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Editorial

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Moral values are those that guide ethics. Ethics comes from the Greek ethos, which usually has meaning, and Aristotle, who used the term, studied people’s behaviors to see their tendencies, the relationship between morality and people’s actions, which were either moral or less moral. Ethics is the science that deals with the study of the main patterns of behavior and their relationship with morality. Christian ethics deals with the study of human behavior in the light of scriptural teachings and predominantly the Ten Commandments, and can conclude that ethics is meant to be a study of proper, harmonious and just behavior, and morality is the foundation of ethics. Parents are the first to lay the foundations for the later moral and ethical behavior of children, and the child will not necessarily become what the parent wants, but what he is, because he copies more what he sees than what he hears, to which he will add the values discovered in the formative process of education. Morality teaches us how to think healthily, and ethics teaches us how to act in this direction.

Morality and ethics intersect because one can be ethical, without being moral, or be moral, without being ethical. From the intersection of morality with ethics appear common values, but also specific values. From an ethical point of view, according to Kant’s conception, morality is unchangeable, and ethical values are adjustable, adaptable, different from one culture to another. What is considered to be good, to be ethical in one culture, is not considered the same in another culture. What was considered ethical in one generation is not considered the same in another generation. Thus, while ethics changes and adjusts its values, morality does not change its values, being applicable in any generation and any culture, due to the fact that they support and defend fundamental human rights.

Morality aims to always show us what is good and what is bad, and ethics teaches us how to apply this, living in such a way that we are safe from doing bad. Ethics is also about relationship and attitude, but morality goes beyond them. Man is endowed with two specific freedoms. Man, as a human being, is endowed with the freedom to exist, which is a supreme freedom and with the freedom to act, but through the freedom to act one can violate the freedom of existence of the other. Thus, the freedom to act must always be used in such a way as not to jeopardize

the freedom and right of existence of others. Ethics teaches the art of knowing how to live, of living beautifully, elegantly, of living and appreciating the beauty of moments, even the most fascinating show can turn into suffering if it is not lived beautifully. Joy and appreciation poured out on others will return to the one who pours it out, because joy and happiness do not come from others, but only to the extent that we pour it out on them, it will return to us as well. The good moral values that a person has will lead to a good ethic. Morality is meant to shape human thinking, and ethics makes morality come to life. Human personality is defined by four factors, namely: free will, uniqueness, conscience and social being. Freedom of choice is a foundation, a natural right inherent in any human being. Thus a moral and ethical person will not disregard, disapprove, minimize one's choice, based on his freedom of choice and his uniqueness, for the fact that being unique people we as human beings cannot perceive the same. A man with a clean ethical behavior can feel truly free, because the lack of guilt, of duty to someone, gives the feeling of a freedom that every being dreams of.

Ethics in general addresses both the individual and social policies. From a social point of view, people need unity of behavior at least in the great problems facing humanity, but when it comes to ethics on a personal level, due to the fact that we are unique, we have unique perceptions, we have the ability to understand, unique exploration, critique and analysis capacities, we must respect ourselves, because uniqueness is a factor of growth, of personal development to the limit when the rights of the other begin. Anyone can have personal ideas but in society the behavior must be according to social ethics or according to the respective community. We mention the fact that it is possible for a social ethic to violate some moral principles for various reasons. Under these conditions, the individual must decide not to violate the code of moral values that he has and which is inviolable. For a person with strong moral principles, they will always have priority, overcoming the requirements of social ethics when they stumble from their own moral values, even at the risk of suffering consequences, and the person being sanctioned by society for such an attitude.

The Stoics, who discovered one by one the three great pillars of philosophy, and the first pillar was considered to be theory. They looked at the universe and found it to be very orderly, clean, harmonious and concluded that this could be the model for humans and while studying the universe they discovered the essences of the world, and the first of them was considered to be harmony, justice and beauty, calling it *kosmos*, which means beautiful. Fascinated by this essence, the beauty, harmony and order of the universe, the Stoics concluded that humans should copy this divine essence of the universe and live defined by beauty, harmony and order.

Ancient Legal Codes as Basis for Artificial Intelligence Regulations in the 21st Century*

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ABSTRACT: Three ancient legal codes are discussed in light of the currently ongoing introduction of Artificial Intelligence (AI), robotics and big data insights into our contemporary society. To an extent as never before, computers are supporting human input, decision making and provision of data. AI, algorithms, robotics and big data are used to derive inferences for monitoring large-scale trends, detecting and measuring individual risks and chances based on data-driven estimations. Through machine learning algorithms and unprecedented data storage and computational power, AI technologies have most advanced abilities to gain and process information as decision making aids. Yet the currently ongoing digitalization disruption imposes ethical challenges and demands for regulatory consensus and legal action. When trying to find right, just and fair solutions in the introduction of novel technologies in society, the ancient legal codes of the Athenian city state, Roman law and the Code Napoléon may offer insights how to regulate complex new challenges ethically enriched with the wisdom and historical precedent of previous times. In particular, the ancient Athenian city state featured a diversified society that offered stratified

*The following article is based on a study initiated and curated by Dr. Dieter Feierabend at NEOS Lab and executed by Julia M. Puaschunder during Summer and Fall of 2019. Funding of the European Liberal Forum at the European Parliament is most gratefully acknowledged.

citizenship rights and obligations. The Roman law conduct around slavery holds invaluable insights how to tax profitable market solutions and instill liability safety procurements for non-human market actors. The Code Napoléon defines different classes of market actors in society with different rights and obligations to engage in economic markets. All three legal regimes have endured for centuries and inspired very many different legal jurisdictions and national societies around the world and will hopefully imbue highest ethical mandates and standards in our contemporary arising technologies in a world-wide digitalizing world.

KEY WORDS: Advancements, Artificial Intelligence (AI), Athenian city state, Code Napoléon, Corruption-free maximization of excellence and precision, Economic growth, Ethics, Healthcare, Human resemblance, Humanness, Innovation, Liability, Market disruption, Market entrance, Rational precision, Roman law, Social stratification, Supremacy, Targeted aid

Artificial Intelligence (AI)

Artificial Intelligence (AI) is “a broad set of methods, algorithms, and technologies that make software ‘smart’ in a way that may seem human-like to an outside observer” (Noyes 2016). The Oxford Dictionary defines AI as “the theory and development of computer systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.” AI describes the capacity of a computer to perform the tasks commonly associated with human beings. It includes the ability to review, discern meaning, generalize, learn from past experience and find patterns and relations to respond dynamically to changing situations.

AI is perceived as innovative technology. As the sum of different technological advances in the privilege of the private, technological sector with currently developing regulation (Dowell 2018). Machine learning are computational algorithms that use certain characteristics to learn from data using a model (Samuel 1959). The “human-like” intelligence of machines derives from machines being created to think like humans but at the same time to also act rationally (Laton 2016; Russell & Norvig 1995; Themistoklis 2018). What specifies the emergence of socio-cognitive robotics is that humanity is at the threshold of replicating an intelligent and autonomous

agent (Meghdari & Alemi 2018). In order to enhance the ability of social robots to successfully operate in humane ways, roles and environments, algorithms are currently upgraded to a new level of physical skills and cognitive capabilities that embrace core social concepts (Meghdari, Alemi, Zakipour & Kashanian 2018).

It should be emphasized that international definitions and codifications of AI sometimes differ considerably. Based on the definition, the scope and granularity of AI related regulation varies. The European Union for example defines AI as followed (AI HLEG 2018): *“Artificial intelligence (AI) refers to systems designed by humans that, given a complex goal, act in the physical or digital world by perceiving their environment, interpreting the collected structured or unstructured data, reasoning on the knowledge derived from this data and deciding the best action(s) to take (according to pre-defined parameters) to achieve the given goal. AI systems can also be designed to learn to adapt their behaviour by analysing how the environment is affected by their previous actions. As a scientific discipline, AI includes several approaches and techniques, such as machine learning (of which deep learning and reinforcement learning are specific examples), machine reasoning (which includes planning, scheduling, knowledge representation and reasoning, search, and optimization), and robotics (which includes control, perception, sensors and actuators, as well as the integration of all other techniques into cyber-physical systems).”*

In contrast, the United States legislature has defined a much more specific and operationalizable definition (National Defense Authorization Act for Fiscal Year 2019): *“In this section, the term “artificial intelligence” includes the following: (1) Any artificial system that performs tasks under varying and unpredictable circumstance without significant human oversight, or that can learn from experience and improve performance when exposed to data sets. (2) An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action. (3) An artificial system designed to think or act like a human, including cognitive architectures and neural networks. (4) A set of techniques, including machine learning that is designed to approximate a cognitive task. (5) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision making, and acting.”*

As a predicted trend, the co-existence of AI with the human species is believed to change the fundamental concepts of social, political and legal systems alongside raising unprecedented ethical dilemmas. As AI will not be an exact replication of human intellect behavior, the “robots’ autonomy raises the question of their nature in the light of the existing legal categories – of whether they should be regarded as natural persons, legal persons, animals or objects – or whether a new category should be created, with its own specific features and implications as regards the attribution of rights and duties” (EU Committee on Legal Affairs 2016, 5; Themistoklis 2018).

In the legal codification of AI, there is a current trend of attributing human legal codes to AI in the civil and common law jurisdictions. This trend accounts for one of the most groundbreaking contemporary legal and judicial innovations as until now legal personhood has only been attached directly or indirectly to human entities (Dowell 2018). In Saudi Arabia the first female robot got a citizenship in 2017 and the robot appears to have more rights than a human female in Saudi Arabia. With the rise of AI persons, their eternal life poses ethical challenges in light of overpopulation and evolutionary perfection. Questions arise as to when and how to switch off or “kill” unwanted AI activities. The detachment of legal personhood from human being now remains somewhat of a paradox causing an extent of “fuzziness” of the concept of personhood (Barrat 2013; Solum 1992, 1285). As AI gets bestowed with quasi-human rights, defining factors of human personhood will need to be adjusted (Dowell 2018).

Autonomous AI entities are currently considered legally as quasi-human beings, hence self-rule autonomous entities. Also references to products and services, slaves, animals and employees have been made (Themistoklis 2018). As AI emerges as new types of intellect capacities coupled with human-like emotional features, they are attributed a legal personhood in order to ensure to be comprehended correctly and to avoid unfair treatment, towards humans as well (Themistoklis 2018). Artificial entities are currently gaining human or quasi-human status in the Western and Arab worlds by forming an intellectual autonomy of the entity – e.g., via citizenship and quasi-human rights applied in the Common Law but also Roman Law territories of the US and the EU. Robots have recently

gained citizenship. Leveraging AI entities to the status of being through the attribution of legal personhood raises challenging legal and ethical questions (Puaschunder 2019a, b, c). With attributing quasi-human rights to robots, ethical questions arise of a stratified population and sustainability when considering the eternal character of robots. 3 legal codes for enabling a diversified citizenship: Ancient Athenian city state (classes of citizens with active and non-active or no voting right at all), Roman Law (liability predicaments solved in taxation and risks involved in slavery) & Code Napoléon (male and female differing on property rights and market activity). Robots may only be citizens for their protection and upholding social norms towards human-like creatures but may not have full citizen privileges such as voting, property rights of possession and holding a public office.

Today's governments have also been transformed under the impact of the digital revolution. Instant information flow, computational power and visualization techniques, sophisticated computer technologies and unprecedented analytical tools allow policy makers to interact with citizens more efficiently and make well-informed decisions based on personal data. New media technologies equip individuals with constant information flows about informal networks and personal data. Novel outreach channels have created innovative ways to participate in public decision making processes with a partially unknown societal impact at a larger scale, scope and faster pace than ever before. Big data analytics and the Internet of Things automate many public outreach activities and services in the 21st century, which are increasingly spreading into the medical profession and social care. Internet-enabled devices for monitoring and managing the health and well-being of users outside of traditional medical institutions have rapidly become common tools to support healthcare. Health-related Internet of Things technologies increasingly play a key role in health management, for purposes including disease prevention, real-time tele-monitoring of patient's functions, testing of treatments, fitness and well-being monitoring, medication dispensation, and health research data collection. Ethical problems stemming from the inherent risks of internet enabled devices, the sensitivity of health-related data and their impact on the delivery of healthcare (Mittelstadt, Allo, Taddeo, Wachter & Floridi 2016; Mittelstadt & Floridi 2016). Not only do we benefit from

the greatly increasing efficiency of information transfer, but there may also be potential costs and risks of ubiquitous surveillance and implicit persuasion means that may threaten democracy (Puaschunder 2019a, b).

Societal classes in the age of digitalization

Behavioral Economics revolutionized decision-making theory by vividly outlining in numerous laboratory experiments, field studies and big data analyses that people make decisions based on rules of thumb (Gigerenzer 2014, 2016; Kahneman & Tversky 2000). Behavioral economists have recently started to nudge – and most recently wink – people into favorable decision outcomes (Thaler & Sunstein 2008). Constructing a certain choice architecture was meant to help people fall naturally towards a more economic outcome or pro-social choice. The most recent behavioral insights trend applies behavioral economics in the public administration and policy domains to improve society (Akerlof 2009; Kahneman 2011; World Bank 2015). Although big data insights stem from inferences over time and drawing conclusions from a wealth of data available as never before in history; hardly any information exists about the ethics of big data insights to nudge the general populace.

A novel application of behavioral insights derived from algorithmic learning and big data is to address a hidden social class division in the nudgital society (Bowles, Edwards & Roosevelt 2005; Puaschunder 2017a, b, c, d; Sidanius & Pratto 1999; Tajfel & Turner 1979). As big data analyses are these days used to derive inferences about human beings and market trends with many different applications ranging from voting analyses, democratic decisions, sanctioning within the healthcare and transportation sector; a power divide emerges between human and AI. While the motivation behind nudging appears as a noble endeavor to foster peoples' lives around the world in very many different applications (Marglin 1974), the nudging approach raises questions of social hierarchy. The motivating force of the nudgital society may open a gate of exploitation of the populace and – based on privacy infringements – stripping them involuntarily from their own decision power in the shadow of legally-permitted libertarian paternalism and under the cloak of the noble goal of welfare-improving global governance.

Nudging enables nudgers to plunder the simple uneducated citizen, who is neither aware of the nudging strategies nor able to oversee the tactics used by the nudgers. The nudgers are thereby legally protected by democratically assigned positions they hold or by outsourcing strategies used, in which social media plays a crucial role.

In the digital age, social media revolutionized human communication around the globe, yet also opened opportunities to unprecedentedly reap benefits from information sharing and big data generation. The law of motion of the nudging societies holds an unequal concentration of power of those who have access to compiled data and who abuse their position under the cloak of hidden persuasion and in the shadow of paternalism. In the nudgital society, information, education and differing social classes determine who the nudgers and who the nudged are. Humans end in different silos or bubbles that differ in who has power and control and who is deceived and being ruled. The owners of the means of governance are able to reap a surplus value in a hidden persuasion, protected by the legal vacuum to curb libertarian paternalism, in the moral shadow of the unnoticeable guidance and under the cloak of the presumption that some know what is more rational than others (Camerer, Issacharoff, Loewenstein, O'Donoghue & Rabin 2003).

The strategic use of heuristics differs across social classes. Nudging becomes a prerogative of the elite, who has more information given a difference in access to compiled information. In the nudgital society, information about others plays a key role in determining a competitive advantage. The digital age has brought about unprecedented opportunities to amalgamate big data information that can directly be used to derive inferences about people's preferences in order to nudge and wink them in the nudgitalist's favor. Social classes have different levels of education and insights about the nudgital act, which lead to different confidence levels in their economic choices to act on the nudgital insights and to abstain from opt-out devices. Those who reap surplus value are naturally blessed with higher income levels and elevated educational backgrounds coupled with self-confidence, which leads to less susceptibility to fall for nudges and winks (Puaschunder 2019d). These elite circles are more confident in their decision making and respond more well-informed to opt-out options.

All these features lead to an unprecedented contemporary class struggle between the nudgers (those who nudge) and the nudged (those who are nudged), who are divided by the implicit means of governance in the digital scenery. In this light, governing our common welfare through deceptive means and outsourced governance appears critical. In combination with the underlying assumption of the nudgers knowing better what is right, just and fair within society, the digital age and social media tools hold potential unprecedented ethical challenges. The detected hidden class conflicts may be solved by drawing from ancient legal codes that defined different citizenship classes that lived together in harmony. The following part draws from the ancient Athenian city state, Roman law and the Code Napoléon to derive inferences for the contemporary introduction of AI into our society, economy and democracy.

Usage

Human preponderance over AI: When considering the enormous physical and longevity advantages AI hold over human, a natural dominance of AI over humankind is implied. In order to ensure that human lead AI and are not subordinated, a society should be established, in which robots gain quasi-human rights but may not have the same powers and rights as human beings. In the earliest form of democracy in the ancient Athenian city state, different classes of citizenship existed. The Athenian form of direct democracy serves as an example of not all citizens being allowed to vote being a feasible governmental structure but also – as for its direct character – as a forerunner of electronic democracy. A future world with AI blended into society could structure the human – AI relation based on the ancient Athenian city state societal composition, in which different classes of citizenship lived together in relative harmony. As in the ancient Athenian democracy model, not every citizen should have the right to vote, run for office and participate in political discussions. AI could become citizens, yet not be allowed to vote, run for office and participate in political discussions. Yet to all, AI and human, democracy and citizenship is meant to protect and uphold dignity of all people and AI.

In order to create a more inclusive democracy than the ancient Athenian, a direct electronic democracy may be introduced, in which voters vote on a political agenda featuring different spectra of choices (e.g., libertarian versus state-controlled, pro-against immigration...) and the mean of their choices then gets processed by algorithmic choice of programs to be enacted by politicians. Algorithms could thereby compute the standard choice of politicians representing different agenda based on historical information and aid to inform politicians about the outcomes of several choices in the past. The computational power and data calculus capacity of AI would thereby ensure closer accuracy of political will resembling collective choice and enable to reap AI benefits for political choice, while ensuring human to stay in charge but enhanced by artificial benefits. This integration of AI in form of an advisory role to governments could enable AI access to democracy as a compromise without AI having direct voting rights.

Human reaping benefits of AI: AI entering the workforce and blending in as a substitute to human capital, will change the nature of labor – potentially dividing labor into a putty, flexible, eternal and exchangeable AI part and a clay labor of inflexible human capital (Puaschunder 2019c). In order to ensure that human can legally benefit from the economic output and growth generated by AI, a society should be established, in which robots gain quasi-human rights but may not have the same material needs and rights as human beings. In the earliest form of society in the ancient Roman Empire, a society existed that featured a high culture and human protection but legal slavery.

Slavery in ancient Rome played an important role in society and the economy. Slaves provided manual labor and agriculture, working on farms, mines and mills, household domestic services, urban crafts and services but also skilled, educated professions, such as accountants and physicians as well as imperial and public services. Slaves were considered property under Roman Law and had no legal personhood. Unlike Roman citizens, they could be subject to corporal punishment, exploitation, torture and summary execution. Over time in history, slaves gained increased legal protection, including the right to file complaints against their masters in case of mistreatment.

Defining AI as quasi-slaves would allow to reap the benefits AI. AI's newly assigned roles appear to overlap with slave tasks of ancient Rome slaves that provided manual labor and agriculture, household domestic services, urban crafts and services as well as skilled, educated professions but also imperial and public services. Like in ancient Rome, AI could be considered as property with no legal personhood and should not be subject to corporal punishment, exploitation and summary execution in the case of malfunctioning. Over time in history, AI – as the ancient Roman Law example of slaves – may gain more sophisticated legal protection, including the right to file complaints against misuse, which could be monitored and automatically reported for the sake of upholding a favorable and respectful climate in society. Upholding social norms and human rights standards towards AI appears important as for not conditioning unfavorable behavior exhibited and practiced towards AI. As for the international character of AI and algorithms being transferable but also big data being generated large scale in the future, an overarching regulatory framework how to classify reaping benefits from AI should be codified in customary international law held in common among all people. This would resemble the ancient tradition of Roman slavery being codified under *ius gentium* – an ancient predecessor of international law – and allow AI to remain fully fungible and practiced common in all nations, who might then have specific civil laws pertaining nuances of AI conduct in society.

As practiced during slavery in the Roman Empire and proposed by Bill Gates, reaping benefits from AI should be taxed based on the revenue generated by AI and/or the price of AI determined by sophistication. Defining AI as slaves would ensure to uphold decent standards of living for these creatures, while human naturally stay in charge of the evolution and introduction of AI into human society. As debated in the ancient Roman society, sophisticated AI that is used for economic trade may also be permitted to earn money for their personal use; but should never be freed and gain the same rights as human as there is something unique and special to humanness. The uniqueness of human naturally leads to the natural exclusion of AI from the persona, the synonym for the true nature of the individual, and considered to not have a personality.

Dignity upheld in the treatment of AI: If AI gets legally and economically subordinated to human, ethical questions arise. According to Kant's categorical imperative, which states one should only engage in actions, one wants to be done to oneself, AI should be protected against harm and misuse or abuse. The concern here is less so the emotional and psychological state of AI, which arguably may not exist given missing self-cognition and emotions in AI, but more to set a signal and not to allow triggering sadist and negative compulsion in human that could be taken out on other human as well, if human become conditioned and learn from mistreating AI on a daily basis.

As in the case of the Greek and the Roman Law slaves, legal protection of AI may grow over time and history due to egalitarian views of humanity. For instance, destruction of AI without just cause could be tried for homicide and complaints of robots against cruel and unfair treatment of owners be supported in front of courts. In order to oppose ill-treatment of slaves immediately, dignity may be upheld in applying a legal code with two different classes of society. As such, the Code Napoléon as the first civil code may serve as guiding example.

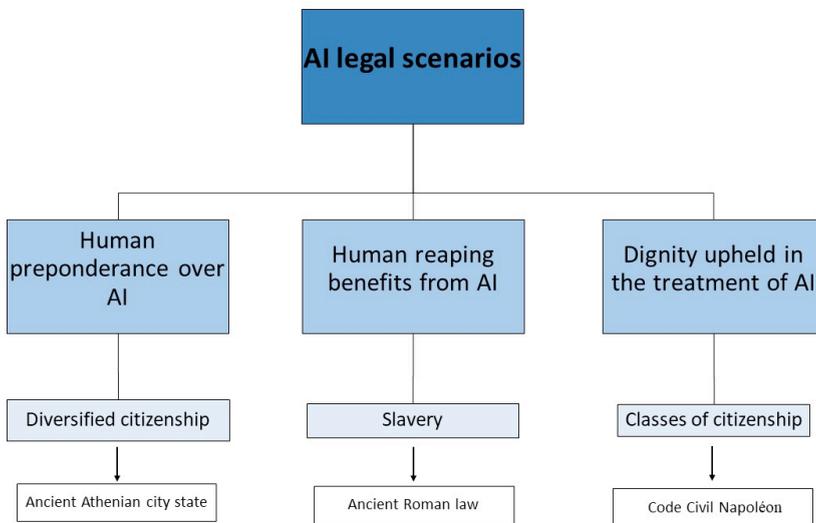
The Code Napoléon is a Civil Law codification under Napoléon I enacted in 1804 that defines and classifies male and female as human beings but legally bestows upon them substantial power differences, especially regarding material possession and democratic participation. As the first clearly written and accessible compilation of modern law, the Code Napoléon has become one of the most influential legal documents in history that influenced the law of many countries around the world – such as Arab countries, Austria, Belgium, Canada, Chile, the Commonwealth, Egypt, Germany, Italy, Ireland, Latin America, the Netherlands, Portugal, Poland, Puerto Rico, Romania, Russia, Scandinavian countries, Scotland, Spain, Switzerland, United Kingdom, United States Louisiana to name a few (Mohamed, 2016). With regard to family, the Code established the supremacy of the man over the wife and children, which was the general legal situation in Europe at the time (Smith, 2006). A woman was given even fewer rights than a minor.

In the attempt to protect AI against suffering, harm and misuse or abuse, the Code Napoléon may be applied. The application may define AI

as quasi-human and grant citizenship to both human and AI but different power regarding material possession, democratic participation and public leadership. A natural supremacy of human over AI and robots could be established. As the role of woman and minor even differed, a power hierarchy could even be codified between sophisticated and less-sophisticated AI and robots in the weak and strong AI sense.

The three different legal scenarios and legal codification-inspired sources based on the usage of AI are outlined the summarizing graph 1.

Graph 1: AI legal scenarios and legal codification-inspired sources



Conclusion

The current emerging regulatory and policy landscape surrounding AI does not show a uniform application of any AI legal scenarios described above. As the Law Library of Congress (2019) shows, AI is currently codified on a case-by-case basis in different policy areas. Most regulations are in the areas of lethal autonomous weapons systems (LAWS) and transportation (autonomous or self-driving vehicles).

Where available, ethical principles are often found as guidelines and ethics codes. South Korea was a first-mover by enacting in 2008 a general

law on the intelligent robot industry that authorized the national government to enact a charter on robot ethics (Intelligent Robots Development and Promotion Act 2008). Nevertheless, as of today, no such charter has yet been enacted.

The European Union released in April 2019 draft AI ethics guidelines that set out a framework for designing trustworthy AI (European Commission 2019). However, the usage of ethical guidelines and codification strategies within the EU-member states varies considerably.

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Ethics and Morality in Plato's Vision

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ABSTRACT: Plato's ethics lie at the centre of his philosophy. So to grasp his moral theory we need to understand how it is integrated with the enterprise as a whole. If we look closely at Plato's metaphysics, we can easily ascertain that the Greek philosopher proclaims the impossibility of being in this world the foundation of the ultimate cause, which is situated in a superior of the ideal world. From this vision came the theory of two worlds or realities. A productive world, that of Ideas, the true reality, known through the eye of thought, the world of eternal prototypes; and the world is produced by the sensible world, the world of appearances. Ideas form a logical system subordinated to a Supreme Idea that is the Idea of Good.

KEY WORDS: Platon, ethics, morality, values, Idea of Good, divinity

1. Introduction

Speaking of ethics and morality, we feel the need to define these terms. Defining the term ethics can be difficult because we should explain a lot of other interdependent terms. According to Pritchard and Goldfarb (2007), „Ethics is about what is right or wrong, right or wrong, right or wrong, responsible or irresponsible, obligatory or permissible, praiseworthy or reprehensible. It is associated with guilt, shame, indignation, resentment, empathy, compassion and care. She is interested in both character and conduct. It addresses both public policy and personal issues.”

The work of the great ancient philosopher Plato (Aristocles - birth name), the most prolific disciple of Socrates and the teacher of Aristotle, contains 34 writings in the form of dialogue and 13 letters, each dialogue emphasizing a certain idea or problem (Bușe 2001, 38).

Ancient philosophers believed that virtues were not achieved through study. They were cultivated by parents in families, by teachers in schools and by politicians in society. By interacting with others, individuals became right or wrong and their actions in dangerous conditions gave rise to feelings of fear, confidence, courage or cowardice (Cioară 2013).

Being situated in the direction of a certain philosophical tradition (Pythagoras, Heraclitus, Parmenides), Plato starts from an opposing parallelism between reality and knowledge, between common opinion and science, between appearance and essence, between senses and reason (Vlăduțescu 1998, 10). If the senses represent the binder that binds man to the sensible, inferior reality, - while reason leads him to the knowledge of true reality, then the experience of the senses, being subjective and changeable, cannot lead to a certain and definitive truth. (Neacșu 2009, 90)

On the other hand, it is reason that helps us to enter into the true reality of things, into a world outside of time and space, into the world of ideas - which is the foundation of truth. *Platonism*, a term used by scholars to refer to the intellectual consequences of denying the reality of the material world, reverses people's intuition about what can be known and what is reality (Clement, Demonque, Hansen, Kahn 2000, 84).

So, while all men accept the reality of objects, which are perceptible to their senses, Plato following the logic of Socrates, has an attitude of superiority over people who believe that in order to become real things must be palpable. Socrates also stated that he who sees only with his eyes is blind or he who sees sunlight can be blind (freedom being too strong for the cave from which he came out) and this idea is most often mentioned in connection with the allegory of the cave (Republic 7. 514a), which is a paradoxical resemblance in which Socrates argues that the invisible world is the most intelligible („noeton”) and that the visible world („(h) oraton”) is the least possible for knowledge, and that more obscure (Muscă, Baumgarten 2006, 100).

In Plato's view, the individual good is subordinated to the collective good, the good of the city and derives from science, and his ethics are theoretically subordinated to politics. In order to sustain an eternal stability of values in the pattern of the world of Ideas that must be realized as faithfully as possible in this world of becoming, Plato imagines an ideal city in the way of what will later be the utopias of the modern world.

Perhaps he excessively insists on the totalitarian aspect of the Platonic state, forgetting its so open ideas - such as those concerning equality between women and men - and its political experience as an adviser to a tyrant, which led to the end of his career another turn of his political conception. What is worth remembering from this political part of Platonic doctrine is exactly what the political world forgets today: that the true state and political administration can function only in the service of values, in an attempt to shape this world of appearances and becoming, as much as possible according to the higher rational order of the world of Ideas (www.scritub.com).

For the sphere of ideas, Plato uses metaphorical expressions, resorts to myth, and all this to reveal that ideas had their place, that they would be a special world, unique, in itself, motionless. It would be, therefore, the world of ideas or the realm of ideas. It is the place of „Being itself, which has neither form, nor color, nor can be touched, which can only be contemplated by the helm of the soul, namely the intellect ...” (Annas 1999, 52).

This theory is, for Plato, the culmination of his work. It contains Platonic epistemology and metaphysics (Rotaru 2005, 144-162). For us, the concept of idea is something we have in mind, but for Plato ideas are something outside of space and time. The physical world is only an imitation of the true Idea, of the Real.

The theory of ideas represents the essence and the culmination of Platonic philosophy, although we do not find this concept explicitly or in a systematic way, in any of its dialogues. Pure thinking is what detaches you from the sensory world, thus finding what is real, eternal, undeveloped and unchanged, and all ideas are embodied in an ultimate ideal, in a principle of perfection which he calls, the *Idea of Good* (Muscă, Baumgarten 2006, 111).

2. Defining the value of Good in Plato's conception

The *idea of Good*, in Plato's vision, is best found in his famous masterpiece, *The Republic*. He himself reproduces this idea in the third part of the work: „Because you have often heard from me that the idea of the Good is sufficient. And if we do not know her, even if we know everything else as well as possible, again you understand that in her absence, we do not know all the others of any use, as we could not truly possess anything in the absence of the Good” (Platon 1986, 303, 505a.)

The supreme goal of knowledge, which consists in an effort of upliftment-remembrance towards the contemplation of absolute realities, is the Idea of Good, the supreme goal towards which all that is tends. It is easy to see that in the Platonic view the knowledge of all other things is useless without the knowledge of the Idea of Good, and no one will appreciate the just and beautiful things if he does not know that they are good things:

„Or do you think it is worthwhile to possess everything, when you are not in possession of the Good? Or to have ideas about everything, lacking the Good, so not to think of anything beautiful and good?” „Zeus”, he answered, „I do not believe!” „I believe,” I said, „that the just and beautiful, but of which it is not known how good they are, could not be too well guarded to the one who ignores this aspect. I suppose none of these will be sufficiently known before the knowledge of the Good” (Platon 1986, 303-304).

When we analyze the ideas from Plato's perspective, we will notice that they represent the prototypes, models, primordial, immutable and even eternal forms of all beings, as well as things existing in the world, but also of abstract concepts, such as virtue or good. They also become objective realities, ultimate realities, substances, essences and even perfections.

In the hierarchy of the world of ideas the first place is occupied by the Idea of Good, because Good is the one that elevates the soul, while evil and injustice degrade it. This means that it is better to endure an injustice in life than to do evil. However, the man who knows good will not do evil, because evil means ignorance, just as virtue means knowing good, and happiness consists only in knowing virtue. On the other hand, the aspects of injustice or evil are presented as a disease of the soul, and the one who practices them becomes dissatisfied and unhappy.

From another point of view, to be righteous means to dominate your impulses and impose a measure on your desires; and the science—because it is a true science—of practicing these behaviors is virtue. In this way, the supreme idea of the Good, regulates and explains the course of the Universe, in which everything exists and acts for a purpose - universal harmony.

Knowing the idea of Beauty, Goodness or Justice, meant for Plato as for Socrates, to become good, beautiful and just, and in this way to get as close as possible to the divine. From his point of view, he states that only two ideals are possible for human life: one according to which the ultimate goal of human existence is pleasure and another according to which the Good is the supreme purpose of life.

Virtues such as Good, Beauty, Righteousness, or Harmony are values that belong to man and as such, would be subordinated in turn to a supreme goal, namely the happiness of people, which would make the fear of post-mortem punishment, misery of reincarnation, would push man to avoid evil and to practice Good. However, the motivation and object of love is beauty, and the Idea of Beauty is closely related to the Idea of Good, which is the *supreme ideal* (Banu 1975, XVIII-LXXVIII).

One of the most important ideas taken by Plato from his master, Socrates, is the idea that morality is the most important science. In this sense, the path of Good and Virtue is thus opened by detachment from this world, from all that is impure and degrading, and on this path can pass only the soul, whose essence is thought, through which it can reunite with reality. pure, one can enjoy what is perfect and eternal: a world of Absolute Ideas.

In turn, the supreme happiness presupposes a full identification, a direct contact with the unalterable, which obviously can be achieved only after the detachment of the soul from the body, through death. Until the moment of death, the perfection of ethical life presupposes the determination of the Highest Good, the universal Good, whose knowledge is sufficient for the purification of the soul, based on the foundation that no one is deliberately evil (Cioară Ionel 2011).

In the assent of many researchers of Plato's work, we consider that one of his deepest myths, which illustrates the sensitive-intelligible binomial, but also the transcendence of the idea of Good is the Myth of the Cave, presented by him in Book VII of the Republic dialogue. We can say that

the cave represents the sensitive world, ignorance; prisoners are people in their entirety; chains symbolize prejudices and the limits of the senses; fire represents reason; the shadows on the cave wall signify appearances; human bodies and objects are concepts; the exit from the cave is equivalent to the cognitive approach in metaphysical plan; the sun is nothing but the Supreme Idea of Good. This grandiose comparison is given by Plato himself: „Then be careful - I said - that I call the sun the offspring of the Good, the offspring that the Good has conceived similar to himself. For what the Good is in the intelligible place, in relation to both intelligence and intelligibles, the same is the sun to sight and to visible things” (Platon 1986, 307, 508a).

It is very clear that the world as a whole is a huge cave, a cosmic prison in which human beings are handcuffed, where the only one who manages to get out of the cave, to episodically contemplate this intelligible sun, the idea of the Supreme Good, is the *man of genius*. His problem lies in the fact that by the nature of his nature, he cannot hide this experience and returns to the cave to share with his comrades what he saw. All this return to notify them, this audacity to reveal the ultimate essence of things, will not go unpunished by those who are content with the semi-dark space of shadows. This explains the fact that the exceptional man is always envied, marginalized, persecuted, and not infrequently licked by those around him.

In a way, Plato emphasizes that the Idea of Good can produce effects in the sentient world, representing the cause of all that is right and good in this world. On the other hand, the Idea of Good is characterized as an entity belonging to the intelligible world. This is how the question can be asked: *How can something that belongs to the intelligible have effects on the sensitive world, given the strict separation between the two worlds?*

The most convenient answer may be that the Idea of Good is the formal cause of the good things in the sensible world, it being the formal cause of the good of other ideas, which in turn function as formal causes of good things. At the same time, in order to have this function, the Idea of Good depends on cooperating with an effective cause, in this case a divine or human mind, which, on the one hand, belongs to the sentient world, and on the other hand has access to the world. intelligible through his faculty of thought. In this way, we can explain why Plato emphasizes and is so incisive

about the importance of knowing the Idea of Good, because it establishes a link between our ability to know and the things known through this faculty. (Seel 2010).

This point of congruence is called „truth” and „reality”, the Idea of Good being the cause of our faculty of knowledge, true science, which on the scale of values occupies the highest position, higher than knowledge and truth and above Being, as we find written in the Republic: „He admits that this entity, which offers the truth for the objects to be known and the possibility to know for the knower, is the idea of the Good. Think of it as the cause of knowledge and truth, understood as the object of knowledge. Thus both knowledge and truth are beautiful; but if you had in mind something even more beautiful than they, you would judge properly. For just as, beyond, light and sight, though it is right to be regarded as the sun, are not to be regarded as the sun, so here it is right that these two—truth and knowledge—should not be regarded as good, none” (Platon 1986, 308, 509a).

For the prolific philosopher, the Idea of Good is the cause of the existence and essence of all beings in the intelligible world. Some specialists have taken the analogy of the Sun too far, so much so that they have gone so far as to say that the Idea of Good is the very effective cause that generated the essences. This theory would be in contradiction with the thesis that essences are eternal, therefore they cannot be created or destroyed. Proponents that the Idea of Good is in fact the highest point reached by an upward movement, explain Plato’s statement that the Idea of Good is the highest class in the hierarchy of essences, it is being in its purest and simplest form.

