologie Generală. Mituri. Divinități. Religii*. București, Editura Albatros, 1995, pp.660-661.

<sup>3</sup> \*\*\* *Larousse. Dicționar de civilizație romană*. Jean-Claude Fredouille, profesor la Universitatea Paris X-Nanterre. Traducere de Șerban Velescu, București, Editura Univers Enciclopedic, 2000, p.209.

<sup>4</sup> Victor Kernbach, *Op.cit.*, p.661.

call them to ask for their advice. Their pardon had the power of a law, being equal to that of the emperor in that matter.

Vesta's cult was introduced during the reign of Numa Pompilius. It seems that there were only four or six vestals in the beginning. First of all, they were supposed to take care of Vesta's symbols, the fire and the laurel; they did some ritual sweeping on *Vestalia* holiday, when Roman women were allowed to enter Vesta's temple to see the sacred fire.<sup>1</sup>

Vestals were the only women who had a judicial statute and moral recognition within the collective Latin mentality, no other social category of women reaching that position.

#### MATRONS-the wives of Roman citizens

Matrons are a particular social category, being legally married women, having the right of getting married, *ius conubii*, of course each in her own terms. Some were born with this right, some gained it in time.

The matron was a wife and a mother. In Rome there are two types of women: on the one hand, the women who were born free, became mothers or were going to become so, and on the other all the rest. They were characterised by the syntagm „honorable behaviour” which makes sense only for the women born free, their status implying a component of the citizenship by *ius conubii*.

Women's condition meant above all social relations and only then personal relations. By 445 B.C. marriages between patricians and plebeians had not been allowed, only after that year being permitted.

The Roman matron is frequently represented as spinning and knitting wool at home, kept ignorant of her husband's preoccupations; even if their liberties were not equal to those stated in case of Etrurian women, they were never isolated in a *gynaeceum*. Rome allowed its matrons access to culture (there was a mixed educational system). Beginning with the second century, they got the right to take part to banquets with their husbands. Many of them were active in politics, such as Terentia, Cicero's wife, Sempronia, an intriguer in Catilina's plot, and Clodia, the sister of Clodius Pulcher, the tribune. Moreover, they could divorce at their will.<sup>2</sup>

During the Republican period there was a *Conventus Matronarum*, which comprised the best-known women in the city. It seems that in case of unfavourable circumstances, those women organized sacred processions or made donations in jewelry for the State's Treasury.

One can say that at all times Rome had women who loved politics. The wealth of illustrious Roman families (glory, power, luxury) depended on politics and on wars; that was equally true for senators, *equites* and magistrates and their wives, if they were more intelligent the latter had to be interested by the events

<sup>1</sup> Anna Ferrari, *Dicționar de Mitologie greacă și romană*. Traducere de Dragoș Cojocaru, Emanuela Stoleriu, Dana Zămosteanu, Iași, Editura Polirom, 2003, p.872.

<sup>2</sup> \*\*\* Larousse. *Dicționar de civilizație romană*. Jean-Claude Fredouille, profesor la Universitatea Paris X-Nanterre, traducere de Șerban Velescu, București, Editura Univers Enciclopedic, 2000, pp. 127-128.

which involved their families' welfare and their husband's life.<sup>1</sup>

The most famous women in Roman politics were: Clodia, Publius Clodius's sister, notorious for her infidelity, called by Cicero „Medeea of the Palatin”; she was not viewed in a good light, though she belonged to the upper class. All voices claimed that death was the most appropriate punishment for her.

-Fulvia, a descendant of the Gracchus family, wife of Publius Clodius, and then of Screbionius Curio and of Marcus Antonius, was an active participant in building the political career of each of her three husbands. She was a prototype of the empresses to come, she was involved in Antonius' policy and after Caesar's death, she became rich as a result of the exile of all Caesar's enemies. When Antonius became ruler (governor) of the East, Fulvia led the opposition against Octavian in Italy, joining her brother to gather troops and to protect his interests. Attacked vehemently by Cicero, in his writings, *Filipicae*, Fulvia is presented as the embodiment of political life. In her turn, she hated Cicero, and people said that at his death, when his head was brought to her, she stuck hairpins in his tongue.

