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NEW ECONOMIC PARADIGMS, AS REFLECTED IN VEREIN FÜR SIEBENBURGISCHE LANDESKUNDE PERIODICALS

VĂIDEAN Amelia-Liana¹

ABSTRACT

THE GOAL OF THIS PAPER IS TO PRESENT THE WAY IN WHICH THE PUBLICATION OF THE VEREIN FÜR SIEBENBÜRGISCHE LANDESKUNDE (VfSL), THE CULTURAL AND SCIENTIFIC ASSOCIATION OF THE SAXONS FROM TRANSYLVANIA, HAVE DEALT WITH ECONOMICAL SUBJECTS AND METHODS OF MODERNISATION BACK IN THE 18TH AND 19TH CENTURY. IN ORDER TO SHOW THIS, THE PAPER IS DEVIDED INTO THREE MAIN PARTS, THE FIRST ONE CONTAINING THEORETICAL ASPECTS REGARDING THE RELEVANT ECONOMICAL PATHS IN THE HABSURG EMPIRE. FURTHERMORE WE DIG DEEPER IN THE PROBLEMS OF MODERNISATION BY PRESENTING THE IMPORTANT ECONOMICAL THEORIES FROM THAT TIME. IN COMPARISON, WE ARE ALSO MAPPING THE SITUATION IN TRANSYLVANIA, A PLACE LARGELY DOMINATED BY ARCHAIC METHODS REGARDING AGRICULTURE, SUPERSTITIONS AND MISBELIEVE REGARDING NEW TECHNOLOGIES AND MODERNISATION METHODS. IN ADDITION TO THIS, THE LAST PART OF THE PAPER WILL CONTAIN THE RESULT OF OUR RESEARCH IN THE PERIODICALS OF THE VfSL.

KEYWORDS: VEREIN FÜR SIEBENBÜRGISCHE LANDESKUNDE, VFSL, ASPECTS OF MODERNISATION, ECONOMICAL THEORIES, HABSURG EMPIRE, TRANSYLVANIA.

Einleitung

In der folgenden Arbeit werden wir den Versuch nachgehen, uns mit der wirtschaftlichen Modernisierung Siebenbürgens zu beschäftigen, in der Zeitspanne des 18.-19. Jahrhunderts. Methodologisch werden wir erstens die Hauptrichtungen der wirtschaftlichen Modernisierung sowohl im 18. als auch im 19. Jahrhundert darstellen. Infolgedessen wird ein kurzer Überblick auf die wichtigsten wirtschaftlichen Theorien der Neuzeit verschafft. Die Wirtschaftsgeschichte und Wirtschaftswissenschaft sind

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unübersehbare Thematiken die ausgewogen und bearbeitet werden müssen, damit man in den Kern der Modernisierungs-Theorien gelangen kann. Die Art und Weise wie die Modernisierung in Siebenbürgen durchgesetzt wurde, die Ideen und theoretischen Aspekte auf die man sich gestützt hat, hindurch dieser zwei Jahrhunderte, stellt das zweite der bearbeiteten Themen dar. Bis zuletzt werden wir einen Überblick auf das Themenkontext der vorliegenden Arbeit eingehen und zwar in der Bearbeitung der Publikationen des Vereins für siebenbürgische Landeskunde (VfSL)², dass in der zweiten Hälfte des 19. Jahrhunderts eine leitende Rolle in dem kulturellen sowohl als auch wissenschaftlichen Leben Siebenbürgens spielte. Die Perspektive wird aus dem Standpunkt des 19. Jahrhunderts hervorgehen und über die Probleme mit denen sich die Wirtschaftswissenschaft aus Siebenbürgen, während einer Etappe des Anwachsens und Etablieren, beziehungsweise das 18. Jahrhundert, befasst hat.

I. Wirtschaftsgeschichte und Wirtschaftswissenschaft des 18. und 19. Jahrhunderts in der Habsburgermonarchie

Man möchte erstens auf das Problem der Wirtschaftswissenschaft und Wirtschaftsgeschichte eingehen, wobei man ausschliesslich die Hauptrichtungen aufzählen wird die diese Wissenschaften entlang des 18. und 19. Jahrhunderts in der Habsburgermonarchie gespielt haben. Die Aufzählung und Darstellung soll die Einleitung in der generellen Lage der Wirtschaftslehre dieser Zeitspanne verschaffen.

Erstens sollte klar dargestellt werden, dass in der ersten Hälfte des 18. Jahrhunderts in Österreich das sogenannte „Dreigestirn der Kameralisten“ anzutreffen war, wobei die Gelehrten Johann Joachim Becher (1635-1682)³, Wilhelm von Schröder (1640-1688)⁴ und Philipp Wilhelm von Hörnigk (1640-1712)⁵ die Hauptrollen gespielt haben. Sie haben die Ideen der Zolleinheit, Einrichtung von Manufakturen und Währungspolitik als Mittel eines Fiskalismus in übertragener Form in Österreich bekannt gemacht. Als wichtigster

² Gegründet im Jahr 1840, wurde der leitende kulturelle und wissenschaftliche Verein der Siebenbürger Sachsen bis zu der Auflösung 1943.

³ Charles W. Ingrao, *The Habsburg Monarchy: 1618-1815* (New York: Cambridge University Press, 2005).

⁴ Heinrich von Srbik, „Wilhelm von Schröder. Ein Beitrag zur Geschichte der Staatswissenschaften“ in: *Sitzungsberichte der Kais. Akademie der Wissenschaften in Wien, philosophisch-historische Klasse*. 164. Band, 1. Abhandlung (Wien: Verlag der Akademie der Wissenschaften in Wien, 1910).

⁵ Philipp Wilhelm von Hörnigk, *Österreich Über Alles, Wenn Sie Nur Will* (Wien: Eigenverlag, 1684) siehe auch Robert B., Jr. Ekelund, and Robert F. Hébert, *A history of economic theory and method* (4th ed.) (Long Grove, Illinois: Waveland Press, 1997) 40–41.

Systematiker der Kameralwissenschaft ist jedoch Joseph von Sonnenfels (1733-1817) bekannt, der in seinem Lehrbuch „Grundsätze der Polizey-, Handlungs- und Finanzwissenschaft“ die umfassendste Darstellung des Kameralismus präsentiert hat.

Am Ende des 18. Jahrhunderts setzten sich die Ideen der Physiokraten in Österreich durch, die einen Wirtschaftsliberalismus und Staatsabsolutismus verkündeten. Sonnenfels Lehrbuch wurde von dem Handbuch von Joseph Kudler (1786-1853) „Die Grundlehre der Volkswirtschaft“ ersetzt. Die starken Einflüsse des Kameralismus werden jedoch auch in der Modifizierung der liberalen Doktrine sichtbar.⁶

Lorenz von Stein (1815-1890) hat durch seine Werke „System der Staatswissenschaften“, „Lehrbuch der Volkswirtschaftslehre“ und andere Bücher, die in der Gedankenwelt der Schule der Nationalökonomie bei stehen, wodurch er die „Gesellschafts- und Staatslehre in den Mittelpunkt seiner wissenschaftlichen Überlegungen“⁷ gestellt hat. Noch dazu ist bei Stein zu bemerken, dass er den „Staat auch in den Mittelpunkt seiner volkswirtschaftlichen und finanzwissenschaftlichen Schriften“ gelegt hat und dass er „sonst die Smith'sche Lehre des Liberalismus, wobei er kameralistische Gedanken, etwa die vom Staat als wirtschaftslenkende Macht, mit verarbeitete“.

Das 19. Jahrhundert wurde durchwegs von der liberalistischen Lehre, die sich zur „gängigen Norm des Alltagslebens in der Wirtschaft“ entwickelte. Die objektivistische Wertlehre, die als ein Erbe der Aufklärung zu beurteilen ist, hat erstmals die Bedeutung der „Kostentheorie“, wobei sich alles nach dem Preis der Waare richten sollte, zu einer „Nutzentheorie“ umgewandelt. Carl Menger (1840-1921), einer der bedeutendsten Ahnherren der modernen Theorie der Wirtschaft, war einer der ersten der die Grundzüge der Wertlehre als Wirtschaftstheorie in seinem Werk „Grundsätze der Volkswirtschaft“ darstellte.⁸ Auf seinen Spuren traten Eugen von Böhm-Bawerk (1851-1914), der mit Hilfe der Theorie der Grenznutzenlehre die Basis zu einer neuen Form der Nationalökonomie legte, und Friedrich Wieser (1851-1926) der der Systematiker der „Wiener Schule“ wurde.

Bislang haben wir die Hauptgedanken, dass wir in dem 18. Jahrhundert, wie es in der Habsburgermonarchie mit einer stark differenzierten kameralistischen Wirtschaftslehre

⁶ Adam Wandruszka, Peter Urbanitsch, Ed., Die Habsburgermonarchie 1848-1918. Die Wirtschaftliche Entwicklung, Band I. (Wien:Verlag der Österreichischen Akademie der Wissenschaften, 1973) 608.

⁷ Wandruszka, Habsburgermonarchie, 609.

⁸ Wandruszka, Habsburgermonarchie, 612.

zu tun gehabt hatten erläutert, wobei das Hauptgewicht sich in dem 19. Jahrhundert auf die liberalistische Lehre und ihre Nationalökonomischen Vertreter und Werke gesetzt wurde.

II. Wirtschaftstheorien

Desweiteren werden wir den Hauptgedanken folgen der besagt, dass die Modernisierungswelle, die Siebenbürgen im vollen 19. Jahrhundert erfasst hat, seine Wurzeln jedoch aus den 18. Jahrhundert, obwohl erstens in elitären Kreisen, hatte. Die Ideen die sich erstens in den Wienerischen Hof und Schule etablierten, werden mit der Zeit in das ganze Habsburgerreich verbreitet und gelangen bis zuletzt in allen Winkeln dessen. Die liberale Doktrine aus dem 18. Jahrhundert die stark von dem Kameralismus beeinflusst wurde, entwickelte sich in dem 19. Jahrhundert zu einem Liberalismus der einen Nationalökonomischen Charakter erhielt. Modernisierung auf allen Ebenen war angesagt und aufgefordert, und die Wirtschaftswissenschaft, Wirtschaftslehre und Industrien entwickelten sich auch in ganz Siebenbürgen und nicht nur.

Was die internen und externen Agenten der ökonomischen Modernisierung anbelangt so stimmen wir Balog zu, der behauptet, dass: „Eine einfache Definition der Modernisierung sollte unterstreichen, dass es ein komplexer Prozess ist durch den, an einem bestimmten Zeitpunkt, eine Gesellschaft in einer kalitativen Lage seiner Entwicklung gelangt, die Modernität benannt wird“⁹. Man hat beschlossen, dass die wichtigsten Phänomene durch die sich die Modernität kundtut erstens ein „Politischer ist, der gleichgestellt mit der Demokratisierung werden kann, ein Religiöser, der sich durch die Säkularisation hervortut und letzten Endes ein Ökonomischer, der durch Kapitalismus, Industrialisierung, Fortschritt und eine Rationalisierung der Haltungen und Aktivitäten der Menschen annzuerkennen ist.“¹⁰

Grundlage für die Wirtschaftspolitik Wiens waren in dem 18. Jahrhundert der Merkantilismus, Fisiokratismus und ein gewisser Frühliberalismus wie wir das schon vorhin beobachten konnten.

„Die kameralistische Wirtschaftstheorie war eine echte Wirtschaftstheorie, und zwar eine staatswissenschaftliche Wirtschaftstheorie, die alle Zusammenhänge vom

⁹ Josif Marin Balog, „Agenți interni și externi ai modernizării economice a Transilvaniei la mijlocul secolului al XIX-lea (1850-1875)“ in Teodor Pavel, Tradiție și Modernizare în societatea transilvăneană: 1850-1918.(Cluj-Napoca: Accent, 2003) 11

¹⁰ Balog, Agenți, 11.

Blickpunkt der staatlichen Lenkung sah. Der Kameralismus war politische Ökonomie” so lautet die Definition die Anton Tatzscher der Staatswirtschaftslehre des Kameralismus 1947 gab¹¹ woraus sich danach die „Stärke des Kameralismus” hervorgehoben hat.

Das was sich in Siebenbürgen in dieser Zeit abspielt eine Folge dessen was sich in Europa im Voraus abgespielt hat. Zweitens ist die Rolle der internen Faktoren also auch Maßgebend, da sich die Modernisierung Regional differenzieren soll.

Schlussfolgernd beobachtet man, dass es nun an der Zeit war, dass eine neue Generation die Modernisierung an die Gesellschaft anpassen sollte, bei der sowohl der Kampf zwischen den Interessensgruppen verfolgt werden musste, als auch der Kampf der sich in den Köpfen, in die Mentalitäten der Menschen zu spüren machte. Es ist nicht nur die Modernisierung die einem beunruhigte sondern auch die eigene Zuneigung für die traditionellen Werten und Institutionen.¹²

III. Modernisierungsetappen des 18. und 19. Jahrhunderts in Siebenbürgen

Beginnend mit dem 18. Jahrhundert sollte das Ziel Österreichs die Expansion nach Mittel- und Südosteuropa sein. Das sich in dieser Zeit bildende Habsburgerreich, sollte ein Reich aus unterschiedlichen geopolitischen, historischen und kulturellen Traditionen bestehen in dessen das Gebiet um den Karpaten Becken von dutzenden von Nationalitäten, mit verschiedenen Sprachen und Rechtssysteme verwendeten und mit fremden Kulturen überfüllt war.¹³

Die Wirtschaft Siebenbürgens und die der anderen rumänischen Provinzen, die Ende des 17. und Anfang des 18. Jh. unter habsburgischer Oberhoheit geraten sind, wird durch die neue geopolitischen Konfiguration gekennzeichnet, die nach der Niederlage der Türken bei Wien 1683 entstanden ist. Die österreichische Wirtschaftspolitik hat sich im Zusammenhang mit den Wirtschaftsdoktrinen der Zeit: Merkantilismus, Physiokratismus, so wie wir das vorhin erläutert haben, entwickelt. Jedoch musste es sich auch mit den vor Ort gefundenen Zuständen zusammensetzen. So zum Beispiel erhalten Siebenbürgen und das Banat neue Aufgaben und wirtschaftliche und politische Bedeutung: Rohstofflieferant

¹¹ Wandruszka, Habsburgermonarchie, 605.

¹² Balog, Agenți, 65.

¹³ Zoltán Kaposi, Die Entwicklung der Wirtschaft und Gesellschaft in Ungarn 1700-2000. (Leipzig: Schenk Verlag, 2007) 16.

für das österreichische Gewerbe und Markt für dieselbe Industrie, Investitionsstandort, Einkommensquelle für den Ärar und Rekrutierungsregion für das Heer.

Einige Maßnahmen die man als Teil einer großangestrebten politischen und wirtschaftlichen Politik ansehen kann, waren der Erlass vom 25 februarie 1747 Maria Theresia, der die Verpflichtungen für die Domänenbauern bestimmten; die aus dem Jahr 1769 stammende *Certa Puncta*, die weiterhin die Übergriffe des Adels beschränkt haben und als Höhepunkt am 22 august 1785, die Abschaffung der Leibeigenschaft und die Versicherung gewisser Rechte für die Bauern. Das Zweck dieser Maßnahmen sollte die Institutionelle und politische Konsolidierung des Reiches werden.¹⁴

Die Grundbesitzer sind weiterhin widerspenstig gegen technische und wirtschaftliche Innovation und beharren auf dem Alten. So zum Beispiel schiebt man bis ins 19. Jahrhundert die Fruchtwechselwirtschaft, das eiserne Pflug mit asymmetrischer Scholle, auf und es gibt einen ständigen Widerstand gegen die Einführung von neuen Pflanzen und Düngemittel.

Die Agrarwirtschaft behält ihre Bedeutung besonders durch die landwirtschaftliche Domäne mit Rolle in der Organisierung der Produktion, Aufteilung, Tausch und Konsum. Trotzdem, viele der Agrardomänen die unter dem Druck der Behörden, der europäischen Wirtschaft und der Nachfrage waren, modernisieren sich. Noch dazu ist anzumerken dass so manche Agrardomänen sich entwickeln, die Produktion steigt ständig, der Geldbedarf steigt, Akkumulationsvorgang, Produktion, Handel und Konsum steigen auch. Es setzte sich eine neue Zivilisation durch, in der die Produktivität und Rentabilität an Bedeutung wachsen. Mit der Zeit setzt sich das Interesse für den Anbau von Mais, Kartoffel, Reis und Tabak durch. Die Quellen zeigen, dass in der siebenbürgischen Landwirtschaft auf dem ersten Platz der angebauten Getreidearten wie Weizen und Gerste standen. Mais war an zweiter Stelle, das sich in der zweiten Hälfte des 19. Jahrhunderts durch. Kartoffel setzte sich noch schwerer durch und besonders während Hungersnotperioden. Die zahlreichen öffentlichen Werbungsaktionen halfen auch massiv bei.¹⁵

Die Entwicklung der Industrie zum wichtigsten Wirtschaftszweig, also die Industrialisierung und die Entstehung der modernen Industriegesellschaft, war in dem 19. Jahrhundert auch unter anderem in den Ländern Mittel- und Osteuropas anzutreffen. Es war die Periphere Lage als östlichste Provinz des Habsburgerreichs die Siebenbürgen,

¹⁴ Ioan Lumperdean, Mihaela Salață, Rudolf Gräf, *Wirtschaftsgeschichte. Eine Einführung* (Cluj-Napoca: Presa Universitară Clujeană, 2006) pp. 1-255.

¹⁵ Lumperdean and Salață, *Wirtschaftsgeschichte*, 15.

obwohle es sich in dem mitteleuropäischen Wirtschaftsraum befand, zu seiner ungünstigen Lage brachte. Es ist anzumerken, dass erst nach dem Ausgleich zwischen Österreich und Ungarn aus dem Jahr 1867, günstigere Bedingungen für einen wirtschaftlichen Aufschwung gebildet wurden. Trotz dieser Bedingungen bahnte sich in Siebenbürgen, so wie es Carl Göllner bestätigt, zwischen den Jahren 1867 und 1873, bei einer erstarkenden Marktwirtschaft, ein wirtschaftlicher Fortschritt an, der jedoch von einer europäischen Wirtschaftskrise unterbrochen wurde, die während 1873-1878 andauerte, der dann die verheerenden Auswirkungen des Zollkriegs mit Rumänien folgten.¹⁶ Die erste Etappe der Industrialisierung die in Siebenbürgen sichtbar wurde, ist durch den Bau des Eisenbahnnetzes erfolgt. Die Verarbeitung der einheimischen Produkte und der Export dieser wurde jedoch durch die Hindernisse, so wie die schlechten Beziehungen zwischen Österreich-Ungarn und Rumänien, die sogar zu einem Zollkrieg führten, die es antraf gesenkt.¹⁷

In der Landwirtschaft hat man einen Kampf gegen die Starrheit, das Altgewohnte und das Herkömmliche, eingetreten durch die Methoden der Flurbereinigung-der Kommassation, Entwässerungsarbeiten, und dem steigenden Niveau der Mechanisierung. Was den Handel anbelangt, sollte sich nach dem kaiserlichen Patent vom Februar 1851 der Weg für den Binnenhandel ebnen. Was die Probleme des Exports anbelangt, diese waren bereits vor dem Zollkrieg sichtbar, durch die „sanitären“ prohibitiven Maßnahmen die eingesetzt wurden. Die Entwicklung der Industrie wurde in dieser Zeit stark durch das Bankwesen gefordert, der jetzt als einer der sich am schnellsten veränderten Wirtschaftszweigen herausstellt. Was die „Revolution des Transportwesens“ betrifft, so hatte die entscheidende Bedeutung für das Wirtschaftsleben der Bau der Eisenbahnlinien, so wie wir auch vorhin gesehen haben, kuppelte mit dem Ausbau der Linien Siebenbürgen an der Hansburgermonarchie aber auch an den rumänischen Ländern.¹⁸

Schlussfolgernd entfaltete sich Siebenbürgen, entlang des 18. und 19. Jahrhundert, aus einer Region mit noch mittelalterlichen Verhältnissen zu einer peripheren Region des Habsburgerreichs, die mit vollen Kräften und unglaublich argen Bedingungen in dem Kampf für die Modernisierung eingegangen ist.

¹⁶ Carl Göllner, Die Siebenbürger Sachsen in den Jahren 1848-1918 (Köln, Wien: Böhlau Verlag, 1988) 66.

¹⁷ Ingmar Brandsch, „Der Industrialisierungsprozeß in Siebenbürgen am Beispiel der Stadt Mediasch“ in Harald Roth, Siebenbürgische Semesterblätter (München: Studium Transylvanicum, 1994) 91.

¹⁸ Göllner, Sachsen, 67-91 and Kaposi, Wirtschaft, 59-65.

IV. Thematik der Wirtschaft in den Publikationen des Vereins für Siebenbürgische Landeskunde(VfSL)

Eines der wichtigsten Foren die sich mit der kulturellen, politischen und wirtschaftlichen Entwicklung von Siebenbürgen in der zweiten Hälfte des 19. Jahrhunderts beschäftigt hat sind die Mitglieder des VfSL die sich in den Publikationsorganen die es redigierte¹⁹ stark mit diesen Problemen befasst haben.

„Wie die Finanz-Wissenschaft zugleich mit ihrem Gegenstand gestiegen ist, so ist auch, in der Regel der Wohlstand und die Ausbildung der Nationen zugleich mit dem Staatseinkommen gewachsen, und beide werden fortfahren zu wachsen und zu blühen, so lange zwischen dem Antheil des Nationalvermögens, der die Thätigkeit des Einzelnen belebt, und dem, welcher dem gemeinschaftlichen Wirken des Staats gewidmet ist, ein gerechte Verhältniß und eine genaue Verbindung bleibt.“²⁰ So schrieb Friedrich Hann 1815 in der ersten von dem Archiv des VfSL erschienene Studie die als Thema die Wirtschaftswissenschaft, im speziellen das sächsische Steuerwesen, hatte.

Das Thema der Wirtschaftswissenschaft und der Wirtschaftsgeschichte sollte unter den Seiten der Publikationen des VfSL ein sehr besprochenes werden. So zum Beispiel sind es 37 Studien die sich um die Siebenbürgische Steuerwesen und das Staatssteuer befassen, seit der ersten Ausgabe des Archivs des VfSL *Die siebenbürgische Steuergesetzgebung*²¹. Wir erinnern hier noch an die Studien von Schuller, Fr., *Zur Finanz- und Steuergeschichte Siebenbürgens*²², *Zustand des Sachsenlandes am Ende des 17. Jahrhunderts*²³, Gräser, A., *Beitrag zur Geschichte des Siebenbürger Steuerwesens, umfassend die Jahre von 1720-1722*,²⁴ Zimmermann, Fr., *Die Wirtschaftsrechnungen (circa 1350-1766) der Stadt Hermannstadt in dem Archiv der Stadt Hermannstadt und der*

¹⁹ Archiv für die Kenntniß von Siebenbürgens Vorzeit und Gegenwart, herausgegeben von Johann Karl Schuller („Schuller-Archiv“), Archiv des Vereins für siebenbürgische Landeskunde, Alte Folge (römische Zählung), Neue Folge (arabische Zählung), Korrespondenzblatt des Vereins für siebenbürgische Landeskunde und Siebenbürgische Vierteljahrsschrift,

²⁰ Friedrich Hann, „Über die siebenbürgische Staats-Steuer (contributio regia) mit Beziehung zur Volksökonomie. Beitrag zur siebenbürgischen National- und Finanz-Wirtschaftskunde“ in Archiv des Vereins für siebenbürgische Landeskunde IV (Hermannstadt: Eigenverlag, 1850) 1-17.

²¹ Redaktion des Archivs des Vereins für Siebenbürgische Landeskunde, „Die siebenbürgische Steuergesetzgebung“, in Archiv I (Hermannstadt: Eigenverlag, 1841), 1-23.

²² Friedrich Schuller, „Zur Finanz- und Steuergeschichte Siebenbürgens“, in Korrespondenzblatt 9 (Hermannstadt: Archiv des Vereins für Siebenbürgische Landeskunde Verlag, 1886), 101-104; 113-114.

²³ Friedrich Schuller, „Zustand des Sachsenlandes am Ende des 17. Jahrhunderts“ in Korrespondenzblatt 21 (Hermannstadt: Eigenverlag, 1898), 125-130; 141-144.

²⁴ Anton Gräser, „Beitrag zur Geschichte des Siebenbürger Steuerwesens, umfassend die Jahre von 1720-1722“ in Archiv des Vereins für siebenbürgische Landeskunde IV (Hermannstadt: Eigenverlag, 1850), 45-65

*sächsischen Nation*²⁵, Teutsch, F., *Aus dem sächsischen Leben vornehmlich Hermannstadts am Ende des fünfzehnten Jahrhunderts*, das theilweise in der Generalversammlung des VfSL in Hermannstadt am 26. August 1876 vorgelesen wurde²⁶. Unter den Themen mit denen sich die Periodikas des VfSL noch beschäftigt haben sind die Agrargeschichte, von denen 28 Studien vorzufinden sind, 16 Studien über das Zunftwesen und 5 Studien was den Bergbau anbelangt.²⁷

Es war nun an der Zeit gekommen, ab der zweiten Hälfte des 19. Jahrhunderts, dass sich die Gesellschaft intensiv mit den Neuerungen und Entwicklungen zusammensetzt. Wirtschaftsgeschichte und Wirtschaftswissenschaft, zusammen mit den Kategorien die zu diesem Gesamthema angehören bilden, beweisen das es eine Realität die sichtbar und erfassbar geworden ist.

Zusammenfassung

Dem Ziel das man am Anfang dieser Arbeit gestellt haben, sich mit der wirtschaftlichen Modernisierung Siebenbürgens zu beschäftigen, in der Zeitspanne von zwei Jahrhunderten, ist man nähergetreten. Man hat die Hauptrichtungen der wirtschaftlichen Modernisierung sowohl im 18. als auch im 19. Jahrhundert dargestellt und einen kurzen Überblick auf den wichtigsten wirtschaftlichen Theorien der Neuzeit verschafft. Den Kern der Theorie ist man durch die Erforschung der Wirtschaftsgeschichte und Wirtschaftswissenschaft näher gekommen. Man hat die Art und Weise in der die Modernisierung in Siebenbürgen durchgesetzt wurde gezeigt, die Ideen und theoretischen Aspekte auf die man sich gestützt hat, hindurch von zwei Jahrhunderten, den erschwerlichen Kampf gegen das Veraltete und in schweren Bedingungen bis zu einem Punkt durchgesetzt wurde. Bis zuletzt wurde die Bearbeitung der Publikationen des VfSL, die in der zweiten Hälfte des 19. Jahrhunderts eine leitende Rolle in dem kulturellen Leben Siebenbürgens spielte erortet. Es ist hoffentlich gelangt wie aus der Perspektive des 19. Jahrhunderts hervorgehend über die Probleme mit denen sich die Wirtschaftswissenschaft

²⁵ Friedrich, Zimmermann, „Die Wirtschaftsrechnungen (circa 1350-1766) der Stadt Hermannstadt in dem Archiv der Stadt Hermannstadt und der sächsischen Nation“ in Archiv des Vereins für siebenbürgische Landeskunde 16 (Hermannstadt: Eigenverlag, 1881), 629-651

²⁶ Friedrich Teutsch, „Aus dem sächsischen Leben vornehmlich Hermannstadts am Ende des fünfzehnten Jahrhunderts“ in Archiv des Vereins für siebenbürgische Landeskunde 14 (Hermannstadt: Eigenverlag, 1877), 176-228

²⁷ Mathilde M. Wagner, Register der Periodika des Vereins für siebenbürgische Landeskunde(1840-1944), (Heidelberg: Redaktion der Zeitschrift für Siebenbürgische Landeskunde, 2005) 89-95.

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aus Siebenbürgen, in eine Etappe des Anwachsens und Etablierens, in dem 18. Jahrhundert, besprochen und analysiert wurde zu zeigen.

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THE HABSBURG SANITARY REFORM IN TRANSYLVANIA AND ITS ROLE IN MODERNIZING THE HEALTH SYSTEM. CASE STUDY: BISTRITA REGION

TRIȘCAȘ Floarea Elena¹

ABSTRACT

IN THE SECOND HALF OF THE EIGHTEENTH CENTURY THE REGION OF BISTRITA AS THE REST OF TRANSYLVANIA EXPERIENCED A HEALTH REFORM IMPOSED BY THE HABSBURGS THROUGHOUT THE EMPIRE. FROM THAT MOMENT ON, THE MEDICAL PERSONNEL FROM THE BISTRITA DISTRICT WAS FORCED TO COOPERATE WITH THE MEDICAL PERSONNEL OF THE NEW ROMANIAN SECOND REGIMENT BASED IN NASAUD AND ESTABLISHED IN 1862. THE BIGGEST FIGHT THEY HAVE FOUGHT WAS AN ANTI-EPIDEMIC ONE, THE FIRST OBJECTIVE WAS TO STOP THE EXPANSION OF INFECTIOUS DISEASES WHICH WERE CONSIDERED TO HAVE COME FROM THE EAST. LIMITED BY LAWS AND ORDINANCES ISSUED BY THE HEALTH COMMISSION OF VIENNA, THE SANITARY PERSONNEL DEVELOPED, TURNING IN TO A WELL EDUCATED GROUP, WHICH HAD AS THEIR MAIN PURPOSE THE MAINTENANCE OF THE COLLECTIVE HEALTH TO A HIGH LEVEL. THE FIGHT WAS NOT EASY, SCIENTIFIC MEDICINE WAS IN ITS BEGINNINGS, MEDICATIONS WERE FEW AND SUPERSTITION AND IGNORANCE WERE DEEPLY ROOTED IN THE COLLECTIVE MIND.

KEYWORDS: *SANITARY REFORM, ORDINANCE, EPIDEMIC, QUARANTINE, PLAGUE, VACCINE, CHOLERA*

As for science if we keep it to linger in ourselves and we don't share it to the public to know it and to be of use to them? (Nyulas Ferenc, Transylvanian protomedicus)

Introduction

At the beginning of the eighteenth century Transylvania was hit by epidemics every time the population was involved in a military action, was suffering of famine, climatic changes were present or masses of people moved around. The first place in the virulent

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pandemic classification was occupied by far by the plague “great figure in the history of the old days”², followed closely by typhus, syphilis, smallpox, malaria and others. These meant a huge demographic scourge, but mostly the “annihilation of human connection between parents and children, men and women and any kind of social interaction between cities, lands and villages”³.

Measurements taken against the pandemics by local authorities and the few initial doctors did not have the desired results until the Empires throne was occupied by Maria Theresa, who began to reform the imperial healthcare system by imposing general health measures for all provinces. These changes brought to the Transylvanian borders the military guard (permanent quarantine zones) in order to prevent and limit the spread of diseases, which were thought to have come from the Orient (especially the plague). The next step was the implementation of two important health care laws: *Planum regulationis in re sanitas* in 1755 and *Generale normativum in re sanitas* in September of 1770. These regulated and controlled the training and practice in the medical field⁴. These laws established a sanitary administration pyramid formed by the Supreme Sanitary Commission in Vienna headed by a *protomedicus* with departments in all provinces, led in turn by *physici* with university degrees⁵.

The Transylvanian sanitary commission, already in existence, was organized in the first half of the century by local government (Transylvanian Gubernium), and in accordance with the new laws put under the supervision of the Sanitary Commission in Vienna. At the head of the commission was a *protomedicus*, who viewed over the local sanitary commissions, led in turn by a *physic circulatorul*. The main task of the *protomedicus* was to advise all the medical staff from Transylvania and to lead the fight against the epidemics⁶. The regional *Physicii* had the same duties locally as a *protomedicus*, furthermore they had to visit the rural population, check the pharmacies

² Jean Delumeau, *Frica în Occident (secolele XIV-XVIII). O cetate asediată*, vol. II (București: Meridiane, 1986), 168.

³ Erna Levsky, “Frontul Austria împotriva ciumei la granița cezaro-crăiască”, in *Din istoria luptei antiepidemice în România*, ed. Gheorghe Brătescu (București: Medicală, 1972), 95.

⁴ Valeriu Bologa, Samuil Izsák, “Medicina în Ardeal în timpul feudalismului”, in *Contribuții la istoria medicinei în R.P.R.*, ed. Valeriu Bologa (București: Medicală, 1955), 154-155.

⁵ Teodora Daniela Sechel, “The Emergence of the Medical Profession in Transylvania” in *Cultural dimensions of elite formation in Transylvania (1770–1950)*, ed. Victor Karady și Borbáta Zsuzsanna Török (Cluj-Napoca: Etnocultural Diversity Resource Center Foundation, 2008), 100.

⁶ Valeriu Bologa et al., *Istoria medicinei românești* (București: Medicală, 1972), 164.

from their land, fight against fake doctors (quackery), perform autopsies, hold mineral water analysis on their land and give free medical care to the poor.⁷

The health reform also led to the birth of the first medical school in Transylvania, in 1775 the University of Cluj was born, converted shortly afterward in *Lyceum regium* having a medical and surgical school.⁸ All physicians had to hold a degree from a university in the empire and the surgeons had to attend courses at the school in Cluj for two years, after which they became magister in surgery. Midwives were required to follow the courses of the midwifery at Cluj or Sibiu, but for a long time the empirical ones were accepted also.⁹

All of these, in addition with professional scientific publications translated by the Commission in the populations languages (German, Hungarian and Romanian), meant the beginning of a modern world healthcare system. Nonetheless scientists had to struggle with the prejudices and ignorance specific to that time and space. Changes have had an important role in the disappearance of plague epidemics in Transylvania by isolating the disease and tracking the sources of infection. Accordingly the medical staff was educated in the West, specializing in medicine at a scientific level, with a different overview on the population's health.

In the present paper I want to analyze the progress made in the healthcare system in the Bistrița region, more precisely in Bistrița District and Rodna District, were since the 16th century a health guild has been present, namely a barber-surgeon guild, renowned both locally and abroad in Moldova.

The region presents a high interest because two sanitary groups were present here, on the one hand the Transylvanian Saxons medical unit, and on the other hand the medical-sanitary service of the military border guards. Bistrița, with Brașov were the only cities that had a military guard close by. My analysis is based on a series of documents from the archives of Bistrița and some unique documents and a series of ordinances with sanitary interests published in the "Someș Archives ". My view is that the implementation of the healthcare reform, locally was the first step towards a general involvement of specialists and ordinary people in the fight for health.

⁷ Bologa et al., *Istoria medicinei*, 164.

⁸ Valeriu Bologa, *Contribuții la istoria medicinei din Ardeal* (Cluj: Institutul de Arte grafice „Ardealul”, 1927), 15.

⁹ Samuil Izsák, *Din trecutul legăturilor medicale româno-maghiare* (București: Medicală, 1956), 24.

Medical device in the Bistrița region

Bistrița district administrated the Rodna district until 1762, when the latter became the Military District of Rodna because most of the population in the 44 villages formed the Romanian Border Regiment II based in Năsăud, meaning that they joined the regiments which formed the border military cordon of the empire. In this regiment arose a military health services with the main purpose of epidemiological surveillance of the territory, providing health care services in peacetime and war, and applying all the Habsburg health laws to all rural districts¹⁰. Until then, health, in Romanian villages was dealt by the barber-surgeon guild¹¹ members from Bistrița against very high tariffs defined by them.

The regiment's doctor was the superior of all the medical staff in the district, which after a period of development meant: two high ranking doctors and six lower ranking doctors, plus medical assistants and midwives (battalion and campaign midwives)¹². Initially the majority of health care works were foreign, composed of surgeons and under-surgeons from different provinces of the Empire. In 1765, the Năsăud regiment had as chief physician a Viennese surgeon, Dominicus Rueff, who had as help Mathias Hermann and Clara Payering (all of Catholic religion). In Rodna at battalion level, acting as surgeon was Ignatius Gollibal, and in the entire regiment there were three more under-surgeons (*Subchirurgus*, *Unter-Arzt*), Franciscus Lorenzer in Năsăud, Joannes Schebel at the Company constituency and Feldruși Josehus Sutta at the Zagra Company constituency.¹³

In 1796 it was decided to grant the admission of 12 young people from across the militarized border, between those who have completed secondary school, to the Iosefin Academy where they received medical training so that they could return and serve as military doctors at the border¹⁴. It was sought the formation of medical personnel of local origin because they were much closer to the local population, there would not have been a

¹⁰ Mircea Gelu Buta, Magda Pupeză, "Aspecte ale asistenței medico-sanitare, din ținutul Năsăudului în timpul regimentului de graniță (1762-1851)", *File de Istorie* 3 (1974): 147.

¹¹ Genot Nussbächer, "Documente și știri documentare privind breasla bărbierilor din Sighișoara în secolul al XVI-lea", in *Din tradițiile medicinei și ale educației sanitare*, ed. Gheorghe Brătescu (București: Medicală, 1978), 29.

¹² Teodor Ghițan, "Istoricul spitalelor din Bistrița. Spitale, azile de bătrâni și lazarete în Bistrița medievală (1291-1848/49)", *Clujul Medical* 1 (1972): 206.

¹³ Virgil Șotropa, "Ofițerii și subofițerii regimentului năsăudean în 1765, 1766, 1771", *Arhiva Someșană* 21(1937): 499- 503.

¹⁴ Valeriu Șotropa, *Districtul Grăniceresc Năsăudean și locul său în lupta pentru progres social și libertate națională a românilor din Transilvania* (Cluj-Napoca: Dacia, 1975), 188.

barrier in local language and they could easily combat the local superstitions having knowledge of them. A Romanian commoner could not afford to send his child to study abroad because they were very expensive, therefore the only existing doctors in the region at the time were Transylvanian Saxons and Hungarians.

In the regiment also arose a sanitary service guard at the militarized border. The permanent quarantine at the border was already formed in 1740, as a result of a decree of Maria Theresa, but it was not effective because it was made by a low number of troops guarding the frontier and the medical staff from the quarantine points were missing.

In the Bistrița region the guard at the border was made by frontier guards helped by a group of representatives from local government, as of the 18th of October 1759, when the magistrate received an ordinance from the local government (which required guarding the border with Moldova)¹⁵. Quarantine points were organized in Bistrița, outside the city walls, at Bârgău, Rodna and Telciu¹⁶. But these were mere shacks in which all who had crossed the border had to stay for 84 days and pay a fee of disinfection to receive a health certificate. After the birth of Border Regiment II, on January 9, 1764, the Bistrița magistrate was informed that the border guard and quarantine must not longer be made by guards helped by local officials because it was assigned the border guards¹⁷. Since then the quarantine offices called: resorts, quarantine institutions or simply quarantine, became a parallel network with the cordon belt to the border which itself was formed by a chain of pickets, designed to stop illegal border crossings¹⁸.

The quarantine offices had medical personnel and the pickets were operated by frontier guards directed by officers. Each office was headed by a quarantine manager, medical officer "named by preference from one of the old military physicians with more experience". Furthermore there was also present a chaplain, who in addition dealt with the education at elementary school level for the children of the quarantine staff. Besides them at the stations there were present two more persons charged with the supervision of goods and service staff who deals with disinfection¹⁹.

¹⁵ *Ordinance*, National Archives, Romania, District of Cluj, Fond Bistrița, Subgroup II a, Fascicle 6, Sheet 36, 46.

¹⁶ *Ordinance*, National Archives, Romania, District of Cluj, Fond Bistrița, Subgroup II a, Fascicle 27, year 1759.

¹⁷ *Ordinance*, National Archives, Romania, District of Cluj, Fond Bistrița, Subgroup II a, Fascicle 6, Sheet, 55.

¹⁸ Șotropa, Districtul Grăniceresc, 189-190.

¹⁹ Șotropa, Districtul Grăniceresc, 190.

Periodically the border officers had to draw up reports on emerging health problems and send them to the Sibiu Health Commission²⁰. Within this Commission a worker was appointed who had the duty to periodically inspect the quarantine offices.

The new sanitary cordon was very important for the health of the local population, from the Rodna District and the Bistrița District and also for other close regions. The last big outbreak of plague in Transylvania took place in 1841 to 1843, after which the security at the border was tightened. Even if the contagion took many victims in Moldova it could not spread between the locals only at times (up to the end of the 18th century) in the form of isolated cases. The cordon guard from the Rodna area became more efficient over time and increased the number of officers depending on the border epidemic risk. If in the beginning the guard was provided by 78 people, changed every 14 days, divided into 26 pickets, with the passage of time pickets were strengthened and the number of quarantine stations increased²¹. Special buildings were constructed with areas for passengers suffering from infectious diseases, separate spaces for healthy travelers and special rooms for healthcare professionals. In 1784, the guard was provided by 4 officers, 42 non-commissioned officers and 174 soldiers²², in 1817 it was provided by 403 persons²³ and in 1831 a flock of 512 people²⁴.

The Saxon district of Bistrița had in turn a health service pursuant to the *Generale Normativum* law. When the magistrate asked the governor of Transylvania for an exact situation of the healthcare staff, pharmacists and midwives in the area (in 1772), the mayor made and immediately sent a table from which the whole structure of the local health Office could be deciphered. At that time the following staff were operating: doctor *Johann de Schankebank*, MD, chief of the district, doctor *Carl Friedrich Rhumbaum*, Bistrița city's physician. Beside these two doctors there were two barber-surgeons who worked at the Bistrița city hospital (which was functioning as a hospital from the sixteenth century, after originally being a monastic asylum since the thirteenth century), namely *Daniel Dinger* and *Mihaill Nossner*. At the "Vulturul Negru" pharmacy there were two pharmacists

²⁰ Vasile Bichigean, "Statutul grăniceresc", Arhiva Someșană 8 (1928): 85.

²¹ *Ordinance*, National Archives, Romania, District of Cluj, Fond Bistrița, Subgroup II a, Fascicle 311, Sheet 225.

²² Ioan Rusu, "Câteva date privind vechea organizare administrativă și judecătorească a unor teritorii din județul Bistrița-Năsăud", File de Istorie 1 (1971): 134.

²³ Gustav Ritter Amon von Treuenfest, *Gheschihte des K. K. Infanteries-Regimentes nr. 50...1762 bis 1850 Zweites Siebenbürger Romanen-Grenz-Infanterie-Regiment nr.17* (Wien: Das Regiment, 1882), 180.

²⁴ Amon von Treuenfest, *Gheschihte des K. K. Infanteries-Regimentes*, 180-181.

exercising their profession: *Daniel Carl* and *Daniel Langsfeld*. The medical staff were trained in medical schools, the chief had a degree from the Faculty of Halle, the physician studied at the surgical collage in Görlitz and the barber-surgeons and pharmacists learned their profession in various guilds in Transylvania and Hungary. Midwives who have attended obstetric courses did not yet exist in the area, instead there were the empirical ones who worked in rural areas²⁵.

Barber-surgeons with their practice done in a guild were still permitted, until the rouse of the school in Cluj. But after that time such guilds disappeared and locally just civilian surgeons who had the required courses were allowed to practice. The staff described may not seem enough today for the whole population from a district but for those times, one or two professional healthcare personnel in the region meant a lot. In addition, the healthcare staff in the Bistrița District was intersecting with the staff from Rodna District, therefore for the first time competition started to play a role which raised the level of medical services offered. The frontier guards and their families were treated by the sanitary staff of the military, but in the enrolling villages there were also civilian population present, which should have been theoretically treated by the Bistrița sanitary staff. Since they did not comply with the ordinance stating that poor people benefited from free healthcare, they were lost to military doctors who treated them for amounts lower than those practiced in Bistrița. Because of this, over time surgeons from Bistrița complained several times to the magistrate or even to the sanitary Commission²⁶. Over time the medical staff from Bistrița increased in numbers, midwives became specialized, and the city gained another private pharmacy (1772). Existing drugs have started to be more easily available, and the prices were set by the health Commission, drugs for syphilis, tuberculosis and scurvy had to be provided free of charge for the population without financial means.

The fight to stop infectious and non-infectious diseases

The main work that the healthcare system was submitted to in the 18th century was the halting of plague epidemics. Even if they were no longer present widely in

²⁵ Teodor Ghițan, C Suciu, "Din trecutul medical al Bistriței", in *Istoria medicinei. Studii și cercetări*, ed. G. Barbu et al. (București: Medicală, 1957), 328-329.

²⁶ Ghițan, *Istoricul spitalelor din Bistrița medievală*, 207.

Transylvania, a few isolated cases were reported, and their persistent presence in Moldova put the border guard authorities always on alert. In times when the epidemic was virulent and close to the Bistrița area, the city *pysic* had to work closely with the security quarantine directory of the guard cordon and with the head doctor of the regiment to be able to take the best decisions to prevent the extension of the plague to Transylvania²⁷.