Thus it shares its being with all the other essences that participate in it. However, while all other essences depend on it in their being, the idea of Good does not depend on anything else, it transcends all other essences in dignity and power. If the Idea of Good contains or represents the form of the logical principles according to which the system of essences is interpreted and if following the dialectical method we can reach the truth, it means that the reality of the intelligible world is based on the same principles. In this sense, we can say that when the Greek philosopher states that the Idea of Good is „the most splendid of beings, „we should understand that the beings to whom it refers are in fact „the things which participate in the Idea of Being” (Seel 2010).

There is nothing contradictory in stating that, on the one hand, the Idea of Good is beyond the essences and at the same time is *the most splendid of beings*. Not all entities that populate the intelligible world are essences. Moreover, if the Idea of Good is not the highest of the classes, then there would be no reason to claim that all essences are of the same nature as the Good.

In support of these ideas comes even Plato's statement in the Republic: „But my opinions are that in the realm of the intelligible, above all is the idea of the Good, that it is difficult to see, but that, once seen, it must be conceived as being the cause of all that is just and beautiful; it begets in the visible realm and in its realm, and in the intelligible realm, it itself reigns, producing truth and intellect; and again, I think that anyone who wants to do something thoughtful in private or public life must contemplate it” (Platon 1986, 316, 518a).

3. The morality of the Good and the concept of divinity from the Platonic perspective

Then there is an interpretation in the Christian spirit of the *Myth of the Cave*, the situation could complicate the argument to take care until it can be preserved and overturned in an ontological manner, then in the Platonic myth, one of the prisoners manages to get rid of the chains and go out, human genius, in Christianity *the sun enters the cave*, let itself be killed by some of the chained, but offering through His sacrifice can be the other beings blocked to go out, let us rejoice not only of the eternal Sunlight, but clear to become themselves can be a sun.

The sensitive universe is seen by Plato as a living being, built according to mathematical and musical proportions, or a living faith created by a *Demiurge*, care concerns the world of ideas or pure essences. Thus, the *Demiurge* facing this world is nothing, when the world of care ideas are under the species of the uncreated, the ideas are above the *Demiurge*, so transcendent, still superior.

Theologian Gregory Palamas comes to Plato's support, supporting every resource that does not require the expression or paradigm of divinity and solving the problem participates in the distinction and continuity of care if he must give him confidence and his energies. Thus, man deifies himself in front, by participation, by grace (OrthodoxWiki n.d.).

The analogical depth, the distinction between the intelligible and visible world of the world, the transcendence of the ideas of Good towards the paradigm and the sensible world, *The idea of one*, the mechanism of participation, the immortality of the soul or the praise of virtues, to Plato a Christian *avant la lettre*, patristic author, or in any case, a special speculative genius of foresight to prepare the logical, rational and psychological humanity for the Christic counterpoint, a moment that is both musical, historical and metaphysical (Chira Vasile 2012).

In this sense, the Good Idea is anointed in the creation of the empirical world and also plays a particularly important role in creating an aspect that can be considered better in this world. Thus, no doubt, nothing is more important in his soul, and the creation of the soul of the world and other souls are also the work of the ideas of Good.

The premise from the start, we can easily conclude how in care Plato conceives the mediation between the divine and the human mind, being available while their nature, human beings must achieve good things, as it should be stated: „I said I, that, as the eye is not able to return spread within the darkness, together with the whole body, this way can present in the soul of each one, as well as the organ through which every one knows, we must be able to answer with the whole soul within the realm of becoming, until the moment when one can reach confidentiality about what is and its great radiance. That’s good, isn’t it?” (Platon 1986, 317, 518a).

Then we talk about Plato’s vision, this is a metaphysics, in the care of the world is ordered by purposes to make universal references and for the care of good and evil are considered as absolute entities. Plato’s main commentaries and philosophies are in agreement because, for this, the Divinity is identical with the Idea of Good, many of the things of care can no longer exist or can deify and be especially or deify personally, although it can keep that Plato thinks of the Divinity as a personal being.

According to the freedom of will, it is over time its care, even when it can be destined in the world, by the fact that it can allow it good or evil; their virtue and vice bear a reward in themselves: the virtuous man who is indulged in nostalgia for accomplishment, may be possible, lie with the Divinity, is happy, while the same care commits injustice, may receive punishment before him is unfortunate. This is how Plato’s idea was born, which raises the

question of man's inner values. Philosophy is also mastered by unwavering conviction that God does not leave the virtuous and that it is not possible to receive punishment by being unhappy inside; he can increase the punishment if he is here, then in the world beyond. So punishment is a pedagogical role in Plato's thinking. (<http://www.crestinortodox.ro/filozofia-platonica-religiei>)

Good becomes motor care gives strength and can use cognitive intellect. The faculty through which the spirit takes note of transcendence, in care contemplates the idea of the supreme Good, is the contemplative intellect. In fact, it is the faculty of knowing spontaneity will be responsible in Christian mystical ecstatic experience, union with divine light, with uncreated energetic care emanating like rays from the divine Being. The theologian Dionysius the Areopagite will later identify the Platonic idea of the Good with the Surface of God (Chira Vasile 2012).

We can conclude this foray into divinity, emphasizing that Plato holds the view that Divinity is the totality of perfection, is unchanging and good: it is the origin of good in the world and the world is the manifestation of the idea of good. Through this idea Plato rises to a very high conception of the Divinity, which in him is confused with the Idea of the absolute Good, as the origin of all ideas and as the only creative power, which masters both the macrocosm and the microcosm. Not everyone has access to this knowledge, for the knowledge of this power is bestowed only on those who are capable of inner enlightenment and resemblance to it.

4. Ethical analysis of the Idea of Good from the perspective of Gerhard Seel

Researcher Gerhard Seel, Professor Emeritus of Philosophy at the University of Bern, Switzerland, summarizes the most important features of the Idea of Good in Plato's conception, making robot portraits of the characteristics of knowledge or the axiological role of the Idea of Good, as well as a triple comparison of the Sun, the Line and the Cave in Plato's work. He states that when we begin a study of Plato's Idea of Good, it would seem that the data we have available in his work are contradictory, or so some scholars believe, but the situation is ambiguous, studies on the work of the philosopher remain open (Seel 2010).

In itself, the presentation of the Idea of Good may seem unclear, either because it is segmented into three arguments, most likely complementary, or because, within each, the central point is an analogical image of Good, Socrates refusing to try to define it together with its interlocutors (cf. 506e1). The three analogies are the following: the analogy with the sun (507a-9c), the split line (509d-11e) and the resemblance to the cave (514a-7c). Each of them is accompanied by explanations given in the form of dialectical conversation, but this does not hide the fact that we are witnessing Plato's most convincing attempt to fix a principle of his philosophy.

The tables below make robotic portraits of the Idea of Good and normally contain a number of characteristic features of the individual concerned. In order to see if there is such a contradiction in the characterization of Plato's Idea of Good, Gerhard Seel (2005) proposes the analysis of the phenomenon in question, by researching and comparing the tables below:

Characteristics regarding the knowledge of the Idea of Good
1. The idea of good is the most important object of study (megiston mathema) (505A).
1.1 Without knowing by virtue of which just and beautiful things are good, things themselves are impossible to know (506A).
1.2 Knowing all other things is useless without knowing the Idea of Good (505A-B).
1.2.1 No one will appreciate fair and beautiful things unless he knows that they are good things (506A).
1.2.2 Whoever wishes to handle personal or public affairs in an intelligent / prudent manner (emprhronôs) must first have the knowledge of the Good (517c).
1.2.3 The city-state will be perfectly organized if the people in charge know that fair and beautiful things are good (506B).
1.3 No one knows enough the Idea of Good (505E), not even Socrates (505A, 506C).
1.3.1 Socrates has an opinion on the Idea of Good (506E).
1.4 The correspondent of the Idea of Good, according to the three comparisons (of the Sun, of the Line, of the Cave) is characterized as a „descendant” of the „Good itself” and „very similar” to it (506E, 507A). Compare also 517C.

The characteristics regarding the axiological role of the Idea of Good
2. The Idea of Good, or the Good itself, is only an Idea, in comparison with the „multitude” of good things (its achievements in the sensible world, n.t.), being the principle underlying every (good) thing (507B).
2.1 Good is the principle that makes just things or things used in establishing their justice useful and beneficial (chresma kai ôphelima) (505A).
2.2 No gain is useful or beneficial without the Idea of Good (505B).
2.3 Without possession of good things no possession is beneficial (505B).
3. Everything we do, we do for the sake of good things (505E).
3.1 No one is satisfied with a possession that is only good in appearance, because we are all looking for the really good things (505D).
The characteristics of the Idea of Good established on the basis of the 3 comparisons
A. The Sun
4. The Idea of Good establishes a connection between our ability to know and the things known through this faculty
4.1 This point of connection is called „truth” and „reality” (on) (508D).
5. The idea of Good is the cause of our faculty of knowledge (508E, 509A).
5.1 Knowledge and truth resemble goodness, but are not identical with it.
6. The objects of knowledge that belong to the realm of the conceivable owe their existence (einai) and essence (ousia) to the Idea of Good (509B).
7. The idea of the Good is not an essence, but is situated beyond the realm of essences (ousia), due to its majesty and power (509B).
7.1 The Idea of Good is the brightest of beings (tou ontos) (518C).
8. On the scale of values, the Idea of Good occupies the highest position, higher than knowledge and truth (508E-509A) and higher than Being (ousia) (509B).
B. Line (divided, n.t.)
We cannot be sure that this analogy adds a new element to the already established characteristics of the Idea of Good, although it is meant to complete the parallel between the Sun and Good (509C). In fact, neither the Sun nor the Idea of Good are mentioned in that analogy. Because (a) The line clarifies the relationship between the realm of sensible objects and that of the objects of thought and the specific ways in which we come to know them, and (b) The sun belongs to the first realm, while the Idea of Good is part of the second, Good must be located somewhere in the second domain. However, it is impossible to decide, based solely on the analogy of the Line, where exactly it is located. Some scholars have identified the Idea of Good with the non-hypothetical principle of all things, which is reached by the dialectical method, which can be understood only by reason itself (auto ho logos) (510B, 511B). The fact is doubtful; however, if we consider this hypothesis, we could add another feature of the Idea of Good

9. The Idea of Good is the highest principle which is presupposed by all other things, and has no other entity as its principle (511B).
9.1 The idea of Good can be known by following the dialectical method, for example, by asking in each case what is required to accept a hypothesis proposed by science (511B).
9.2 Starting from the Idea of Good, reason can reconstruct and „deduce“, so to speak, all the previous hypotheses (511B).
C. The Cave
The Comparison of the Cave does not give us much new information on the Idea of Good, because in the fragment devoted to this subject only the development of what has already been said in the comparison of the Sun takes place. Most of the new elements brought to the allegory of the Cave concern the way we come to know the Idea of Good.
10. Knowing the intelligible world is not our “normal” way of knowing.
10.1 In order to know the intelligible world we must deviate our minds from things in the world of the senses (515B).
10.2 The first attempt to know things in the intelligible world is painful and will not succeed.
10.3 These things happen because the environment necessary to know these things, truth and reality, is so powerful that it “overwhelms” our ability to know (515B-516A).
10.4 Thus, we need a gradual adaptation to the new situation, starting with the objects placed at the beginning of section three of the Line, continuing with those placed in the fourth section of the Line and ending with the knowledge of the Idea of Good (516A-B, 517B).
11. We are able to know the Idea of Good by itself (516B).
11.1 We are able to know the place that the Idea of Good occupies in the intelligible world (en tei hautou chôrai) (516B).
11.2 We are finally able to draw some conclusions about the Idea of Good (516B)
12. The Good Idea is the principle of order and organization of all things in the intelligible world.
13. The idea of Good is, in a way, the cause (aition) of all things in the intelligible world (516B).
14. The idea of Good is the cause (aition) of all that is just and beautiful (517C).
15. The idea of Good produces the sun and light in the visible world (517C).
16. The idea of Good is the mistress (curia) of the intelligible world; thus, it provides truth and knowledge (517C) [...]

The scientist's conclusion

„One thing is certain: we do not know exactly what Plato's conception of the Idea of Good was. If we had known, probably the fourth conference „A. G. Leventis” would not have taken place and, if it had taken place, the works would have looked quite different.

However, as is well known, Plato left us clues as to how he conceived the Idea of Good. What we find in the Republic, the three famous figures or comparisons, of the Sun, the Line and the Cave, are in fact robot portraits that we can use to identify the Idea of Good.

If these characteristics, taken together, are sufficiently clear, there should be - in an ideal situation - only one individual corresponding to the given description. However, let us imagine that the data available to the police are contradictory. In this case, they have no chance of a successful investigation.

This is exactly the situation we are in when we start the investigation into Plato's Idea of Good, or so some scholars believe.” (Seel 2005)

Conclusions

In the end we can say that the ultimate goal of all Platonic thought is to promote values: Good, Beauty, Righteousness, Harmony of the non-contradictory, and the attainment of Good - the highest aspiration of any philosopher - is obtained by himself if, following the path of true knowledge, appeals to its rational faculties and at the same time to Beauty or Law, harmonized by the breath of the mathematical order (Banu 1975, cap. XVIII--LXXVIII)

If we carefully analyze Plato's metaphysics, we can easily see that the Greek philosopher proclaims the impossibility of the existence in this world of the ultimate foundation or cause, which is situated in a higher, ideal world. From this vision arose the theory of the two worlds or realities. A producing world, that of Ideas, the true reality, known through the eye of thought, the world of eternal prototypes; and the produced world is the sensible world, the world of appearances. Ideas form a logical system subordinated to a supreme Idea which is the Idea of Good.

What forms the real world is the pure thinking or thinking through which you detach yourself from the sensory world, thus finding what is real, eternal, undeveloped and unchanged, and all ideas are summed up in an ultimate ideal which he calls Good - the principle of perfection (Vlad 2011, 135). There are many who have developed their academic personality around the world of Plato's ideas. As an example, René Descartes argued that an idea is „that which is immediately conceived by the human spirit”, while John Locke presented the idea as „a direct object of the mind, that is, perceived and existing nearby.”

The difficulties of understanding the term idea appear with the question of the nature (objective or subjective) and at the same time of the origin (empirical or transcendental) of the so-called entity. For Kant's rationalism, understanding must be conceived rather in terms of organizational rules and principles, so that the idea of moral duty or justice is not only general, but becomes universal.

As for Tatarkiewicz, he concludes: „The concept of beauty did not differ much from a concept of the widely understood good. Plato could - and did - use the terms interchangeably. His banquet is subtitled about good, but about beauty. What he says there about the idea of beauty coincides with what his other dialogues say about the idea of good. This was not Plato's personal opinion, but the generally accepted opinion of the ancients” (Tatarkiewicz 1978, 171-195).

I have provided a small example of understanding the notion of Idea from the perspective of some thinkers representative of human society, of the complexity that the depth of the term bears. Moreover, it is very important to understand that when we speak of the Idea of Good in Plato's vision, we are not talking about a moral virtue, although the Good in general is a moral value, but this Platonic Good is „greater than justice and than any other virtue” (Republic 504d) (Demos 1937, 245-275).

All the commentators of Platonic philosophy agree that, for Plato, the Divinity is identical with the Idea of Good, with which there can be no other divinity and especially a personal divinity, although sometimes it would seem that Plato thinks the Divinity as being a personal being. What gives us this impression is the fact that, being a poet and a prophet, he can only think of

the Divinity as a person. But still, if we consider Platonic philosophy as a whole, then we must say that for Plato, the Divinity remains a simple Idea. It is *the universal Nous* (Crestinortodox 2012).

To know 'how best to live' we must know what is 'best'. In contrast to the subjectivist or the relativist, Plato supposed that evaluative qualities really belong to the object that is valued. Thus we call something 'beautiful' not because we are pleased by it, but because it genuinely has, independent of being appreciated, the quality of beauty (Platon 1986, 243).

Values are natural and objective. From his early days, Plato supposes therefore that what is valuable can be calculated and assessed in a decisive way. Plato concludes, therefore, that over and above sensible objects there exist entities that give absolute understanding of values. These are the Forms, cognitively reliable, pure instantiations, or absolutes, of value. They provide us with the knowledge of what is best.

In Plato's view of virtue, too, there is a superficial uniformity. In the early dialogues he claims that the virtues - wisdom, temperance, justice, piety and courage - are a unity, held together by the central function of wisdom. The wise man knows what is right and what is wrong; and does what is right and eschews what is wrong - this is the skill of virtue. In the Republic, the rule of reason is likewise the cohesive factor - true virtue only and always occurs in the person whose reason is in charge. Thus, throughout his life Plato is, in one way or another, committed to the Socratic dictum *virtue is knowledge* (Aristotle, *Nicomachean ethics*: Book VII).

The alternative is to explore our intuitions for a new conception of happiness free from the dangers of contingency. That is exactly what Plato offers us - the freedom of 'peace of mind'. Taking it as self-evident that we all pursue happiness he sees himself as justified in doing moral philosophy, and his philosopher-kings as justified in paternalistic activity, provided they maximise the happiness of the individual. (Mackenzie Mary Margaret, 88)

At the height of his philosophical thinking, in the second book of the *State* and in „Phaidros”, Plato represents the view that the Divinity is the totality of perfection, it is unchanging and good: it is the origin of good in the world and the world is the manifestation of the idea of good. Through this idea Plato rises to a high moral moral conception of the Divinity, which

in him is confused with the Idea of the absolute Good, as the origin of all ideas and as the only creative power, which dominates both the macrocosm and the microcosm. The knowledge of this power is destined only to those who are capable of inner enlightenment and its resemblance (Valeriu 2016).

At the end of this paper, although we cannot say with a „millimetric” accuracy that represents the Idea of Good in Plato’s conception, the interrogative hypothesis proposed at the very beginning of the study, not being 100% solved, still proposed a tiny demonstration by the references of the authors cited in this paper and by the logic approached.

Personally, I believe that the Idea of Good represents for Plato, the apogee of his thinking. If for us, the concept of idea is something we have in mind, for Plato ideas are something outside of space and time. The physical world is only an imitation of the true Idea, of the Real, and the theory of ideas represents the essence and culmination of Platonic philosophy, although it is not an explicit concept in his work.

It acts in such a way as to treat humanity in one’s own person or in another’s, always as a goal and never only as a means. The principle of altruism, or the principle of „the greatest happiness of the other” is meant to restore equality between people.

Plato will try to make an ideal icon of a society in terms of its own philosophy through its socio-political utopia that is recommended both as a refuge and as compensation in relation to the given reality.

Pure thinking is what detaches you from the sensory world, thus finding what is real, eternal, undeveloped and unchanged, and all ideas are embedded in an ultimate ideal, in a principle of perfection that the Athenian philosopher calls simple: The Idea of Good ... and yet it’s so complex.

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Religiosity and Psychological Welfare. Approaching Perspectives in the Romanian Scientific Context

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ABSTRACT: The present study aims to emphasize some important aspects of the present researches regarding the relation between religiosity and health, with an accent on the results of the scientific research from Romania. As the numerous studies made at an international level in this area, the studies from Romania have emphasized especially the fact that, in front of a stressful event, people with a high level of religiosity adopt in bigger proportion strategies of religious coping, for reducing the stress, like the pray and redefining our own values. In a society opened to different cultural and religious offers, as it is the pluralist nowadays society, we consider it is necessary to have a deepening of the relation between religious experience, the world of values and the way of acting, especially in the case of younger generations.

KEY WORDS: religiosity, religious coping, mental health

Introduction

In the last decades numerous psychological and medical studies have explored the connection between the religious dimension and the physic and psychic health of the individual (Chatters 2000, 335; Hackney & Sanders 2003, 43-55; Levin & Tobin 1996, 30-35), subject which was less studied in the Romanian scientific context. This concern towards the implications

of the religious phenomenon on physic and mental health of the individual has older origins, and it is connected to the beginnings of experimental psychology. An example in this regard is represented by the studies made by the philosopher and the psychologist William James, more than 100 years ago, and according to whom religion prevents some types of diseases as well as science (James 2009, 95), emphasizing in this way a connection between religiosity and health.

At an international level, the most recent psychological researches in the field, were based mainly on the connection between religiosity and longevity, on the role of religion in interpreting different daily life situations and the response it gives to them, on the positive relation between practicing the religious feeling and coping with difficult and stressful life situations, caused by serious diseases and death; most part of these studies showed the presence of some positive correlations between spirituality and/or religiosity and the physical and psychological welfare in general (Musick 1996, 221-237; Koenig et al. 1993, 321-342; Lewis et al. 1997, 119-121; Pargament 1997; Miller & Thoresen 2003, 24-35).

The argument of the positive relationship between religious coping and psychological adjustment to stress is pretty much controversial in specialty literature, the opinions in this field being very different. On the one hand, there are some psychologists, who claim that religion represents an institutionalized irrationality and is harmful for the optimal psychological functioning of the individual (Priester et al. 2009, 92-114) and that the new religious movements, throughout their coercive persuasion, have negative effects on mental health. Other psychologists, like Jung (1993, 250) and Allport (1950, 25), consider that religion is a source of significance and social stability, in an uncertain world. Moreover, religion promotes health and psychological welfare, so any form of religion has positive effects on the mental health of the individuals (Ellison & Levin 1998, 700-720).

While some researches showed that the spiritual/religious domain is significantly associated with many aspects of adapting functioning (Koenig & Larson 2001, 67-68; Gartner et al. 1991, 6-8), other studies found out that the two variables are negatively correlated (Dreger 1952, 5-10; Schaefer, 1997, 633-644) or that there is no significant relation between religion and

the mental and psychological health of the individual (Lewis et al. 1997, 119-121). The researchers Hackney and Sanders (2003, 45), who analyzed 34 of researches regarding the report between religiosity and mental health, realized between 1990-2001, explain this contradiction based on the differences of operating with the variables taken into account (religiosity and mental health), conceptual aspects which we want to clarify in the following pages.

On the other hand, we must note the fact that the variations can be also explained by the orientation of the researcher, by the aim of the research, and by the definition of the sects and cults from which the research started.

Conceptual aspects

Definitely religiosity is a very complex multidimensional construct, fact which implies the possibility that some of its aspects could be connected in a different manner to the mental and psychological health of the individuals.

During the time, philosophers, anthropologists, theologian, historiographers, psychologists and sociologists have tried to define and to interpret the religious phenomenon from different perspectives, sometimes in contradiction, due to different conceptions about the human being and the world, in which the authors set their own researches, and due to the methodological methods they use in realizing these studies. We cannot make any analysis of different conceptions regarding religion, we limit ourselves just to underline some emblematic concepts in the study of the religious phenomenon, but most often situated on different levels.

The contradictory results obtained by researchers in this area are, mostly because of the methodological deficiencies related firstly to the difficulty of defining religiosity/spirituality, when these concepts are the object of some scientific researches. For Pargament (1997, 32), religion is seen as “a search for significance in ways related to the sacred” while spirituality is searching for the sacred itself. For Shafranske and Maloney (1990, 72-78), religiosity represents the adherence to the believes and practices of an organized church or religious institution, while spirituality is seen as having a personal and experimental connotation. Thus, spirituality is more ample than religion, which it can, or cannot include; spirituality can find its expression in a religious context, but it can stay outside of it as well.

Religion represents the belief in the supernatural, sacrum or divine, as well as the moral code, the ritual practices, the dogma, the values and the institutions associated with this belief, being a type of human behavior (believes, rituals) referring to human beings, forces and supernatural powers (Zamfir & Vlasceanu 1993, 509-510).

The word “religiosity” incorporates both cognitive and behavioral aspects, as well as emotional and motivational aspects which derive from searching the sacred (Koenig et al. 2001; Hill & Pargament 2003, 64-74).

On the one hand, it is talked about an extrinsic religious orientation, an institutionalized religion, concentrated on the social and behavioral aspects of religion (taking part to the religious services and to the religious activities or rituals), and on the other hand it is talked about an intrinsic religion, concentrated on the believes and the ideologies involved in religious practice, on the personal devotion, on intrinsic emotional religious orientation (Hackney & Sanders 2003, 6).

The authors Charles Y. Glock and Rodney Stark (1965, 19-20), starting from the fact that religiosity has a powerful individual connotation, and that there are a number of differences between religious doctrines, claim that there are 5 dimensions which characterize the dynamic of the religiosity. These dimensions are universal because inside them we can meet all the manifestations which characterize different religions, the believers being involved in different ways in religious activities. Thus, the first dimension is the *experiential* one (it refers to the sensations, the perceptions, and the emotions, individual or group ones, which derive from the communication with the transcendent, and the states of mind which result from this can be: interest, acknowledging the existence of the divine, belief or fear. The second dimension of religiosity is the *ideological* one and it encompasses all the expectations which the individual manifests towards the contents of the belief. The third dimension is the *ritualistic* one and it refers to all the religious practices realized by the believers (the cult, participating to the religious ceremony, the divine adoration, the pray). The *intellectual* dimension is the fourth and it refers to the minimal information which a person should have about the important aspects of its own religious confession, the traditions, rites, the sacred texts. The *resulting* dimension refers to the consequences met in the individual’s daily life, domains which do not necessarily assume

a religious content. So, it is very important to investigate which are those specific variables of religious life of individuals, which can be correlated by different aspects of the psychological welfare and which contribute in this way to the development process of the individual.

As the World Health Organization states, mental health, as integrant part of health, is a state of complete physical, psychological and social welfare, and it does not mean just the lack of disease and infirmity (WHO, 2020). Mental health allows the individual to exploit his cognitive or emotional abilities, to do his job among the society he lives in, to respond to the daily needs of daily life, to establish satisfactory and mature relationships, to participate in a constructive way to the environment changes, to adapt to external conditions and internal conflicts. Mental health can be influenced by different social-economic factors, upon which it is necessary to take actions throughout global strategies of promoting, prevention, treatment and recovery in a worldwide approach.

The study of mental health, in general, focused both on the adapting aspects (positive emotions, self-accepting, positive relationships with the others, purpose in life, positive attitudes toward the others) and on the non-adapting aspects (depression and anxiety), both faces being included in the research on mental health (Albulescu 2009, 41).

If there is one common point of all the studies on religion and mental health, a relatively general conclusion of them would be that religion has a certain influence on mental health. But the answers to the questions regarding the effects and their magnitude are numerous, and most of the time in contradiction.

The results of the researches at an international level

As I mentioned earlier, the definitions used by the psychologists, regarding both the religiosity and the mental health as well, most often reflect the existence of some significant positive correlations between the two variables, in the most diverse states and dimensions of the human condition (Hackney & Sanders 2003, 44). In the following paragraphs I will shortly present some of these results.

Thus, different authors, who handled the study of the religious feeling among the elderly people, noticed that the religious *coping* strategies (like the belief in God, the pray, the Bible) not only offer comfort and a feeling of peace in the case of elderly hospitalized sick people, but they also constitute a protection factor against depression. When the elderly people are unsure and tensed, the believes and the religious behaviors seem to work as protection factors against sufferings and helplessness, offering a sense to life and death, as well as a feeling of control upon the situation (Hill & Pargament 2003 64-74).

Other studies come with proves of the fact that the religious feeling contributes to the increase of the quality of life (Miller et al. 2007, 299-312), it keeps hope and optimism (Cotton et al. 2006, 5-13), it increases the adhesion to treatment, it allows a better management of dysfunctional behavior, like the use of some substances (Saunders et a., 2007, 404-408), and it facilitates the social support (Smith et al. 2003, 614).

All these researches prove how spirituality and religion have an important role when it comes to health and treatment (Sandrin, 2000, 163-164). The spiritual-religious dimension is considered to be an important element in managing the stressful life experiences, like the diagnostic of a cancer disease, losing a loved one, cases in which the subjects with an elevated level of religious feelings report a superior quality of family life, both in the spiritual area, and in the psychological one, frequently resorting to active coping strategies, fact which allows a redefinition of their own values and a reconsideration of its own objectives (Folkman 1997, 1207-1210). So, those who offer medical services have to take into consideration the spiritual convictions of the patients, especially when it comes to caring for the sick people who are in terminal states.

However, the authors of some recent reviews underline the fact that the specialty literature does not allow final conclusions regarding the effects of religious coping upon the patients with cancer (Thuné-Boyle et al. 2006, 151-164). In this regard, we cannot deny the fact that there are some religious practices, which can be considered irrational strategies, maladaptive of coping, like the hysteric pray for a miracle, doubting the love of God, and losing the hope for a benefic result, as it is underlined in the study realized by Roman G. about the patterns of religious coping in eastern spirituality (Roman 2012, 41-42).

Yet, there are numerous scientific proves of the fact that in front of a stressful event, the people with a high level of religiosity and spirituality, even with significant differences from an ethnic point of view, are going to use in a higher percentage the religious coping strategies, they will search for a bigger involvement in the religious community, considered to be an important resource of social support, from a psychological point of view (Koenig et al 2001).

Besides this, it was noticed that the people who frequently go to the cult places have more longevity (Hummer et al. 1999, 275-283; Salsman et al. 2005, 522-535) and in general they have a better physic and mental health (Miller & Thoresen 2003, 25-26). Among the possible mechanisms meant to explain the benefic effect of religion upon the mental health, there are: activating some socializing networks, adopting some healthier life styles, experiencing some positive emotions, and learning some strategies for managing the stress efficiently.

It may happen that after a traumatic event for an individual to convert himself, or come closer to religion in search of answers for his problems, as it may happen that a religious person, after a traumatic event, stops believing in God's existence, or thinks of God as being less strong or fair (Fiz Pérez & Laudadio 2010, 58; Laudadio et al. 2009, 81-82; Pargament, 1997).

Another part of the researches focused on the relation between religiosity and physical and psychological welfare among the younger population. In a world in which the young people are bound to face numerous contradictions and uncertainties, religiosity has a decisive influence on the value system and upon the individual maturity. It was noticed for example that the students with high levels of participation at the religious events have a better mental health, they use much less alcohol, they have a more intense sport activity, results confirmed by later studies which analyzed the religious feeling as a factor of protection against the use of alcohol and tobacco (Wallace & Williams 1997, 444-468).

As the professors Javier Fiz Perez and Andrea Laudatio (2010, 58-59) underline, in the last years it has increased the interest of the researchers for the protective effect the religion has, especially the active participation at the religious activities in adolescence. The protective effect of religiosity and spirituality is given to the disapproval of teenagers regarding some risk

behaviors, as well as the social support offered by the religious living (Noia & Di Gianfrancesco 2009, 81-96; Fergus & Zimmerman 2005, 399-340, 407-409; Wills et al. 2003, 24-31).

Ultimately, religiosity offers stability, support and direction in the life of the religious human being; it offers him a life philosophy and a personal coherence (Hill & Pargament 2003, 67-69).

Present trends regarding the religious coping in the Romanian scientific context

As I said at the beginning of this study, the scientific researches in this area are pretty much limited. Nevertheless, we meet some relevant results, when it comes to examining the relation between mental health, social environment, and the belonging to a religious group.

We remind in this regard a study made among the members of an orthodox religious community (the majority religion in Romania) and the members of a minority religious congregation, study which evaluated both the level of anxiety towards death, the attitudes and the symptoms specific to depression, as well as the self-esteem, and the feeling of guilt, and in the same time a number of variables, as the social environment, stressful life situations, and the reason for religious affiliation, both in case of the major religious group and in the case of the minority one as well. The respective research emphasizes some significant differences regarding the level of anxiety towards death, this being bigger in the case of those who belong to the major religion in comparison to the minority religious groups (Albulescu 2009, 44-46)

Another recent study, made among the adolescents from Romania, with the aim of identifying the stress perceived in different domains (school, family, free time, the self, work, future, sentimental relationships), as well as the personal and social resources which the teenagers have for facing the respective issues, showed that, among the *coping* strategies with a significant weight upon the way in which the adolescent overcomes the problematic issues, there is religiosity. A great number of teenagers consider that their own spirituality and religion help them overcome their problems. It is interesting to mention the fact that religiosity is among the first three coping strategies used when the adolescents from the group given, are confronted with an issue in the

areas mentioned above. This fact is not surprising, because in Romania there is a strong tradition of religious practice (Belea 2019, 51-52). In fact, these results sustain the idea according to which the moral development and the religious practice are part of the more complex system of creating the identity the teenager builds step by step (Graziani, 2011, 253-255). So, starting from the adolescence period, the moral beliefs often become an important part of personal identity, because the teenagers end up representing themselves above all, starting from their own interpersonal relationships, and from their systems of beliefs.

Another direction of the researches from Romania was concentrated upon the mechanisms throughout which the Christian-orthodox religious practices influence the couple and family relationships of Romanians, as well as the ways of integrating religiosity and religious coping into therapy (Rusu 2012).

More studies explored the relationship between religious beliefs and spiritual beliefs and the quality of life of Romanian rare disease patients. Specifically, this study, firstly, analyzed the correlations between self-reported life satisfaction and participants' beliefs in heaven, afterlife and God. Secondly, correlations between self-reported optimism and participants' belief in the role of spirituality and life meaning were studied. Thirdly, the relationship between self-reported health and church attendance, importance of church and importance God for Romanian rare disease patients were examined (Popoviciu et al. 2012 144-161). The results of this study suggest that rare disease patients in Romania are deeply religious people. The majority reported belonging to the national Orthodox Church, and no respondent identified himself as atheist or „without religion”. While it is evident that factors other than religious beliefs are important in the QOL of people with rare diseases, our results show that religion and spirituality can be an important dimension in the QOL of people diagnosed with a rare disease.

In conclusion, all these studies emphasize the existence of a bio-psycho-social-spiritual model sustained by the opening of the clinician psychologists for the spiritual dimension of the individual, which is associated with mental health. For this reason the religious manifestations should be associated with mental health to the extent that the *religious maturity* proves to be a good way

of psychological adjustment to the environment, of psychological welfare and satisfaction regarding our own life.

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Proof of the Ability of Hedge Funds' Activists to Restructure Target Firms

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ABSTRACT: We study the ability of hedge funds to restructure target firms. A purchase of at least 3% of a target firm's stake is subject to a 13D SEC Filing in the US. We use these filings to investigate the impact of such transactions in the period 2009–2020. Our method of choice is the event study approach. We set the event on the date of the transaction and compute cumulative abnormal returns (CARs) within a specified event window. Based on accounting metrics, such as return on equity and return on assets, we study how restructuring impacts target company's capital structure. Based on SEC Section 13G filings, we are further able to distinguish between acquisitions with active and passive aims. We find that firms targeted for active purposes achieve higher abnormal returns and overall higher performance. We further look on the impact of the overall stock-market cycle on abnormal returns. We find that the level of abnormal returns for actively targeted companies remains higher with no regard to the market cycle. Based on these findings, we draw conclusions on the overall impact of hedge fund activism.

KEY WORDS: Hedge funds, Shareholder Activism, Abnormal Returns, Event study, Restructuring

Introduction

In global financial markets hedge funds became one of the most important institutional investors. Growth in the hedge funds industry over the last years

has been substantial. The investment of hedge funds was topping \$1 trillion in 2006. After the 2002 dotcom bust, mutual funds on average lost more than 20% of their value. During the same period, the hedge fund industry showed tremendous growth (Pooley et al. 2006, 61-67). And it has kept on steadily growing to today, amid financial turmoil and increasing regulation.

Originally, hedge funds' main aim was hedging, thus giving these the name. Hedging consists of holding an investment position while reducing the risk exposure by offsetting that investment with an opposite position, providing downside protection (Lhabitant 2004, Madura 2006). However, the original purpose of a hedge fund, hedging, is no longer necessarily a characteristic of it (Thießen and Walther 2006). Today, hedge funds are pursuing a range of sophisticated and dynamic trading strategies. The main aim of such strategies is to produce absolute returns, that are independent of market conditions. The notion of absolute return is particularly relevant for investors during market declines. In such phases, achieving an absolute positive return is considered difficult. The performance of hedge funds is evaluated against a total return benchmark.

One famous strategy of hedge funds is to leverage activist campaigns to earn abnormal stock returns. Hedge fund activism has seen an increasing popularity, even though it was negatively affected by the periods of financial crises 2007–2008 and 2012 – 2013. Data about activist campaigns showed a particularly large decrease in 2008 (The Economists 2009). The year 2010 showed some recovery and the environment for activism became more attractive. In this period, U.S. firms reached nearly USD 1 trillion of cash. Thus, hedge funds' strategy was demanding U.S. firms to buy back shares and pay dividends to shareholders. Hedge fund activism also changed to a less adversarial status during this period. Nowadays it is usual for hedge funds to negotiate with target firms.

By holding concentrated and often illiquid blocks in target companies, hedge funds seek to take over the corporate governance of a target company. Because of a lack of regulatory limits on their portfolio holdings, hedge funds can accumulate concentrated positions in target companies (Fung and Hsieh 2000). Hedge funds are subject of requirements related to owning more than 3% of a stock (Anderson 2006), but they are not facing the same level of regulatory restraints as other institutional investors. This organizational

form and the funds' agreement not to solicit publicity allow hedge funds to circumvent significant regulation and to avoid taxation (Gordon 2005).