An alternative to Fulvia were, –at that time-, Augustus' sister, Octavia, respectively his wife, Livia. Augustus was perspicacious enough to promote both women, since they were symbols of the traditional values associated to Roman matrons: political passivity, moral integrity, family and religious activities. Both were uniquely declared sacred in 35 B.C. As a result of that, they gained independent rights and status never haerd of before in the Roman history. Nevertheless, no woman before Livia exerted political power so fully Augustus used to like to present her while she was reading or spinning in the imperial residence, apparently like any matron making clothes for her husband.

During her long reign, another matron, Livia, was portreyed on coins and statues all over the Empire. This made her equal both to Tarquinia-the most infamous- and to Cornelia –the most praised. Livia was active in administrating the Roman Empire when Augustus was absent. She was the the first empress apotheosized after her death under the name *diva*. If Fulvia represented the attempt of a woman to grab political power, Livia was the personification of exerting that power.

The more prominent a woman becomes, the more satirized she is. Sallustius refers to Simprinia, a sustainer of Catilina:„ Her manly daring made her commit many murders”. Though she was an intellectual, who spoke Greek, had music knowledge, she had no consideration for qualities such as modesty, chastity and good reputation, being one of the women who chose their sexual partners. She was supposed to know all the activities belonging to the household: the most important was *lanam fecit*, since making clothes meant saving money. Wealth represented the possibility of a good marriage for women.<sup>2</sup>

From the honorable woman, the matron, tell the woman-monster, the long century lasting between Caesar's death and Nero's death changed the image of Roman women as it changed the image of Rome itself.

<sup>1</sup> Cf. Ferrero Guglielmo, *Les Femmes des Césars*, Paris, Éditure. Librairie Plon, 1930.

<sup>2</sup> *Ibidem*.

## COURTESANS

Ever since the third century B.C. Romans had the tendency to make their courtesans a cause for amazement and criticism. Several fights were provoked by those women and were reported by the writers of the time. Nevertheless, it was of utmost importance to respect married women, virgins and the women born free. *Lex Scantinia* (149 B.C.) protected the victims of rape but only if the woman belonged to the above-mentioned categories. The eccentric behavior and mentality of courtesans were blamed on the Greek influence.<sup>1</sup>

Courtesans had as main function the protection of the family, being willing to engage themselves in sexual affairs without consequences. There were brothels in Rome, especially in Subura and Aventin and they were attended without any moral or legal interdiction. There was a holiday dedicated to courtesans called *Floralia*, celebrated in April, though officially that was a celebration of *Flora*, the goddess of vegetation. The ceremonies comprised a procession of the courtesans in the city, they marched almost naked, interpreting erotic pantomimes.<sup>2</sup>

They appear in the historical sources under the name *meretrix* „those who sell their bodies”. Many sources, referring to their style of life, are literary, but credible, since ancient writers knew the realities of their time. Archeological discoveries confirmed what was said by writers, the image of courtesans proving to be extremely cruel as part of the prostitution phenomenon that Rome was facing. Most courtesans were in the outskirts of Rome, in the poorest neighbourhoods, north from the *Forum*, near *Circus Maximus*.<sup>3</sup>

Depending on their clients' rank, courtesans themselves had a social hierarchy. Those in the outskirts of the city, were on the lowest level because they had poor clients (especially men living in those neighbourhoods); men from the two upper categories did not come to such brothels, but to those in the center of Rome. Prostitution was also practised in Roman inns and taverns. Roman streets were a fief of the courtesans, who had the right to walk unaccompanied, drawing the attention of the potential clients by their extravagant garments, blonde wigs (*flava coma*), high coiffures of Oriental origin.<sup>4</sup>

The prostitutes on the top of the hierarchy were staying in establishments in Rome, being intelligent, distinguished, beautiful and coquette. They were coordinated by proxenets. They could get some wealth, being able to have own houses where their clients belonged to the upper categories of the Roman society or they could be hired by the rich, as escorts of parties, musicants or dancers.<sup>5</sup>