In the city of Bistrița if there were cases of illness, they immediately opened special wings in the city hospital or in more isolated places such as on the Budacului hill towards the Codrișorului forest²⁸. Because really effective medication for the disease was not known, the emphasis was on isolating the patients and preventing the expansion of the epidemic to the general population.

To make the causes of plague known, hygiene and security measures which could be taken against its expansion and punishments for people who did not act in accordance with the border guard healthcare laws²⁹, priests received a number of brochures and books that they had to read in church on Sundays and holidays. Through a series of ordinances people were asked to bury their dead outside the town's limit, 48 hours after death and that the coffins to be closed up since the removal from the house. The common man was asked to give up the habit of kissing the dead and to inform health professionals of every death in the family, so that the bodies could be checked for signs of plague³⁰.

When a new episode of virulent plague occurred in Moldova, the Bistrița region was receiving instructions to keep the entire population under surveillance. In the city there were groups forming of health workers and members of the administration who walked from house to house to check if anybody showed signs of the disease. In the militarised region, locals were trained "the hosts of the villages" to verify 20 houses each, and if a case of death caused by the plague was reported, they were forced to burn all the belongings of the dead, to isolate their families into camps and to close down the city so that the microbe could not disperse elsewhere³¹.

People crossing the border without staying at the quarantine points for as long as needed, could be punished by corporal punishment or by directly being shoot.

²⁷ *Ordinance*, National Archives, Romania, District of Cluj, Fond Bistrița, Subgroup II a, Sheet F. 71.

²⁸ Ghițan, *Istoricul spitalelor din Bistrița medievală*, 203-204.

²⁹ Gheorghe Brătescu, *Grija pentru sănătate. Primele tipărituri de interes medical în limba română*(1581-1820) (București: Medicală, 1988), 35-42.

³⁰ Iulian Marțian, "Documente bisericești", *Arhiva Someșană* 7(1927): 62-65.

³¹ Iulian Marțian, "Documente bisericești", *Arhiva Someșană* 9(1928): 126.

The interval imposed for the isolation of people (with all their livestock and goods) in quarantine stations also knew changes in time. Originally passengers were kept at the border, 84 days in case of epidemic, 42 days on suspicion and 28 days in the remaining time. Disinfection meant bathing the body, cleaning and pest management for people and their garments and only ventilation for the trader's commodities³². The disinfection was done for a fee called *purification fee*, which was put into a special fund for the whole of Transylvania, called "Disinfection Fund"³³. Dr. Adam Chenot the protomedic of Transylvania from 1764, reformed the quarantine system and refuted the argument that plague contagions expanded by air. He believed that the plague was transmitted directly from one sick person to another and indirectly through infected linen garments of those touched by the disease. Thus he demonstrated that in case of a pandemic the incubation period was within 4-5 days, therefore a ten-day quarantine in case of suspicion was sufficient, and in quiet periods the free movement of passengers and goods could be allowed³⁴. Originally his theories were rejected by physicians at the Faculty of Medicine of Vienna, only in the "Norm of 1785" were included major reforms proposed by Chenot. Since then the professional staff from the quarantine Romanian Border Regiment II, held in quarantine the travelers for a period between 20 and 40 days and disinfection began to be made by washing (with running water or water mixed with lye or ashes), smoking with brimstone and cleaning fur using a sponge³⁵.

In addition to the fight against the plague, an attempt was made to educate the population in the area so as not to fall victim to diseases caused by lack of food. The poorest Romanian population from the Rodna region, often got sick of scurvy, a disease caused by the lack of vitamin C in the body. During periods when summers were dry, in the winters they had a great lack of food and especially cabbage (about the only green food they consumed), and by spring time along with Easter post, their bodies surrendered. Ferenc Nyulas protomedic of Transylvania recommended to be consumed against scurvy: "all weeds, but the poisonous ones, and the most important medicine are herbs". He was also the one who pointed out to the population of Rodna to consume

³² Paul Cernovodeanu, Paul Binder, *Cavalerii Apocalipsului* (București: Silex, 1993), 163.

³³ J. H. Benigni von Mildenberg, *Statische Skizze der Siebenbürgische Militär-Gränze* (Hermannstadt, 1834), 123.

³⁴ Iosif Spielmann, "Reforma chenotiană a sistemului austriac de carantină", in *Din istoria luptei antiepidemice în România. Studii și note*, ed. Gheorghe Brătescu (București: Medicală, 1972), 117.

³⁵ Benigni von Mildenberg, *Statische Skizze*, 123-127.

mineral water containing iron, which was in the area as a remedy against sanguine diarrhea caused by scurvy³⁶.

In times of famine like the one of 1817, it was requested that people waive the meatless post, priest having to tell the common man in the church that in times of great shortage of food they had "to eat what he has just as he did in 1786, when many died of famine"³⁷.

Ferenc Nyulas also observed a women's issue in the region and specifically endemic goiter, which he put on the absence or presence of harmful elements in the drinking water. The subject was taken up and discussed by another enlightenment doctor V. Popp, who emphasized even more the idea of drinking water with harmful elements in the area. He insisted in repeated memos about the threat that demographic and genetic goiter could produce, for which measurements by the "health police" would be needed³⁸.

After the deaths caused by plague ceased in Transylvania, and hence in the Bistrița area, smallpox became a not negligible problem. Children were dying in large numbers in the early years of life or remained with their faces disfigured by traces caused by pox. As a result during the period of 1804-1814 the Transylvanian Health Commission started the vaccination for pox. In the border guard Romanian Regiment II, priests were yet again involved in the process of struggling with the disease, they had to read different brochures about pox to the population and they especially had to support the vaccination process and explain its benefits. To make parents bring their children to be vaccinated, the priests were no longer allowed to officiate the funeral services to children who died without being vaccinated, or marry young people who could not prove that they were vaccinated³⁹. Teachers have been trained to recognize the symptoms of scarlet fever, and once a student with signs of the infectious disease was discovered, they had to get them home, sit them in a warm place and notify the local health authorities about the case⁴⁰.

Still the biggest battle they had to forego was with the new epidemic that was occurring, namely with cholera. Because the information held about it was few and the

³⁶ Iosif Spilmann, "Un savant ardelean din secolul al XVIII-lea, Nyulas Ferenc", în *Istoria Medicinei, Studii și Cercetări*, ed. G. Barbu, G. Brătescu, G. Manoliu (București: Medicală, 1957), 116-117.

³⁷ Ștefan Buzilă, "Documente bisericești", *Arhiva Someșană* 15 (1931): 26.

³⁸ Iosif Spilmann, "Activitatea educativ-sanitară a medicilor iluminiști din Transilvania în secolul al XVIII-lea și la începutul celui următor", în *Din tradițiile medicinei și ale educației sanitare*, ed. Gheorghe Brătescu (București: Medicală, 1978), 131.

³⁹ Marțian, *Documente bisericești* 9 (1928): 126.

⁴⁰ Ștefan Buzilă, "Documente bisericești", *Arhiva Someșană* 18(1936): 413.

incubation period was different than the plague's, the instructions for the border guard were not very helpful, and the disease affect the population from 1831 to 1835⁴¹ and then in 1848-1849⁴². After a period the cholera has appeared again, but was eradicated much easier in just a few months with a new team of doctors, who have had time to familiarize themselves with the symptoms and how the disease spreads.

Conclusions

Although the Romanian Border Regiment II was abolished in 1851 and with it the military medical service as well, the struggle for human healthcare continued in the Bistrița region. The education supported by the regiment's funds, led to the emergence of Romanian doctors that were grouped in a Romanian health service, the first of its kind in Transylvania. They continued the fight against cholera and had not to be ignored results, obtained in times when people in Bistrița were hit again by pestilence.

The healthcare reform has left a larger number of specialized medical personnel, led to the disappearance of guilds of barbers and paved the way to scientific medicine. Local doctors began to come into contact with the literature of the West through translations and started the battle against local empiricism and superstition. The local common population learned more or less the role of hygiene in keeping the health and the varied diet through acclimatized plants. They opened new pharmacies and were popularized the role of spas in maintaining healthy.

Not the entire populations left aside their old habits and understood the role of each individual to a healthier community, but the laws and penalties imposed related to noncompliance were required to start a modernized sanitary system.

⁴¹ Teodor Ghițan, "Istoricul spitalelor bistrițene în perioada burgheză (1848/49-1918)", Clujul Medical 2 (1972): 604.

⁴² Gheorghe Brătescu, Paul Cernovodeanu, Biciul holerei pe pământ românesc (București: Academiei Române 2002), 178.

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IASI JEWISH DEMOCRATIC COMMITTEE

COCEA Eliza *

ABSTRACT

THE JEWISH COMMUNITY FROM IASI WAS ONE OF THE MOST IMPORTANT COMMUNITIES IN ROMANIA. BETWEEN 1938-1941, THE JEWS WERE TARGETED BY DISCRIMINATORY RACIST LAWS, PROHIBITED FROM ACTIVITY IN SEVERAL ECONOMIC SECTORS, PART OF THEM WERE FIRED FROM ROMANIAN FIRMS, AND CATEGORIES OF JEWISH PROPERTIES AND BUSINESSES WERE IN THE PROCESS OF "ROMANIZATION". ALTHOUGH THE HEIGHT OF RACIST MEASURES AGAINST THE JEWS FROM IASI WAS AT THE END OF JUNE 1941, REPRESSION AND ANTI-SEMITIC LAWS CONTINUED UNTIL 1944. END OF THE WAR IN 1945 MEANT FOR ALL A PERIOD OF RECOVERY AND INTEGRATION, A TIME WHEN ANTI-SEMITIC LAWS WERE REMOVED. THE JEWS FROM IASI TRIED TO RETURN TO THE ORGANIZATION OF THE INTERWAR PERIOD. BUT MANY OF SOCIAL AND MEDICAL INSTITUTIONS WERE CONFISCATED OR CLOSED, THE ZIONIST ASSOCIATION WERE CONSIDERED DANGEROUS TO THE STATE. IN 1945 WAS CREATED JEWISH DEMOCRATIC COMMITTEE, "A JEWISH INSTITUTION FOR ALL JEWS". THE REAL PURPOSE OF JEWISH DEMOCRATIC COMMITTEE WAS TO CONTROL ALL THE JEWS, TO SECURE THE SUPPORT AND COLLABORATION. ONE OF MY MAIN GOALS OF THE STUDY WAS TO ANALYZE THE MAIN DOCUMENTS OF JEWISH DEMOCRATIC COMMITTEE, AND TO OBSERVE THE IMPACT AND THE CONSEQUENCES OF THIS ORGANIZATION.

KEYWORDS: JEWISH; JEWISH DEMOCRATIC COMMITTEE; COMMUNISM; COLLABORATION;

Ever since an idea was formed to create a Jewish committee, there were lively discussions between the members of the different Jewish institutions. At the proposal of I. Schreiner Esq., General Secretary in the Ministry of Internal Affairs, and Mr. Dadu Rosenkrantz, an initiative committee is formed to establish the main directions of the Jewish Democratic Committee (J.D.C.) The short period of time allocated for discussions and consultations led to the emergence of doubts that such a committee would defend the interests of Jews. In the Initiative Committee's session dated June 7th, 1945 was populated with participants from the Communist Party, The Working Palestine Block and a part of U.E.P members, but the Jewish Party and the Zionist Organization were missing

¹. The main decisions taken in that session were: the editing of a proprietary gazette (the “Unirea” newspaper is published starting with November 1945, having the purpose of disseminating the committee’s ideas. Along the life of the J.D.C., the “Unirea” newspaper, not only published propaganda articles but was also used in a denigratory manner towards the principal Zionist and religious Jewish leaders as well as against the different institutions that did not correspond to the communist ideology) and to take control of the “Joint”².

The constitutive meeting of the J.D.C. took place on June 25th, 1945, with the participation of all Jewish organizations and main Jewish and religious leaders, who were enthusiastic due the displayed freedom of speech³.

The structure of the J.D.C. was similar to that of the Communist Party. The central leadership was formed of a board, executive bureau and a central bureau. There were four regional offices, within which local and county committees were active⁴. In Bucharest, each District had its committee. The Executive Bureau was active in several sections: The Organization Section, The Agitation and Propaganda Section, The Training Section, The Cultural Section, The Re-Stratification Section⁵.

The political makeup of the committee was mainly made up of communists, but also social-democrats, U.E.P. members, leftist Zionists, the Social-Democrat Zionist Party, Ikuf (press distribution organization). The civil servants came from the intellectual class with very few belonging to the “working” class. The first J.D.C. President was Mr. M. H. Maxy and each bureau had the responsibility to draft activity reports, to present accomplishments, etc⁶.

At the end of the first year in activity, the J.D.C. organized the first and only country wide conference (on June 25th, 1956), where the majority of Jewish leaders in

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¹ Laiş Slomo, Leibovici, *Comitetul Democratic Evreiesc- formaţiune politică evreiască sau jewsecţia românească*, Ed. Ion Prelipcean, 2003, 16-17.

² Ibidem, 17.

³ Hary, Culler, *Evreii în România anilor 1944-1949. Evenimente, documente, comentarii*, Ed. Hassefer, Bucuresti, 2002, 43

⁴ Laiş Slomo, Leibovici, op. cit, 22.

⁵ *Evreii în România Democrată- Prima conferinţă pe ţară a Comitetului Democrat Evreiesc*, Ed. Comitetului Democrat, 9

⁶ Ibidem, 12.

Romania were invited, with the guest of honor being Rabi Alexandru Șafran⁷. In order to mark the importance of the event, the conference edited a brochure presenting the section reports, debates, as well as the committee's new projects. In the later published brochure there were 17 resolutions in reference to the legislation of Jewish citizenship, return of properties and households confiscated before 1944 and the return of Jews deported to concentration camps. Two of the 17 resolutions are in reference to the Iasi Community and the condemnation of the people responsible for the 1941 Pogrom. Thus, Resolution VIII states: "*The problem of widows and orphans that resulted from the killing of thousands of Jews by the fascists during the Iasi Pogrom... in the legionary rebellion, in the massacres and internal turbulences of the terror years, left without support, has not been solved to this day...*"⁸ and Resolution XVII requested: "*the sanctioning of criminals, moral and material authors of the Iasi massacre, whose judgment must be carried out at the place of their crimes..*"⁹

Starting with the second year of activity, the J.D.C. leadership is changed, the new designated General Secretary being Mr. N. Goldhamer and the person responsible for Jewish problems in the Central Committee is Mr. Bercu Feldman¹⁰. From the beginning of the organization, the J.D.C. considers itself to be an organization for all the Jews, no matter their political, religious orientation and social status, promising that it will solve all the important issues (such as: *legislate the Jewish citizenship that was left at the same stage as during the racial oppression regime.* – Resolution V¹¹).

In reality, the institution only served the interests of the Communist Party, and once they captured all the power after the 1946 elections they started tougher and tougher actions against the Jewish leaders and institutions that did not align with communist requirements.

Before 1938, in Iasi, there existed one of the most developed and important Jewish communities of Romania, with rich economic, social and cultural activities. In Iasi there were many independent Jewish institutions and associations, such as the Israeli Hospital,

⁷ Ibidem,, 8.

⁸ Ibidem, 12.

⁹ Ibidem, 13.

¹⁰ Laiș, Slomo, Leibovici, op. cit, 33.

¹¹ Evreii în România Democrată - Prima conferință pe țară a Comitetului Democrat Evreiesc, Ed. Comitetului Democrat, 13.

the Ghelerter Childrens' Hospital, vocational schools (the Reunions of Israeli Women), soup kitchens and orphanages¹².

All these were closed starting with 1938, and the buildings were passed into the state's property. Once the war ended there was a desire to restart social activities due the high number of the impoverished population. Yet, the associations and institutions with heritage were no longer compatible with the new realities post 1945.

After the end of the war, Zionist associations militating immigration from Romania also started their activities through conferences and by editing their own newspapers, the establishment of vocational schools where the youth could learn trades to be practiced in Israel, orphanages and summer camps or farms¹³.

The intensification of the Zionist movement after the war, was due to several factors amongst which: the poor economic situation, the ascent of communists to power, the impossibility to practice part of the old vocations, lack of solutions in regard to the return of Jewish property and households, the terror of living under a new regime with evident anti-Semitic tendencies, the state's implication and control of community administration, religious, economic and private life, as well as the establishment of the State of Israel. For Iasi Jews, continuing to live in the city where the Pogrom took place represented a unique social context. The memory of the late June's 1941 events continues to retain painful reminders, constantly influencing the relationships between Christians and Jews. The idea of living in the same city as the murderers of their parents and children was hard to live with for a lot of people. Even though at the end of the war many trials were organized in Iasi, purposed to try and condemn the Pogrom's organizers, the punishment of the guilty has been partially applied and in many cases, the justice served was greatly disproportionate to the committed crimes. The Jews considered that many Romanians have not yet paid for their crimes. In 1948, at the end of the Pogrom Trial, 50 persons were convicted. Until the end of the 40s', the great majority of Iasi's community leaders chose to leave to Israel (Community President Avram Hahamu immigrated to Tel-Aviv in 1950, and the President of County Bureau and Community President in 1941, Mr. Iacob Iosef moved to Jerusalem)¹⁴.

¹² Ion, Mitican, *Evreii din Târgu Cucului de altădată. Câteva aduceri aminte*, Ed. Tehnopress, Iași, 2004, 85.

¹³ Șase ani de activitate în slujba educării evreiești a tineretului lui Israel, *Asociația Tineretului Sionist din România*, 23.

¹⁴ Yad Vashem Jerusalem Archive, Abraham Hahamu's Testimony.

The Hehaluț movement in Iasi, after 1945, was represented by Dror-Habonim and Hașomer-Hazoir, both training youngsters for agricultural activities that they will practice in Palestine (in Israel starting with 1948)¹⁵. Dror-Habonim had 15 members and Hașomer-Hazoir 32¹⁶ (a relatively low number taking into account that in postwar Iasi there were 38000 Jews i¹⁷,-, while before 1938 the number of youngsters implicated in the Zionist movement's social and cultural activities was much higher. Thus, between 1924-1940 a Hehalut farm¹⁸ was functional in Iasi and in 1925 the Hașmonea college student movement was established, the young students actively implicating themselves in organizing conferences and other activities Zionist in nature. (The Zionist Youth Association was another Iasi Zionist organization of the interbellum period, where Menachem Mendelshon activated during his college years, the Community President of the Cultural and Social Assistance Section. He was also active during the Antonescu regime in the Machtebeth-Resistance)¹⁹.

A possible explanation for the reduced number of youngsters enrolled in the post 1945 Zionist organizations, as presented in official reports, might be represented by the implication of the authorities in the denigration and condemnation of the Zionist movement. Even though the economic crisis after the war affected everyone, the persons declared to be Zionists, thus „dangerous elements” for the state, were not allowed to work, were followed, investigated and condemned²⁰.

As such, many Jews preferred to illegally immigrate as soon as possible without attracting the authority's attention.

In one of its numerous reports, the Joint Distribution Committee made certain observations that captured the Jews' critical situation in post 1945 Romania: *“The general situation in Romania is very poor. The impoverished economic situation of the country made many Jews sell everything, even their shoes in order to buy foodstuffs for day to day living. The ones classified as Zionists were not allowed to work. The foodstuffs can only be bought off the black market. Day after day, thousands of Jews take the Israeli Consulate by*

¹⁵ Hachalutz, the mouvement of the Roumanian Sionist Labour Youth, Financial department, Statistical report, august-december 1947, 15.

¹⁶ Ibidem, 17.

¹⁷ Ghershom David Hunderst, The YIVO Encyclopedia of Jews in Eastern Europe, Volume I, Yale Univeristy Press, 2008, 796.

¹⁸ Ibidem, 797.

¹⁹ Archive Jerusalem Yad Vașhem, Menachem Mendelshon's Testimony.

²⁰ Adevărata înfățișare a „Raiului Sionist” din Statul Israel, cuvântul unor oameni ai muncii evrei către populația muncitoare, 1950, 31.

*assault, asking for help and the possibility to immigrate to Israel.*²¹ The A.J.D.C. also financed the operations of Iasi orphanages, such as the orphanage under the patronage of the Haşomer-Haţoir Zionist Association, enrolling 73 children in 1946 (pg. 32)²².

Due the fact that the J.D.C. declares itself against immigration, the Zionist movement is aggressively attacked, first in the press and in conferences, later to be continued with threats and direct confrontations between the two parties. Time and time again, the Zionist leaders as well as simple members are arrested and accused to be fascists and imperialists. Even though the Romanian state had an ambivalent attitude towards the immigration of Jews to Israel, *(Until 1948 when Israel proclaimed its independence, the immigration of Romanian Jews was accepted and allowed by the authorities. The end of the 40s, which coincided with the beginning of the Cold War led to harsher immigration policies. Despite this, a massive immigration wave of mosaic rite citizens took place during 1948-1958 (120 000 persons). The attitude of Romanian leaders was contradictory, from encouraging, to organizing, to totally forbidding the immigration.*²³), the J.D.C. strongly condemned the Zionist movement²⁴. After the dismemberment of all Zionist associations, the J.D.C. took over the organization of the Alia. Under the leadership of the J.D.C. 8000 requests were approved, but no more than 3700 persons left the country. Amongst these were many elderly, orphans and sick persons, people that were allowed to pay for approval, as well as Jewish communists or persons considered to be dangerous²⁵.

Amongst the measures meant to assure its popularity with the Iasi Jews, the J.D.C. in Iasi drafted files with the widows and orphans that survived the Iasi Pogrom. The files were consulted by persons responsible with the verification of victims and injured. These recommended the approved files for survivor pensions. Following this action, thousands of files were forwarded to the Iasi J.D.C. headquarters. The persons responsible with the verification of the victims were well known lawyers and civil servants, amongst which I. Kaufman Esq., Mendel Avram, Alexander Blumenthal, Iosub Orenştein, Zelingher Aron, Moses Aron, N. M. Barul²⁶.

²¹ Joint Distribution Committee Archives: D. Joint Archives Orphans.

²² Ibidem.

²³ Mihnea, Berindei, Dorin, Dobrinu, Grosu, Armand, ed., Bucuresti, Comisia prezidenţială pentru analiza dictaturii comuniste din România, Istoria comunismului din România. Documente – Perioada Gheorghe Gheorghiu-Dej (1945-1965), Ed. Humanitas, 2009, 78.

²⁴ Oamenii muncii evrei demască Sionismul, Editura de Stat, 1950.

²⁵ Carol, Bines, Din istoria imigrarilor in Israel, 1882-1995, Ed. Hassefer, Bucuresti, 1998, 112.

²⁶ Arhivele Nationale ale Romaniei, Directia Judeteana Iasi, Fond: Comitetul Democratic Evreiesc.

Another action meant to bring popularity with the Jews (especially Yiddish speaking Jews living in Moldova and Maramureș – the I.L. Pertz Club, starting in the interbellum period²⁷) was the imposition of Yiddish as mother tongue in disfavor of Hebrew. Thus, on March 6th, 1949, a Yiddish language Elementary School is opened in Iasi (similar schools teaching in Yiddish are also opened in Bucharest and Timișoara)²⁸.

The Iasi J.D.C. projects and programs followed the structure of the central J.D.C. By means of all the sections it spread propaganda in the party's interest wanting to "mobilize the Jewish masses in all activities of the Romanian Workers Party and mass organizations". Iasi J.D.C.²⁹. The weekly reports issued by the J.D.C. reveal that an intense and varied activity was carried out in Iasi, the Committee taking over all aspects of community life. The Iasi J.D.C. organized conferences, meetings, public debates where the Jewish population had to participate. The main topics being discussed at the public meetings were about the friendship of the Romanian peoples and the U.S.S.R., about bourgeois and proletarian morals and the "Unirea" was read in public³⁰. In a speech held in 1949, they emphasized the wonderful achievements of the Communist Party and the J.D.C.: *"For the first time we have legislation against racist crimes, individuals that committed crimes and thefts against Jews have been tried and found guilty, ... we received the right to study in Yiddish, we have a state theater, 5 deputies in the National General Assembly"*³¹. In one of the 1946 reports, the cleansing of the Ikuf library was decided, along with the replacement of the inadequate titles with materials appropriate for the respective period³².

People responsible with the mobilization of the Jewish working class were sent to each neighborhood.

Starting with 1946, the Iasi J.D.C. Study and Documentation Sub-section, led by Dr. Aizicovici, organized night school courses where committee approved lecturers taught classes indicated by the Central Committee.

Amongst the responsibilities of the J.D.C. members was the identification of persons thought to be reactionary and against the Party or the J.D.C. (most of the Jews

²⁷ Ion, Mitican, op. cit., 74.

²⁸ C.N.S.A.S, D. 8741, Problema evreiască, 1948-1950.

²⁹ Arhivele Nationale ale Romaniei, Directia Judeteana Iasi, Fond: C.D.E..J., Dosar 7, f.7.

³⁰ Arhivele Nationale ale Romaniei, Directia Judeteana Iasi, Fond: C.D.E..J., Dosar 11, f.23.

³¹ Arhivele Nationale ale Romaniei, Directia Judeteana Iasi, Fond: C.D.E..J., Dosar 9, f.3.

³² Arhivele Nationale ale Romaniei, Directia Judeteana Iasi, Fond: C.D.E..J., Dosar 5, f.11

considered to be dangerous or imperialists, being the Zionists³³). In an Iasi J.D.C report, the objective of tracking and supervision of local Zionist leaders was set, including the unmasking of the working class enemies: *“In our country, the Jewish bourgeoisie, used Zionist nationalism in order to break apart the Jewish working masses, away from the common fight of the Romanian and cohabiting national working masses against capitalist exploitation. Zionism has sought and seeks to sow distrust in the democratic forces of our country, transforming the masses into maneuverable instruments in the hands of the imperialists.”*³⁴.

Despite their “achievements”, of removing the Zionist enemy, the numerous and varied activities, the J.D.C. was not able to gain popularity amongst the Jews. The elimination or overtaking of different cultural, social, political, ideological and religious institutions that were part of the community’s life, the imposition of a new system that had nothing to do with the Jewish type of organization, the attempts to secularize the Jewish society, but also the removal of the Zionists in an aggressive manner, and their open opposition to the Alia, made most Jews believe the J.D.C. to only be a communist propaganda instrument rather than an institution that defends their interests. After the J.D.C. was dismembered in 1953, the exacerbated nationalism of the authorities was manifested by transforming the Yiddish schools into Romanian schools, the Jewish theater was closed and a part of the actors were arrested being accused of being Zionists, the Târgul Cucului Synagogue was taken off the list of historical monuments³⁵. In all the years of the J.D.C.’s existence and after its dissolution in 1953, Jews sought to immigrate to Israel. As such, Iasi only had 4 synagogues and 3000 Jewish inhabitants in 1975³⁶.

³³ C.N.S.A.S., D. 152, Problema evreiască, 1947, f.71

³⁴ Arhivele Nationale ale Romaniei, Directia Judeteana Iasi, Fond: C.D.E..J., Dosar 9, f.3

³⁵ Gherstom, David, Hunderst, The YIVO Encyclopedia of Jews in Eastern Europe, Volume I, Yale University Press, 2008, 797.

³⁶ Ibidem.

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BOYARDS AND SERVANTS: FROM “CRIMINAL PROCEDURES” TO “VALURI”¹ (MOLDAVIA, 17TH CENTURY)²

ZAHARIA Georgiana³

ABSTRACT

HISTORIOGRAPHY HAS INCLUDED STUDIES ON BOYARS, SERVANTS, ON THEIR POLITICAL, ADMINISTRATIVE, AND LEGAL ATTRIBUTIONS. THERE HAVE ALSO BEEN WORKS ON THE NOBLE FAMILIES, ON TREASON, OR ON THE OLD ROMANIAN LAW, BUT WHAT ABOUT THE RELATION BETWEEN PEOPLE AND THE JUSTICE THEY SHOULD HAVE SERVED?

SOME SOURCES MENTION THE PRINCIPLES MEANT TO GUIDE EVERY JUDGEMENT. OTHERS SHOW THE EXTENT TO WHICH THEY WERE OBSERVED. WERE THE BOYARS AND THEIR SERVANTS, AS WELL AS THE PRINCE'S SERVANTS, MAINLY CONCERNED WITH CATCHING AND PUNISHING THE WRONGDOERS OR WERE THEY MORE PREOCCUPIED WITH ACQUIRING FINANCIAL MEANS FOR A BETTER LIFE?

THE ORGANIZATION OF THE LEGAL SYSTEM OF THAT TIME AND OF THE ENTIRE SOCIETY IMPLICITLY IS THE REFERENCE POINT FOR THE ANSWERS TO THESE QUESTIONS. AMONG THE ESSENTIAL FACTORS THAT INFLUENCED THE ACT OF JUSTICE, WE MENTION THE PERSONAL CHARACTER OF THE INSTITUTIONS, THE SPATIAL ISOLATION OF MANY LOCALITIES, THE DIFFICULTIES ACCEPTING MEDIATORS TO SOLVE CONFLICTS, THE MOTIVATIONS TO GET CERTAIN JOBS OR FUNCTIONS, AND THE LACK OF A GENERAL, ACCESSIBLE WRITTEN LAW. CONSEQUENTLY, THE CONTEXT FAVOURED THOSE WITH POWER, REGARDLESS OF THE RANK, THOUGH THIS POWER WAS NOT ALWAYS USED TO THE DESIRED END.

KEYWORDS: LEGAL–SOCIAL RELATION, CRIMINAL PROCEDURE, 17TH CENTURY, MOLDAVIA, PERSECUTION

L'historiographie relative à la justice roumaine médiévale n'a pas inclus beaucoup de préoccupations liées aux phénomènes sociaux que l'on y pourrait attribuer. La plupart des auteurs ont dirigé leur attention vers des questions concernant le jugement princier, les

¹ Difficulté, chagrin, détresse; *a avea vall/valuri*: être chagriné par quelqu'un ou à cause de quelque chose, être incommodé, être lésé. Son dérivé, le verbe *a învălui*, avait le sens de se mêler dans les affaires des autres, harcèlement, persécution; un autre dérivé, *învăluitură*, signifiait trouble, inquiétude, chagrin, manque.

² Cet article a été possible par le support financier du Programme Opérationnel Sectoriel pour le Développement des Ressources Humaines 2007-2013, cofinancé du Fond Social Européen, projet numéro POSDRU/107/1.5/S/78342 avec le titre «Doctorat: une Carrière de Recherche Attractive».

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problèmes fonciers, les origines du droit roumain, etc. Là où il y a eu des discussions dans ce sens, l'on retrouve souvent des immixtions idéologiques caractéristiques à l'ancien régime. Ces aspects m'ont déterminé à considérer nécessaire de revenir sur certains thèmes ou à approcher de nouveaux thèmes. Ainsi, je propose une brève analyse (de nature plutôt introductive) sur les liaisons entre les fonctions théoriques des mécanismes du «système» judiciaire et les réalités enregistrées par les sources.

Il n'était pas facile de se présenter devant le prince pour le jugement. Par conséquent, beaucoup de gens faisaient appel, pour leurs problèmes de nature juridique, à un dignitaire, à un serviteur ou à d'autres catégories de personnes aux pouvoirs judiciaires qui avaient «le siège»⁴ ou «la maison»⁵ le plus près: des *vornici*, des *vătafi*, des *pârcălabi*, des boyards locaux, des higoumènes ou même des *globnici* et des *deșugubinari*⁶.

A.D. Xenopol affirmait que la plupart des boyards vivaient dans les villages qu'ils conduisaient même si, avec le temps, ils voulaient être plus près de la cour princière⁷. Liviu Marcu ajoute qu'ils connaissaient bien la coutume du lieu parce qu'ils vivaient dans leurs résidences, comme administrateurs de la justice, comme propriétaires de terrains ou comme hauts dignitaires⁸. D'ailleurs, le patriarche Macaire d'Antioche, qui a traversé les Pays Roumains à la moitié du XVIIe siècle, notait, en se référant aux villages de Gheorghe Ștefan, qu'il y avait une résidence nobiliaire dans chacun d'eux⁹. A son tour, D. Ciurea

⁴ *Documente privind istoria României, veacul XVII*, A, vol. III (Editura Academiei R.P.R., 1954), no. 68 (dans le reste du texte – *DIR*) ; I. Caproșu et P. Zahariuc, *Documente privitoare la istoria orașului Iași*, vol. I (Iași: Editura «Dosoftei», 1999), no. 353 (dans le reste du texte – *Documente Iași*) ; N. Iorga, *Anciens documents de droit roumain*, vol. II (Paris-Bucarest, 1930), no. CCLXI (dans le reste du texte – *Anciens documents*) ; *Idem*, *Scrisori de boieri. Scrisori de domni* (Vălenii de Munte: Așezământul-tipografie «Datina românească», 1925), no. XXIV (dans le reste du texte – *Scrisori*) ; Melchisedec, *Cronica Hușilor și a episcopiei cu aseminea numire* (Bucarest: Tipografia «C.A. Rosetti», 1869), 143 (dans le reste du texte – *Cronica Hușilor*).

⁵ E. Cioran, *Călătoriile patriarhului Macarie de Antiohia în Țările Române* (Bucarest: Stabilimentul grafic «I.V. Socecu», 1900), 133; *Călători străini despre Țările Române*, vol. IV, edité par M. Holban, M.M. Alexandrescu-Dersca Bulgaru et P. Cernovodeanu, (Bucarest: Editura Științifică și Enciclopedică, 1980), 384; Șt.Gr. Berechet, *Procedura de judecată la slavi și la români* (Chișinău: Tipografia Eparhială «Cartea Românească», 1926), no. XVII (dans le reste du texte – *Procedura*) ; A.D. Xenopol, *Istoria românilor din Dacia Traiană*, vol. VI, second édition révisée (Bucarest: Cartea românească, s.a.), 103; *Condica lui Constantin Mavrocordat*, vol. II, ed. par C. Istrati (Iași: Ed. de l'Université «Alexandru Ioan Cuza», 2008), no. 6; *cămărașii spătăriei* étaient «souvent envoyés aux boyards que le prince rappelle de leurs domaines» (trad. par l'auteur; D. Cantemir, *Descrierea Moldovei*, in *Operele principelui Demetriu Cantemiru*, tome II [Bucarest: Tipografia Curții], 90; dans le reste du texte – *Descrierea*). Il s'agit, plus exactement, de la cour du boyard local.

⁶ *DIR*, A, veacul XVII, vol. II, no. 195; Melchisedec, *Cronica Hușilor*, 41; *Documenta Romaniae Historica*, A, vol. XVIII, élaboré par I. Caproșu, V. Constantinov (Bucarest, 2006), no. 143 (dans le reste du texte – *DRH*).

⁷ A.D. Xenopol, *Istoria românilor*, vol. II, 103.

⁸ L.P. Marcu, «Éléments d'ethnologie juridique dans l'œuvre des chroniqueurs roumains», in *Ethnologica*, Bucarest, 1982, 57.

⁹ E. Cioran, *Călătoriile patriarhului*, 133.

conclue que «chaque Haut Dignitaire détenait en Yassy, à la moitié du XVII^e siècle, sa cour, sa famille nombreuse, qui incluait ses proches relatifs, les servants, les serviteurs ou les domestiques, les boyards ou non, et même les ouvriers»¹⁰. Ainsi, qu'il se trouvait dans ses villages ou non, le boyard vivait au milieu d'un entourage formé, parmi d'autres, des gens qui le servaient.

D'autres part, les villageois composaient, avec leur *vătămă*, un tout qui se trouvaient sous l'autorité (ou, en termes modernes, la «juridiction») d'un *vornic* (gouverneur), *pârcălab* (juge local) ou d'un autre boyard, avec ou sans une fonction dans ce sens¹¹. Cet aspect dépendait de l'état de l'établissement (libre, du boyard, du monastère, du prince). Quand un village changeait de direction, et de juridiction, implicitement (ou peut être seulement la dernière, s'il s'agissait d'un village libre), on l'annonçait aux habitants, bien des fois à travers une décision princière, pour les transmettre qu'ils allaient être conduits par «notre boïar (...). Il vous faut l'écouter comme le maître qu'il vous est, ainsi que ma Seigneurie vous l'a dit, dans tout ce qu'il vous enseignera»¹². Dans un autre cas, le boyard même annonce qu'ils ne devront plus lui obéir (à Dabija *vel vornic*¹³), mais au *pârcălab* Dumitrașcu: «car dorénavant je n'ai plus rien avec vous»¹⁴.

Il y avait aussi des attributions plus restreintes dans le domaine de la justice pour les boyards avec des fonctions administratives. À leur tour, ils pouvaient envoyer des gens pour accomplir les tâches dépendant du sujet: «c'est-à-dire lui [le grand *postelnic* Iorga – n.n.] a envoyé son loyal servant, le nommé Toader chef des marchands, qui avait été *ispravnic* au *silitră*¹⁵, et Gheorghiță, pour rassembler beaucoup de bonnes gens»¹⁶; «essaye de partir avec tes hommes-là, d'aller avec nos gens, de saisir certaines gens de Cernădia cea Mare, qui ont agressé des *vătășei* de *sursat*¹⁷»¹⁸.

¹⁰ D. Ciurea, «Aspecte din situația socială a Moldovei în secolele XVII-XVIII», in *Anuarul Institutului de Istorie și Arheologie A.D. Xenopol*, no. XXIV (1987) (II): 147.

¹¹ Le prince écrit à son servant Onciul d'Itrinești d'établir un jour pour leur jugement (Șt.Gr. Berechet, *Procedura*, no. XV).

¹² N. Iorga, *Anciens documents*, vol. I, no. CLXIV.

¹³ Grand «vornic».

¹⁴ N. Iorga, *Anciens documents*, vol. II, no. CCLXI. Gheorghe Ștefan émit un document similaire: «Ma Seigneurie écrit au *vătămă* (capitaine) et à tous les villageois du village d'Avrămeni. Par notre lettre, nous l'annonçons, et vous devez obéir à notre boyard, à Iordachie, ancien vîstiaire, parce que Ma Seigneurie, de sa grâce vous a donné de nouveau à lui, juste comme dans le passé. Pour cette raison, il vous faut l'écouter dans tout ce qu'il vous enseignera, et le *vornicel* (administrateur de rang inférieur – n.n.) que Ma Seigneurie avait nommé là n'y ait rien à faire» (Șt.Gr. Berechet, *Procedura*, no. XVII).

¹⁵ Poudre à canon.

¹⁶ N. Iorga, *Studii și documente*, vol. V (Bucarest: Editura Ministerului de Instrucție, 1903), chapitre II, no. II. Dans le reste du texte – *Studii*.

¹⁷ Les responsables des «réquisition» d'aliments pour l'armée.

¹⁸ N. Iorga, *Studii*, vol. VI, no. 141.

Ainsi, on pourrait poser la question suivante: qui d'autre aurait pu envoyer le boyard (s'il n'était pas accompagné par une telle personne) pour juger des litiges, pour saisir des voleurs, pour collecter des taxes ou pour d'autres affaires similaires sinon les gens qui étaient à sa disposition, quelque soit leur occupation quotidienne? Parmi d'autres témoignages, il y a celui des gens de Tecuci qui, après la moitié du XVII^e siècle, racontent que «le *vornic* Dănilă qui serve *l'ușer* Chiric, le *pârcălab* de Tecuci, quand lui et Coceală l'ont remplacé, a saisi un voleur et Dănilă l'a surveillé pour un mois («car ce n'était pas de *gros*¹⁹»). Ensuite, il l'a passé à Coceală pour qu'il le surveille, aussi»²⁰. On peut voir ici un entier système de servants et de serviteurs, aussi que leurs interactions.

Dans un cas de vol de chevaux, le prince «a envoyé un armache et le *vornic* de la porte princière, Dumitrașcu Nichițelea, pour enquêter et les habitants de Miroslava leur ont dit le suivant: Giurgea le *șetrărel*, Pătrașcu le *fustaș* et d'autres ont soutenu que ce Martin Panica avait volé les chevaux»²¹. Une autre fois, le prince écrit à ses «serviteurs» (des boyards sans fonction), en les annonçant qu'il y avait eu des plaintes de la partie du grand *paharnic* (le plus haut serveur du vin du prince – n. n.) Gligorie, concernant le fait qu'Apostol Golăi et ses frères auraient «dévalisé (...) sa maison, pris beaucoup d'aliments et ils ont pêché dans un bassin à poissons». Apostol le nie. «Ainsi, si vous recevez ma lettre, vous allez y analyser et vous allez demander les gens si Apostol a vraiment participé au vol avec ses frères, vous allez en faire une déposition et nous la communiquer»²². C'étaient toujours les *vornici de la porte princière* (parfois appelés «de gloată»²³) qui étaient envoyés parfois «sur le terrain» pour faire de diverses investigations²⁴.

Les coûts de ces investigations étaient supportés par les habitants, qui devaient s'assurer que les *vornici* eussent à manger et à boire²⁵. Plus d'une fois, les princes se

¹⁹ Le mot *gros* avait, généralement, le sens de prison ou, quelquefois, pièce de bois avec deux orifices, utilisé pour immobiliser les pieds d'un malfaissant (MDA, vol. I).

²⁰ *Catalogul documentelor moldovenești din Direcția Arhivelor Centrale*, vol. III, no. 740 (dans le reste du texte – CDM).

²¹ CDM, suppl. I, no. 932.

²² Gh. Ghibănescu, *Surete și izvoade*, vol. IV (Iași: Tipografia «Dacia» Iliescu, 1908), no. XV. Dans le reste du texte – *Surete*.

²³ Foule. Dans le Moyen Âge le mot avait le sens de *peuple*.

²⁴ *Documente Iași*, vol. II, no. 144, 264.

²⁵ «...ils offriront des aliments seulement aux apords envoyés par le prince, mais ils mangeront le même que les paysans, de la farine de maïs et du fromage ; toutefois, on ne leur offrira pas des boissons» (CDM, vol. III, no. 361) ; un village a été exempté de plusieurs taxes «parce qu'il est près de la route et tous en profitent» (CDM, vol. I, no. 1290).

voient obligés à limiter les demandes de leurs servants pour ne pas «surcharger» les hôtes, le plus probablement après plusieurs plaintes dans ce sens²⁶.

En 1607, Mihail Movilă donnait aux frères du monastère de Galata «toutes les *gloabe* et les *deșugubine* et les *morts des gens*²⁷, dans tous les villages appartenant au monastère (...). Et nos serviteurs, les *pârcălabi* et les grands *vătagi* et d'autres juges jugeront seulement les voisins du sacré monastère, mais de manière juste et en prenant seulement les dédommagements conformément au jugement, et sans faire de *prădăciune*²⁸ [nos italiques]»²⁹. Le fragment offre quelques uns de principaux éléments de vocabulaire concernant cette partie de la procédure³⁰. *Prădăciune* est le terme général utilisé pour englober tout type de paiement pour un délit. L'interdiction exprimée ici prouve qu'il y avait aussi des violations. Il y avait parfois un paiement monétaire ou avec des animaux sans avoir trouvé une culpabilité réelle. Parfois, il y avait des servants qui profitaient de certains conflits qui apparaissaient dans des communautés. Dans ce sens, Melchisedec affirmait que les *deșugubinari* (percepteurs de *deșugubină*) faisaient des efforts pour trouver tout le part des «plaintes», des «complots» et des «vengeances» entre les gens, car «ils en profitaient»³¹.

C'était l'un des motifs pour lesquels on considérait aussi les *năpăști*³² dans le cas de certaines plaintes³³, pour vérifier si les informations de la plainte étaient justifiées. Il y avait des cas où les gens réagissaient à de tels comportements par en annonçant le prince. Ainsi, plusieurs évêques, des higoumènes, des propriétaires, des servants aux boyards de la campagne et des veuves accusaient certains percepteurs «qu'ils entrent dans leurs villages et dépouillent leurs serfs et leur prennent des amendes d'exécution (*ciubotesc*) sans aucune raison. En outre les collecteurs d'amendes pour actes contre les mœurs (*deșugubinari*) s'en vont journellement faisant injure à des femmes et des filles d'honnêtes gens et aux veuves pour des calomnies, les dépouillant et mettant en fers et leur prenant l'amende

²⁶ L'ancien *șoltuz* (le chef du conseil de la cité) Gheorghie est en procès pour certain paiements «pour la période où il a accommodé les armarches venus à juger un conflit» (*CDM*, suppl. I, no. 830).

²⁷ Il s'agit des «amendes» (pour vol, viol, inceste, assassins etc., et, la dernière, pour morts de gens payés par toute la communauté quand le assassin n'a pas été trouvé), qui pouvaient constituer des revenus pour quelques boyards ou servants.

²⁸ Sans saisir d'autres biens.