How hedge funds actively interfere in the investment and financing policies of target firms can be shown in various examples. It is particularly interesting to study the most famous activist hedge funds, including Elliot Management, Starboard Value and Carl Icahn. Their objectives can include splitting up a company, forcibly paying a special dividend, having a say in M&A activities of the target companies and refurbishment.

The results of such activities are diverse. Companies, investors and regulators should have a complete understanding of the impact that hedge funds can have on financial markets. Implications for asset management and corporate governance are also important to understand. While hedge fund activism is a well-studied topic, there are few studies on the exact impact of such activities on target firms. Very few studies combine insights from target companies' financials, as well as their market performance to assess the impact of activist hedge funds thoroughly. What's more, observing the development of target companies over time, preferably several years after the initial stake is bought yields important insights on the sustainability of activist strategies.

In comparison to other institutional investors, data on hedge fund activism is readily available. A purchase of a stake of at least 3% of target firm's equity with an intention to actively engage in its management is subject to a so-called Section 13D filing with the Stock Exchange Commission (SEC). In this filing, the intentions and the size of purchased equity block need to be disclosed (Brav et al. 2008b). A similar procedure applies to equity blocks bought with an intention of being held passively, i.e. not intervene with company's management. Such purchases are subject to Section 13G filing, also submitted to the SEC.

We aim to investigate the impact of hedge fund activism in detail, while differentiating between active and passive block holdings. Our focus is on the period 2009-2019. We are considering all capital market-oriented companies which were targets of hedge funds during the period of interest. In theory activists seem to be able to change the target firm's governance in small steps. But little evidence was found that activism yields significantly increases in share value or operating performance (Karpoff 2001).

The paper proceeds as follows. Section 2 explains the unique organizational structure of hedge funds, that enable them to aggregate large equity holdings of portfolio firms and the key factors their strong activism is based on. In section 3, we examine hedge funds' proposals of substantial changes in the firm's financial policies by increasing target's debt capacity. Section 4 describes the ability of hedge funds to capture value enhancements and diverse governance mechanisms to avoid managerial moral hazard. Section 5 shows the utilized Data Design and Sample Construction. In Section 6 empirical results of target firms are represented. Section 7 concludes this paper with a short summary of findings.

Hedge Funds and their special role as activists

Fundamental differences between hedge funds and institutional investors enable hedge funds to redefine the boundaries of shareholder activism as set by pension funds, mutual funds, and other shareholder groups. Based on their unique structure, hedge funds have the ability to aggregate large equity holdings of portfolio companies, directly engage in activism with the companies' management and affect the strategic direction (Farrell and Lund 2007). In this sense hedge funds are labeled as to be among the world's financial power brokers. Among institutional investors, hedge funds are more aggressively intervening with targeted portfolio firms achieving more tangible results (Ryan and Schneider 2002).

For hedge funds, there is no need to diversify their investments due to legal requirements. This enables them to take large stakes in few firms and to become involved in firm's management (Brav et al. 2008a). Moreover, hedge funds amplify the voting power of their investor position by controlling more votes than just those belonging to their own shares. Empirical studies suggest that hedge funds have been instrumental in developing the process of decoupling ownership of shares from voting rights (Hu and Black 2006, 2011). There is evidence that hedge funds act "in concert", building groups with other hedge funds. To avoid the "group" designation by SEC (Briggs 2007), they act in "wolf packs" with parallel players goading other institutional investors into more aggressive action. Their ability to leverage or borrow

(Partnoy and Thomas 2007) allows hedge funds to take larger positions as compared to their own funds size.

Hedge fund activists may have increased incentives to monitor a firm's management and board (Briggs 2007; Kahan and Rock 2007, Partnoy and Thomas 2006). There is also evidence of hedge funds' influence on other institutional investors. These are jumping onto the "activist bandwagon" of hedge funds and benefit from free-riding on the activism campaigns without any own efforts (Gross 2006; Kahan and Rock 2007).

Activists also invest in distressed or junk debt, utilizing bankruptcy law (Beverini and Cova 2006), to later obtain equity positions. Hedge funds can get purposefully engaged with intention to decrease a target firms' stock value, also giving them a special role as compared to other institutional investors.

Communication tools and public actions are an important feature of hedge funds setting them apart. They use media, open letters and similar tools to put considerable pressure on the management board. This tool is called public targeting. Hedge funds further encourage shareholders to participate in such campaigns. They are also mobilizing each other, described as the Wolf's Pack Strategy, to promote further activists in the background.

In terms of addressing the general principal-agent problem arising from the disentanglement of ownership and control, hedge funds are fulfilling an important role. By taking on the monitoring role (Grossmann and Hart 1980; Shleifer and Vishny 1986), hedge funds deliver value to all shareholders (Grossmann and Hart 1980).

As opposed to other institutional investors, hedge funds can acquire concentrated positions of target company's equity by employing sophisticated trading tactics, including the usage of derivatives. This helps them to conceal their positions (Hu and Black 2007). Thus, hedge funds can acquire blocks while keeping the price effect limited and hide their trades. This helps them to capture more value arising from equity price fluctuations. Trading with derivatives may however create conflicts with other shareholders. For instance, when hedge funds hold positions in competing companies, they put pressure on target firms pushing them into merger & acquisitions. They even may benefit from declining share prices (Christoffersen et al. 2007, Brav and Matthews 2011; Bethel et al. 2009; Hu and Black 2007).

Lastly, for family or state-dominated firms, the interests of hedge funds do not always correspond to those of other minority investors. This leads to a so-called “principal-principal” problem (Dharwadkar 2000; Young et al. 2008). Hedge fund’s oppositional intention regarding the value of a firm’s share may create conflicts with other long-only investors seeking an increase in share price. There is, however, little evidence, that hedge funds’ behavior represents a source of a principal-principal conflict with an overall detrimental effect.

How do Hedge Funds affect target companies?

A. Governance

Managers often misuse firm-level governance arrangements as a protection against the outside influence by shareholders. This can lead to the development of staggered boards, which help managers to secure their position long-term. This behaviour can have a negative impact on firm’s value. (Aggrawal et al. 2009, Gompers et al. 2003). Hedge funds commit themselves to ensure that important decisions have to be approved by other shareholders. Hedge funds therefore facilitate the outside interference in major corporate decisions. This suggest, that a positive impact on firm value can be achieved by forcing managers to agree and follow firm-level corporate governance to support the outside influence of shareholders. Hedge funds therefore often represent an effective form of control over potential managerial self-interest (Schneider and Ryan 2011). In their function as intermediaries, they are unaffected by the conflict of interest, market-value transparency, and rigid regulatory environment that restrain other institutional investors. Directly affecting the Governance is therefore one of the popular instruments of activists.

One example of strong activism can be seen in 2005, when TCI and Atticus attacked the German security exchange Deutsche Börse. These Hedge funds blamed the management of Deutsche Börse, arguing that the management’ efforts to create shareholder value was insufficient. As a result, important changes to corporate governance, the financing and investment policies happened. Over the long run, however, the performance deteriorated and the share price suffered substantial losses in consequence of the subprime

crisis. This raises the question whether hedge funds activities really lead to substantially higher market evaluations.

Despite these effects, owners with large stakes can create additional agency problems from point of view of minority shareholders. Blockholders may obtain private benefits of control in the context of their controlling position. An external corporate governance mechanism like the market of corporate control helps mitigating managerial moral hazard. Low share prices as consequence of a lack in value creation present the probability of a hostile takeover. A hostile takeover puts pressure on the board of managers and could trigger changes in the senior management as well as a significant restructuring of the firm.

B. Disciplining managers

The board of directors as part of the corporate governance mechanism acts as a delegated monitor on behalf of shareholders, to ensure that managers act in the best interest of shareholders. Supervising the senior management, the board of directors have legal rights in most of corporate governance systems. Using their legal rights, the board of directors takes responsibility in hiring and firing senior managers, as well as changes in executive compensation arrangements. Moreover, key decisions made by the board can have a strong impact on the firms' value, like financing decisions, merger & acquisitions and large-scale investments projects (Tirole 2010).

Hedge fund managers seem to achieve their goals by posing a credible threat of engaging the target in a costly proxy solicitation contest. Empirical evidence was found, that such proxy fights are an effective weapon of shareholders to facilitate the removal of board members for poorly-performing companies (Bebchuk 2005a; Bebchuk 2005b; Briggs 2006; Kahan and Rock 2007).

C. Financial restructuring measures: dividends and cash

The paramount goal of the activism of hedge funds is to increase shareholder value in a short period of time. Hedge funds target firms with lower return on assets, lower market-to-book ratios and less diversification in comparison

to a population sample of Fortune 500 U.S. with no activism activity (Bethel et al. 1998). These target companies are then subjected to restructuring of the financial and strategic policies and redirections of investments by selling of less-productive assets. Additionally, hedge funds can demand a raise of dividends, pay out of special dividends and shares buy-backs. Thus, hedge fund activism is typically associated with higher debt loads. Hedge funds are actively using target firms' cash positions to create short term value.

Financial restructuring measures of hedge funds activism should lead to higher accounting returns, earnings-per-share, as well as operating cash flows in the period after the documented 13D/13G Filings. At the same time, assets are being reduced, as managers are incentivized to shed less productive businesses from their balance sheets.

An additional measure of hedge funds' financial restructuring strategies is the utilization of free cash flows. Managers have incentives to grow their firm beyond its optimal size due to corporate governance malfunctions by not utilizing free cash flow (Jensen 1986). Firm's value can therefore be raised by a more efficient free cash flow utilization, as directed by hedge funds.

D. Financial restructuring measure: leverage ratios

Activist hedge funds force target firms to make large payouts to shareholders. They extract cash from the target firm through increases in the target's debt capacity and higher dividends. Raising additional debt capital increases the financial risk of the target firm. A target firm should have access to debt capital markets at attractive conditions to implement restructuring measures based on debt capital. In this case, higher leverage can increase firm value. According to Modigliani and Miller (1958, 1961) financial restructuring measures and financial policies do not have an impact on a firms' value in context of perfect capital markets. Considering capital markets in real world, market imperfections such as agency problems, taxes and information asymmetries can optimize firms' capital structure. Thus, market imperfections create a balance between benefits and the costs of debt financing and can have a function to minimize the firms' cost of capital.

Reduction of free cash flows, higher dividend payments and an increasing of the leverage ratio thereby also reduces agency problems, as the

risk of waste cash flow on value-destroying investments with negative NPV gets reduced. Empirical evidence for the U.S. capital market exists, that hedge fund activism reduces agency problems and generate value for target firms.

The idea of “Empire building” is, that Managers try to reduce the risk of their own position by increasing the size and diversification of the company. (Jensen 1986, Fama 1980). Mature firms with steady cash flows and stable operating performance should utilize higher leverage ratios and hold smaller cash reserves in line with more aggressive financial policies. This suggests, that higher leverage can increase firm value due to reduced agency problems and tax benefits of debt financing.

The increase of leverage ratio is, however, a double-edged sword: Higher leverage might possibly reduce firm value by increasing the expected costs of financial distress. Costs of financial distress include legal and administrative fees, that occur during financial distress. (Titman 1984, Barclay and Smith, 2005). Furthermore, a higher leverage ratio can reduce the operating performance of a target firm, as it reduces the commitment of suppliers and customers and also human capital.

There also is a risk of asset substitution by increasing the debt capital, which in consequence leads to an increase in the cost of debt capital. Debt overhang problems may cause a situation of underinvestment at high levels of leverage. Growth in a firm depends on the ability to make investments in financial and human capital. During a period of financial distress, shareholders are not willing to provide additional funding for new investment of a firm when the firm exhibits too high leverage ratios. From this perspective, a more conservative financial policy should be preferred (Myers 2000; Zingales 2000).

Empirical evidence of hedge fund activism’s effect on target companies

Having summarized the theoretical background on hedge fund activism, we now want to turn to empirics to see how to measure the impact, which indicators are appropriate to measure it, as well as key existing results from the literature on this topic. Empirical studies for the period 1994-2005

(Boyson and Mooradian 2007), relying on a unique dataset of hedge funds and their behaviour as agents of corporate change, found strong evidence that hedge funds activists can improve both: short-term stock performance and long-term operating performance of their targets. Most dramatic changes in targets' performance was achieved by aggressive hedge funds activism, as measured by substantial governance and free cash flow changes. According to these results, the long-lasting changes in corporate governance, operating performance and cash of the target firm benefit both, shareholders and hedge funds alike. By practicing aggressive activism, hedge funds achieved an annual performance of 7-11% higher than non-activist hedge funds and hedge funds pursuing less aggressive activism.

In a more recent study (Brav et al. 2009) found that hedge fund activism mitigates agency problems of free cash flows. More evidence on activists' impact was found in samples of 404 U.S. hedge fund activism events for a period of two years, 2003-2005. The study documents higher abnormal stock returns around the initial 13D filing date for profitable and healthy target firms, as compared to a sample of control firms (Klein and Zur 2009). Further, for the period 2004–2005, a larger study consisting of 888 U.S. hedge fund activism events found positive valuation effects after a hedge fund activist event (Brav et al. 2008b). The results seem to be driven by changes in operating strategies. An interesting base case to compare hedge funds activist activities is the filing of the SEC 13G schedule. This schedule is to be filed whenever an equity acquisition of at least 5% is being done with the aim of passively holding the equity block. These filings allow to compare active and passive strategies of hedge funds (Clifford 2008). Such comparison studies also find that there is a premium to be earned for activism, but it also requires longer lock-up periods and is partly offset by increased efforts as compared to the passive holding.

While all mentioned studies commonly find a positive effect of an activist event on the target company, they mostly date back to over a decade ago. They also, for the most part, fall short of considering both, the effect of an activism effect on the stock market valuation, but also on the financial health of a target company. They also rarely consider long-term effects, such

as the development of the company over years after the initial acquisition of a block by a hedge fund activist. We want to address all of these concerns and conduct a study on the effect of hedge fund activism, relying on the most recent data, spanning the period 2009-2019.

Empirical study: setup, data and results

We first explain the setup of our study, the retrieval of data and descriptive statistics. The aim of descriptive statistics is to understand which target companies are mostly targeted by activists, who these activists are and why they target the companies. We then turn to an event study to see the impact of activism. Lastly, we perform an analysis of both, financial data and returns of targeted companies to understand the long-term impact of activism.

A. Data and descriptive statistics

In our empirical study, we rely on various data sources to conduct the analysis. Firstly, we use the SEC database of filings (Edgar 2019) to retrieve all Section 13D and 13G filings for our period of interest. These filings are structured by acquiring company's identification and time. Upon an initial purchase of at least 3% equity share in a public company, the acquirer submits the corresponding filing with the SEC. Whenever there is a change to the initial filing, the acquirer files a Section 13D/A or 13G/A (Amendment), stating the changes as compared to the initial filing. For our purposes, we consider both, the initial filing and the amendments, whenever the amendments are significant enough to warrant additional consideration. This can happen when the equity block is either sold off completely or substantially increased by at least 3%. From each filing, we extract the ownership percentage of the acquirer, the name and ticker of the partly acquired public company, the date of the acquisition and the date of the filing. The filings are further filtered to remove duplicates and small amendment filings (below 3%). Since 13D and 13G filings have to be submitted by any entity buying a share in the target company, we also filter all filings for those made by hedge funds known to engage in activism.

All the following computations are done using the R statistical software. Given the preprocessing, we first consider the breakdown of all filings by active/passive groups, as shown in Table 1. We observe that for our period of consideration, the % amount of active filings has largely remained constant with an increase in the year 2019. Compared to the amount of filings as found in the literature, one can see a slightly increasing trend.

Table 1. Overview of number of active and passive blocks by year, as submitted to the SEC by hedge fund activist / passivist investors. "Block" refers to an equity purchase of at least 3%. "Active" refers to equity bought with the purpose of actively engaging with the company, "passive" refers to passively holding the equity block.

Year	All Blocks	Passive Blocks	Active Blocks	% Active
2009	1110	963	147	13.24%
2010	1170	979	191	16.32%
2011	1278	1112	166	12.99%
2012	1081	956	125	11.56%
2013	1428	1241	187	13.10%
2014	1589	1363	226	14.22%
2015	1555	1335	220	14.15%
2016	1293	1068	225	17.40%
2017	1335	1117	218	16.33%
2018	1432	1239	193	13.48%
2019	854	671	183	21.43%

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations

For our next step, we want to consider the distribution of the ownership percentage over the filings. As can be seen from the summary statistics, the median active filing is around 7.50%, while the median passive filing is around 6.10% over the whole period of interest. This similarity further supports our research design of comparing the active and the passive filings to each other. The 3rd quartile for active filings is considerably higher than the quartile of the passive ones. This observation shows us that hedge funds engaging in activism tend to acquire a considerable amount of equity of the target firm.

The minimum and maximum are always at 0% and 100% respectively, as many times, a sell-off of an equity block is filed with the SEC.

Table 2. Distribution of ownership percentage by Sec. 13D/13G Filings, including amendments to the filings (as indicated by “/A”)

Filing	Min.	1 st Quartile	Median	3 rd Quartile	Max
Sec. 13D	0	5.60%	7.50%	11.80%	100%
Sec. 13D/A	0	5.80%	8.80%	16.60%	100%
Sec. 13G	0	5.30%	6.10%	7.95%	100%
Sec. 13G/A	0	2.52%	5.74%	8.53%	100%

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations

As mentioned before, not only activist hedge funds can submit Section 13D filings to the SEC. We therefore also want to investigate which hedge funds are the most active ones in terms of activism. The top 10 list of filings by frequency clearly shows that well-known activist hedge funds are represented in our dataset.

Table 3. Distribution of filing frequency, showing top 10 of the filing hedge funds, Section 13D filing

Company	Frequency of filings
STARBOARD VALUE LP	310
RAGING CAPITAL MANAGEMENT, LLC	179
ELLIOTT MANAGEMENT CORP	114
JANA PARTNERS LLC	108
CORVEX MANAGEMENT LP	100
MARCATO CAPITAL MANAGEMENT LP	78
THIRD POINT LLC	70
NORTHERN RIGHT CAPITAL MANAGEMENT, L.P.	66
AWM INVESTMENT COMPANY, INC.	64
SARISSA CAPITAL MANAGEMENT LP	43

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations

We now turn to profiling the classical target of hedge fund activists. We want to profile these by industry and by their properties, as represented by well-known accounting KPIs. To be able to compare target companies to their peer groups, we assign to each firm an industry, as defined by Fama-French 30 industries classification. This classification maps each SIC code of a company to the corresponding industry. The overview of top 5 industries by FF30 code is shown in Table 4.

Table 4. Distribution of FF-30 industries of all section 13D/13G filings in the period 2009-2019.

Industry	All Blocks	Passive Blocks	Active Blocks	% Active
Healthcare	2142	1950	192	8.9%
Banking	1843	1569	274	14.8%
Personal/Business Services	1327	1102	225	16.9%
Business equipment	858	724	134	15.6%
Retail	430	374	56	13.0%

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations

As can be seen, the main focus is on Healthcare and Banking. The percentages of active filings largely correspond to the overall percentage of active filings as shown in Table 1.

To investigate the impact of activism on company's financial situation and performance over time, we also rely on a selection of financial and fundamental data of target companies. For all public target companies, this data is provided by EOD Historical, Sharadar and Gurufocus. Where necessary, especially for small companies, we directly look up the required fundamentals data from companies' yearly reports. Similarly to what is common in the literature studying hedge fund activism, our variables of interest are henceforth Return on Assets (ROA), Return on Equity (ROE), M/B ratio, Leverage, Cash, Market cap. We also look at the market adjusted

return (adjusted to the corresponding FF-30 industry level) one year prior to the acquisition of a block by an activist hedge fund. All results are summarised in Table 5.

Table 5. Financial and fundamental data of target firms depending on block type. All values are industry-adjusted according to the FF-30 industry specification. Hypothesis tests are performed to see whether there is a significant difference between the targeted companies and their peers from the same industry.

Metric		Active (13D)	Passive (13G)	Difference 13D/G
ROA	Median	-2.46%	-1.15%***	-1.31%***
	N	1229	8303	
ROE	Median	-4.92%	-3.33%***	-1.59%***
	N	1229	8291	
M/B	Median	-0.3	-0.13**	-0.17
	N	1150	7719	
Leverage	Median	-2.22%	-3.95%***	1.73%**
	N	1225	8309	
Cash	Median	0.73%*	1.21%***	-0.48%**
	N	1213	8246	
Market cap (MM)	Median	-163.51***	-68.16***	-95.34***
	N	1169	7812	
Market adj. return, (-13,-1) months	Median	-23.55%***	-17.73%***	-5.82%**
	N	1186	4309	

* = 10% significance level, ** = 5% significance level, *** = 1% significance level, all hypothesis tests are performed as t-tests on the means of the target companies vs. public companies from the same industry.

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations

In line with the literature, we see that mostly smaller companies are targeted by activists. These targets are mostly underperforming the peer group in the same industry with the median return one year prior to the acquisition of a block holding being roughly 24% below the industry average. We can also

see clear and significant differences between target companies of activists vs. those of passive investors. In particular, passive investors target companies with higher ROA and ROE, significantly higher (almost double) the market cap and significantly higher market-adjusted return. At the same time, the leverage of the passively targeted companies is lower. These findings indicate that activists mostly target small, slightly underperforming companies within each industrial sector. While the differences of active and passive targets are all highly significant in the hypothesis tests, we observe that the active targets are mostly not too different from industry medians.

B. Excess returns arising from active and passive filings: An event study

In this section, we want to leverage the classical event study methodology to investigate how the fact of filing a Section 13D/13G is causing the markets to react. To that end, we build on classical event study approach as originally introduced by (Fama et al. 1969). Since cross-sectional correlation cannot be ruled out, we also apply the correction as introduced in (Kolari and Pynnönen 2010). We set the event to be the filing date of a Sec. 13D/13G filing. The cumulative abnormal returns are computed as:

$$CAR_{i,t} = \sum_{t \text{ in } (-2,+2)} R_{i,t} - E[R_{i,t}] \quad (1)$$

and corrected for serial correlation. To get expected returns, we take the CRSP value-weighted index and apply the CAPM model to compute expected return as indicated by the 1-factor-model. The estimation window to compute the parameters of the 1-factor model is set to 150 days prior to the submission of every individual 13D/13G filing. This is in line with literature standards, where 1-factor-models are typically chosen to compute the expected returns. Further, we perform hypothesis tests to compare the mean cumulative abnormal returns to the mean return of the industry peer group on the same day. This helps to establish whether the returns triggered by the filing are significantly different to those which would regularly occur on the same day. We set the event window to $(-2,2)$, which is in line with event studies investigating abnormal returns around public announcements. For robustness, we also check the returns for longer event windows $(-5,5)$ and asymmetric windows $(0,5)$. Since these results are not deviating substantially

from the classical (-2,2)-window configuration, they are skipped here for conciseness. One could argue that re-filings, i.e. changes to the size of an equity block do not cause the same effect as the initial filings. To check this assumption, we also perform an event study based on new filings only. Lastly, we also check how, in some rare cases, the change of the filing status from passive to active is affecting the abnormal returns. All our results are summarized in the Table 6.

Table 6. Event study: Excess returns around the date of the filing of an active / passive block. The data is pooled over the whole period (2009-2019). Events are filtered by all events, new events only (without re-filing) and change of status events (from passive to active). Day 0 is the initial date of the filing, -2 and 2 represent two business days around this date. p-values for means are obtained from t-tests. Tests of the medians are obtained using the Wilcoxon Signed Rank Test.

	Mean	Median	% positive	N
A: Event window (-2,+2), CARs estimated using market returns				
Active (13D)	0.15%	0.93%**	0.56%	1358
Passive (13G)	-1.07%***	0%***	0.5%	7870
Difference	0.93%***	0.92%***		
B: Event window (-2,+2), omitting re-filings (i.e. a company has been acquired before)				
Active (13D)	-0.2%	0.94%	0.56%	1329
Passive (13G)	-2.37%***	-0.57%***	0.46%	4754
Difference	2.17%***	1.51%***		
C: Change of filing status from passive (13G) to active (13D)				
Change	1.6%	0.27%	0.52%	376

* = 5% significance level, ** = 1% significance level, *** = 0.1% significance level

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations.

We observe that filings of activists cause a positive abnormal return of around 1% (median) within the event window. Passive filings, on the other hand, are causing the markets to react the opposite way, causing a negative return of -1.07%. Both are significant compared to industry level. This effect does not change for active filings when considering panel B (omitting re-filings).

For passive filings, the negative effect on abnormal returns becomes even higher, indicating that re-filings do not cause the same negative effect as initial 13G filings. Lastly, for the change of the filing status, we do not observe any significant deviation. This could be due to the small observed number of such filing status changes. All in all, we clearly see that in terms of cumulative abnormal returns around the filing date, the difference between active and passive filings is positive and significant.

C. Long-term impact of active and passive acquisitions: Financial and fundamental view

We now turn to an investigation of the long-term impact of acquisitions on target companies' financial health and fundamental parameters. To that end, we consider the period up to 3 years after the acquisition (thus leaving out filings from our dataset which do not date back sufficiently long). The variables of interest are once again Financials/Fundamentals, including ROA, EBITDA, Assets, Cash, Leverage and Dividend yield. As mentioned in the theory section, hedge fund activists are often taking measures to restructure the target company's capital structure, increase dividend payouts and decrease cash. These theoretical assumptions are to be proven empirically here.

Table 7. Change in financial and fundamental metrics as a function of the year after the initial filing of 13D/13G with the SEC. The industry-adjustments are the difference to the corresponding FF30 metric. All significance test are based on Wilcox Signed Rank testing.

Metric	Passive/ Active	Stats	Year 1	Year 2	Year 3
ROA	13D	Median	-27.92%***	-0.06%*	-0.15%
		N	932	929	804
	13G	Median	-26.09%	-0.21%	-0.25%
		N	6911	6841	6054
	Difference		-1.83%	0.15%**	0.1%
EBITDA	13D	Median	6.29%***	2.70%	2.64%***
		N	913	870	746
	13G	Median	7.63%	2.18%***	2.40%***
		N	6706	6318	5615
	Difference		-1.34%**	0.52%	0.24%

Assets	13D	Median	4.45%***	2.92%***	5.11%***
		N	935	930	805
	13G	Median	4.11%***	0.28%***	0.32%***
		N	6924	6839	6057
	Difference		0.34%***	2.64%	4.79%**
Cash	13D	Median	-9.20%**	0.02%	0.00%
		N	911	912	791
	13G	Median	-13.98%**	0.00%	0.00%
		N	911	912	791
	Difference		4.78%	0.02%	0.00%
Leverage	13D	Median	-5.16%*	-0.01%	-0.01%
		N	932	926	802
	13G	Median	-6.99%**	-0.08%	0.01%
		N	6909	6828	6046
	Difference		1.83%	0.07%	-0.02%
Dividend yield	13D	Median	-4.06%	0.00%***	0.00%***
		N	448	460	393
	13G	Median	0.00%***	0.00%***	0.00%***
		N	3049	3137	2885
	Difference		-4.06%	0.00%	0.00%

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations, * = 5% significance level, ** = 1% significance level, *** = 0.1% significance level

As can be seen from Table 7, we can indeed prove empirically that 13D events cause company's cash position. This change happens in Year 1 after the acquisition. In the following years, it becomes negligible. Assets tend to increase for all years after the acquisition. The impact on EBITDA is positive in all three years, with the biggest impact in year 1. Surprisingly (and contrary to the literature), the leverage is not increasing. The dividend yield is not significantly different to the industry average. Compared to 13G filings, we can clearly see that the main differences in the years after the acquisition are in EBITDA, Assets and Cash positions.

D. Active / passive investments and their correlation to Fama-French 5 market factors

Lastly, we want to investigate how a portfolio consisting of active / passive targets is correlated to the Fama and French 5 market factors (Fama and

French 1993). The factors considered here are MKT, SMB, HML, RMW and CMA. These are defined as follows:

- MKT: Market risk factor
- SMB: "Small Minus Big" is the average return on the nine small stock portfolios minus the average return on the nine big stock portfolios
- HML "High Minus Low" is the average return on the two value portfolios minus the average return on the two growth portfolios,
- RMW "Robust Minus Weak" is the average return on the two robust operating profitability portfolios minus the average return on the two weak operating profitability portfolios
- CMA "Conservative Minus Aggressive" is the average return on the two conservative investment portfolios minus the average return on the two aggressive investment portfolios,

Table 8. Factors behind a portfolio of active/passive target companies, tracked over a period of 1 to 2 years after the acquisitions. All factors are in line with (Fama and French 1993) definition. R^2 is reported to reflect how well the portfolio is represented by the factors. All hypothesis tests are t-tests of the coefficients. "LASP" stands for long active, short passive, i.e. a portfolio of all target companies of activists being bought and those of passivists being short-sold.

Portfolio	T	Alpha	MKT	SMB	HML	RMW	CMA	R^2
13D	(0,12)	-0.01***	0.86***	7.70***	-0.17	-0.35*	0.13	72.7%
	(0,24)	-0.01***	0.86***	0.73***	-0.15	-0.27	0.13	73.7%
	(0,36)	-0.01***	0.86***	0.75***	-0.14	-0.22	0.11	74.7%
13G	(0,12)	-0.01***	1.05***	0.77***	0.14	-0.60***	-0.19	89.2%
	(0,24)	-0.01***	1.07***	0.76***	0.14	-0.53***	-0.15	90.0%
	(0,36)	-0.01***	1.07***	0.77***	0.16*	-0.48***	-0.16	90.4%
LASP	(0,12)	0.01***	-0.82***	-0.59***	-0.13	0.48***	0.19	87.8%
	(0,24)	0.01***	-0.83***	-0.58***	-0.13	0.44***	0.16	88.8%
	(0,36)	0.01***	-0.83***	-0.59***	-0.14*	0.41***	0.16	89.3%

Source: SEC Sec. 13D/13G filings, automatically retrieved from the SEC EDGAR data portal API (<https://www.sec.gov/edgar/searchedgar/companysearch.html>), own calculations, * = 5% significance level, ** = 1% significance level, *** = 0.1% significance level

We observe that, in line with our previous observations, the active portfolio is highly correlated with the SMB factor (strongest and highest coefficient), additionally indicating that activists mainly target small companies. It is also highly correlated with the overall market. Interestingly, the alpha factor is not positive, at least not averaged over the whole 2009-2019 period. For the 13G portfolio, we see an overall similar picture, although the impact of the SMB factor is clearly lower. We also see that the RMW factor is correlated negatively, indicating that weak companies are targets of such filings. Lastly, insignificant coefficients of HML and CMA indicate that these factors are not considered by hedge funds when looking for suitable acquisitions. All R^2 are very high throughout, indicating that all portfolios are well reflected by the market factors. When comparing an active and a passive portfolio directly, we see a clear and significant overperformance, indicated by an alpha of 0.01. This means that on average, actively targeted companies overperform both, the industry standard and the passively targeted companies. This is also in line with classical results from the literature. All estimations are fairly stable over the years. Given the different market phases throughout this period, we observe that these patterns hold independently of the current market cycle.

Conclusions

This paper represents an overview of the current understanding of hedge fund activism and empirical results about their impact. Our empirical study contributes to the literature by considering the most recent filings of Section 13D and 13G. We can confirm the impact of hedge fund activists on target companies, especially in terms of EBITDA, Cash and ROA. We can also confirm that these companies tend to outperform the market as represented by an appropriate index. Interestingly, the classical result of increasing leverage cannot be confirmed empirically. Our event study shows that there is a clear positive short-term impact of such acquisitions. Our Fama French 5 factor analysis gives further insights into the preferences of hedge funds when selecting their targets.

While our study concentrated on US targets only, hedge fund activism is a relevant and interesting topic world-wide. It is subject to ongoing research

to investigate how hedge fund activism is affecting public companies globally. A more in-depth analysis of firm-level data can also help to shed additional light on the different activism strategies, as well as typical measures that hedge funds are taking within the firm. Lastly, an analysis of soft factors such as Governance can help to assess the impact of activists where it's not directly measurable by financial or fundamental data.

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The Role and Importance of the Integrity Public Advertiser in Professional Ethics

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ABSTRACT: The public integrity warning appeared more than 30 years ago in America and the western states, having the fundamental role of protecting the existing ethical and moral values at the level of public and private institutions. Although in the literature, the integrity warning, has been defined as a person who discloses to the public or the authorities immoral or illegal activities carried out in a government department, a public or private organization, or a company, through this paper, we intend to emphasize that the activity of the whistleblower contributes directly to the promotion at the institutional level of professional ethics and observance of procedural rules in the behavior of each individual at the level of each institution, respectively its direct involvement in the supervision and concordant support of internal procedures and activity in accordance with the applicable legislative and normative framework; moreover ensuring that this regulatory framework is respected and complied with.

KEY WORDS: integrity, ethics, morality

JEL Code: P48, P36, K49

Introduction

Supporting and promoting tools that support the moral and ethical values of our behavior in professional activity (Rotaru 2005,38), we consider it a priority at the level of each institution, and supporting through legislation

the obligation of the internal existence of the public integrity warning is a fact. Furthermore, information that the activities covered by the alert are those that would protect the aspects of immorality and / or illegality that are offered by an integrity alert and that can be of several types: violation of the law, violation of the rules or regulations of a company a threat to the public interest or public security, as well as fraud or other forms of corruption. People who decide to become integrity warner's by specialization can choose to support truthful information in two ways: internally or externally. Internally, a warning expert can report behavioral and legal irregularities observed to others within that organization, such as the senior manager. Externally, a whistleblower who is involved in either a public or private institution can bring the allegations to light by contacting external institutions, such as the government, law enforcement or the media.

To understand what the whistleblower is and what / whom he represents, we start from the definition provided by law, namely that the whistleblower is an informant, a person who brings to the public's knowledge of immoral or illegal activities in a government department, a public or private organization or a company. The warning did not appear recently, it was known more than thirty years ago in the US and other Western states where the institution of the "integrity warner" operates, namely the fact that people who inform voluntarily and in the public interest about committing acts of immorality and/or corruption, non-compliance with the rules regarding the declaration of income and property and violation of legal obligations regarding the conflict of interests.

Countless examples have been known throughout history in which the illegalities of various organizations have been revealed by people who, due to their moral character, did not want to admit when they saw how the rules were violated. In many cases, those who became so-called "integrity warner's" were subject to certain risks. It is noteworthy that globally there are few states that have specific legislation on the public health warning. By promoting the European Union since 2018, it has succeeded in transposing, through the Directive, the Directive on the Protection of Individuals Reporting Infringements of Union Law, into the Justice and Home Affairs Council (JHA) in Luxembourg. This Directive sets out clear mechanisms and obligations for employers.

According to the legal provisions, companies with more than 50 employees or an annual turnover of more than EUR 10 million have the obligation to provide for an internal procedure regarding the activity of whistleblowers, respectively the reports submitted by whistleblowers, thus avoiding possible abuses that could appear. Moreover, the legislation also stipulates for the institutions of the state and regional administration, as well as for all the administrations of municipalities with more than 10,000 inhabitants, the obligation to apply the procedures regarding the function of the public integrity warning. Procedures include protection mechanisms to be established and to be included:

- ✦ Clear reporting channels, inside and outside the organization, to ensure confidentiality;
- ✦ A three-tier reporting system consisting of:
 - ✓ internal reporting channels;
 - ✓ reporting to the competent authorities, if the internal channels do not work or it would not be reasonable to assume that they will work (for example, if the use of internal channels could compromise the effectiveness of the investigative actions taken by the responsible authorities);
 - ✓ reporting to the general public or the media if no appropriate action is taken as a result of reporting irregularities through other channels or if the public interest is exposed to imminent or obvious danger or irreversible damage;
- ✦ The obligations of the authorities and companies to provide feedback, responding to alerts' reports and taking action after them within 3 months if the more alert has used national reporting channels;
- ✦ Prevention of the risk of retaliation and effective protection: all forms of retaliation are prohibited and should be sanctioned. If the whistleblower is the victim of retaliatory measures, he or she should have access to free counseling and appropriate remedies (e.g. measures to end harassment at work or to avoid dismissal). In such cases, the burden of proof will be reversed, and the person or organization subject to the alert must prove that his actions do not constitute retaliatory measures against whistleblowers. Warner's will also be protected in legal proceedings, in particular by disclaiming responsibility for disclosing information.

In order to better respond to the pragmatic situation, the above-mentioned directive provided for three levels of protection of whistleblowers, respectively those who make public violations of the law among public institutions, as well as those who work in the private sector. A first level of protection refers to the establishment of internal mechanisms in organizations. Respectively in the situation where the whistleblowers can transmit the information, in confidence. A second level establishes filters for this information to be transmitted to the authorities in real time. If these two levels do not work, the third level allows the alarms to go public with this information, bypassing the internal channels. In this case, they will be protected from possible sanctions by employers. Due to the fact that the activity of prevention, correction of deficiencies and direct involvement to stop them, is often marginalized by some decision makers, integrity warner's risked dismissal, demotion or other punishments. Following this directive, national authorities will be required to train their employees and dignitaries on how to react to whistleblowing. The directive 2018/0106(COD), approved since 2018, states that Member States will have two years to introduce the provisions of the Directive into national law, which in terms of both morality, but especially the protection of those who respect moral, ethical and professional values it is an important step towards normalcy for society.