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<sup>1</sup> Philippe Ariès, Jean Bottéro, Guy Chaussinand-Nogaret, Alain Corbin, Pierre Darmon, Robert Delort, Georges Duby, Roger-Henri Guerrand, Arlette Lebigre, François Lebrun, Jacques Le Goff, Claude Mossé, Anne-Marie Moulin, Michel Rey, Daniel Roche, Catherine Salles, Maurice Sartre, Jacques Solé, Michel Sot, Françoise Thébaud, Paul Veyne, Théodore Zeldin, *Amor și sexualitate în Occident*. Introducere de acad. Geroges Duby. Traducere de Laurențiu Zoicaș, București, Editura Artemis, pp.54-60.

<sup>2</sup> *Ibidem*, p.61.

<sup>3</sup> *Ibidem*, p.62.

<sup>4</sup> *Ibidem*, p.64.

<sup>5</sup> *Ibidem*, p.65.

Their social condition was in most cases humble, courtesans being born-slaves or free women at birth, but abandoned after; they could be warprey, kidnapped by pirats, etc. Many of them were free but without a legal supporter. Nevretheless, the most frequent situation remains that of slavery, without any moral guarantee, without the possibility to recive donations or leave an inheritance; they couldn't be witnesses in a lawtrial, being legally incapacitated and exposed to a possible expulsion from Rome at any moment.<sup>1</sup>

Domitian is the emperor who will take measures regarding this social phenomenon that Rome confronted with. He will forbid prostitution by law in case of minor girls. Caligula will consider prostitution as a business and consequently will introduce a tax on curtesans' income. Being at the disposal of a proxenet-*leno*, these women had few alternatives.

They celebrated their specific religious cult, that of *Venus Ericina*. To have access to this profession, they had one asset, their beauty and they were compelled to take care of it. As long as they held this atu and used it, they were successful in their domain. It is them who would impose the trends in fashion in Rome. Their clothes had daring models and cuts, the materials were expensive, vividly coloured (yellow, green); they used to keep diets to maintain their weight; they used cosmetics: *phikosu*- a kind of powder, *stimmis*-a type of rimmel and other materials<sup>2</sup> (menat to highlight the complexion or to hide flaws; all these were acknowledged by Latin writers).

Many courtesans had foreign origin, mostly Oriental; they represented the main vectors of foreign religious cults (especially Oriental); those offered them the hope of freedom and of a better life. Most of them were around the political personalities of the time, the best-known being Cytheris (with Antonius) Flora (with Pompeius). However, they exerted no acknowledged public influence.<sup>3</sup>

Several regulations appeared: apart from the distinct clothing, there was a system of registering the prostitutes at city police; they were placed under a strict social control.<sup>4</sup>

They became famous because of Latin writers; they will change their status of anonymacy. In spite of that, the reality of Roman courtesans was cruel enough: like slaves, they laked any recognition of their rights.<sup>5</sup>

Our study intends to prove the complexity of the social status, implicitey of the condition of Roman women. That status cannot be analysed outside the social Roman context. It is worthy to be remembered that Vestals had legal, public and political recognition, matrons were considered Roman citizens practically due to their marriage, courtesans were placed on the lowest place in this feminine hierarchy. Slaves are not subject of our analysis, because socially they did not exist

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<sup>1</sup> *Ibidem*, pp.65-67.

<sup>2</sup> *Ibidem*, pp.68-69.

<sup>3</sup> *Ibidem*, p.69.

<sup>4</sup> \*\*\* *Dicționar de Sociologie*, coordonatori Cătălin Zamfir, Lazăr Vlăsceanu, secretariat Alfred Bulai, București, Editura Babel, 1998, p.458.

<sup>5</sup> *Ibidem*, pp.71-72.

as human subjects of Rome.

Women could be politicians, house mistresses but also objects or a real sex industry, well organised. Women were exploited and treated as a commodity; *meretrix* is part of the same word family with *meretricula*, *-ae* „courtesan”, *mercedes-edis*, „reward, pay; fig. to receive”; *mercimonium*, *-ii*, „merchandise”.<sup>1</sup>

In case of courtesans, most of them of foreign origin, it is very difficult to establish precisely, what people they were part of since they took fake names; it remains certain that the majority of them were not Roman, which proves the concern to preserve, as much as possible, the Roman biological material.