²⁹ *DIR*, A, veacul XVII, vol. II, no. 164.

³⁰ Voir N. Grigoraș, «Principalele amenzi din Moldova în timpul orânduirii feudale (secolele al XV-lea – al XVIII-lea)», in *Anuarul Institutului de Istorie și Arheologie A.D. Xenopol*, VI, 1969, Iași.

³¹ Melchisedec, *Cronica Hușilor*, 41.

³² Une fausse accusation adressée à quelqu'un (A. Scriban, *Dicționarul limbii românești*, Iași, 1939); péché, injustice, persécution, accusation injuste, plainte ou affirmation sans motif, calomnie (*Mic dicționar academic*, vol. II [Bucarest: Univers Enciclopedic Gold, 2010]. Dans le reste du texte – *MDA*).

³³ *DRH*, A, vol. XXIII, no. 70; Gh. Ghibănescu, *Surete*, vol. III, no. 105.

d'exécution»³⁴. En recevant une plainte de la part de certaines femmes des boyards, le prince transmet par le *pârcălab* de Suceava, «qui dénoncera de l'autre aux servants, aux *zlotași* ou aux *desetnici* (percepteurs), ou bien aux *gorștinari* ou aux *pârcălabi*, devra payer au prince 12 bœufs; aussi, le *pârcălab* les ligotera et les fera apporter au prince pour les punir et pour les rendre honteux devant le *divan* (Conseil du prince)»³⁵.

A travers un document de 1685, Constantin Cantemir prohibait aux *pârcălabi*, aux *globnici* et aux *deșugubinari* de Roman de «surcharger [*învăluie*]» les *poslușnici* (servants des monastères dispensés des taxes) et les tziganes de l'Evêché ou de leur payer des visites nocturnes avec des gardiens³⁶. On rencontre souvent des interdictions de ce type dans les documents de don ou de confirmation pour un monastère. Néanmoins, notre attention a été attirée par le commentaire de Melchisedec pour ce fragment: «Les gardiens de nuit ont du être vraiment infâmes pour que les habitants demandent de ne plus être protégés par eux»³⁷.

En 1696, Constantin Cantacuzino le *Stolnic* recevait une lettre d'un district dans lequel il y avait des informations sur les conflits entre ses servants. Dans sa réponse, il mentionne, parmi d'autres: «je ne peux rien faire si les serviteurs se comportent ainsi. D'ailleurs, je pense qu'il y en a dans tout pays et lieu: des vols et des conflits parmi de telles mauvaises gens»³⁸. On peut se faire une idée sur les activités de ces serviteurs à travers les plaintes envoyées par les gens du prince, et celui-ci n'hésitait pas à réagir. Pour un *vătaf* qui avait déshonoré et battu des femmes, il a établi une punition de 300 coups de badine³⁹. Une autre fois, il écrit «à nos serviteurs, aux aprods, et aux serviteurs du hetman, et aux *vătafi* des tziganes à tous les juges des tziganes» concernant le fait que «Nous avons reçu des plaintes de la part de nos fidèles, l'higoumène et les moines (...) de surcharger [*învăluie*] les tziganes (...) de leur faire payer trop et de leur imposer des taxes, des choses pour lesquelles je n'ai pas issu aucune demande (...). Et ceux qui continueront dans ce sens, paieront avec leur têtes»⁴⁰.

³⁴ N. Iorga, *Anciens documents*, vol II, no. CDXVII.

³⁵ *DRH*, A, vol. XXVIII, no. 143.

³⁶ Melchisedec, *Cronica Romanului și a episcopiei de Roman*, ed. T. Ghiddeanu (Roman: Mușatinia, 2008), 289-290 (dans le reste du texte – *Cronica Romanului*).

³⁷ Melchisedec, *Cronica Romanului*, 289-290.

³⁸ N. Iorga, *Scrisori*, 7.

³⁹ M. Costin, *Letopisețul Țării Moldovei de la Aaron Vodă încoace*, in *Opere*, ed. critique par P.P. Panaitescu (Bucarest: Editura de Stat pentru Literatură și Artă, 1958), 90. Dans le reste du texte – *Letopisețul*.

⁴⁰ *DRH*, A, vol. XXIV, no. 7.

Malgré le début d'un processus de centralisation dans le XIV^e siècle, même trois siècles plus tard on ne peut pas parler des structures absolument subordonnées à «l'Etat» (c'est-à-dire au prince et aux hauts dignitaires), compte tenu des bien-connues fluctuations⁴¹. En échange, on peut parler des gens-institutions dont les principales caractéristiques incluent la mobilité (spatiale et regardant le caractère des attributions). Ces personnes étaient présentes là où elles étaient nécessaires, mais aussi (ou peut être surtout) là où il y avait une source de bénéfices financiers. L'impression laissée par les sources est que le principal motif qui mobilisait les gens de l'époque était la protection de leur propre vie et des biens etc.⁴² Bien sûr, leur pouvoir rendait certains serviteurs sauvages, et ils commettaient des délits (comme par exemple l'abuse des femmes). Mais au-delà du «mal» que les aurait caractérisé, il faut mentionner que leur principal intérêt était de nature pécuniaire. Puisqu'ils ne recevaient pas des rémunérations proprement-dites, «ils en procuraient par de diverses gloabe»⁴³. Les dignitaires qui s'occupaient de différents litiges recevaient *gloabă*⁴⁴, et comme source constante on concédait, à quelques uns d'eux, les revenus de certains districts⁴⁵. Les aprod, les armaches et d'autres «agents» qui desservaient les boyards ou le prince recevaient «bani de ciubote» (de l'argent pour acheter des bottes)⁴⁶ ou d'autres formes de rémunération, c'est-à-dire ils étaient payés pour leurs efforts⁴⁷. Concernant les *birari*, ils faisaient tout pour collecter la somme demandée, même en utilisant la «năpasta»; sinon, ils devaient payer eux-mêmes⁴⁸. C'est pourquoi

⁴¹ Je me réfère ici à l'augmentation et ensuite à la réduction du pouvoir du prince dans cet intervalle chronologique.

⁴² Dans tous les cas de vol, le but est de récupérer les biens ou d'obtenir un dédommagement.

⁴³ Melchisedec, *Cronica Huşilor*, p. 42. S'il y avait encore besoin d'une preuve, le document du 1er Janvier 1695 est autant relevant que possible dans ce sens. Le prince s'adresse à un *vornicel* et il lui commande «où il y aurait des brigandages et des actes d'immoralité, ou des querelles, des têtes cassées et autres querelles, pour juger et corriger tous et leur faire payer des amendes ..., selon l'ancienne coutume de cet office» (N. Iorga, *Anciens documents*, vol. II, no. CDL); «Ceux qui apprennent une erreur faite par l'un d'eux ne doivent pas hésiter à leur saisir les biens et à leur appliquer des amendes, qu'ils soient des *părcălabi*, des *globnici*, ou des *deşugubinari*, ou qu'ils aient d'autres fonctions» (*Documente Iaşi*, vol. I, no. 353).

⁴⁴ CDM, vol. III, no. 509, 1057, 1148; Après apprendre la mort d'une personne, Dumitraşco Şoldan *vel vornic* dit le suivant: «j'ai envoyé quelqu'un pour saisir les biens des propriétaires, d'après la coutume ancienne» (*DRH*, A, vol. XXIV, no. 104).

⁴⁵ D. Cantemir, *Descrierea*, 121.

⁴⁶ Dans le XVII^e siècle l'expression perd le sens originel, signifiant seulement une paye pour le déplacement. CDM, vol. III, no. 509, 1152, 1283; vol. IV, no. 303.

⁴⁷ D. Cantemir, *Descrierea*, 123.

⁴⁸ I.C. Filitti, «Consideraţii generale despre vechea organizare fiscală a Principatelor Române până la Regulamentele Organice», extrait des *Analele Economice şi Statistice*, no. 1-3 (Bucarest: Tipografia «Ion C. Văcărescu», 1935), 36; «...et nos curés de Moldavie (...) paient la taxe séculaire, mais ils le font non seulement pour eux-mêmes, mais on leur saisit les biens au nom d'autres gens, aussi» (*Documente Iaşi*, vol. I, no. 255).

«pour les dépenses des serviteurs et d'autres dignitaires qui traversent le pays avec de différents tâches causaient des spoliations et des dommages aux pauvres⁴⁹; les tâches donnent les *vornicei* et les *vătămani* l'occasion de saisir des biens, de demander le double ou le triple de l'amende correspondante; les dépenses égalisaient l'amende qu'ils demandaient»⁵⁰. Les investigations (quand elles avaient lieu) finissaient toujours par le paiement des *gloabe*, *deșugubine* ou *morts de gens*⁵¹. Comme dans les villages, les habitants des cités devaient livrer les malfaiteurs pour ne pas payer eux-mêmes à leur place⁵². Il y avait des situations où la personne prouvée responsable ne pouvait pas payer. Au cas le plus fortuné, la famille l'aidait⁵³, mais d'autres fois elle devait vendre ses terrains⁵⁴ ou même devenir des serfs⁵⁵.

Une brève analyse de la partie idéologique du problème montre que les principales tâches d'un juge, dont on parlait beaucoup dans cette période-là, étaient d'être impartial et honnête. Les gens devaient être égaux devant le jugement, comme devant Dieu⁵⁶, pour ne pas défendre les coupables et pour ne pas recevoir des pots-de-vin pour les jugements⁵⁷.

Les témoignages seulement infirment l'observation de ces principes. Les écritures, les documents, le code de lois (*Carte românească de învățătură*) même sont clairs dans ce sens.

Psaltirea în versuri par Dosoftei contient un fragment qui illustre la critique de la manière de juger les différentes catégories sociales: «Ne faites pas des différences/ Ne mettez pas l'accent sur l'argent/ Jugez les pauvres./ Tenez la part des défavorisés/ Et soyez justes dans l'acte de justice»⁵⁸. Dans l'introduction du texte de *Cartea românească de învățătură*, l'auteur – parmi les motifs de l'apparition de ce code de lois à ce moment-là – mentionne qu'il était nécessaire à cause des injustices et des oppressions à l'adresse des

⁴⁹ Principalement des orphelins et des veuves.

⁵⁰ *Condica lui Constantin Mavrocordat*, vol. II, no. 128.

⁵¹ En considérant la fréquence des mentions dans les sources, on pourrait dire *la plupart des fois*, mais on ne peut pas s'hasarder dans ce sens, en sachant que la plupart des informations sont préservées dans les actes relatifs aux terrains ou à d'autres biens, pour justifier la propriété.

⁵² L. Rădvan, *Orașele din Țara Românească până la sfârșitul secolului al XVI-lea* (Iași: Ed. de l'Université «Alexandru Ioan Cuza», 2004), 131.

⁵³ *DIR*, A, veacul XVII, vol. III, no. 270; *DIR*, A, veacul XVII, vol. II, no. 217; *DIR*, A, veacul XVII, vol. II, no. 414; *DIR*, A, veacul XVII, vol. IV, no. 368; *DRH*, A, vol. XXIII, no. 147; *DRH*, A, vol. XXIII, no. 413; *CDM*, vol. I, no. 1418.

⁵⁴ N. Iorga, *Studii*, vol. V, 30, note 2; *DIR*, A, XVII, vol. IV, no. 197; *DRH*, A, vol. XXI, no. 221; *DRH*, A, vol. XXIV, no. 83; *DRH*, A, vol. XXIV, no. 272.

⁵⁵ *DRH*, A, vol. XXI, no. 95; *DRH*, A, vol. XXVI, no. 4; N. Iorga, *Anciens documents*, vol. I, no. CLII.

⁵⁶ E. Safta-Romano, *Arhetipuri juridice în Biblie* (Iași: Polirom, 1997), 39, 40.

⁵⁷ E. Safta-Romano, *Arhetipuri*, 39, 42.

⁵⁸ Melchisedec, *Cronica Romanului*, 280.

«pauvres, de ceux qui ne comprennent et ne sachent pas beaucoup de choses, commises par les *dregători*⁵⁹ et les toute sorte des juges en Moldavie»⁶⁰. Cantemir utilise une allégorie pour exprimer la même idée: «Ainsi, l'oiseau volant tiendra toujours la part d'un autre oiseau, au détriment du canon de la justice. De la même façon, l'animal soutiendra toujours un autre animal, en mettant l'accent sur l'amour pour l'autrui, et pas sur la justice du jugement. Ainsi, il y a plus de l'hypocrisie que de l'humanité entre les deux parties; on punit davantage que l'on ne rende justice»⁶¹.

Dans le contexte du conflit entre les boyards autochtones et les nobles grecs, Leon Tomşa émit en 1631 un document particulièrement intéressant, qui offre des informations importantes concernant le passage «au dessus de la loi» dans le XVII^e siècle. Il contient une sorte d'instructions de procédure pénale et il s'adresse aux boyards grecs, qui «ne respectent pas la coutume du pays, qui détruisent toutes les bonnes traditions et qui ajoutent des lois mauvaises et exploitantes». «Le jugement concernant les propriétés héréditaires et d'autres types de propriétés, aussi que tout autre jugement doit exclure les pots-de-vin, les mensonges ou *la volonté des boyards* [nos italiques] et la justice doit prévaloir conformément à la loi chrétienne. Aussi: aucune personne ne sera tuée sans jugement, mais elle sera détenue premièrement et apportée devant le *divan*, pour que tous connaissent son délit. Seulement dans ce moment-là elle recevra la punition pour le délit commis»⁶².

Il est difficile à croire que les diverses «sièges» dans le territoire auraient pu considérer les normes appliquées dans le *divan*. Premièrement, la distance du centre (de la cour princière) rendait l'uniformité «législative» et le contrôle rigoureux peu probables. Par conséquent, les violations de la loi ne pouvaient pas être identifiées en totalité et annoncées au prince, surtout considérant les circonstances de l'époque (la qualité des chemins et des moyens de transport, les possibilités d'investigation etc.). Ensuite, les nombreuses coutumes locales rendaient les violations de la loi difficilement perceptibles, puisque souvent les habitants jugeaient certaines actions comme parfaitement légitimes. Dans ce contexte, on doit être prudent concernant «la violation des normes» puisque,

⁵⁹ Boyards avec des fonctions.

⁶⁰ *Carte românească de învățătură*, édition critique par A. Rădulescu (Bucarest: Editura Academiei R.P.R., 1961), 37.

⁶¹ D. Cantemir, *Istoria ieroglifică*, I, in *Opere complete*, vol. IV, ed. S. Toma, N. Stoicescu (Editura Academiei R.S.R., 1973), 43.

⁶² *DRH*, B, vol. XXIII, no. 255.

jusqu'à un certain moment⁶³, il n'y avait pas une législation uniforme écrite et imposée à tous, qui pouvait être consultée, observée, ou enfreinte dans l'un des Pays Roumains.

Un autre facteur qui rendait l'acte de justice difficile était le manque d'une distribution exacte dans des «circonscriptions» ou le manque d'information sur ce sujet. A travers un document de 1611, le prince autorise Petrea de Crăciunești et les gens de la région pour récupérer un emprunt non-restitué: «ils les saisiront et ils les ligoteront pour les apporter devant Petrea, pour qu'il les présente devant *un juge qui se trouve plus près [nos italiques]*»⁶⁴. Parfois, l'une des personnes avec autorité qui apprenait la première un «délit» «saisissait les biens du coupable et lui imposait des amendes, qu'elle soit *pârcălab*, ou *globnic*, ou *deșugubinar*, ou avec une autre fonction et *le coupable ne savait pas qui doit le jugerait [nos italiques]*, parce qu'on le rend responsable de tout le part»⁶⁵. De plus, la multitude d'options concernant la punition pour un délit (déterminée par l'imprécision législative dont on a parlée ci-dessus) laissait la décision aux mains du juge⁶⁶.

L'une de nos conclusions est liée à la nécessité d'étudier de manière plus détaillée les répercussions sociales conséquentes à la commission de diverses «étapes de la procédure». Dans ce sens, il y a l'exemple des plaintes, qui pouvaient constituer un moyen de vengeance pour des uns et des occasions d'enrichissement pour d'autres. De plus, on peut observer l'implication de la communauté dans les investigations, comme conséquence des solidarités volontaires ou imposées. Ainsi, on souligne l'interdépendance accentuée entre les structures de la société et celles de «l'appareil juridique»; dans certaines situations on n'en pourrait pas faire la différence. On a analysé dans la même perspective la mobilité spatiale, aussi que la mobilité associée aux dignitaires et aux servants du point de vue des attributions, avec une influence sur la manière de gérer les questions «judiciaires».

Le contrôle relatif et partiel que le pouvoir central avait la capacité d'exercer sur un tel système menait à certaines répercussions sur la finalité espérée de l'acte de justice: apprendre la vérité et restaurer l'ordre préjudicié.

⁶³ La motivation des décisions des juges par des textes de la loi a été imposée seulement en 1780, pendant le règne d'Alexandru Ipsilanti (I.N. Floca, *Din istoria dreptului românesc*, vol. I [Sibiu, 1993], 84).

⁶⁴ *DIR*, veacul XVII, A, vol. III, à une date incertaine pendant le règne de Ștefan Tomșa.

⁶⁵ *Documente Iași*, vol. III, 1999, 423.

⁶⁶ Le texte inclus dans *Cartea românească de învățătură* est relevant dans ce sens, puisqu'il offre au juge plusieurs options pour beaucoup de possibles litiges. Par conséquent, la personne qui a rédigé le texte était bien consciente de la diversité législative invoquée ici.

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ECONOMIC SYSTEM IN TRANSYLVANIA DURING WORLD WAR I: ROMANIAN BANKS AND THEIRS MAJOR CHARITABLE ACTIVITIES*

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ABSTRACT

TRANSYLVANIAN ROMANIAN SOCIETY'S LIFE DURING THE FIRST WORLD WAR WAS NOT EASY. POPULATION WAS HARD HIT: THOSE WHO STAYED HOME, SOME OF THEM WERE LEFT WITHOUT ANY SUPPORT, AND THOSE WHO LEFT, HAD TO FACE THE HARSH REALITY OF WAR AND ITS FLAWS, FAR FROM HOME. YET THEY HAVE NOT BEEN ALONE IN THIS FIGHT, NOR THOSE FROM HOME, NOR THOSE FROM THE FRONT. A SIGNIFICANT HELP CAME FROM ROMANIAN BANKS, WHICH COULD NOT REMAIN INDIFFERENT TO PROBLEMS AROUND. THEY TRIED AS MUCH AS THEY COULD, TO MAKE LIFE EASIER, ESPECIALLY FOR THE ROMANIANS. CHARITY PERFORMED BY THEM WERE RECORDED IN THE PAGES OF PERIODICALS, MOSTLY OF THE SPECIALTY. ALL THAT BEEN SAID, CAN NOT DENY THE IMPORTANCE OF ROMANIAN BANKS GENEROSITY TO ROMANIANS IN TRANSYLVANIA, WITH DIFFERENT PROBLEMS. THUS WE CAN SAY THAT IT WAS AN IMPORTANT ALLY OF SOCIETY IN THE PROBLEMS CAUSED BY WAR.

KEYWORDS: BANKS, TRANSYLVANIA, WORLD WAR, DONATIONS, PRESS.

Twentieth century was marked by various events that have left their mark on the population, both directly and indirectly, immediate or long term. One of these was the First World War, which affected all nations, both politically, socially, culturally and economically, in a word "life" has changed. Over time, there have been many studies that have focused attention on this episode of history, examining various aspects in an attempt to better understand, but most stopped on politics or military leaving the others in the shadows. We can't say that aroused interest, but some aspects were considered less

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important and thus were few people who have turned to investigating this period in terms of the demographic, cultural or economic impact. Regarding the latter, began to arouse the interest of foreign researchers in the latter part of the nineteenth century and grew in intensity, the number of studies addressing this topic is growing.

¹ National, there are few studies on the banking system in Transylvania during World War I, but nevertheless there are some issues waiting to be explored.²

Introduction

The evolution of the Romanian banks of Transylvania, at the outset, followed a trajectory upward, even though it felt, as well as other banks and institutions, the effects of a war of such magnitude. The effects were manifested on two plans, customers and bankers. In the first category, those who had deposits, attacked banks for counters to withdraw the amounts secured for fear the money may not be sequestered of foreign troops or by the State for war.³ On the other hand, many borrowers do not pay their debts, some out of ignorance, others, especially those from the village, they keep the money that because they believed that their debts will be deleted, while others simply do not want to pay.⁴ This situation, in turn, has created serious problems for the banks, which have seen obliged to repay large amounts of money. At the same time, because of the mobilization of a large number of credited, some of them arriving prisoners or even died on the battlefield, the banks have recorded large losses, in some cases, they could be easily written off as a result of the existence of a latent Fund of the Bank, such as the "Victoria".⁵ Romanian banks, with some exceptions, they knew to gather the latent reserves, by removing the interest outstanding and climbing the anticipated ones, often in amounts exceeding the

¹ A.L. Bowley, *Some Economic Consequences of the Great War* (London: Gibson Press, 1930); C. H. Feinstein, *National Income, Expenditure, and Output of the United Kingdom, 1855-1965* (Cambridge: University Press, 1972); Angus Maddison, *The World Economy: A Millennial Perspective* (Paris: Organisation for Economic Co-Operation and Development, 2001), Stephen Broadberry, Mark Harrison, *The Economics of World War I* (Cambridge: University Press, 2005) etc.

² Vasile Ciobanu, Dobrescu Vasile, Dronca Lucian, *Istorie financiar-bancară. Vol. 2: Studii asupra băncilor săsești, românești, maghiare și slovace din Austro-Ungaria: (1867-1918)* (Cluj-Napoca: Dacia, 2001) Mihai D. Drecin, Dobrescu Vasile, Kakucs Lajos, *Istorie financiar-bancară. Vol. 1: Studii asupra băncilor românești din Transilvania: (1867-1918)* (Cluj-Napoca : Dacia, 1996).

³ Lucian Dronca, *Băncile românești din Transilvania în perioada dualismului austro-ungar (1867-1918)* (Cluj-Napoca: Presa Uiversitară Clujeană, 2003) 270-271.

⁴ *Revista economică*, Sibiu, 1915, nr. 47.

⁵ Lucian Dronca, „Activitatea Băncii „Victoria” din Arad (1887-1918)” în *Banatica*, Reșița, 1996, p. 319.

standard.⁶ And have created a lot of reserve funds, and depreciation, value reductions, etc., have sought to consolidate. They even managed to record the actual profits considerably. But since the outbreak of war and, in particular, the “the condemned invasion of Romania” our banks situation has changed very much, the volume has been reduced.⁷ The situation worsened after Romania's entry into the war, some banks stopping their activity altogether.⁸ However, the Romanian banks have managed to find the resources needed to support, in a lesser or greater extent, those who have suffered from the war, particularly the Transylvanian Romanians. The population has suffered a lot from the war and the leadership of their banks, have not remained indifferent to the suffering of those around them, involving through various ways: aid granted directly to individuals, or institutions dealing with helping people with problems, such as orphanages, cafeterias, meetings, associations, etc. The generosity of banks have received including schools and Church.

Charitable Fund

In newspapers has discussed about the formation of funds for helping those who are on the front and their families. “Our” banks even if they have the statute provisions for the creation of funds, in addition to the book, have created others, such as pension funds, and cultural advantages, that grow from year to year. Very few banks are in a position to be able to pay pensions, etc. in these funds, since the beginning.⁹ However, almost all banks in Transylvania had yet to establish a fund called “the share of charity”, with the aim of helping, in particular, on the Romanians in the Principality. Even in the press appear urging Romanians bankers to support their countrymen “ahead of our villages help and enlightened by our banks ahead...”¹⁰. At the same time, banks are only a part of the institutions would have had and expect it to support education, Church, culture, society itself etc, various associations, child sponsorship meetings, which were aimed at helping those who needed help. This Fund, charity “share”, where there was turned in by various churches, schools, students, in particular, to ensure their meals, meetings, etc. being

⁶ Revista economică, Sibiu, 1917, nr. 2.

⁷ Ibid.

⁸ Ibid.

⁹ Revista economică, Sibiu, 1915, nr, 46.

¹⁰ Apud Vasile Dobrescu, „Considerații privind rolul băncilor românești în domeniul agrar”, in Istorie financiar-bancară. Vol. I: Studii asupra băncilor românești din Transilvania: (1867-1918) (Cluj-Napoca: Dacia, 1996) 36-37.

addressed in particular to “Romanians”. This financial support is offered, usually in profit, though, there are still banks that calculate the expenses. Through this Fund, the banks were able to help many people overcome some difficult times in their lives.

Press

As can be seen from the above said, the press, and here we are talking in particular of the Romanian one, is reflecting the society lives within its pages the way it has been superbly supported by the help of the various State institutions and those with possibilities. In addition, the press has used its pages to make known the existing problems and to ask those who have the opportunity to get involved in helping society, “brethren”, Romanians who left without any support in the wake of the outbreak of war. One of the most important publications, which reflects the evolution of annual balance sheets of the banks, is *Anuarul Băncilor Române* (Romanian bank directory). It provides us with the official data recorded by banks yearly, so we can make a comparison between the situation existing before the war and after the outbreak of the conflagration. According to this publication, almost all banks have had, since the foundation, the charitable fund. This shows us that the charity had before the war. Analyzing the publication, we can see that some banks remain consistent in terms of the distribution of charity, other reduced amounts, number of donations, or even waive, for various reasons, the main being the decrease in income, and others increase the amounts, beneficiaries and add new place including new forms of financial aid. With this directory, another very important publication for this area is the *economic Magazine*, a periodical, which appears weekly in Sibiu and in whose pages we find important articles of interest, with reference both to the banks and their relationship with the company and various other aspects of the financial and economic life. In terms of other periodical publications, newspapers, addressing these issues is less present among the topics presented, their pages and registration of donations directed to orphanages.

The first year of the war, in terms of donations from banks, was not very different from the previous one. Taking into account the fact that the war broke out in the second half of the year, this fact is somehow justified. In 1914 a part of charity shares were directed towards the “students” from different cities, sometimes given the fact that it is only of Romanian students. Such an example can be the Bank “Silvania” from Șimleu

which donates 500 K (crowns) to “Romanian students table of Șimleu”.¹¹ The amounts that had the same destination didn’t had a constant value, these varying depending on the financial resources held by banks, and in situations where the same bank as donations to the institutions which had the same purpose and amounts were different, probably due to some affinities. As examples we can give the following values: 20 K¹², as donated Concordia bank headquartered in Gherla, to “students table of Năsăud”, the same bank donating 25 K¹³ for “the academic students table of Cluj”, and branch based in Fofeldea, donated 30 K¹⁴ both for “students table of Cluj” as well as for those in Brașov. Most of the donations that were recorded were under 100 K, although there were much larger amounts, for example, the “Albina” with headquarters in Sibiu, who donated to the “students table, founded and supported by the Institute” the sum of 8,000 K¹⁵. Other destinations of charitable funds were confessional schools, a good example being the “Furnica” in Făgăraș, which has donated 600 K¹⁶ at Catholic and Orthodox schools from Făgăraș. In addition to the ordinary beneficiaries of these charity funds, with the outbreak of the war in Transylvania, Romanian banks have decided to help those who suffered from it, meaning the families of those who are on the front and even wounded soldiers. So “Hondoleana Bank” with headquarters in Hondol, donated 10 K for “blind” soldiers, 4 K for wounded soldiers, “Sentinela Bank” with headquarters in Satu Nou, donated 118 K to “unfortunate in war”, Bank “Vlădeasa” headquartered in Huedin donated 100 K to “families of those taken in the war”. In addition to these, there were banks, which included expenses aid for families of those working on the front. Thus, “Hațiegana”, located in Hațeg, recorded 1,100 K¹⁷ as “war aid and the Red Cross” and the “Pogresul” Bank, based in Ilia, and the “Însoțirea de credit din Sâmbăta Superioară” as 800 K¹⁸ and 30 K¹⁹.

The following year the situation has not changed significantly. The main beneficiaries remain the same: orphanages, Romanian students, families of those working on the front lines, schools. Thus, the Orphanage has received help from the following

¹¹ Anuarul Băncilor Române, Sibiu, 1916, 126.

¹² Ibid, 45.

¹³ Ibid.

¹⁴ Ibid, 48.

¹⁵ Ibid, 8.

¹⁶ Ibid, 66.

¹⁷ Ibid, 73.

¹⁸ Ibid, 112.

¹⁹ Ibid, 191.

banks: “Albina” 10,000 K²⁰, “Bihoreana”, located in Oradea, 2,500 K²¹, “Ardeleana”, located in Orăștie, 2,000 K²², “Sentinela” 1,000 K²³, “Crișana”, from Brad, 350 K²⁴, most donations fits between 50-300 K, the smallest amount being offered by the “Poporală” Bank, based in Arpașul de Jos 20 K²⁵. Orphanage from Blaj received the following donations: “Bihoreana” 25.000K²⁶, “Chiorana”, with seat in Șomcuta Mare, 1,000 K²⁷, “Maramurășana”, located in Sighetu Marmăției, 1,000 K²⁸, “Silvania” 1,000 K²⁹, “Aurora”, based in Năsăud, 1,000 K³⁰, “Economul” 500 K³¹ and, as for the orphanage in Sibiu, the majority of donations fit between 50-300 K, the smallest amount is recorded in the right “Poporală” Bank 20 K³². As far as donations for the students, they ranged between 20 K, the most common, and 6,000 K³³ bid from “Albina”. In addition to this they were recorded war aids: “Bistrițiana”, located in Bistrița, offering for the officials 900 K³⁴, and “Corvineana”, located in Hunedoara, 960 K³⁵, and “Zărandeana”, located in Băița, 250 K³⁶ for families left without support after mobilization. At the same time, we emphasize the fact that there were banks that were thought about poor children, “Aurora” featuring 50 K³⁷ for this purpose, and the “Iulia”, based in Alba-Iulia, offering 300 K for a “fund set up for the establishment of a convict for poor children from Romanian Roman Catholic gymnasium in Alba Iulia “³⁸. All these amounts were provided in profits to banks, less than the 900 K offer “Bistrițiana” for its officials, as a war aid, and registered as expenses. You may notice a slight decrease in the amounts provided, but on the other hand a greater number of donations, the above represents only a small part of the list of banks and donations from them in the second year of the war. Prolonging the war, however, began to

²⁰ Anuarul Băncilor Române, Sibiu, 1917, 6.

²¹ Ibid, 17.

²² Ibid, 7.

²³ Ibid, 82.

²⁴ Ibid, 36.

²⁵ Ibid, 13.

²⁶ Ibid, 17.

²⁷ Ibid, 27.

²⁸ Ibid, 58.

²⁹ Ibid, 84.

³⁰ Ibid, 104.

³¹ Ibid, 42.

³² Ibid, 13.

³³ Ibid, 6.

³⁴ Ibid, 18.

³⁵ Ibid, 34.

³⁶ Ibid, 101.

³⁷ Ibid, 104.

³⁸ Ibid, 51.

make itself felt and the banks, analyzing the Romanian Banks Directory, it can be seen that their number decreases, as well as the donations. However, there were banks that have managed to maintain. Thus, in 1916, as the orphanage moved from Bank “Albina” 10,000 K³⁹ “Corvineana” 3.000 K⁴⁰, “Economul” 250 K⁴¹, “Mărgineana”⁴² and “Mielul”⁴³, both based in Poiana, with 200 K and a 100 K donations from banks as “Grănițerul”, located in Dobra, Minerva, located in Poiana Mărului, “Vulturul”, based in Tășnad, etc. The orphanage in Blaj, received from “Albina” and “Aurora” 1.000 K⁴⁴, “Economul” 500 K⁴⁵ etc. In terms of the students table, with the exception of “Albina” which keeps the amount of 6,000 K⁴⁶ as a donation, the amounts are smaller. Let's not forget any donations for poor children and families of those working on the front.

The following year, unfortunately, I found in the “Romanian Banks Yearbook”, that the situation has remained to some extent. To the orphanage in Sibiu moved 10,000 K⁴⁷ from “Albina”, 200 K⁴⁸ from “Mărgineana,” 100 K⁴⁹ from both “Grănițerul” and “Lăpușana”, located in Lăpușul Unguresc⁵⁰, and 50 K⁵¹ from “Șoimul”, with seat in Uioara⁵². Orphanage in Blaj has benefited this year from aids from “Albina” and “Aurora” both 1.000 K⁵³, from the “Lăpușana” of 100 K⁵⁴ and from “Șoimul” of 50 K⁵⁵. The students table moved and this year's funds from the banks. “Albina” has managed to maintain the amount of 6000 K⁵⁶ for students table based and supported by the institution “Economul” has provided 500 K⁵⁷ for students, “Dr. Mureșianu”, there were other donations, with values between 10 and 100 K, which were directed to these institutions. As in previous years, the Transylvanian Romanian banks have turned his attention to those

³⁹ Anuarul Băncilor Române, 1918, 4.

⁴⁰ Ibid, 26.

⁴¹ Ibid, 102.

⁴² Ibid, 42.

⁴³ Ibid, 45.

⁴⁴ Ibid, 4, 80.

⁴⁵ Ibid, 102.

⁴⁶ Ibid, 4.

⁴⁷ Anuarul Băncilor Române, 1919, 4.

⁴⁸ Ibid, 48.

⁴⁹ Ibid, 38, 43.

⁵⁰ Now: Târgu Lăpuș.

⁵¹ Anuarul Băncilor Române, 1919, 65.

⁵² Now: Ocna Mureș.

⁵³ Anuarul Băncilor Române, 1919, 4, 82.

⁵⁴ Ibid, 43.

⁵⁵ Ibid, 65.

⁵⁶ Ibid, 4.

⁵⁷ Ibid, 32.

who had suffered from the war, wounded or disabled and those families who had someone on the front.

There are few banks not be given supplements of costliness, some have even added. The press appeal to banks to help them, as far as possible, those working in their service, giving them the example of a Romanian Bank “forehead”, without being told its name. It was occupied by obtaining the necessary living items for its officials, namely: meal, potatoes, vegetables, grease, wood, etc., their price will be returned in monthly installments by the parties concerned; What are recommended to be used in other banks.⁵⁸

At the beginning of the war, most of the officials were recruited, some senior officers, pay in accordance with the position held, in addition to the salary of the official. Some banks have followed the same steps as the State: they reduced the salary paid in the amount of the salary of the officer and the officer does not exceed the salary he had before the war. Part of the money was recovered by family aids, clothing and supplies aids, provided by the State and taken over of some banks too, however there are banks indifferent to the problems of their officials.⁵⁹ However, many banks have additions adapted to their service, so the additions come to vary between 40-80% of the value of wages in the past.⁶⁰ However, it is impossible for banks to give added to compensate for the high cost. Most of them had to provide her salary or to help public servants enrolled, or in some cases even to bear the considerable costs of escaping their jobs more secure.⁶¹ This last situation is more common in the latter part of the war, after Romania entered the war.

Another article, talks about a Bank, without mentioning its name, which in the year 1915 was talking about the following issues: “... the Bank using the juncture of the war he aspired, like helping his organization to achieve such purposes, business, by solving which can serve the interests of the country. And was considered a main issue to achieve the necessary imports raw, brought in Turtucaia și Bulgaria large quantities of wool, skins, tanning materials etc. Regarding trade in items intended for the public, we have set the import of condensed milk, coffee, hops”⁶². Which shows how important it was for some

⁵⁸ Revista economică, Sibiu, 1917, nr. 35.

⁵⁹ Ibid, nr. 37.

⁶⁰ Ibid, nr. 44.

⁶¹ Ibid, nr. 2.

⁶² Revista economică, Sibiu, 1916, nr 21.

banks, to help the society suffered from war, and at the same time urges and other such institutions to follow the example.

About the right to buy and sell grain in Transylvania, speaks another article, which is only known that the company “Haditermény” in Budapest, may sell grain in Transylvania, “Agricola “ with only concession for corn and only in Hunedoara county, so it cant sell corn or other grains in other counties without a special concession to “Haditermény”.⁶³ This article suggests that all banks make a list with the necessary quantities of maize for each district, and be sent to the “Agricola” in Hunedoara, in the hope that it will be able to import maize to Transylvania, and payment will be made in her account of the “Albina”.⁶⁴ However, ther where situations when some banks had bought maize from Romania to share city dwellers and the poor peasants,” the purchase price without having to pursue profits “.⁶⁵

Broadly, such charity is seen to banks, through periodic publications, mainly. As regards the rest of the media, the banks ' intervention is especially mentioned when it's about donations to the orphanage in Sibiu and Blaj. In this category we talk about Unirea, Telegraful, Cultura Creștină, Gazeta de Transilvania and others, each with a different area of interest.

Conclusions

From the above it can be seen that the banks have not remained indifferent to the problems caused by the outbreak of World War I. Some have involved more, others less, depending on the possibilities, but each did something to help society. There were problems for the banks, not just for “other”. Some were able to handle it, but there were situations where, unfortunately, some banks have had to cease business. Do not focus on this aspect, but it can be referred to the following statistics provided by the Directory of banks. With all these problems, banks were able to share their financial resources so as to help them and those who had the greatest need for someone to stretch a hand and support them. And even if the press was not notified every time a Bank, more or less, has made a charitable act, does not mean that those people who have benefited from the aid did not

⁶³ Ibid, nr. 3.

⁶⁴ Ibid, nr. 3.

⁶⁵Mihai D. Drecin, Banca „Albina” din Sibiu: instituție națională a românilor transilvăneni: 1871-1918 (Cluj-Napoca: Dacia, 1982) 179.

have a small improvement to their livelihood. But on the other hand, I don't think we can say that the charitable gestures of banks were aimed at advertising. Some donations were never officially registered, "balances, these amounts were marked under the other headings"⁶⁶. So it is very hard to be the exact figure of donations made by the banks, the Romanians in Transylvania, during the first world war. Therefore, we can say that all charitable acts, which the banks have had a very important role in the survival of the company in the event of a large scale military background as well as the first world war.

⁶⁶ Eugeniu Merce, *Băncile din Transilvania și rolul lor: (1848-1918)* (Sibiu: Burg, 2003) 75.

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FICTION AND FOLK FABULOUS IN MIRCEA NEDELCIU'S NOVEL TRATAMENT FABULATORIU

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ABSTRACT:

THE PRESENT PAPER AIMS TO PROVE THAT MIRCEA NEDELCIU'S NOVEL TRATAMENT FABULATORIU HIDES A MESSAGE BEYOND THE FIRST READING COMPREHENSION. THE AUTHOR ACHIEVES THE LAYERS OF THE TEXT THROUGH THE USE OF THEMES, MOTIFS AND SYMBOLS OF THE LITERARY CREATION. THE MAIN CHARACTER OF THE NOVEL, LIKE THE HERO OF THE ROMANIAN FOLKTALES BEGINS AN INITIATING JOURNEY AT THE END OF WHICH HE IS SAVING HIMSELF. FOR MIRCEA NEDELCIU, FINDING REFUGE IN FICTION AND FABULOUS REPRESENTS A MEANS OF AVOIDING CENSORSHIP DURING COMMUNIST ROMANIA.

KEYWORDS: FAIRYTALE, FABULOUS, CENSORSHIP, RELIGION, FOLKLORE

1. Hiding the message in an ideologically informed world

A text that focuses on hiding the message beyond the immediate reality, beyond the censorship of the word in communist Romania, is Mircea Nedelciu's novel *Tratament fabulatoriu*. The world of the Romanian novelist must be understood, must be deciphered in a unique manner, in order to penetrate beneath the surface, where the author reveals its occult meanings.

Perhaps the cornerstone element upon which Nedelciu is counting on the transmitted message could still pass censorship³. Popular culture, exhibited in its entirety, can provide a much clearer message about the novel than a *textualist* reading.

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³ “The village, as geographic and social environment, was, for our country, the main framework for the development of folklore phenomena. As comrade Nicolae Ceauşescu underlined, the peasantry was the main receptacle of the traditional cultural patrimony, which has been continuously enriched through new creations.” - Mihai Pop, Pavel Ruxăndoiu, *Folclor literar românesc* (Bucureşti: EDP, 1978), p. 100.

Fabulous is present early in the novel. Clues are offered even by the main character, Luca, through his thoughts and uncertainties. "Why we need a weatherman at Fitotron if experiments are carried out indoors in a controlled environment?"⁴ The character asks himself while emphatically explains to the taxi driver about that special place, hidden from profane eyes.

Alex Ștefănescu in *Romania literară*, presenting Adrian Marino's book, *Cenzura în România, schiță istorică introductivă*, comments related to communist censorship "in reality, with the establishment of communism in Romania, in the years after the Second World War, censorship becomes totally different than ever before in the history of the country. It establishes, in fact, absolute control and asphyxiating on any intellectual product and any form of communication. (...) Not only that total control is exercised by people whose lack of training is one of their main attributes followed by bad taste, all leading to grotesque results."⁵

Nedelciu's attempt to convey significance beyond the immediate meaning of the first reading is done through the use of themes, motifs and symbols of popular literature which, understood, create some author-reader communication privacy. The author aims to provide a different world, fabulous, to double to the real one which is ideologically informed, oppressive and frustrating.

The essential constituent of setting the whole story is the hero's journey, a journey of discovery, in the end. The main character, Luca, turns towards a new life through various attempts to become part of the community. He does not travel as the folk hero did, to save the world, he saves only himself. It is obvious from the first pages of the novel that Luca is looking for the centre. The author himself tells us: "You have kept calm and have advanced to the centre by the widest boulevard rule. Proved good to some extent, there is apparently a hidden centre"⁶.

Luca's initiating journey is, in fact, the reader's route to the final revelation that the writer conceals as a first end of the novel. Luca goes, as any fairytale hero, through various trials, removes obstacles in its path to restore the balance of his own universe. The character is a chosen hero, an outsider who comes to save a world and which turns out to be the opposite of balance, safety, and trust in the community. Traditional Romanian

⁴ Mircea Nedelciu, *Tratament fabulatoriu* (București: Cartea Românească, 1986), p. 74.

⁵ Alex. Ștefănescu, "Terifianta cenzură ca inofensiv obiect de studiu," *România literară* February 2000 Nr. 38, accessed : March 27, 2011 http://www.romlit.ro/terifianta_cenzur_ca_inofensiv_obiect_de_studiu.

⁶ Mircea Nedelciu, *Tratament*, 63.

society has at its centre the family, then the community, protected by intrusions from outside. The hero, at the beginning of his journey, sees the company as one seemingly perfect mansion, but, eventually, he realizes that it is far from the ideal model.

Love is a generator of unhappiness for Luca, the original cause of his journey and love is the one that ultimately restores the balance of his world. Unlike the traditional hero, Luca does not begin his quest for the beautiful Ileana-Cosânzeana, he runs away from her, then follows her and finally finds the true Ileana-Cosânzeana in the shoes of The Poor's Smart Girl.

2. The character - a business agent of a symbolic and repairing quest

Luca is the name of one of the Seventy Apostles of Christ, who wrote one of the Gospels⁷, showing in his writing a strong artistic sense of the word.

Luca is *the chosen one* from the beginning of *Tratament fabulatoriu* when we learn about him that he dwelt on the top of a mountain at the weather station. The mountain is an element loaded with pre-Christian and Christian symbolism. It is an *axis mundi*, relating the sky / space to the earth and its ascending involves a ritual.

"Christians consider that space is top of Mount Calvary. All these beliefs express one and the same feeling, deeply religious, 'our world' is a holy ground, because it is the closest place to heaven, because, from here, one can get to Heaven, our world is, therefore, a 'high place'"⁸. This statement by Mircea Eliade, in the context of the novel, contributes to the hero image of Luca, and to justify the choices we make in its labyrinthine path along the novel.

His location on the mountain already puts him on a higher scale than others. Ivan Evseev in *Dicționar de simboluri și arhetipuri culturale* explains the meaning of the mountain as a cultural symbol and as an archetype, in popular faith and creativity folk rituals its ascent brings on the psychological level the attempt to overcome one's own limitations, spiritual ascension and elevation through self-knowledge.⁹ The rich symbolism

⁷ "Evanghelia după Luca", Accessed: March 27, 2011, <http://www.crestinortodox.ro/diverse/evanghelia-dupa-luca-69300.html>.

⁸ Mircea Eliade: *Sacru și profanul*, (București: Humanitas, 1995), 23.

⁹ Ivan Evseev: *Dicționar de simboluri și arhetipuri culturale*, (Timișoara: Amarcord, 1994), 110.

of the mountain, which is related to the height and the centre ideas, is explained in *Dicționar de simboluri* by Jean Chevalier and Alain Gheerbrant.¹⁰

The understanding of the natural phenomena, those that affect the existence, set Luca, the meteorologist, already, in a favoured position. Do not forget that customs and popular beliefs need knowledge and domination of nature which proves to be of high importance. There are many rituals that can (or at least are trying to) tame nature spirits.