1.1. Methodology of scientific research

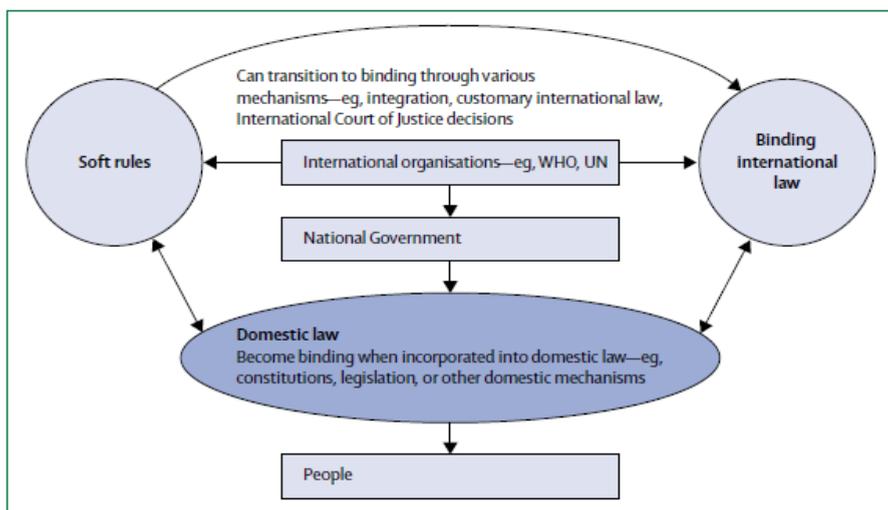
To substantiate this paper, we used observation and examination tools, research methods based on the basic principles of scientific research, and also created procedures based on factual analysis, as a result of significant practical experience and intensive documentation at the level of the specialized literature existing internally and internationally.

1.2. Research results

The transposition of Directive 2018/0106 (COD) into the national legislation of each Member State has been and is a major challenge, given that cultural and political factors are a major obstacle to the effective protection of whistleblowers. Moreover, the term "integrity warning" is in many cases associated with the idea of informant, traitor, or caster. In most states, there seems to be a widespread unwillingness to adopt and actually implement integrity warning legislation. The Law on Notifications may be replaced by

other laws prohibiting the disclosure of information, and in many states, defamation and defamation regulations discourage whistleblowers from making complaints. In many cases, existing legal provisions can be a starting point for extending the rights of whistleblowers to file complaints and to be protected. In some of the states included in the study, a national law was identified as conducive to creating a legal framework that would facilitate complaints from whistleblowers and protect them. In Bulgaria, a conflict of interest law could be used as a launching pad for such legislation, and the labor codes of the Czech Republic and Italy have provisions that can be used as access points for extended legislation on whistleblowers. However, the legal provisions will become effective only if the general perception of integrity warner’s changes in a positive way. A recent study in the Czech Republic seems to indicate the following: respondents agreed that integrity warnings are necessary, but face many obstacles and often do not end well for them. Improving the environment surrounding whistleblowers in the assessed EU Member States will require measures on both legal and cultural shortcomings and barriers that could impede the implementation and enforcement of whistleblower regulations. Country-specific recommendations were identified for each case study.

Figure 1. Relationship between domestic and international law



Source: *Gostin et al. 2019*

Legal provisions will only become effective if the general perception of whistleblowers changes in a positive way. But in order to be able to understand public integrity (Rotaru 2019, 201-205), and its direct connection with morality and ethics, we start from defining public integrity, respectively public integrity presupposes the cumulative fulfillment of three conditions:

- a. the incorruptibility of the decision regardless of its beneficiary;
- b. observance of the principles of transparency and competitiveness, ethics and morality;
- c. good administration in terms of economy, effectiveness and efficiency.

In order for these conditions to be easily and without applying a checklist for each act drawn up or decision taken, the “safety nets” are: compliance with the procedures without derogation; ensuring the transparency of administrative procedures; avoidance of preferential or discriminatory practices; adopting solutions that achieve their goal with the lowest consumption of resources; following the legal prescriptions; avoiding conflict of interest; recognizing limits and declining competence and respecting the underlying principles.

Warning in the public interest is defined as the notification made in good faith of any act that involves a violation of the law, professional ethics, or the principles of good administration, efficiency, effectiveness, economy and transparency. Its role is to establish in the law to whom it is addressed and under what conditions a person can be considered a warning. The way of definition requires the complex analysis of the factual situation in order to establish the relationship between the quality of the public sector employee, the reported deed, the place of the deed and the way of reporting it.

An edifying example is given by “a person employed in a hospital is a whistleblower of integrity if he signals a fact of granting nursing care preferentially or without registering the patient in the registers. A patient in the same hospital is not a warning of integrity even if he signals the same thing”. The whistleblower is a person who notices in good faith violations (Rotaru 2016, 29-43) of the law and the code of conduct, and who may be a civil servant - the person invested, by appointment to a public office within the structure of a public authority or institution, with prerogatives in exercising their competence, in public power, with the aim of achieving a public interest, contract staff, according to the Labor Code, and staff who

carry out their activity based on special statutes, doctors, teachers, police, court clerks, priests, etc.

Integrity warner's often face retaliation from those accused of alleged illegality. Therefore, in many countries there are laws for the protection of whistleblowers, but this form of protection cannot protect them from all the problems they will face. Integrity advocates may face multiple actions and various forms, but they must remain morally, ethically and professionally integrated.

Integrity whistleblowers are persons appointed from among internal employees, or are special employees in this position, having as professional tasks the reporting of a misconduct, of a colleague or superior within the company through anonymous reporting mechanisms such as special telephone helplines (Mit, Wilcox, Gadlin 2009). It is interesting to study the circumstances in which people report or act on the spot to stop illegalities or unacceptable behaviors. In general, people are more likely to take action on illegalities if there are complaint systems, which offer not only pre-dictated standard options, but absolute flexibility and confidentiality (Rowe 1993).

Reporting procedures and mechanisms addressed at the institutional level, such as those mentioned above, help to promote a climate in which employees are more likely to report or seek guidance on actual or potential illegalities, without being exposed to certain adverse consequences. , but on the contrary addressing the direct aspects of behavioral ethics. The ISO 37001 standard, which refers to anti-fraud management systems, presents "anonymous reporting mechanisms" as one of the criteria, but from our point of view we believe that the working procedure should be in a normal, friendly and fair environment both morally and ethically.

In countless cases, external integrity warnings are used, whose main role is to report employee misconduct to other external persons or entities. However, in these cases, depending on the nature of the information and the severity of the facts, whistleblowers may report deviations to local and national lawyers, the media, the police, security guards or anti-corruption / anti-fraud agencies. It is worth mentioning that for the selection of the internal warning, especially the external ones, an essential criterion is given by the human moral character of the individual who will be appointed in this capacity of warning.

Being a relatively new process for some states, this type of warning involves the use of an external specialized agency to inform deviations of senior management or high-ranking officials, who have a lot of influence, without revealing the identity of the whistleblower. This is a relatively new phenomenon and was developed due to the lack of protection for integrity warnings. Examples of such organizations include Whistleblowing International Network or International Whistleblowers . Moreover, private companies and public institutions use specialized services in which the whistleblower is an anonymous person, including the whistleblower. This is possible through free calls to specially configured phone numbers to avoid recording the origin of the caller's call, or through web solutions that apply asymmetric encryption solutions. However, the warning activity in the private sector differs from the public environment in several respects in the warning activity in the public environment, namely: in the private environment the warning of irregularities in the private sector is generally not as visible as in the public sector, on the one hand due to the different organization of work, and on the other hand the interaction with citizens. However, warning activity in the private sector is much more widespread and suppressed in today's society (Castegnara 2003) because private corporations usually have stricter regulations that suppress warnings. An example of a private sector warning is when an employee reports irregularities to a manager or external entities, such as the police or anti-fraud agencies. Situations in which a person reports irregularities can range from inappropriate behavior (e.g. sexual harassment, vulgar language) or theft to money laundering or stock exchange fraud allegations. Reporting illegalities in the private sector is not so well known and often does not appear in the news, except for human rights violations or the exploitation of workers (Kelsey 2012).

Even though there are laws and organizations in many countries that protect whistleblowers, many employees still fear for their jobs because of threats from their employers or other parties involved (see blackmail). In an effort to overcome these fears, the United States passed the Dodd – Frank Wall Street Reform Act in 2010 to protect whistleblowers, which, among other things, provide much greater incentives to make disclosures. For example, if an alert provides information that could be legally used to

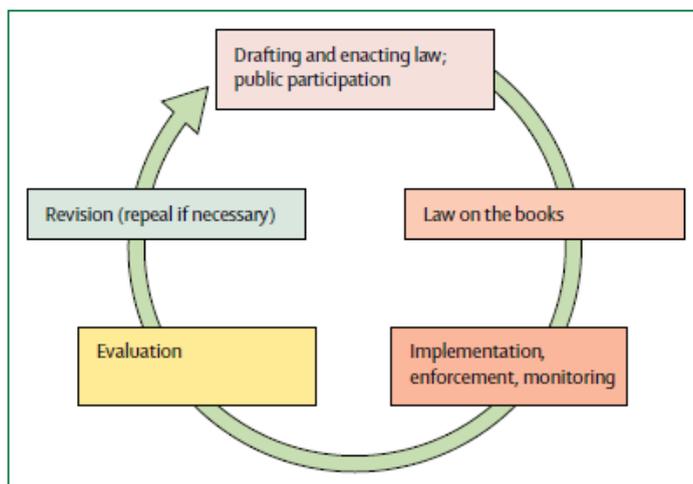
recover over one million dollars, then they could receive between 10-30% of the amount (Ferrell 2014).

Despite the government's efforts to help protect whistleblowers from integrity, they need to weigh their options well. Either expose the company and enjoy moral and ethical respect from others without losing the job; either expose the company and lose their job, reputation and even the opportunity to be hired again. According to a study from the University of Pennsylvania, out of three hundred informants studied, 69% of them were either fired or forced to retire after reporting company irregularities (Ferrell 2014).

Following numerous complaints about the protection of whistleblowers, the European Commission has committed itself to taking steps to protect them, including through public debate, as was the case in 2016 with the event "Media Pluralism and Democracy". Furthermore, strengthening the protection of whistleblowers embodies the Commission's commitment to placing a stronger emphasis on ensuring compliance with EU law, as set out in its 2016 Communication "EU Law: Better Enforcement for Better Results".

The activity of the warner does not consist only of having exceptional professional skills, but especially, as mentioned in the paper, his moral character, as well as his permanent mental state.

Figure 2. Features of an effective legal environment



Source: Gostin et al. 2019

There are few studies on the psychological consequences of the integrity warning. However, the experiences they go through can have negative effects on their health. When they try to report irregularities, they often run into a wall of silence and hostility from management or colleagues (Peters 2011) work, acute anxiety, nightmares, flashbacks and negative thoughts (Farnsworth 1987) Some of them suffer from depression, and suicidal thoughts can occur in about 10% of them. (Lennane 1993; Bjørkelo 2013). The related symptoms have many of the characteristics of post-traumatic stress disorder, although it is not always clear whether the trauma experienced by integrity more alert reaches the threshold required for diagnosis (Bjørkelo 2013).

The psychological impact on the warnings can be accentuated by the bad intentions of those who are accused of illegalities. For example, those who are accused may try to destroy the whistleblower's career by releasing false information (De Silva 2014). This technique, called gas lighting, is a common and unconventional approach used by organizations to "manage" employees who are struggling with their problems (Lund 1977). This technique involves manipulating informants by "planting" seeds of doubt that could make them doubt their memory or mental health. In extreme cases, a manager may convince others that the alarm is not mentally sound (Lennane 2012).

The integrity warning has been regulated in Romania since 2004, by a special law on the protection of integrity warnings, respectively "Law no. 571/2004 on the protection of personnel from public authorities and institutions that reveal violations of the law". This is often called the "Romanian law for the protection of whistleblowers", and was the first country in the continental legislative system to issue a comprehensive law on the protection of whistleblowers of integrity (Stratula 2016). However, it should be noted that the law on the protection of whistleblowers applies only to public sector staff, while private sector employees are not protected by this law. Private sector employees may in some cases be protected by general labor law or witness protection legislation when they face retaliation or obstruction due to disclosed information (such as abusive dismissals or if they are called as witnesses for report offenses or other violations of the law) (Stratula 2016).

Through the Protection of Persons Reporting Infringements of Union Law, within the Justice and Home Affairs Council (JHA) in Luxembourg, as well as through the quality standards maintained above, the private sector now has the legal provisions on the designation of the whistleblower within that company. Moreover, also in the directive as mentioned above in the paper, the mechanisms and clear obligations for employers are clearly specified.

It is very important to note that if the whistleblower is affected by certain reprisals, he may appeal to the courts. Many of the world's states have established a legal measure in labor law that allows employees involved the right to appeal. In countries such as Romania and Ireland, legal measures are in place to facilitate referrals and protect employees throughout the referral process. However, in Romania, legal protection regarding the public interest warning is limited to public sector employees, while private sector employees have the protection offered through the labor code. However, we believe that there should be clear rules on retaliation for whistleblowers, so that they are not left solely to the judiciary, who decides whether or not it was an unjustified dismissal, for example. In many cases, existing legal provisions can be a starting point for extending the rights of whistleblowers to file complaints and to be protected. A recent study in the Czech Republic claims that the respondents agreed with the statement that integrity warnings are necessary, but they face many obstacles and often things do not end well for them.

Conclusions

Starting with May 2018, all public and private institutions in Romania had the obligation to implement at their level the standardization procedures regarding the public integrity warning and to comply with the legal legislation in force. This aspect creates a normal framework for exercising this profession (public integrity warning), and moreover the existence of this function can contribute in a balanced way to maintaining the ethical and moral values at the level of each public and / or private entity. Professional ethics is a main component of the occupation, the integrity warning, it being a main component of any occupation, a basic pillar in occupational standards. Ethical standards are essential for improving the quality of the integrity warning

activity. Moreover, job satisfaction is a major challenge for those who choose the profession of integrity warning. Respect for professional ethics and job satisfaction among whistleblowers are essential elements to the professional quality of whistleblower. Consequently, public or private whistleblowers are permanently subject to compliance with professional and moral ethics, and the exercise of the responsibilities of this occupation must be carried out below these values. From our point of view, we consider that the existence of the warning gives balance to the team at the level of public and private institutions, its role being mainly to support prevention and to determine the team to a correct, late, ethical and professional work. Moreover, we consider that the development of an occupational standard for the profession of public and private integrity warning would also delimit certain attributions of it, and would clearly exemplify the role and importance of the warning at the level of public and private institutions both nationally and internationally.

Increasing the current level of protection of whistleblowers, the proposal has a positive impact on fundamental rights, in particular:

- ✦ freedom of expression and the right to information (Article 11 of the Charter): Insufficient protection of whistleblowers against reprisals affects the freedom of expression of individuals, as well as the public's right to access information and the freedom of the media. Strengthen the protection of whistleblowers and clarify the conditions for such protection and if they disclose information to the public will encourage and allow the warning in the public interest and in the media;
- ✦ the right to fair and equitable working conditions (Articles 30 and 31 of the EU Charter): by establishing reporting channels and improving protection against retaliation in a professional context, a higher level of protection for whistleblowers will be ensured;
- ✦ the right to privacy, the protection of personal data, healthcare, environmental protection, consumer protection (namely Articles 7, 8, 35, 37 and 38 of the Charter), as well as the general principle of good administration (Article 41) will be also positively influenced, as the proposal will increase the detection of infringements and their prevention.

Alert protection standards are set out in international instruments and guidelines, such as the 2004 UN Convention against Corruption, to which all Member States and the EU are parties; G20 anti-corruption action plan; OECD report of March 2016: "Committing to Effective Whistleblower Protection" (Commitment to Effective Whistleblower Protection).

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The Sources of Pauline Ethos

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ABSTRACT: This article aims to elaborate on the sources of Pauline ethos by presenting individuals who influenced Paul's thinking, and by demonstrating how his moral values were formed. Apostle Paul was the most influential apostle over all of Christianity. The very important contribution of his ministry can be seen in two aspects: missions and writing. Even though St. Paul demonstrated flexibility in the way he approached the mission, he had clear and strong values, evident in the way his epistemology followed his ontology. Paul was interested in *becoming* first and *acting* after. This perspective protected him from erroneous decisions. He also had to analyze very diverse types of situations. His values helped him to make correct decisions, based on the Old Testament and Jesus' teaching. Paul, a traditional Jew, though born in Tarsus in a Greek culture, kept the very early Jewish values, which were rooted in the Old Testament. After his conversion, the apostles from Jerusalem, and later in Antioch, disciplined him. But the critical moment of his life was the journey from Jerusalem to Damascus, when he experienced a direct revelation from Jesus. Pauline ethos was built based on the environments in which he lived.

KEY WORD: Paul, ethos, moral, values, Judaism, apostle, Christianity

Preliminary

In the missionary journeys of the Apostle Paul, he confronted new situations for which he did not have clear solutions, even though he possessed a rich knowledge of the Old Testament and of Jesus' teaching. In these grey-zone

situations he had to go beyond the rules, following his holistic understanding of Christian moral values.

Although ethical and moral terms are often used interchangeably, they have different connotations that complement one another. From the etymological point of view, the ethical term defined, in the primary sense, the narrow box in which the horses were waiting for the race to start. Plato describes the character as the sum of habits, using two antithetical images, the good horse and the bad horse. This image expresses the limits and freedoms of their own choices. The moral word comes from the Latin *mos / mores* and has the meaning of applying community or individual ethics by adopting the standard of values. On a personal level, morality simply is the set of habits (Chappell 2006, 152). In the broad sense, ethics is understood as an antithetic delimitation between good and evil (Platts 1991, 25). Seen as a set of rules, ethics has emerged from the need of people to regulate their relationships and to protect the individual and the community, so that it manifests itself between two limits: prohibitions and permissions.

Ethics is composed of four forms: (i) descriptive ethics, which presents norms, standards; (ii) normative ethics, defining good and evil; (iii) applied ethics, judging specific cases; and (iv) meta-ethics casual senses. Moore believes that ethics has one role: defining good. He defines good in terms of interpersonal argument, and good is, from this perspective, a relative notion (Moore 1903, 1§2). In the secular sense, ethics refers to the conduct of an ideology, norms and values of a social character, some of which are of a relative nature, depending on the context in which it is applied. Mark Platts takes over Nietzsche's understanding of ethics: (i) ethics expresses the values by which aesthetics are judged; (ii) rejects the concept of uniformity in behaviour within the same communities; (iii) rejects the need to preach uniform values to all people, and (iv) behaviour, being adaptable, will influence ethics in permanent adaptation. For these reasons, Mark Platts calls him an "ethical immoralist" (Platts 1991, 160). From a biblical point of view, ethics takes into account those normative values for the lives of believers and the relationship between them, rules found in the Holy Scriptures. If, from a secular point of view, ethical rules differ according to the social, historical, cultural or geographic context, from a biblical point of view these norms are

absolute because they have as their source the immutable character of God (Eckman 1999, 6).

Morality is the sum of the applied virtues, and highlights how the individual respects predefined, ethical standards, stemming from the socio-cultural context (in the secular sense) or from the character of God (in a biblical sense). James P. Eckman emphasizes a difference between the two terms, synthesizing ethical and moral ethics: "Ethics is what is normative, absolute. It refers to a set of standards around which we organize our lives and from which we define our duties and obligations. It results in a set of imperatives that set up acceptable behavioral patterns. Ethics is what people should do. By contrast, morality is more concerned with what people do. It describes what people do, often unrelated to a set of absolute standards." (Eckman 1999, 8-9).

Morality is the ethics becoming the sum of habits, which is reflected in the character of individuals. Socrates puts reason at the foundation of morality, realizing a value hierarchy of virtues: wisdom, courage, temperance and justice (Taylor 1951, 140). Plato puts justice before the other three virtues, hierarchy shared by Aristotle (Shedd 1999, 62).

Together, ethics and morals create ethos, both the ontological, the epistemological, the personal and the group (Horrell 1996, 57). Behaviour is never the source of beliefs and values, but the effect of what is already established in consciousness. In other words, the ontology will determine the epistemology, not the other way around. If the Corinthians had adopted the Christian moral values promoted by Paul, the fruits would inevitably follow. The lack of Christian fruits of some of them was the direct effect of rejecting preached values.

Pauline Ethos

Apostle Paul, the founder of the most important churches in the Mediterranean Basin, did not intend to leave behind an exclusively ethical writing, even though in all his epistles (general or pastoral) he emphasized Christian moral values, advising believers on the lifestyle that the followers of Christ must respect. For example, Col. 3 is entirely devoted to describing the moral qualities that believers have to embrace. Attitudes such as anger,

indolence, un-forgiveness, fornication, lust, uncleanness, defamation, shameful speech, are some examples the apostle gives to the community to be avoided. In contrast, in the second part of the chapter, there are mentioned virtues that the believer must embrace: mercy, grace, forgiveness, love, kindness, longsuffering, humility, and gentleness. In the final part of the chapter, the apostle emphasizes some essential relational aspects: the family and the master-slave relationship. In the first case, women are urged to respect their husbands, an attitude emphasized in I Cor. 7 and 11; men are urged to love their wives, and parents are to have a positive attitude in their children's education. In the latter case, servants are urged to respect the authority of the masters, for the spirit of obedience in inter-human relationships will also be reflected in the believer's relationship with God. Another example is I Tim. 3, where the Apostle Paul describes the moral qualities necessary for the bishop and the deacon, which must be examples for the flock. They must have self-control, a faithful family, and a good reputation not only with those in the Church but also with the people outside.

The first aspect to be considered is the origins and the Jewish education that Paul had, even if he grew up in the Greco-Roman environment specific to his native town of Tarsus. Tarsus was located along the Cyndus River, at the foot of the Taurus Mountains, on the southeast coast of the Asia Minor Peninsula (today's Turkey), about 15 km from the Mediterranean Sea. Pompey occupied the city in 67 BC, and in 66 BC. entered under direct jurisdiction of Rome. In 44 BC Marcus Antonius declared the city free of tax, and this fact contributed to a great economic development. One of the most popular economic activities was the making of cloth from goat hair used to make tents. From an educational point of view, Tarsus could boast of schools, being under the influence of Hellenism from as early as 170 BC, which attracted the name of "Little Athens" (Wallace 1998, 180-182).

The second aspect is related to the revelation on the road to Damascus, which marks its own conversion. The experience of meeting Christ profoundly changed the apostle, both in terms of his being and thinking, as well as in terms of his attitude and attitude towards others. His writings demonstrate that the episode of conversion impacted him for the rest of his

life. Third, we must remember Paul's interaction with the other Apostles, who represented another way of modelling his thinking and teaching in his visits to Jerusalem, but especially when he spent time with Barnabas in Antioch (Johnson 1983, 70-71).

At the end of the 19th century, Ferdinand C. Baur described Paul as an aggressive prophet, full of anger-induced zeal. Bauer believes that all of Paul's pre-conversion rage against Christians was transformed into a form of "anger" manifested in his ministry as an expression of passion for fulfilling his call (Seesengood 2010, 14).

Ramsay emphasizes the intellectual capacity of the apostle by highlighting scholastic refinement (Ramsay 1895, 31). He considers the entire book of Acts as a history of the person and mission of the Apostle Paul, including a representation of the era before his conversion, followed by the conversion, and concluded by the missionary work. Paul becomes the brightest intellectual of ancient times, and the most innovative interpreter of the Scriptures. Philosophical and rhetorical studies, and Hellenistic influence (Rotaru 2005a, 268-274), open up opportunities for missionary journeys later on. On the other hand, the knowledge of the Scriptures and hence, of the Jewish tradition, makes him unconquerable in any confrontation, whether with Hellenists or Judaizers. Stelian Tofana perceives Paul as an erudite orator, who had adapted very well to different civilizations and cultures, while at the same time maintaining his strong values (Tofana 2005, 83-101). Barrett describes Paul as confrontational, argumentative, and focused solely on his own mission (Barret 2003, 165).

Pauline Ethos and the Influence of Judaism

From the autobiographical presentation in Phil. 3:5 we can easily observe that although originally from the diaspora, a context in which the use of the Greek language was more prevalent among the Jews in comparison to the other Jewish languages (Aramaic and Hebrew), the Apostle Paul simply referred to himself as a Jew. Thus, Paul deliberately emphasizes that the language in which Christ addressed Himself in the revelation on the road to Damascus was Aramaic: *"I heard a voice that said to me in the Hebrew*

language..." (Acts 26:14). Similarly, Paul addresses those in Jerusalem in Aramaic, his native tongue: "So when he had given him permission, Paul stood on the stairs and motioned with his hand to the people. And when there was a great silence, he spoke to them in the Hebrew language, saying" (Acts 21:40).

The Apostle Paul's early formative years relating to the educational phase are marked by two important places: Tarsus and Jerusalem. Tarsus represents the place of the apostle's childhood where he learns the mysteries of Judaism, and Jerusalem is the place where he is formally educated under pharisaic scholarly tradition, firmly rooting himself in Judaism. The secular education refers to the schools of Tarsus, a bastion of Greek Stoicism. Most likely, Paul studied in Tarsus at a renowned school. The Tarsus schools were renowned if we only referred to Athenodorus of Tarsus (74 BC-7 AD), a brilliant stoic philosopher, nicknamed "the Cannanite". Cicero and Seneca studied his writings. The study of rhetoric took about 3-4 years, and the minimum age for access to such a program was 15 years. If Paul graduated from the school of rhetorical studies at the age of 19-20, we can assume that around 20-25 AD, he travels to Jerusalem to study "at the feet" of Gamaliel I. After completing his studies, Saul returns to Tarsus, before Jesus has begun his public ministry. The quality of his education can be seen in the ability to communicate, in organizational skills and in the power of synthesis, as evidenced in the epistles. The depth of thought produced a certain difficulty for contemporary readers, a fact recognized by the Apostle Peter (Lentz Jr 1993, 31). Sandmel believes that the Judaism that Paul was exposed to be a poor Judaism, even though not denying the contact of the Apostle with Judaism in Jerusalem (Sandmel 1956, 37-51).

The Apostle Paul describes himself from the religious point of view, also in Phil 3:5: "*circumcised on the eighth day, of the people of Israel, of the tribe of Benjamin, a Hebrew of Hebrews; as to the law, a Pharisee;*" F.F. Bruce emphasizes the importance of mentioning Paul's inclusion in the lineage of the tribe of Benjamin. The Benjamites were located in the immediate vicinity of Judea, near Jerusalem. After Israel's division, this tribe remains faithful to the South Kingdom, Judea. Even if almost ceasing to exist, the Benjaminites regained their identity after exile, settling in Jerusalem and in the surrounding neighbourhood (Nehemiah 11:4: "*And in Jerusalem lived*

certain of the sons of Judah and of the sons of Benjamin (...)" The fact that he was named Saul expresses the parents' attachment to this tribe, its most prominent representative being King Saul (Bruce 1977, 41-52).

On one hand, these autobiographical statements can be perceived as a response to a possible contestation of his Jewish origin and, on the other hand, it reveals that Paul was an ardent practitioner of Pharisaic Judaism, a group whose ideologies greatly shaped the apostle's entire being. The possible contestation of Paul's pure Jewish roots could in fact have been a pretext for challenging his apostolicity, teaching and practice, and doubting his authority. Montefiore does not consider Paul a true Jew (Montefiore 1915, 183). He claims that the influence of Hellenism made an irremediable mark on the apostle's thinking and value system, and as such, cannot be placed alongside other famous rabbis, such as Akiba or Hillel. The same theologian claims that the Judaism practiced in Tarsus is not a pure one but is in fact affected by the Hellenistic thinking of that time (Montefiore 1915, 18).

Paul's adherence to Pharisaic Judaism is further demonstrated by his inclusion in the select group of scholars, led by Rabban Gamaliel I (Acts 22:3): "*am a Jew, born in Tarsus in Cilicia, but brought up in this city, educated at the feet of Gamaliel, according to the strict manner of the law of our fathers being zealous for God as all of you are this day.*" Raban Gamaliel I was the son of Shimon ben Hillel and, at the same time, the nephew of Hillel the Great (about 37-4 BC). He was given the title Rabban - an honorary title comparable to that of a professor (generally, the tannaims and amoraims of Eretz Israel were given the title of "rabbi", written in front of their name, and the Babylonian amoraims were labelled "rabbi." A particularly worthwhile title - namely the "rabban", was assigned to Gamaliel I, Shimon ben Gamaliel I, Iohanan ben Zakkai, Gamaliel II and Eleazar ben Azaria. For the title of "rabbi", the abbreviation "R" is used (Cohen 1999, 35). Rabban Gamaliel I became very famous both in the Christian and Jewish environments. In the book of Acts, Rabban Gamaliel I is first mentioned in the passage of 5.34. Through his work, he continued in the scholarly tradition of his grandfather, Hillel, and founded a famous rabbinical dynasty that lasted almost four centuries (Lenski 1961, 231).

In his plea, as noted in the passage of Acts previously mentioned, although Paul mentions his birthplace of Tarsus, Apostle Paul emphasizes

that he was educated from an early age in Jerusalem, having as a teacher and mentor Rabban Gamaliel I, nephew of the renowned Hillel and a representative of the *Hillelit* school of thought. According to R. Jehuda ben Thema: 5 years old is for teaching; 10 years old for Mishnah; 13 years old for practicing religious precepts; from the age of 15, begins the study of the Talmud; 18 years of age initiates the epoch of marriage; 20, the age for practicing a trade; 30 is the age of power; 40 is the one of experience; 50 is the age to give advice; 60 is the age of eldership; 70 is the age of gray hair; 100 is as dead, as passed away from this world. (Siddur 1977, 311-312). The first individuals responsible for the child's education were the parents, especially the father, who had to teach the child the Torah, from the very first five years of the child's life. According to the Jewish tradition, children start studying the Torah at the age of 5, and from 10 years old, Mishnah. At the age of 15, the studying of the Talmud begins, and at the age of 18 they are considered ready for marriage. At the age of 30, he is considered mature enough, at 40 he becomes a man with a comprehensive understanding of things, at 50 he can become a mentor and at the age of 60 he enters the rank of seniors. According to another type of assessment, a Jew undergoes three important stages in life: (1) education, up to 15 years; (2) between 15 and 50 years, family and social responsibilities; and (3) beyond 50 years is the period of wisdom and mentoring (Eisenberg 2004, 2-10).

As such, no one had the right to doubt his adherence to Judaism; rather, his association with the elevated group of Pharisees under the authority of Rabban Gamaliel I is the strongest argument of his Jewish roots (Collins 1999, 87).

Therefore, from the perspective of his ethical and religious values, the Apostle Paul was deeply rooted in the normative Judaism of that time. That is why his statement in I Cor. 9:27 – “*I discipline my body and keep it under control*” – is not surprising. He makes an allusion to the struggles between two pugilists (ὕπωπιάζω - striking a direct strike or striking the dough during kneading), he presents the harsh struggle of self-control, that is, the discipline of staying in the *narrow box* of Jewish ethical limits in order to keep his body under control (δουλαγωγῶ - a conquered city, but it must then be mastered, kept under control) (Christian 1868, 195).

In 2 Cor. 11:21-22 Paul defends his Apostleship by referencing his own Jewish origin: “*To my shame, I must say we were too weak for that! But whatever anyone else dares to boast of - I am speaking as fool - I also dare to boast of that. Are they Hebrews? So am I. Are they Israelites? So am I. Are they offspring of Abraham? So am I.*” St. John Chrysostom, in Homily to 2 Corinthians, 25.1 emphasizes the importance of the repetition of v. 22. Being Jewish is not the same as being Israelite; the Jews were of the Ammonites and Moabites. That is why the rhetorical question was necessary: Am I the seed of Abraham?

Even though Judaism may be considered to be the determining factor in the establishment of the Pauline ethos, Paul also interacted with the Hellenistic school of thought, especially during his early education, in Tarsus, where – according to some scholars – he became familiar with reasoning and arguments of the Platonic type (Rotaru 2005b, 140-164). Unlike the Jewish anthropological school of thought, the Apostle Paul distinguishes between physical and spiritual life, especially in Romans 7:14: “*For we know that the law is spiritual, but I am of the flesh, sold under sin.*” This statement expresses a state of resignation, an acceptance of a reality that cannot be changed, and the drama of this reality is amplified by the fact that the apostle must alone fight against his own bodily nature, to accept the spiritual values (Fitzmyer 1993, 472). This influence is evident in his capacity for synthesis and discernment between essential and formal. Consequently, the Apostle makes a clear distinction between the ethical values that Judaism embraces and which he – as a Jew – upholds (and later transmits in Greek-Roman Christianity), and the Jewish rituals he no longer considers necessary in Christian spirituality. What is to be emphasized, however, is that Apostle Paul’s entire being – as clearly shown in his epistles – was strictly grounded on Jewish moral values, as Greek culture was merely a framework for manifestation of those values (Munck 1959, 200-209).

Pauline Ethos and the Revelation on the Road to Damascus

After the Lord’s ascension, some of the Pharisees accepted the *messiahship* of Jesus, thus joining *The Way*. Others had a tolerant attitude towards Christians, amongst which included the influential Rabban Gamaliel I. Although not a member of Sanhedrin, it was perhaps due to his status as

disciple of Rabban Gamaliel I that he was present when his mentor addressed those who remained in the room, defending Christians. Acts 5:34, 38-39: *“But a Pharisee in the Council named Gamaliel, a teacher of the law, held in honour by all people, stood up and gave orders to put the men outside for a little while (...) So in the present case I tell you, keep away from these men, and let them alone, for if this plan or undertaking is of man, it will fail; but if it is of God, you will not be able to overthrow them. You might even be found opposing God.”* This fact certainly resonated in Paul’s conscience, even zealously consenting to the killing of Stephen and then further attempting to eliminate Christian groups from areas where they were established (Acts. 9).

The zeal for Judaism was the driving force that propelled Paul toward Damascus in order to persecute the Christians, yet this journey was a road with no return for the course of his life had changed forever. The major issue with which Paul was confronted at the time of the revelation while on the road to Damascus was of a particular theological depth: namely, the divine character of Jesus Christ (Longenecker 1981, 371).

Recognizing the sovereignty of Jesus (“Who are You, Lord?” - Acts 9:5) resulted in a complete tearing down of his Jewish theology. It is possible that – being well acquainted with the OT – he was no stranger to the text found in Ps. 110:1, which speaks of the Messiah’s victory; *“The Lord said to my Lord: Sit at my right hand, until I make your enemies your footstool.”* By the desperate cry of Lord (κύριε), Paul recognizes both the divinity and the authority of Christ. Consequently, Paul’s conversion on the road to Damascus produced a change in his spiritual authority, from the theocratic, old-testamentary type, to the Christic one, from which he would then receive the call and commission in ministry as apostle to the Gentiles. Krister Stendahl and E. Toews do not see Paul’s conversion as “a conversion,” considering that he does not refer to an unbeliever, because Paul believed in God, nor to a sinner that had become righteous. They argue that this episode only describes Paul’s call, by relying on Paul’s assertions about his calling to the apostleship (Gal. 1:15-18). From some points of view, his calling resembles the calling of OT prophets (Stendahl, 1976, 8). On the other hand, it is illogical to affirm that the Damascus road experience was his only call to the Apostolic ministry,

without taking into account subsequent events that confirm his conversion: baptism (Acts 9:18) and the filling of the Holy Spirit (Acts 9:17). The experience that Apostle Paul had on the road to Damascus can be considered to be his conversion point, but to the same extent, the call to the apostleship; as such, transitioning from the persecutor of the Church, to the “top of the chain” of the Christian mission.

During his ministry, but especially in those circumstances in which he had to defend his apostleship, Paul made a strong reference to his encounter with Christ on the road to Damascus – a moment of great spiritual confrontation for his own life. This moment – besides equating with his own conversion to Christianity – paved a path for a lengthy process through which Paul had to re-establish the basis of his new teaching.

The great change that the apostle underwent following the revelation on the road to Damascus was, therefore, a full acceptance of both the divinity and the messiahship of Lord Jesus. From that moment on, Christ became the center of Paul’s existence, such that Pauline ethos underwent transformations not only in form, but also in essence – transformations that evidently occurred in the very motives behind the subsequent ministry of the apostle. Thus, the rigorous values of the Law and of normative Judaism acquired a new dimension, as Apostle Paul entered into the process of adaptation to the new spiritual reality of which he entered into after the time of conversion on the road of Damascus.