The Roman society during Augustus' ruling was a revolutionary one, as far as women are concerned, compared to other states or the time. Our study aims at proving the social importance of Roman women: though, *de iure* they had no social role, *de facto* they benefited from it.

### Abstract:

*Roman women were divided into three social categories: the vestals; the matrons and the courtesans. The vestals, the priestesses benefited of civil, juridical and political recognition, and were compared to a sort of notary of Antique Rome. The second social category was represented by matrons, who detained components of Roman citizenship by ius conubii, as mothers, sisters and wives of Roman citizens. The courtesans were the last female social category of Antique Rome and represented in fact slaves endowed with a certain degree of freedom, but at the same time, an object of Rome's sex industry. Even if based on law Roman women did not have social roles, they accomplished them in fact..*

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<sup>1</sup> Gheorghe Guțu, *Dicționar Latin-Român*, Ediție revăzută și completată, București, Editura Științifică, 1993, pp.256-257.

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## **La famille dans la société roumaine et les effets de l'intégration européenne**

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### **Abstract**

*The integration of Romania in the European Union, will product positive and negative effects on the Romanian economy and also on the familly. The impact of the European Integration will be felt in the internal production, low prices, increassemtn of the salaries etc.*

### **I. Famille et ses fonctions**

L'histoire vive de l'humanité, sous ses dimensions biologique, psychologique, socioculturelle, économique et politique, appartient à la famille, à la coexistence de l'homme et de la femme, des relations entre ceux-ci, des relations avec les enfants. On a démontré que la famille est l'une des plus anciennes et stables formes de communauté humaine, ce qui assure la perpétuation de l'espèce humaine, l'évolution et la continuité de la vie sociale, et l'histoire de l'évolution de la famille n'est que l'histoire du développement et de la modification.

*Définition de la famille :*

- En sens large : groupe social dont les membres sont liés par des rapports d'âge, mariage ou adoption et qui vivent ensemble, coopèrent sous rapport économique et se préoccupent de leurs enfants (Murdock, 1949).
- En sens restreint : groupe social formé d'un couple marié et ses enfants.

La famille représente dans toute société une forme de communauté humaine composée d'au moins deux individus unis par mariage et/ou descendance, liés entre eux par des relations biologiques, économiques, morales- affectives, spirituelles et juridiques qui ont certains droits et obligations réciproques, légiférés ou pas, et qui déroule une série d'activités, accomplit une série de fonctions spécifiques tant pour son compte comme groupe et de ses membres quant pour le compte de la société.

### ***Systeme familial***

Chaque société a un certain système familial, c'est-à-dire un système de réglementation des relations entre les hommes, les femmes et les enfants. Elles

peuvent être différentes d'une société à l'autre, mais elles existent partout et elles se différencient selon le degré d'inclusion du groupe familial, la forme de transmission de l'héritage, le mode de détermination de la résidence des nouveaux couples, le mode d'exercice de l'autorité au sein de la famille. Par rapport au degré d'inclusion de la famille, elle peut se rapporter à l'époux, à l'épouse et à leurs enfants mineurs, la famille nucléaire, ou elle peut inclure un grand nombre de parents en ligne directe, la famille étendue. Chaque individu fait partie de deux familles nucléaires : la famille ses parents, ou la famille d'origine, où il détient le rôle d'enfant, et la famille qu'il constitue par son propre mariage ou la famille de procréation, où il a le rôle d'époux ou épouse.

### **Fonctions de la famille**

Les anthropologues (George Peter Murdock, *Social Structures*, 1949) ont argumenté que la famille nucléaire est universelle. Elle permet la réalisation de quatre fonctions fondamentales pour la vie humaine : sexuelle, économique, reproductive et éducationnelle. Sans la réalisation de la première et de la troisième fonction, la société serait éteinte, sans la deuxième, la vie cesserait, et sans la quatrième, la culture prendrait fin.