Interesting is the image of Luca in one of his trips to the mansion, emerging from the church with a rod in his hand: “Since I was with my horn bat I had taken from the station, so I seemed kind of shepherd in a flock, especially since I came with the first people out of the former church ...”¹¹. He seems to be the shepherd to these people who have lost their centre that he listens and guides. This image contradicts the image of a young Christian philosopher, scholar, attributed to Luca before. The character isn’t what appears to be at first sight, in fact, it is clear in the first lines of the novel. An image can go subtle censorship and manages to create feelings of admiration for the beauty of hidden things.

3. Romanesque script vs. fairytale script

In chapter three we enter directly without any guidance in the fascinating world of the manor, still, in fact, the sequel of the first chapter. Luca is found in a universe where everything is possible, resembling an ancient society. The author uses this trick to introduce the reader into a world far removed as the anonymous creator said, “Once upon a time, that if it hadn’t been, it wouldn’t have been narrated, for it was the poplar that grew pears and willow cyclamen, when the bears beat in the tail, of the throat when taking wolves were kissing the lambs, becoming brothers, when the flea was shoeing itself with a ninety-nine foot iron ounce and they threw themselves in the glory of heaven to bring the stories to us.”¹²

The mansion is the axis mundi, the centre of the world for those who live there, but it seems to be recognized even by Luca. “About half open eyes and low light dusk, I say, all seemed to be ordered around a square cross that divided the valley bottom and ribs arranged in a semicircle around it into four equal parts. The centre would have been thee

¹⁰ Jean Chevalier, Alain Gheerbrant, *Dicționar de simboluri*. (București: Artemis, 1993), 321.

¹¹ Mircea Nedelciu, *Tratament*, 197.

¹² Petre Ispirescu, *Opere I*. (București: EPL, 1969), 5.

Mansion itself [...]”¹³. The manor and the surroundings seem to unite in a perfect ideal and balanced design. In pre-Christian symbolism¹⁴, the cross represents the sun and harmony of opposites. Christianity brings the symbol of the sun represented by the cross, defined by this path towards truth, salvation and faith in God. Romanian fairy tale hero is a Christian. God is helping him along the journey, which is a unique feature of Romanian folklore.

In the fairy tale “Enchanted Pig”, as in other Romanian fairy tales, the main character is king’s daughter, who, when seeing how pig becomes man puts her “hope in God's help”¹⁵.

On the other hand, a very important element to note in the novel is the lack of the cross on the top of what was once the church, which has now been converted into a place of discussion - let's call it, “philosophical”. What may signify the lack of church or rather its transformation (which again is an axis mundi community) from the profane to sacred element? A simple explanation is that despite the fact that we find ourselves in a sacred place, it is not understood to that extent by its inhabitants. We will see in the end of the novel that they will break the link that to Luca seemed magical at first. Perhaps, as he says, because there are always brought people from outside of the mansion, and those inside who travel outside discover the pecuniary side of the existence, this sacred land is increasingly covered by the profane.

In fact, as happens in the fairy tale “Youth without Old Age and Life without Death”, the son of king returns in a profane world where what was once the sacred realm of the struggle between good and evil. Mircea Eliade in *Sacral și profanul* states that profane existence “is never found in pure state. Whatever the degree of profane world reached, the man who chose a secular life fails to abolish all religious behaviour. Even the de-sacralised existence still retains traces of a religious valorisation of the World.”¹⁶ So this world strongly sacralised in the beginning, still retains vestiges of the old world.

The hero feels, leaving the mansion, the fear of the too rapid flow of time and is afraid the years have passed over him as over Prince Charming, the hero who sought Youth Without Old Age and Life without Death “I think I was afraid of something or ... I do not know why, but I preferred to go if someone offered me a lead. Through my body all sorts of visceral signals of distress were circulating. In fact, I unconsciously feared losing touch

¹³ Mircea Nedelciu, *Tratament*, 137.

¹⁴ “Crucea, forme și semnificații” Accessed: March 27 2011

<http://www.crestinortodox.ro/sarbatori/duminica-sfintei-cruci/crucea-forme-semnificatii-69773.html>.

¹⁵ Petre Ispirescu, *Opere*, 50.

¹⁶ Mircea Eliade, *Sacral*, 15.

with the natural passage of time: I expected to find the Fuica village unrecognizable, as if 50 years have passed over it that night. Something like in fantasy novels.”¹⁷

Here is how it is described in the tale: *Seeing the ruined palaces and weeds growing on them, sighed and, with tears in her eyes, tried to remember how much were once lighted the palaces and how he spent his childhood in them.*

The narrator intervenes to communicate with the listener directly, as it happens in the novel, where the author talks directly to the reader about his character. “What kind of totem hunting author chooses to write a character that has existed for real.”¹⁸ Of course, the relationship with the reader since Nedelciu’s literary debut does not confound him with the popular storyteller. Nedelciu calls for new techniques of narration closer to postmodernism than traditional literature, however, the oral nature of communication with the receiver, is to be noted, which offers both folktale and novelistic invention.

A character in reality of Fuica village, the peasant that accommodates with the help of the mayor, Luca, proves to know the story of the mansion, but when he wants to talk about it, hearing about Luca’s first night spent somewhere on the border between the two small settlements he is interrupted by the mayor: “ ‘O, poor you, didn’t you run into Weeping Valley?’ ‘What Weeping, folks, Did you start telling us fairy tales?’ - Said the mayor”¹⁹, so the text confirms that it’s a fiction novel. We must not trust either the old man’s words, but sometimes we can let ourselves guided by the narrator to discover treasures.

Conclusions ...

“Tales present the world as storytellers and their listeners would want it to be. The passing of the heroes by running narrative is always ascending, man defeats dragons and monsters, tricks the devil, the latter comes first, poor boy passes all the tests and marries to the king’s daughter, and the poor becomes due to his deeds very rich. So the fairy tale is the poetry of fulfilled desires the function of defining itself as escape from everyday reality. [...] In the world of fairy tales, good always defeats evil, beauty overcomes ugly.”²⁰

¹⁷ Mircea Nedelciu, *Tratament*, 110.

¹⁸ Mircea Nedelciu, *Tratament*, 112.

¹⁹ Mircea Nedelciu, *Tratament*, 114.

²⁰ Mihai Pop, Pavel Ruxăndoiu, *Folclor literar românesc*, (București: EDP, 1978), 267.

Tratament fabulatoriu is a frame for the many stories told by different characters along the way. It is extremely interesting how detailed this novel was written, although at first glance it appears to be simply a story of the journey of a young man on a fabulous realm. It is remarkable the Nedelciu's knowledge on folk techniques.

Luca returns in the end of the novel to the Miorean family as Prince Charming did from his time travel, into his birthplace, which he left in search of the absolute.

The new universe where Luca enters, returning to where it started at the beginning of the novel is totally unknown. It is a world that has not only been changed by time, but a new world of thought, the world of "vegetable-seller", as even the author says, a world that no longer recognizes the hero. But unlike the hero trying to find youth without old age, Luca does not die, he just revives under another form.

The role of the fairytale is to create a new world where everything is possible, a world in which the hero can shape the will of the people according to their needs. Ignoring the social and political context in which it was written, avoiding censorship Communist Nedelciu's novel gives the reader a fable treatment, a refuge in the stronghold fabulous fiction.

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SOCIAL ISSUES IN DEBATING OVER HUMAN TRAFFICKING AND FACTORS THAT FACILITATE ITS GROWTH

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ABSTRACT

HUMAN TRAFFICKING IS A CRIME AGAINST INDIVIDUALS AND ITS CONSEQUENCES ARE UNDENIABLE, RANGING FROM THE PHYSICAL ABUSE AND SUFFERING OF VICTIMS TO THE PSYCHOLOGICAL TRAUMA, THE ECONOMIC AND POLITICAL IMPLICATIONS. THE IMPACT OF THIS PHENOMENON IS DESTRUCTIVE AND UNACCEPTABLE TAKING PLACE NOT ONLY ON INDIVIDUALS, BUT ALSO ON THEIR FAMILIES AND ON THE WHOLE SOCIETY.

THIS PAPER WILL EXPLORE THE IMPACT OF HUMAN TRAFFICKING ON THE LIVES OF INDIVIDUALS AND THEIR COMMUNITIES, EMPHASIZING THE MAIN FACTORS OF RISK, KNOWN AS "PUSH" AND "PULL" FACTORS, WHICH MAKE A PERSON VULNERABLE TO BECOME VICTIM, AND THE WAY IN WHICH EACH OF US CAN CONTRIBUTE TO THE DECREASING DIMENSIONS OF THIS GROWING PHENOMENON. WE WILL TRY TO DISCUSS OVER THE CONSEQUENCES OF TRAFFICKING ON THE VICTIMS OF THE CRIME, AS WELL AS ON OUR SOCIAL SYSTEM, DESCRIBING THE NEGATIVE IMPACT THAT HUMAN TRAFFICKING HAS AT BOTH NATIONAL AND GLOBAL LEVEL. HUMAN TRAFFICKING MEASURES SHOULD BE TAKEN HAND IN HAND WITH APPROPRIATE SOCIAL POLICIES AND MEASURES, TAKING INTO ACCOUNT THE BACKGROUND OF THE VICTIMS AND TRYING TO FIND AN ALTERNATIVE "WAY OF LIVING".

KEYWORDS: *HUMAN TRAFFICKING, CRIME, POLICIES, LEGISLATION, EUROPEAN UNION*

Human trafficking is a major issue that concerns the entire international community, being not an isolated phenomenon specific to a country, but with an international and cross-border character. Addressing this phenomenon involves developing and implementing comprehensive international strategies adopted by individual countries,

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strategies based on the transnational nature of this phenomenon, on its association with criminal activities and organized crime groups, as well as the economic, social and psychological impact over the individual, family and society. Globally speaking, the action against trafficking requires a continuous improvement of the general way in which countries understand the size and the nature of human trafficking, including *root causes* in countries of origin and *factors* in destination countries, that both facilitate human trafficking and other related forms of exploitation, taking into consideration specific groups, victims and offenders that are involved in it, and the links of this phenomenon with other types of crime.

Therefore, the first question at which we look for an answer in this work is which are *the risk factors* that trigger the existence of this phenomenon and the conditions that encourage the spread of it. To the extent that we can identify the causes that give scale to this phenomenon and taking into consideration *the consequences* it has on individuals and society, we will analyze possible *measures* of prevention and control and *policies* that can be implemented to intervene at macro and micro scale.

1. An analysis of the concept of human trafficking

Studies about human trafficking, in their majority, place the victims of this phenomenon in the category of poor, isolated or being in a disadvantaged situation, identifying as main causes of these situations the natural disasters, political or armed conflicts, as well as policies and practices used by states, conditions that put individuals in marginalized situations which leads, ultimately, as those individuals or groups of individuals to find themselves in risk situations, to become vulnerable and perfect targets of traffickers.

In order to understand this phenomenon and to identify the causes, consequences and measures that are needed to be implemented locally, nationally and globally, we must start by defining the phenomenon. Human trafficking is defined in the Palermo Protocol¹ of 2000, art. 3, based on three elements: acts (what), the means (how) and purposes (why). In terms of the Protocol, “«trafficking in persons» shall mean the recruitment,

¹ The Trafficking in Persons Protocol was adopted by the United Nations General Assembly in its resolution 55/25 of 15 November 2000 and entered into force on 25 December 2003. On 14 December 2000 in

transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”² This definition of trafficking had been transposed into the Romanian legislation³, the crime of trafficking in persons being provided under Law 678/2001 on preventing and combating trafficking in persons, art. 12⁴.

The definition of trafficking underlines the act and alternative ways of achieving the main proceedings in trafficking, namely: *recruitment*, which involves identifying and attracting the victims in order to exploit them; *transportation*, relating to moving the victim to another location within the country or in another country; *transfer*, which consists in passing the victim from one to another dealer or changing the victim’s place of accommodation; *lodging*, which involves that the victim is receiving a housing or shelter; *receipt of persons*, which involves taking the victim in custody from another person for the purpose of exploitation⁵. These ways will become an offense “if the offender acts by the means of law, being capable of altering the victim’s ability to represent reality or the victim’s freedom of will and action.”⁶ In this sense, are considered means: threat, violence or other forms of coercion as the deprivation of documents or blackmail; kidnapping, fraud and deceit, consisting in the use of deceptive or fraudulent maneuvers such as seduction or drugging the victim, presenting to the victim under a false identity, misleading activities by false promises leading to altered representation of reality, abuse of authority, taking advantage of the inability of a person to defend himself or to express their will; giving,

Palermo, Romania signed the United Nations Convention against Transnational Organized Crime and its two Protocols adopted in New York on November 15, 2000.

² UNODC, *Toolkit to Combat Trafficking in Persons. Global Programme Against Trafficking in Human Beings* (New York: United Nations, 2006), xi, accessed April 22, 2012, www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf.

³ Romania has ratified the United Nations Convention against Transnational Organized Crime through national Law no. 565/2002 and ratified the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on May 3, 2005, by Law no. 300 of 11 July 2006 published in *The Official Gazette* no. 622 of 19 July 2006.

⁴ For details see *Codul penal și 10 legi uzuale*, 11th edition, revised on January 20, 2010 (Bucharest: Hamangiu, 2010), 232-233.

⁵ Gavril Paraschiv, *Traficul de persoane* (Bucharest: Ars Academica, 2008), 20-21.

⁶ Paraschiv, *Traficul*, 22-23.

accepting or receiving money or benefits to achieve the consent of a person having authority over the victim etc.

From these statements we conclude that the purpose of the crime is not restricted to sexual exploitation, but also includes the conditions of forced labor, slavery or similar practices, and the term victim does not focus solely on women and girls, designating any person who is subject to trafficking in human beings. Women, men, girls and boys could be all victims. Also, trafficking does not require the victim to go over the internationally recognized border, but takes into consideration the fact that there are people trafficked from one region to another within the borders of a country, involving some form of distortion of the will of the victim. An exception is for victims under the age of 18, the offense is considered “trafficking in persons” even if there were not used the means mentioned above.

In 2000, the U.S. Congress had developed the “Victims of Trafficking and Violence Protection Act of 2000” with the purpose “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”⁷ This modern form of slavery was affecting, at that time, at least 700,000 people annually, especially women and children, 50,000 of who were trafficked annually in the United States of America. The Act states that the vast majority of victims are women and girls because this category is the most affected by poverty, limited access to education, chronic unemployment, discrimination and lack of the economic opportunities in their home countries. Traffickers are those that attract women and girls in the circle of victims through false promises of providing decent working conditions, relatively well-paid, for services as a nanny, housekeeper, factory worker, dancer, clerk, modelling etc., or buy children from poor families and sell them into prostitution or forced labor networks. Traffickers are often those who also assure the transportation of the victims to those unknown destinations, bringing them into a state of vulnerability and inability to defend themselves. The traffickers often use physical force against the victims, or violence which often includes rape, sexual abuse, torture, starvation, isolation, threats, psychological abuse and coercion.

⁷ Public Law 106-386-Oct. 28, 2000, “Victims of Trafficking and Violence Protection Act of 2000”, Division A, Sec. 102. Purposes and Findings, 114 Stat. 1466.

2. *Statistical overview of the incidence of human trafficking*

In order to provide a statistical overview of the phenomenon, International Labour Office⁸ estimated that at least 2.4 million people are trafficked for forced labor. However, only a few thousand cases end up being prosecuted in court each year. The vast majority of the victims are not identified and therefore they do not receive justice. Despite being known globally and the legislation being more effective, the human trafficking remains an activity perceived as “low risk and high benefit” for organized crime, perception that encourages traffickers to engage in this type of activities. Annual profits expected to be generated from human trafficking globally amount to 32 billion U.S. dollars.

In what regard the trafficking through sexual exploitation, in 2009, globally, it was estimated that “43% of victims are trafficked for sexual exploitation, against only 32% who are trafficked for economic exploitation”⁹, and in the western and central part of Europe, 84% of victims were trafficked for sexual exploitation¹⁰. According to the estimations made, in Europe alone there were a total of 140,000 victims trafficked in this way, 60% of victims coming from the Balkans, Central Europe and the former Soviet Union, particularly Romania, Bulgaria, Ukraine, Russian Federation and Moldova¹¹.

According to the national statistics¹², Romania remains a country of origin for trafficking in persons rather than a country of destination, trafficking victims being exploited both in the country and abroad. For 2010, 1,154 victims have been identified, a higher number (with 32.5%) than that recorded for the same period of 2009 (780 victims). Analyzing the indicators about age and level of education, it appears that an early age and/or education around the mean (secondary and high school level of education) are prone to exploitation and traffic, with a high concentration in Romania for victims aged between 14 and 26 years, trafficking in minors registering a growth from 22.5% (186 children) in 2009 to 27% (307 children) of the total population of identified victims. Regarding the

⁸ International Labour Office, *ILO action against trafficking in human beings*, (Geneva, 2008), 1, accessed April 22, 2012, http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_090356.pdf.

⁹ Ioan Gârbuleț, *Traficul de persoane* (Bucharest: Universul Juridic, 2010), 13.

¹⁰ UNODC, *Trafficking in Persons to Europe for Sexual Exploitation*, 2, accessed April 22, 2012, http://www.unodc.org/documents/publications/TiP_Europe_EN_LORES.pdf.

¹¹ UNODC, *Trafficking*, 7-8.

¹² “Evaluarea situației traficului de persoane în România în anul 2010”, (Bucharest: National Agency against trafficking in persons, 2011), 3-16; accessed April 22, 2012, <http://anitp.mai.gov.ro/ro/docs/studii/evaluare%202010.pdf>.

level of education, most victims of trafficking for forced labor (73%) had completed secondary education or high school when entered into traffic, which, in line with the report, reveals a growing higher susceptibility among people who have this level of education to become victims. Victims of labor exploitation came in a majority of 56% from rural areas, and 94% were exploited abroad, so that even against the average educational level that they have they were misled due to their environmental features provenance in general, characterized by lack of social, economic, or political information.

The presence of minors in trafficking through sexual exploitation is much higher than in any other situation of exploitation. The report shows that the critical age at which the minors usually enter into traffick is that of teenage, 14-17 years old, characterized by several psycho-social factors, including: the desire for independence, naivety, lack of life experience etc. These minors are mainly coming from rural areas with dysfunctional families or youth who previously left the orphanages or shelters for people in need.

Women continue to be the most vulnerable trafficking sexual exploitation category, in 2010 being identified 650 female victims who arrived in traffic through manipulation and being influenced by recruiters in accepting an offer that appeared as unique circumstances they will have in life or unrefusable. Regarding males, in 2010, the number of identified victims of trafficking amounts to a figure of 504, of which 467 were adults and 37 children, average age stood at 32 years old. 72% of male victims of trafficking had completed secondary school or high school at the time of entry into traffic, which shows us the image of the opportunistic trafficker, who is taking advantage of people's vulnerabilities in their search for a better life. Most male victims were forced laborers (393 victims), especially in agriculture, construction, or in various other sectors, trafficking taking place in preference abroad, the main destination countries being Spain, Cyprus, the Czech Republic and Italy.

According to the report, *the method of recruitment of victims of trafficking* for labor exploitation in Romania has a particular feature in the way that despite the fact that usually the recruiter approaches the victims through a direct contact, a significant number of victims responded to ads in newspapers, ads that offered particularly well-paid jobs and favorable conditions abroad, managing to meet the needs of the people who were looking for a job, people who want to "change for the better" something in their lives. Instead, in their majority (91% of victims), the victims for sexual exploitation are being recruited through direct approach by the recruiter. The majority of the victims were deceived

through promises that include getting a job abroad or at home, travelling abroad or marriages of convenience in order to acquire certain advantages in the destination country. But there were also cases where victims have opted for prostitution, but the conditions in which they were forced into prostitution placed them in the state of victims of trafficking.

3. Risk factors that facilitate the growth of the phenomenon

Given the magnitude of the phenomenon, both globally and in our country, the question we should ask is: which are the causes that trigger this phenomenon and support the spread of it? The analysis of the causes that facilitate this phenomenon increases the complexity of it, causes being varied and different from one region to another, from one country to another. The general opinion is that, in the most cases, people find themselves as a victim due to their poor economic situation and as a result of their search for a better lifestyle and decent living conditions. Faced with disadvantaged situations, these people are often attracted by criminal groups who are taking advantage of their situation. Economic difficulties, social violence, domestic violence, crime, political conflict, armed conflict, natural disasters lead to desperate situations and make people vulnerable to various forms of exploitation. Thus, in general, we can say that among the main factors contributing to contemporary forms of human trafficking is poverty and unemployment. Other risk factors related to socio-economic and cultural context are restrictive immigration policies, racism, lack of migrant rights, discriminatory policies and laws in obtaining employment, and economic interests of some states to ignore human trafficking, corruption or international organized crime groups. Sometimes the limited capacity of government to take appropriate measures in order to prevent, suppress and punish trafficking in human beings or unwillingness of politicians to engage in developing consistent policies are also main factors that facilitate its growth.

Studies have found that often human trafficking occurs in the context of immigration, especially in terms of traffic within the European Union by manipulating the legal channels of immigration and vulnerabilities of people, especially women who leave their country in search for a job safer and better paid. Also, the case study reveals that human trafficking affects mainly those persons whose rights have already been compromised, meaning that either they are on a territory of a state as refugees or immigrants or were already a victim of physical or sexual violence.

From another perspective, socio-cultural context and specific customs existing in different societies at a time make some people more vulnerable to reach the victim status when compared to others. There are societies where girls, for example, are less valued than boys, so it is created a custom that girls will assume family responsibilities, giving up education and taking care of the family. These situations create cleavages bringing women and girls in disadvantaged situations making them vulnerable when confronted with activities of criminal groups. Therefore, to address this phenomenon, “it should be recalled that gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women, and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context- and time-specific, and changeable. Gender determines what is expected, allowed and valued in a woman or a man, a girl or a boy, in a given context. Gender is part of the broader socio-cultural context. Men and boys are also victims and survivors of gender-based violence. As such, the analysis of roles in and vulnerabilities to trafficking, as well as responses to this phenomenon, will need to take into account the gender perspective.”¹³

For a classification of risk factors, *the National Strategy against Trafficking in Persons for 2006-2010*¹⁴ listed the risk factors of trafficking identified as a result of a sociological research by classifying them in macro, micro and individual risk factors. In this view, macro-social factors have a high level of generality and include: high decline in the living standards of the population and unemployment or lack of access to legitimate means of livelihood for large segments of the population; lack/insufficiency of relevant educational programs (education about sexual relations etc.), and scarcity of educational opportunities for certain segments of the population; a socio-cultural environment tolerant to discrimination based on gender or ethnicity, as well as behaviors such as domestic violence; development of international migration for employment; inefficiency/low involvement of political and legal system; natural disasters or catastrophies that cause sudden impoverishment of a large number of households, mainly those who live predominantly in agriculture; family abandonment. The micro-social factors, placed at the

¹³ Joint UN Commentary on the EU Directive – A Human Rights-Based Approach, *Prevent. Combat. Protect. Human Trafficking* (November 2011), 21.

¹⁴ See “Anexa” at H.G. no. 1.654 of November 22, 2006 regarding the approval of “The National Strategy against trafficking in persons for 2006-2010”, published in the *Official Journal* no. 967 of December 4, 2006.

level of social groups and households, are: household impoverishment and lack of access to jobs, social benefits and social assistance programs; low level of education and lack of professional training, for trafficked persons and their family members. Human trafficking is often associated with dropping out of school; family instability and/or poor relationships between adults and children; deviant behaviors, such as alcoholism, drug abuse, domestic violence and/or criminal record. The individual factors are very different, for example: the gap between expectations/goals and resources (individual and household) in order to achieve them by legitimate means; availability of violating some legal norms for a job abroad and lack of information on the associated risks; the desire for adventure and/or pressure from “close friends”; failed romantic relationships and/or adolescent sexual debut, and a possible history of sexual assault; mental alienation; lack of self-confidence; lack of trust in others and in institutions that could provide assistance and support.

Some specialists classified macro-social factors in socio-economic factors (living conditions, unemployment), educational, legal (still incomplete and insufficiently harmonized legislation) and socio-cultural, while they consider micro-social factors the family model (family educational climate) and the belonging to various groups. Besides these exogenous factors, the endogenous factors are identified, “where we find its own life history of that human involved in traffic”, category in which will intersect “the causes that, at the individual level, will constitute predispositions for such occupational orientation”. This category included “structural differences of personality persons involved in trafficking: moral flaws of character, mental instability, alienation, anti-social orientation; consequences of sexual debut during adolescence, as well as previous sexual aggression (in the family, friendship group or occasional jobs); interest to exercise diverse occupations that promise a number of advantages: substantial revenue meetings with «personalities», opportunities to travel and affirmation in another social context, and so on.”¹⁵

In summary, the factors that push the victims to leave their home environment, also known as “push factors”, such as socio-economic disparities between countries or regions, urban-rural differences, unemployment, poverty, low level of education, discrimination against women, violence, the gap between the social model promoted and the impossibility of acquiring it, are often leading to devaluation of self and acceptance of degrading

¹⁵ Florea Pasca, *Combaterea fenomenului infracțional de trafic de ființe umane: considerații criminologice privind traficul de ființe umane și mijloace juridice de combatere*, vol. I, (Craiova: SITECH, 2009), 27-32.

behavior. Besides these, there are “pull factors” as the “mirage” of foreign countries, the hope for getting a new job and a salary, the hope to earn large sums of money, access to facilities offered by another country, the hope for a better position in society and more human treatments, the demand for cheap labor, lack of information, success stories etc.¹⁶

4. Best practices in preventing and combating human trafficking

In this activity of preventing and combating this phenomenon efficiently, for an effective implementation of rehabilitation measures for victims, it would be useful to identify a pattern for the victim profile. In this regard, experts in the field say that we can not speak of an accurate profile of potential victims, but could be identified only some basic features that seems to remain constant, such as: “an overwhelming majority of victims are women and girls, although it is estimated that about 2% of trafficked victims are men or boys; victims tend to be between 18 and 25 years old, however there is a growing number of victims under 18; victims are recruited from poor and disadvantaged villages, towns and cities; most of the times, victims do not have a job or they are poor; the victims have low levels of education, have suffered discrimination in the family and at work; often, the victims come from dysfunctional families; in most cases, victims do not speak foreign languages.”¹⁷

Social implications that human trafficking has on the individual, family and society are arising from the act of violation of dignity, freedom of movement of persons, the right to decide in full knowledge about themselves, thus affecting social relationships that are created around these social values, but creating a state of danger to other values and social relations as dignity, sexual inviolability, freedom of the individual, physical and mental integrity, which are to be harmed by exploiting the victim. Serious consequences of human trafficking, as we have already argued, are concerning individual safety, health and fundamental rights of the victims who are reduced to the condition of a “product”, the smugglers treated them as objects, being subject to a regime of continuous physical or psychological threat and performing a work without his consent and without a regulated form of payment. Trafficking is thus a major threat to freedom, physical and mental

¹⁶ Ionuț-Valentin Marin and Iuliana-Irina Marin, *Aspecte privind traficul de ființe umane* (Drobeta Turnu Severin: IRCO Script, 2008), 24-25.

¹⁷ Marin and Marin, *Aspecte*, 50-51.

integrity, and sometimes to person's life. From a socio-human perspective, "trafficking is a serious indictment of the society. He is constantly expanding due to scientific and technological progress, registering an inability of large segments of society to overcome that primitive education and mentality, in which the human being is considered and treated as a commodity. Trafficked people are dehumanized, gradually making it the deepest feelings about the trauma suffered by marking them in their future development."¹⁸

Globally, the social implications of human trafficking are evidenced mainly by a significant increase in migration flows and complex networks of traffickers. Consequences are remarked also in the demographic field, especially when it comes to trafficking people of certain ethnic appartence or nationality, in political and administrative sector, where the increase in corruption creates numerous opportunities for public officials to be corrupt, and diversification of organized crime through their cooperation with the network of terrorism, drug trafficking, arms trafficking etc. The implications over the economic environment, on one hand, materializes in that human trafficking for prostitution is a very profitable business, financially speaking, causing forms of money laundering and undermining financial markets and business conditions and, on the other hand, the costs of these crimes incorporates several elements, including "the value of all resources devoted to its prevention, the treatment and support of victims and the apprehension and prosecution of offenders". Trafficking in persons also results in "loss of human resources and reductions in tax revenue. Further, trafficking in persons redirects the financial benefits of migration from migrants, their families, community and government or other potential legitimate employers to traffickers and their associates."¹⁹

EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings states the need to strengthen the commitment of the EU and the Member States "to prevent and fight trafficking in human beings, committed for the purpose of all forms of exploitation and to the protection, support and rehabilitation of its victims"²⁰. Human trafficking requires an integrated and coordinated policy response in the

¹⁸ Pasca, *Combaterea*, 41.

¹⁹ UNODC, *An Introduction to Human Trafficking: Vulnerability, Impact and Action* (United Nations, New York, 2008), 8-10.

²⁰ "EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings", published in the Official Journal of the European Union on December 9, 2005 (2005/ C 311/01), 1, accesed April 22, 2012,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:311:0001:0012:EN:PDF>.

area of freedom, security and justice, external relations, cooperation for development, *social affairs and employment placement*, gender equality and non-discrimination, through an expanded public-private dialogue. Synchronization is required and an adaptation of practical experience and research findings at the European Union level. Whenever possible, the Member States and the Commission should adopt an “evidence-based approach” with third countries and with international organizations.

On April 5, 2011, the EU adopted *the European Directive on preventing and combating trafficking in human beings and protecting its victims*²¹, grounded in a human-rights based approach, trafficking being viewed as a crime and a violation of human rights, each EU Member State being responsible to respect, protect and promote the rights of the victims, regardless of their country of origin. The Member States of the European Union are invited to ensure the transposition of the Directive into national law until April 6, 2013.

The recommendations of the Directive mention that, when transposing the Directive into national legislation, Member States are encouraged to do the followings: to define human trafficking as a violation of human rights as well as a crime; to incorporate standard of due diligence together with the principle of State responsibility in its national law, although the state can not be held responsible for the acts of others, they can be held liable for their failure to prevent, investigate and punish illegal acts so that states have a obligation under international law to act with due diligence to prevent trafficking, to investigate and punish traffickers and to assist and protect victims of trafficking; to use a human-rights based-approach placing the victims on the center as rights holders and to ensure that victims of trafficking receive appropriate protection measures based on risk assessment of each individual, giving them access to witness protection programs or other similar measures, according to the national legislative procedures; to respect the principle of non-discrimination and to interpret the provisions of the Directive on the basis of this principle; to use victims’ experiences and their opinions in developing anti-trafficking policies; to specify the way in which cooperation between agencies, between them and civil society is made, and the techniques used for monitoring trafficking measures; to take into account the impact of trafficking and anti-trafficking of women, men, girls and boys ensuring a human rights’ and a gender perspective; to ensure that all actions taken in

²¹ Joint UN Commentary on the EU Directive – A Human Rights-Based Approach, *Human Trafficking*, 10-16.

trafficking involving children are guided by the principles of protection and respect of children's rights and is intended only the child's interest in the case etc.

5. *Conclusions*

In conclusion, we have to admit that, despite the fact that it is difficult to quantify the expansion of this phenomenon, it is obvious that it becomes larger²², mainly because the larger incidence of the conditions that cause a person to become the target of traffickers. International actions in this field are based mainly on the "3P" approach: prevention of trafficking, prosecution of traffickers and protection of victims. Prevention should actually eliminate acts of violence before they occur, and can be carried out through several means: public campaigns in order to inform and educate the population in what regards trafficking in human beings, research and development studies, and socio-economic programs in order to generate alternative life styles for the potential victims. The information and education campaigns advocate on providing counseling services, informing the victims in what regards those organizations and services that can be called when they need help or additional information on how to make a complain addressed to authorities, about how and under what conditions they can obtain protection or legislative advices etc. Studies show that victims who received counseling and who have been provided with such services at their return to their country of origin were less likely to become victims again and less vulnerable to intimidation, social isolation or stigmatization, although no studies have shown that public awareness campaigns actually influence choices, in large part because they are not able to provide potential trafficked persons with viable alternatives²³.

So, an obvious issue is that most taken prevention methods and actions materializes only in the awareness campaigns, the other two prevention methods, research studies and alternative programs for social and economic integration being less visible. The natural question is whether informational and educational campaigns are sufficient in these efforts directed against human trafficking. What seems to become pressing is a need for more active involvement in large-scale social problems like illiteracy, unemployment and poor

²² See, for example, Kevin Bales, *Understanding Global Slavery: a Reader* (Berkeley: University of California, 2005).

²³ For details see UNODC, *An Introduction*, 59-64.

standards of health. To this end, research and development studies, as a means of preventing human trafficking have paramount importance in assessing the causes and the risk depending on: how was trafficked the victim; the fact that maybe the dealer is part of a network range of traffickers; the suppression risk of the trafficker, especially if the victim owes money to the recruiter; risk of being abused, arrested or held by authorities such illegal immigration or involvement in prostitution; risk of social exclusion taking into account age, sex, social position and family situation of the trafficked person; access to counseling and social assistance, including in the home country. Finally, along with public information and research studies in order to explore this phenomenon and to develop specific studies and analyzes, stands out as absolutely necessary the necessity to adopt and implement programs and measures that offer victims and persons at risk viable solutions, viable alternatives at their current way of living, in the global effort to prevent victimization/re-victimization and to reduce the risk of trafficking/re-trafficking.

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THE IMPACT OF RELIGION ON THE INTERNATIONAL AFFAIRS

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ABSTRACT

THE EVOLUTION OF THE ETHNIC CONSCIENCE, THE FORMATION PROCESSES OF THE NATIONAL IDENTITIES, THE CREATION OF NATION-STATES BASED ON NATIONAL IDENTITIES AND THE DEVELOPMENT OF AN INTERNATIONAL ORDER BASED ON THE SUZERAIN NATION-STATE, AS A MAJOR ACTOR IN THE GLOBAL ARENA, TOOK TO THE DEVELOPMENT OF A SPECIFIC DYNAMICS.

FURTHER TO THE FEAR FOR THE MENACES AT THE NATIONAL AND INTERNATIONAL SECURITY, ON THE BACKGROUND OF RISING VULNERABILITIES, THE CONNECTION BETWEEN SECURITY AND RELIGION APPEARS AS A VERY CONCRETE ELEMENT IN THE PROCESSES OF DEMOCRATIC REFORM OUT OF THE DIFFERENT REGIONS OF THE WORLD.

THERE IS THE POSSIBILITY OF REGIONAL CONFLICTS INITIATING; WE HAVE TO BE CONTINUOUSLY CONCERNED WITH THE PROBLEM OF MASS DESTRUCTION ARMS; ON A GENERAL VIEW WE CONFRONT OURSELVES WITH A SERIES OF NON TRADITIONAL MENACES, TRANSNATIONAL AND UNPREDICTABLE TO WHAT THE SECURITY CONCERNS.

KEYNOTES: RELIGION, THE INTERNATIONAL RELATIONS, THE MODERN SOCIETY, REGIONAL CONFLICTS

When and in what extent did Religion get to play a more and more important part in the global policy? An External Affairs Council report in Chicago claims that this tendency is in unfolding for at least two decades. But even this estimation under evaluates the deepness of the beginnings. The real increase – or more precise the resurgence – in the influence of the religion started in the years 1960s and kept accelerating since then.

The year of 1960 found the Catholic Church on the verge of a fundamental reevaluation of what means to be a catholic, a Christian, or a human generally speaking. According to the II-nd Council of Vatican, the Church decreed the right to religious freedom, and the states were supposed to respect now the fundamental right of all people to

¹ Goethe German Colegium, Bucharest, email: <deea.emilia@ymail.com>;

choose their own religion. Armed with this new understanding of things, the local actors have become empowered to contest the autocratic regimes (in some cases, the II-nd Council Vatican has put the local Clerics in very difficult situations, because these ones were the allies of the same regimes.) Similar dynamics were put at stake also in the period of the years 1980, when Pope John the II-nd contested the communistic regimes of Eastern Europe, offering to the citizens an alternative set of ideas and ideals with the fundament in Religion. Both catholic polish people and the German Lutherans were this way encouraged to change their atheistic totalitarian system.

Then, we take into consideration the Iranian revolution of 1979. The weight center of this revolution was not on the streets of Teheran (even if there it was the most visible), but in Universities and mosques, where students, teachers and imams were putting under the question mark basic notions of that what means to be Shiite. These reinterpretations have started in 1960 and have opened the way for the fall of Shah. The same with all the revolutionary states, the clerical regime from Iran was forced to adapt to the constraints of the existent state system, but the religion remained the central element in the identity of Iran, the legitimacy of its rulers and policy until nowadays. A stunning characteristic regarding the most recent demonstrations against the Iran regime is the fact that nobody is asking himself if it should still be an Islam regime, this is an already established fact. The Iran is and will remain an Islamic Republic; the fight in Iran is only for what form will be taken into the future.

We lost the signification of the Iranian revolution, we ignored the Pope's power and we lost the events from 11 September. Why? Because some of us didn't succeed to integrate religion in the international relationships, not even by now. The last book of Stephen Prothero, "*The Religious Alphabetization*", has proved that the majority of people stay still ignorant regarding the basic principles of different religious traditions, even if a good part of the questions asked were connected to Christianity, the main belief between the questioned persons.

In conclusion, the ignorance is each person's enemy and this will exacerbate two problems more and more vital in the next few years.

First of all, it is the way in which the Religion, the religious organizations and the religious actors are favored by the low costs and the extension of the communication volume at international level. The Internet and the cellular communication have underlined the power of ideas, independent of the material wealth.

The power of ideas has reduced excessively in the states with a big material wealth and this thing can explain why some of the occidental observers treat as isolated incidents recent events with religious character

In the second place, going further from knowledge to formulating policies, in order to understand end enter in scene with religious actors from Easter, we have to ‘educate’ our political elites in what concerns Religion, to teach those that govern, without any intention of conversion. In conclusion, we need to find out if it is possible to grow the level of understanding of the religious actors without falling on a sliding slide of a politics based on faith, rising this way a menace on a long term of a religious open war.

The concern regarding the role that the religion plays in the international relationships plan has become quite serious in the last period and draws more and more attention. Even if the subject started to concretize in the years 1990, this had as basis even from the beginning the big costs of neglecting the religious dimension of the conflicts on the globe, that in the last period have become disquieting.

It was overcome this way the illuminist prejudice that eliminated the religious life from the contemporary society and previewed to the religion a role more and more diminished in the modern world. After the “cold war’s” end, the nature of conflicts changed. The majority resulted out of “confrontations of communities’ identity, based on race, ethnicity, nationality or religion.”

This hypothesis was intensely mediated through Huntington’s study, regarding the “civilizations encounter”². Huntington claims that in the world after the Cold War, the most important distinctions between people are not of an ideological, political or economical nature. They are of cultural nature. Huntington defines civilization like being the largest level of recognition with which a person can identify, one that refers to the values, social norms and institutions that run the society. Huntington analyses the differences between race and civilization; race is not influenced by history, social norms or values in the way that the civilization can be influenced, thus, being possible that individuals pertaining to the same race to be deeply differentiated by the civilization, or

² Huntington Samuel P. – *The encounter of the civilizations and the remaking of the world order*. – Filipeștii de Târg: Samizdat, s. a. – 320 p. The book is one of the best-sellers of the XXth century that presents the civilizational approach of realism in the international relations theory. It treats at length the appearance, development and the decay of the antique modern and contemporary civilizations, according to each one’s cultural level.

² E. Mirri, *La Metafizica i Nietzsche*, Alfa, Bologna, 1961, p. 89; G. Penzo

that individuals coming from different races to be united by the civilization. Huntington admits that the civilizations are flexible, without precise, concrete beginnings or endings. With all these, he claims that the borders that divide the civilizations could be ambiguous but they are real and important. The civilizations are not political structures but they could represent a number of political units (more nations, more states, etc.). He contends Religion as a central unit of the civilizations' characteristics and he uses it as a variable in the identification of some of the most prominent civilizations.

Huntington also wishes to underline the fact that the occidentals have to understand that their culture is unique, but not universal. Before trying to Occidentalize a region it should be taken into account the cultural substratum of the respective region. The Huntington's view regarding the tensions that appear between different cultures is complementary to a more sophisticated view, which sees the conflict "not as a confrontation of civilization degrees, but more as one between local cultures (grouped in civilizations) and the global civilization that results after the <<civilization process>>".

An analysis over the evolution of perceiving religion in the previous century highlights the fact that the entering in the XX century was dominated by a generalized skepticism regarding the role and future of religion in the modern society. There was even a time when the occidental-European thinking took to the extreme the consequences of the epistemological positivism, "the suspicion's prophets" announcing with a lot of emphasis the retrograde character, the inutility and the imminent disappearing of Religion. Strongly influenced by the anthropological theology of L. Feuerbach (1841), Marx was the first social theoretician that saw in Religion one of the principal factors that oppose to the progress and social change. "Religion is the peoples' opium", "it is only the illusory sun that rotates around the man as long as the man does not rotate around himself" claimed Marx in the year 1844.

Out of his perspective, the Future' society, in which class differences will be eliminated and that will give birth to the new man, it will be one in which the religion will be a question of history. Moving forward in the same direction, Nietzsche announced in 1885 through the lunatic in "*So Zarathustra said*", the death of God and the birth of *der Uebermensch* (super man), that doesn't know another law beside his own will, because not long after, Freud with his psychoanalysis to pretend to give the final hit to religion and religious person. *The future of an illusion* (1927), the work in which Freud talks freely on the theme of the role and future of religion, was ending in a cynical tone, with

programmatic action pretences that wished to solve in an irrevocable way this “illness” of the modern society³.

At the crossing of the XX-XXI centuries, religion still occupies an important space in the life of social communities, despite the fact that the secularization and rationalism have become foundations of modernity, on the background of their radical transformation provoked by the scientific, informational and biological revolution. Religion (associated with specific institutions) ensures the social cohesion, offers a motivation in life to the human communities and the individual. It wields in numerous cases the social control and of the social education function. In certain times, religion even substitutes the political ideology, firstly there where it represents an element of the social group’s identity.

Further to the fear for the menaces at the national and international security, on the background of rising vulnerabilities, the connection between security and religion appears as a very concrete element in the processes of democratic reform out of the different regions of the world. Eventually, these reforms are correlated with extension processes of the economical, political and military structures. The impact over the international relations has two types of approaches and namely the measure in which religion plays a role in the internal and international dynamic on one hand, and what elements of the religious phenomenon have priority in this regard on the other hand. The studies over these themes are more or less convincing. Out of methodologies we mention codification of main religious systems through which it could be tangled the resemblance of Islamism with the Marxism and the positioning at the other end, in the nonaggressive doctrines categories – of Buddhism and Jainism⁴.

In the present, the world is in an economical crisis, but above this it is in a moral and spiritual type crisis. All over the world are born new pseudo Christian groups, the signs of the times multiply day by day, the man becomes more and more authoritarian, etc.,

³ Silviu Rogobete, *Religion and social change. Few reflexions over the role of religion in the contemporary society*, The New Europe Colege, Bucharest, 2002, p. 124.

⁴ Gabriel Andreescu, "International Relationships and orthodoxy in the East and South-East of Europe", *International Studies*, 4/1998, pp. 3-32; central thesis of the article is that “the lawful state principles is under the pressure of clergy and the orthodoxy institutions, in an obvious way the armies of the integration process, in the institutionalized Europe”; as a “key instrument” of stability growth in East and South East Europe, the author proposes “the limitation of the orthodoxy dominance in the countries with an orthodox majority” (p. 31), the premise of the argument being that it exists a natural solidarity between orthodoxy, nationalism and pre-modern traditions”, the orthodoxy manifests in the region under the form of the orthodox nationalism” (p. 25)

all these are signs that confirm more the second part of the affirmation of Malraux: “The XXI century will be religious or will not be at all.”

It is repeated almost obsessively this formula, anytime a discussion about religion starts. What means the “religious” stated by Malraux? We discuss about religion or about spirituality? Or we need to see the religion as a social phenomena integrated in the global development of societies, of which powerful influence over the society is connected to the conscience and fundamental human beliefs?

The *Concise Oxford Dictionary* states that the religion “is the recognition made by man of a supernatural leading power and especially of a personal God entitled to be obeyed.” The strict interpretation of this definition would have as a conclusion the non acknowledgment of the polytheistic religions. In “Webster’s New World Dictionary” religion is defined as “any specific system of beliefs and worshipping that often implies a certain ethic code and a philosophy.” The weak point of this definition is the fact that excludes the religions that do not practice the worshipping but correctly highlights two important components of religion: the belief and worshipping to a deity or deities; the ethical behavior towards other persons. These components are comprised in Mathew 22:36-39 “Master, which is the great commandment in the Law? And He answered him: To love your Lord from all your heart, with all your soul and with all your thoughts. This is the great and the first commandment. And the second, similar to this one: To love your keen as yourself.”