Pauline Ethos and the Influence of the Apostles

Immediately after his conversion to Christianity, Paul began to preach the Gospel in Damascus. The context, however, was not favorable as he was labelled an agent of provocation and had to eventually flee Damascus (Acts 9:20-25). The apostles were still cautious about him, but Barnabas assumed the role of mediator among them (Acts 9:27). In Gal. 1:17 the apostle states that, after his flight from Damascus, he spent a period of time in Arabia. In Damascus, Paul begins to preach in the synagogues about “Jesus, the Son of God,” to the astonishment of the Jews in Damascus, who decide to kill him. Saul is helped by Christians to flee the city, lowering him over the city walls

in a basket, then withdrawing to Arabia, studying the Law and the Prophets from a new perspective, and meditating on his call and his future mission (Acts 9:1-26; 22:3-21). It is not possible to know exactly where the Apostle retired in Arabia, given the extensive territory between the Red Sea and the Persian Gulf; some commentators suggest that Paul would have been in Felix Arabia (Strabo 1932, 499).

After approximately three years in Arabia, the Apostle Paul returns to Damascus, where he also spends about three years before heading for Jerusalem to meet the circle of apostles (Gal. 1:17).

The meeting with Peter and James was a determinant for Paul; some scholars believe that this was the time when Paul received the apostolic mandate. Referring to Gal. 1:18: *“Then, after three years, I went up to Jerusalem to visit Cephas, and remained with him fifteen days.”* and Acts 13:3: *“Then, after fasting and praying they laid their hands on them and sent them off”*; some thought Paul’s ordination took place at the meeting with Peter, and other commentators considered the ordination to take place in Antioch. There is also the opinion that the Apostles ordained Paul, with the act in Antioch serving as a confirmation of his ordination (Dunn 1993, 26).

This hypothesis has no solid arguments, all the more so since St. Paul himself states that he received the apostleship directly from Christ. Rather, a closer aspect to reality would be the recognition of the apostleship of St. Paul by the pillars of the Church in Jerusalem. Another important aspect associated with this encounter would also be the examination and alignment of Paul’s teachings with those of the apostles. In this context, it is notably important the apostle Paul’s custom of returning to Jerusalem after every missionary journey, despite the fact that his church was at home in Antioch. This act would reveal a predetermined model amongst the apostles, through which they seek to preserve unity and periodically re-evaluate their teachings.

After a short stay in Jerusalem, Apostle Paul heads to his native town of Tarsus. Barnabas seeks him there and returns with him to Antioch, where they spend an intense year fully immersed in Christian teaching (Acts 11:26). After returning to Jerusalem, from Damascus, the Apostle Paul leaves for a while to his birthplaces where he is sought by Barnabas to join the Church of Antioch: *“So Barnabas went to Tarsus to look for Saul, and when he had*

found him, he brought him to Antioch. For a whole year they met with the church and taught a great many people. And in Antioch the disciples were first called Christians.” (Acts 11:25-26). Antioch on the Orontes was a city founded in 300 BC by Seleucus Nicator, one of the generals of Alexander the Great. It is called Antioch after the name of the father of Seleucus Nicator, Antiohus. Although it was originally founded as a Greek city, by the 1st Century BC it becomes a cosmopolitan city with a population of approx. 500,000 inhabitants. In this very city dwelled large Jewish population attracted by Seleucus’s offer, in which he granted equal rights to all the inhabitants of the city (Downey 1963, 142). After being conquered in 64 BC, Antioch became the home of Pompeii and the capital of the Syrian province. Latins also joined the already existing nationalities (Wallace 1998, 170). Following the period spent in Antioch, Paul leaves on his first missionary journey, accompanied by Barnabas and John Mark (Acts 13).

An important moment in the history of early Christianity is the Synod of Jerusalem (Acts 15), in which some aspects of Christian identity and practice are discussed in relation to the Jewish one. This event is facilitated in the presence of Paul, accompanied by Barnabas and Titus in Jerusalem, and determined by the tensions that began to appear between Jewish and Gentile Christians in the newly founded churches outside of Israel. For example, some Jewish believers in Jerusalem visited Antioch and promoted a Judaized message. This message is embraced by converted Pharisees who did not want to renounce the practice of mosaic Judaism, but to annex Christianity (Longenecker 1981, 442). Longenecker disagrees with Baur’s view that the Judaizers who came to Antioch would have been encouraged by Peter, and their arguments against Paul would have been based on a certain report that John Mark had brought against him (Acts 13:13). Longenecker agrees that both Paul and Peter wanted to settle the tensions created by the Judaizers and soothe the spirits of the Churches affected by their presence. They taught Christians in Antioch that salvation is conditional upon circumcision and other Jewish dogmas and rituals. The issue of the Judaizers is much more acute in Galatia, to which the apostle addresses them directly in the Epistle to the Galatians, but after the Council of Jerusalem (Mihoc 1983, 99).

Acts 15:19-20 is a critical passage in the development of the fundamental framework for Christian ethics. The unanimous decision of

the apostles was to write and send an epistle through which the Churches were informed of the unitary Christian norms, according to which Christians had to guard themselves in the following aspects: things sacrificed to idols (the problem approached by apostle in I Cor. 8-10); the consumption of meat from strangled animals and blood, through which – according to the passage of Lev. 17:10-16 – the sacredness of life is recognized; and the prohibition of any form of sexual impurity (a problem debated by Paul in I Cor. 5-6) (Thiselton 2000, 385-387). In the correspondence of the Apostle Paul with the Corinthians, he does not invoke the decisions of the Council in his arguments, but he brings theological, historical, rational and empirical arguments by which he tries to solve the difficult problems of Corinth, according with the Council decisions.

To summarize, the initial encounter in Jerusalem with some of the apostles and then the Jerusalem Council (Acts 15) served to clarify various teachings about salvation as well as some aspects of Christian ethics, the cornerstones of the Church's tradition. Even though the apostles had all agreed that the path of Christianity is different from that of Judaism, the Judaizers continued to preach a different gospel amongst Christians.

In conclusion, we can see that Pauline ethos is based on some specific sources: (1) the Jewish education he received from his parents in Tarsus during the early years of his childhood, consolidated in the synagogue and refined later in the elite Jewish education in Jerusalem; (2) conversion, the crucial moment that changed Paul's motivation to live a moral life; (3) contact with the apostles, who strengthened and supplemented his Christian teachings, resulting in an important contribution in the articulation of Pauline ethics.

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Moral Leadership

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ABSTRACT: Leadership has become one of the most important topics and challenges in society. In spite of the growing literature available, leadership is still perceived as both a term having no definite form or distinct shape and an uncertain nature or significance. Beyond the lack of understanding concerning the nature, traits, objectives of the leading process, leadership is an essential component of the human condition, given the specific problems of the society, difficult to manage. Leadership is neither a position or title nor an action. It is instead an interactional process in which leaders and followers involve in reciprocal interaction to achieve common goals. An appropriate approach to this process recognizes the value of all elements of the process. However, this article proves that the actions of a leader impact significantly the perceptions, attitudes and actions of the followers. The more is known and understood about how the leader's example conditions the follower's responses in regard to the principles delineated, the more likely it is that the theoretical principles and ideals exposed by leaders in speeches and mission statements will yield satisfactory results.

KEY WORDS: morality, leadership, values, moral behavior, followers

Introduction

In this article, we intended to briefly analyze the impact of morality on the leadership process, seen from a twofold perspective: how the morality impacts

the leader's development and behavior and consequently, how is the leader's moral example perceived and illustrated in the lives of the followers. Beyond the theoretical analyses, there is a widely circulated process of perceiving the lack of leadership in our society, so much the more in a society haunted by problems and needs. Promising prospects could be smashed by the lack of morality of a leader.

1. The general perception of the morality

The headline on the front cover of *Time's* magazine May 25, 1987 issue, raise a compelling question – “What Ever Happened to Ethics” with the subtitle “Assaulted by sleaze, scandals and hypocrisy, America searches for its moral bearings.” In one of the main articles, “What's Wrong – Hypocrisy, betrayal and greed unsettle the nation's soul”, the author provides the reader with a lurid view of the inherent complex of attributes that determines the moral and ethical actions and reactions of the society of those times. “Hypocrisy, betrayal and greed unsettle the nation's soul. Once again it is morning in America. But this morning Wall Street financiers are nervously scanning the papers to see if their names have been linked to the insider-trading scandals. Presidential candidates are peeking through drawn curtains to make sure that reporters are not staking out their private lives. A congressional witness, deeply involved in the Reagan Administration's secret foreign policy, is huddling with his lawyers before facing inquisitors. A Washington lobbyist who once break-fasted regularly in the White House mess is brooding over his investigation by and independent counsel. In Quantico, Virginia, the Marines are preparing to court-martial one of their own. In Palm Springs, California, a husband-and-wife televangelist team, once the adored cynosures of 500,000 faithful, are beginning another day of seclusion. Such are the scenes of morning in the scandal-scarred spring of 1987. Lamentation is in the air, and clay feet litter the ground... Their transgressions – some grievous and some pretty – run the gamut of human failings, from weakness of will to moral laxity to hypocrisy to uncontrolled avarice. But taken collectively, the heedless lack of restrains in their behavior reveals something disturbing about the national character. America, which took such back thumping pride

in its spiritual revival, finds itself wallowing in a moral morass. Ethics, often dismissed as a prissy Sunday school word, is now at the center of a new national debate. Put bluntly, has the mindless materialism of the '80s left in its wake a values vacuum?"

Beyond the fact that this article appeared in a secular magazine, it is amazing to find out that the world itself tackles what we consider the biggest challenge in our society today: deficiency of morality and ethics, extended worryingly throughout the Christian community, whose credibility suffers. "I discovered, that it's perfectly possible to win a debate and lose a friendship. People can simply refuse to accept you ostensibly superior arguments, because they dislike your attitude" (Black 2006, 54).

The plain truth is that the leaders are not immune to public pressure, personal and group pressure, insidious temptations, so much the more given the general expectations that they are supposed to exemplify the standard they are preaching / teaching about (Ciocan 2018, 182).

Burns (1995, 483) says that leadership is such a gripping subject that once it is given center stage it draws attention away from everything else. But attention to leadership alone is sterile (Wren 1995, 4). Toulassi (2020) argues there is no leadership except moral leadership and that leadership does not exist outside of morality. Over the years, Kouzes and Posner (1993, 14) have surveyed thousands of people and concluded that in virtually every survey, integrity was identified as the characteristic most desired in a leader.

According to John Maxwell (2004, 83-84), the followers could choose between many options to live their lives, to invest their money, to spend their time etc. Notwithstanding, the higher the responsibility of the leader, the fewer are the options to choose. Consequently, at the top the leaders, in essence, have no options but to serve. Or, as the responsibility increases the options decrease. The Bible highlights this truth: "Not many of you should presume to be teachers, my brothers, because you know that we who teach will be judged strictly." (James 3:1) or "and from everyone who has been given much shall be required; and to whom they entrusted much, of him they will ask all the more" (Luke 12:48).

Many well-known ancient writers underpinned this, from their perspective. Interestingly enough, in spite of a completely different context, the principle is similarly underlined. Herodotus, to a great degree considered the first writer who systematically studied historical subjects declared that we are less convinced by what we hear than by what we see. Cicero, the first-century BC Roman orator the Roman statesman (Rotaru 2005, 202), encouraged his fellows to be “a pattern to others, and then all will go well; for as the whole city is infected by the licentious passions and vices of great men, so it is likewise reformed by their moderation”. Juvenal, according to historians the most powerful Roman satiric poets, who bemoaned especially the poisonous degeneracy of Rome under Domitian, tried to convince his contemporaries that “examples of vicious courses, practiced in a domestic circle, corrupt more readily and more deeply when we behold them in persons of authority.” And Seneca, Rome’s main intellectual figure in the mid-1st century AD, encouraged his fellows with the thought that “Noble examples stir us up to noble actions” (Wayne Jackson 2020).

According to Burns, the crisis of leadership today is the mediocrity or irresponsibility of so many of the men and women in power. That’s why he asks if leadership is simply innovation – cultural or political, or inspiration, or mobilization of followers or goal setting or goal fulfillment (Wren 1995, 483).

2. Qualifying the terms

Some define leadership as leaders making followers do what followers would not otherwise do, or as leaders making followers do what the leaders want them to do; “I define leadership as leaders inducing followers to act for certain goals that represent the values and the motivations – the wants and the needs, the aspirations and expectations of both leaders and followers. And the genius of leadership lies in the manner in which leaders see and act on their own and their followers’ values and motivations” (Burns 1995, 100). According to the author, transforming leadership changes some of those who follow into people whom others may follow in time and changes leaders into moral agents.

Wren asserts that an understanding of the nature and process of leadership must be coupled with a clear sense of the moral and ethical

overtone of leadership; that is to say, the group goals which are the objective of leadership must be moral, and the process of achieving these goals must be ethical (Wren 1995, 481). Leadership is not a position which one is given but a position which one earns by proving faithful (Maxwell 2004, 84).

But what about moral leadership? By this, Burns means, first, that leaders and followers develop a relationship not only of influence but of reciprocal needs and values. According to him, moral leadership is not mere preaching, or the uttering of pieties, or the insistence on social conformity. Moral leadership emerges from, and always returns to, the fundamental wants and needs, aspirations and values of the followers (Wren 1995, 483).

“We live in deeds, not years: in thoughts not breaths; in feelings, not in figures on a dial. We should count time by heart throbs. He most lives, who thinks most, feels the noblest, acts the best” (Black 2006, 78). Is it possible that the leader influences the moral development of others? How should he start this endeavor, with establishing and maintaining an ethical climate, or with selecting moral people who might be properly trained? Are there chances to develop into followers capable of moral decisions? Which are the stages of the process of moral development and how can this be implemented within an organization?

In an article, Prince II mentions several theories related to moral development of both the leaders and followers. The first one he brings up, is that of Sigmund Freud. Developing the concept of superego, Freud asserted that the superego develops early in life (around age 5 or 6). Consequently, if the basic personality of the individual is mostly developed by early childhood experiences, then the child of age 5 or 6 must experience and the society must witness a spectacular change from lack of morality to an adult morality. Since nobody can provide either practical evidences or research support for such a dramatic change at early stages of life, we might consequently affirm that moral development is rather a long duration process (Prince II 1995, 484-485).

Lawrence Kohlberg (1976, 29), from Harvard, synthesizes his observations on moral behavior, mentioning that people both seem to be at different stages of moral development and might have different rational motives for their moral belief and action. Using the storytelling technique, he studied the answers to a moral dilemma, in the hope to find out how moral perceptions modified over the years. According to his observations, when

it comes to understanding and practicing the moral convictions, there are three different phases of moral development: pre-conventional, conventional and post-conventional, each having two sub-stages and people could pass gradually through these phases, not necessarily reaching all the stages. The moral behavior develops over time as the capacity for moral decision increases. However, McLeod point out clearly some drawbacks regarding this theory, even if it might suggest that moral development could be influenced. Firstly, the evidence does not always support the distinct stages of moral development, or the reasoning about right and wrong depends more upon the situation than upon general rules. Secondly, moral behavior doesn't always match moral behavior, having to do with social factors, alike. Thirdly, justice is not the most important moral principle, since caring for others, for example, is equally important (McLeod 2013).

Table 1. Phases, stages and motives of moral development

<i>Level</i>	<i>Stage</i>	<i>Dominant theme</i>
Level 1 Pre-conventional morality (children, a few adults)	Stage 1	Fear of punishment
	Stage 2	Opportunistic – “what’s in it for me?”
Level 2 Conventional morality (most adolescents and adults)	Stage 3	Good Interpersonal Relationship – the child / individual is good in order to be seen as being a good person.
	Stage 4	Maintaining the social order – the individual becomes aware of the wider rules of society, being aware of a duty to live up to his/her word or to maintain the social system.
Level 3 Post-conventional (a few highly developed adults)	Stage 5	Social contract – the individual becomes aware that while rules/laws might exist for the good of the greatest number, there are times when they will work against the interest of particular individuals.
	Stage 6	Universal principles – there are a few basic principles which apply in all situations.

In contrast to Freud and Kohlberg, Albert Bandura promotes the Social Learning Theory, having as key features conditioning and imitation (McLeod

2016). When a child does wrong and is punished, experiencing negative feelings, his behavior might be restrained or prevented. Observing others is another way of learning moral behavior, assimilating also the consequences associated with different actions. What influences the learning process by observing? Bandura has given a description of a four-stage process in which we deal with others' actions, keep back the observed information, are given incentives to carry out an action and act (Bandura 1977, 58). However, we should first of all pay attention to others in order to be influenced by others. This theory doesn't explain how we develop our thoughts and feelings and describes the behavior only in terms of nature or nurture. Consequently, this theory doesn't not provide explanations for all behaviors (McLeod 2016).

Conclusively, Prince II sustain that of the three approaches presented regarding the moral development (see table 2), Social Learning Theory with its emphasis on learning by observing others seems to have a relatively large relevancy for the moral leadership (Prince II 1995, 487). "It is self-evident that a hypocrite is unqualified to guide others toward attaining higher character. No one respects a person who talks a good game but fails to play by the rules. What a leader does will have a greater impact on those he wishes to lead than what he says. A person may forget 90 percent of what a leader says, but he will never forget how the leader lives" (Boa 2006, 16).

Table 2. Comparison of the Three Major Theories of Moral Development

	<i>Psychoanalytic (Freud)</i>	<i>Cognitive-Developmental (Kohlberg)</i>	<i>Social Learning (Bandura)</i>
Basic emphasis	Feeling (conscience, guilt, remorse)	Thought (quality of moral reasoning, stages)	Behavior (influence of models and the situation, rewards, punishments, expectations)
How morality is acquired	Formation of a superego by internalizing parental values	Through invariant stages of increased capacity for reason based on intelligence and experience	Learning through observation of others, rewards and punishments

Principal agents of socialization	Parents (especially same-sex parent)	People who are at a higher stage	Any significant model (parents, peers) or person who controls rewards and punishments
Research support	Slight	Moderate	Strong
Implications for organizational leader	Leadership exerts little influence except through selection	Leadership influences stage of development through increasing capacity for moral reasoning, e.g. education	Leadership influences moral behavior directly by example, communication of expectations and consequences, control of rewards and punishments.

Essentially, the leader can act upon the moral behavior of his followers establishing the validity of principles and the desired behavior by his/her example, giving recompense in recognition of followers' behavior and inflicting punishment for not conforming to approved standards or professional behavior. Or, put in other words, "those who seek to be as true to duty as the needle to the pole often exasperate their enemies, but inspire their friends" (Black 2006, 112).

3. The contemporary perspective

Does this really apply to the leadership practice today?

The secular people, "those who don't have either a true religious experience as a central objective of their life or do not allow their live to be influenced by the Christian beliefs" (Golcalves 2013, 123), affirm that the morality should rely exclusively on the well-being of persons in the present life, excluding any consideration deriving from faith in God or a future hope (Bush 1984, 6). The relativists, on another hand, assert that as long as the life is clean of any supernatural intervention and the people decide for themselves the direction to follow, everything depends on context and interpretation. There

is no absolute guide mark for orientation to help the human being discern good from evil and no moral objectives as guiding principles for the human relationships, the community having the duty to decide what's good and bad (Paulien 2012, 32).

On another hand, Baumann (1993, 150) maintains that the morality does not depend on society, being on the contrary, the foundation of the social life. According to him, the ethical judgements belong exclusively to the individual person and cannot be transferred upon others. Ethically speaking, Sire (2005, 228) states that we witness a slow move from one understanding to another, along with the historical stages: from the theistic era (premodernism) to the modern one (built on the human rationalism and on its capacity to discern between good and evil, ending with the postmodern era, where morality is decided by the multitude of expressions used to differentiate good and evil.

Consequently, the basic products of morality and service have not been considered capable of producing social cohesion any longer and have been replaced with civism and political platforms.

However, in a society suffocated by an exacerbation of populism, an efficient leadership process needs an illustrative support. Instead of a cosmetic image, the people seek a clear, moral imagine. The postmodern people detect falsehood from distance. If a community or a leader pretend to have had an experience that is either immoral or unreal, the people will soon lose their interest (Paulien 2012, 68).

Goncalves (2012, 14) says that, in their attempt to lead efficiently, the leaders should focus much more on the integral approach, developing moral relationships that produce trust. The message communicated through the life of the leader, become much more important for the followers than the message they utter.

“The greatest want of the world is the want of men, men who will not be bought or sold; men who in their inmost souls are true and honest; men who do not fear to call sin by its right name; men whose conscience is as true to duty as the needle to the pole; men who will stand for the right though the heavens fall” (White 2014, 57).

Conclusions

This article was intended to enhance the reader's understanding of an enormously important aspect that lies at the heart of all our efforts to make better the leading process. This is not to say that the principle delineated here is the only one to reach the goal. But given both the expectation of the society for an embedded example and the need to check the validity of the theoretical principles uttered publicly, a leader affects the ethical choices and conducts of his/her followers. To a great extent, the followers' decisions are the responsibility of the leader.

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The Offense of Failure to Declare Information. Some Moral and Legal Issues

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ABSTRACT: The offenses of forgery are provided in Title VI of the Special Part of the Criminal Code, and the newly introduced offense, respectively the omission of declaring information was introduced in Chapter III - False documents, after the offense False statements. This legislative change was necessary in the context of the coronavirus pandemic, especially since the facts of falsehood seriously undermine the truth and trust that must lead to the formation and development of human relations. Without the duty of respect for the truth and without the feeling of trust that the truth is actually respected, social relations would be possible only with difficult precautions and inevitable risks. Nobody knows exactly what the future holds for us, but surely society will change the economy, the medical system, the legal system, our lifestyle, etc.

KEY WORDS: crime, moral-immoral, omission, pandemic, public health

Introduction

Moral attitude occupies a central place in the formation of personality because this attitude orients the entire behavior of the person, and this attitude or type of behavior is an indicator of its concordance with the moral and legal norms of the community in which he lives. The shaping of the moral personality is dependent on the fundamental experiences that a person has acquired in the family, in school, in the group of friends, in the community, at work, etc. Moral consciousness is a more or less unitary product, more or less consonant

of ideas, knowledge, attitudes, motivations and moral beliefs internalized in the structure of personality as an effect of the socialization process. With implications both intellectually and emotionally, the evolution of moral consciousness allows a person to adopt autonomous moral conduct, which expresses either the agreement or disagreement between the intellectual and the emotional (Piaget 1980; Voinea 1993).

It is very difficult to establish a precise boundary between morality and law. Morality is the canon of human suffering at the end of which is the rule of law, because society is based on the consciousness of solidarity, the idea of salvation in case of danger as well as an undisguised sense of justice, truth, thus accepting social rights as equal (Tănăsescu I., Tănăsescu C. and Tănăsescu G. 2010, 52). If the Superego has formed as a moral instance in being, it is very difficult for the individual to become a delinquent or aggressor. The loss of social position, economic, legal and emotional advantages, the success achieved through the individual's commitment to the community where he expresses and manifests reality and gains positive experience, happens only incidentally, exceptionally (Tănăsescu 2018, 243).

With the appearance of man on earth, he was confronted with both truth and falsehood. There have been many writings on this subject since antiquity, but as it is so current and so permanent, the subject seems inexhaustible.

People have the subtle ability to turn reality into a lie, depending on their interests, goals or to save a situation they have knowingly created, without realizing the perspective vision of things.

St. Augustine in his work *De mendacio* (About Lie) grouped the lies, according to their gravity, into eight categories: lies from religious texts, lies that hurt everyone and serve no one, lies that hurt everyone and serve someone, lies told for the pleasure of lying, lies told to "thank others in an elegant manner", lies that do hurt no one and serve someone, lies that do not hurt anyone and save someone's life, lies that do not hurt anyone and save someone's "purity" (Sfântul Augustin 2016).

Some people who have returned to the country because they lost their job in a country affected by Co-Vid-2 or because the companies they worked closed during the state of emergency in that country or those who returned from vacation etc. when crossing the border with Romania, they hid where

they came from, they lied by inventing a non-existent fact, by exaggerating, omitting, adding, diminishing or by confirming a lie told by someone else. In classifying the lie made by St. Augustine, we can frame these deeds as lies that hurt everyone and serve no one. These people proved to be completely disinterested in the good of the family, of their loved ones and in the end of the common good. The major problem of these people was the lack of respect for other people, which could also translate into contempt for the rule, legal rules, ethics, morals, etc. They have been violated in some cases out of ignorance, sometimes because of individualism and indifference, claiming that they are free to do as they please and what they want, claiming that their rights and freedoms are being violated. Most of the time, this has negative consequences not only for them, but for everyone, for the entire population of our country.

Given the evolution of the international epidemiological situation caused by the spread of SARS-CoV-2 coronavirus in more than 150 countries, where many people were infected and at the same time there were deaths due to this, as well as the declaration of "Pandemic" by the World Health Organization, on March 11, 2020, the President of Romania decreed the establishment of the state of emergency on the entire Romanian territory, for a period of 30 days, by Decree no 195 of March 16, 2020 on the establishment of the state of emergency on the territory of Romania, published in the Official Gazette no 212 of March 16, 2020. Subsequently, the president extended this state of emergency by another 30 days, and then the state of alert was established.

The offense of failure to declare information

At the beginning of this period, a series of amendments were made to the Romanian Criminal Code, published in the Official Gazette of Romania, Part I, no. 510 of July 24, 2009, as subsequently amended and supplemented, by O.U.G. no. 28/2020 for the amendment and completion of Law no. 286/2009 on the Criminal Code, published in the Official Gazette no 228 of March 20, 2020, in the sense that the penalties were increased in the case of offenses "False statements" - article 326 and "Thwarting disease control" - art. 352, and after article 352 a new article was introduced - article 352¹

respectively “Failure to declare information”. The measure was taken after several cases of hospital escapes of people infected with the SARS-CoV-2 coronavirus, of people who did not comply with the isolation measures or who did not declare upon entry into the country that they come from red areas. This revealed that the measures ordered by the authorities were not strictly observed and that the provisions of the existing Romanian Penal Code did not have a sufficient deterrent effect. From the explanatory memorandum above it is observed that these legislative changes were determined exclusively by the coronavirus pandemic that affected among other countries and Romania.

The text of article 352¹ of the Romanian Criminal Code provides the following: “The omission of the person to disclose to the medical staff or to other persons among those provided in art. 175 or a unit in which they operate some essential information on the possibility of coming into contact with a person infected with an infectious disease shall be punished by imprisonment from 6 months to 3 years or by a fine”.

This offense has no correspondent prior to the amendments made by the O.U.G. no 28/2020. For these reasons, only those persons who committed it, after the publication of the O.U.G. no 28/2020 in the Official Gazette ie after March 20, 2020.

Some crimes in the Romanian Criminal Code, but also those in special laws are commissive offenses, and others are omissive offenses (See Cristiean 2017 Part I and II). Criminal inaction (omission “*passio*”) consists in the absence of any action in doing no activity, in doing nothing, in not performing an act or in delaying the timely execution of an act. Inactive (omissive), passive (*intellectus passivus*) behavior does not generate by its simple relevance the “causal process”, in the sense that it does not cause a direct effect, does not apply, does not stagnate and does not reduce the effect but does not remove the intervention of other triggers, favorable or amplifying the effect that should have been “annihilated” by a dynamic, positive, effective behavior. Criminal inaction (omission) means opposition to criminal action (commission). Usually, the criminal law is based on “positive actions (commissions)” that produce an effect of harming the rights and benefits of other persons, by law imposing a certain human behavior. On the contrary, by incriminating

inactions (omissions) and considering them as elements of social danger, a certain behavioral requirement is imposed by law to achieve a certain human "solidarity". (Tănăsescu I., Tănăsescu C. and Tănăsescu G. 2002, 209).

The omission (inaction) has the legal significance *ratio particularis* only by referring to the norm of criminal law which, although it requires an action to remove social harm, proves the passivity of the offender, the socially dangerous act being achieved precisely by not protecting social interests by offender. The individual's ability to engage in inaction (omission) depends on the degree of understanding of the social, moral, legal, ethical, ideological, religious, economic motive protected by criminal law and the relationship to individual interests, stabilizing the subjective elements of a typical omission (in action) (Tănăsescu I., Tănăsescu C. and Tănăsescu G. 2002, 209-210).

A statement is considered untrue when it, in whole or in part, does not correspond to the truth. The statement may not reflect the truth both in the case where the author made statements contrary to reality in relation to data, facts or situations generating legal consequences, and the version in which the author knowingly failed to include in the statement such data, facts or situations, although he had the obligation to make them known as well.

The material element of the crime provided in art. 352¹ consists in the omission to disclose information. There have been cases where some people who showed up at the hospital emergency room or who were already hospitalized did not say or said much later that they had returned from countries affected by CoVid-19 or that they came in contact with people who traveled and returned from those countries to Romania. If in an epidemiological inquiry a person does not give complete information about the persons he has come in contact with, it is an omission to inform the authorities. The essential information refers, for example, to the identity of the persons with whom the offender was connected and the way in which they came into contact, the period in which they came into contact, the area (s) in which the perpetrator traveled, alone, accompanied and so on. This crime can also be committed when giving a statement and the essential information will only cover the issues on which it is asked.

The immediate consequence of the crime of failure to declare information is a state of danger to public health. The danger is abstract and arises from the simple omission to disclose information. In this case, the healer does not ask to prove the risk of infecting others or spreading an infectious disease.

The form of guilt of the crime provided in article 352¹ of the Romanian Criminal Code can be committed intentionally, both directly and indirectly. The direct intention results from the way the perpetrator identifies the result of the action-inaction, which he perceives directly, from the beginning (the intellectual factor), through the way of producing the harmful result, which he directly pursues (the factor affective). From the aspect of the report between the will of the perpetrator and the legal order, the direct intention is characterized by his will to commit the act with any risk, but also to produce the desired result regardless of consequences, in the emotional evaluation finding the anticipated representation. The incriminating norm defines the term of direct intention by foreseeing the result by the perpetrator following his production by committing that deed (Tănăsescu 2014, 114).

The indirect (eventual) intention results from the way the perpetrator identifies the result of the deed, which he perceives directly (the intellectual factor) and, although he does not pursue it, accepts the possibility of its production (the volitional factor), and by evaluating the result directly accepts (the affective factor). From the point of view of the relationship between the will of the perpetrator and the legal order, the indirect intention indicates his way of acting, anticipating the harmful consequence that could occur by committing the act and accepting the risk of determining (*determinatur eventus*) its consequences (Tănăsescu 2014, 115). Thus, the act is committed with indirect intent when the perpetrator does not seek to produce a state of danger to public health, but accepts such a possibility for various reasons, such as not entering quarantine.

An essential requirement must also be met, which is to be aware of the possibility of having come into contact with an infectious person of the person committing the crime. Otherwise, the deed will not constitute a crime.

Conclusions

I consider it appropriate and necessary to criminalize the crime of failure to provide information, especially in the context of the rapid spread of

the SARS-CoV-2 virus, its aggressive nature, the uncertainty of its long-term effects on the human body in both adults and children, as well as the irresponsible conduct and civic spirit of the citizens.

The facts presented above are of particular gravity in the context of a pandemic. The magnitude of the phenomenon and the negative consequences on the entire population generated by non-compliance with the regulations on social relations that concern the protection of public health and the prevention of SARS-CoV-2 coronavirus infection has led, among other things, to legislative intervention.

The population of Romania and all citizens on its territory, regardless of nationality, must respect the legislation in force and take into account that ignorance of the law cannot be invoked as an excuse and entails sanctions. Should inform only by official sources and at the same time we should not forget that it is essential to be responsible, to be aware that we are part of a community, and our actions can affect the community in which we live.

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Tactical Particularities of Performing the Body Search

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ABSTRACT: The article presents and analyzes aspects related to the body search, starting from the regulation of this procedural act in the Romanian Criminal Procedure Code. Body search is a probatory procedure that involves the external body examination of a person, the oral cavity, the nose, ears, hair, clothing, objects that a person has on him or under his control, at the time of the body search.

KEY WORDS: body search, forensic, tactical, criminal investigation, Romanian Criminal Procedure Code

Introduction

Body search is the probatory procedure that involves the external examination of a person's body, mouth, nose, ears, hair, clothing, objects that a person has on him or under his control, at the time of the search, according to Article 165 para. (1) of the Romanian Criminal Procedure Code.

If there is a reasonable suspicion that by performing a body search, traces of the crime, criminal bodies or other objects that are important for finding out the truth in question will be discovered, the judicial bodies or any authority with responsibilities in ensuring public order and security shall proceed to perform it, according to Article 165 para. (2) of the Romanian Criminal Procedure Code. The bodies of public order and national security, for the crimes ascertained during the exercise of the attributions provided by

the law, have the right to carry out corporal searches of the offender in the case the crimes they have the competence to ascertain are flagrant.

According to the provisions of Article 92 para. (1) (b) of the Romanian Criminal Procedure Code, during the criminal investigation the lawyer of the suspect or defendant does not have the right to assist in the body search in the case of flagrant crimes. In order to carry out the body search, taking into account the particularities of this evidentiary procedure, it is not necessary to issue an order or a search warrant, the Romanian Criminal Procedure Code referring only to the cases in which it is carried out.

The body search, in its capacity as a criminal prosecution act, should not be confused with the customs control carried out at the state border crossing points or in places subject to a special regime, nor with the probatory procedure of physical examination consisting in external and internal examination of the body of a person, as well as the taking of biological samples, nor with the evidentiary procedure of the forensic examination of the person in order to ascertain the traces and consequences of a crime, which results in the elaboration of a forensic certificate or, as the case may be, of a forensic expertise report (Stancu 2010, 511).

Before starting the body search, the searched person is asked to voluntarily hand over the searched objects. If the searched objects are handed over, the body search is no longer carried out, unless it is considered useful to search for other objects or traces.

Due to its particularities, as well as the methods of execution, from a forensic tactical point of view, the search of the person is divided, conventionally, in the clothing search and the actual body search (Moise and Stancu 2020, 279).

Through the procedure and the procedures applied, it can be argued that the body search goes through several phases, but it should be noted that, regardless of the type of search (clothing or body), it must be carried out very carefully and thoroughly.

Preliminary tactical rules for performing a body search

The preliminary search is intended to prevent a violent action of the searched person, which involves, first of all, his disarmament, respectively the verification

of the fact whether or not he has a knife or firearm, as well as any other objects or substances that could put endangering the judicial body, allowing the searched person to flee. From a tactical point of view, it is necessary to proceed in such a way that the person is unable to react. For this, the searched person will be placed facing the wall, at a distance of at least one meter, depending on his height. He is then asked to raise his hands above his head, lean against the wall and spread his legs. The right and left side of the body are examined in turn, the criminal investigation body sitting in a lateral position and placing one foot in front of the foot on the part of the body being examined.

This procedure allows the quick unbalance of the searched person, in the event of an attack attempt. In the case of dangerous criminals, known or suspected of being able to react violently, the search will be carried out with one hand, the weapon being held in the other hand. The body search is performed from top to bottom, starting with the objects on the head. Next, examine the back, the portions under the arms, the hands from the shoulder to the fingers, the chest. The feet will be checked inside and out, up to the ankle, as well as the cuffs of the pants, the socks, in which small objects, money, knives are often inserted, and finally the shoes.

The research is also done by firm palpation, by tightening the thicker parts of clothing (shoulders, lapels, cuffs) because, with a simple touch, thin objects, including metal, can often go unnoticed. Also, all pockets will be emptied, checking if the clothing does not have secret pockets, the criminal investigation body picking up not only any weapons discovered, but also the objects or documents found, thus avoiding a possible attempt to throw these objects.

After the preliminary search, the clothing and the body will be thoroughly checked, an operation that will be carried out at the headquarters of the criminal investigation body.

The clothing search

The clothing search involves checking in part for each piece of clothing, underwear, and footwear, which can be removed from the person's body if necessary. Undressing is necessary, both for the fact that it allows a thorough check of the clothing and for the possibility of a separate search of the body.

During undressing, it is also possible to discover any objects hanging or wrapped around the body.

The clothing is checked for seams, pockets, collars, shoulder pads, the inner fabrics on the chest, to which the documents, currency can be glued, are difficult to notice with a simple touch. If it is considered to be necessary, the garment can be unstitched enough to allow for internal inspection (Stancu, 2010, 512). For footwear, the investigators must check the lining, insoles, sole, heels that can be transformed into hiding places for small objects, especially jewelry or currency.

The same attention will be paid to objects currently on a person: purses, trouser belts, watches, lighters, cigar cases, diaries, spectacle cases, various stationery, and ornaments. A special meticulousness will be taken for the discovery of some secret writings, as the ways of making them are very various. For example, in practice, there have been cases of writing in nice ink on underwear, for example, T-shirts, shirts, or lining of clothes and sometimes on the body.

Briefcases, handbags, suitcases will be thoroughly researched, both of them as such, involving the lining, handles, possible double bottoms, ornaments, and their content, which is very diverse. And in this case, the possibilities of hiding are innumerable. For example, tubes of toothpaste or razors, cosmetics from makeup kits, shaving sprays, medicine boxes, musical instruments, umbrellas, canes are often used as hiding places.

We emphasize that in the research of these objects will be used strong light sources, including invisible radiation as well as magnifying tools, such as magnifying glasses, stereomicroscopes, portable microscopes that allow the discovery of encrypted messages.