- **Fonction économique**

Par le passage de la famille étendue à celle nucléaire ou à d'autres formes atypiques de celle-ci, on a reformulé les composants de la fonction économique. Cette reformulation a lieu tant en ce qui concerne la production d'argent que dans l'administration du budget de revenus et frais. La famille n'est plus une unité productive autosuffisante, ses membres étant dépendants de revenus gagnés au-delà du foyer. Ensuite, on a redimensionné également la composition concernant la formation professionnelle des descendants. La transmission des occupations des parents aux enfants est rencontrée plus rarement. C'est à cause du déplacement du lieu de travail de l'individu de l'intérieur de la famille à l'extérieur, dans des entreprises et services sociaux. Pas en dernier lieu, l'aspect financier a connu à son tour des modifications importantes. Ainsi, la famille contemporaine est caractérisée par un budget déséquilibré, du à des sources sporadiques de revenu et/ou aux frais exagérés dans une certaine direction, ordinairement des frais pour la subsistance.

- **Fonction de socialisation**

Cette fonction a un rôle instructif-éducatif de la famille. Le rôle social de la famille, ses fonctions sociales, son importance pour le fonctionnement de la société sont estompés de façon continue. Dans ce cas, on peut rappeler que les parents ne peuvent plus satisfaire le besoin d'instruction au standard des exigences actuelles. Pour des motifs financiers, dans la grande majorité des familles le computer est absent, si nécessaire dans les conditions présentes. Dans un autre ordre d'idées, travaillant au-delà de la famille, souvent même partis à l'étranger, les parents

passent une période de temps courte avec leurs enfants. Et les enfants sont portés – à des âges trop tendres dans des institutions spécialisées (crèche, jardin d'enfants), ou ils sont laissés au soin des grands-parents, des parents ou des voisins qui souvent ne peuvent pas offrir les conditions nécessaires au développement normal de l'enfant. Ainsi, les parents outre le fait qu'ils ne disposent pas du temps nécessaire à la réalisation d'une socialisation naturelle, ils ne réalisent pas la nécessité des actions éducatives.

A présent, il existe une diversité de modes dans lesquels les parents assument la responsabilité de la socialisation des enfants. De cette perspective, sont apparues des formes atypiques d'autorité (des enfants par rapport aux parents, des jeunes par rapport aux anciens etc.). Autrement dit, la communication entre les parents et les enfants se réalise de façon plus difficile, dans les deux sens. Les enfants prennent et on leur accorde une liberté plus grande, beaucoup d'autonomie, beaucoup de responsabilité, la séparation et l'individualité devenant des problèmes naturels. Laisser le foyer signifie, d'une part, la deuxième naissance et les enfants se préparent et ils sont préparés d'une âge de plus en plus inférieure pour cet événement, dans les conditions où– de toute façon– la cohabitation serait assez difficile, vues les divergences de valeurs, attitudes, mentalités, styles de vie.

- Fonction de solidarité familiale

La diminution de cette fonction est due, notamment, à la mobilité sociale, mobilité qui fait que le lieu de travail soit différent par rapport à celui résidentiel. Ça ne fait qu'influencer de façon négative la solidarité familiale, qui est tourmentée de la séparation physique et affective existante entre les membres de la famille. De l'autre part, les relations conjugales, à cause d'un complexe de facteurs tels que l'émancipation de la femme, la division moderne des rôles au sein de la famille, la satisfaction liée à la vie sexuelle, ont commencé à être dominés par des inquiétudes et contradictions. C'est la même chose dans le cas de la relation parentale, à cause de l'approfondissement des différences entre les modèles culturels appartenant aux diverses générations.

- Fonction sexuelle et reproductive

Comme les autres fonctions, la fonction sexuelle a connu des changements significatifs. On a commencé à accorder une importance toujours plus grande aux performances sexuelles. On n'a discuté jamais, comme on fait aujourd'hui, de la "satisfaction sexuelle", de l'"appétit sexuel" etc. L'importance accordée à ces aspects fait que les individus adoptent une série de comportements qui tombent plusieurs fois dans les deux extrêmes, le désir de *posséder* versus l'inhibition ou la peur de ne pas être assez "bon/bonne" dans l'acte sexuel. Ces comportements sont, régulièrement, "coupables" de la satisfaction/insatisfaction des individus par rapport à la relation de couple, de la continuité et de la viabilité du mariage. De

plus, on ne peut pas ignorer le fait que, dans une période de temps relativement courte, on a passé de la famille étendue, de point de vue numérique, à celle restreinte. Le nombre des enfants est diminué de façon continue, arrivant à 1-2 enfants dans la société contemporaine.