William James saw in religion: “the faith that there is an unseen order.”⁵ Alfred North Whitehead: „the religion is the symbolic expression of that what the individual does with his own solitude (loneliness)”⁶. Hall, Pilgrinn and Cavanagh: „The Religion is the symbolic expression of that what man deliberately claims as being of an inestimable value for him.”⁷ Karl Marx: “Religion is the sigh of the suppressed individual, the heart of a world without a heart and the soul of some situations without a soul. It is the opium of the people.” Don Swenson defines religion in sacred terms: “Religion is the individual and social experience of the sacred that is manifested in mythologies, rituals, and ethos integrated in a community or organization.”⁸ Church is a form of institutionalization of

⁵ William James, „*The types of religious experience*”, Cluj-Napoca, Dacia Publishing House, 1998.

⁶ Whitehead Alfred North, “*Religion in progress*”, Herald Publishing House, translation Alexandru Anghel

⁷ *Religion: An Introduction* by T. William Hall, Richard B. Pilgrim, Ronald R. Cavanagh.

⁸ Don Swenson: „*Society, Spirituality and the Sacred: A Social Scientific Introduction*”, Broadview Press – January 1999.

religion, as organizing expression of spiritual life connections with the material life, thing that in practice has created an instable balance between Church and the state. In singular, the church designates the totality of those who confess with Apostle Peter: “You are the Christ, the Son of the living God” (Mathew 16:16). This confession is “the stone” on which Jesus said he would build His Church, The body of those who have converted to Christ, they baptized themselves in the name of the trinity and they follow Jesus in the middle of a disciplined community. There is only one Church, because there is only one God, a single faith, a unique Baptism (Ephesians 4, 5). Jesus is the head of the Church, which is his body (Colossians 1, 18) and Christians are the members of the body (Romani 8:5). In plural, the churches are the gatherings of Christians in a particular place in order to commemorate and celebrate the Eucharist of Jesus (Evangel) on Sunday. Paul names this way the local communities of Christians: “The Church of God that is in Corinth” (I Corinthians 1, 2)⁹.

Religion as well as ethnos is directly connected to the identity aspects. Since always, the human kind grouped itself after different types of identity, being tempted, once with the development of society, to adhere to a varied identity range, from ethnic or religious affiliations to the family ones. Thus, a first distinction has to be made between this identity forms. We will distinguish, this way, between inherited identity forms and accumulated identity forms. The inherited identity comprises elements related by birth, family bonds, native heath, elements regarded generally as intrinsic aspects of identity. Due to bonds created by birth we can affirm that the ethnos is an inherited form of identity, related to aspects of language and birthplace, aspects that have in a great measure an inevitable character. The accumulated identity, on the other hand is an aspect generally related to the communitarian factor, to the affiliation to certain organizations. It can be the case of religious, political, educational, or other type of organizations. In all these cases it is a progressively built, adopted form of identity. Building this form of identity can often be a challenge, since it can also comprise the inherited identity forms.

The religion can be equally considered an inherited identity form, as well as an accumulated one. Due to their universal character, the Christianity and the Islamic “umma”

⁹ *The New Testament, reviewed version, edited and commented by Bartolomeu Valeriu Anania*, second edition, reviewed and improved – Biblical and Missionary Institute’s Publishing House of the Romanian Orthodox Church – Bucharest – 1995.

can be considered as generators of an accumulated identity excepting the cases in which the conversion of the population took place through the over posing on the local “pagan” beliefs that were the expressions of some strongly affirmed local identities.

As we were mentioning before, the tendency of the individuals to band around the different identity forms is frequent over the history. Still, the evolution of the ethnic conscience, the formation processes of the national identities, the creation of nation-states based on national identities and the development of an international order based on the suzerain nation-state, as a major actor in the global arena, took to the development of a specific dynamics¹⁰.

The beginning of the XXI century it was proved to be surprising. Even if many nations of the world embrace the values of the representative democracy and of the market economy, creating new opportunities for the realizing of a durable peace, there are however, many challenges at the security, at a national and regional level, as well as at a global level.

Even if the old adversaries from the beginning of the Cold War are in the present, partners in the security problems, the ethnic, economical, social and environmental tensions continue to cause instability.

In this context it can be affirmed that: there is the possibility of regional conflicts initiating; we have to be continuously concerned with the problem of mass destruction arms; on a general view we confront ourselves with a series of non traditional menaces, transnational and unpredictable to what the security concerns.

The events that took place in the last years had and still have also a major strategic impact. An example would be The Campaign against Terrorism, initiated by the United States of America after the events of September 2001 that took in the year 2002, to the elaboration of the New Strategy of National Security of the USA. The campaign against terrorism has consolidated as well the affirmations regarding the necessity of a radical military transformation; although the war against Iraq perspective had become an argument for those who claimed the contrary. Still, the opening of the campaign against terrorism new front in Iraq hasn't closed this chapter, not even by far. In the general frame it is noticed a vivid debate over the modalities through which the security state of society can be installed and maintained.

¹⁰ Mihai-Ştefan Dinu, *The ethnic-religious dimension of security*, The „Carol I” National Defense University's Publishing House, Bucharest, 2007.

The actual security environment is characterized by few tendencies represented by geopolitical and military threats that the nations and their armed forces will also have to in the future. There are distinguished in this context, the regional menaces against the security. Iran and North Korea wish and have the means for triggering a conflict. Numerous regional powers have increased access to material, technological and informational resources that can improve their military capacities. Aside the instability arch that goes from the Middle East till the North East Asia, there is a dangerous combination of regional powers in development or in decline. Many of these states detain numerous military effectives and they already have the necessary means of acquiring or building mass destruction arms¹¹.

From a functional point of view, religion can be considered a positive force. It has relevant social functions, existing in various forms in any society. Religion ensures the social cohesion through the ideas assembly, values and norms necessary to people for forming a common identity. It is the binding agent of a group offering an ensemble of common values. An eloquent example is the Judaic religion that permitted to the Jews, living separately in different regions and cultures for ages, to keep their identity through ideas and religious common practices. The questions connected to the human existence, the goal of the human existence, find their answers in religion, offering a sense in life at an emotional level. Religion is actually the only social “institution” that tries to solve those issues.

Religion can have a social control function because often the society's forms have as a basis religious ideas. The laws as those who forbid the crime and the theft receive along the legal force also a moral force- the source being in “The 10 commandments” - and have a sacred legitimacy. In the same way the divine right of exercise the ruling at kings. In Islam, the law (sharia) finds its source in the Koran. Religion offers in the same time affective and psychological support, also alleviation, that human needs to survive in an insecure and complex world. This support is useful in times of crisis, as the death of a close person. Religion gives a purpose to death and offers an assembly of ritual practices for mourning (“death watch” at Christians, “sina” at Jews) that have the role to ease the sufferance to those remained alive.

¹¹ Alexandra Sarcinschi, *The security Environment in the XXI Century. The non-military dimension of security*, The „Carol I” National Defense University's Publishing House, Bucharest, 2007.

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PERSPECTIVES ON THEORIZING PROCESS OF DEMOCRATIZATION IN POST-COMMUNIST WORLD

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ABSTRACT

IN EASTERN EUROPEAN COUNTRIES AND ESPECIALLY IN THE FORMER SOVIET REPUBLICS CONTAINED THE JOY OF INDEPENDENCE, THE TASK OF BUILDING A STATE FOR A TIME OBSCURED THE CRISIS OF LEGITIMACY. IN THIS PAPER WE MAKE A PRESENTATION OF THE REASONS THAT INSTEAD OF CREATING A STABILITY GENERATED DISTURBANCE AMONG THE STATES FRESH OUT OF COMMUNISM.

BESIDES POST-COMMUNIST DISORDER, WE MUST UNDERSTAND THAT DEMOCRACY WAS POORLY UNDERSTOOD AT THE TIME THAT IT WAS BELIEVED THAT ONCE THE COMMUNIST PARTY WILL BE REMOVED FROM THE SCENE, DEMOCRACY AND MARKET ECONOMY WILL ESTABLISH NATURALLY, BUT OMITTED TO BE TAKEN INTO ACCOUNT LEGACY OF THE SOVIET TOTALITARIAN REGIME. IN THIS PAPER WE WANT TO ANSWER TO THE QUESTIONS PUT OVER TIME AND WHICH IT IS ABOUT WITH THE REASONS OF DEMOCRATIZATION FROM CENTRAL AND EASTERN EUROPE BUT ALSO TO PRESENT, BRIEFLY, THE TRAJECTORY OF STATES IN THE EARLY YEARS OF FREEDOM.

KEYWORDS: POST COMMUNISM, DEMOCRACY, EAST EUROPE, DEMOCRATIZATION, FREEDOM

INTRODUCTION

In Central and Eastern Europe, democracy was the most successful, and most theories of changing lend the outlook oriented to the agents. Early 80's - contrary to what some researchers who consider that democracy be started sooner or later - it is the beginning of democratic construction in the Central and Eastern Europe³.

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³ When I say this, I rely on the fact that starting in the spring of 1981, the trade union "Solidarity" under the influence of both internal and external factors, especially the Vatican and CIA, more insistently pushes

What represents democratization? It means above all to build a democratic state. There is general agreement according to which democracy is more than simply inserting the elections, but there is no academic consensus on necessary reforms. Therefore, the full democratization of the state is a combination of institutional change (state form), changing representativeness (who influence the policies and over who is responsible State) and functional transformation (what does the state or which is the area of his responsibility)⁴.

Some researchers argue that the transition to democracy depends on the society certain of one special preconditions social, economic or cultural nature, even there is not agreement about the role of these preconditions. A different school of thought believes that democratization is firstly, the political leaders process who have the will and ability to initiate this process. But obviously, both preconditions, and the democratic construction have them importance, and some preconditions facilitates the democratic construction. These preconditions include a relatively high level of economic development and prevalence of what is called Western culture and values, which including Western Christianity. Presently, almost all countries have suffered substantial Western influence, except Cuba and maybe two more states have become democratic. Countries that haven't democratized are those that the conditions which favor the democracy are very weak. This does not mean that these conditions are indispensable of democracy. AREN'T - India, non-Christian country and poverty is the typical case. However, the remaining non-democratic states are or poor or non-Western, or both conditions simultaneously. Their democratization is not impossible, but it is likely to be more difficult. In addition, non-Western societies go through strong process of affirmation of their culture national. They oppose with more power of Western attempts to export Western values and institutions and they search in their cultural traditions, identities and meanings.⁵.

Essential questions that check democratization are communist world:

- *Why the transitions took place?*
- *How can we explain the different trajectories of post-communist countries?*⁶

things to an open confrontation with the regime policy communist. This union has turned into a powerful political movement. First congress of trade unions, it discusses the issue of "social ownership" of the means of production. Easily see how Poland, Romania under vast umbrella of the Communist regime started to arrange slowly along the road to democracy.

⁴ Jean Grugel, *Democratizarea*, Iasi: Polirom, 2008, p. 77-78

⁵ Larry Diamond, Yun-han Chu, Marc F. Plattner, Hung-mao Tien, *Cum se consolideaza Democratia*, Iasi: Polirom, 2004, p. 42

⁶ Jean Grugel, *Democratizarea*, p. 199;

WHY THE TRANSITION TOOK PLACE?

When we talk about transition, it should be taken in mind the reason for this. We can not say that a state desired a transition to “something” if all goes well but certainly we can say that in communist states the transition to democracy wanted. But why these transitions took place? According to Jean Grugel, some thinkers say that the *elites desire for more security* stood behind the turn to democracy in post-communist societies⁷. Now, a natural question you should ask is: why democracy? The totalitarian regime did not provide sufficient security for elites those times? Right would have been that Grugel to say that those who wanted the collapse of the communist regime were not *only disliked elites of the regime leadership*, and in this case, things are quite different given that they wanted a change of leadership but not necessarily the regime⁸.

There are a number of papers that discuss topics such as end covenants and terms of transition in Central and Eastern Europe. Munck and Leff Sklnik⁹ states that the degree to which the transition is the result of pacts "affects policy form and post transition regime by influencing the competition between elites, institutional rules elaborated during the transition and acceptance or rejection by key actors of the new rules the game"¹⁰. There are also works over the training institutions, political parties and electoral systems. These works see experiences of Central and Eastern Europe as part of a database about democracy in general. There are many works of this kind but for countries that emerged from communist dictatorship, they didn't matter because at that time weren't written. These works were designed posteriori.

For the transition to work, Communism has to go. It were launched various theories about the collapse of Communism, the fall was due to overvaluation of power by the West, Gorbaciov's¹¹ bad governance, economic implosion of the state. This last hypothesis

⁷ A se vedea Jean Grugel, *Op. cit.*

⁸ Citizens about their communist ideology was well imprinted in my mind and evil by passing driver and only due to its decision. After all the people shouted "Down with Ceausescu". Certainly protests would be stopped if Nicolae Ceaușescu and Wojciech Jaruzelski would be out on the streets and had told the crowd: tomorrow, the move to democracy, and I will be the new president! (*Marcau Flavius, Revolutia Romana din 1989, Targu-Jiu: Academica Brancusi, 2011, p.9*)

⁹ Munck G, L. Leff, *Modes of Transition and Democratization in South America and Europe in Comparative Perspective*, Comparative Politics, nr. 29, vol. 3, p. 347

¹⁰ Jean Grugel, *Op. cit.*, p. 205;

¹¹ To escape the stranglehold exercised apart from the party and to continue the restructuring economic plans, general secretary resorted to “glosnos” - transparent - that is officially encouraged public debate of carefully selected topics. Announcing the impending changes and stimulating people's expectations, Gorbaciov aimed to create a tool that he and his supporters can win official opposition that they faced. It

believe that it stayed - not to understand that the only factor that led to the fall of the totalitarian regime - at the fall of communism and the disintegration of the Soviet Union.

Gorbaciov tried to reform the economy of the Soviet Union but which pushed the regime to a slippery slope. Tony Judt believes that any potential reform of the economy was faced with a dilemma. "If economic fundamentals reform began with decentralization of decision-making or by granting autonomy to local businesses and giving up to directives issued by the center, as were producers, directors and businessmen to work properly in the absence of outlets markets?"¹². If we look at previous phrase we are easily tempted to suggest a solution that creating a outlets markets but we must to keep in mind that this would cause serious political cracks in society given that *capitalism* "was formally condemned and hated for decades"¹³ – Gorbaciov himself has avoided any mention of the market economy late in 1987, even then invariably referring to a socialist market.

The reform was intended to be one beneficial only that the moment was badly chosen, and that success have been guaranteed to him was necessary a reform of the political party. I believe this because the Soviet Union had at management only people who loved power in the true sense of the word. They "wanted to maintain political and institutional levers of command economy; everyday corruption and minor absurdities but extremely spread in the economy were just sources of their power and authority"¹⁴. Of the previously reported we realize that economic reform cannot be done only by giving up control, and this was impossible because the communist regime represented the truly control: control the economy, information, population, etc.

As mentioned above, the economy was not the only factor that led to the fall of the Soviet totalitarian regime. We can say that besides the failed attempt to reform the economy, other communist countries have played an essential role. Saying this, I wish to discuss and explain the domino theory. When communist rule began to fall in a country, her legitimacy was affected in all other. The credibility of the communism was based in part on the claim that incarnates need, it's logical product of historical progress, a fact of political life, an unavoidable presence in modern landscape. Once this has proven a fake act - in Poland, for

was an old stratagem used among other and reformers country. But Gorbaciov, urgent need of transparency from the authorities, which was revealed the events of April 26, 1986.

(Tony Judt, *Epoca Postbelica. O istorie a Europei dupa 1945*, Iasi:Polirom, 2008, p. 547)

¹² Tony Judt, *Epoca Postbelica. O istorie a Europei dupa 1945*, Iasi:Polirom, 2008, p. 546

¹³ *Ibidem*

¹⁴ *Ibidem*

example, where Solidarity succeeded, as it were, to put history in reverse - how believe it any more in Hungary or Czechoslovakia?¹⁵

TRAJECTORIES OF POST-COMMUNIST COUNTRIES?

Since 1989, Poland, Hungary, Czech Republic, Slovakia and Romania joined the parliamentary and democratic regimes, and were engaged in a process of radical change.

Jowitt predicted the "*Leninist heritage*" post-communist democracy fate was closely linked to the extent that the West Liberal Democrat has served as constructive entity "*Norman*", able to shape the world in his image. The share of international factor over post-communist political development was not limited to Western integration promises, but included concerted efforts of monitoring election, human rights and minority policies. For some countries, such as the former Yugoslavia, the West had a more active position against external biases to Western standards for civil and political rights¹⁶.

Poland. Even were the first country where a free trade union was able to negotiate with the Communist Party at the round table in any five years after almost not there - the first trade union of this kind fell apart. I believe this was due to the main reason: politics. They migrate across the political spectrum, from right-wing political parties (Christian nationalists) to left political parties (Social Democrats) – I tend to believe that this was due to trying to change the various issues on the political scene. It is interesting that the political parties separated of "Solidarity" not govern since with elections from 19 September 1993.

Hungary has experienced a gentle transition, prepared from the '80 from the followers of Kadar. After a period of political stability over four years, the Conservative Party of Democratic Forum, led by József Antall, was severely defeated at elections of 8 May 1994. As in Poland, the victory detached of Socialist Party ends the first chapter of post-communist history. Socialists have an absolute majority in Parliament, with 54% of votes.¹⁷

Former Czechoslovakia ceased to exist. Created in 1918, it did not survive the collapse of communism. Despite opposition from the most prestigious of the two nations

¹⁵Vezi pe larg Tony Judt, *Op. cit.*

¹⁶A se vedea Vladimir Tismaneanu, Marc Morje Howard (ed.), *Ordinea mondiala dupa Leninism*, Bucuresti: Curtea Veche, 2009

¹⁷Christian Duplan, Vincent Ginet, *Viata in Rosu*, Bucuresti: Nemira, 2000, p. 307

political figures such as Vaclav Havel and Alexander Dubcek, elected deputies at the last consultation, from June 1992 appeared Czech Republic and Slovak Republic. „A painful divorce, but tolerant and respectful, where the reason was able to master booms passion”¹⁸. Following the example of two peoples, the main actors of the fall of communism in these two countries have each followed their own path. Union sealed in clandestine was replaced, logically, by engaging in the different political forces.

Romania. Ion Iliescu continue to lead the destiny of Romania. After his election triumph in May 1990 (with over 87% of votes), Iliescu was reelected in September 1992, with over 60% of votes. Consequently, remained in office until 1996. Breach with Petre Roman, who has mastered the NSF, weakening parliamentary majority president¹⁹.

CONCLUSIONS

Traditional theories of democratization have focused either over national structures or over national actors involved in creating conditions for appearance of democracy, whether in formulating agreements that make it possible. Modernization theory identifies capitalism, education and consumption as the reference standard of modernity, and as signs of the emergence of democratic order. Historical sociology highlight the importance of class invisible structures for understanding any political order. The emergence of democracy in particular correlates with the development of other social movements of the lower classes. On the other hand, experts focusing on the role of agents rejected the idea that democracy is an exceptional political order on it as a possible effect of the fall of authoritarian regimes, whether elites and leaders are able to engage constructive, rational and endowed the willingness to compromise. Democracy becomes possible when institutions can be formed so that the vital interests of elites to be guaranteed²⁰.

¹⁸ *Ibidem*

¹⁹ *Ibidem*, 310.

²⁰ Jean Grugel, *Op. cit*, p. 232

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THE PRINCIPLE OF DIRECT APPLICATION AND PRIORITY OF EUROPEAN LAW

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ABSTRACT

ONE OF THE MOST IMPORTANT ASPECTS OF COMMUNITY LAW IS THE IMPACT ON THE LEGAL SYSTEM OF THE MEMBER STATES, THE EUROPEAN COMMUNITIES DEVELOPING OVER TIME IN AN ORGANIZATION OF STATES WITH A RELATIVELY INDEPENDENT JUDICIARY SYSTEM. PRIORITY REPRESENTS AN ESSENTIAL REQUIREMENT OF COMMUNITY LAW; COMMUNITIES PURSUING AND ACHIEVING OBJECTIVES OF A COMMON MARKET REQUIRES UNIFORM APPLICATION OF COMMUNITY LAW.

I THINK THAT ONE OF THE FOUNDATIONS OF THE EUROPEAN UNION IS REPRESENTED BY A NEW LEGAL ORDER IMPOSED IN RELATION TO NATIONAL LEGAL SYSTEMS. WHAT IS INTERESTING TO RESEARCH IS THE WAY THIS IMPOSITION IS GOING TO HAPPEN. REGARDING TO THE NATIONAL AND INTERNATIONAL LAW THERE ARE TWO CONCEPTS ON THE RELATIONS BETWEEN THEM: DUALISTIC OR MONISTIC.

KEYWORDS: EU LAW; DIRECT APPLICATION AND PRIORITY; DUALISM; MONISM; COURT OF JUSTICE

1. Is the Community law a new legal order?

By establishing the European Communities (and later the European Union), Member States agreed to give up some sovereignty attributes which characterize them in favor of a supranational entity; this way, they give up willingly (by transferring) a set of national attributes, their recovery being possible only in exceptional circumstances, like when a Member State is firmly decided to terminate its membership and leaves the Union. Thus, it is understood that the above attributes cannot be restored to the authorities of the Member States; therefore, the transfer of power to EU institutions is considered to be

irreversible.¹ The integral cession is granted because is not allowed any sort of discrimination between states, in this regard, one or more Member States may not waive a lesser extent of those attributes at the expense of others who might be forced to abandon major powers, this way giving rise to inequality. Consequently, it must be strictly observed until the last detail the principle of equal treatment, and by this I mean that no Member State is entitled to benefits other than those that can be easily obtained from a fair distribution of rights and duties and the correct application of Community law. I think that the principle of solidarity should be considered to ensure a better balance between Member States.

By creating a Community of unlimited duration (unspecified), having its own institutions, legal personality, capable of representing internationally and especially with real competences born from limiting (or transfer) of powers from the Member States to the Community, Member States have limited their sovereign rights, albeit within limited fields, creating a set of legal rules applicable to both citizens and Member States. Integrating the provisions of European Communities to each Member State and, in general, the terms and spirit of the Treaty make it impossible for states to prioritize a unilateral measure subsequent to a legal system accepted by them based on reciprocity.²

Giving up of certain attributes of sovereignty is highlighted *expressis verbis* in some of the Member States fundamental laws, such as France, Germany (article 23 of the Basic Law - Grundgesetz) or Greece. Thus, in France Constitution³, in article 88, paragraph (1) it is written: "*The Republic shall participate in the European Communities and the European Union, consisting of states that have chosen freely, under treaties that have established joint exercise some of their powers.*" Article 88, paragraph (2) states that "*Subject to reciprocity and in accordance with procedures laid down by the Treaty on European Union, signed on 7 February 1992, France agrees to transfer the competences necessary for the establishment of economic and monetary union*". Greek State emphasizes in its own fundamental law⁴ at article 28, paragraph (3) that "*Greece may freely do under a*

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¹ Manolache, Octavian; *Tratat de drept comunitar, Ediția a V-a*, București, C.H. Beck, 2006, p. 65 *apud* Gyula, Fábíán; *Primordialitatea dreptului Uniunii Europene față de dreptul național al statelor membre care vor să adere la această Uniune*, în *Dreptul*, nr. 3 - 1996, p. 8

² Ștefan, Tudorel și Andreșan – Grigoriu, Beatrice; *Drept comunitar*, (București: C.H. Beck, 2007), 190

³ http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank_mm/constitution/constitution_roumain.pdf, accessed at September 7, 2012

⁴ http://www.servat.unibe.ch/icl/gr00000_.html - accessed at september 7, 2012

law passed by an absolute majority vote of all members of Parliament to limitations on the exercise of national sovereignty, provided that this is dictated by a major national interest, do not affect human rights and fundamentals democratic system and be carried out in accordance with the principles of equality ".

Regarding to Community law we can distinguish two⁵ characteristics. Firstly that Community law order is autonomous, by this understanding both the autonomy of sources and concepts of Community law, regulation judicial disputes (involving community jurisdictional authorities) and EU rules which cannot be made ineffective by national legal provisions. Second, Community legal order is a legal order built into the legal system of the Member States (and here we mean both the subjects of Community law - which are not only Member States but also people, individuals - and national authorities which applies Community law rules); it is important that the appliance must be identical in space and time.

I think that one of the foundations of the European Union is represented by this new legal order imposed in relation to national legal systems. What is interesting to research is the way this imposition is going to happen, or whether Community law will have a life of its own, independent of national legal systems and it will be integrated in some way be national systems, whether in a hierarchical system.

2. The relation between legal systems in terms of monism and dualism

Regarding to the national and international law there are three concepts (or theories)⁶ on the relations between them, dualistic or monistic. In the dualistic sense, international law and national law are separate legal system, equal and independent, so that international law rules have no value regarding to national law and *vice versa*, so they must be transformed into internal law rules (which are the only that organs and state courts may apply), but this would cause the possibility of amending or even repeal them by a subsequent law. However, in practice is not common that the transformation to be made by reproducing it.

EU Member States are not characterized by a completely dual system, but in all of them international customary law is part of domestic law. However, the international

⁵ Manolache, Octavian; op. cit., 65

⁶ Manolache, Octavian; op. cit., 67

treaties in countries like Britain, Denmark and Ireland are not directly and immediately applicable in the national law, requiring transformation of the rules resulting from them in national legal rules. In my opinion this system has a number of disadvantages: first, the transformation process can be lengthy, while the amendments, the text can be changed, losing its original meaning. Also, in this way any future national law can prevail over the law incorporating international rules (but this system is not applicable for transformation of decisions issued by international organizations, such acts maintaining their purpose). Regarding the second version of dualism, or mitigated dualism, met in Germany and Italy, prior to government accession to international treaties is necessary to obtain parliamentary approval; in this case the general rules of international law are binding and have priority over domestic legislation. Mitigated dualism name comes from the fact that the law approving the treaty also incorporates, any modifications not being possible.

According to the monist theory, there is only one legal system, which encompasses both international and internal law in a unitary system of rules placed in a hierarchy. Monism has two variants, the primacy of internal law and the primacy of national law but in both variants international law, in internal application, do not qualify as domestic law; also, it is not necessary a process of transformation by any national legislative measures. Basically, monism has a more logical structure: if the international law is more recent than the internal law that are in disagreement, it will take priority; but, if the rule of international law is followed by a national law, the latter should be fully consistent with international law and thus would provide an easy and effective way standard rule of international law stems from its nature. The advantages of the monistic theory compared with the dualistic one is its higher logical level, considering normal that the rules of a larger community to prevail against those of its component parts; I think that it is also important to note the fact that the application of international law will be made within national legal systems so designed to implement them will be, however, states as separate entities.

Regarding the Community law it is easily noticeable the absence of any express provisions in both the Constitutive Treaties of the Communities and in the following ones, designed to regulate its incorporation into national law of the Member States. In this case, article 288 of the Treaty on European Union (ex. article 249 TEC)⁷ provides regarding the

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:RO:PDF>, accessed on September 9, 2012

regulations adopted by the Community bodies, that they have general application, are binding in their entirety and directly applicable to Member States. By this provision we mean that the regulations should apply by national institutions directly, without the need for other measures prior to the transformation of EU law into national law.

Regarding the Court of Justice, its position towards this issue is clear, an example is *Case 28/67 Molkerei-Zentrale Westfalen / Lippe GmbH v Hauptzollamt Paderborn*⁸ where said institution noted the objective of the EC Treaty which is to establish a common market whose operation is a direct concern to Member States so that this Treaty is more than an agreement which creates simply mutual obligations between the contracting parts; also, the Community has been established represents a new legal order for the benefit of which the States have limited their sovereign rights, albeit within limited fields, and between subjects that are included not only Member States but also their nationals. Thus, the Court finds that independently of the laws of Member States, Community law does not, therefore, impose only obligations on individuals but is also intended to confer them rights which become part of their legal heritage. These rights arise not only where they are expressly granted by the Treaty, but also under obligations which the Treaty imposes in a clearly defined way to persons, Member States and Community institutions.

In a similar context, adopting the monistic theory, the Court of Justice also pronounced on the admissibility and compliance with the TCE of a nationalization law later in *Case 6/64 Flaminio Costa v. ENEL*⁹; in this case, the Italian Government argued that a request for a preliminary ruling made by a judge is absolutely inadmissible because the Italian court cannot rely on such proceedings for order to resolve the dispute; it should apply only a national law that is more recent, and not a Treaty provision. Thus, it was argued that the Italian court had no choice; under Italian law he had to enforce the law more recent, given that, in this way, the Italian Constitutional Court also pronounced in a similar case between same parties. The solution given by the Court of Justice was that the transfer from the Member States of the national system of rights and obligations to the Community makes a permanent limitation of their sovereign rights, being impossible for a subsequent act, unilaterally issued by the Member State and incompatible with Community law to prevail against a Community act.

⁸ http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEX_numdoc&numdoc=61967J0028 & lg = en accessed September 9, 2012

⁹ http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=61964J0006 & lg = en, accessed on September 10, 2012

With reference to these two decisions, the Court held that, unlike ordinary international treaties, the TCE created its own legal system, becoming an integral part of the legal systems of the Member States after the entry into force of the TCE, concluding that their courts should apply it.

In practice, enlightening is the *Case 118/00 G Gervais Larsy v Institut national d'assurances sociales pour travailleurs indépendants (INASTI)*¹⁰; in this case has held that any provision of the national legal system and any legislative practice, administrative or judicial may affect the effectiveness of Community law (prohibiting national courts, which have jurisdiction to enforce this law, can undertake everything necessary at the time of his application to do aside national legislative provision that would prevent even temporarily, Community rules full authority and effect) are incompatible with the requirements that are the very essence of Community law. This principle of precedence of Community law means that not only lower courts, but all the courts of the Member State have absolute obligation to give effect to Community law.

3. Relevant principles to the application of Community law: immediate application, direct application, application with priority

3.1. Principle of immediate application

Member States obligation to fulfill in good faith their obligations from treaties which they have concluded, as a consequence of the principle of *pacta sunt servanda* established by the Vienna Convention was circumscribed by public international law, to the solutions offered in the debate dualism / monism previously analyzed throughout this essay. Consequently, Community law is characterized by an immediate application in the legal order of the Member States. In this *Case 6/64 Flaminio Costa v. ENEL*¹¹, the dictum of the Court of Justice, according to which the EEC regulations are not subject to national measures of reproductive or executive, which may modify or in any way condition their

¹⁰ <http://curia.europa.eu/juris/showPdf.jsf?jsessionid=9ea7d0f130d51687f08072d34a28a4ade2a2461c95e2.e34KaxiLc3eQc40LaxqMbN4Oa3aQe0?text=&docid=85969&pageIndex=0&doclang=EN&mode> accessed at September 11, 2012

¹¹ http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdocDoc & num = 61964J0006 & lg = en accessed on September 10, 2012

entry into force and, especially, national measures of this type cannot be substituted to Community rules, to avoid the them to implement or repeal them, even partially.

The immediate effect was recognized judicially by the Court of Justice, to the whole set of EU rules: primary law, secondary law (including decisions, directives on which was set simple powers of execution by the Member States and not admission to internal order) resulting from external agreements of the Communities.

The immediate effect is stated first in the founding treaties, whatever the initial conditions under which Member States have ratified, namely the new candidates joined them; Court of Justice has held that the treaties in question have to be applied in as Community law, prohibiting such conversion or their reception into national law. Also provided solutions for founding treaties are valid in the case of regulations, whose insertion into ordinary law was clearly established, excluding any other reception. Regarding directives, in this case were expressly distinguished from transposition measures and reception, showing in this manner that it is impossible to deduce the necessity of reception because the effectiveness of the directive is subject to enforcement of the act of secondary law in question by State State. Similarly, it was shown that decisions taken by Community institutions enjoy immediate effect whether addressed to the Member States or individuals; the effect in question is associated with the content of the document and not any national measure which involves implementing it. Also, the Court of Justice has held that international agreements concluded by the Communities links Member States without legal effect thereof may be subject to some form of national intervention.¹²

3.2. The principle of direct application

This principle was established by the Court of Justice in *Case 26/62 Van Gend & Loos v Nederlandse Administration der Belastingen*¹³ when the Community jurisdiction, contrary to previously opinions expressed by their own general attorneys, established the Community law ability to directly create rights and obligations for individuals. In this case was cited article 12 of the Treaty establishing the European Economic Community; the article stipulates that member states shall refrain from introducing between themselves any

¹² Bercea, Raluca; *Drept comunitar. Principii*, (C.H. Beck, București, 2007), 210

¹³ http://www.cvce.eu/obj/judgment_of_the_court_van_gend_loos_case_26_62_5_february_1963-en-4b81dcab-c67e-44fa-b0c9-18c48848faf3.html accessed September 11, 2012

new customs duties. When interpreting this article, the Court concluded that the treaty which enshrines it is more than an agreement which creates mutual obligations between the parts. This fact is sufficient for the Community jurisdiction to say that the overall effect of Community law is to create rights and obligations for individuals and their compliance can be imposed both to the state and to other individuals; the condition is that the comunitar law has to be sufficiently clear, precise and unconditional, so that its application would impose additional measures (because in relation to these, authorities may have different appreciations).

Court decision in this case and also in *Case 6/64 Flaminio Costa v. ENEL* is considered very important as expressly designate one of the most important consequences of the direct effect, the law which is recognized the effect is justice before national courts. In this sense, individuals may invoke rights under Community law rules have stipulated in their favor in front of the judges of the Member State, who are perfectly competent to judge.¹⁴

Direct applicability of Community law means that its rules must be fully and uniformly applied in all Member States from the date of the entry into force and while still in force. Directly applicable provisions is a source of rights and obligations for all those affected by them, whether states or individuals who are parties to the legal relationship as Community members. This consequence regards any national court, whose target is to protect the rights offered to people by the Community law, if we talk about a question of competence.

3.3. Principle of priority application

In the founding treaties is impossible to find any reference to the possible primacy of Community law over national law of the Member States. However, it considers in the doctrine that this provision is likely default, as this is a prerequisite for recognition effectiveness of several provisions of treaties, for example art. 10, art. 234 and art. 249 of the Treaty establishing the European Community. In any of the above items is not explicitly recognized this principle. However, the Court has substituted this shortcoming by dictum sites that he stated the need to give a solution in case of conflict between a treaty

¹⁴ Manolache, Octavian - op. cit., 75

and an Italian law instituted later (*Case 6/64 Flaminio Costa v. ENEL*). However the Court of Justice also states that the law stemming from the Treaty (derived from an independent source and given its special and original nature), cannot be legally oppose to the internal text of any kind may be, without the its Community nature to lose.

Analyzing in a general manner, the Court establishes primacy of Community law over national law as a ontological condition, whose priority does not come from any hierarchy established between the two legal systems, but the very logic of union project. On the other hand it shows that the superiority of Community law derives from its own nature and not from any concession made by Member States. However, the whole block will have legal effect prevalence of all internal rules, regardless of their position in the hierarchy of national legislation. Finally, the primacy of Community law occurs only within the European legal order strictly speaking, but has specific effects in the internal order of the Member States, the national court being required to impose a penalty, as appropriate. Court does not mention, however, how the judge will do so.

It is important to note about the extent of primacy of Community law that it was described as an absolute principle, unconditionally; the doctrine is making, however, a difference between the unlimited application of the principle and its intensity which is not stable. On the rules and regulations affected beneficiary is easy to note that enjoy this effect any Community rule and is affected by any internal rule.

4. Conclusions

Priority represents an essential requirement of Community law; Communities pursuing and achieving objectives of a common market requires uniform application of Community law. So, the priority of Community law resulting from a hierarchy between national and EU (contrary to the European construction bases) but is based on the fact that the legislation must prevail, otherwise ceases to be common there. Community law asserts its superiority by virtue of their very nature, superiority does not result from a concession from the constitutional law of the Member States. Community law brings priority in its entirety in national law, this means that the priority is for the benefit of all Community rules primary or derived, directly applicable or not. Also priority is exercised against all national standards, administrative, legislative and even at a constitutional level.

Priority of Community law not only works in the Community legal order, i.e. relations between states and institutions and especially in front of the Court of Justice, but also in national legal systems where imposes to them.

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THE RESURRECTION OF THE SHADOW SHOGUN

NICOARĂ Raluca-Maria*

ABSTRACT

FEARED BY SOME OR BLAMED BY OTHERS, ICHIRO OZAWA IS KNOWN TO BE ONE OF THE MOST INFLUENT JAPANESE POLITICIANS, OVER THE LAST 20 YEARS. HAVING "THE FATHER OF THE SYSTEM" (JACOB M. SCHLESINGER, 1998: 137) AS HIS MENTOR, HE GREW UP INTO BEING THE MOST POWERFUL PERSON IN JAPAN'S POLITICS WITH TIES THAT SURPASS ANY NATIONAL SUB-SYSTEM BARRIER: ECONOMY, ADMINISTRATION, BUSINESS, SOCIETY, DIPLOMACY, AND SO ON. FOLLOWING A POLITICAL ACTIVITY OF MORE THAN 25 YEARS, AT THE END OF 2012, THE SHOGUN OZAWA IS BACK IN BUSINESS AFTER A WELL-MEDIATIZED CORRUPTION SCANDAL, AND HE IS READY TO BECOME A NATIONAL-LIBERAL ALTERNATIVE TO THE LAST "WESTERNALIZATION" MEASURES ADOPTED BY THE KAN OR NODA ADMINISTRATIONS. THE PROBLEM THAT ARISES WHEN WE TALK ABOUT THE "RESSURECTION" OF OZAWA IS WHETHER HIS STRATEGIES REMAIN CONSTANTLY VIABLE OVER TIME AND CAN BE SUPPORTED BY PRACTICE.

KEYWORDS: JAPAN, POLITICS, ZOKU, SHADOW SHOGUN, ICHIRO OZAWA.

Introduction

Nowadays, the international society is usually characterized by dynamism as we need to explain the dissemination of the consequences at all state levels. Specifically, the national authority attempted to provide an effective response reform to these changes without losing any power. Similarly, Japanese politics, which, for decades, has not achieved the desired stability, is, at present, at a turning point: the years of inner turmoil, which highlighted different factions of one single party and prevented the democratic exercise of inter-party debates, seem to continue without any viable alternative from a political leader. This is due the interconnectivity between *zoku* ** which allowed the

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** Family, clan, tribe.

perpetuation of the same personalities as decision makers. Deeply conservative, Japan has demonstrated once again how important it is to maintain the Shinto mentality (respect for *zoku*) and how this is reflected in the current policy: *shadow shoguns*^{***}. The term was first issued by a Wall Street correspondent and journalist, Jacob M. Schlesinger, when he spoke about the political continuity in the Japan's post-Second World War system: the transmission from father to son of the capacities to coordinate the inside Liberal Democratic Party's (LDP) decision. At first, Kakuei Tanaka, and now, Ichiro Ozawa may be simply two names, each designating a strong personality that marked the postwar Japanese politics, and, moreover, which is being responsible for the current system's stillness from which Japan suffers until today.

The present paper aims to address the issue of the *shadow shogun* in terms of re-emergence. More specifically, we would like to see how can be understood the ability of Ichiro Ozawa to politically influence in the year of 2012, as he recently was acquitted from any wrongdoing in a corruption lawsuit that was brought up against him. In this context, we propose to have a brief overview of his specific leadership that had thinned so much the authority held by LDP, causing the lost of elections in favor of the opposition. Our discursive structure will be following all the steps from the past 20 years, expecting to discover patterns that may explain the strategy used by the politician in question. The year 1993, when Ozawa left the LDP to form one of the political parties, Shinseito that represented the foundation of the grandest opposition party, the Democratic Party of Japan (DPJ), announced the decline in influence of LDP all over Japan. By losing the elections from the next year, LDP's representative persons were facing a painful situation of losing both the support of the most powerful man in Japanese politics, Ichiro Ozawa, but also the electorate's. Nowadays experiences (2012) draw a warning signal over the existing preconditions of repeating the '93 moment: after being exonerated of all charges imputed to him, Ozawa left the ruling party, DPJ, and formed another political faction that seems to threaten the position of his former colleagues. Expert opinions that are discussing whether the *shadow shogun* will determine once again the fall of the now ruling party (to which he once again belonged) are divergent and deserve to be mentioned. In the following, we hope to balance the views which were presented in this direction, by trying, ultimately, to conclude about the capacity and implications of Ichiro Ozawa's return.

*** The term names two personalities of post 1955's Japanese politics: Tanaka Kakuei și Ichiro Ozawa, father and son. They determinate changes in Japan's administration, by being at the origin of the rise, respectively, the fall of LDP, the most important party of all time.

The methodology of drafting this paper is considering the use of electronic sources (specialized articles) chosen due to their actuality, diversity, nationalities, political, geopolitical considerations, and so on, in order to be analyzed, by using both qualitative and quantitative methods, and hoping, in this way, for a properly-documented construction of this essay. We plan to reference to the views of Japanese natives (Keiko Hirata, Tsuyoshi Sunohara, Takashi Inoguchi) or acknowledged specialists (Stephen Day, Alisa, Gaunder, Michael J. Green, Christopher W. Hughes and George Mulgan Aurelia) to provide legitimacy to the assumptions stated below.

His vision regarding the internal and external policy

Last two decades which portrays Ichiro Ozawa as the most important policy maker in Japan, showed his progressive evolution, mathematically looking like a parabola. His actions are based, originally on his personal perception of Japanese society and government that the author in question has presented in his book, *Blueprint for a New Japan* (which soon became a best-seller). Ozawa's political program has taken into consideration, on one hand, the internal political modernization of Japan so that the country can get out of its systemic stillness, and, on the other hand, the need of assuming an active external role under the multilateral umbrella of the United Nations (UN).

Internally, because of the changes that took place in the early 1990s, Ozawa imagined the reform of the Japanese electoral system in order to rehabilitate the distorted image of the Japanese politician after multiple corruption scandals. He believed that political stability in Japan can be achieved by implementing the *single-member district* way which would facilitate the alternation in power, and, ultimately, directs towards a two-party system

*. Due to the lack of support from colleagues in LDP, Ozawa Ichiro quitted this membership position, and created, in this why, new internal divisions that have weakened too much the LDP, so that the recent history has recorded the crucial moment when it lost, for the first time since its establishment in the 50s, the elections in favor of the opposition coalition. Shinseito¹, the reformist fraction created by this *rebel*² politician in 1993, aimed

* Ozawa hoped for the implementation of a two-party system model similar with the British and American one.

¹ Steven K. Vogel, "Can Japan disengage Winners and Losers in Japan's Political Economy, and Ties that bind them," *Social Science Japan Journal* 2, 1 (1999): 10, accessed July 05, 2012, doi: 10.1093/ssjj/2.1.3.

to prepare the way for the modernization envisioned by its leader, and succeeded at first, to destabilize any form of opposition. After this success, Ozawa has played another political card in 1998³, when he went back for a collaboration with his former party, a move that was too much criticized as a new strategy to destabilize the LDP. The subsequently developments named him responsible for the birth of the second largest political party of Japan, DPJ, whose president he will become in 2000. Even if he did not have the chance to become prime minister, Ichiro Ozawa will persuade to keep the manipulator position of Japanese political elite; like a skilled puppeteer. The decay that he will experience in 2009 when he lost DPJ presidency elections will culminate into this year's corruption scandal, a lawsuit in which the judges will not find him guilty. His rehabilitation is seen as the rebirth of the *shadow shogun*, ready to become once again a alternative for the electorate who is so tired of witnessing all these politicians unable to carry out their political mandates.

As for the external policy, Ozawa promoted the theory of *normalizing*⁴ the Japan's position in the international system, closely looking to the Asian region where it had to face the Chinese ascension. By being the representative of a nationalism with liberal tendencies, this politician hope to re-grant his country, the *futsu no kuni*⁵ status (normal country), the possibility of making a good use of the attributes as a *powerful state* (according to *hard power* thought), and the ability to maintain armed forces that can be freely detached for external missions. The failure from the early 1990s, when the international opinion blamed the involvement of Japan into the Persian Gulf matter, led to a new Ozawa perception of Japanese foreign policy: in the international society, Japan must articulate a comprehensive policy under UN umbrella, the only one which can provide the wanted legitimacy for acting in the international system (by promoting the concept of *collective defense*⁶). This recognition will cause, by default, the possibility of reviewing the so much-discussed article 9* from the Japanese Constitution.