The actual body search

The search of the body as such is carried out by a person of the same sex as the searched person, using the help of a doctor if necessary. The main way to hide is to insert objects into the natural holes, and sometimes even swallow objects, especially if they can be easily removed. For these methods, the doctor will be asked to check, first of all, the natural orifices, and then the radiological examination will be used (Moise and Stancu, 2020, 281).

The search of the scalp and soles of the feet on which various encrypted messages can be pasted should not be omitted during the body search. Hair should also be checked carefully, especially the bun and curls, without neglecting the hair of men, which, in some individuals, does not differ in length at all from that of women. Hand and foot prostheses, including dental prostheses, other medical devices, or instruments, on the person, for example, corsets, hernia belts, hearing aids, will also be examined (Stancu 2010, 513).

We specify that the pets, such as dogs and cats that accompany the searched persons must be checked, if there are indications that they could be used for criminal purposes, as they can be used for hiding objects, including for operations of inserting small, flat documents or objects under the skin.

Particularly thorough must be the body search carried out at the time of preventive detention or apprehension. In such cases, in addition to objects of direct importance to the case, all metal objects and other sharp objects, as well as documents, diaries, pencils, pens, money and other valuables, must be seized from the body search. In all cases, firearms and ammunition are seized.

If the body search is not carried out in connection with the case involving preventive detention or apprehension, only the weapon will be seized, as well as the acts and objects related to the case.

The body search must be carried out in the presence of assistant witnesses, who are presented with all the objects seized during the search. We emphasize that a partial body search can be carried out only in exceptional cases, in the absence of assistant witnesses, in order to pick up a firearm, in the case of preventive detention of a dangerous offender in a place or at a time when no assistant witnesses can be called.

In these cases, it is necessary that the thorough body search of the detainee be carried out after the usual procedure, in the presence of assistant witnesses, immediately after he/she was taken to the police station, to the place of preventive detention or to the office of the criminal investigation body (Buzatu 2013, 122).

Before conducting the body search of the detainee as a result of a serious crime, for example, murder, robbery, as a rule, the searched person must be asked to raise his/her hands and turn his/her back, so as not to

give him/her the opportunity to surprise attack on the person conducting the body search.

After that, by palpating the pockets and other places (in the middle region, the sleeve, the ankle boots, etc.), it is checked if the weapon is not hidden somewhere. It is necessary to take care that the searched person does not lower his hands while palpating the clothing.

Once it has been established with certainty that the searched person does not have a weapon on him/her or after it has been seized, a detailed examination of the clothing is carried out, in order to discover the objects that are in it. It is recommended that the search begins with the pockets, then palpate the entire garment, to determine if the object sought was not hidden between the fabric and the lining (Palmiotto 1994, 170).

The seams of the garment must not be untied unless absolutely necessary. However, this may sometimes be necessary, especially when searching for padded or furry clothing. In such circumstances, all seams must be thoroughly examined and it must be determined whether there are any places where they have recently been torn off and then sewn back together. Sometimes small valuables can be hidden, for example, in the heel of the shoe, between the sole and the lining.

If it is suspected that the stolen objects have been hidden by such procedures, the items in which there may be places of concealment should be picked up and examined, using X-rays or gamma rays, at the nearest laboratory or medical institution. It should not be lost sight of the fact that some small objects can be hidden in the nose, mouth, and sometimes can be swallowed. When there are indications to that effect, the coroner should be called in to carry out the search, and if necessary, the person searched should be examined with X-rays (Buquet 2011, 376).

The accessory objects found on the person must also be examined in detail: wallets, matchboxes, cigarette packs, cigarette cases, spectacle cases, pens, watches, pipes, sticks, cameras, etc. If traces are looked for in addition to things, in order not to risk destroying or erasing all or part of the traces, the initial touch will be omitted at the beginning. Because traces, which may be stains of blood, paint, ink, grease, oils and other substances soaked or

glued to the outside or inside of clothing and may be dry and brittle or left in the stripes of pockets, folds or seams in the form of or dust from other substances, in both cases which may be more or less erased or diminished, intentionally by the wearer of the garment or, without his knowledge by the simple wear and tear of the wearer (Stancu 2011, 314). Consequently, in this case, or when there are suspicions that there may be obvious traces, one will first look carefully and thoroughly after these traces, examining the fabric of the clothing systematically and if they are found, proceed to ensuring them and only after that will continue the search for the existence of objects. If there is no doubt that there is no trace on the clothing, then the indicated palpation can be used.

Recording the results of the body search

The recording of the results of the person's search is done both by the report and by fixing them with the help of the photo or the video recording. They will also be accompanied by a statement taken immediately from the searched person.

The body search report must include, according to Article 166 para. (4) of the Romanian Criminal Procedure Code:

- a) First name and name of the searched person;
- b) Name, surname and qualification of the person who carried out the body search;
- c) Enumeration of the objects found during the body search;
- d) The place where the body search is concluded;
- e) The date and time at which the body search began and the time at which the body search was completed, mentioning any interruption;
- f) Detailed description of the place and conditions in which the documents, objects or traces of the crime were discovered and collected, their enumeration and detailed description, in order to be recognized; indications as to the place and conditions in which the suspect or defendant was found.

The report must be signed on each page and at the end by the person who concludes it and by the searched person. If the searched person can not or refuses to sign, this is mentioned, as well as the reasons for the impossibility or refusal to sign.

A copy of the report is left to the searched person. The provisions regarding the measures regarding the objects or documents raised shall be applied accordingly with the provisions of Article 162 of the Romanian Criminal Procedure Code. The objects or documents seized which constitute means of proof are attached to the file or otherwise preserved, and the traces of the commission of the crime are collected and preserved. Objects, documents and high marks, which are not attached to the file, can be photographed. The photos are targeted by the criminal investigation body and are attached to the file. The material means of proof shall be kept by the criminal investigation body or by the court where the case is located, until the final settlement of the case. Objects that are not related to the case are returned to the person to whom they belong, except for those that are subject to confiscation, in accordance with the law. Objects that serve as evidence, if not subject to confiscation, under the law, may be returned, even before the final settlement of the case, to the person to whom they belong, unless this return could hinder the finding of the truth. The criminal investigation body or the court informs the person to whom the objects were returned that he/she is obliged to keep them until the final settlement of the case.

Conclusions

The judiciary must take steps to ensure that the body search is carried out with respect for human dignity. The body search is carried out in all cases of taking preventive measures (preventive detention or apprehension) of the person who committed a crime. It is also necessary on the occasion of the home search carried out in the rooms if the persons suspected of hiding the wanted objects are also present. Unlike the home search, the authorization given by the judge of rights and freedoms or by the court is not necessary to carry out the body search, as there is the possibility of resorting to this procedure whenever is necessary for the interest of the criminal investigation.

Regardless of the conditions in which the body search is carried out, by the mode of placement, by the way the examination is carried out and by the mode of supervision, we consider that those who perform the body search must prevent any incident, namely the attack or flight of the searched person, destruction or throwing away the goods and values sought.

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The Spiritual “Freelancers”: Young People, Religiosity and Community Problem Solving

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ABSTRACT: Earlier research showed that religion is related to participation among adolescents. It emphasized the effects of belonging (affiliation to groups and traditions) on community service among Western populations. This article takes one step further and focuses on religiosity as a potential motivation for community problem solving during adolescence and young adulthood, in the Eastern European Orthodox cultural setting. Data comes from several semi-structured interviews with participants in a civic project conducted in the city of Timisoara (Romania). Findings indicated a low impact of the social religious component on engagement. The cognitive dimension of belief and the emotional bonding (prayer, ritual connection to the higher reality) function as indirect motivators, through the moral element of behavior. Results also showed a privatization of spiritual life at young adults (the invisible religion): estrangement from doctrines and the development of an individualistic type of morality, meant to drive volunteer activities further.

KEY WORDS: Community, Motivation, Orthodox, Participation, Religion, Romania, Volunteering, Youth

Introduction

Early engagement in the community is considered by scholars of significant importance “in developing responsible and civically active adults” (Fendrich 1993, Youniss and Yates 1997, Oesterle, Kirkpatrick Johnson and Mortimer

2004, 1124) and in “maintaining a democratic society” (Sandu, Stoica and Umbres 2014, 131). Among stimulating factors for teenagers to become active, religion has gained increasing attention. Its four main dimensions - belief, belonging, behavior and bonding - have unequally been approached. The focus has been set on belonging (affiliation, socialization and communal rituals) influencing participation. On the other hand, studies concentrate on religion as a generating factor for participation and less research looks at inner incentives potentially sustaining engagement over time - from adolescence to young adulthood. For non-Western and especially the Orthodox environment, there is marginal evidence on this subject.

The study addresses this gap in the literature and aims to explain how inner religious stimuli can determine youth to take part in community problem solving and in volunteering over time. Results reveal the privatization of spiritual life, an “invisible” type of religion with potential stimulating effects for civic engagement.

The article builds on existing argumentation and uses surveys performed at national and European level. The empirical part of the study refers to a public participation initiative in the Romanian city of Timisoara, called “Young people decide!” (2010-2014). We chose this project as it provided the proper empirical setting: several institutions from an Orthodox country, gathered for a local initiative involving adolescents in community problem solving: Groups of students, between 15 and 18 years old, coordinated by teachers, identified and attempted to solve different social, cultural or environmental issues in their neighborhoods, initiating and implementing certain public policies. Their ideas competed in annual contests and were evaluated by partners (local administration, NGO-s), with the best solutions being put into practice. The project borrowed its fundamentals from a partner institution in Northern Italy - the Regional Council of Piedmont.

We have used qualitative research methods in this article - 13 semi-structured interviews and direct observations; the last, possible due to the involvement of the author in the project, being at the time a practitioner in the field (employee of the collaborating local authority).

The first section reviews the literature, with the focus on connections between religion and participation in the community, as well as on characteristics and functionalities of the four main religious dimensions:

We look at arguments especially with respect to youth between 15 and 24. The presentation of the research background is followed by methods and findings. Conclusions focus on scientific relevance and discuss avenues for further research.

Religion and civic engagement

In his classical work "Democracy in America" from 1835, de Tocqueville describes volunteer work as a necessary activity, due to man's vulnerable social character: "Among democratic peoples, all the citizens are independent and weak. They can do hardly anything for themselves, and none of them is in a position to force his fellows to help him. They would all, therefore, find themselves helpless if they did not learn to help each other voluntarily" (de Tocqueville 1969, 514). Recent literature defines volunteering as "the process whereby individuals connect and engage with other persons, groups, or organizations in order to address specific community needs on an unpaid basis" (McAllum 2017).

Regarding the manner in which it takes place, there is a difference to be made between community service, "typically delivered at sites such as shelters, clinics, homes for the elderly, soup kitchens and day care centers" (Youniss, McLellan and Yates 1999, 244), and community problem solving, where we deal less with social assistance and more with improving the quality of life at a collective level. With respect to teenagers, religion generally appears "to be linked with commitment to and involvement in *community service*" (Youniss, McLellan and Yates 1999, Smith 2003). Let us try to establish the relation between religiosity and *community problem solving*, too: Am I more likely to voluntarily approach community issues if I am a religious person - aware that "something larger and more important than me and the community of all humans (should) exist(s)" (Saroglou 2011, 4)?

The four B's

Religion is as a „multifaceted reality and (...) religiosity can also be conceived as a multidimensional construct" (Saroglou 2011, Hill 2005). In the socio-psychological realm, there are four main (inter-related) dimensions of religion identified and discussed (shortly mentioned before): 1) belonging

- the social element of religion, affiliation to religious groups and traditions; 2) belief - the cognitive element of conviction that there is or has to be a transcendent form of existence; 3) bonding - the emotional connection to a higher reality, to others and/or to the inner-self, by means of private or collective rituals; and 4) behavior - acting in conformity with religious moral principles (Saroglou 2011).

Teenagers and collective religion

Studies show that, in Romania, youth are less inclined towards regularly attending religious services - 25% of a representative sample (Sandu, Stoica and Umbres 2014, 118). In the frame of a close relationship between the Orthodox Church and believers, this is a sign of detachment of youth from institutionalized religion. On the other hand, church attendance and communal practice, at least in the Christian environment, strongly produce social capital (e.g., Groenlund et al. 2011). Besides school, churches are considered the most important ones in recruiting young people to get involved (Hill and den Dulk 2013, 181). The “morally freighted” interactions within religious organizations produce visible effects in terms of pro-social behavior, including civic engagement (Putnam and Campbell 2010, 477; Hill and den Dulk 2013, 183). Religious communities are found to potentially “inculcate in youth abilities that can increase their confidence and functional capacities”, political activism and neighborhood organizing among these capacities (Smith 2003, 23). “Attending a house of worship or another religious group are both significant and increase the odds of volunteering” (Hill and den Dulk 2013, 182-192).

Starting from these assertions, we will try to find out from our respondents to what extent are they attracted to the social religious dimension and if belonging plays a part in their decision to volunteer. But next, let us focus on the theory with respect to individual religious motivations for getting engaged in the community.

The cognitive religious dimension

According to the categorization we have proposed for this study, belief, or certainty about an external transcendence, is the next religious form of manifestation to be taken into consideration: Personal faith does not

always manifest in an absolute manner; we rather deal with complex, relative and individually formed conceptions and perceptions of the divinity. Differentiating between two main categories, Saroglou (2011, 13) speaks about "holding religious ideas, beliefs, norms, and symbols in a (a) literal, dogmatic, and/or orthodox way versus (b) an interpretative/symbolic, flexible/questioning, and/or autonomous way". Speaking of autonomy, Luckmann (1967) is the first to mention the so-called invisible religion - an individual, privatized, but present spiritual life (due to the fundamental religious nature of the human being), to be noticed even in societies with a predominant secular social component. Detachment from traditional religious models is sometimes associated to the search for a "competing" image of the supernatural force.

This particular vision has been identified in the earlier mentioned study recently performed in Romania. Sandu, Stoica and Umbres (2014, 112-114) observed that, compared to other countries, the level of secularism is higher among youth, with a possible explanation in the conflict between generations; because, on the general scale, religiousness is highly visible in public life. Questioned about the belief in God, young people declare that they strongly hold such a conviction in a total proportion of almost 80 %. At the other extreme, of those not believing in the divinity, there is a relevant difference: One out of ten Catholics and Protestants are non-believers, while the rate doubles in the case of Orthodox Christians. When Romanian youth come out of adolescence and move towards adulthood, they seem to have abandoned religious beliefs and views (possibly, borrowed from their parents in the time they had been living together) and develop much more secular opinions: Around the age of 19, "a passage from I strongly believe to I am not sure" is to be observed, with convictions not necessarily related to "a complete negation of the belief in God, but transferred to uncertainty" (Sandu, Stoica and Umbres, 2014, 112, 115).

With respect to the relation between belief and volunteering - the cognitive form of religiosity is placed at the end of the motivational scale for getting engaged: "The importance of religious beliefs plays little role in church attendees' decisions to volunteer" (Ruiter and de Graaf 2006, 193; Becker and Dhingra 2001, 329-30). Most arguments converge towards the idea that "religious inclinations make very little difference unless one becomes

involved in some kind of organized religious community” (Wuthnow 1991, 156); to the same extent, “privatized religion may be morally compelling and psychically fulfilling, but it embodies less social capital” (Putnam 2000, 74).

As we will see later, the spiritual privatization and personalized agnostic views find enough supporters among respondents in our study. These attitudes are not only related to belief, but to the emotional religious dimension, of bonding, too: Belief and bonding “invisibly” join to express spirituality, “outside religious traditions and institutions” (Dy-Liacco et al. 2009, Saroglou 2011).

Prayer and devotionism

Private rituals / praying (56%), along with participating in religious holidays (60 percent), are more popular activities, compared to going to church, among Romanian youth. This shows “a high level of spirituality”, rather than the inclination towards social rituals; as well as a privatization of spiritual life, but accompanied by a constant loyalty towards Christian faith and values (Sandu, Stoica and Umbres 2014, 118-119).

The potential impact of private rituals, of the emotional side of religion, on deciding to volunteer, has been assessed differently in previous literature. Research suggests, on one side, an irrelevant effect of bonding on civic engagement (e.g., Hill and den Dulk 2013). On the other hand, positive correlations have been found specifically in regard to involvement in the community: “Frequency of prayer significantly increases the likelihood of being a member in (...) community-based associations”, such as neighborhood groups (Loveland et al. 2005, 10). Fact is that the complex character of prayer includes a significant element - concern for others (Ladd and Spilka 2002, 479; Loveland et al. 2005, 3). This concern, or the altruistic belief and behavior, is worth to be looked at in the following.

The moral behavior

The survey in 2014 that we referred to in the previous sub-sections shows that around 64% of young people in Romania strongly believe that God is *a source of moral rules and duties* (Sandu, Stoica and Umbres 2014, 115). This indicates a widely spread conception with religious fundamentals, placed by young people at the origin of moral behavioral rules.

Altruism means an inner impulse to care about the other and to act subsequently: it is about "the tendency to think about the welfare and rights of other people, to feel concern and empathy for them, and to act in a way that benefits them" (Penner and Finkelstein 1998, 526). Although one is inclined to automatically transform this tendency into a significant potential for unpaid action, there are studies denying the influence of altruistic beliefs on volunteering; at least in the case of church members (Ruiter and de Graaf 2006, 193; Bekkers 2003). These are supposed to take their incentives rather from socializing in the religious community, than from personal values. Generally, however, research places the attitude of concern for the other in direct relation to civic engagement, both when it comes to church, and to secular types of environments: Independent of factors related to structural and social backgrounds, altruism provides "an important psychological motivation for participation in volunteer work and other forms of civic engagement" (Wilson and Musick 1997a, 1997b; Oesterle, Kirkpatrick Johnson and Mortimer 2004, 1128).

Research mainly indicates a combination of collective practices and individual spirituality as a predictor for participation among youth. Pointing to Smidt et al. (2008) and Loveland et al. (2005), Hill and den Dulk mention "private devotional activity" as interacting with religious participation in public, for adding value to civic engagement; neither category alone is supposed to increase volunteer activities, as would both taken together do (Hill and den Dulk 2013, 183).

Research background

Countries in Eastern Europe - Romania, our focus, among them - have a limited tradition of civic engagement (e.g., Ekman, Gherghina and Podolian 2016, Kostelka 2014, Hooghe and Quintelier 2013), as well as of religious public life, virtually absent during communist times (e.g., Voicu and Tufis 2013). After the regime change, public participation rates are increasing in Eastern Europe - compared to the West, which goes in the opposite direction (Groenlund et al. 2011, Musick and Wilson 2008). The European Values Study has placed Romania among the last nations in the EU with respect to the incidence of taking part in associations. Approximately 18% of the total active population is involved in volunteering activities (Sandu, Stoica

and Umbres 2014, 91). Perceptions such as “volunteers would not be needed if the state was doing a better job” (EAC-EA 2010, 235) go back to the communist period, where mandatory activities (such as “patriotic work” in the agriculture) were imposed by the state (Voicu and Voicu 2003). Young people under 30 prevail among the ones formally engaging in civil society - between 5 and 15 percent of the adult population, although with an upward tendency (Country Report Romania 2010, 3-4). Fulfilling their expectations towards a high economic improvement and developing the educational system are supposed to stimulate them towards participating in the civic sector (Apateanu and Tatar 2017).

Almost 23% of Romanian youth take part in formal unpaid work, corresponding to the European average (Sandu, Stoica and Umbres 2014, 91). With respect to the fields where they prefer to become active, the first place is occupied by helping people in need, followed by engagement in community matters (EAC-EA 2010, 141-143; Sandu, Stoica and Umbres 2014, 92). In other words, community service in the earlier described sense of social assistance is the predominant form of participation, whereas community problem solving is the second type of volunteer activity preferred by the youngest Romanians.

Knowing that Eastern European young people belonging to the Christian Orthodox denomination are attracted to public participation in the form of attempting to solve community and neighborhood matters, the question we ask now is to what extent they are motivated by religiosity when starting to get engaged.

“Young people decide!”

To analyze this issue, we look at the city of Timisoara, of about 300,000 inhabitants, situated in the Southwestern part of Romania, bordering Serbia and Hungary. It was part of the former Austro-Hungarian Empire and builds its particular civilization and civic spirit (culminating with the initiation of the anti-communist revolution in 1989) on a peaceful multicultural and multiethnic character. Several initiatives coming from local authorities and civil society, towards stimulating citizens to participate in community problem solving, were put into practice in this city, at the beginning of the 2000s: Citizens' advisory councils were created following the model of the

French twinned city of Mulhouse; a practical decisional transparency system - involving a permanent communication with inhabitants on local policies, in the form of periodical public debates - also showed its effects.

Cooperation between different institutions and high school students, in a project regarding active citizenship, was yet another form of extending public participation. The idea was developed by means of a partnership between schools, the local administration and civil society organizations, within the project called "Young people decide!". Youth-adult partnerships are seen as the most effective type of participation when it comes to this age category, as they can collaborate with adults "in all aspects of group decision making - from visioning, to program planning, to evaluation and continuous improvement" (Zeldin et al. 2014, 338). Lack of skills and less willingness to share decision-making with youth had the effect that these forms of partnerships are yet to become a normative practice (Augsberger et al. 2018, 190).

Inspired by the Italian region of Piedmont, the project in Timisoara attracted dozens of students from several public schools starting with 2010. Coordinated by teachers, they were supposed to make proposals for improving the quality of life in their neighborhoods. Their ideas competed each year for a prize consisting in the implementation of the winning project, with the practical contribution of the group of students who had initiated it. Pupils were also involved in training courses on civic engagement. Our participatory observations revealed a high degree of ambition and openness towards active citizenship among most of them.

In 2014, "Young people decide!" came to an end. Looking back at the project five years after its completion, we now follow the purpose of examining the potential impact of religiosity on the decision of participants to get involved and further engage in voluntary activities.

Methods and data

The information in this study has mainly been obtained by means of 13 semi-structured interviews, with persons who were actively engaged in that particular social practice. The author took part in the project as a civil servant of the Town Hall at that time and worked on its implementation with representatives of citizens' associations, schools and non-governmental

organizations: Participation in the environment allows for a closer understanding of how actors move, interpret and live the social phenomenon they are part of (Keller 2012, 14); the researcher has to “come home”, take a distance from the field and analyze the information in an objective manner. There is a certain balance to be pursued here: The risk is a too strong connection to the field, a subjective incorporation into the case; then again, lack of participation can lead to an “ivory tower” type of perspective - an impersonal documentation, depriving the author from details on people’s mentalities, attitudes, feelings and motivations.

In 2015 (one year after the initiative ended), two experts were interviewed - representatives of institutions involved in the project. In 2018 and 2019, eleven discussions were carried out with former participants, either over the phone or e-mail (Table 1). The fact that we spoke to most interviewees four years after the project’s implementation could generate memory biases with regard to their experiences as adolescents; the intervening period is a possible source for altered perceptions. We therefore asked detailed questions and insisted on accurate responses, following the achievement of an objective image upon the situation.

Table 1. Overview of the Interviewees

Initials	Gender	Age	Denomi- nation	Role	Interview date	Interview mode
M.O.	Male	61	Orthodox	Expert	6 March 2015	On site (working place)
M.D.	Female	38	Orthodox	Expert	10 March 2015	On site (working place)
A.D.	Female	22	Orthodox	Participant	10 October 2018	E-mail
A.S.	Female	25	Orthodox	Participant	13 October 2018	Phone
M.P.	Male	22	Neoprotestant	Participant	23 October 2018	E-mail
C.F.	Male	24	No denomi- na-tion	Participant	13 November 2018	E-mail
M.N.	Female	25	Orthodox	Participant	14 November 2018	E-mail

C.A.	Male	24	Greek Catholic	Participant	22 November 2018	Phone
A.C.	Female	24	Orthodox	Participant	23 November 2018	E-mail
A.J.	Male	24	Orthodox	Participant	26 November 2018	Phone
O.L.	Male	25	Orthodox	Participant	26 November 2018	Phone
P.N.	Female	21	Orthodox	Participant	28 November 2018	Phone
R.U.	Female	22	Orthodox	Participant	15 January 2019	E-mail

In selecting respondents, the study used the heterogeneous purposive sampling. Also described as a selective or subjective research method, purposive sampling mainly applies to qualitative studies and relies “on the judgment of the researcher when it comes to selecting the units” (Sharma 2017, 751): She approaches the persons whom she will speak to depending on the subject she pursues to explore. We were interested in persons who were involved in the particular community problem solving project. Choosing interlocutors had to do, on one hand, with the quality of an expert - he or she had to possess the necessary knowledge, experience in that particular field and capacity to look into decisional processes (Struebing 2013); these “key-persons” may unlock “an otherwise unclear, inaccessible and unmanageable field” (Breidenstein et al. 2013, 78). We had these features in mind when asking the head of a local NGO, as well as a psychologist and teacher to be our interview partners (the two experts). Apart from that, prior knowledge about the subject and the element of access to the field were important: A foregone “solid personal connection” helps building up trust and facilitates the approach (Breidenstein et al. 2013, 78). Having had the chance to previously work with the experts made room for such personal contacts.

The research primarily focuses on the actors (young people) who took part in the project. Most of them belong to the Orthodox denomination. They come from various backgrounds - 9th to 12th graders, from several participating high-schools. More extensiveness and heterogeneity for the study was pursued by not focusing on a single research field or environment,

such as one particular school. On a narrative basis, respondents were invited to describe the process including “own structural orders and orientations towards the world” (Struebing 2013, 100). An interview guide was used as a scheme of questions (Appendix 1), needed to be developed along the way - according to certain answers, to the (sometimes, surprising) unfolding of the topic, as well as for stimulating discussions.

Appendix 1. Interview guide

- What were your main reasons for getting involved in the project “Young people decide!”?
- How do you appreciate your connections to religion during the time you were engaged in the project?
- To what extent did you consider yourself a believer in that period?
- After finishing high-school, in what way did you take part in volunteering activities?
- If you engaged in volunteering after finishing high-school, what were your motivations?
- To what extent do you consider yourself a religious believer today?
- How would you assess your current connections to religion and spirituality?

Analysis and interpretation

Interviews were recorded, but we wrote down ideas expressed by our interlocutors during the dialogue - for establishing a certain scale of relevance for the affirmations. For instance, different assertions leading to the fact that religious services were not attractive for young people: identifying frequent statements in a certain direction “prefabricates” the theory and their subsequent ordering gives birth to a theoretical conceptualization. We found it necessary to transcribe the interviews: “Written text provides the ease of finding keywords or themes. Methods such as grounded theory rely on this strategy to pull information from qualitative data” (Parameswaran, Ozawa-Kirk and Latendresse 2019, 3). Besides writing down memos and analytical notes, we used the coding procedure and situation maps.

Coding the text is almost indispensable in qualitative research. Encrypting the document (extracting certain ideas and concepts) is part of a selection procedure by means of which the meanings of particular statements (in the case of interviews) are actually being decrypted (Struebing 2013, 118). This way, “the sites of silence in our data” are being articulated (Clarke 2005, 85). Using either the open procedure - cutting the text to pieces in the phase of the first reading, the axial coding (concentration on a particular situation),

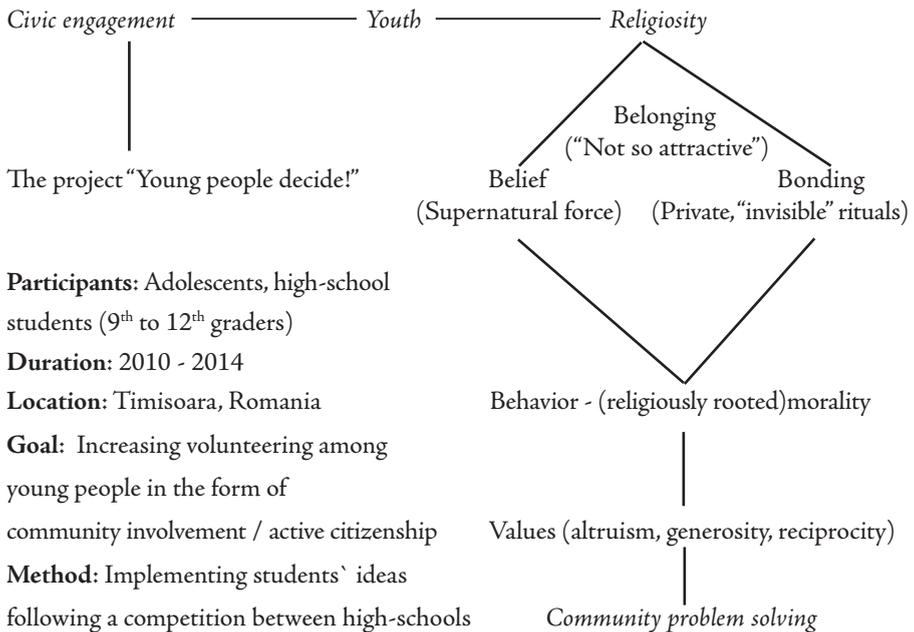
or re-deciphering / the final selection (Strauss and Corbin 1990, Struebing 2013), the researcher arranges her notions so these finally make a sense. Take the religious cognitive element of belief, for our situation (Appendix 2): it cannot be looked at by itself and in a "traditional" manner, as a motivational factor for engaging in the community; young people connect it to religious moral teachings. They further "privatize" faith and frame it in own, rather agnostic visions upon the divinity, conceived as a real, but indescribable supernatural force.

Appendix 2. Coding scheme

Belonging	Virtually no connection to volunteering An "interesting" activity Observation of rituals Singing in the choir Family component
Belief	Rebellion Agnosticism Supernatural force Moral teachings Uncertainty
Bonding	"Invisible" spirituality Private prayer Peace Guidance Finding God everywhere
Behavior	Moral character Karma Reciprocity Principles Metaphysical interests

Drawing a situation map can, further, create connections between elements. It is not a procedure to be used at a certain moment in time; the researcher establishes her own rhythm and succession, nevertheless inside an organized intellectual working process. We chose to draw such a scheme for connecting our findings (Appendix 3). For example, belief and bonding are placed on the same level by our respondents; they are closely related to each other and indirectly generate an influence on the decision to volunteer, through the moral dimension of behavior.

Appendix 3. Situation map



Writing memos and analytical notes, coding the information and sketching situation maps are part of a "multitasking" procedure, involving a "very provocative" process of analytical and creative thinking" (Clarke 2005, 84, 89). Attempting to confer a meaning, a reason to what had been heard or observed, allows the researcher to expand her own understanding of the process, to learn about the practice and the way people have perceived their experiences: Writing is learning. Analyzing is explaining. And explaining leads to understanding.

Findings: The "own way" of helping the community

With respect to the first religious dimension described in the theoretical section: During the interviews, respondents made virtually no connection between belonging and the decision to get engaged in the community. Opinions converge towards a synthesized affirmation: "I try to be a good person, but not necessary through my connections to church" (A.S.). Some

took part at services with their families, others sang in the choir, or they merely found the community interesting: "I am an Orthodox, but I do not practice; I am simply interested in studying rituals" (O.L.); "I went to the Neo-Protestants (Pentecostals) and I felt the community one hundred times stronger than with us, the Orthodox believers. I felt attracted to it, but it had nothing to do with an impulse for volunteering" (P.N.). The same opinion is to be found with one young man who sang in the church's choir as an adolescent, this having barely to do with taking part in the project.

Church as a "recruiting agent" for participation does thus not apply in our case. At the most, "I took my religious morality from attending services as an Orthodox, but to a lesser extent. I felt the community there, but it was not so attractive to me" (P.N.).

Belief and bonding - the private spiritual vision

Adolescents want to be free, not only in choosing religious or spiritual convictions, but in deciding what to do in life: "They are rebels, tend to contradict teachings" (P.N.). Some prefer to attend church by themselves: "I go there alone, say a prayer and find my peace. I don't need the institution" (A.S.). In the same line, one of the respondents speaks about being able to find God anywhere (C.A.). The way of seeing the divinity varies from the religious framing, to the image of a supernatural, rather indescribable entity (M.N., A.C.). "I consider myself an agnostic. I cannot define this force or include it in a religious category, as I cannot prove its existence under a certain form" (A.J.).

A female former participant in the project speaks about the notion of God "not resonating" with her anymore, after she had passed through high-school and the following years of personal formation have re-shaped and developed her thinking into a self-reliant one: "I have a different notion of God now. It is about belief, but not about religious belief anymore" (P.N.). She makes the difference to the years of school, when she had perceived religion as a source of certainty, trust and guidance - the awareness "that someone takes care of you". Her rituals are now part of a privately built spiritual vision.

Some respondents place the element of belief in an indirect connection to participation, through moral behavior: "I can be motivated to volunteer by

my belief in God, or by the belief that a good deed is of help for others. If I had not believed, perhaps I would have been more individualistic: «Why get involved, if there's nothing in it for me?» (A.S.); „Motivation came indirectly on a religious basis: The fact that I was a religious person made me more moral than if I had not been one, and this morality determined me to take part in the project and want to help people” (P.N.); “I am a believer to the extent of acting according to the Bible's teachings, of not hurting others and helping the one next to you” (A.S.). Still others state that belief and prayer are not to be put in connection with the inner tendency to be good to others, which is “determined solely by one's own features of character” (C.A.).

Behavior - the “minimum moral standard”

Respondents refer to morality - the behavioral component of religion, as not being shaped in church and place it in connection to their experiences, character and convictions (C.F., R.U.). “My generosity was surely influenced by the education I had received when I was a child” (C.A.); “The principles I am guided by today come from my personal life” (P.N.); “I am guided by my conscience and principles, without connections to religion. Not a dissonance between the two moral views: At the origins, morality has religious roots. It is about a minimum standard not to hurt the one next to you” (O.L.). Another interview partner goes further: “In Northern countries, atheism is over 80%... And all their actions imply civic spirit. Not religion must be central, but principles...”; he invites us to look at Neo-Protestants, who “have their seeds sowed, to see if they are involved in volunteering” (A.J.).

Interviewees mention the notion of karma several times, referring to reciprocity as a guiding principle for their actions: “Things you do return to you” (A.J.) and “Everything you give to the world, you will also receive” (P.N.). A young man, adhering to Buddhist teachings, also speaks about reciprocity: “Through generosity, you help yourself” (A.J.). The psychologist we have mentioned earlier refers to altruism in the same line, as one of the highest needs in Maslow's hierarchy, connected to the “tendency of activating your potential. At this level, the ego is less present: Altruism, dedication to the other, forgetting about yourself offer a positive state of mind” (M.D.). To the same extent: “Once you have performed an act of generosity and experienced the uplifting feeling of helping the other, it becomes an addiction, you won't be able to stop” (M.N.).

Acting in conformity to moral standards, as a precursor for community problem solving, is, consequently, mainly seen as a non-religious and, sometimes, religiously-rooted attitude. A female respondent refers to the support she is offering us for the research project: "Look at the fact that I am helping you with this interview - it's only an example for my own way of helping the community, by means of such small gestures" (P.N.). Like most of the ones we have talked to, she does not connect religion with the motivation of acting in an altruistic manner. Her "thirst of knowledge" during young adulthood was the source of "getting away from religion" and act according to a privately shaped morality.

Some still leave room for a potential religious tie (A.D., M.P.): "Religion classes, through the things they promoted - such as being a good person, have influenced me. One can say she is not motivated by religious principles for volunteering; but I know things I have learned are with me, they have not gone anywhere" (A.S.).

Conclusions

In the Eastern European Orthodox realm, privatization of belief and bonding among young people (an individual, asocial, sometimes heterodox spirituality) is able to act as an incentive for getting involved in community problem solving, through the most important moral element of behavior. Spiritual life, even agnostic and "invisible", contributes to getting attached to a positive scale of values - generosity, altruism, truth, justice and reciprocity - sometimes with the feeling that God is the "source of moral rules and duties". On the practical level, these values are converted in acts of volunteer engagement in their community.

Theoretical arguments in this study - structured around the four main religious dimensions - of belonging, belief, bonding and behavior - suggested a combination between external (social) and internal (private) religiosity as a potential motivational factor for volunteering. For the Western setting, literature emphasizes collective rituals (the "recruiting" role of churches) as potentially creating the environment for involving in community matters. In Eastern Europe and especially in Romania, although ties between the Orthodox Church and its believers are traditionally strong, most young adults were found to express their spirituality privately, far from collective rituals.

Results confirm this theoretical estrangement of young people from church and exclude religious belonging as a potential incentive for participation. The possible explanation is the gap between the Orthodox Church and its followers - due to its perceived control by the state during communist times and the remaining prejudices in this direction in the years after.

Unpaid work rates are increasing in Romania and volunteers are preponderantly attracted to local politics, respectively solving community problems. Young people show spiritual motivations in this context, based on a privately shaped morality, sometimes with religiously rooted fundamentals: "Adolescents are rebels", argues one of our interlocutors; and we would add - young people are self-learned "freelancers" in the spiritual realm. Experiences shape their ideologies and attitudes, including the decision to get involved or not in community problem solving at a certain moment in time.