## II. Parenté

- *Définition;*

La parenté est l'approche biologique ou spirituelle socialement reconnue entre les individus humains (C. Zamfir Dictionar de sociologie).

La parenté naturelle est le lien en ligne directe et, par la réglementation légale, le lien entre deux ou plusieurs personnes qui descendent les unes des autres, les frères entre eux, les cousins primaires entre eux. La parenté naturelle est fondée sur le fait de la naissance. (Ion P. Filipescu, Andrei I. Filipescu- *Tratat de Dreptul Familiei*)

- *Types de parenté*

La série des personnes entre lesquelles existe la parenté est nommée la ligne de parenté. Elle peut être présentée sous deux formes:

- la parenté en ligne directe;
- la parenté en ligne collatérale.

*Parenté en ligne directe:* Lien de parenté entre les personnes qui descendent les unes des autres, soit de façon directe, dans le sens que la personne est l'enfant de l'autre, soit de façon indirecte, dans le sens que les personnes concernées ne sont pas nées l'une de l'autre, mais entre elles existe une série ininterrompue de naissances, une série ininterrompue de personnes entre lesquelles a été établi, par le fait de la naissance, le lien du parent à l'enfant. Le père, le fils, le neveu de fils sont des parents en ligne directe.

*Parenté en ligne collatérale :* Lien de parenté entre deux personnes qui, sans descendre l'une de l'autre, ont un auteur commun. Les frères entre eux, les cousins primaires entre eux sont des parents en ligne collatérale.

*La parenté peut être:*

- du mariage
- au-delà du mariage;
- par adoption.

*La parenté par mariage* est quand la conception ou la naissance d'une personne se situent au sein du mariage de ses parents, la filiation est du mariage.

*La parenté au-delà du mariage* est quand la conception ou la naissance d'une personne interviennent sans que ses parents soient mariés.

*La parenté par adoption* est ce lien entre l'adopté et les adoptants, de premier degré, comme entre l'enfant et le parent, et la preuve de la parenté se fait par l'acte d'état civil.

- *Organisation de la vie de famille*

L'organisation de la vie de famille a connu un développement de l'évolution des rôles masculins et féminins. C'est à cause du fait que pendant les dernières décennies, la famille a souffert des mutations profondes en ce qui concerne la structure et ses fonctions. Une tendance générale dans la majorité des couples familiales consiste dans le changement de la division des rôles au sein de la famille. Les rôles maritaux sont un set d'attitudes et comportements qui sont attendus de la part de l'époux (épouse) au sein des relations maritales. Parmi ces rôles on peut mentionner: le ménage, l'approvisionnement, le soin et la socialisation des enfants. Comme principales tendances dans le changement de la division des rôles, on constate une redistribution, avec des tendances égalitaires, de l'activité ménagère, la reprise par l'époux d'activités qui étaient traditionnellement réalisées par l'épouse.

Le degré d'implication dans la vie de famille dépend de la perception sur la modification des rôles, dans les conditions de l'existence de la carrière professionnelle à un ou à deux partenaires. Ainsi, lorsqu'un des partenaires est concentré davantage sur la carrière, l'autre doit reprendre une partie des tâches domestiques du partenaire. Dans ce sens, sont créés des tensions et des conflits concernant la division des rôles, des différences de conception concernant la division des rôles dans la conception des parents (beaux-pères).

Les autres sources de tension et conflits sont: la violence, l'alcoolisme, la jalousie et notamment la jalousie irrationnelle, qui peut conduire à la perte totale de la confiance dans le partenaire et à la destruction de la communication maritale, la pauvreté, l'utilisation de l'argent, l'argent peut représenter également une source du pouvoir, de l'amour, du statut social et un moyen de domination familiale.