² Jacob M. Schlesinger, "Shadow shoguns: The origins and crisis of Japan, inc.," *The Washington Quarterly* 21, 2 (1998): 141, accessed July 05, 2012, doi: 10.1080/01636609809550317.

³ Karol Zakowski, *op.cit.*: 190-191.

⁴ Christopher W. Hughes, "Japan's shifting security trajectory and policy system," *The Adelphi Papers* 44, 368-369 (2004): 49-50, accessed July 05, 2012, doi: 10.1080/05679320412331340337.

⁵ Keiko Hirata, "Who Shapes the National Security Debate? Divergent Interpretations of Japan's Security Role," *Asian Affairs: An American Review* 35, 3 (2008): 139, accessed July 05, doi: 10.3200/AAFS.35.3.123-151.

⁶ Kimberley Marten Zisk, "Japan's United Nations Peacekeeping Dilemma," *Asia-Pacific Review* 8, 1 (2001): 26, accessed July 05, 2012, doi: 10.1080/13439000125595.

* This article from the Japan's Constitution mentions the renunciation to the right of declaring war, as well as, to the capacity of having military personnel that can be considered precondition to a reiterated national rearming, all, with the aim, of avoiding any undesired experience.

In this light, and by taking into account the actual state of worldwide influences, U.S. must continue to be a partner for discussion, but not as important as China must be in the Japanese foreign policy. Even more as the diplomatic tensions have deepened inside the Sino-Japanese relations after September 2010^{**}, when it was brought up in discussion the territorial disputes. Ichiro Ozawa remained, consistently, a significant player for the relationship between the two countries, as he has constantly participated in meetings with Chinese officials (e.g. the visit of Premier Wen in 2007⁷). This attitude clearly reflects a pan-Asiatic and unchanged Japanese nationalism that refuses to make any compromise in the process of westernization that is taking place throughout Asia.

As we could have also notice in Ozawa's vision regarding the Japanese politics, there is a constant tendency to find the right solution for the creation of a favorable framework to support the national development. In this respect, he firstly hoped to resolve the territorial conflict with Russia. Based on *seikei fukabun* strategy⁸, Ozawa went to Moscow, in the early 90's, to launch a proposal for the soviets to concession the disputed islands to Japan in exchange for a financial support of \$ 26 billion⁹. Unfortunately for the Japanese, Gorbachev was not impressed by Japanese attempt, which concluded as a failure, and lead to a perpetuation of all disaccords, until today. Kan administration has been unable to articulate a clear policy over the territorial issues, and left a heavy inheritance to his colleague Noda, who *succeeded* in complicating more the Japan's Asian relations by cooling the diplomatic ties with South Korea. In this way, the recall of the ambassadors from China¹⁰ and then, South Korea, are considered to be two movements that transmitted the unavailability to negotiate the bilateral disputes. The passive-aggressive attitude with which the Japanese diplomacy has treated his two Asian neighbors, did not promote, in any way, a positive resolution of the existing issues. In this case, by changing the angle of analysis and the perspective, Ichiro Ozawa, who benefits from his previous experience, may manage to present himself as the right actor to resolve the situation through his

^{**} The moment when Ozawa lost the party elections from DPJ.

⁷ ^{***}, "Premier Wen Meets Ichiro Ozawa," China.org.cn, July 05, 2007, accessed October, 30, 2012, <http://www.china.org.cn/english/wen/207130.htm>.

⁸ Randall E. Newnham, "How to Win Friends and Influence People: Japanese Economic Aid Linkage and the Kurile Islands," *Asian Affairs: An American Review* 27, 4 (2001): 250, accessed July 05, 2012, doi: 10.1080/00927670109601481.

⁹ Ibidem: 251.

¹⁰ Martin Fackler, "Under Diplomatic Strain, Japan Recalls Envoy in Dispute With China Over Islands," *The New York Times*, July 15, 2012, accessed October 31, 2012, http://www.nytimes.com/2012/07/16/world/asia/japan-recalls-ambassador-to-china.html?_r=0.

personal means and influence. The logical question that arises at the moment is how, we can now, in 2012, understand this Japanese politician's power, after he have gone through a period of decay and a corruption scandal that finished with a trial in court.

The resurrection of Ichiro Ozawa?

Many analysts have seriously questioned, in the studies about the Japanese politics, the possibility of rebirthing from its own ashes of the *shadow shogun*, Ichiro Ozawa, since it was thought that his skills would be so much degraded that it is unlikely the reiteration of the 1993's experience. There are others, however, who do not hesitate to admit that the person in question, despites having aged, has not lost any of its powers. One specialist tried to deconstruct into pieces the Japanese politician's influence in order to describe clearly by which measures one man can handle a whole system: Tomohito Shinoda explains the ability of Ichiro Ozawa through five specific attributes: „1) power base within the ruling party; 2) ties with the bureaucracy; 3) ties with the opposition parties; 4) support from the business community; and 5) support from the US.”¹¹ If we analyze the successive political mandates from the recent years, we can see that the withdrawal of political support from the Prime Minister's institution was, in particular, due inability of the politician in question to handle arising problems: Hatoyama failed to find a solution to the corruption scandals and Naoto Kan was overwhelmed by the last year's cataclysm.¹² Regarding the Noda administration, we observe the lack of congruence in the political program that ultimately determinate the incapacity to design a national economic recovery plan, a foreign policy that promotes the national interest without the cost-benefit ratio to be disadvantageous for the Japanese state. The famous dispute concerning the increase of the consumption tax regarding which Ichiro Ozawa and his supporters took an aggressive attitude and condemned it, was eventually adopted during the National Diet sessions. Another point on the internal agenda is the issue of energy, mainly nuclear, that now became a really sensitive issue for the people of Japan. One year after the nuclear disaster from Fukushima, and despite any popular protests, the national authority gave signs of taking seriously the discussion of reopening the nuclear plants, being motivated by pragmatic reasons. In the

¹¹ Tomohito Shinoda, “Ozawa Ichirō as an actor in foreign policy-making,” *Japan Forum* 16, 1 (2004): 56, accessed July 05, 2012, doi: 10.1080/0955580032000189320.

¹² ***, “Japan's elections unlikely to end political uncertainties,” *Strategic Comments* 18, 7 (2012): 1, accessed October 27, 2012, doi: 10.1080/13567888.2012.743241.

external policy, the new Transpacific Partnership (TPP) means the acceptance of the Japanese state to modernize its agriculture system in order to renounce at the state protection which did not allow to equal access of the foreign products in the market competition.

Conclusion

The present situation exposes the return of Ichiro Ozawa in prim plan, as an alternative for the reparation of all the mistakes made by the previous governments towards the regaining of the national prestige. Japan still has the need for a clear strategy to escape from the economical regression, to revitalize the State's position in the international system hoping, by these means, to solve any bilateral disputes, but, also, the necessity for a sharp vision in order to reform the administrative system which is definitely too old to meet the challenges of global interdependences. Everything can be handled by the careful management of inborn leader whose influence can positively determine the coordination of any administrative project. In fact, the power of Ichiro Ozawa is not so damaged as much as some would like, but the correct issue that can be risen is whether the politician has the needed energies to resume the big political battle.

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THE USE OF PUNCTURED CONVOLUTIONAL CODES IN ORDER TO IMPROVE THE DATA SPEED RATE IN A PLC NETWORK

MALEŞ Codrin*

ABSTRACT

POWER LINE COMMUNICATIONS (PLC) HAVE BEEN IN THE FOCUS OF RESEARCHES AND POWER INDUSTRY COMPANIES FOR THE LAST FEW YEARS. THE SOLUTIONS NEEDED TO BE IMPLEMENTED USING THIS TECHNOLOGY ARE FOR AUTOMATIC METER READING SYSTEMS. IN THIS PAPER A STUDY OF THE EVOLUTION OF PLC IS MADE AND RESULTS OBTAINED AFTER A MODEL HAS BEEN SIMULATED ON A PLC TRANSMISSION WHEN PUNCTURED CONVOLUTIONAL CODES HAVE BEEN USED. AN ANALYZE OF THE DATA SPEED TRANSFER AND ERROR RATE WAS MADE WHEN MENTIONED CODES WERE USED. IN CONCLUSIONS ARE PRESENTED ASPECTS ON THE RELEVANCE OF THE RESULTS OBTAINED AND A POSSIBLE FUTURE SOLUTION TO BE USED.

KEYWORDS: CONVOLUTIONAL CODES, PLC, NARROWBAND, ERDF

1. Introduction

Power Line Communications can be described as data transfer using as environment the power lines that are used to supply power to all electronic equipments. This type of communication is known in the literature as an abbreviation of PLC, and will be used as it is and not for Programmable Logic Controller, with which it might be confused. PLC uses the power network structure, which has the next structure: from power plants through high voltage lines (100 kV - 400 kV) or very high voltage (> 400 kV) to the medium voltage (1 kV - 100 kV) to the low voltage (<1 kV) power line which supplies

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household consumers through the use of power transformers used by the power distribution network.

PLC has been designed to control equipment in substations and to make measurements by Swiss engineers since the early twentieth century. This communication technique was used in the Second World War by some radio amateurs. The first reference to this technology was made by the American Institute of Electrical Engineering (AIEE) in the publication "Guide to Application and Treatment of Channels for Power Line Carrier"¹. Since then, research of the possibility of communication using power grid began to get the interest of many centres and companies, bringing it to experience a significant increase in solutions and performances between 1980 and 1990. So far research focused on using the PLC over the low voltage power lines, although some developers are providing equipment that can make possible the communication to take place over the medium voltage power lines too. The use of power lines raised issues from the beginning because they were not designed to allow data transfer, ensuring minimum protection in case of external electromagnetic noise and perturbations induced by the start and stop of electronic equipments. Although this was a major drawback which has been identified and taken into account from the beginning of its development, researchers have tried to find ways to make the communication possible over long distances with the increase of the speed transfer in concordance with the technology used. PLC was designed to serve two main needs: local area network or internet connection for computers and automatic power meter reading and management. For this purpose, there have been defined internationally recognized standards and separate frequency bands, the first in the frequency band 1 MHz - 30 MHz (as for broadband), and the second in the frequency band 3 kHz - 500 kHz (as for narrowband), each adapted according to country or geographic references where communication PLC is used.

In Europe and U.S. governmental entities have considered that PLC technology can be a candidate for Smart Grid applications. Therefore, has been defined a frequency band where the technology can operate in order to ensure consistency in the market. European Committee for Electrotechnical Standardization (CENELEC) published the standard EN 50065², that allows communication over low voltage (LV) and medium voltage (MV)

¹ www.eurox10.com/conteact/x10signalTheory.htm, accessed October 5, 2012;

² CENELEC, Signaling on low-voltage electrical installations in the frequency range 3kHz to 148.5kHz Tech. Rep. EN 50 065-1, 1991;

power lines in the frequency range 3 kHz - 148.5 kHz in Europe. In addition, this band was divided into 4 sub-bands:

- A: 3 kHz - 95 kHz, reserved for utility applications;
- B: 95 kHz - 125 kHz, for any application;
- C: 125 kHz - 140 kHz, for home network control systems with the use of the medium access control technique CSMA/CA (Carrier Sense Multiple Access/Collision Avoidance);
- D: 140 kHz – 148,5 kHz, for alarm systems and security.

In the U.S., the Federal Communications Commission (FCC) defines the frequency band of 10 kHz - 490 kHz for general supervision of public power system³.

PLC technologies implemented to date⁴:

- G1 - S-FSK (Spread Frequency Shift Keying) - IEC 61334
- PRIME (Powerline Intelligent Metering Evolution) – OFDM (Orthogonal frequency-division multiplexing), by PRIME Alliance
- G3-PLC - OFDM, by ERDF (Électricité Réseau Distribution France)
- 4GPLC TM – OFDM, by EnVerv

2. Convolutional codes

Convolutional codes are codes involved in the control and error correction. The encoding process for convolutional codes is carried out continuously, so a number of data with rate R_i is transformed through coding to a series of data with the rate $R_o > R_i$. Convolutional coding is stronger than the block coding it allows to obtain higher coding gain at the same complexity.

Convolutional codes are generated by a shift register with n cells and k sum blocks performing sequence correspondence between input and output as shown in Figure 1. The code is defined by the following parameters:

- k is the number of data bits entering the encoder at a time;

³ Federal Communications Commission, Inquiry Regarding Carrier Current Systems, including Broadband over Power Line Systems, ITU-T, Tech. Rep. FCC 03-100, 2003;

⁴ <http://www.enverv.com/standards.php>, accessed August 7, 2012;

- n is the number of bits output resulting from the encoder after processing the k data bits;

- connections between cells shift register are of modulo 2 sum blocks;
- based on the above parameters can be obtain a code that has the rate $R = k / n$.

A key feature of convolutional encoder is that this type of encoder has memory, meaning that each output symbol depends on the current input bit and the other $(k-1)$ bits of the previous entry⁵⁶.

Punctured convolutional codes – the puncturing idea is to remove some bits of the coding sequence according to fixed rules. Overall scoring a code rate k / n is defined using the n vectors pointing. Each table contains p bits, where p is the period of scoring. If the bit is 1, then the corresponding code bit is not removed if the bit is 0 the corresponding bit is deleted. Punctured vectors of N make the matrix P of size $N \times p$.

Standard matrices⁷ for $1/2$ convolutional code rate can be seen in Table 1:

Table 1 - Classic rates of convolutional codes

Code rate	Puncturing matrix
$2/3$	$P = \begin{pmatrix} 1 & 0 \\ 1 & 1 \end{pmatrix}$
$3/4$	$P = \begin{pmatrix} 1 & 0 & 1 \\ 1 & 1 & 0 \end{pmatrix}$
$5/6$	$P = \begin{pmatrix} 1 & 0 & 1 & 0 & 1 \\ 1 & 1 & 0 & 1 & 0 \end{pmatrix}$
$7/8$	$P = \begin{pmatrix} 1 & 0 & 0 & 0 & 1 & 0 & 1 \\ 1 & 1 & 1 & 1 & 0 & 1 & 0 \end{pmatrix}$

Without puncturing sequence scoring a vector of bits $u = (0,0,1,1,0)$ generates the non punctured code $U_{np} = (00,00,11,01,01)$. Using the scoring matrix $P = (1 \ 1 \ 1 \ 0 \ 1 \ 0 \ 0 \ 1)$ and period scoring 4, only 3 of the 4 bits of the original code are used, others are deleted. Punctured code rate becomes $R = 4/5$ and u is encoded in $u_p = (00,0,1,1,01)$. This code can

⁵ G. M.Panaitescu, Transmiterea si codarea informatiei, Note de curs, Ploiesti, 2011;

⁶ M. Cluzeu, M. Finiasz, Reconstruction of Punctured convolutional codes, IEEE Information Theory Workshop, Taormina, Sicily, 2009, 75-79;

⁷ <http://www.1-core.com/library/comm/viterbi/>, accessed October 20, 2012;

then be decoded using various decoding schemes. The representation of a convolutional code with the rate = $2/3$ can be seen in Figure 2⁸.

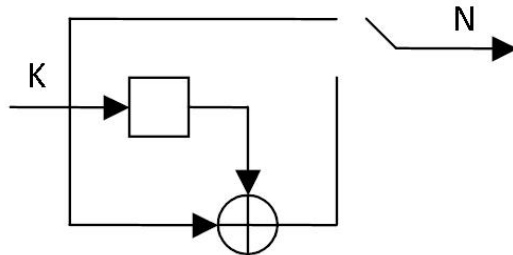


Fig. 1 – Block scheme of a convolutional code with rate of $1/2$

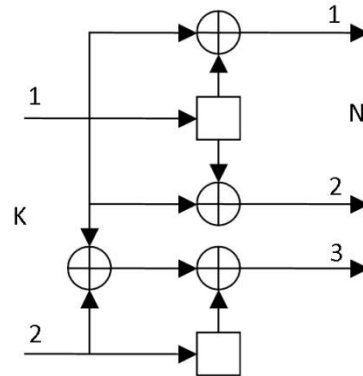


Fig. 2 – Block scheme of a convolutional code with rate of $2/3$

3. Model simulation

Since convolutional codes are used in PLC equipments block structure, an analyze of the impact of communication when using punctured convolutional codes has been made. For this, a model has been developed in which a transfer of data through a structure close to that of a PLC transceiver has been realized. An analyze of the number of bits lost (BER) when communication was through an environment with enhanced noise attenuation signal was made. The model has, as can be seen in Figure 3, the following main building blocks: convolutional code, interleaver, modulator DBPSK, inverse fast Fourier transform, noisy communication channel, Fast Fourier Transform, DBPSK demodulator, deinterleaver and Viterbi decoding algorithm. The simulations took into account changing parameters of the convolutional encoding blocks for transferring the same number of bits when the code rate took values of $1/2$, $2/3$, $3/4$ and $5/6$ with the use of puncturing.

⁸ Victor Tomashevich, Pavol Hanus, Convolutional Codes, http://www.mayr.informatik.tu-muenchen.de/konferenzen/Jass05/courses/4/papers/Victor_Tomashevich.pdf, accessed September 10, 2012;

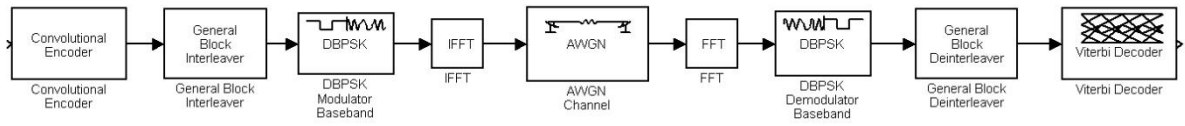


Fig. 3 –Transceiver block scheme

Obtained result after simulation of bit data transfer when convolution rate was different but the same amount of bits have been transferred can be observed in Table 2 in terms of BER.

Table 2 – Convolution rate vs. BER

Convolution rate	Lost bits	Total bits sent	BER
1/2	2357	8008	0,29433
2/3	2610	8008	0,32592
3/4	2125	8004	0,26549
5/6	2063	8010	0,25755

In order to make a more precise analysis we have analyzed the total number of bits transmitted and the bit lost, comparing the BER values for the cases previous presented. Thus, it can be seen that the standard rate $\frac{1}{2}$ of convolutional codes is not much exceeded in BER value, the best value obtained was at the convolutional code rate of $\frac{5}{6}$.

4. Speed rate transfer math

Power Line Communications can reach transfer speeds up to 1 Mbps. A theoretical calculation of the transfer data rate can be achieved as specified in⁹ with the following equation:

$$T_{\text{frame}} = \frac{(((N_s + N_{FCH}) * (N_{CP} + N - N_0) + (N_{PRE} * N)))}{F_s}$$

(1)

where:

N_s - number of symbols per frame = 40

⁹ Electricite Reseau Distribution France, PLC G3 Physical Layer Specification, Project PLC G3 OFDM, 2009;

N_{FCH} - number of symbols FCH = 13

N_{CP} - prefix number of overlapping cycles = 30

CC_{rate} - convolutional code rate = $\frac{1}{2}$ (standard)

N - number of FFT points = 256

N_0 - number of samples overlap = 8

N_{PRE} - number of symbols in the preamble = 9,5

F_S - sampling frequency = 400.000 Hz

PL - parity bits = 8

$T_{frame} = 0.043$ s

MAXRS – maximum number of symbols at the output of Reed Solomon encoder =

21

Data rate = (MAXRS - PL) * PL = 104 bits

Using the equation (1), data transfer speed of PLC when a convolutional code rate takes several values. In figure 4, is presented a comparative analysis when convolutional code rate takes values between $\frac{1}{5}$ and 1 in case of Reed Solomon code robustness is $\frac{1}{4}$.

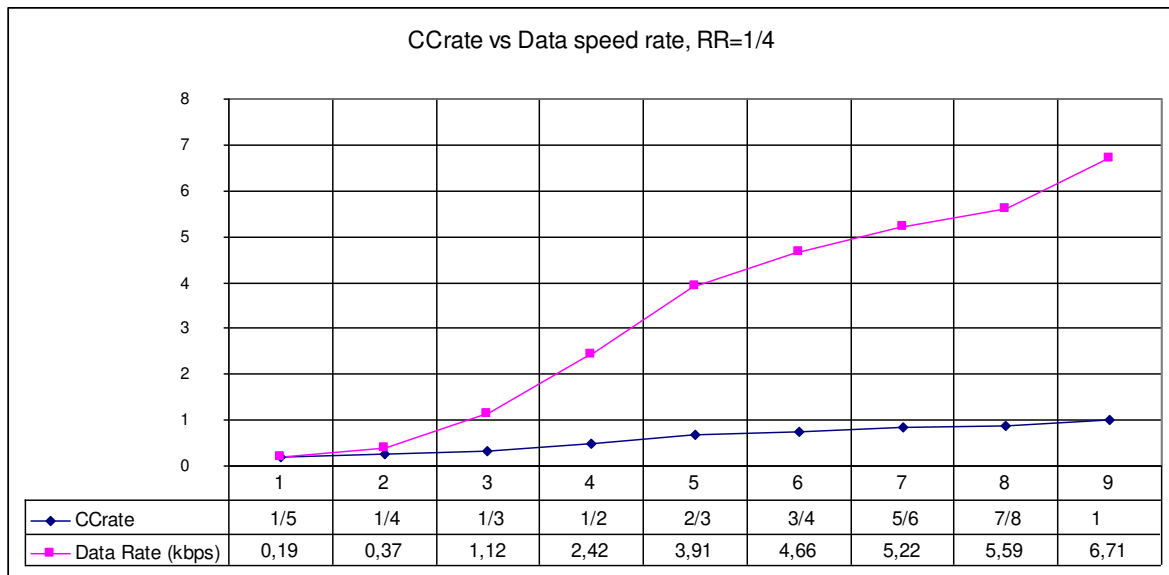


Fig. 4 – Transfer data rate variation related to the convolutional rate when robustness is 4

In the fig. 4 it can be noticed that the transfer data rate increases with the increasing convolutional ratio, the maximum is reached when the CCrate takes the value 1. This is almost 3 times higher than in the standard case when CCrate takes the value $\frac{1}{2}$, that is 6,71

kbps versus 2,42 kbps. If a lower ratio than $\frac{1}{2}$ is considered that the transfer rate drops significantly, to several bits per second reaching 0,1 kbps.

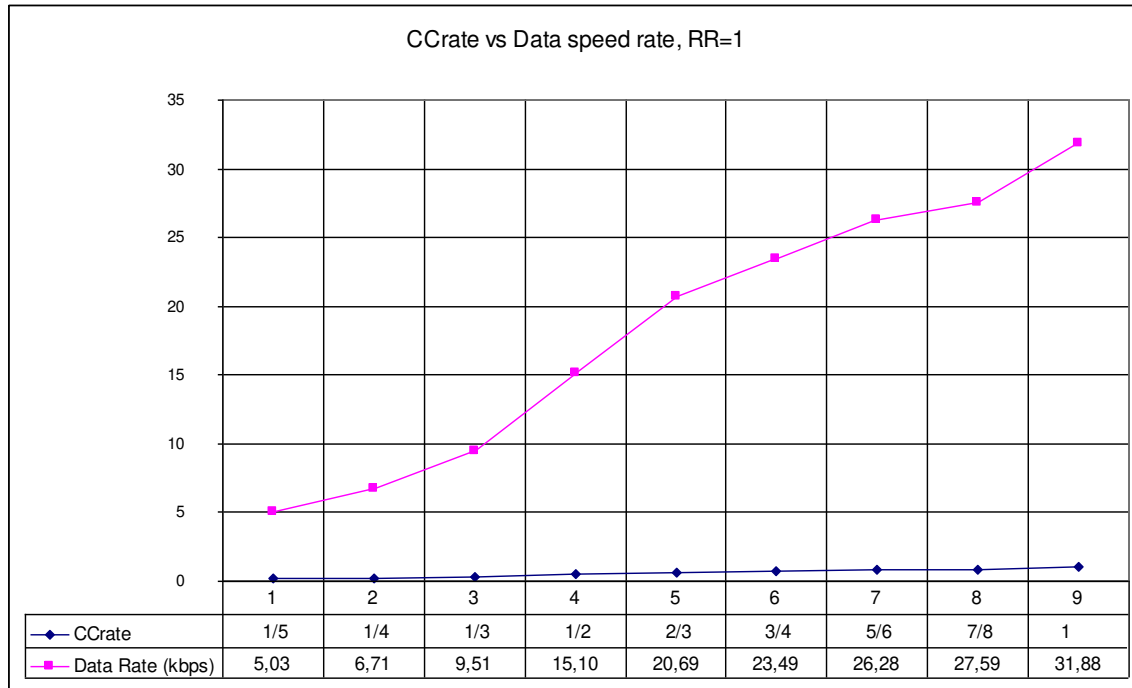


Fig. 5 – Transfer data rate variation related to the convolutional rate when robustness is 1

The mathematical approach was repeated in case of Reed Solomon code robustness taking the value 1. Data obtained can be viewed in Figure 5.

In Figure 5, we can see an increase transfer data rate when Reed Solomon code robustness is 1, which was to be expected in comparison with the previous case. Using a convolution ratio as close to the value 1 results in a significant increase transfer speed up to 2 times the standard case, $\frac{1}{2}$ of 15,1 kbps to 1 of 31.8 kbps.

5. Conclusions

Convolutional codes are used in most communication systems. Their integration in communication using the power grid can result in a significant increase, in transfer data rate and decrease the number of errors. Using the punctured convolutional codes may lower the number of bit errors when communication is performed through noisy environments and increase transfer speed. This can be seen from the simulated model and the mathematical approach from where it can be observed that the higher percentage value

of convolutional rate without reaching a value of 1 improves communications. Using punctured convolutional codes brings an additional advantage when communication takes place through noisy environments.

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Content

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THE DESIGN OF A HF RFID TAG ANTENNA FOR WAREHOUSE MANAGEMENT

FINIȘ Ilie*

LAVRIC Alexandru*

ABSTRACT

THIS PAPER PRESENTS THE DESIGN OF TWO TAG ANTENNA MODELS THAT CAN BE INTEGRATED INTO A 13.56 MHZ HF RFID SYSTEM. IN ORDER TO VERIFY, THE PERFORMANCE OF THE TWO TAG ANTENNA MODELS PROPOSED A SERIES OF SIMULATIONS USING THE ANSOFT HFSS APPLICATION WERE PERFORMED. THE ADVANTAGES OF USING THESE NEW MODELS DETERMINE THE INCREASE OF THE INTERROGATION AREA ENSURING A HIGH LEVEL OF PERFORMANCE

KEYWORDS: TAG ANTENNA, ANSOFT HFSS, COUPLING FACTOR

1. Introduction

An important element in each RFID system, irrespective of the frequency range are represented by the tags integrated in the system. It is needed to get a much lower cost, store a sufficient amount of information about a certain product and function in the presence of any environmental. Some of these tags characteristics have been achieved, but others are still looking for solutions.

An antenna suitable for these tags must have a low cost, easy to designed and developed, and the size should be minimized in order to be attached to objects of different sizes, providing the highest performance level. Another important element is regards to the operation performance in the vicinity of different environments such as liquids or metal.

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This fact is important because is intended to achieve the highest possible communication distance no matter what environments are in their proximity.

Many of the RFID system that work on 13.56 MHz use inductive coupling between¹ the tag and the reader antenna². Because these tags are passive, the energy needed to activate the HF chip is taken out of the magnetic field generated by the reader antenna. To achieve inductive coupling between the antenna and the tag, chip used by tag must be capacitive, and the antenna must have a certain inductance. For this reason, multi loop coils are used in tags that operating at 13.56 MHz frequency.

One solution is to connect several antennas to a single reader with different orientations between them. Therefore, using a multiplexer each antenna can be activated separately, leading to a major reduction of errors, in the tags identification. This method can be helpful in cases we have to carry out a smaller scale inventory, but when we inventory in a warehouse or a store this approach is no longer viable.

A problem with HF tags is the fact that the reading distance between the reader antenna and tags changes, according to the tag orientation. Any change in the orientation angle between the reader antenna and tag leads to the reduction of energy received by the tag antenna from the magnetic field generated by the reader antenna. In figure 1 is presented how the communication distance decreases when the tag orientation is changed.

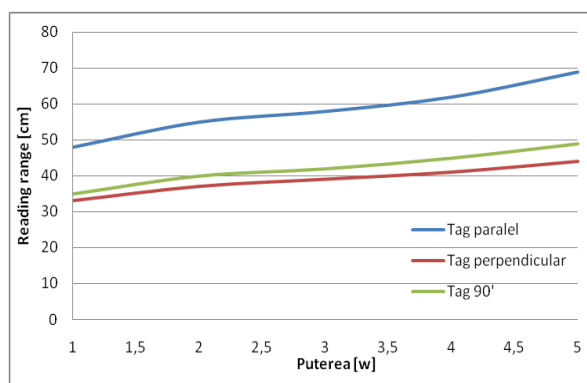


Fig. 1 Changing the reading distance according to tag position in relation to reader antenna

Also, was determinated the distance of identification in case the tag is applied on two adjacent sides of a product (Figure 2). From the data obtained, we can see an increase

¹ S. C. Q. Chen and V. Thomas, Optimization of inductive RFID technology, in Proc. IEEE International Symposium on Electronics and the Environment, pp. 82-87, Jul. 2001.

² S. S. Basat, K. Lim, J. Laskar, and M. M. Tentzeris, Design and modeling of embedded 13.56 MHz RFID antennas, in Antennas and Propagation Society International Symposium, 2005 IEEE, vol. 4B, 2005, pp. 64–67 vol. 4B.

of interrogation distance up to 5 cm, compared with the case when the tag is positioned perpendicular to the readers antenna.



Fig. 2 The attachment of a HF tag on both sides of a product

2. The design of the tag antenna

When designing a HF RFID tag the most important components are antenna and minimum energy required to activate the chip. If in the chip case changes cannot be made, for antennas solutions are still looking. The most important issue, when designing a tag antenna, is given by the coil inductance that should be between some values in order the tag to operate at the desired frequency. In the specialized literature, there are a number of papers^{3,4,5,6} which presents numerous calculation methods, through which can determine the inductance of HF antenna. Also, can be used a software application which can model and optimize the parameters and the performance of tag antenna.

Choosing the desired chip is important because depending on the internal capacity, the inductance can be determined. It is needed, for the new formed circuit to resonate at the desired frequency format, taking into account the relation (1).

$$f_{tag} = \frac{1}{2\pi\sqrt{L_{ant}C_{chip}}} \quad (1)$$

From equation (1) may be determined the antenna inductance value L_{ant} using equation (2) after the chip type has been chosen for the design of new antennas shape.

³http://www.st.com/internet/com/TECHNICAL_RESOURCES/TECHNICAL_LITERATURE/APPLICATION_NOTE/CD00221490.pdf

⁴ R. Escovar, S. Ortiz, and R. Suaya, Mutual inductance between intentional inductors: closed form expressions, in Proc. Circuits and Systems, pp. 2448-2452, Sep. 2006.

⁵ R. Escovar, S. Ortiz, and R. Suaya, An improved long distance treatment for mutual inductance, IEEE Trans. Computer-Aided Design, vol. 24, no. 5, pp. 783-793, May 2005.

⁶ S. Hackl, C. Lanschutzer, P. Raggam, and W. L. Randeu, A novel method for determining the mutual inductance for 13.56MHz RFID systems, in Communication Systems, Networks and Digital Signal Processing, pp. 297-300, Aug. 2008.

$$L_{ant} = \frac{1}{(2\pi f_{tag})^2 C_{chip}} \quad (2)$$

The designed antennas took into consideration the ISO/IEC 15693-2, -3 standards, concerning the maximum dimensions of the tag and the activation energy. The first and the second antenna design use two, respectively four coils that must be connected together so that when the tag is attached to a product, careless of its orientation, it can obtain a maximum identification distance.

To reach the obtained dimensions, concerning the three antenna models used in HF tags, the next steps were followed: the first was determining the antenna's external dimensions. For this first step, the limitations of the standards in force must be taken into consideration, but also the physical limitations resulted after the designing stage. After setting the dimensions of the antenna, the next step is the concern of knowing the chip specifications, and implicitly the internal capacity (C_{chip}).

After determining the variables (length and width of the antenna), the next step, is finding the maxim turns number of the coil for that specific antenna. The maxim number of turns is obtained after calculating the maximum inductance for the antenna to obtain the desired resonance frequency. In figure 3 is presented the influence of the inductance of the antenna by the number of turns and the maximum dimensions of the coil.

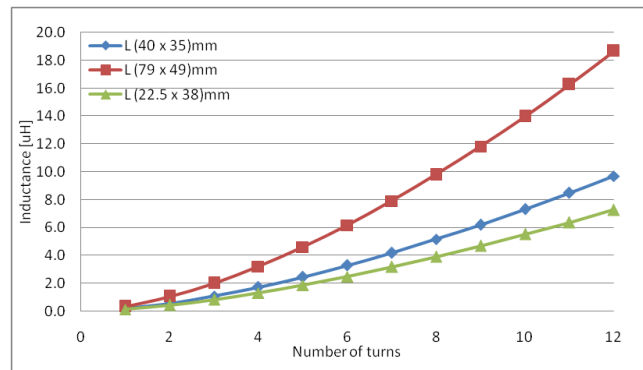


Fig. 3 Changing the inductance of an antenna for HF tag according to the number of turns

Another parameter that influences the number of turns of an antenna is the area that can be occupied by that specific antenna. In case of using small lengths and widths of the antenna, a large number of turns cannot be used in order to obtain the desired inductance, it is recommending using a double layer antenna. This method requires the two antennas being located on both sides of the layer used, obtaining an equivalent circuit made of two coils connected in series. Another element influencing the inductance is the material used

as sub layer. It has a certain permeability, which must be taken into consideration for the design. In addition, the thickness of the material gives small variations to the frequency of the tag.

The first antenna model was designed so that it can be attached on small goods. It consists of two coils of 22x79 mm. Table1 presents the physical dimensions obtained after following the previous steps and the electrical parameters of the antenna resulted after the simulation. This model was designed on one layer and the sub layer used is paper with a thickness of 50 μm . A sub layer of 5 μm made up of an adhesive was used for the simulations, giving us easy positioning.

Table – 1 Parametrical values of the firs antenna

<i>The parameters of the antenna</i>	
Number of turns	5
Wire width	0,48 mm
Space between wires	0,1 mm
Wire thickness	35 μm
Exterior dimensions	2*(79 x 22 mm)
Inductance	2*2,94 μH

In figure 4, is presented the first model of the antenna and a section of the plane (x-z) in order to observe all the component layers of the tag. In the design, the HF chip from Texas Instruments is used, which has an internal capacity of 23.5 pF⁷. In order to validate the antenna tag performance, some simulations were done using the Ansoft HFSS software package. First, the coupling factor (k) was determined between the proposed antenna model and another antenna 31x31 cm.

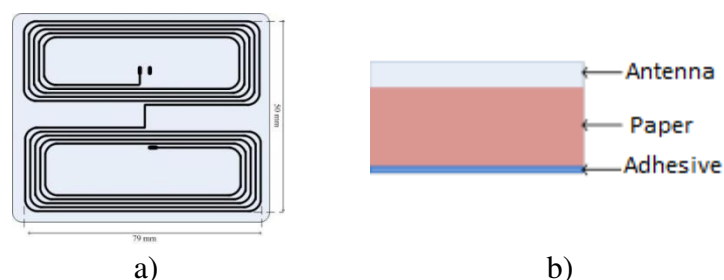


Fig. 4 The first antenna model for a RFID tag, a) front side, b) section in x-z plane

In figure 5, is presented the case of the tag being parallel to the reader's antenna, in this case the best coupling factor is achieved. The situation differs when the tag is oriented

⁷ <http://www.ti.com/lit/ds/symlink/rf-hdt-ajls.pdf>.

by 90 degrees from the reader's antenna. In this situation, the coupling factor gets close to 0%, as the distance between rises. In the second case, the simulations had the tag positioned in the center of the antenna, and on a side of it, the coupling factor is also reduced.

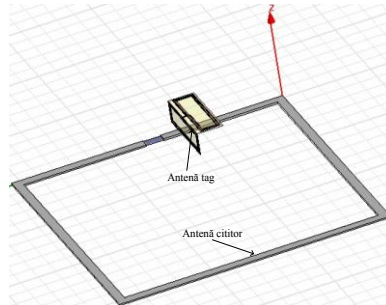


Fig. 5 Tag antenna positioning at 90^0

The situation changes when the tag is bent (figure 6), coupling factor gets to 1.6% when it is centred in the middle of the antenna, and may get to 2.5% when it is placed on a side. These values are valid for a distance of 1 cm. If the distance increases, the coupling factor drops.

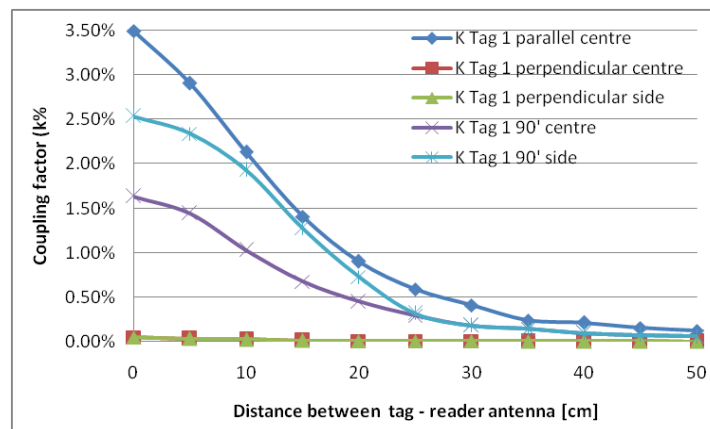


Fig. 6 Coupling factor variation depending on the distance between model one and the reader's antenna

When the tag is not bent, the inductance simulation of the antenna gets to $5.865 \mu\text{H}$ and system (antenna + chip) will resonate at the frequency of 13.56 MHz. When the tag antenna is bent at 90^0 , the inductance of the antenna gets to $5.406 \mu\text{H}$ this fact gets the tag to resonate at the frequency of 14.23 MHz. The antenna should be redesigned in order to obtain the needed inductance or an external capacitor connected parallel to the chip can be used. If not, the capacitor in the projection phase of the tag antenna can be designed. This is possible by inserting two metal plane parallel of finite size, and the dielectric – the

material used as the sub layer for the tag. No matter what the used method is the resonance frequency tolerance should not be above 450 kHz so that an optimum functioning of the whole RFID system is met.

In the second case, the tag dimension are 40x79 cm and the tag antenna size is 40x34 cm. This tag model has four antennas connected in a series, being double, two antennas on one side of the tag. In table 2 are presented the physical dimensions and electrical parameters for the proposed antenna model.

Table – 2 Parametrical values of the second antenna model.

<i>The parameters of the antenna</i>	
Number of turns	4
Wire width	0,51 mm
Space between wires	0,122 mm
Wire thickness	18 μ m
Exterior dimensions	4*(40 x 34 mm)
Inductance	4*1,475 μ H

In figure 7 is presented the shape of the antenna and.

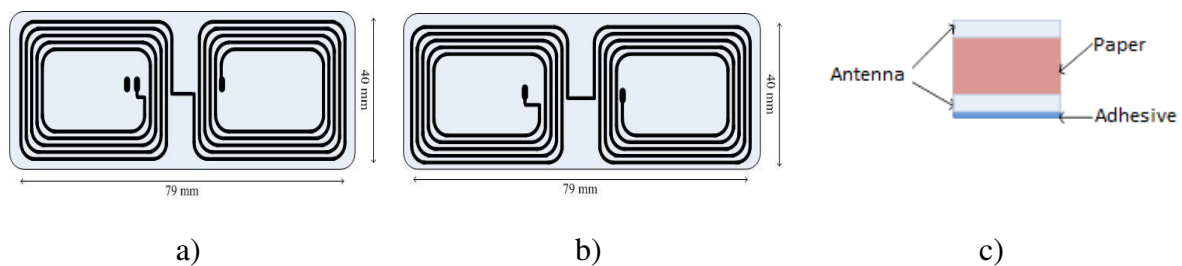


Fig. 7 The second antenna model for a RFID tag a) front side, b) back side, c) section in x-z plane

Fig. 9 shows the variation of the coupling factor when the tag is parallel and perpendicular to the reader's antenna.

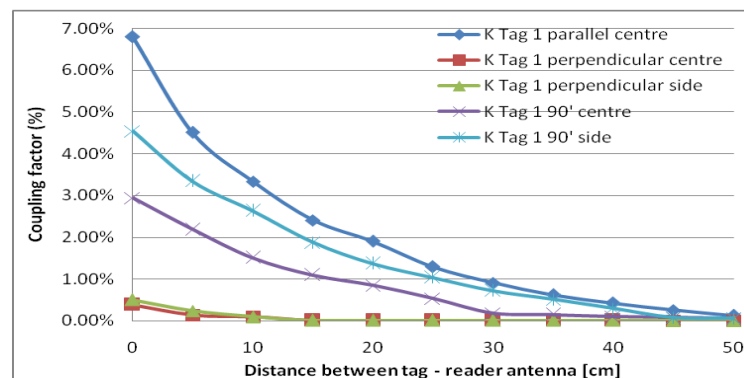


Fig. 8 Coupling factor variation depending on the distance between tag and the reader's antenna

In case the tag is making a 90^0 angle with the reader's antenna the coupling factor gets close to 0%, just like in the first case – the separation distance increases. If the tag is bent and centred in the middle of the antenna, maximum k reaches 3.9%. When the tag is positioned to a side of the antenna, the maximum coupling factor gets as high as 4.6%. These values were obtained at a 1 cm distance between the two antennas if the distance increase, the coupling factor drops.

3. Conclusion

The proposed models present superior performances from the existed solutions. So an increase of the tag identification distance is achieved, regardless of their orientation.

For the first antenna case, the coupling factor (k) reduces significantly if the tag is positioned perpendicular to the reader's antenna. In the situation when the antenna bents at 90^0 , the value of the coupling factor increases up to 2.6%. This determines an increase of the interrogation area. In the second antenna, modeling case are used four coils connected in series. In this case, the coupling factor rises up to 4%. The advantages of using these new models determine the increase of the interrogation area and that makes them usable for warehouse management.

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MODEL OF ORTHOTROPIC MATERIALS WITH THE FINITE-DIFFERENCE METHOD

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ABSTRACT

THIS PAPER PRESENTS A MATHEMATICAL MODEL WITH FINITE DIFFERENCE METHOD FOR THE INTEGRATION OF DIFFERENTIAL EQUATIONS WITH PARTIAL DERIVATES WHICH DESCRIBES THE ONE-DIMENSIONAL DISPLACEMENT OR STRESS OF ORTHOTROPIC MATERIALS.

WE START FROM THE CLASSICAL IDEA OF AIRY STRESS FUNCTION, WHICH DESCRIBES THE SECOND ORDER PARTIAL DIFFERENTIAL OF THE FIELD OF TENSIONS AND WITH THE HELP OF THE TENSIONS AND THE MATERIAL EQUATIONS CAN BE DETERMINED THE SPECIFIC DEFORMATIONS

BY ANALOGY WE DISCOVERED THAT CAN BE USED A "POTENTIAL FUNCTION" OF THE DISPLACEMENT, WHICH MAKES POSSIBLE THE USAGE OF MIXED BOUNDARY CONDITIONS. THE PARTIAL DERIVATIVES OF THIS FUNCTION GIVE THE DISPLACEMENT IN THE DIRECTIONS OF COORDINATE AXES. DISPLACEMENT DERIVATIVES, THE DERIVATIVES OF SUPERIOR ORDER OF THE DISPLACEMENT FUNCTION GIVE SPECIFIC DEFORMATIONS AND USING THE MATERIAL EQUATIONS, THESE SUPERIOR ORDER DERIVATIVES WILL LEAD TO TENSION FIELDS. THEREFORE BECOMES POSSIBLE TO WRITE THE BOUNDARY CONDITIONS AS PRESCRIBED TENSIONS (THE DISTRIBUTED LOAD SHAPE), THERE IS A DIRECT RELATIONSHIP (DIFFERENTIAL EQUATIONS) BETWEEN DISPLACEMENTS AND STRESSES. THESE RELATIONSHIPS ARE APPROXIMATED BY FINITE DIFFERENCES

KEYWORDS: FINITE-DIFFERENCE METHOD; AIRY STRESS FUNCTION; DISPLACEMENT POTENTIAL FUNCTION; ORTHOTROPIC MATERIALS.

1. Einleitung

Bei Anforderungen durch elastische Hauptrichtungen, die Korrelation zwischen Normal und Schubspannungen, bzw. zwischen die linearen und winkligen Verformungen, werden durch die verallgemeinerte Hookesche Gesetz gegeben².