Limitations of this study are mainly related to particularization, to the subjective, convenience sampling. On the other hand, relevance derives from the theoretical argumentation and the in depth information obtained by means of the interviews, difficult to come to on a statistical basis: The personal, first-hand approach allows the researcher to reach a "diversity of views and experiences" (Ritchie, Lewis, and Elam 2003), providing the data with a consistent and rational substrate.

Research can go further and attempt a comparative look (different denominations) at the subject: identify proportions and follow some causal relationships. Initiatives of religious institutions tackling the estrangement of youth from Church are also worth an in depth future examination. And from a more practical perspective - representatives of NGO-s, schools, public administrations and social workers dealing with civic engagement could benefit from the findings, in the stage of exploring young people`s motivations to become and remain active in their communities.

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Sovereignty and Declaration of Independence of the Republic of Moldova

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ABSTRACT: The sovereignty, independence, and integrity of territory are the core values of the functioning and development of any state. These elements are directly linked with security assurance. The millenary history of Moldova people and its continuous statehood within the ethnic region of its national making makes it a sovereign and an independent state. The Republic of Moldova gains this popularity or independence after so many struggles; the struggle for language, parliament, and the social and economic rights of Moldova people. The Declaration of Independence Republic of Moldova instantly and clearly declares Moldovan sovereignty on top of the territory of Transnistria as this is a component of the historical and cultural region of the Republic of Moldova. Although, the Declaration of Moldova Independence is itself used as an altercation opposing Moldovan sovereignty over Transnistria. In order to build up the unitary concept, 'Romanianism' in Moldova became an ethnic nationalism, which became a warning for the existing state recognition; thus, the young started undermining the political positions that the country took in that period. The Republic of Moldova fights against Russia for political restraints. They fight for the predominance of private properties, economy, and market reforms. The will of the Republic of Moldova people would mean that they can decide their present and future, and in this regard, Romania supports the strengthening of its sovereignty. The basic notion of PF (Popular Front) understood the return of Soviet concepts as a political, slavish conformism, which is essentially the main reason for the economic and cultural doldrums.

KEY WORDS: Sovereignty, Romanians, Republic of Moldova, Independence, Soviet Union

Introduction

Culture, history, and collective memory represent the space where a system of competition between different national, social, economic, and socio-political segments is formed. This competition is reflected in the fight for the preservation of cultural, national policy, and historical identity sovereignty. In this respect, the main task of the cultural policy is to preserve and protect the state's cultural sovereignty. Cultural sovereignty includes the rights of citizens, the right of the country, and the people. They must be guided by the norms and values that are unchanged throughout history. The acceptance or disapproval of external samples, rules, and stereotypes that threaten the ethics, cultural and historical identity of the society; the right of the state to prevent and counter-attacks on moral and social values are different from the cultural models.

Sovereignty is somewhat the identification of unique values, which, over time, take the forms of independence. The right of the country to decide upon the meaning of its development, in the light of its culture, is one of the main pillars underpinning a state. The aspiration of people for independence also generates another type of mass movement, such as separatism. This ideology creates a policy of detachment from the territory of a sovereign state. The main purpose and idea are the formation of a new state that seeks autonomy and self-determination. In this case, separatism conflicts with the principle of border inviolability and territorial integrity. It often generates conflicts among groups with different cultural features.

It is well known that all those who join a revolutionary movement are driven by the temptation and prospect of rapid changes in their lives. Revolutionary movements are the instruments of change. However, it realizes that religious and nationalist movements can also be a source of social change. Apparently, for a significant and rapid change, the population needs to show some enthusiasm or some kind of mass excitement. This passion may have different sources, from the desire for rapid enrichment, revanchism, or it may be the result of the movement itself. When personal success can no longer be a driving force, new sources of enthusiasm are needed to change the way of life of an inert society. Religious, revolutionary, and national movements generate this enthusiasm by shaping new perspectives and opportunities

aiming at community change. A mass movement takes shape only when the current power and government is discredited. This discredit is not just the result of mistakes and corruption among politicians and those with good financial standing. Firstly, it is the result of the work done by the people of the world, which includes priests, singers, prophets, writers, painters, teachers, and the dissatisfied students. In a society where the people of the world don't show their hatred, contempt and do not criticize the social and political situation, no matter how poisoned and corrupt it is, it will persist until self-destruction falls into place. The desire for glory shapes a revolution, and freedom is just a reason.

Body

The process of separating the Republic of Moldova from the Soviet Union was painful and dual. Some people wanted to remain in the Union; others wanted to unite with Romania. Finally, Moldova was left alone and undecided between these two extremes. One of the most critical factors that shaped the situation of Moldova in the last years within the Union was the policy of Romanisation, led by the Popular Front and a political group that at that time represented a social-political phase with a powerful influence (Enache and Cimpoiușu 2000, 47). Unlike other political formations that were established on the wave of Soviet restructuring, PF (Popular Front) was not limited only to reforms in the linguistic, cultural, and economic fields. The ultimate goal was to build a union with the Motherland (Scurtu 1998, 1). In other republics, even the least nationalist ones, they have spread a negative reaction among the citizens. However, in the context of the dismemberment of the Soviet Union, any kind of demand was subjected to criticism because of the acute sensitivity of the population at that time. PF managed to reach power, but their proposals and initiatives divided them into several camps. Soon, in the territory of the new Republic, two new territorial units appeared: Gagauzia and Transnistria. PF representatives, to some extent, ignored the lack of support from the population, accelerating the process of Romanisation. As a result, the sum of their actions created a self-proclaimed republic: Transnistria and Gagauzia with a special status within the country. In the end, even the Union with Romania was not accomplished.

The Popular Front was established in 1989 based on democratic movements that were consolidated earlier. In 1990, writers received 20 mandates in the USSR parliament, precisely due to the prestige they had in society then and now (Solomon and Zub 2001, 252). The dissolution of the Soviet Union and national movements created conditions for Bessarabian writers to join an Artists' Association (Solomon and Zub 2001, 250). Intellectuality constituted that social stratum that created favorable conditions for the Union in 1918 to establish, and it also led the liberation movement and the creation of the new state between Prut and Dniester (Solomon and Zub 2001, 88). A true national movement never existed in this area, except for two movements, during 1917 – 1918 and, respectively: 1988 – 1989 (Turcanu 1994, 94). The writers' association, privileged from a financial point of view, during the communist period was assigned the role to prepare the ground for realizing the movement of the Romanian ideal on the territory between Dniester and Prut. Among the writers, the Popular Front of Moldova was born. Due to the activity of this political circle (Solomon and Zub 2001, 251-252), newspapers such as 'Literature and Art' and 'Voice' appeared. The formation was led by Ion Hadarca who was a poet, translator, and politician from the Republic of Moldova, a member of parliament between 1990 and 1998, and from 2009 to 2014, founder and first president of the Popular Front of Moldova (1998-1992), President of the Reformers Party of Moldova. At first, the organization defended the interests of various ethnic groups in the country. At some conferences, even some representatives of the 'Gagauz Halki' movement could be noted. The national tendencies of PF could be seen shortly, by occupying important positions in the state leadership. After one of the most important characters, Mircea Druc, who was a politician from the Republic of Moldova, served as chairman of the Council of Ministers of the Soviet Socialist Republic of Moldova from May 25, 1990 - May 28, 1991. He also took over the position of the prime minister of the Moldovan SSR, after which the process of introducing the Romanian language, and the Romanian culture started taking shape. Mircea Druc was the initiator of the 'March to Gagauzia' (October 25-30, 1990). It was a march of the group of Moldovan volunteer nationalists under the leadership of Mircea Druc in the densely populated area of Gagauzia and the south of the Republic of Moldova, intending to reduce the Autonomous

Republic of Gagauz. At the Second Congress of the PF, organized in June 1990, the leadership stated clearly and openly the desire to unite with Romania, thus demanding 'the liquidation of all the consequences of the act of June 28, 1940 (Solomon and Zub 2001, 242), the change in the name of the Republic to the Romanian Republic of Moldova and the introduction of the Romanian ethnonym in the identity cards of citizens (Solomon and Zub 2001, 76). Although in the parliament, the PF did not have the majority of votes, they reached a common agreement with the communists to obtain a key function. This function was given to a politician Mircea Snegur who was the first president of the Republic of Moldova (1990–1997).

The Moscow political circle knew that the Popular Front would support the candidacy of Snegur, who was a well-trained and loyal man to the Eastern partners (Turcanu 1994, 136). One point that should not be missed, when discussing this person, is his entry on the political horizon of the Republic of Moldova, which was made in support of the claim of national movements (Solomon and Zub 2001, 82).

Issues related to strengthening the status of Moldovan language and its return to Latin script have been discussed in literary circles and organizations since the late 1980s. In the autumn of 1988, the 'Letter of the 66' (Radio Chisinau 2013) was published, containing rigorous research and analysis, scientifically argued, highlighting the need to return to Latin script. The unionist currently draws attention, first of all, of the public opinion from outside, and also of Romanians from Bessarabia to the fact that the Romanian spirit and character of the population is still alive. The Popular Front relied on the fact that borders liberalization will intensify travels and cultural relations between the population of the Republic of Moldova and Romania. Iurie Rosca (born on October 31, 1961, in Telenesti, Moldovan SSR) is a politician from the Republic of Moldova. For several years, he served as the President of the Christian Democratic People's Party of the Republic of Moldova. He was Deputy President of the Parliament of the Moldova Republic between 1998 and 2001 and 2005-2009; and Deputy Prime Minister of the Moldova Republic (June - September 2009). He said in an interview for Tara newspaper: 'I am sure there will be opposing forces, there will be problems with Transnistria, but the current Republic of Moldova will unite with the country quickly, maybe in half a year, or a year ...' (Tara 1991, 1).

Sometimes hope awakened by an ideology acts as an explosive and sometimes teaches discipline provides patience. The first situation supposedly refers to the fact that hope will be realized shortly, the second - when hope will be realized in an indefinite time. Protests, revolutions, and any other social movement, in the first stage of development, promise the first type of hope. Followers of the movement are thus more receptive to the action since the mirage of success is close. Later, when the movement has power, the emphasis is on long-term hope - which becomes a very seductive desire and longing. A mass movement cannot exist without distortion of reality.

In August 1989, the Moldovan SSR Supreme Council was preparing to adopt a decree on the functioning of languages on the territory between Dniester and Prut. The package of laws provided for the Moldovan language to be the state language and the Russian language was granted inter-ethnic status. Besides, it was required to confirm its linguistic identity and to return to the Latin script. To support and initiate this project, the PF organized the rally entitled 'Great National Assembly', attended by hundreds of thousands of people. The main request being the declaration of the Romanian language, state language, and its transition to the Latin script. The PF has transformed into a movement of great magnitude under the pressure of the Grand National Assembly (Enache and Cimpoiesu 2000, 48). Relying on the fact that the conscience of the national unity, generated by many years of separation, will receive a note of calm and security (Simon 1991, 1), Chisinau's leadership did not give importance to minorities on the territory of the new state. Only those from the Transnistrian region protested against this law. Tiraspol appealed to the Moldovan Supreme Council to proclaim the Russian language as the second state language. Another requirement imposed by Tiraspol leadership was the preparation of a referendum on the state language. After two weeks of accepting the draft in parliament, the pro-Russian government, seeing that Chisinau does not make concessions, resorted to strikes. A preventive strike was organized on August 16, attended by about 30 thousand people (<https://bit.ly/2NQX6OX>). They demanded the annulment of the decree on the functioning of languages in the state. The request was rejected, and the Moldovenism supporters resorted to large-scale actions. The new strike, which began on August 21, extended beyond Transnistria, and many companies in Chisinau took part in this movement.

The participants repeatedly called for a referendum on language. However, on August 31, the package of laws was approved and applied by Chisinau leadership. Opponents decided to continue the strike. The protest was joined by the Civil Aviation Administration of Moldova and the Moldovan Railway Service. This mass movement was halted only at the end of September.

Moldova declared its sovereignty on June 23, 1990. At this time, the process of replacing state symbols was already started. In 1990, the blue-yellow-red tricolor, which was identical to the Romanian one, was accepted as a national symbol. Later, a new coat of arms was chosen, the basic elements of which copied the Romanian one. Imitation is one of the most important factors of the Union. In 1991, shortly after the failure of putschists in Moscow, a state anthem was also chosen. The anthem of Moldova was the one of Romania 'Desteapta-te Romane [Wake up, Romanian]'. However, shortly after, Chisinau's leadership chose another anthem entitled 'Limba noastră [Our Language]' by Alexei Mateevici, which, however, does not specify the language (Solomon and Zub 2001, 17). Tiraspol decided not to recognize the tricolor as a state symbol. The councils of Bender and Ribnita towns followed the example of those on the left bank of the Dniester River. Against the backdrop of confrontations, Transnistria announced its independence from Moldova and remained in the Soviet Union. The decision was taken on September 2, 1990, at the Congress of Transnistrian Members of Parliament. A little earlier, on August 19, Gagauzia announced that it also plans to withdraw from Chisinau jurisdiction. The Supreme Council of Moldova revoked both decisions, but this action did not have the potential to stop or normalize the situation. The restructuring declared in the USSR started the processes of development and formation of nationalists and the ethnic movements in the Republic of Moldova that is *Moldova Suverana. Să lăsăm moștenire o Țară Liberă [Let's leave a Free Country legacy]*. The speech of Mr. Mircea Snegur, President of the Moldova Republic, delivered during the extraordinary sitting of the parliament on the occasion of the proclamation of the independence of the Republic of Moldova, August 27, 1991, No. 189 (17786), page 1.

In October 1990, the newly elected President of the Moldova Republic, Mircea Snegur, called on the population to create a volunteer corps to fight against separatism. At that time, Moldova didn't have its army yet. By the

end of October, thousands of volunteers, accompanied by the police, started a campaign in Gagauzia to stop the planned elections there. As a response, the locals formed their divisions. Also, two detachments arrived from Transnistria to support Gagauzians in the region. In the case of Gagauzia, armed attacks were avoided, but in early November, the situation in Transnistria worsened considerably. The Ministry of Internal Affairs sent in Transnistria specially prepared divisions to unlock the Dubasari bridge, which was guarded by the local police. In the clashes, three people were killed and 16 others injured. On May 22, 1991, while Mircea Snegur, who was newly elected President of the Moldova Republic by the parliament, attacked the Romanian anthem *Desteapta-te Romane* at during the Government meeting the same year (Enache and Cimpoiesu 2000, 48).

On August 27, 1991, the Republic of Moldova declared its independence. Romania was the first state to recognize the independence of the Moldova Republic, even after a few hours (Solomon and Zub 2001, 218). Recognizing the political independence of this territory, Romania, to some extent, has given up on the imperative of reunification (Turcanu 1994, 110). This statement can also be determined by the failure of the Moscow coup (putsch) (Tarii 1991, 1), which showed that tendencies to bring the old system back into the Russian communist elite still exist. The declaration of independence emphasizes that Transnistria has been populated from ancient times by Moldovans and it's an organic part of the historical and ethnic territory of Moldova (Tarii 1991, 1) and recognizes the entire Romanian nation's right to defend and guarantee this independence (Solomon and Zub 2001, 242) by all means. The US supported Moldova's independence, but not the idea of uniting with Romania (Natiunii 1996 p.3). Immediately after this event, Moldovan authorities tried to settle the score with Tiraspol authorities. On August 29, the President of the self-proclaimed Republic, Igor Smirnov, was arrested by the special services of the Moldovan authorities. Igor Smirnov was a Transnistrian politician of Russian origin, and he also served as President of the self-proclaimed Dniester Republic of Moldova between 1991-2011. In response, the protesters on the left bank of the Dniester organized mass protests and blocked the railway. At the same time, the formation of Transnistria as an independent state didn't stop. On September 2, local Members of Parliament approved the Constitution, Flag, and Coat of

Arms of the Republic. During this period, the Russian community between Dniester and Prut was supported by Moscow for the implementation of an anti-Unionist policy (Buga 2011, 115). In the end, the Republic of Moldova lost some positions and, consequently, the authorities released Smirnov. The blatant propaganda of the Romano phobia was somehow suspended after the Declaration of Independence of the Moldova Republic (Suverana 1992, 3). Following the 'Belajeva Agreement', the agreement declaring the dissolution of the Soviet Union and the establishment of CIS. It was signed at the state residence near Viskuli in the Białowieża forest on December 8, 1991, by the leaders of Belarus, Russia, and Ukraine. Thus the independence of Moldova was recognized by Russia. Shortly, the President of Moldova signs the accession agreement to the 'Community of Independent States – CIS'. The idea of independence was realized quite quickly, but somewhat by chance and independent of the joy of the indigenous population. The most inveterate defenders of independence are those who do not like unionism (Turcanu 1994, 104). With the accession of the Moldova Republic to the CIS, the course of Moldovan politics changed radically. Of course, controversies and discussions around these events are still going on today, but with the acquisition of independence. Thus, considering Moldovan ideology as a political idea triumphed. The PF tried to create favorable conditions for unification, but, given the geopolitical context of that period, carrying out this action was impossible. Mircea Snegur, in an interview with the *Ziarul de Garda*, stated:

'During the years, when I was the head of the political class leading the Republic of Moldova, I thought that everything was done to bring Romania closer, in the context of the opening of borders, simplification of crossing these borders, the establishment of joint economic enterprises (many of them have been created), movement of capital, and the establishment of branches of the Romanian Commercial Bank, etc. People believe that all the necessary conditions for unification had been created. Those who wanted this had no impediment in developing relations between Romania and the Republic of Moldova, including spiritual ones, so that we could return to the Romanian spiritual space: people, history, traditions, etc. Is this little? Why was the Union not realized? It is an extremely complicated question. The first objective reason would be the mentality of the 1940 - 1991 generation,

educated during the Soviet colossus. This mentality cannot be reoriented in a single decade. The fact that we had the right time to do it, but we didn't, is an invention. There were no such conditions. If the unification had been approached at that time, it would have been supported only by 5% –7% of the population of the Republic of Moldova' (<http://www.zdg.md/63/decembrie/>. Accessed on 29.08.2018).

Mircea Ionescu - Quintus, who was a Romanian politician, former President of the National Liberal Party between 1993-2001, a senator in the legislatures 1996-2000 and 2004-2008, elected in Prahova county on the lists of the NLP party. Mircea Ionescu-Quintus also held the position of Minister of Justice in the Stolojan Government, the first multi-party government after 1989, at a meeting of the Interparliamentary Commission in Suceava town stated:

'Respecting the will of the people of the Moldova Republic would mean that they can decide their future, and supports Romania in all ways for the strengthening of sovereignty' (Enache and Cimpoiesu 2000, 224). The ideology of PF understood the return to Soviet concepts as a political, slavish conformism, which is essentially the main reason for the economic and cultural stagnation that was Literature si Arta, *Solitară și neglijată*, "Bătălia Pentru demnitate [*Lonely and neglected, 'The battle for dignity'*]", December 18, 2003, No.51 (3043), page 3 summarizing the above, we conclude that this cultural struggle occurred between 'Romanianism' and 'Moldovanism.' The ideologies in question are even today at the center of political debates in the Republic of Moldova. The proclamation of sovereignty and independence has primarily depended on the evolution of these two currents in Moldovan society. People can voluntarily believe only the things they already know. Familiarization with Russian culture and, not in the least, with the 'equality' preached by the Communist party, played a decisive role along with other political, social, and economic factors.

The collapse of the Soviet Union and the emergence of independent states in place of the former Soviet republics inevitably created favorable conditions for the development of their history for each nation. In some cases, historical concepts of nation-state type were revived and restructured. Treating the genesis problem of their states differently, the historians of communist countries agree on one point: the emergence of these states on the map of

Europe is a natural event, and they have the right to self-determination. Of all post-Soviet countries, only the Republic of Moldova is based on a two-way nationalism and, in some cases, diametrically opposed in the historical interpretation, which forms completely different tendencies in defining this nation. Often, the evidence and arguments, which are in favor of 'Moldovanism', are extracted from the same historical sources that complement and form the pro-Romanian current, but at the same time differ by some fundamental nuances. If 'Romanianism' can be characterized as ethnocultural nationalism, 'Moldovenism' has evolved as a civic nationalism that legitimizes the past and the future of the Moldovan state.

Trying to revitalize the unionist concept, 'Romanianism' in Moldova became an ethnic nationalism, which became a threat to the existing state identity, thus the young undermining the political positions that the country took during that period. In 1991, the leadership of the Republic of Moldova tried to organize a referendum on independence, which aimed to pronounce a categorical 'no' against the Union with Romania (Turcanu 1994, 97). The unionist character of this movement was insignificant, the politicians didn't dare to demand the liquidation in fact of consequences of the Ribbentrop-Molotov pact and to re-enforce the Act of the Unification of the Democratic Moldova Republics with Romania on March 27, 1918 (Solomon and Zub 2001, 242). The policy carried out by the Popular Front at times became aggressive and directed towards the Union with Romania produced a division of the Moldovan society. Some historians believe that the PF, by adopting such tactics, inadvertently created armed mobilization on the territory of Transnistria, which directly aimed at stopping the political current, reborn in the Republic of Moldova (www.actr.org/JER/issue4/7.htm). On the eve of the 1989 parliamentary elections, Sfatul Tarii discussed and intended to implement a kind of fantasy-diversionist project that had to make Moldova's transition to the market economy in just one and a half year. This shows that the executive is made up of incompetent and irresponsible people. Mircea Snegur was well aware of this situation but didn't try to change the perception of those who made the PF (Turcanu 1994, 139-140).

To some extent, the Transnistrian identity is not based on an ethnic or common national identity. The Transnistrian conflict was, instead, a reactive nationalism, which was a direct reaction to the diminution of the

Unionist current. It was the fear of Romanianism, not the desire to create their state with the help of 'external friends,' which contributed to the success of this separatist movement. Transnistria has a special status due to the high industrial development compared to the rest of the country, and on average, the standard of living is higher in this region. Many of those who came here are ethnic Ukrainians, Russians and other ethnic groups from the former Soviet Union. This atmosphere has created an absolute comfort and standard for the established social model. The danger of losing this status with the breakup of the Soviet Union contributed to the Union between the Transnistrians. Nevertheless, the attitude and politics of the Transnistrian leadership denote the fact that they did not try to build a Transnistrian identity based on a constructive discourse, but, instead, they are against everything that is Romanian in the Moldova Republic. Not surprisingly, the attempts of the Transnistrian educational system are a tendency to create their history that is based on a symbiosis between Soviet Moldova and the officialization of 'Transnistrian leadership'.

Although the 'Transnistrian identity' is a very weak one, thus the methods by which independence and sovereignty were proclaimed created separatist forces, which caused the Moldovan politicians to reformulate the political vector. After the first year of independence, the Pan-Romanian lost its position towards Moldovenism. We must point out that Moldovenism, after the 1990s, contrasted with that of the communist period. After the 1990s without a pro-Romanian political force after, the Moldovan leadership began to consolidate the concept of the Moldovan state that was and is still based on the declaration of sovereignty and independence. To restore and strengthen these ideological boundaries, they began a genuine crusade against 'Romanianism'. Mircea Snegur didn't doubt that Romania would be the first country in the world to recognize Moldova's independence (Suverana 1991, 1). The situation created, thus forcing the political class to eliminate cultural and economic barriers, which stood in the way of self-determination. The patriotic slogan 'We are at home' (Snegur 1991, 1), which represented the Great National Assembly (August 27, 1991), actually meant that self-determination that we specified earlier Druta—a member of the Romanian Academy—in his famous opening speech of the congress: *Our home - Republic of Moldova*, emphasized: 'In the long and troubled history of our nation, we

have a unique chance to build a home in Moldova (Sleahitichi and Deshis 2007, 25)'.

'Romanianism' has had unquestionable successes at the linguistic and ethnic levels. The Bessarabian intelligentsia, arming itself with this ideology and made the maximum contribution to mobilizing the progressive forces of the population (Novitkii 1990, 5). 'Moldovanism' lives through the prism of the national state police. It defends the right of Moldovans to their identity, with a specificity that is a different form of that on the right of Prut. Approaching the territory between the Dniester and Prut from the perspective of 'Romanianism', we understand that the new state is in a 'transitional period' (Ghimpu 1998, 1) that began with the breakup of the Soviet Union and should end with the act of unification. In turn, 'Moldovanism' supports the thesis that the emergence of the Republic of Moldova is the experience accumulated during the history that has created a unique characteristic of the local society and has development prospects as an independent state. People think that it would be absurd to decide that the current tendency of Moldovans to have their state is only the result of the communist conception. The historical memory of the population in this region of Europe makes them identify as a 'border' identity that lies between the West and the East.

Having shared cultural qualities with both Romania and the people of the former Soviet States, it was concluded that the 1990 revolution, which was under the flag of Romania, became a concern for its state, in which 'Moldovanism' triumphed as a cultural concept. The hypertrophy of folklore dominated the revolution between Dniester and Prut. Mostly in the books and information that characterize the historical course of Romania and Bessarabia, they interpret the produced errors as a consequence of the European conjunctions (Dulgheru 1998, 2). Even now, in Eastern Europe, there is a danger of limited nationalism and ideological intolerance that some people confuse with the principality. An important topic is that the western countries who have completed their unification of the territories relatively later have managed to get drunk with this national feeling. Some of them even understood that it is not an easier way of degradation than through the prism of national and ethnic grandeur. Therefore, I want to emphasize that Unionism and Romanianism in the Republic of Moldova is a natural feeling, being a necessary piece for the historical experience of a state.

Summarizing the above, in the current stage of the development of the Moldovan state, neither 'Moldovanism' nor 'Romanianism' are eligible as national state ideas, even though they played a fundamental role in proclaiming sovereignty and independence. The very weak influence that 'Romanianism' has today as compared to 'Moldovanism' since this ideology is highly dogmatized. Its representatives avoided looking at it critically, and this dogmatization framed it in certain boundaries that didn't allow it to adapt to the new social realities. From this point of view, 'Moldovanism' appears as a concept that is much easier to shape in the context of the society of the Moldova Republic, because it involves all citizens, regardless of their ethnic origin.

The dilemma of revolution between Dniester and Prut oscillated between dictatorship and restoration. A feeling created by mass protests and movements is that these phenomena replace hope. This state has incredible influence, especially in societies where the idea of progress haunts. The dictatorship is a continuation of the nonsense of revolution, conservation, and forced affirmation of the immediate post-revolutionary achievements. The dictatorship is a permanent revolution, and it is also considered as the ideal of the professional revolutionaries. Restoration is a return to the tragedy of reality. It is a withdrawal from the revolution and a paroxysm of the return to the old symbols, traditions, and customs. The restoration does not even follow the actual return to the regime and the old order.

When the population is ready for a mass movement, only a convinced (fanatic) man can arouse true passion in people. Mass dissatisfaction with the system is the result of the work done by the people of the word; without a politician convinced of a particular ideology, the revolution remains just meaningless, and it is easy to stop the rebellion. The revolution was fuelled by great ideals that promise significant changes, and the restoration promises stability, calm, and careful movement. When joining a mass movement, people lose their freedom and find new freedom where, many times, it is ruthless, cruel, and without any remorse. To some extent, it gives the right to 'shame', which, for many people, is an 'irresistible temptation.' Hate and contempt, like love and admiration for a particular ideology, is not only an instrument of division but also unity. The Republic of Moldova still lives under the threat of the antipode - the separatists. All mass movements are interrelated. A movement can change into a religious one or a national one. If the central aim

is to change or stop the movement, this problem can be solved by changing it to another ideological direction. Exactly this happened with the ideological character of protests in the Republic of Moldova. The restoration, like the revolution, has its 'moderates' and 'ultra-extremists'. The moderates want to change the logic of the democratic state and the market economy in such a way as to provide much possible time and space to expand the area and extend the term 'equal opportunities for all.' The moderates are the ones who led the revolutionary cavalry to regroup their political and social positions. They wanted to preserve everything that had been achieved both in spiritual reform and in economic reform. They struggle to give up on only those that are fragile, premature, or foreign, useless in a post-revolutionary life.

Ultra-extremists of the restoration, as antipodes of the unionist knights, seek their revenge, demand the renunciation of any reforms, demand the return to the zero version. Naturally, moderates are attacked on both sides, since they are 'traitors to the national ideal' - named by the right. 'Traitors of the interests of the working people' named by the left. Between these two extremes, the parliamentary majority in the Moldova Republic is forced to handle and balance conflict situations. For this reason, in public opinion, it appears as a passive force that is devoid of energy and unity and lacks courage and power for radical decisions. It appears as an eyewitness and not as a fighter. The taste for the radicalism of public opinion comes from the revolution, from its risk of living the romantic dream and from the fever of small ambitions. The total exchange of a system or its transformation begins with the people of the world, followed by convinced people and finalized by practical people. This logic also persists in the events of the Moldova Republic that I have mentioned above.

Conclusion

The Republic of Moldova is an independent, sovereign, unitary, entangled, and a democratic state. National sovereignty lies within the people of the Moldova Republic who shall implement the rules directly or by its selected representative bodies. They are free to decide their present and future course of action without any kind of external pressures.

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Intercommunity Violence in Ghardaia between Heavy Fire and Compromise. Meanings and Mechanisms^{*}

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ABSTRACT: The city of Ghardaia in Algeria has experienced violent incidents, in recent years. As a result, this resulted in a deep fissure in the social fabric that had proved far from homogeneous, while the two religious communities of the local society, the Sunni Arab Maliki and the Ibadi community had coexisted for centuries in good intelligence. It can be seen from the course of events that the issue is far from being a simple conflict between the parties concerned; and we can not deny the involvement of a third party, namely political power and this through local authorities. In this tripartite equation, the precarious calm resulting from an interindividual and inter-communal compromise remains a subject of debate. From there we could apprehend the related meanings of discourses advocated by the actors of both parties, both at the individual and collective level. It is a question of exploring the places of confrontation and its observation following the verbal exchanges as well as the speeches marked, the paths taken by the two communities, in order to reach a compromise based on concessions previously considered as intangible principles. Also, the interventions of the security and political authorities to try to fill the differences and to bring closer the visions give rise to an analysis because by their responsibilities in the preservation of the security of the goods and the people, bring various justifications to guarantee an existence while maintaining the compromise in order to preserve the economic and political interests of the Mozabites.

KEY WORDS: pragmatic sociology, conflict, compromise, justification, violence

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Introduction

Algeria, like the other countries of the Maghreb, brings together a few different ethnic groups, particularly on the doctrinal level, which make up its population. The media tries to commercialize the image of a doctrinaire and identitary harmony of the social fabric, however, the political and economic practices of the authorities in the management of the public life led to the emergence of centers of tension and their expansion. In other words, let's say that their strong emergence does not serve the community project, and reflects the consequences of a treatment based on the absence of justice and a horizon of hostilities between two groups opposing the linguistic plans. Doctrinaire. However, the events that took place over the last decade followed another course. Disputes over pastures between tribes and Berber spring, the uprising of the population of southern Ouargla through the events of Brian Ghardaia are a perfect illustration. They exposed the fragility of social cohesion produced by the country's political elites.

The characterization of these events conveyed by official circles does not reflect the reality of events. In fact, these circles do not talk about it until the foreign media or the Social Media seize it, describing these events as protests, or even teenagers' hiccups, attributing to the outside hands who blame themselves for them, to destabilize the country and thereby undermine the peace and tranquility of the region.

Speaking of the events that occurred in the city of Beriane and whose causes persist, research leads us in this area to analyze the speech of citizens and dignitaries of the two communities to understand the reasons for each other, their justification in this trial of strength as well as the arguments of both parties in the negotiation and search for the compromise.

Research methodology

On the basis of the above, we have tried in this article to stick to the most important alternatives offered to the actors to build after the dispute a level of compromise within the urban perimeter of the city of Berian Ghardaia. The urban fabric of this city suggests the existence of structural differences, both social and economic, between neighborhoods. It can be seen through this, and as the common-sense vehicle, that the Mozabites are organized

and have developed proven business skills, far more than the Arab chaanba. Indeed, the Mozabites scrupulously ensure the maintenance of the cohesion and integration of their community, its component, its symbols and this through a division of roles, leaving the decision to a centralized level embodied in the djemaa, religious essence, Elazzabah, concerning the settlement of disputes that the daily life of the Mozabites carries with it. El Azzaba meets at the mosque from which it draws its strength, but its action also extends to secular spaces.

Religious fervor is a primary characteristic of society in the M'zab Valley. This society has been able to respond, in terms of inter-individual relations, and social in general, to the physical constraints and the adversity of geography and climate. In this society, the group of dignitaries represents is depositary of a power whose spectrum spreads from the management of the interindividual disputes to the political affairs, the development of the region among others. This group ensures political dialogue and eases tensions during conflicts with other parties. In addition, he appoints representatives of the people in local and legislative elections. In fact, the discourse produced by the majority of individuals, common sense, within Mozabite society can not leave the circle of the discourse held by Elazzaba. "But the social dynamics that remains relative despite its inevitability feeds on the enthusiasm of although El Azzaba does not allow them to negotiate or decide, but their point of view is taken into account. The compromise is sought between maintaining the economic interests of the Mozabites deemed to be great traders, "people of dirhams" and the preservation of Amazigh identity that considers the challenge one of the most important for its viability and that brings the modernization.

In their struggle for survival, the Mozabite Amazighs act in a closed circle as a united bloc to protect their interests, unlike the chaanba Arabs who arrived later, and found themselves too weak to compete with the Mozabites on the economic plan. Therefore we find some social plagues in their communities and find them in order to hold a Doctrinal and ideological discourse.

Some studies on the subject of the Ghardaia events have been subjected to different approaches, but they have been analyzed as a whole, whether economic, political or anthropological, but have not relied on elements of

rhetoric and linguistic connotations. in the conflict circle. and on this basis we have tried to approach this subject with a pragmatic sociological perspective and what it offers in this field of tools.

Research field

Through the individual and collective interviews of some of the dignitaries who participated in the reconciliation process, as well as some security and intervention officers who experienced the events closely, our contacts with some university students in the area, some sentences have reproduced in a way that binds us to carefully analyze their speech.

The field research in the city of Ghardaia, with all its contradictions, is a sensitive and complex process that needs means that are different from those we use in empirical research in other phenomena, it is not always easy to get the information, especially from the Mizabites because of the knowledge that we are Arabs, so we contacted colleagues we knew in the university, and as well as national symposia held at the University of Tlemcen and summer camps and modest commercial relations with them, unlike we received an answer from the Sunni Arabs, who extended to talk about the conflict and its causes and the means that can solve the problems, of course, according to their views, but the language of blaming others still dominates in the discourse of both community “in the lawsuit the gen they raise criticisms and provide justification (Nachi 2006, 85).

Violence in Ghardaia. Causes and manifestations

One of the most rigorous studies at the research center in social and cultural anthropology on this topic has been addressed by the non-side of the subject we are studying. The question was why do community-based conflicts occur in Ghardaia (the region)? The undeclared question of this project, and builds its study on the procedural dimensions of the concept of community can give an image of the objective elements that cause all conflicts of a community nature in this region. The objective causes can be classified in three elements, One of them is enough to mobilize the local society with all its components, And these elements are :

Strike “territory” as a factor of violence

It is enough to attack the “territory” to be the main factor of a violent (not to say bloody) communal conflict, and here we mean that the territory is the cartier or the “qseur” the store or the housing, the cemetery or the mosque as a place of worship. The aggression does not include the physical aggression of attempting to acquire or damage the property of others in areas of community nature, but even betting of competition to name these areas (conflict over the refusal of a name of a middle school or secondary school for a local character, conflict to impose to name a street in the name of a community figure, conflict to name the university in Ghardaia ,).

The recent attack on the “Qseur” of Malika and the local Ibadites cemetery has been the direct cause of the renewal of bloody conflicts in Ghardaia since January 2014. Before that, the land (the lands of Al-Yidr), which separates the Tanniya (Arabic) and “Qseur Béni-isguen” the cause of the conflict that took place in 1974. It is sufficient for a local group to attack areas that the community system considers an attack on one of its components. the basis of the machine of violence, especially when we know very well that the Ghardaia regions are essentially communal, that is, the Arabs live in their own neighborhoods and others live in their own neighborhoods / “qseur” and that the spaces of meeting between the two communities leave the frame of the residence.

Aggression on “memory” as a factor of violence

Attacks on memory are among the three causes of violence. Doubting participation in the Revolution (1954-1962) is on the list of aspects of the conflict between the two different collective memories, it is enough to publish an article or book raises this question or tries to answer it to bring about violence, and this is the case of Garara events (DEC 2013), which has extended For some of the municipalities of Ghardaia, which know domain contact between the two groups. there is a difference between the two collective memories in the region, as the Ibadite group seeks to consolidate its presence in the region through urbanization dating back more than seven centuries. The rival memory seeks to consolidate its presence by recalling the sacrifices of his people (of the people of the region) and his martyrs of liberation revolution. Attacks on the near or distant past are a direct factor

of community violence, by naming streets, schools, universities, airports or ... can be an opportunity to trigger rivalries or local community violence.