La violence familiale se manifeste comme un abus physique auquel un membre de la famille est soumis par un autre membre. Les plus fréquentes forme de violence sont celle manifestée par un époux contre l'autre et celle manifestée par un parent contre les enfants.

### **III. Effets de l'intégration dans la communauté Européenne sur la famille**

L'adhésion de la Roumanie à l'Union Européenne, produira une série d'effets positifs et négatifs sur l'économie roumaine et implicitement sur la famille. L'impact de l'adhésion sur l'économie sera ressentie sur la production interne, la réduction des prix, l'augmentation des salaires, par l'amélioration des services, du système de santé et d'éducation ou par la création de marchés efficients.

Menés par les besoins matériels, l'un des parents ou les deux parents, considèrent que le départ au travail à l'étranger pourrait redresser leur situation financière, et les grands-parents ou d'autres parents restent responsables de l'éducation des enfants.

En même temps avec l'intégration dans la communauté Européenne, aura

lieu une augmentation des paquets salariaux par l'intermédiaire de la diversification des bénéficiaires qui seront accordés aux salariés. Résultant une augmentation du nombre des salariés roumains qui occuperont des postes au sein des compagnies multinationales de Roumanie.

- *Effets négatifs;*

- Un effet négatif, actionnant sur la famille, pourrait être la migration. L'espérance d'une rémunération meilleure peut influencer les jeunes vers un niveau de vie occidental.
- L'augmentation du chômage en même temps avec l'augmentation de la technologie. Une condition très importante est celle de nous aligner aux standards européens. Les sociétés doivent être préparées pour correspondre du point de vue technologique et du point de vue de la protection de l'environnement et de la sécurité alimentaire, de sorte que leur produits puissent être commercialisés sur le marché.
- L'absence de performance de l'agriculture roumaine par comparaison avec celle des Etats membres, ayant des difficultés sur le marché européen avec les produits roumains et dans ce sens nous pourrions devenir seulement un marché interne avec les produits en cause ce qui attire la faillite de quelques sociétés.

- *Effets positifs*

- Le développement économique qui peut attirer des augmentations salariales et l'amélioration du niveau de vie.
- L'augmentation de la qualité de la vie des Roumains portant au développement économique de la Roumanie.
- Subventions accordées aux producteurs, suite aux projets d'investissements.
- Création des lieux de travail.

Analysant les effets de l'intégration sur la famille roumaine, considérant qu'il y a des espérances mais également des motifs de préoccupation bien fondés. La population du pays aurait beaucoup à gagner parce qu'il y a l'espérance qu'un jour nous réussissons à vivre au niveau des mêmes standards des pays déjà intégrés dans la communauté Européenne.

## Resumé

*L'adhésion de la Roumanie à l'Union Européenne, produira une série d'effets positifs et négatifs sur l'économie roumaine et implicitement sur la famille. L'impact de l'adhésion sur l'économie sera ressentie sur la production interne, la réduction des prix, l'augmentation des salaires, par l'amélioration des services, du système de santé et d'éducation ou par la création de marchés efficients. En même temps avec l'intégration dans la communauté Européenne, aura lieu une augmentation des paquets salariaux par l'intermédiaire de la diversification des bénéfices qui seront accordés aux salariés. Menés par les besoins matériels, l'un des parents ou les deux parents, considèrent que le départ au travail à l'étranger pourrait redresser leur situation financière, et les grands-parents ou d'autres parents restent responsables de l'éducation des enfants.*

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Dumitru Otovescu (coord.)  
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*La monographie sociologique en Roumanie. Recherches contemporaines*, 686 p.,  
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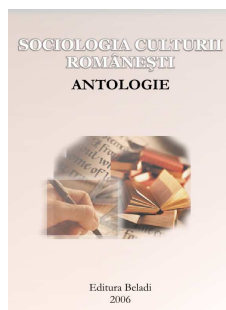
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*Romanian Culture's Sociology. Anthology*, 352 p., Beladi, Craiova, 2006,  
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