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Wenn die Verformungen nur in eine Ebene der Koordinaten auftreten, sprechen wir von einer Plane strain-Verformung. In Anbetracht des Planes der xy Koordinaten ist, wir haben in senkrechter Richtung, d. h. in Richtung von z folgendes: $\varepsilon_z = 0$, $\gamma_{xz} = \gamma_{zx} = 0$ und $\gamma_{yz} = \gamma_{zy} = 0$, wir haben die Beziehung³:

$$\{\sigma\} = \begin{Bmatrix} \sigma_x \\ \sigma_y \\ \tau_{xy} \end{Bmatrix} = \begin{bmatrix} \frac{E_x \cdot (1 - \mu_{yz} \cdot \mu_{zy})}{\delta} & \frac{E_x \cdot (\mu_{yx} + \mu_{zx} \cdot \mu_{yz})}{\delta} & 0 \\ \frac{E_y \cdot (\mu_{xy} + \mu_{xz} \cdot \mu_{zy})}{\delta} & \frac{E_y \cdot (1 - \mu_{xz} \cdot \mu_{zx})}{\delta} & 0 \\ 0 & 0 & G_{xy} \end{bmatrix} \cdot \begin{Bmatrix} \varepsilon_x \\ \varepsilon_y \\ \gamma_{xy} \end{Bmatrix} = [E] \cdot \{\varepsilon\}, \quad (1)$$

Wenn die Spannungen nur in einer Ebene der Koordinaten auftreten, sprechen wir von einem ebenen Spannungszustand. Nehmen wir an, dass dieser Plan, der Plan von xy Koordinaten ist, dann sind die Spannungen in die Richtung z gleich mit Null: $\sigma_z = 0$, $\tau_{xz} = \tau_{zx} = 0$ und $\tau_{xy} = \tau_{yx} = 0$, wir haben die Beziehung⁴:

$$\{\sigma\} = \begin{Bmatrix} \sigma_x \\ \sigma_y \\ \tau_{xy} \end{Bmatrix} = \begin{bmatrix} \frac{E_x}{1 - \mu_{xy} \cdot \mu_{yx}} & \frac{\mu_{xy} \cdot E_y}{1 - \mu_{xy} \cdot \mu_{yx}} & 0 \\ \frac{\mu_{yx} \cdot E_x}{1 - \mu_{xy} \cdot \mu_{yx}} & \frac{E_y}{1 - \mu_{xy} \cdot \mu_{yx}} & 0 \\ 0 & 0 & G_{xy} \end{bmatrix} \cdot \begin{Bmatrix} \varepsilon_x \\ \varepsilon_y \\ \gamma_{xy} \end{Bmatrix} = [E] \cdot \{\varepsilon\}. \quad (2)$$

Die zwei Elastizitätsmatrizen $[E]$ sind nur dann gültig, wenn die Richtungen der Orthotropen mit den Richtungen der Koordinatenachsen übereinstimmen. Sonst müssen beide Matrizen in Richtung der Orthotropen mit dem passenden Winkel gedreht. Als Folge der Änderung bekommen wir eine volle Matrix

$$[E] = \begin{bmatrix} \bar{E}_{11} & \bar{E}_{12} & \bar{E}_{13} \\ \bar{E}_{21} & \bar{E}_{22} & \bar{E}_{23} \\ \bar{E}_{31} & \bar{E}_{32} & \bar{E}_{33} \end{bmatrix}, \quad (3)$$

² Ioan Curtu and Nicolae Ghelmeziu, *Mecanica lemnului și materialelor pe bază de lemn* (București: Editura Tehnică, 1984), 19.

³ András Kakucs, *A véges-elem módszer alapjai* (Cluj-Napoca: Editura Scientia, 2007), 70.

⁴ András Kakucs, *Véges-elem módszer a szerkezetek számításában* (Brașov: Editura Transilvania, 2007), 36.

dessen Komponenten sich folgend gliedern:

$$\begin{aligned}
\bar{E}_{11} &= E_{11} \cdot \cos^4 \theta + E_{22} \cdot \sin^4 \theta + (E_{12} + E_{21} + 4 \cdot E_{33}) \cdot \sin^2 \theta \cdot \cos^2 \theta, \\
\bar{E}_{12} &= E_{12} \cdot \cos^4 \theta + E_{21} \cdot \sin^4 \theta + (E_{11} + E_{22} - 4 \cdot E_{33}) \cdot \sin^2 \theta \cdot \cos^2 \theta, \\
\bar{E}_{13} &= (E_{11} - E_{12} - 2 \cdot E_{33}) \cdot \sin \theta \cdot \cos^3 \theta + (E_{21} - E_{22} + 2 \cdot E_{33}) \cdot \sin^3 \theta \cdot \cos \theta, \\
\bar{E}_{21} &= E_{12} \cdot \sin^4 \theta + E_{21} \cdot \cos^4 \theta + (E_{11} + E_{22} - 4 \cdot E_{33}) \cdot \sin^2 \theta \cdot \cos^2 \theta, \\
\bar{E}_{22} &= E_{11} \cdot \sin^4 \theta + E_{22} \cdot \cos^4 \theta + (E_{21} + E_{12} + 4 \cdot E_{33}) \cdot \sin^2 \theta \cdot \cos^2 \theta, \\
\bar{E}_{23} &= (E_{11} - E_{12} - 2 \cdot E_{33}) \cdot \sin^3 \theta \cdot \cos \theta + (E_{21} - E_{22} + 2 \cdot E_{33}) \cdot \sin \theta \cdot \cos^3 \theta, \\
\bar{E}_{31} &= (E_{11} - E_{21} - 2 \cdot E_{33}) \cdot \sin \theta \cdot \cos^3 \theta + (E_{12} - E_{22} + 2 \cdot E_{33}) \cdot \sin^3 \theta \cdot \cos \theta, \\
\bar{E}_{32} &= (E_{11} - E_{21} - 2 \cdot E_{33}) \cdot \sin^3 \theta \cdot \cos \theta + (E_{12} - E_{22} + 2 \cdot E_{33}) \cdot \sin \theta \cdot \cos^3 \theta, \\
\bar{E}_{33} &= (E_{11} - E_{12} - E_{21} + E_{22} - 2 \cdot E_{33}) \cdot \sin^2 \theta \cdot \cos^2 \theta + E_{33} \cdot (\sin^4 \theta + \cos^4 \theta),
\end{aligned} \tag{4}$$

wo die

$$[\mathbf{E}_{12}] = \begin{bmatrix} E_{11} & E_{12} & 0 \\ E_{21} & E_{22} & 0 \\ 0 & 0 & E_{33} \end{bmatrix} \tag{5}$$

die Elastizitätsmatrize ist, gegeben durch die Richtung der Orthotropen. (diese hat nur drei unabhängige Elemente). Wenn die Richtungen der Orthotropen nicht mit die Richtungen der Achsen übereinstimmen, als Folge haben wir eine symmetrische Elastizitätsmatrix mit neun Elementen die nicht Null sind.

In fälle von plane Anisotropie, die Elastizitätsmatrix ist immer noch voll und symmetrisch, aber er beinhaltet nur sechs unabhängige Elemente.

2. Formulierung der Aufgabe durch die Finite-Differenzen-Methode

Ausgehend von der Airy'schen Spannungsfunktion, nehmen wir an, dass in Falle von orthotrope Materialien eine $\Psi(x, y)$ Funktion existiert, dessen partiellen Ableitungen die Bewegung folgendermaßen projizieren⁵:

$$u = \alpha_1 \cdot \frac{\partial^2 \Psi}{\partial x^2} + \alpha_2 \cdot \frac{\partial^2 \Psi}{\partial x \cdot \partial y} + \alpha_3 \cdot \frac{\partial^2 \Psi}{\partial y^2}, \quad v = \alpha_4 \cdot \frac{\partial^2 \Psi}{\partial x^2} + \alpha_5 \cdot \frac{\partial^2 \Psi}{\partial x \cdot \partial y} + \alpha_6 \cdot \frac{\partial^2 \Psi}{\partial y^2}, \tag{6}$$

⁵ S.R. Ahmed et al., „A general mathematical formulation for finite-difference solution of mixed-boundary-value problems of anisotropic materials”, Computer and Structures 83 (2005): 35-51.

indem die folgende Gleichung der Kompatibilität erfüllen⁶:

$$\frac{\partial^2 \varepsilon_x}{\partial y^2} + \frac{\partial^2 \varepsilon_y}{\partial x^2} - \frac{\partial^2 \gamma_{xy}}{\partial x \cdot \partial y} = 0. \quad (7)$$

Wir schreiben die Gleichgewichtsgleichung um

$$\frac{\partial \sigma_x}{\partial x} + \frac{\partial \tau_{xy}}{\partial y} + f_x = 0, \quad \frac{\partial \sigma_y}{\partial y} + \frac{\partial \tau_{yx}}{\partial x} + f_y = 0, \quad (8)$$

durch die Hookesche Gesetz, im spezifische Verformungen (wir betrachten $f_x = 0$):

$$\begin{aligned} \frac{\partial(E_{11} \cdot \varepsilon_x + E_{12} \cdot \varepsilon_y + E_{13} \cdot \gamma_{xy})}{\partial x} + \frac{\partial(E_{31} \cdot \varepsilon_x + E_{32} \cdot \varepsilon_y + E_{33} \cdot \gamma_{xy})}{\partial y} &= 0, \\ \frac{\partial(E_{21} \cdot \varepsilon_x + E_{22} \cdot \varepsilon_y + E_{23} \cdot \gamma_{xy})}{\partial y} + \frac{\partial(E_{31} \cdot \varepsilon_x + E_{32} \cdot \varepsilon_y + E_{33} \cdot \gamma_{xy})}{\partial x} + f_y &= 0, \end{aligned} \quad (9)$$

und dann mit die geometrische Gleichungen

$$\varepsilon_x = \frac{\partial u}{\partial x}, \quad \varepsilon_y = \frac{\partial v}{\partial y}, \quad \gamma_{xy} = \frac{\partial v}{\partial x} + \frac{\partial u}{\partial y}, \quad (10)$$

durch die Verwendung der Verhältnisse von Punkt (6) wir bekommen folgende Gleichungen:

$$\begin{aligned} &(\alpha_1 \cdot E_{11} + \alpha_4 \cdot E_{13}) \cdot \frac{\partial^4 \Psi}{\partial x^4} + \\ &+(\alpha_1 \cdot E_{13} + \alpha_1 \cdot E_{31} + \alpha_2 \cdot E_{11} + \alpha_4 \cdot E_{12} + \alpha_4 \cdot E_{33} + \alpha_5 \cdot E_{13}) \cdot \frac{\partial^4 \Psi}{\partial x^3 \cdot \partial y} + \\ &+(\alpha_1 \cdot E_{33} + \alpha_2 \cdot E_{13} + \alpha_2 \cdot E_{31} + \alpha_3 \cdot E_{11} + \alpha_4 \cdot E_{32} + \alpha_5 \cdot E_{12} + \alpha_5 \cdot E_{33} + \alpha_6 \cdot E_{13}) \cdot \frac{\partial^4 \Psi}{\partial x^2 \cdot \partial y^2} + \\ &+(\alpha_2 \cdot E_{33} + \alpha_3 \cdot E_{13} + \alpha_3 \cdot E_{31} + \alpha_5 \cdot E_{32} + \alpha_6 \cdot E_{12} + \alpha_6 \cdot E_{33}) \cdot \frac{\partial^4 \Psi}{\partial x \cdot \partial y^3} + \\ &+(\alpha_3 \cdot E_{33} + \alpha_6 \cdot E_{32}) \cdot \frac{\partial^4 \Psi}{\partial y^4} = 0, \end{aligned} \quad (11)$$

⁶ Popa Mazilu et al., Teoria și calculul plăcilor ortotrope (București: Editura Tehnică, 1983), 454-459

$$\begin{aligned}
& (\alpha_1 \cdot E_{31} + \alpha_4 \cdot E_{33}) \cdot \frac{\partial^4 \Psi}{\partial x^4} + \\
& + (\alpha_1 \cdot E_{21} + \alpha_1 \cdot E_{33} + \alpha_2 \cdot E_{31} + \alpha_4 \cdot E_{23} + \alpha_4 \cdot E_{32} + \alpha_5 \cdot E_{33}) \cdot \frac{\partial^4 \Psi}{\partial x^3 \cdot \partial y} + \\
& + (\alpha_1 \cdot E_{23} + \alpha_2 \cdot E_{21} + \alpha_2 \cdot E_{33} + \alpha_3 \cdot E_{31} + \alpha_4 \cdot E_{22} + \alpha_5 \cdot E_{23} + \alpha_5 \cdot E_{32} + \alpha_6 \cdot E_{33}) \cdot \frac{\partial^4 \Psi}{\partial x^2 \cdot \partial y^2} + \quad (12) \\
& + (\alpha_2 \cdot E_{23} + \alpha_3 \cdot E_{21} + \alpha_3 \cdot E_{33} + \alpha_5 \cdot E_{22} + \alpha_6 \cdot E_{23} + \alpha_6 \cdot E_{32}) \cdot \frac{\partial^4 \Psi}{\partial x \cdot \partial y^3} + \\
& + (\alpha_3 \cdot E_{23} + \alpha_6 \cdot E_{22}) \cdot \frac{\partial^4 \Psi}{\partial y^4} + f_y = 0.
\end{aligned}$$

Aus der ersten Gleichung, die Koeffizienten α werden so bestimmt, dass die Multiplikatoren der partiellen Ableitungen mit Null gleich sein sollen.

$$\begin{aligned}
& \alpha_1 \cdot E_{11} + \alpha_4 \cdot E_{13} = 0 \\
& \alpha_1 \cdot E_{13} + \alpha_1 \cdot E_{31} + \alpha_2 \cdot E_{11} + \alpha_4 \cdot E_{12} + \alpha_4 \cdot E_{33} + \alpha_5 \cdot E_{13} = 0 \\
& \alpha_1 \cdot E_{33} + \alpha_2 \cdot E_{13} + \alpha_2 \cdot E_{31} + \alpha_3 \cdot E_{11} + \alpha_4 \cdot E_{32} + \alpha_5 \cdot E_{12} + \alpha_5 \cdot E_{33} + \alpha_6 \cdot E_{13} = 0 \quad (13) \\
& \alpha_2 \cdot E_{33} + \alpha_3 \cdot E_{13} + \alpha_3 \cdot E_{31} + \alpha_5 \cdot E_{32} + \alpha_6 \cdot E_{12} + \alpha_6 \cdot E_{33} = 0 \\
& \alpha_3 \cdot E_{33} + \alpha_6 \cdot E_{32} = 0.
\end{aligned}$$

Aus diesen fünf Gleichungen ist es nicht möglich sechs Koeffizienten zu bestimmen und soll deswegen eine der Werte vorgeschrieben werden. Als folge, wir weisen $\alpha_2 = 1$ zu und die restliche fünf Koeffizienten werden durch die Lösung der Gleichungssystem (13) erfahren, durch numerischen Methoden.

Durch diese Verfahren erhaltene α Koeffizient, die zweite Gleichgewichtsgleichung wird sich folgendermaßen ändern:

$$\beta_1 \cdot \frac{\partial^4 \Psi}{\partial x^4} + \beta_2 \cdot \frac{\partial^4 \Psi}{\partial x^3 \cdot \partial y} + \beta_3 \cdot \frac{\partial^4 \Psi}{\partial x^2 \cdot \partial y^2} + \beta_4 \cdot \frac{\partial^4 \Psi}{\partial x \cdot \partial y^3} + \beta_5 \cdot \frac{\partial^4 \Psi}{\partial y^4} = \beta_0 \cdot f_y, \quad (14)$$

dessen Lösung, die von uns gesuchte potentielle Funktion ist. Die Koeffizienten dieser Gleichung sind die folgende:

$$\begin{aligned}
\beta_1 &= \alpha_1 \cdot E_{31} + \alpha_4 \cdot E_{33}, \\
\beta_2 &= \alpha_1 \cdot (E_{21} + E_{33}) + \alpha_2 \cdot E_{31} + \alpha_4 \cdot (E_{23} + E_{32}) + \alpha_5 \cdot E_{33}, \\
\beta_3 &= \alpha_1 \cdot E_{23} + \alpha_2 \cdot (E_{21} + E_{33}) + \alpha_3 \cdot E_{31} + \alpha_4 \cdot E_{22} + \alpha_5 \cdot (E_{23} + E_{32}) + \alpha_6 \cdot E_{33}, \\
\beta_4 &= \alpha_2 \cdot E_{23} + \alpha_3 \cdot (E_{21} + E_{33}) + \alpha_5 \cdot E_{22} + \alpha_6 \cdot (E_{23} + E_{32}), \\
\beta_5 &= \alpha_3 \cdot E_{23} + \alpha_6 \cdot E_{22}, \\
\beta_0 &= -1.
\end{aligned} \tag{15}$$

Falls sich die Richtungen der Orthotropen mit die x und y Achsen überlappen, werden die ausdrücke der β_i Koeffizienten vereinfacht und dadurch wird die Lösung der Gleichung einfacher. Weiterhin, wenn die θ Winkel eine ganzzahlige Vielfache der Rechter ist, dann werden die Koeffizienten β_2 und β_4 mit Null gleich sein.

Schließlich, unser Aufgabe reduziert sich zu die Lösung der Gleichung (14): es wird vorgeschlagen, das die Problematik durch die Finite-Differenzen gelöst werden soll. Wenn die partiellen Ableitungen aus der Gleichung mit zentrierten Finite-Differenzen ersetzt werden, dann kommen wir zu der Molekülberechnung aus der Abbildung Nr.1. Als folge, in die Punktkoordinate von (x, y) , (welche die (i, j) Punkt aus der Netzwerk für Berechnung der Finite-Differenzen ist) wird folgende Gleichung geschrieben:

$$\begin{aligned}
& \frac{\beta_4}{4 \cdot h \cdot k^3} \cdot \Psi(i-1, j-2) + \frac{\beta_5}{k^4} \cdot \Psi(i, j-2) - \frac{\beta_4}{4 \cdot h \cdot k^3} \cdot \Psi(i+1, j-2) + \\
& + \frac{\beta_2}{4 \cdot h^3 \cdot k} \cdot \Psi(i-2, j-1) - \left(\frac{\beta_2}{2 \cdot h^3 \cdot k} - \frac{\beta_3}{h^2 \cdot k^2} + \frac{\beta_4}{2 \cdot h \cdot k^3} \right) \cdot \Psi(i-1, j-1) - \\
& - \left(2 \cdot \frac{\beta_3}{h^2 \cdot k^2} + 4 \cdot \frac{\beta_5}{k^4} \right) \cdot \Psi(i, j-1) + \left(\frac{\beta_2}{2 \cdot h^3 \cdot k} + \frac{\beta_3}{h^2 \cdot k^2} + \frac{\beta_4}{2 \cdot h \cdot k^3} \right) \cdot \Psi(i+1, j-1) - \\
& - \frac{\beta_2}{4 \cdot h^3 \cdot k} \cdot \Psi(i+2, j-1) + \frac{\beta_1}{h^4} \cdot \Psi(i-2, j) - \left(4 \cdot \frac{\beta_1}{h^4} + 2 \cdot \frac{\beta_3}{h^2 \cdot k^2} \right) \cdot \Psi(i-1, j) + \\
& + \left(6 \cdot \frac{\beta_1}{h^4} + 4 \cdot \frac{\beta_3}{h^2 \cdot k^2} + 6 \cdot \frac{\beta_5}{k^4} \right) \cdot \Psi(i, j) - \left(4 \cdot \frac{\beta_1}{h^4} + 2 \cdot \frac{\beta_3}{h^2 \cdot k^2} \right) \cdot \Psi(i+1, j) + \\
& + \frac{\beta_1}{h^4} \cdot \Psi(i+2, j) - \frac{\beta_2}{4 \cdot h^3 \cdot k} \cdot \Psi(i-2, j+1) + \\
& + \left(\frac{\beta_2}{2 \cdot h^3 \cdot k} + \frac{\beta_3}{h^2 \cdot k^2} + \frac{\beta_4}{2 \cdot h \cdot k^3} \right) \cdot \Psi(i-1, j+1) - \left(2 \cdot \frac{\beta_3}{h^2 \cdot k^2} + 4 \cdot \frac{\beta_5}{k^4} \right) \cdot \Psi(i, j+1) - \\
& - \left(\frac{\beta_2}{2 \cdot h^3 \cdot k} - \frac{\beta_3}{h^2 \cdot k^2} + \frac{\beta_4}{2 \cdot h \cdot k^3} \right) \cdot \Psi(i+1, j+1) + \frac{\beta_2}{4 \cdot h^3 \cdot k} \cdot \Psi(i+2, j+1) - \\
& - \frac{\beta_4}{4 \cdot h \cdot k^3} \cdot f(i-1, j+2) + \frac{\beta_5}{k^4} \cdot \Psi(i, j+2) + \frac{\beta_4}{4 \cdot h \cdot k^3} \cdot \Psi(i, j+2) = -f_y(i, j).
\end{aligned} \tag{16}$$

	$-2 \cdot h$	$-h$	0	h	$2 \cdot h$
$2 \cdot k$		$-\frac{\beta_4}{4 \cdot h \cdot k^3}$	$\frac{\beta_1}{k^4}$	$\frac{\beta_4}{4 \cdot h \cdot k^3}$	
k	$-\frac{\beta_2}{4 \cdot h^2 \cdot k}$	$\frac{\beta_2}{2 \cdot h^2 \cdot k} + \frac{\beta_3}{h^2 \cdot k^2} + \frac{\beta_4}{2 \cdot h \cdot k^3}$	$-2 \cdot \frac{\beta_2}{h^2 \cdot k^2} - 4 \cdot \frac{\beta_1}{k^4}$	$-\frac{\beta_2}{2 \cdot h^2 \cdot k} + \frac{\beta_3}{h^2 \cdot k^2} - \frac{\beta_4}{2 \cdot h \cdot k^3}$	$\frac{\beta_2}{4 \cdot h^2 \cdot k}$
0	$\frac{\beta_1}{h^4}$	$-4 \cdot \frac{\beta_1}{h^4} - 2 \cdot \frac{\beta_3}{h^2 \cdot k^2}$	$6 \cdot \frac{\beta_1}{h^4} + 4 \cdot \frac{\beta_3}{h^2 \cdot k^2} + 6 \cdot \frac{\beta_2}{k^4}$	$-4 \cdot \frac{\beta_1}{h^4} - 2 \cdot \frac{\beta_3}{h^2 \cdot k^2}$	$\frac{\beta_1}{h^4}$
$-k$	$\frac{\beta_2}{4 \cdot h^2 \cdot k}$	$-\frac{\beta_2}{2 \cdot h^2 \cdot k} + \frac{\beta_3}{h^2 \cdot k^2} - \frac{\beta_4}{2 \cdot h \cdot k^3}$	$-2 \cdot \frac{\beta_2}{h^2 \cdot k^2} - 4 \cdot \frac{\beta_1}{k^4}$	$\frac{\beta_2}{2 \cdot h^2 \cdot k} + \frac{\beta_3}{h^2 \cdot k^2} + \frac{\beta_4}{2 \cdot h \cdot k^3}$	$-\frac{\beta_2}{4 \cdot h^2 \cdot k}$
$-2 \cdot k$		$\frac{\beta_4}{4 \cdot h \cdot k^3}$	$\frac{\beta_1}{k^4}$	$-\frac{\beta_4}{4 \cdot h \cdot k^3}$	

Abbildung Nr. 1 - Die Annäherung durch die Finite-Differenzen der Gleichung (14).

An jedem Punkt des Netzwerks von Finite-Differenzen wird so eine Gleichung geschrieben. In diese Gleichungen erscheinen die Werte der Ψ Funktion, Werte gültig in die benachbarten Punkte, d. h. es erstellt sich ein Gleichungssystem.

Die neue erstellte Gleichungssystem zu lösen ist es möglich nur durch festlegen der Konturbedingungen. Für die Punkte der sich auf der Kontur befinden ist es nicht möglich die Molekülberechnung aus der Abbildung Nr. 1 anzuwenden. Hier wird für jede Richtung entweder der Wert der Belastung oder der Wert der Spannung vorgeschrieben. Dieses Schema wird auch für die Punkte verwendet, die mit dem Konturpunkten benachbart sind. Als Folge, unsere Gleichungen werden auch solche Punkte beinhalten, die nicht des untersuchten Feldes gehören. Wenn wir die Molekülberechnung nur für die Punkte verwenden, die innerhalb des Feldes sind, diese werden ein zweites, fiktives Konturen bilden, parallel mit der ersten realen Kontur. Zu bemerken ist, dass die Punkte von den Rändern des Netzwerkes, die sich diagonal gegenüberliegend mit dem konvexen Ecken liegen, diese hören nicht zu der fiktiven Kontur. (Abbildung Nr. 2)

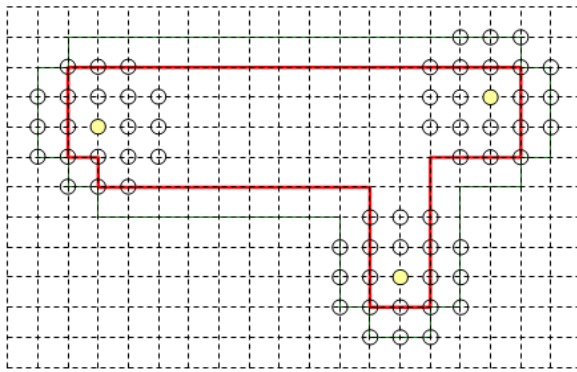


Abbildung Nr. 2 – Das fiktive Kontur
erschieden dank der Annäherung durch Finite-
Differenzen

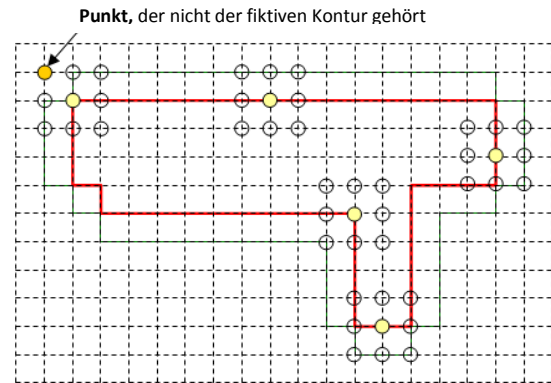


Abbildung Nr. 3 – Die Annäherung von
 u und v mit zentrierte Differenzen

3. Randbedingungen in Form von vorgeschriebenen Verschiebungen

Für eine einfachere Anwendung der Verfahren, wir werden die reale Kontur durch eine andere Kontur annähern. Dieses Kontur besteht aus horizontale und vertikale Linien, angepasst an die Netzwerk. In diesem Fall, die Randbedingungen werden durch die Projektionen der beiden Koordinatenachsen bestimmt (die Normalrichtung und Tangentialrichtung stimmen mit die Richtungen der Achsen überein).

Die Randbedingungen aus die Verschiebungen bestanden sich aus die vorgeschriebenen Werte der Projektionen von u und/oder v . Laut der Beziehungen (6), die Projektionen der Verschiebungen werden durch die Ableitung der Funktion Ψ bekommen. Wenn wir der Wert von u (6) durch zentrierte Differenzen ausdrücken, wir kommen zu der Molekülberechnung aus der Abbildung Nr. 4 und zu der folgenden Gleichung:

$$\begin{aligned} & \frac{\alpha_2}{4 \cdot h \cdot k} \cdot \Psi(i-1, j-1) + \frac{\alpha_3}{k^2} \cdot \Psi(i, j-1) - \frac{\alpha_2}{4 \cdot h \cdot k} \cdot \Psi(i+1, j-1) + \\ & + \frac{\alpha_1}{h^2} \cdot \Psi(i-1, j) - \left(2 \cdot \frac{\alpha_1}{h^2} + 2 \cdot \frac{\alpha_3}{k^2} \right) \cdot \Psi(i, j) + \frac{\alpha_1}{h^2} \cdot \Psi(i+1, j) - \\ & - \frac{\alpha_2}{4 \cdot h \cdot k} \cdot \Psi(i-1, j+1) + \frac{\alpha_3}{k^2} \cdot \Psi(i, j+1) + \frac{\alpha_2}{4 \cdot h \cdot k} \cdot \Psi(i+1, j+1) = u(i, j). \end{aligned} \quad (17)$$

Für v erhalten wir derselbe Schema und Formel, nur die Index der α muss sich an jede Position mit 3 erhöht werden.

	$-h$	0	h
k	$-\frac{\alpha_2}{4 \cdot h \cdot k}$	$\frac{\alpha_2}{k^2}$	$\frac{\alpha_2}{4 \cdot h \cdot k}$
0	$\frac{\alpha_1}{h^2}$	$-2 \cdot \frac{\alpha_1}{h^2} - 2 \cdot \frac{\alpha_2}{k^2}$	$\frac{\alpha_1}{h^2}$
$-k$	$\frac{\alpha_2}{4 \cdot h \cdot k}$	$\frac{\alpha_2}{k^2}$	$-\frac{\alpha_2}{4 \cdot h \cdot k}$

Abbildung Nr. 4 - Die Annäherung von u mit zentrierten Differenzen

Wir stellen folgendes fest: wenn wir die Molekülberechnung für eine der Knoten aus der Netzwerk anwenden, Knoten der sich auf dem Kontur befindet, diese wird sich auf drei Punkte unterstützen der sich auf die fiktive Kontur befinden. Die konkaven Ecken stellen kein Problem dar, stattdessen, in Falle der konvexen Ecken, dasselbe Schema würde ein Punkt einschließen, der nicht zu der fiktiven Kontur gehört (Abbildung Nr. 3).

In diesem Fall, stattdessen der Annäherung durch zentrierte Differenzen, die Annäherungen der Derivate werden durch die Vorwärtsdifferenzen und Rückwärtsdifferenzen gemacht, abhängig von der Position derjenige Ecke (Abbildung Nr. 5).

	$-h$	0	h		$-h$	0	h
k	X	$\frac{\alpha_2}{k^2}$				$\frac{\alpha_2}{k^2}$	X
0	$\frac{\alpha_1}{h^2}$	$-2 \cdot \frac{\alpha_1}{h^2} - \frac{\alpha_2}{h \cdot k} - 2 \cdot \frac{\alpha_2}{k^2}$	$\frac{\alpha_1}{h^2} + \frac{\alpha_2}{h \cdot k}$		$\frac{\alpha_1}{h^2} - \frac{\alpha_2}{h \cdot k}$	$-2 \cdot \frac{\alpha_1}{h^2} + \frac{\alpha_2}{h \cdot k} - 2 \cdot \frac{\alpha_2}{k^2}$	$\frac{\alpha_1}{h^2}$
$-k$		$\frac{\alpha_2}{h \cdot k} + \frac{\alpha_2}{k^2}$	$-\frac{\alpha_2}{h \cdot k}$		$\frac{\alpha_2}{h \cdot k}$	$-\frac{\alpha_2}{h \cdot k} + \frac{\alpha_2}{k^2}$	
k		$-\frac{\alpha_2}{h \cdot k} + \frac{\alpha_2}{k^2}$	$\frac{\alpha_2}{h \cdot k}$		$-\frac{\alpha_2}{h \cdot k}$	$\frac{\alpha_2}{h \cdot k} + \frac{\alpha_2}{k^2}$	
0	$\frac{\alpha_1}{h^2}$	$-2 \cdot \frac{\alpha_1}{h^2} + \frac{\alpha_2}{h \cdot k} - 2 \cdot \frac{\alpha_2}{k^2}$	$\frac{\alpha_1}{h^2} - \frac{\alpha_2}{h \cdot k}$		$\frac{\alpha_1}{h^2} + \frac{\alpha_2}{h \cdot k}$	$-2 \cdot \frac{\alpha_1}{h^2} - \frac{\alpha_2}{h \cdot k} - 2 \cdot \frac{\alpha_2}{k^2}$	$\frac{\alpha_1}{h^2}$
$-k$	X	$\frac{\alpha_2}{k^2}$				$\frac{\alpha_2}{k^2}$	X

Abbildung Nr. 5 – Die Annäherung der u Bewegung in die konvexen Ecken

Die verteilte Last, der die Kontur beladet, wird durch seine Projektionen Richtung x und y bestimmt und wird durch p_x und p_y markiert. In der Regel, diese Last wird

durch einer willkürlichen Funktion beschrieben. Während des Eingriffs, diese Funktion wird durch eine Schrittfunktion ersetzt.

Wenn wir ein Punkt nehmen der sich auf dem Kontur befindet und rundum dieses Punkt ein Element der Fläche ausschneiden, die Spannungen entlang der Kontur müssen im Gleichgewicht mit die Außenlasten sein. So ist es möglich einige Verhältnisse zu schreiben, durch den die Projektionen der Außenlast die Spannungen entlang der Kontur ausgleichen. Mit Hilfe der Spannungen, ausgedrückt durch die Ableitungen der Ψ Funktion und nachdem diese Ableitungen mit Finite-Differenzen transkribiert wurden, können letztendlich die Randbedingungen neu geschrieben werden.

4. Bestimmung und Lösung der Gleichungssystem

Die Aufgabe ist die Lösung der Differentialgleichung (14) während die Randbedingungen erfüllt sind. Die Struktur wird durch Diskretisierung mit einem Netzwerkknoten (Punkte) ersetzt. Diese wird für die Bestimmung der Finite-Differenzen benötigt. Der realen Kontur aus der durch Diskretisierung studiertes Feld, wird mit eine unterbrochene (durch vertikale und horizontale Segmenten) Linie ersetzt. Jede Seitenpunkt aus dem Netzwerk wird einen anderen Punkt einführen, Punkt der sich außerhalb der Domain befinden. Diese Punkte bilden eine fiktive Kontur, der parallel mit der realen Kontur ist. Dem konvexen Ecken gehören zwei Punkte von der fiktive Kontur, dem konkaven Ecken lediglich keine.

Wir nehmen an, das die studierte Feld homogen ist und umfasst eine Reihe von b Punkte, eine Reihe von e Punkte von die Seiten, eine Reihe von konvexe s Ecken und eine Reihe von konkave k Ecken. Als folge, die Zahl der Punkte aus der fiktive Kontur ist $f = e + 2 \cdot s$ und das Feld wird vollflächig mit $p = b + 2 \cdot e + 3 \cdot s + k$ Punkte abgedeckt.

Die Bewegungen in diesem Feld werden durch die $\Psi(x, y)$ Funktion gegeben. Die Werte dieser Funktion in die jeweiligen Netzwerkpunkte werden durch die Finite-Differenzen-Methode berechnet. Insgesamt sind es ein Nummer von p Punkte, d.h. ein Nummer von p Gleichungen, wie folgend beschrieben: (a) eine Anzahl von b Gleichungen, die wir in die inneren Punkte schreiben, nach dem Schema aus der Abbildung Nr. 1. In Abwesenheit der Volumenkräfte, der freie Element wird gleich mit Null sein; (b) eine Anzahl von $2 \cdot e$ Gleichungen den wir für die Seiten schreiben, entsprechend dieser Seiten gültige Randbedingungen; (c) eine Anzahl von $3 \cdot s$ Gleichungen den wir für die konvexe

Ecken schreiben; (d) eine Anzahl von k Gleichungen den wir für die konkave Ecken schreiben.

Durch diese Prozedur, wir erhalten ein System linearer Gleichungen wo die Unbekannte eigentlich der Wert der Ψ Funktion in die Netzwerkpunkte ist. Die Zahl der Unbekannten ist gleich mit den geschriebenen Gleichungen und somit mit der Zahl der Netzwerkpunkte (einschließlich die Punkte von der fiktiven Kontur).

5. Schlussfolgerungen

In diese wissenschaftliche Arbeit, mit Hilfe der Finite-Differenzen, wurde eine Berechnungsmethode vorgestellt für die Integration der Differentialgleichungen durch partielle Ableitungen. Diese partiellen Ableitungen beschreiben die Flächen-Zustand Verschiebung oder Spannung der anisotropen Materialien. So wie in diesem Arbeit gezeigt wurde, es ist möglich die ebene Aufgabe durch Spannungen zu formulieren, was zu die Airy'schen Spannungsfunktion führt, dessen partielle Ableitungen zweiter Ordnung, der Feld der Spannungen beschreibt. Mit Hilfe der Spannungen und der Materialgleichungen wird es möglich sein die spezifische Verformungen zu bestimmen. Der Nachteil dieser Methode ist die Unmöglichkeit eines direkten Ausdrucks der Verschiebungen.

Durch eine Analogie mit die Airy'schen Funktion wurde eine "Potentialfunktion" der Verschiebung verwendet, der die Festlegung der gemischten Randbedingungen ermöglicht hat. Die partiellen Ableitungen dieser Funktion zeigen die Verschiebungen in die Richtung der Koordinatenachsen. Die Derivaten der Verschiebungen, also die Derivaten höherer Ordnung der Verschiebungsfunktion, geben uns die spezifische Verformungen und durch die Verwendung der Materialgleichungen, diese Derivaten höherer Ordnung führen uns zu die Spannungsfeld. Als Folge, uns wird es möglich sein die Festlegung der Randbedingungen in Form von vorgeschriebenen Spannungen unter eine direkte Beziehung zwischen die Verschiebungen und Spannungen. Diese Beziehungen werden durch Finite-Differenzen approximiert.

In die verfahren der Approximieren mit Finite-Differenzen, die reale Kontur wird durch eine Kontur ersetzt der sich aus horizontale und vertikale gerade Linien besteht. Weiterhin, die Randbedingungen in Form von vorgeschriebene Belastung haben uns zu einige Äquivalenzrelationen zwischen die Belastungen und Spannungen geführt. Je dichter der Feld ist, umso genauer wird die Gestaltung der Belastungen und die Approximierungen in den Punkten der Ecken werden einen geringeren negativen Effekt haben.

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REINFORCED GLULAM BEAMS USING SELECTED AND QUALITY SORTED WOOD LAMELLA

VAS Zsigmond¹

ABSTRACT

THE MANUFACTURING PROCESS OF GLUE LAMINATED TIMBER PRESCRIBES THE DETERMINATION OF WOOD LAMELLA STRENGTH CLASS BEFORE GLUING. THIS OPERATION TAKES PLACE IN GRADING MACHINES INTEGRATED IN THE FABRICATION TECHNOLOGY. STRESS GRADING MACHINES DETERMINE THE STRENGTH CLASS IN FUNCTION OF WOOD SPECIES, DENSITY AND MODULUS OF ELASTICITY IN BENDING OF THE MEASURED LAMELLA. HOWEVER, THIS METHOD IS NOT RECOMMENDED FOR LABORATORY SCALE EXPERIMENTS OR IN CASES WHERE THE SPECIMEN NUMBER IS REDUCED. THE REASON OF METHOD REJECTION LAYS IN THE HIGH PRICE AND THE UNEXPLOITED CAPACITY OF THE EQUIPMENT. THE PRESENT STUDY INTRODUCES THE NON-DESTRUCTIVE METHOD TO CLASSIFY THE WOOD LAMELLA USING THE PLG (PORTABLE LUMBER GRADER) DEVICE DEVELOPED IN THE FACULTY OF WOOD SCIENCES FROM SOPRON. THE MEASURED VALUES ARE COMPARED THEREAFTER WITH THE RESULTS OBTAINED BY DESTRUCTIVE METHOD.

KEYWORDS: LAMELLA, STRESS GRADING, NON-DESTRUCTIVE METHOD, REINFORCED GLULAM, BENDING.

INTRODUCTION

Glue laminated timber or the so called glulam is a beam type structural product produced by gluing together parallel oriented and finger jointed wood lamellas with similar width and thickness. Glulam is mostly used for long span applications such as residential, industrial or farm structures, sport arenas, swimming pools, etc. They are made of lamellas of the same thickness, joined the length, width and thickness by gluing.

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The most important characteristics of glulam are as follows :

- parallel orientation of the lamellas with the main axis of the beam;
- horizontal or rarely vertical orientation of the component lamellas;
- straight, tapered, plain or spaced curved shape of the beam with uniform or variable cross section;
- provide the utilization of low quality or small dimensional lumber, makes possible the uniform distribution of solid wood defects;
- the structure of these beams can integrate lamellas with different quality;
- the most stressed zones (faces) are made of superior quality lamellas without any defect, in the less stressed zone (core) low quality lamellas are placed.

Major advantage of the glulam structures lays in their high strength and stiffness providing increased loadbearing capacity and permits the utilization for high span applications².

According to the standards and dimensioning rules the quality class determination of lamellas is mandatory during the manufacturing process assuring the designed strength of the final product, glulam. Beside the afore mentioned restriction by the designed placement of lamellas with different quality classes the superior utilization of wood is realized (non-homogenous structures).

The European norms, namely Eurocode 5 introduces tables with strength quality classes of the glulam's in function of application fields. According to these two main categories are distinguished: H – with homogenous structure and C – non-homogenous structure, both with 5 quality classes.

In the manufacturing process, the stress grading machine is located just before the trimming operation and measures the force-displacement values obtained by bending. Having known the geometry, wood species and density of the boards the stiffness can be easily determined.

Because of the reduced number of reinforced laminated specimens³ the strength class was determined using a non-destructive method, i.e. the longitudinal vibration method.

² Moțoc, GLULAM - Technical guide, 4.

³ Issa and Khmeid, Advanced wood eng., 101.

OBJECTIVES

In the present study sought to determine the strength class of wood lamella to be embedded in the beams. Nondestructive method with Portal Lumber Grader (PLG)⁴ is based on longitudinal wave propagation in solid elements.

The main objective is the design of structures for symmetric laminated beams, reinforced and unreinforced so that the samples arranged in cross section to be constructed similarly sized for each beam. This may make a comparison of the results more accurate, in that test pieces are constructed using symmetrical lamella of the same strength class. Differences in resistance of the lamella will be eliminated or minimized and capacity reinforcement material embedded in the structure for much more precise.

The method is applicable as a glued beams compared to results from tests in bending - modulus of elasticity - the results can be compared with data by non-destructive analysis of beams.

MATERIALS AND METHODS

For modulus of elasticity (MOE) determination of specimens we used the vibration method. The elastic modulus characterizes the material tendency to be deformed elastically when a force is applied to it. This value is a key parameter in the case of structure dimensioning for bending based on Eurocode 5 (for example: roof structure)⁵. Modulus of elasticity correlates well with bending strength; therefore it can be used for strength quality class determination.

Theory of elastic vibration propagation in long beams

In the case of elastic vibration propagation elastic connections between volumetric parts of material plays an important role⁶. The propagation speed of elastic vibration in long beams it can be easily determined by dynamics laws. A beam with length l cross section A , density ρ , modulus of elasticity MOE is loaded with a force F parallel with the main axis at one of the ends for a short time τ (for example hammering). This shock compress the material and induce a longitudinal wave with the speed c and after the time τ

⁴ Portable lumber grader, 2.

⁵ Porteous and Kermani, Structural timber design, 12.

⁶ Divós, Non-Destructive wood analysis, 5-6.

reaches distance $l = c * \tau$; When the beam length is equal with l , at the time $t = \tau$ the opposite end of the beam displaces with Δl and the first end return in the relaxed position. At the time $t = 2 * \tau$ the first end displaces with the distance Δl because of the wave reflection.

According to the Hooks law:

$$\Delta l = \frac{l * F}{MOE * A} \text{ [mm]} \quad \text{or} \quad F = MOE * \frac{\Delta l}{l} * A \text{ [N]} \quad (1)$$

where: Δl – displacement after hit, in [mm];

l – sample length, in [mm];

MOE – modulus of elasticity, in [MPa];

A – cross sectional area, in [mm²];

F – sample action force, in [N].

As a result of the force $F\tau$ action each segment of the cross section will shift with the speed of $v = \Delta l / \tau$. In conclusion the whole mass moves $m = \rho A c \tau$. After the law of impulse displacement:

$$F\tau = m * v = \rho * A * c * \tau * \frac{\Delta l}{\tau} \quad (2)$$

where: ρ – material density, in [kg/m³];

c – velocity of wave propagation, in [m/sec];

τ – time of F force action, in [sec].

Substituting F with the previous relation and after simplification we obtain the sound velocity:

$$c = \sqrt{\frac{MOE}{\rho}} \text{ [m/sec]} \quad (3)$$

It is very important to underline that the above relation is valid just for long beams and longitudinal vibrations. In the case of large dimensions and other directions than parallel, the vibration propagation speed differs in function of direction:

$$c_{\text{long}} = \sqrt{\frac{\text{MOE}}{\rho} * \frac{1-\mu}{(1+\mu) * (1-2\mu)}} \quad [\text{m/sec}] \quad (4)$$

$$c_{\text{trans}} = \sqrt{\frac{G}{\rho}} = \sqrt{\frac{\text{MOE}}{\rho} * \frac{1}{2 * (1+\mu)}} \quad [\text{m/sec}] \quad (5)$$

Where: μ – Poisson's ratio;

G – modulus of rigidity, in [MPa].