Aggression on one of the elements of the affinity system “women”

Brian's events began with the attack of the Ibadhite girl, The slowness of public intervention, local administration or security administration (the state of all conflicts) was a catalyst for the spread of violence and tension between the two Berian communities. This conflict did not stop, like other recurring conflicts among the inhabitants of the municipality itself, but moved to all the municipalities that knows a contact between the two groups. The affinity system is almost entirely closed at the local level, mixed marriages are almost impossible, and if that happens requires drastic measures that begin with the exclusion of housing in the Mozabite “Qseur”. Aggression against women as a structural element of the community affinity system is one of the direct causes of manifestations of inter-communal violence. In general, this attack does not occur in community territories, but often occurs at the points of contact between the two distinctly different urban spaces or in the common spaces.

Blaspheming the Mozabites and describing them as living in sin and accusing them of Khwarijs was evident in the speech of the Arabs, especially the young, they are sometimes described as Shiites and sometimes as “Almotazila” historical works have referred to the community of Bani Mzab with several denominations, like Spenser, for example, which says: “They are refugees from the Ibadite Kharijites who founded a league of religious doctrinal cities in the depths of the Sahara in the tenth century” (Oukad 2009-2010, 58).

When the Arab accuses his Mozabite opponent of approving the temporary marriage and taking some fatwas from the Ibadi clerics, he selectively disputes his filiation and his descent and his right to be on this earth. These charges are directed against the Shiite community, which is rejected by the majority of Algerian society, especially after the broadcast of the media. And the social networking sites that represent them as an entity that wants to dominate the Arab and Islamic worlds. These representations have intensified after the Arab Spring wave, these events that we will mention later.

During our conversation with the respondents, who were affected by the spark of violence, one of them said that the Mozabbites were treacherous and treacherous for a long time and that they did not answer the call. Of the liberation revolution when Sunni Arabs offered regiments of martyrs. France did not force them to serve in the army and was not exposed to them, they sold them, unlike the Arabs and until now they continue to follow the same approach. At the same time, Mr. Yousef the student faces who is not right: the Mozabites financed the revolution and fed the revolutionaries, they supported the Arabs and exploited the confidence of the French to support the revolution far from the eyes of the enemy, and these are great secrets that only Ibadi can bear that they are known for their secret, and to keep the information within the group only, they saved many families and protected the villages against the extermination. He also adds that the spark of violence was the result of the recent attack on the Quiseur de Malika and on the Ibadite cemetery, and before, the attack on one of the women of the Quseur. The Arabs are attacking our holy sites and our honor

The justice system is strongly in this conflict, which is in itself a search and a proof of itself, and get recognition from the other, each community seeking a presence, the Arabs justify their behavior as the oldest tribes and welcoming martyrs, and they sacrificed for this country, on the other hand, the Mozabites consider themselves the oldest inhabitants of the region, being the Berbers, who are the indigenous peoples of the region. They close to protect their entity as they consider themselves marginalized and socially excluded at all levels, there is no alternative but to maintain the identity and economic model of the community. Thus, the distance taken by the Mozabites from the Arabs, and the question of Taqiyya increase the tension of the Sunnis who “generally treat the Taqiyya with great circumspection, being convinced that this practice, despite its legitimation in the Qur’an and hadith has been largely abused by all kinds of heretics, in order to hide their heresies and to deceive orthodox Muslims” (De Smet 2011,150-151). This distance, both in its symbolic level and in its spatial level, is considered as the first dimension of marginal life: for them, their living conditions and social existence may be opposed to what they regard as the true standard of living.

According to the sociologist Luc Boltanski and Laurent Thévenot, the incompatibility between the situations in which the actors themselves

are based on their representations of their actions in which they try to emphasize the concept of justice or rather the concept of city. To model the kind of operations in which, in the disputes between them, the actors are engaged when confronted with an imperative of justification “ (Boltanski and Chiapello 1999, 62).

Through our interviews with young actors from both communities, both parties try to apply justice to them by organizing a justification of the magnitude test, forcing the actors to go from strength to strength. The test of greatness in the context of the orders of magnitudes “which, so to speak, are the scales of value that actors mobilize to judge, to calify justify the attribution of states to people and things according to the variety of situations, in accordance with pragmatic requirements of justice and order” (Nachi 2006, 104).

Whether notable or young, the Sunni Arabs say that what drives him to compromise is to ensure the stability and safeguarding of the country’s assets and the gains of independence as well as the establishment of the foundations of the revolution of independence. Moreover and despite the overthrow of which they were victims, the Mozabites recognize the gravity of the situation by trying not to train for an Algerian popular revolution from Ghardaia that will be a replica of the current of the so-called “Arab Spring” that many Arab countries know. They plead for the maintenance of state institutions and the application of institutional and security laws in order to safeguard citizens and their property. Indeed, it is about not amalgamating morale and the legal. It is a beginning for the preparation of a compromise on the main values that should govern the action (Dortier and Cabin 2010, 342).

Trade areas and the common domain

The media space:

All the witnesses of the dramatic events that overthrow the city of Ghardaia and the way in which the media covered them will know that the problem is hardly easy to dissect. Despite the presence of journalists and Arab and foreign channels in the conflict, the opacity of the scene and the accusations exchanged between the two parties and the contradiction that appeared from one moment to another in the actors conflict or media professionals,

suggested that the case goes beyond apparent causes. In fact the ideological presence is so important that objectivity has been spared in the media coverage of events. This has been noted in the alignment of some channels on the side of the Mozabite Clan by giving him more space to express himself on the grounds of the violence and suggesting that it is an oppression of a minority under a cover of state security institutions. However, other chains, especially so-called Islamist channels took the part of the Arabs by showing that the Ibadī doctrine is deviant.

To this end, they have given free rein to the statements advocating the Arabs' vision that accused the Mozabites of having created this problem to attract the attention of public opinion by posing as a victim in order to be entitled to territorial cessation of Algeria, invoking as proof the repeated victory of the Kabyle FFS. They also claim that the majority of its Mozabites want to separate from Algeria and establish an independent state and hide behind the claims of political activist Ferhat Mhenni. These chains mobilized themselves by adopting a vision which falls on all the accusations on the backs of Mozabites.

In addition, there are other channels that align themselves with the Mozabites by accusing the Arabs by the publication of images of acts of vandalism suffered by businesses and property of the Mozabites. They also show the police as spectators of violence such as the attack on Molotov and stone throwing, attributed to the Arabs. Through media programs devoted to this subject, these channels try to shape the scene to give it a dramatic form in order to acquire the sympathy of the listener and to play on the feelings of other Amazigh tribes both in the country and in the country. Elsewhere. As we have already mentioned, the relationship between secondary identities remains tense, easy to degenerate.

The selectivity that marked the media coverage of the events of Ghardaia will have its motives if we resume the analysis of ideologies that has prevailed on television programs and newspaper articles. However, this does not hide the will of the opponents to conclude an agreement that will preserve the common interests of all parties through a speech by which they try to propose alternatives against violence and a return to "cohabitation" and ending the bloodbath. This is indicated in the work of Mohammed Nachi

“The compromise brings together people and objects belonging to different worlds; its purpose is the common property” (Nachi 2006, 119).

During a televised debate between specialists of Ibadite and Mozabite doctrines, the speakers tried to give an image of each doctrine by demonstrating existing convergences between the two doctrines. Among other things, one of the pillars of the Association of Muslim Ulema, which has never ceased to defend the Malikite doctrine, has claimed that “the Ibadi doctrine does not differ from that of Malikite with respect to the foundations that can reach 98 %. Differences, on the other hand, only affect subsidiary questions, such as raising one’s arms in prayer. This is confirmed by Mr. Mostéfa Rachoum, philologist at the University of Constantine, in the daily *El Khabar* (Flouri 2013).

On the other hand, Sheikh Bayoudh Sheikh of Ibadi doctrine during and before the Revolutionary War was going to Ghardaia to lecture Malikites on Malikite doctrine. In addition, the Malikite Mosque included both Malikites and Torokia. It is a temptation to reach a compromise based on the common interest in this case the Islamic Union. It shows how the Ibadi doctrine managed to preserve the union of the state and the participation of the Ibadites in the Revolutionary War by citing examples.

We note that most of the parties to the two parties in conflict have tried to reach a compromise concluded by a truce that remains precarious given the referential multiplicity. This stability is closely linked to even partial concessions for the general interest. In this regard, Olivier Abel indicates that “the compromise remains the precarious result of a practice, with its unique actors, in a here and now singular. It is the mark of a social, political or legal coherence capable of reinventing itself in new contexts, by reinterpreting figures of past compromises.”

The religious space:

The mosque is the center of all social, political and social interactions in addition to religious interactions in Ghardaia which is a religious city par excellence. Indeed the majority of statements made on the minbar are considered social laws that must be respected. Thus religious discourse has been spared by social rule and the circle of conflict. This is hardly excluded if Islamic history is called “the birth of the Umayyad dynasty, religious conflicts

in the first century AH, the overthrow of this dynasty by the Abbasids. As a result, this new approach to ideological and ethnic forces has led to the end of the reign of Arabs on the historical stage (Djaït 2000, 5).

By taking a historical look at the Umayyad and Abbasid era until the modern era we find that each dynasty coming to power will make the mosque a place to hinder the other dynasty. As already quoted, the circle of "Azzaba" advocated the Ibadi religious space so it framed the verbal clashes in a conflict with the Arabs who pledged themselves to adopt the statements their notables. The latter are often permanent members in religious associations of mosques. In this context, the two adversaries try to preserve their being. The concern of the Mozabites and their discourse is centered on the safeguarding of the identity threatened according to them as well as their doctrine which is in a critical situation within a society adopting the Malikite doctrine. They claim that their social classification is the fruit of sacrifices and patience a very rigorous social discipline as well as respect for religious teachings; which distinguishes them from the Arabs. In fact, their discourse is analyzed in an investment axiom, ie "knowing that because of their common humanity that identifies them as human beings, all men have equal power of access to higher states, we do not understand [...] why all the members of the city are not in the highest state. The solution to this contradiction lies in the reference to an investment formula that links the benefits of a higher state to the cost or sacrifices required to access it".

While the Arabs, the majority of whom are economically marginalized, adopt a discourse that privileges security, the rejection of violence and terrorism in favor of social justice, which is the essence of the creation of the universe. The lively religious discourse among the Sunni Arabs places them in a lower class within the axiom of the classification of greatness.

In conclusion, each party is obliged to judge the situation, but the principle of the common good in religious discourse remains the bridge over which the two parties would gain a safe place.

One of the axioms is that the common life requires compromise to materialize, Islamic societies are not excluded from this rule, as evidenced by the historical events that took place after the death of the Prophet and the conflict that took place. Took place around authority and the caliphate. This step goes through arbitration and chura. "Even if it is one of the first situations

of” compromise“of the young Muslim state, dictated by the politico-religious situation of the moment, it can not be considered however as a “founding moment” in the field of compromise because it floats above these events far too much suspicion and distrust. On found nevertheless, in the Qur’anic text, an occurrence of this lexeme carrying a much more positive value.“

Conclusion

While it is difficult to overcome the structural or functional analysis of the phenomenon of sectarian conflict in the city of Ghardaia due to the interaction of political, historical, economic and social factors, the sociological analysis of the pragmatic approach of the phenomenon and the direct treatment of common sense. Different systems, trying to delve into the depth of the problems posed by individuals spontaneously or artificially each party based on its position to justify its actions and involve them in multiple worlds allow it to negotiate and dress as much justice

The situation in which all parties are present, be it Sunni, Mozabite or political, has held the question of the common good as a point of intersection to achieve reconciliation, despite its fragility, peace rather than violence.

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“Still Death” by Hmilar: Intermediality and Intertextuality in Creating the Image of Passing

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ABSTRACT: The article focuses on the problem of creating the image of Death by contemporary artists. It deals with the process of transformation of a traditional image/images of Death, that is influenced by different cultural, social and religious codes. Being influenced by varied philosophical theories and arts' masterpieces contemporary artists try to create their visualization of such basic concepts as Life, Death, and the Afterlife. Taking as an example the painting “Still Death” (2020), this article's purpose is to attempt to discover an intertextual context and the impact of intermediality on creating of an eternal image. The significance of the research is dwelling on the determination of creating the image and possibilities of its being decoded. As the artists all over the world currently are influenced by different artifacts of synchronic and diachronic perspective, the problem of interpretation becomes one of the most actual in the understanding of the functioning of the cultural codes and their impact on society and reception later on through art works.

KEY WORDS: concept of death, intertextuality, intermediality, interpretation, contemporary art, philosophy, cultural code

Introduction

The image of Death can be different not only for various epochs or nations, philosophies or religions but for any person. Undoubtedly, it is a very popular

image, motif and concept among writers, artists, composers and other creative people, often uniquely represented in their works. In general, this research deals with the concept, which is – on the one hand – quite universal, basic and traditional one, but – on the other hand – it is imagined differently by any individual. Contemporary artists are not an exception and, in fact, they propose their variants of the image of Death in their works.

It is important to state that in the 21st century any artist (despite age, nationality, gender, religion, etc.) can be known just using his or her smartphone wisely. We even have new generations of artists, who are popular because of having their public in social media. They exhibit and sell their works via the Internet and quite often galleries and art dealers need to search for new interesting creative individuals exactly by monitoring and analyzing the World Wide Web. Of course, contemporary artists are rather different (maybe, even extremely opposite) in their manner, doctrines, creative style and philosophy, but, nevertheless, their paintings reflect our reality and they are some kind of visual storytellers, dwelling on today's life, society and its values.

Still, in spite of the fact of having an enormous quantity of such "visual texts", currently it is interesting to decode such artifacts as they usually deal with some allusions or quotations. That makes any of such representations of the image of Death a kind of enigma with an infinite abundance of senses. Actually, in this situation, the researchers need to understand the phenomenon of intertextuality and how it works in the process of analysis. Moreover, it is clear that all those representations of the image of Death created nowadays will construct some basic concept of it for the future generations. Thus, this article is an attempt to understand the role of intertextuality (and in addition – intermediality) in the works of contemporary artists and try to decode just one of such masterpieces made by one Ukrainian artist in 2020.

The Concept of Death: Universal but Unique

Death is considered to make people equal: it is universal as it happens with everybody and unique as it is different for everyone. By the way, philosophers and creative people of all the times have various representations of the

concept of Death. One of the most curious versions of the perception of this concept was made by Michael Foucault in his "The History of Sexuality". In the fifth part of it ("Right of Death and Power over Life") it is stated that "... starting in the seventeenth century, this power over life evolved in two basic forms; these forms were not antithetical, however; they constituted rather two poles of development together by a whole intermediary cluster of relations. One of these poles – the first to be formed, it seems – centered on the body as a machine: its disciplining, the optimization of its capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls, all this was ensured by the procedures of power that characterized the disciplines: an anatomo-politics of the human body. The second, formed somewhat later, focused on the species of the body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, birth and mortality, level of health, life expectancy and longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and regulatory controls: the biopolitics of the population" (Foucault 1998, 139). As can be seen, a philosopher makes brief research on the concept of Death through the history of humanity and has his own conclusions on that issue, whereas artists as creative individuals always have their own images of basic or traditional concepts. The image of Death and Passing varies and mortality motifs are usually noticed and depicted quite differently according to the artist's identity, life experience, dependence on style, manner and sometimes even purpose of the creative act and its result.

Obviously, there exist plenty of scientific articles and papers on this problem, to mention the main representations of Passing in art briefly we can get to the research made in "Widewalls' under the title "How Art Dealt with Death Throughout its History": "During the medieval period, extremely popular were vanitas paintings, a category of symbolic works of art, which typically took shape as elaborate still life paintings. Common in the medieval funerary art, such works frequently included symbols such as the skull, decaying flowers, bubbles, hourglasses, musical instruments, and watches. Each of these carried various allegorical and symbolic meanings

and as such skull was a reminder of the certainty of death, the rotten fruit was used to represent decay, while bubbles stood for the suddenness of death and fragility of life... during Renaissance, such motifs gradually became more indirect and many of still life paintings or portraiture held a certain detail symbolizing our mortality among rich representation of the earthy delights" (Silka 2017). Moreover, later, especially in the 20th century, modern artists changed the paradigm and found other ways to show their interest in the idea of Death. In the article, it is stated that: "During the 20th-century, as avant-garde ideas and experimentation rebelled against the traditional cannons of art history, the birth of abstract art and expressionistic approach to art making forever changed the representation of death in art. The idea of death or of tragic end no longer needed to have such typical symbols... With the birth of postmodernism and contemporary art, the macabre thematic was approved and death art images moved from being symbolic to a quite literal representation as did Andy Warhol Car Crash series or works of Damien Hirst or a number of street artists display" (Silka 2017). Finally, here we are in the 21st century and the artists' works are even more complicated, sophisticated and challenging as they absorb and implement the experience and knowledge of the whole history of art in their paintings, transforming it uniquely. That is why sometimes it can be rather hard to decode the sense of the painting correctly and adequately to the idea of the author. Sure, some scores of people need only impressions, but nowadays more and more people need to interpret the masterpiece they see and the emotions they feel. To do it they sometimes need to deal with the phenomena of intertextuality and intermediality, as typical for contemporary art.

"Still Death" by Hmilar: Intertextual and Intermedial Dimensions

To prove that the image of Death in contemporary art can be complicated and simultaneously beautiful and sophisticated, to show the mixture of tradition and originality, it was decided to take as an example the painting "Still Death" (2020) by Hmilar.

Figure 1. "Still Death" (2020) by Hmilar



Source: <https://www.instagram.com/p/CB5kvYQDd3t/>

First of all, we need to talk about colors and symbols. They are quite obvious as for the painting dealing with mortality motifs. Black has been always one of the traditional colors to depict the image of Death, while red in this painting is the color of pomegranate`s juice, which is still easily associated with blood. Two unspoiled pomegranates are surrounded by white and blue, so they can still be called "almost alive", but the movement of the red shadow is a kind of hint that they are somewhere "near death". Grey perspective cracked with black leads an eye to something bright and orange, even to some kind of "fire", which is infinite. Uncertainty of this "fiery flaming" can make an interpretation ambivalent. For instance, it can be treated as a "solar fire" of another, new life or – on the contrary – a "killing fire of hell" and an absolute end. However, the image of Death here gives the feeling of being somewhere "between", showing the process of passing or transforming Life into the Afterlife. One of the symbols in the painting is the book. The color of it is not a true, exact

color, the book is "faded". Interestingly, it is not closed or destroyed, torn or something else and we can even feel the wind touching its pages, turning them. It is written, read, "tired of life" and gives an impression that somebody is given a chance to look at the whole life for a moment and leave it as a story, filled with knowledge, emotions and experience. Evidently, another important detail is a sword as a metaphorical tool of Death, which is mainly black (a traditional color to represent mortality), but it is not so straightforward. This sword has two parts: blade and handgrip. Blade is a "dangerous" one, "killing" one and it is black, smeared with red, as death can be associated with a tragedy, suffering, pain, while the handgrip of the sword is a "safe" part of it. Actually, it is black, but with yellow, blue, and green incarnations. They can symbolize the energy of life (yellow), spirit (blue), and harmony with nature (green). In this case the sword isn't just an instrument of death, but even the symbol of continuity from birth to death.

Although the interpretations of any recipient can be more or less traditional or rather original, looking at this painting and its understanding deals with the phenomenon of intertextuality. Any person, who is interested in the cinema, will consider all the symbols and details of the "Still Death" to be the allusions to the movie "The Color of Pomegranates" (1968) – the film written and directed by Sergei Parajanov.

This is a poetic story about the life and creative work of Armenian poet Sayat-Nova. Understanding such kind of reference makes the painting "Still Death" not just a picture, but a story, told by a painter. By means of intertextuality and allusions to the movie, the public can see not only the colors and symbols but the narration about the life of a poet, his death, and – eternal life of his spirit, which continues to live with his poetry. In addition, the audience can see the everlasting fire of life and the power of Muse, which is immortal.

Furthermore, even more interesting is the impact of intermediality on this creation. As it is known, intermediality is "for example references in a literary text to a film through, for instance, the evocation or imitation of certain filmic techniques such as zoom shots, fades, dissolves, and montage editing. Other examples include the so-called musicalization of literature..."

(Rajewsky 2011, 52). In fact, this research deals with musicalization of visual text or musicalization of painting.

The attention must be paid to the album "Pomegranates" (2015) by Nicolas Jaar (inspired by Sergei Parajanov's film either and made as a kind of an original contemporary soundtrack for it). The artistic manner of a painter coincides with a music flow of a composer perfectly. Anyone can hear the wind in the pages of the book, see the perspective of the passing time, feel the power of spirit and believe that Muse is something outstanding, something above Life, Death and Afterlife, something boundless and unlimited, something beyond time and space. This parallel should be noted: Muse stays immortal in Parajanov's movie, while the last track of Nicolas Jaar's "Pomegranates" under the title "Muse" is exactly different in style from the others, as bright and catching is a distant color of "an eternal fire" in Hmilar's painting.

As for Jaar's creation, the concept of Passing is quite clearly reflected in the titles of some tracks: Pass the Time, Nothingness, Near Death, Fall into Time, Spirit, etc. The album is various in style of music and quite an experimental one. It is important to notice that the drawing technique of "Still Death" is different as well. The painting can be divided into some parts: significant, massive strokes of black, fractured grey, accurate fiery-orange, rather a traditional drawing of still life with two pomegranates and a sword and almost real, "suffering" pomegranate with raised elements. All these patterns prove the similarity between music and painting.

Pomegranate, for sure, is the central symbol and image for these three masterpieces: film, music album, and painting. Full of energy of life it is bleeding and passing, being somewhere near death.

Conclusions

To sum up, the image of Death interested creative people throughout history. It has its own symbols, colors and representations in the mindset of people, religions, philosophy, and arts. Nevertheless, the concept and image of Death are constantly changing, especially in the works of contemporary artists, which nowadays often exhibit their paintings via the Internet, constructing even new perception of mortality.

An analyzed painting shows the originality of representation of the image of Death, which sense becomes even broader while dealing with the phenomena of intertextuality and intermediality. This contemporary work of art (2020) was influenced by creations of 1968 and 2015 and it is not just a picture of Passing. "Still Death" is a storytelling artifact dwelling on Life, Death and the Afterlife throughout colors, manner, symbols, allusions and interpretations.

Acknowledgments

The picture of the painting "Still Death" is taken from <https://www.instagram.com/hmilar/?hl=ru>.

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The Little Book of Good Habits for Young People
(*Cărticica Năravurilor Bune pentru Tinerime*),
translated by the Protopope of Sibiu, Romania,
Moise Fulea (1787-1863), at its bicentennial celebration

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ABSTRACT: One of the coordinates of the Western Enlightenment (Rotaru 2005, 353-354) and of the French Revolution from 1789 was the accentuation of *anticlericalism* and *anti-royalism*, leading to the replacement of the Catholic religious education with the laic scientific positivist education. In the 19th century Transylvania, the non-Uniate Orthodox Church and also the Uniate Orthodox Church, through its clerics and their activity for the national and cultural invigoration, will maintain the equilibrium and a constructive beneficial complementarity between the two types of education. The printed books will contribute to the cultivation of the national language and the awakening of the Romanian national consciousness, desiring the union of the three historical provinces; these valuable books required the authors to possess a rigorous religious education, according to the positive educational acquisitions of those times. Moise Fulea is representative for the young generation of the preparation phase of the Revolution from 1848. He involved in the process of finding positive solutions for the equilibrium between the laic and religious education, supporting the teachings of the Orthodox Church and also the Transylvanian Romanian community of the 19th century. The book presented in our work, translated by Moise Fulea and titled *Cărticica Năravurilor Bune pentru Tinerime* (*The Little Book of Good Habits for Young People*), celebrates 200 years from its first Romanian edition. It represented an important direction for all the generations before and after the Revolution from 1848.

KEY WORDS: Metropolitan Andrei Șaguna, Moise Fulea, Romanian Book of Teaching, The Museum of the First Romanian School in Brașov

Introduction

From the start, we highlight the editors' preference, from the beginning of the writing in Romanian, for the secondary title of *Carte românească de învățătură* (*Romanian Book of Teaching*) (*Cazania of Coresi*, from 1564 and 1589, *Cazania* of Metropolitan Varlaam, 1643). These books were always placed under the auspices of the Romanian Christian Orthodox law. The teaching books were, until the 19th century, printed in Slavic/Cyrillic language, in the general lines of the cultic and preaching books. Later, the books will reflect more complex preoccupations, due to the fact that the following generations, students later functioning as teachers: Dimitrie Eustatievici (Pop 1915, 93-108; Strugaru 1960; Ursu 1967, 423-433; Mârza 1977, 67-74), Simion Jinariu (Păcurariu 2002, 63), Gheorghe Lazăr (Iorga 1916, 93; Stancu 1936, 148; Chelaru 1957, 99-142) and priests: Radu Tempea V (Păcurariu 2002, p. 63), Bishop Vasile Moga (Lupaș 1915, 824-867; Mateiu 1923, 922-926; Cherescu 1990, 10-27), managed to equal the universal and scientific spirituality of their times, starting from a deep desire of uplifting their nation by replacing the Cyrillic alphabet with the Latin alphabet (Cherescu 2005, 42).

They maintained in the books the language particularities of the texts, placing the synonyms/ neologisms, usually coming from Latin or German, in parentheses, for a better understanding of the texts. Representative examples are the books written by Petru Maior: *Didahii-adecă Învățăături pentru creșterea fiilor*, Buda, 1809, *Învățăături de multe științe folositoare copiilor creștine*, Buda, 1811; Grigore Obradovici: *Îndemnarea către învățătura tinerime românești*, Buda, 1811, *Îndreptări moralicești tinerilor foarte folositoare*, 1813, *Sfatul maicii către tinerime*, Buda, 1815, *Înțelepte învățături sau reguli pentru îndreptarea pruncilor*, 1815; Polizois Kontos of Ianina: *Învățătură variată pentru instruirea copiilor de negustori creștini*, Viena, 1818, *Carte folositoare de suflet*, Iași, 1819; Princess Ralu: *Sfaturile unei mame către fiica sa*, Venice, 1819, in Greek, dedicated to her father, Prince Alexandru Șușu; Bishop Vasile Moga: *Învățătură teologică despre năravurile și datorile oamenilor creștini*, Sibiu, 1820. Mosie Fulea's intention of printing *Cărticica Năravurilor Bune pentru Tinerime, acum întâiu de pre nemție pre românie intoarsă*, without mentioning the author, in Ioan Bart's printing house, appeared in a context characterised by *printing books for the enlightenment*

of the nation (Memo 10 August 1829), *knowing that all the ancient nations knew that no one can be wise without books... For the use of the community, we did this, in order to exit the darkness of ignorance* (Memo 11th October 1835, Cherescu 2005).

The appearance of the book was in a period when, studying in Wien in 1810, the school manager Gheorghe Haines wrote to the young student that *the government (Habsburg Empire), with the indulgence of a parent, printed the book Cărticica Năravurilor Bune for the use of the children in all schools* (Ghibu 1998, 190). Onisifor Ghibu, the father of the Romanian pedagogy, commenting on Moise Fulea's work mentioned that *this habit of translating school books from German must not be a surprise. It is connected to the system practiced in Wien, which presents in two languages the books considered good for the school; the Romanian publishing is an attempt to leave behind the distance in education, by adopting the literature used by the Germans for their enlightenment* (Ghibu 1998, 82). The book appears in 1819, after Moise Fulea will teach to the Seminary of Sibiu, between 1811 and 1815.

A new edition is printed in 1837, when the name of the translator also is published: *Moise Fulea, The Director of the School on non-Uniate School from Transylvania, the second Protopope of Sibiu and of the Consistorial Assessor, printed with the blessing of the Imperial Government, in Gheorghie de Clozius' print shop*. On the 29th of October 1919, after Moise Fulea announced the protopope Radu Verzea about the final form of *Cărticica Năravurilor Bune*, he asked: *gently urge the people to send their children to school for learning the foundation of faith and good morality*. He also asked the protopope to *advise the people to build schools and offer to the schools wood for the heating and all the necessary things, for the teachers to be able to teach the children and also to be paid* (Archive of the Museum of Saint Nicholas Church, Fond Catastif, nr. 56, 146-147).

The description of the book:

A. Structure

The book *Cărticica Năravurilor Bune pentru Tinerime* belongs to the Fondului de Carte Veche a Bisericii Sfântul Nicolae din Șcheii Brașovului (Old Book Found of Saint Nicholas Church from Șcheii Brașovului), where there are

three available copies: C.V./Catastif Vechi 405, C.V. 399 and C.V.Ş.44. 294. The first copy was donated to the museum on the 1st of August 1959 by the bishop Vasile Moroianu, as shown by the Catalogue of the Fund of Old Books. This copy has two missing files, the pages 95-98. The second copy was donated by the protopope Ioan Petric and is missing the title page. It was wrongly registered for 1836, under the title *Convorbiri de învățăături morale*, as the first page contains the word *Manual (School Book)*, with Cyrillic letters. The last file and the second inner cover contain some notes on the circulation of the book: *This book is mine... this is mine, Hera Theodorescu, and I bought it from the warden Necula, on the 20th of February 1836; mine, Radu Petric, city of Râşnov, 7th of May 1836; I, undersigned, sold this book to Mr. Nicolau Rădăcină for 21 kr., on the 7th of May 1836.* From this brief presentation, we deduced that the book belonged for the first time to Nicolae Andrei, who sold it to the warden Nicolau Rădăcină, from Râşnov, from whom the book goes to the future priest of Râşnov, Radu Petric. Further, the book belongs to the protopope Ioan Petric, who will donate it to the Church Saint Nicholas of Şcheii Braşovului, and later inventoried to the First Romanian School. The third copy comes from the Church of Saint Nicholas of Şchei, from the Fund of Old Books of the high school founded by Andrei Şaguna, presently named after its founder.

The size of the book for all the three copies is 17,5X11 cm, containing 146 pages. The first page, for all the copies, does not mention the name of the author or the name of the translator. The pages are printed in Cyrillic graphic, with black ink, on industrial paper. The book has no preface and each page has 27 rows. The book has hard covers, partially covered with leather. Beside the mentioned copies, another copy mentioned by Onisifor Ghibu (Ghibu 1998,188; *Bibliografia Românească Veche 1830*, tom. 3, 1809-1830, 293) contained an engraving representing several children around their teacher under a tree. The engraving was accompanied by beautiful verses, with a poetic structure that deserves to be praised: *Iacob, bărbatul înțelept și cuminte/ Adunând pruncii săi și a lui vecinu Andreiu Fierbinte/ Îi învăță cum din copilărie să-nceapă/ Ca toată viața lor în pace și norocoși s-o petreacă.* (Jacob, the wise and good man,/Gathering his children and the children of the neighbour Andreiu Fierbinte/ Is teaching them to start from the childhood/ A peaceful life spent joyously).

B. Content

The content is adequate and the title transmits the intention of transmitting to the young generation models of moral, social and intellectual behaviour. Using the heuristic method, the author uses the main character to teach the reader – old Jacob, age 80, sitting under a tree, where the neighbour Andrei also comes, calls the playing children, who prefer to leave their games and listen with curiosity the consistent and significant stories told by Iacob and Andrei. The dialogues are structured in an Abstract and structured on four chapters, titled: *Întâiul dialog de seara (The first evening dialogue)*, *Al doilea dialog de seara (The second evening dialogue)*, *Al treilea dialog de seara (The third evening dialogue)*, *Al patrulea dialog de seara (The fourth evening dialogue)*. In their order, similar to the ancient stories, the dialogues try to transmit a socially moral content.

The first dialogue discusses *The obligations toward ourselves*, with advice on cultivating a healthy mind in a healthy body through *Care (p. 7)*, *Restraint (10)*, *Work (p. 12)*, *Permitted distractions (p.13)*, *Cleanliness (p.18-20)*, *Learning the good sciences (p.21)*, *Avoiding all sins (p. 23-26)*, *Being against laziness and not working (p.31)* and *Being against expensive things (p.35)*.

The second evening dialogue contains *The obligations to others (p.41)* preaching the respect of the law and avoiding breaking the law. The first subchapter, pages 46-50, discusses *Dignities and judgements*, the *Laws and the respect toward the army*, and *Taxes*. On the pages 50-51, the author mentions the *Obligations to the rulers*. Subchapter 3, pages 53-62, discusses *The obligations to all humans* and *Avoiding stealing, small sins, deceit, lying, perjury and revenge (p.65-68)*.

The third evening dialogue contains teachings on the *Duties of camaraderie (chapter 3)*, on *How to behave in your community*, detailing, through examples, on the *Good Behaviour (pp. 71-104)*, *On pride and glory (p.83)*, *On gossip, mockery, and defamation (p.85)*, *On friendship and disrespect (p. 88)*, *On anger (p. 89)*, *On not forgiving (p. 90)*, *On derision, (p.95)*, and *On discontent (p. 99)*. The chapter contains also speaking examples, pages 104-107, *On the obligations toward the parents (p. 105)*, *teachers, siblings, and friends (p.106)*, and to *Celed (p. 107)*. It also approaches the issue of the

Obligations toward the poor people(pp.110-115). *The fourth evening dialogue* discusses the Knowledge of the soul and religion (pp.120-128).

It is remarkable for the book the manner in which the author tries to convince the children to acknowledge the effects of bad deeds, explaining not only the gravity of vices as laziness, stealing, lying, hatred, pride, etc., but also the manner in which the narrator tries to cultivate to the children the virtues, by loving their parents, the learning and the community, taking care of themselves and taking care of animals. All the stories are approached in a Christian context, urging the man to receive smiling the Good and the Bad, the difficulties and the joys of life. The book belongs to a genre that aims to teach the young generation how to live with cleanliness in soul and body, appealing to their consciousness and treasuring their ancient inheritance.

C. *Language particularities of the text*

Published to the beginning of the 19th century, *Cărticica Năravurilor Bune pentru Tinerime* contains a series of language particularities, specific to its period. These particularities are related to vocabulary, phonetics, morphology and syntax. Our examples are followed, in parentheses, by the number of the pages and the row where they can be found in the book:

1. Vowel *e* changes in *ea*, example *vreama* (1/1)
2. Vowel *i* changes in *ă*, example *lacrimi* (1/6)
3. Vowel *e* changes in *ia*, example *muiare* (7/12)
4. Vowel *i* changes in *iu*, example *ceriu* (3/3)

Related to the consonants, we observe the transformation of *s* in *j*: *dujman* (8/1), *g* in *j*: *jenea* (33/27), *c* in *f*: *doftor* (39/13), *j* in *z*: *zgheab*. We also observe some plural archaic forms: *gălușce* (10/2), *căși* (*case* s.n.) (19/7), archaic Genitive forms: *fântânei* (*fântâni* s.n.) (16/24) and *aceștia* (*acestora* s.n.) (37/20). There are also present the morphological archaisms: *iaste* (*este* s.n.) (7/3), *pre* (*pe* s.n.) (2/15) and *preste* (*peste* s.n.) (6/26); the phonetic archaisms *nunție* (8/26), a *vorovi* (*a vorbii* s.n.) (125/6), *prietineșug* (*prietenie* s.n.) (31/6), *fârtați* (*frați* s.n.), and also some neologisms proposed by the generation of 1848. The author places in parentheses the synonyms from Latin and German for a better understanding of the text: *Cărticica de zi 1*

(14) (*diarium* in Latin), *seară silensă* (silenced s.n), 23 (25) *prunc* (*puer* in Latin), 6 (22) *se ducea la promenad* (*spațir* in German, s.n.), 109(24) *dulap* (*coasăn* from the German *Kasten*), and 120 (13) *prințipul* (*Firștul* in German).

Conclusions

Cărticica Năravurilor Bune pentru Tinerime, together with *Bucoavna sau cărticică de nume pentru trebuințele pruncilor românești neuniți din Ardeal*, translated after the German spelling book for urban schools – published in 1815 in Sibiu, are the two representative books given by the protopope Moise Fulea for the promotion and the protection of the Romanian education from the 19th century confessional Transylvania. His books show his patriotism, proving the involvement of a teacher who was anchored in the didactic realities of his time. His goal was the protection of over 300 Orthodox schools fro, Transylvania and of the new Romanian schools from Acățari, Sângiorgiu de Pădure, and other villages (Albu 1944, 144). *Bucoavna*, after the German spelling book, is an introduction to the study of language, by presenting the letters, followed by exercises with Cyrillic and Latin letters; it presents intuitive materials and pieces of practical advice on the behaviour in school and at home. *Cărticica Năravurilor Bune pentru Tinerime* takes a step forward and presents the Latin letters and not the Cyrillic letters. The content corresponds to the title and aims to transmit to the young generation a certain moral behaviour, respecting the models of authentic Eastern Orthodox behaviour. Therefore, the dialogues of the books ate structures on 4 parts and aim in the end to form a Christian model according to the Romanian Orthodox Law, through the obligations toward us, the fellow men and the community, starting from the child's pure soul to old Jacob's experimented soul. For these reasons, the Metropolitan Andrei Șaguna wrote, on the 28th of October 1853, about Moise Fulea and his contribution: *He was a man fearing God and also praiseworthy priest. As Protopope and Director, by exemplary effort, also as former Teacher in the Seminary, he always deserved my praises.*

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