In this case the vibration propagation speed will be determined from the frequency of the longitudinal vibration using the following equation:

$$c = 2 * l * f \quad [\text{m/sec}] \quad (6)$$

Where: l – beam length, in [mm];

f – the longitudinal vibration frequency, in [Hz].

Using the sound speed relation we have:

$$\text{MOE} = \rho * c^2 = 4 * l^2 * f^2 * \rho \quad (7)$$

In PLG user guide, specific gravity is determined by the following term:

$$\rho = \frac{m}{l * b * h * (1 + \frac{u}{100})} \quad [\text{kg/m}^3] \quad (8)$$

Where: ρ – specific density, in [kg/m³];

l – element length, in [mm];

b – element width, in [mm];

h – element height, in [mm];

u – moisture difference, in [%].

The EN-338 norm is dealing with static *MOE*. The Portable Lumber Grader software determine the dynamic *MOE* first then apply a correction factor to calculate the static *MOE*. The following term defines the *MOE_{static}*:

$$MOE_{static} = \frac{m}{l * b * h} * (2 * l * f)^2 * 0,92 * (1 + \frac{U}{50}) \text{ [MPa]} \quad (9)$$

In this case, U represent moisture difference between sample moisture content (measured) and beam element moisture content in use, for different use conditions, that will be make by these samples. Because we designed this beams for open building, but covered, moisture content in use is: $U_{use} = 15 \pm 3\%$ ⁷. For example, when we have sample moisture content 10%, U will be: $15 - 10 = 5\%$.

Principle of measurement

Using the method of determination is shown in the (fig. no. 1):



Fig. 1: The principle of samples measure

⁷ Götz et al, Construire en bois, 26.

Specimen being tested is resting on a scale, with contacts of polyurethane foam (sponge) to eliminate transmission of vibration. End of the bar is hit with a small hammer in the longitudinal direction. At the other end there is a microphone that receives sound propagated. Apply a low hit, so it does not cause displacement of the specimen at supports.

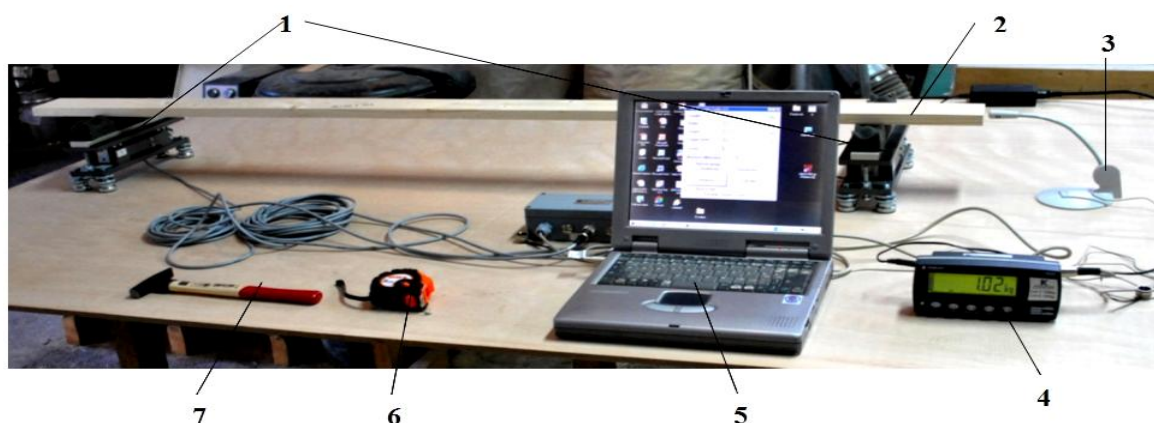


Fig. 2: Test equipment: 1 – balance; 2 – sample; 3 – microfon; 4 – balance control equipment; 5 – computer; 6 – measure tape; 7 – hummer

The material

The material tested is represented by a stock wood stock, in spruce species (*Picea Abies*), previously dried at $U=12\pm3\%$, processed to final dimensions: $L=1640\pm20\text{mm}$, $l=76\text{mm}$, $g=18\text{mm}$.

RESULTS

There were two sets of specimens analyzed as a total of 176 lamellas processed to final size in advance. The standard error of strength estimation by PLG is 8.0 MPa^8 . The measurement data were grouped in sets of 10 rows of data, an example is given in (Table no. 1):

⁸ Divós and Sismándy, Strength grading..., 7.

Table 1: Data set obtain for 1st serie of lamellas (cross section lamellas dimension: $b = 76$ mm, $h = 18$ mm)

Serie I	Density	Mass	Lenght	Velocity	Frequency	MOE _{static}	Grading class
Sample no.	(kg/m ³)	(kg)	(mm)	(m/s)	(hz)	(MPa)	-
1	454,6	1,02	1640	4844	1476	10491	C22
2	436,8	0,98	1640	5293	1613	10937	C22
3	436,8	0,98	1640	4307	1313	8290	C16
4	358,1	0,80	1633	4624	1416	8114	C16
5	520,2	1,16	1630	4572	1402	10479	C22
6	439,5	0,98	1630	4791	1469	9886	C20
7	412,6	0,92	1630	4474	1372	7898	C14
8	412,6	0,92	1630	4481	1373	7834	C14
9	395,9	0,88	1625	4880	1501	8876	C16
10	401,2	0,90	1640	5050	1539	9913	C20

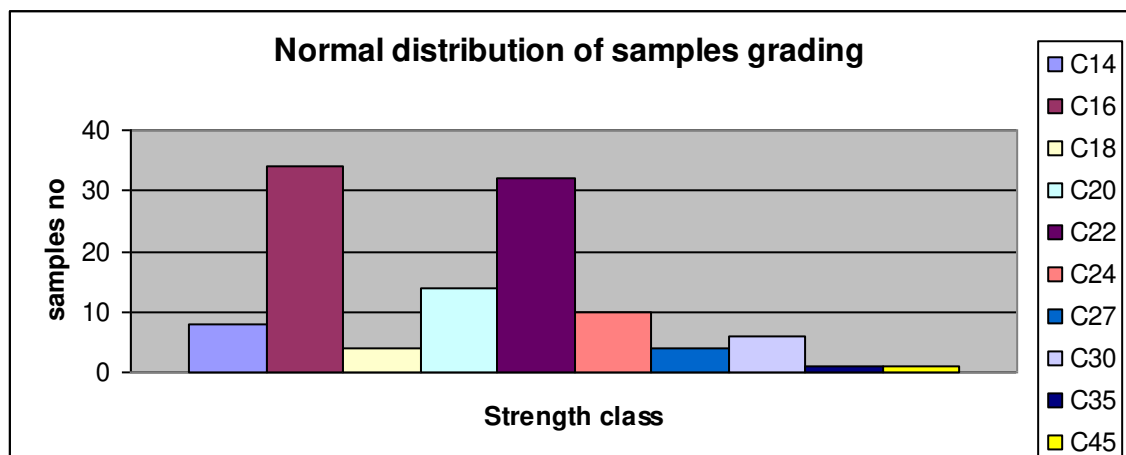


Fig. 3: Normal distribution of samples

In (fig. no. 3) reveals that most lamellas are between classes C16 and C24 and the most representative of the C16 and C22, including more than 50% of all sample analyzed.

Following results were laminated beams designed structures, presented in (Table no. 3), so that from lots of beams which will be compared to no significant differences on the quality of lamellas, such differences will appear only due to the reinforcing material embedded in beam structure. On the other hand, knowing the features of each blade resistance were constructed finite element models for comparison.

Table 3: Lamella characteristics in glulam structures

		lamella code	Density	Humidity	Length	MOE	Grading class
Beam notation		-	(kg/m ³)	%	(mm)	(MPa)	-
Unreinforced, horizontally laminated beams	FO1	I 1	454,6	11,0	1640	10699	C22
		I 9	386,9	13,5	1625	8133	C16
		II 3	439,5	13,2	1630	8894	C16
		I 5	520,2	12,5	1630	10160	C22
	FO2	III 3	471,9	12,0	1642	10100	C22
		II 10	420,3	14,7	1635	8973	C16
		III 4	433,2	11,5	1620	8909	C16
		IV 6	515,8	13,0	1644	10176	C22
	FO3	V 6	458,8	11,9	1625	10353	C22
		III 10	518,3	13,6	1636	8904	C16

Jute reinforced, horizontally laminated beams		IV 9	436,8	13,2	1640	8202	C16
		V 7	410,6	12,5	1638	10082	C22
	FO4	VIII 8	404,9	12,5	1625	10510	C22
		VI 2	422,1	13,2	1628	8233	C16
		VI 3	421,6	13,2	1630	8396	C16
		X 1	472,5	12,5	1640	10101	C22
	FO5	X 10	411,3	12	1635	11862	C27
		VII 5	448,5	10,8	1630	8964	C16
		VII 6	422,3	13,7	1627	8428	C16
		XI 6	429,2	12,5	1635	11813	C27
	lamella code		Density	Humidity	Length	MOE	Grading class
	JO1	II 8	413	11,0	1630	10699	C22
		II 4	422	13,5	1630	8133	C16
		II 5	431	13,2	1630	8894	C16
		II 9	492	12,5	1633	10160	C22
		IV 8	460	12,0	1620	10100	C22
		III 6	422	14,7	163	8973	C16

	JO2				0		
		III 8	499	11,5	164 0	8909	C16
		IV 10	457	13,0	163 0	10176	C22
	JO3	VII 8	412	11,9	163 3	10353	C22
		V 5	475	13,6	163 0	8904	C16
		V 8	385	13,2	163 2	8202	C16
		VIII 7	414	12,5	162 3	10082	C22
	JO4	X 6	447	12,5	163 6	10510	C22
		VI 7	466	13,2	163 0	8233	C16
		VI 8	465	13,2	163 5	8396	C16
		X 9	441	12,5	162 6	10101	C22
	JO5	IV 5	466	12	163 0	11862	C27
		VIII 6	421	10,8	163 3	8964	C16
		VIII 9	430	13,7	163 2	8428	C16
		IV 4	439	12,5	163 3	11813	C27

The beams with jute fiber reinforcement were prepared in a similar way, the lamellas were oriented horizontally. The measured modulus of elasticity was compared

thereafter with the non-reinforced beam values. 75 fibers of jute was utilized as reinforcement material, distributed uniformly in gluline no 1 and 3, like (fig. no. 4):

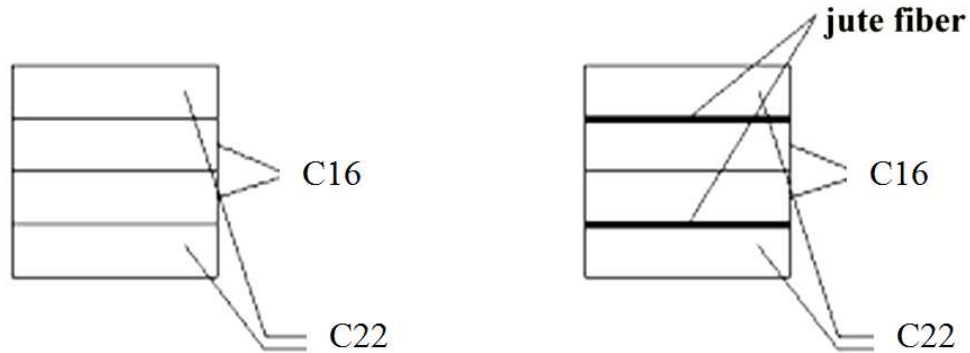


Fig. 4: Lamella position in horizontally glulam beams

For the beams with lamellas oriented vertical C24 strength class for faces and C14 in core was used both for the reinforced or unreinforced beams. Five specimens were prepared for each beam type (unreinforced and reinforced with jute) and for two directions: horizontally and vertically.

In (fig. no. 5) we have presented an comparative diagram with failure data of 4 point bending test. After data analysing we have 15% a strenght difference on jute reinforced beam in comparision with unreinforced beam.

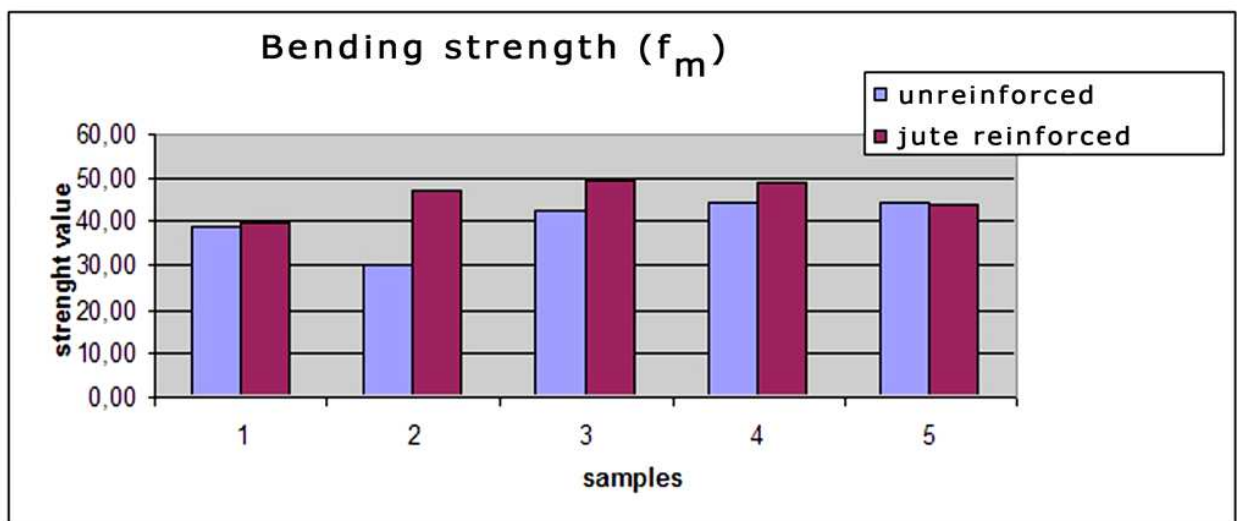


Fig. 5: Bending strenght, horizontally laminated beam

CONCLUSIONS

According to the results we can state that the non-destructive method used in this study is able to classify the embedded lamella's quality class and makes possible to design of beam structures with planned properties. Taking into account the higher accuracy of the model the reinforcing effect of jute fibers is more comparable.

The method can be utilized to determine the elastic properties of the beams and for the comparison of static and dynamic data.

Because of its usefulness, this method is planned to be used for lamella classification, reinforcement effect of different materials such as striated metallic bands, fiberglass and carbon fiber.

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DESCRIPTIVE ANALYSIS OF THE USE OF SPECIALIZED FINANCIAL ADVISORY SERVICES FOR SMES IN BRAȘOV COUNTY

NICOLAE Carmen-Magda¹

ABSTRACT

THE PAPER CONTAINS RESULTS OF A QUANTITATIVE RESEARCH ON THE USE OF SPECIALIZED FINANCIAL ADVISORY SERVICES TO SMES IN BRAȘOV COUNTY. ISSUES ADDRESSED INCLUDE VIEWS ON OUTSOURCING, HOW IS DECISION MAKING ON OUTSOURCING; HIGHLIGHTING THE MAIN FINANCIAL ADVISORY SERVICES OUTSOURCED IN TERMS OF THE IMPORTANCE GIVEN BY RESPONDENTS; CRITERIA FOR CHOOSING PROVIDERS OF FINANCIAL ADVISORY SERVICE; CHARACTERIZATION OF RESPONDENTS' EXPECTATIONS ABOUT IDEAL PROVIDER OF FINANCIAL ADVISORY SERVICES, THE USE OF FINANCIAL ADVISORY SERVICES TO SMES IN BRASOV COUNTY, SERVICES AND FINANCIAL ADVISORY SERVICES PACKAGES USED AND EXPENSES MONTHLY MEAN IT. THE RESEARCH INSTRUMENT IS A QUESTIONNAIRE WITH 28 QUESTIONS, APPLIED OVER 385 SMES IN BRAȘOV COUNTY.

KEY WORDS: MARKETING, FINANCIAL ADVISORY, SMES, CONSUMER BEHAVIOR, ORGANIZATIONAL CONSUMER

Introduction

Small and medium enterprises (SMEs) are the majority of companies involved in businesses, with multiple economic, technical and social functions.

Arguments in favor of this premise are:

- These firms generate most of the G.D.P. in each country, usually between 55% - 95% and provide employment for the majority of employment;
- SMEs generate a large proportion of the applicable technical innovations in the economy;
- They have the greatest dynamism in the market economy. This fact is certified of the development of their number, their turnover and size of employment, which is higher than that of large enterprises;

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- It is one of the main sources of income of the state budget (taxes, VAT etc.).
- SMEs enables social fulfillment for a considerable part of population, especially its most active and innovative segment, which "pulls" the economy after him;²

An important role in sustainable development, involving Environmental Marketing, is the creativity and innovation through the discovery of sources of cost reduction. They are sources for the development of clean technologies and products, industrial processes with low energy consumption and reduced costs.³

Market success of SMEs depends to a decisive extent of adoption and assimilation of knowledge organization activities provided by science management, marketing and finance. The financial resources of small and medium enterprises do not allow hiring a very large staff. They often turn to external consultants: handful companies or freelancers.

The methodology of the research

Previous research conducted among financial advisory firms in Braşov County showed that not enough information is known about consumer's organizational behavior which is included in the category of small and medium enterprises (SMEs). The results obtained from analysis and interpretation of data from qualitative research were used to establish the basis for a quantitative research covering SMEs in Braşov County.

Information obtained from the research will be useful for financial advisory firms in development of the marketing strategies for theirs SME's customers. In order to identify how small and medium enterprises turn to financial advisory services, it has been conducted a marketing quantitative research on the topic "Utilization of specialized financial advisory services by SMEs in Braşov County ". The research instrument is a questionnaire with 28 questions, applied over 385 SMEs in Braşov County.

Quantitative marketing research conducted had the following objectives:

- 1) To identify consumer's behavior of managers of SMEs in Braşov County regarding outsourcing of financial advice.
- 2) To identify consumer's behavior of SMEs on choosing a financial consulting firm.

² Nicolescu, O. and Nicolescu, C., Consultanţa pentru IMM-uri, curs, (Bucuresti: ASE, 2009), 1.

³ Funaru, Mihaela, "Environmental marketing between social responsibility and sustainable development", Business Excellence, 1 (2010): 193.

3) To identify types of specialized financial advisory services used by small and medium-sized businesses in Braşov County.

4) To determine the use of specialized financial advisory services by SMEs in Braşov County and the main sources of information in selecting a provider of financial advisory.

Respondents are managers in small and medium enterprises: CEOs, CFOs, accounting officers, very busy with their activities so it was required a rapid completion of the questionnaires.

Responses to questions were collected through directly survey, in interviews type "face to face", carried out over a period of 20 to 30 minutes.

Descriptive analysis of quantitative research results

Below is a summary of the main issues in relation to the objectives pursued.

Objective 1: The results of the first part of the questionnaire, consumption behavior of managers of SMEs in Braşov County - regarding outsourcing of financial advice - reflects a frequent use of outsourcing financial advisory services, only 19 companies (6.5% of local companies) indicating that they don't outsource financial advisory services. 76.1% of all firms in the sample proceed to outsourcing, 84.1% of companies outsource accounting services, 25,3% of firms outsource cleaning services and 20.8% cleaning services security guard services.

On the need to purchase additional financial advisory services, 11.3% of firms indicate banking advisory services, 10.2% of firms indicate tax advice (taxes and fees) and 9.1% mention security consultancy.

Referring to the difficulties encountered in starting procurement of additional financial advisory services, 80.7% of the interviewees consider that the price is the main obstacle, followed by opposition of the firms' management, probably due in connection with costs.

On intentions to give up financial advisory services in the next six months, 96.7% of companies choose to maintain their use and only 3.3% of firms intend to waive certain financial advisory services. In the latter category, 77.8% of respondents want to give up accounting consulting services, followed in equal proportions (11.1%) of audit services, advice on capital market operations and nonbanking financial consulting.

Regarding intentions to outsource financial advisory services in the future, only 36.6% of the companies consider that they will outsource financial advisory services in the future while 63.4% do not want this.

Objective 2: The results obtained from answers to questions about consumer's behavior of SMEs in choosing a financial consulting firm - it shows a balanced distribution of the types of outsourced financial advisory. A rate of 44.5% local companies collaborates with individual specialists from outside of the organization and 55.5% with specialized financial advisory firm.

The collected data shows that 42.3% of respondents perceive the meaning of specific terms and concepts used by financial advisers to be accessible to an extent average, 28.5% to a largely limited extent and 21.2% to a low limited extent. So in most cases, financial advisers succeed to communicate with an accessible language the content of the financial reports and analyze they develop.

On the grounds of waiver specialized financial advisory services, we can see that most companies (55.6% of respondents) indicated prices too big motivation of renunciation, followed by hiring its specialized staffing (33.3%). Poor service quality and lack of communication with the consultant are mentioned of the equal percentage of respondents, respectively 22.2%.

The managers of companies who participated in the research highlights their preferred ways of communication with financial advisory provider, listed in order of preference, the following:

- Directly by consultant's visit - 60.6% of respondents believe that quality is very good;
- Electronic mail - 32.8% of respondents consider the quality of this means of communication as very good and 31.4% very good;
- Directly by beneficiary's visit - appreciated by 30.7% companies as high quality and by 32.1% of firms as fairly good quality;
- Phone / fax - 35.4% of the respondents appreciated the telephone communication quality as very good and by 22.3% of the respondents as very good.

The researchers identified as the main qualities of an ideal provider of financial advisory following, listed in order of importance given by respondents:

- ➔ Confidentiality - 69% of SME's managers consider it very important and 18.6% of them as very important;

- The accurate of the financial assessments - 79.2% of respondents mention it as very important and 10.6% as very important;
- Timeliness - for 66.8% of the firms is a very important quality and for 19% fairly important;
- Affordable services - for 51.1% of the subjects is a very important quality and for 29.6% very important;
- “Client is a priority” - 44.9% of the subjects indicated this item as very important and 31.8% as quite important.

Objective 3: Regarding the types of specialized financial advisory services used by small and medium-sized businesses in Brasov County, the results reveal that 93.5% of all firms outsource some type of financial advisory services.

The types of financial advisory services, ranked in descending order of frequency of use are:

- Accounting consulting 97.4% (mean score 9.06 Quality)
- Advising on insurance 28.5% (mean score 2.51 Quality)
- Banking advisory 27.7% (mean score 2.43 Quality)
- Tax advisory 20.8% (quality average score 1.86)
- Assessment services 8.8% (quality average score 0.76)
- Financial audit services 7.7% (mean score 0.68 Quality)
- Advisory on capital market operations 1.1% (quality average score 0.98)
- Advisory on foreign exchange operations 1.1% (quality average score 0.98)
- Advisory insolvency 0%

Objective 4: It identifies and analyzes the use of specialized financial advisory services by SMEs in Braşov County. The results revealed that the studied companies have a relatively modest knowledge about financial advisory offer (an average of 5.91 consultancies known). 44.5% of managers interviewed appreciate their awareness of financial service providers offer in Brasov County as an average level, 35.4% of respondents know the offer to a small extent and only 13.5% of subjects largely know the offer.

On average, SMEs in Braşov County works with two financial advisory providers (mean score of the financial advice providers / SME is 1, 81).

The main sources of information for the selection of a financial advisory provider, in decreasing order of importance, given by the subjects are:

- ❖ Acquaintances' recommendations - chosen by 61.3% of respondents.
- ❖ A financial consultant' recommendations - mentioned by 55.5% of the companies.
- ❖ Recommendations of the managers of companies - mentioned by 42.3% of the companies.
- ❖ Internet 32.5% - indicated by 32.5% of the SMEs.
- ❖ Ads in newspapers and magazines - information used by 11.3% of respondents.
- ❖ Advertising on TV - used as a source of information of 7.3% of the companies.
- ❖ Radio Advertising - used as a source of information of 5.5% of the companies.

The data above shows that the various categories of recommendations are the main sources of information in choosing a financial advisory provider, followed at a great distance by information obtained through use of the internet. These findings require to the financial advisory providers to reconsider marketing strategies.

Conclusions and proposals

The results of the research reflect a frequent use of financial advisory services outsourcing, benefit for the representatives of these companies who wish to remain on the market and even to expand. Another positive element for financial advisers work is that in the near future (within 6 months), 96.7% of the companies choose to continue using the same financial advisory services.

The most preferred communication methods use with financial advice providers, in order of preference mentioned by managers – consultants' visit, electronic mail, beneficiaries' visit - shows an option for personal contact. Because recommendations are the main sources of information in selection of a financial advisory provider, credibility of the advisor is very important in financial business.

As a general conclusion, the results of this research highlight the importance of relationship marketing in managing a financial advisory company.

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CHANGES IN THE EDUCATION OF RROMA CHILDREN

TUDOR ARSENIE Adriana*

ABSTRACT

THIS REPORT ON EDUCATIONAL SOCIOLOGY AIMS TO ANALYSE THE IMPACT OF A SPECIAL PROGRAMME CALLED "EDUCATION PILOT AREAS", DEVELOPED IN TWO SCHOOLS IN BUCHAREST, UPON THE LEARNING RESULTS OF PUPILS BELONGING PRIMARILY TO THE RROMA COMMUNITY. THE EFFICIENCY OF THIS PROGRAMME REFLECTED IN THE ENHANCED SCHOOL SUCCESS, REDUCED ABSENTEEISM AND SCHOOL ATTRITION. THESE RESULTS WERE MONITORED SIX YEARS AFTER THE PROGRAMME WAS COMPLETED AND ITS RELEVANCE CONSISTS OF ITS DEMONSTRATION OF THE NEED TO CONTINUE SUCH PROGRAMMES. THE SURVEY WAS DEVELOPED AS A SOCIOLOGICAL INVESTIGATION WHICH RESULTED IN FINDINGS, PROPOSALS AND CONCLUSIONS ON THE OPPORTUNITY OF SUCH ACTIONS IN THE FUTURE. THE STUDY WAS DEVELOPED IN THE FORM OF A SOCIOLOGICAL SURVEY WHERE THE METHODS USED INCLUDED QUESTIONNAIRES, INTERVIEWS, PARTICIPATIVE OBSERVATIONS AND REVIEW OF SCHOOL RECORDS.

THE NATIONAL STRATEGY FOR RROMA AND THE LARGE NUMBER OF EXISTING GOVERNMENTAL AND NON-GOVERNMENTAL PROGRAMMES AIMING TO RAISE THE EDUCATION LEVEL AND SPREAD IT AMONG RROMA POPULATION ARE APPLIED PRESCRIPTIVELY IN THE SENSE OF EQUALITY OF CHANCES AND POSITIVE DISCRIMINATION, AND NO MONITORING OF RESULTS WAS UNDERTAKEN. THE STRATEGY FAILS TO NOMINATE THE RESPONSIBLE ACTORS FOR IDENTIFYING FINANCIAL RESOURCES, NOR DOES IT MENTION CASES WHEN FINANCIAL RESOURCES ARE EXHAUSTED AND PROGRAMMES STOP.

THERE ARE BUREAUCRATIC CIRCUITS, FINANCIAL BLOCKAGES, INCONSISTENCY OF ACTIONS, OFTEN CONTRADICTORY, WHICH INTERVENE BETWEEN THEORY AND PRACTICE. FOR INSTANCE, WHILE THE STRATEGY UNTIL 2000 PROVIDES THE IMPORTANCE OF THE SCHOOL MEDIATOR, IN PRACTICE 23 MEDIATOR POSITIONS WERE CLOSED IN BUCHAREST. THE AFTER-SCHOOL AND "SECOND CHANCE" PROGRAMMES CANNOT FIND SPONSORS, NGOS ACCESS PROGRAMMES FOR RROMA WHICH, DESPITE HAVING AN EDUCATIVE CHARACTER, ARE NOT ENDORSED BY THE MINISTRY OF EDUCATION, DO NOT GENERATE ANY CHANGES IN THE CURRICULUM AND DO NOT SPREAD GOOD PRACTICE EXAMPLES. SUCH PROGRAMMES ARE OFTEN NOT CHECKED BY EDUCATION SPECIALISTS, THOSE WHO ACCESS SUCH EUROPEAN FUNDS HAVE OTHER BACKGROUNDS AND DO NOT COLLABORATE WITH PROFESSIONALS.

KEYWORDS: RROMA INTEGRATION, EDUCATION STRATEGIES, SCHOOL FAILURE, ATTRITION, POSITIVE AFFIRMATION, INVESTIGATION.

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Introduction

The Romanian Government considered Rroma's integration by education as a national priority which is also to be found in the "Romanian Government's Strategy for Inclusion of Romanian Citizens belonging to the Rroma Minority for 2011-2020"⁴. This document provides the implementation of the principle of equality of chances by specific methodologies, the Rroma ethnics' access to quality education, as well as the development of human resources to prepare Rroma leaders, who in their turn are supposed to raise the collective level of Rroma citizens by culture and profession.

In my opinion the strategy is incomplete with regard to the clear definition of initial starting points, as it does not depart from a zero point and such progress cannot be monitored in the absence of references. For instance the investments made so far by the Romanian state, local administrations and NGOs are not mentioned. No references are given with respect to the degree of Rroma citizens' absorption on the labour market or to the scale of ethnic discrimination, differentiated by regions, urban - rural areas, categories of age, gender, ethnic affiliation. The strategy lacks the gender aspect of education, Rroma girls being the first to abandon school in order to get married very early and to take over domestic duties, according to tradition.⁵

The creation of separate classes for Rroma girls could be useful, within a "Second Chance" type programme, as the gender separation would give their parents the mentality security that girls do not interact with boys, Rroma ethnics or not; this would also give married girls the opportunity to complete their studies, to become aware of their rights, to become more up-to-date and give their children a different education.

The system of educational priority areas, which involves the principle of affirmative action, giving additional chances to children with learning difficulties and weak school results as a result of socio-economic drawbacks, was initiated in England in 1976⁶ (EPA - Educational Priority Areas). It was then taken over by France in 1981 and afterwards developed in most member states of the European Union. The system aims to support educative actions in such areas which are an obstacle to school success. Priority Areas covered both the urban environment with marginalised population, including Rroma,

⁴ *The Romanian Government Strategy for Inclusion of Romanian Citizens belonging to the Rroma Minority for 2011-2020*, www.gov.ro

⁵ Oana Baluta, Alina Dragolea and all, *Gender and political interests*, (Iasi: Polirom Publishing House, 2007)

⁶ Unicef, Institute of Educational Sciences, Mec, *Pilot Programme*, (Bucharest, 2004)

and rural areas. The EPA plans bring new elements with respect to the pragmatic perspective of learning, focused on practical competencies, a simplified curriculum and a practical perspective of scientific disciplines. Such actions were applied in schools no. 181 and 183 in Bucharest, which benefited from such projects, and generated positive actions.

Survey Stages

The survey stages followed the course of a normal sociological survey, as follows: statement of the research hypothesis, selection of the representative sample, defining the survey methods and techniques, data collection, analysis and interpretation.

1. Research hypothesis

A change in the curriculum in the two schools, by making it more flexible, the non-discriminatory education applied by teachers who were familiar with the issues of the Roma community and the change of the non-Roma pupils' attitude and the dominating culture towards Roma have led to a school progress compared to previous years, to a drop in absenteeism and a change in the Roma's attitude towards school. The change in teachers' and Romanian pupils' mentality towards Roma pupils has led to a raise in the levels of school graduation and participation to classes.

2. Sample Group

In order to verify this hypothesis we undertook a sociological investigation in two schools in Bucharest, District 1, Aviatiei neighbourhood, namely School 181 and School 183, where a well represented Roma community is present; the investigation was undertaken based on approval by the School Inspectorate of the Municipality of Bucharest. The investigation was undertaken in October 2011 and it involved participation of 134 teachers and 90 pupils in 3 classes, one class from the VIth, VIIth and VIIIth grades respectively, with a majority of over 50% Roma children. The schools were selected from the target group sample created by the Institute of Education Sciences, MEC and UNESCO, that is, from 25% of urban area schools with a low level of material resources and a negative school ethos.

This survey was based on previous efforts, within the Pilot Intervention Programmes, materialised in the "Educational Priority Areas System" (EPA), on studies

prepared by the Ministry of Education and Research, UNICEF and the Institute of Education Sciences between 2006-2009.⁷ The action programmes from which these schools benefited developed in the following directions: improving the material resource basis of the schools by providing them with specialised study rooms for various disciplines, with 2 computer science laboratories, new classroom furniture, and refurbishing the building and the pupils' restrooms; introducing in the school curriculum the optional subject "Roma culture and tradition"; teachers' training by specialised courses held at the Professors' House ("Casa Corpului Didactic") on fighting against discrimination, on multiculturalism and tolerance, innovative teaching strategies (attended by about 15% of the teachers in the sample group). These courses were paid for by teachers, as no funding is available for teachers' training, although they have to take a number of 90 credits every 5 years by continuous learning.

The Ministry of Education and Research and the Institute of Education Sciences offered support and auxiliary materials and the local administration supplied funds for equipping these schools. The special strategy promoted in these EPA areas aims at pupils facing a major risk of school failure, at pupils who have not attended school by the age of 10 or who have abandoned school 1-2 years ago. One particularity of this strategy is the common body with a lower number of classes and with more optional subjects at the school's discretion.

A) Roma and non-Roma pupils have been questioned within the survey, as well as the teachers who teach at these classes. We have studied the scale of ethnic discrimination, the content of school curriculum which induces discriminatory stereotypes, as well as families' interest in school matters.

B) We have analysed school records such as transcripts, register of grades, records of pupils' distribution per classes, examination result, and school infrastructure related to the equipment held by these schools as compared to other schools with Romanian pupils, as per the reports to the School Inspectorates at the end of the school year.

⁷ Mihaela Jigau, *Final Evaluation Report of Pilot Intervention Programmes by means of Educational Priority Areas*, UNICEF and MEC, (Bucharest, 2006)

3. Investigation methods and techniques used

The sociological survey used quantitative methods such as the questionnaire, applied to pupils and teachers who teach at those classes, as well as qualitative methods, the semi-standardized interview used in the discussions with parents, the focus-group used in collective discussions with professors, the school director and secretary staff. Participative observation has also been used, by the direct participation of the researcher in normal classes and counselling classes.⁸

Data collection instruments were paper based, in the case of questionnaires and observation sheets, and a tape recorder was used for participation in classes and for free discussions.

4 Data collection was performed by 2 operators, and 5 (result analysis) was undertaken by a sociologist, by means of data base software.

Development of the survey

The 2 schools were selected based on a series of characteristics of the schools and the community.

The community of pupils in Schools 181 and 183 is characterised by severe socio-economic disadvantage, by a high level of poverty, at the sustenance limit, which affects a significant number of families. The pupils' parents have a low level of education and occupation, precarious living conditions, being concentrated in a shanty suburb inhabited by Rroma population.

Many parents have a reserved attitude towards school and the importance of education; however the local community has supported this school over the last 5 years.

Both schools face a high level of school attrition, almost 10%, and a high degree of grade repetition, almost 5%. In addition there is a significant percentage of pupils with learning difficulties.

In the first stage of the survey we applied questionnaires to teachers and pupils, followed by individual discussions, in order to identify the general characteristics of human resources, to define the professional development requirements and to review the more general issues faced by the school.

⁸ Babbie Earl, *The Practice of Social Research*, (Wadsworth Publishing Belmont, USA, 1992.)

A review of results from 134 teachers led to a series of interesting findings listed below.

From the total of 134 teachers in the 2 schools, all are qualified teachers, with appropriate studies for the disciplines they teach. The team of teachers was balanced in terms of age, most of them having a length of service between 18 and 25 years (57%), and more than half of them having worked in that school for 5 to 15 years. From the point of view of professional qualification more than 60% hold the teaching degrees II and I, and most of them are professors in ordinary. The gender structure is 78% women and 22 % men. These data indicate an 8% deviation from the overall human resource status in Bucharest. The error margin, higher than 5%, was an assumed limitation of the survey.

Teachers' opinions on the studied subject

The discussions held with teachers revealed their perception on the problems faced by the school. Six years after the school refurbishment and the change in curriculum professors say there are no resources available to continue this direction, their salaries are demotivating, they are discontent for having to pay for themselves the tuition fees for the continuous learning courses, and are dissatisfied with pupils' performance. Almost all of them mentioned the children's difficulty to adapt to the school environment, which later on leads to school failure. In the teachers' opinion the main reasons for such difficulties are related to the family environment, considered unfavourable for the development of children's personalities, both from an economic and from an educational and affective point of view, given the lack of communication with children, the large number of families with alcohol consumption and the violent environment where children live. Another cause is the lack of access to kindergartens and to the preparatory year for Roma children.

Another general opinion is the parents' lack of interest in school attendance, as a result of their lack of awareness of the role of education as well as of the lack of real perspectives that education is able to offer on the labour market. The precarious economic standing of Roma families do not allow for minimum conditions (clothes, shoes), particularly during adverse weather conditions with low temperatures, snow, rain.

Teachers also list among causes the Roma community traditions, which favour easily won money, without any systematic work, and the lack of an all round education among parents which leads them to minimise the importance of school. Such considerations may be assertive but should be listed among the causes indicated by

teachers, although they are among the stereotypes about Roma which they were taught to overcome.

Unfortunately none of the teachers indicated among the causes of school failure the lack of special educational methods, with alternative educational approaches.

The teachers believe that intuitive teaching materials would be necessary for such classes, with a visual or auditive impact, such as video-players, educational tapes, waxwork objects, educational software. All teachers interviewed believed it would be necessary to introduce an extended study programme for Roma pupils, including afternoon hours.

Teachers also believed that provision of a hot meal (snack) and free stationary would positively impact upon school attendance, given the unstable economic standing of the families and the experience from the "Bun and Milk" programme. Teachers expressed their reserves with respect to organising extra-curriculum activities to involve both parents and other members of the community, as in their opinion this would positively impact only upon a small number of parents. The main reason invoked was the lack of interest of most parents towards their children's education.

Teachers believe that the school's prestige has gradually diminished as a result of the raise in the Roma population percentage, the higher severity of economic problems following the crisis, the higher number of disorganised families due to emigration. Most teachers maintained they feel psychologically unmotivated for working in these schools.

The fact that pupils belong to different ethnic groups is not perceived as an opportunity for inter-cultural education, cultural dialogue being deficient and considered to be rather an obstacle.

At the same time teachers mentioned the lack of involvement of the Roma community in solving school's problems, as well as the non-governmental organisations that do not appear to get involved in schools. The data analysis based on the questionnaire applied to 134 teachers, of which 103 women and 31 men indicated the following data:

Question 1, referring to difficulties faced by Roma pupils, was answered by 97% of the teachers, as follows: poor school results (70%); absenteeism (60%); indiscipline (46%); lack of any connections between school and family (43%); graduation failure (41%); lack of interest for education (41%); school attrition (27%).

Poor learning results of Roma children are generated by absenteeism, the lack of relationships with the family, the lack of a tradition for intellectual work which lead to a

lack of interest in learning, to indiscipline, graduation failure and school attrition, which later on turn into violence, alcoholism and a high level of social misdemeanour.

In relation with question 2 on identifying ethnic discriminatory elements in the school curriculum, 82% of teachers said there is no discrimination, 14% maintain there is discrimination by avoidance of the issue, and 4% expressed no opinion.

In relation with question 3, on the presence of any verbal or physical conflicts among Roma and other pupils, 63% of teachers answered positively, 31% negatively and 6% expressed no opinion.

The types of conflicts mentioned are reciprocal injuries, verbal and physical, to a smaller extent within the school. Romanian pupils ignore and isolate the Roma pupils, while the latter try to draw attention upon themselves by shocking deeds and words. An example of frequent conflict are the references to the Roma pupils' parents and their living conditions, the Romanian pupils repeating stereotypes learned from their families and from mass-media, the Roma being called "lazy, dirty, ignorant, thieves".

In relation with question 4 teachers mentioned that they are more strict with respect to discipline in Roma classes (52%) in order to prevent any misconduct, and more lax with regard to the educational content, teaching only minimal, non-performant content, given the poor learning results.

In relation with question 5, regarding a potential adjustment of the curriculum for Roma classes, most of the teachers (80%) consider this is not necessary, due to the teachers' inertia with respect to curriculum changes and even to their hostility towards reform changes, which were often just formal. The 15% of teachers who believed that the curriculum should be changed (question 6) gave some valuable answers. These answers include: teaching in Rromani language for grades I-IV, optional courses of Rromani language and culture for Roma classes, cultural projects, party events with specific traditional clothes, music and dance, increasing the role of the school mediator in family involvement, re-design of mathematics exercises with examples from everyday life.

They have noticed there is a hidden, subliminal curriculum, based on which pupils learn unintentionally, and a kind of social desirability is introduced. "Don't be like a gipsy", "Don't spit, don't wear dirty clothes like a gipsy", are educative phrases often used by teachers. This hidden curriculum also includes allocation of different resources, disciplinary practices, arrogance towards Roma pupils, cloaked contempt, often

materialised in their desk placement in classrooms, these pupils being usually left to sit in the last desks.

Question 7, regarding the existence of equal chances for Rroma, was answered positively by 72% of teachers, justifying this by the places reserved for Rroma ethnics in high schools and universities, by political representation, by NGOs. Other 26% of teachers maintain that equality is only formal; the lack of economic resources being a disadvantage for them, and 2% expressed no opinion.

Conclusions

1. The survey undertaken in the two schools in Bucharest indicates a better absorption of Rroma pupils and a reduction in school failure, without any significant impact upon changes in the Rroma's mentality towards school. A small progress was noticed in comparison with the previous period (2000-2005) and with the surveys undertaken in pilot schools in Giurgiu and Bacau. The fact that local authorities in Bucharest equipped these schools with better material resources and that teachers with specialised studies are employed here, with a low fluctuation in professorial chairs, who have also become more familiar with specific issues, have generated a certain progress.

2. The Rroma pupils' mentality towards school has changed in the sense that they are more motivated to complete the primary course, both girls and boys. School results remained modest, but improved in comparison with the period 2000-2005; the graduation percentage raised by 4% as compared to the period prior to this programme. Results are directly proportional to the pupils' material, hygiene and living conditions.

3. The mentalities of non-Rroma pupils towards Rroma remained unchanged, being fuelled by mass-media, by the social environment which is hostile to interculturality; such stereotypes, taken over by Rroma children themselves, are sources of future discrimination.

4. Teachers' perception of schools with Rroma pupils is negative: they are not prepared to work with these classes, they are not motivated, not enough of them have taken specialised courses for a differentiated approach, they do not value differences. Although they do not express this explicitly towards pupils, teachers have an implicit hostile or reserved attitude towards Rroma, considering them "a necessary evil".

5. Financial resources are not satisfactory, both in terms of the low wages of teachers, who have to work harder with these classes, and of lack of funding for training

courses on differentiated approaches. Special programmes for Rroma are financed only on short term, and once they are completed, things revert to the previous status.

6. The gender element of education is missing; it would be useful to set up special classes for girls who have given up school in order to get married, classes such as "Second chance" or "Parents' school" where they could continue their education.

7. I believe the school mediator positions are extremely useful, as full-time teaching staff, as well as the school counsellor positions who should direct children professionally towards traditional vocations. Right after the 8 grades graduated pupils should be included in an offer for integrated vocational school, lasting 6 months or 1 year, where they could learn a range of traditional or modern crafts such as drivers, cooks, locksmiths, with scholarships being granted so as to attract pupils.

8. The assumed deficiencies of this survey consist of the generalisation of an empirical and limited experience, as the survey was not exhaustive but instead was local, undertaken with personal resources.

9. The school's perception of Rroma pupils has only changed to a small extent, as a result of special school programmes implemented, in the sense of a better school absorption and a better awareness of specific issues related to the education of these children. Following the media coverage of these programmes, the activity of some NGOs and the EU requirements for minority integration, an important breach occurred in the theoretical consideration of this issue, which was evaded until 10 years ago. There is a long way to go between theory and practice, which should be permanently supported, regardless of political changes.

Given the objective learning progress presented by this survey, I believe the affirmative policy should be continued in a new stage, consisting of teachers' preparation for a flexible teaching approach, a change in curriculum so that Rroma pupils should feel included, a variety of optional subjects and programmes to support these children in preparing their homework and achieve performance, and, of course, funds are necessary to develop such programmes.

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